

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p><b>Subject: Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations</b></p> <p><u><a href="#">215.0 About this part.</a></u></p> <ul style="list-style-type: none"> <li>a. Purpose.</li> <li>b. Applicability.</li> <li>c. OMB responsibilities.</li> <li>d. Federal agency responsibilities.</li> <li>e. Relationship to previous issuance.</li> <li>f. Information Contact.</li> <li>g. Termination Review Date.</li> </ul> <p><u><a href="#">Subpart A – General</a></u></p> <ul style="list-style-type: none"> <li>____.1 Purpose.</li> <li>____.2 Definitions.</li> <li>____.3 Effect on other issuances.</li> <li>____.4 Deviations.</li> </ul>	<p><b>Subject: Grants and Cooperative Agreements with State and Local Governments.</b></p> <p><u><a href="#">OMB Circular A-102</a></u></p> <ul style="list-style-type: none"> <li>1. Purpose.</li> <li>2. Authority.</li> <li>3. Background.</li> <li>4. Required Action.</li> <li>5. OMB Responsibilities.</li> <li>6. Information Contact.</li> <li>7. Termination Review Date.</li> <li>8. Effective Date.</li> </ul> <p><u><a href="#">Subpart A – General</a></u></p> <ul style="list-style-type: none"> <li>____.1 Purpose and scope of this part.</li> <li>____.2 Scope of subpart.</li> <li>____.3 Definitions.</li> <li>____.4 Applicability.</li> <li>____.5 Effect on other issuances.</li> <li>____.6 Additions and exceptions.</li> </ul> <p><i>NOTE: The A-102 Grants Management Common Rule is codified by Agencies in the Code of Federal Regulations (CFR). Common Rule text below is identified with grey shading. Consult with the respective agency to review the regulations for grants to State and local governments: <a href="http://www.whitehouse.gov/omb/grants_chart/">http://www.whitehouse.gov/omb/grants_chart/</a></i></p> <p><i>In addition to the recompilation of OMB Circular A-102, the Department of Health and Human Services' codification of A-102 at 45 CFR 92 is used in this comparison document. To the extent possible, requirements applicable solely to HHS have been omitted from this comparison chart.</i></p>	<p><b>Subpart B — General Provisions Sec.</b></p> <ul style="list-style-type: none"> <li>200.100 Purpose.</li> <li>200.101 Applicability.</li> <li>200.102 Exceptions.</li> <li>200.103 Authorities</li> <li>200.104 Supersession.</li> <li>200.105 Effect on Other Issuances.</li> <li>200.106 Agency Implementation.</li> <li>200.107 OMB Responsibilities.</li> <li>200.108 Inquiries</li> <li>200.109 Review Date</li> <li>200.110 Effective Date.</li> <li>Subpart A - Definitions.</li> </ul>
<p><u><a href="#">Subpart B—Pre Award Requirements Sec.</a></u></p>	<p><u><a href="#">Subpart B – Pre-Award Requirements Sec.</a></u></p>	<p><b>Subpart C---Pre-Federal Award Requirements and Contents of Federal Awards</b></p>

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<p>____.10 Purpose.</p> <p>____.11 Pre award policies.</p> <p>____.12 Forms for applying for Federal assistance.</p> <p>____.13 Debarment and suspension.</p> <p>____.14 Special award conditions.</p> <p>____.15 Metric system of measurement.</p> <p>____.16 Resource Conservation and Recovery Act (RCRA).</p> <p>____.17 Certifications and representations.</p>	<p>____.10 Forms for applying for grants.</p> <p>____.11 State plans.</p> <p>____.12 Special grant or subgrant conditions for “high-risk” grantees.</p> <p>____.13 <i>Participation by faith-based organizations.</i> (omitted here)</p> <p>____.14 <i>Compliance with Part 87.</i> (omitted here)</p>	<p><b>Sec.</b></p> <p>200.200 Purpose.</p> <p>200.201 Use of Grants, (Including Fixed Amount Awards), Cooperative Agreements, and Contracts.</p> <p>200.202 Requirement to Provide Public Notice of Federal Financial Assistance Programs.</p> <p>200.203 Notices of Funding Opportunities.</p> <p>200.204 Federal Awarding Agency Review of Merit of Proposals.</p> <p>200.205 Federal Awarding Agency Review of Risk Posed by Applicants.</p> <p>200.206 Standard Application Requirements.</p> <p>200.207 Specific Conditions.</p> <p>200.208 Certifications And Representations.</p> <p>200.209 Pre-Award Costs.</p> <p>200.210 Information Contained in Federal Awards</p> <p>200.211 Public Access to Federal Award Information</p>
<p><b><u>Subpart C—Post Award Requirements</u></b></p> <p><b>Sec.</b></p> <p>____.5 Subawards.</p> <p><b>Sec.</b></p> <p><b>Financial and Program Management</b></p> <p>____.20 Purpose of financial and program management.</p> <p>____.21 Standards for financial management systems.</p> <p>____.22 Payment.</p> <p>____.23 Cost sharing or matching.</p> <p>____.24 Program income.</p> <p>____.25 Revision of budget and program plans.</p> <p>____.26 Non-Federal audits.</p> <p>____.27 Allowable costs.</p> <p>____.28 Period of availability of funds.</p>	<p><b><u>Subpart C – Post-Award Requirements</u></b></p> <p><b>Sec.</b></p> <p>____.37 Subgrants.</p> <p>    a. States.</p> <p>    b. All other grantees.</p> <p>    c. Exceptions.</p> <p><b>Sec.</b></p> <p><b>Financial Administration</b></p> <p>____.20 Standards for financial management systems.</p> <p>____.21 Payment.</p> <p>____.22 Allowable costs.</p> <p>____.23 Period of availability of funds.</p> <p>____.24 Matching or cost sharing.</p> <p>____.25 Program income.</p> <p>____.26 Non-Federal audit.</p>	<p><b>Subpart D---Post Federal Award Requirements</b></p> <p><b>Sec.</b></p> <p><b>Subrecipient Monitoring and Management</b></p> <p>200.330 Subrecipient and Contractor Determination</p> <p>200.331 Requirements for Pass-Through Entities</p> <p>200.332 Fixed Amount Subawards</p> <p><b>Standards for Financial and Program Management</b></p> <p>200.300 Statutory and National Policy Requirements</p> <p>200.301 Performance Measurement</p> <p>200.302 Financial Management</p> <p>200.303 Internal Controls</p> <p>200.304 Bonds</p> <p>200.305 Payment</p> <p>200.306 Cost Sharing of Matching</p> <p>200.307 Program Income</p> <p>200.308 Revision of Budget and Program Plans</p> <p>200.309 Period of Performance</p> <p><b>Property Standards</b></p> <p>200.310 Insurance Coverage</p>

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>____.29 Conditional exemptions.</p> <p><b>Property Standards</b></p> <p>____.30 Purpose of property standards.</p> <p>____.31 Insurance coverage.</p> <p>____.32 Real property.</p> <p>____.33 Federally-owned and exempt property.</p> <p>____.34 Equipment.</p> <p>____.35 Supplies and other expendable property.</p> <p>____.36 Intangible property.</p> <p>____.37 Property trust relationship.</p> <p><b>Procurement Standards</b></p> <p>____.40 Purpose of procurement standards.</p> <p>____.41 Recipient responsibilities.</p> <p>____.42 Codes of conduct.</p> <p>____.43 Competition.</p> <p>____.44 Procurement procedures.</p> <p>____.45 Cost and price analysis.</p> <p>____.46 Procurement records.</p> <p>____.47 Contract administration.</p> <p>____.48 Contract provisions.</p> <p><b>Reports and Records</b></p> <p>____.50 Purpose of reports and records.</p> <p>____.51 Monitoring and reporting program performance.</p> <p>____.52 Financial reporting.</p> <p>____.53 Retention and access requirements for records.</p>	<p><b>Changes, Property, and Subawards</b></p> <p>____.30 Changes.</p> <p>____.31 Real Property.</p> <p>____.32 Equipment.</p> <p>____.33 Supplies.</p> <p>____.34 Copyrights.</p> <p>____.35 Subawards to debarred and suspended parties.</p> <p>____.36 <b>Procurement.</b></p> <p>    a. States</p> <p>    b. Procurement standards.</p> <p>    c. Competition.</p> <p>    d. Methods of procurement to be followed.</p> <p>    e. Contracting with small and minority firms, women’s business enterprise and labor surplus area firms.</p> <p>    f. Contract cost and price.</p> <p>    g. Awarding agency review.</p> <p>    h. Bonding requirements.</p> <p>    i. Contract provisions.</p> <p><b>Reports, Records Retention, and Enforcement</b></p> <p>____.40 Monitoring and reporting program performance.</p> <p>____.41 Financial reporting.</p> <p>____.42 Retention and access requirements for records.</p>	<p>200.311 Real Property</p> <p>200.312 Federally Exempt Real Property</p> <p>200.313 Equipment</p> <p>200.314 Supplies</p> <p>200.315 Intangible Property</p> <p>200.316 Property Trust Relationship</p> <p><b>Procurement Standards</b></p> <p>200.317 Procurement by States</p> <p>200.318 General Procurement Standards</p> <p>200.319 Competition</p> <p>200.320 Methods of Procurement to be Followed</p> <p>200.321 Contracting with Small and Minority Business, Women’s Business Enterprising, And Labor Surplus Area Firms</p> <p>200.322 Procurement of Recovered Materials</p> <p>200.323 Contract Cost and Price</p> <p>200.324 Federal Awarding Agency or Pass-Through Entity Review</p> <p>200.325 Bonding Requirements</p> <p>200.326 Contract Provisions</p> <p><b>Performance and Financial Monitoring and Reporting</b></p> <p>200.327 Financial Reporting</p> <p>200.328 Monitoring and Reporting Performance</p> <p>200.329 Fixed Amount Subawards</p> <p><b>Record Retention and Access</b></p> <p>200.333 Record Retention and Access</p> <p>200.334 Requests for Transfer of Records</p> <p>200.335 Methods of Collection, Transmission and Storage of Information</p> <p>200.336 Access to Records</p> <p>200.337 Restrictions to Public Access to Records</p>

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Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)	Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)	Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)
<p><b>Termination and Enforcement</b>            _____.60 Purpose of termination and enforcement.            _____.61 Termination.            _____.62 Enforcement.</p>	<p>____.43 Enforcement.            _____.44 Termination for convenience.</p>	<p><b>Remedies for Noncompliance</b>            200.338 Remedies for Noncompliance            200.339 Termination            200.340 Notification of Termination Requirement            200.341 Hearings and Appeals            200.342 Effects of Suspension and Termination</p>
<p><b><u>Subpart D—After-the-Grant Requirements</u></b>  <b>Sec.</b>            _____.50 Closeout.            _____.51 Later disallowances and adjustments.            _____.52 Collection of amounts due.</p> <p><b><u>Appendix A. Contract Provisions</u></b></p>	<p><b><u>Subpart D – After-the-Grant Requirements</u></b>  <b>Sec.</b>            _____.50 Closeout.            _____.51 Later disallowances and adjustments.            _____.52 Collection of amounts due.</p> <p><b><u>____.36 i. Contract Provisions.</u></b></p>	<p><b>Closeout</b>            200.343 Closeout  <b>Post-Closeout Adjustments and Continuing Responsibilities</b>            200.344 Post-Closeout Adjustments and Continuing Responsibilities  <b>Collection of Amounts Due</b>            200.344 Collection of Amounts Due</p> <p><b>Appendix II. Contract Provisions for Non-Federal Entity Contracts Under Federal Awards</b></p>
<p><b>2 CFR 215 (A-110)</b></p>	<p><b>A-102</b></p>	<p><b>Final Uniform Guidance</b></p>
<p><b>2 CFR 215 serves as the guiding language aligned with Circular A-102 and the Final Uniform Guidance to enable side-by-side comparison to the extent possible. Language from Circular A-102 and the Final Uniform Guidance may not be listed in the same order as they appear in their respective versions due to language alignment.</b></p>		
<p><b>215.0 About this part.</b></p>	<p><b>General Provisions</b></p>	<p><b>Subpart B – General Provisions</b></p>
<p><b>____.0(a) Purpose.</b>            This part contains OMB guidance to Federal agencies on the administration of grants to and agreements with institutions of higher education, hospitals, and other non-profit organizations. The guidance sets</p>	<p><b>1. Purpose.</b>            This Circular establishes consistency and uniformity among Federal agencies in the management of grants and cooperative agreements with State, local, and federally-recognized Indian tribal governments. This</p>	

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<p>forth standards for obtaining consistency and uniformity in the agencies' administration of those grants and agreements.</p> <p><b>____.0(b) Applicability.</b>                      (1) Except as provided herein, the standards set forth in this part are applicable to all Federal agencies. If any statute specifically prescribes policies or specific</p>	<p>revision supersedes Office of Management and Budget (OMB) Circular No. A-102, dated March 3, 1988.</p> <p><b>2. Authority.</b>                      This Circular is issued under the authority of the Budget and Accounting Act of 1921, as amended; the Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 2 of 1970; Executive Order 11541 and the Chief Financial Officers Act, 31 U.S.C. 503. Also included in the Circular are standards to ensure consistent implementation of sections 202, 203, and 204 of the Intergovernmental Cooperation Act of 1968, the Office of Federal Procurement Policy Act Amendments of 1983, and sections 6301-08, title 31, United States Code.</p> <p><b>____.4 Applicability.</b>                      (a) General. Subparts A through D of this part apply to all grants and subgrants to governments, except</p>	<p><b>200.103 Authorities.</b>                      This Part is issued under the following authorities.</p> <p>(a) Subpart B-General Provisions through Subpart D-Post Federal Award Requirements are authorized under 31 U.S.C. § 503 (the Chief Financial Officers Act, Functions of the Deputy Director for Management), 31 U.S.C. § 1111 (Improving Economy and Efficiency of the United States Government), 41 U.S.C. §§ 1101-1131 (the Office of Federal Procurement Policy Act), Reorganization Plan No. 2 of 1970, and Executive Order 11541 ("Prescribing the Duties of the Office of Management and Budget and the Domestic Policy Council in the Executive Office of the President"), the Single Audit Act Amendments of 1996, (31 U.S.C. §§ 7501-7507), as well as The Federal Program Information Act (Public Law 95-220 and Public Law 98-169, as amended, codified at 31 U.S.C. §§ 6101-6106).</p> <p>(b) Subpart E – Cost Principles is authorized under the Budget and Accounting Act of 1921, as amended; the Budget and Accounting Procedures Act of 1950, as amended (31 U.S.C. §§ 1101-1125); the Chief Financial Officers Act of 1990 (31 U.S.C. §§ 503-504); Reorganization Plan No. 2 of 1970; and Executive Order No. 11541, "Prescribing the Duties of the Office of Management and Budget and the Domestic Policy Council in the Executive Office of the President."</p> <p>(c) Subpart F – Audit Requirements is authorized under the Single Audit Act Amendments of 1996, (31 U.S.C. §§ 7501-7507).</p> <p><b>200.101 Applicability.</b>                      (a) General applicability to Federal agencies. The requirements established in this Part apply to Federal agencies that make Federal awards to non-Federal entities. These requirements are applicable</p>

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<p>requirements that differ from the standards provided in this part, the provisions of the statute shall govern.</p> <p>(2) The provisions of subparts A through D of this part shall be applied by Federal agencies to recipients. Recipients shall apply the provisions of those subparts to subrecipients performing substantive work under grants and agreements that are passed through or awarded by the primary recipient, if such subrecipients are organizations described in paragraph (a) of this section.</p> <p>(3) This part does not apply to grants, contracts, or other agreements between the Federal Government and units of State or local governments covered by OMB Circular A-102, “Grants and Cooperative Agreements with State and Local Governments”<sup>1</sup> and the Federal agencies' grants management common rule (see §215.5) which standardize the administrative requirements Federal agencies impose on State and local grantees. In addition, subawards and contracts to State or local governments are not covered by this part. However, this part applies to subawards made by State and local governments to organizations covered by this part. See 5 CFR 1310.9 for availability of OMB circulars.</p> <p>(4) Federal agencies may apply the provisions of subparts A through D of this part to commercial organizations, foreign governments, organizations under the jurisdiction of foreign governments, and international organizations.</p>	<p>where inconsistent with Federal statutes or with regulations authorized in accordance with the exception provision of § 92.6, or:</p> <p>(1) Grants and subgrants to State and local institutions of higher education or State and local hospitals.</p>	<p>to all costs related to Federal awards.</p> <p>(2) Federal award of cost-reimbursement contract under the FAR to a non-Federal entity. When a non-Federal entity is awarded a cost-reimbursement contract, only Subpart D – Post Federal Award Requirements, Subrecipient Monitoring and Management (in addition to any FAR related requirements for subaward monitoring), Subpart E – Cost Principles and Subpart F – Audit Requirements of this Part are incorporated by reference into the contract. However, when the Cost Accounting Standards (CAS) are applicable to the contract, they take precedence over the requirements of this Part except for Subpart F – Audit Requirements when they are in conflict. In addition, costs that are made unallowable under 10 U.S.C. 2324(e) and 41 U.S.C. 4304(a) as described in the FAR subpart 31.2 and subpart 31.603 are always unallowable. For requirements other than those covered in Subpart D – Post Federal Award Requirements, Subrecipient Monitoring and Management, Subpart E – Cost Principles and Subpart F – Audit Requirements, the terms of the contract and the FAR apply.</p> <p>(b) (1) Applicability to different types of Federal awards. The following table describes what portions of this Part apply to which types of Federal awards. The terms and conditions of Federal awards (including this Part) flow down to subawards to subrecipients unless a particular section of this Part or the terms and</p>

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		<p>conditions of the Federal award specifically indicate otherwise. This means that non-Federal entities must comply with requirements in this Part regardless of whether the non-Federal entity is a recipient or subrecipient of a Federal award. Pass-through entities must comply with the requirements described in Subpart D – Post Federal Award Requirements, Subrecipient Monitoring and Management, but not any requirements in this Part directed towards Federal awarding agencies unless the requirements of this Part or the terms and conditions of the Federal award indicate otherwise. <i>See table must be read along with the other provisions of this section.</i></p> <p>(3) With the exception of Subpart F – Audit Requirements, which is required by the Single Audit Act, in any circumstances where the provisions of Federal statutes or regulations differ from the provisions of this Part, the provision of the Federal statutes or regulations govern. This includes, for agreements with Indian tribes, the provisions of the Indian Self-Determination and Education and Assistance Act (ISDEAA), as amended, 25 U.S.C §§ 450 et seq.</p> <p>(c) Federal agencies may apply subparts A through E to for-profit entities, foreign public entities, or foreign organizations, except where the Federal awarding agency determines that the application these subparts would be inconsistent with the international obligations of the United States or the statute or regulations of a foreign government.</p> <p>(d) Except for section 200.202 Requirement To Provide Public Notice of Federal Financial Assistance Programs and Subrecipient Monitoring and Management of Subpart D – Post Federal Award Requirements, the requirements in Subpart C – Pre-Federal Award Requirement and Content of Federal Awards, Subpart D – Post Federal Award Requirements, and Subpart E – Cost Principles do not apply to the following programs:</p> <p>(1) The block grant awards authorized by the Omnibus Budget Reconciliation Act of 1981 (including Community Services; Preventive Health and Health Services; Alcohol, Drug Abuse, and</p>

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	<p>(2) The block grants authorized by the Omnibus Budget Reconciliation Act of 1981 (Community Services; Preventive Health and Health Services; Alcohol, Drug Abuse, and Mental Health Services; Maternal and Child Health Services; Social Services; Low-Income Home Energy Assistance; States' Program of Community Development Block Grants for Small Cities; and Elementary and Secondary Education other than programs administered by the Secretary of Education under Title V, Subtitle D, Chapter 2, Section 583—the Secretary's discretionary grant program) and Titles I-III of the Job Training Partnership Act of 1982 and under the Public Health Services Act (Section 1921), Alcohol and Drug Abuse Treatment and Rehabilitation Block Grant and Part C of Title V, Mental Health Service for the Homeless Block Grant).</p> <p><i>From Agriculture Codification of A-102, 7 CFR 3016§__.4</i></p> <p>(a)(3) Entitlement grants to carry out the following programs of the Social Security Act:</p> <p>(i) Aid to Needy Families with Dependent Children (Title IV-A of the Act, not including the Work Incentive Program (WIN) authorized by section 402(a)19(G); HHS grants for WIN are subject to this part);</p> <p>(ii) Child Support Enforcement and Establishment of Paternity (Title IV-D of the Act);</p> <p>(iii) Foster Care and Adoption Assistance (Title IV-E of the Act);</p> <p>(iv) Aid to the Aged, Blind, and Disabled (Titles I, X,</p>	<p>Mental Health Services; Maternal and Child Health Services; Social Services; Low-Income Home Energy Assistance; States' Program of Community Development Block Grant Awards for Small Cities; and Elementary and Secondary Education other than programs administered by the Secretary of Education under title V, subtitle D, chapter 2, section 583—the Secretary's discretionary award program) and both the Alcohol and Drug Abuse Treatment and Rehabilitation Block Grant Award (42 U.S.C. §§ 300x-21 to 300x-35 and 42 U.S.C. §§ 300x-51 to 300x64) and the Mental Health Service for the Homeless Block Grant Award (42 U.S.C. §§ 300x to 300x-9) under the Public Health Services Act.</p> <p>(2) Federal awards to local education agencies under 20 U.S.C. §§ 7702-7703b, (portions of the Impact Aid program);</p> <p>(3) Payments under the Department of Veterans Affairs' State Home Per Diem Program (38 U.S.C. § 1741); and</p> <p>(4) Federal awards authorized under the Child Care and Development Block Grant Act of 1990, as amended:</p> <p>(A) Child Care and Development Block Grant (42 U.S.C. 9858)</p> <p>(B) Child Care Mandatory and Matching Funds of the Child Care and Development Fund (42 U.S.C. 9858)</p> <p>(e) Except for section 200.202 Requirement To Provide Public Notice of Federal Financial Assistance Programs the guidance in Subpart C – Pre-Federal Award Requirement and Content of Federal Awards does not apply to the following programs:</p> <p>(1) Entitlement Federal awards to carry out the following programs of the Social Security Act:</p> <p>(A) Temporary Assistance to Needy Families (title IV-A of the Social Security Act, 42 U.S.C. §§ 601-619);</p> <p>(B) Child Support Enforcement and Establishment of Paternity (title IV-D of the Social Security Act, 42 U.S.C. §§ 651-669b);</p> <p>(C) Foster Care and Adoption Assistance (title IV-E of the Act, 42 U.S.C. §§ 670-679c);</p> <p>(D) Aid to the Aged, Blind, and Disabled (titles I, X, XIV, and XVI-AABD of the Act, as amended); and</p>



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Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)	Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)	Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)
	<p>XIV, and XVI-AABD of the Act); and (v) Medical Assistance (Medicaid) (Title XIX of the Act) not including the State Medicaid Fraud Control program authorized by section 1903(a)(6)(B).</p> <p><i>From Agriculture Codification of A-102, 7 CFR 3016 §__.4</i></p> <p>(b)(1) Entitlement grants under the following programs authorized by The National School Lunch Act:</p> <p>(i) National School Lunch Program, General Assistance (section 4 of the Act), (ii) Commodity Assistance (section 6 of the Act), (iii) National School Lunch Program, Special Meal Assistance (section 11 of the Act), (iv) Summer Food Service Program for Children (section 13 of the Act), and (v) Child and Adult Care Food Program (section 17 of the Act);</p> <p>(4) A grant for an experimental, pilot, or demonstration project that is also supported by a grant listed in paragraph (a)(3) of this section;</p> <p>(5) Grant funds awarded under subsection 412(e) of the Immigration and Nationality Act (8 U.S.C. 1522(e)) and subsection 501(a) of the Refugee Education Assistance Act of 1980 (Pub. L. 96-422, 94 Stat. 1809), for cash assistance, medical assistance, and supplemental security income benefits to refugees and entrants and the administrative costs of providing the assistance and benefits;</p> <p>(6) Grants to local education agencies under 20 U.S.C. 236 through 241-1(a), and 242 through 244 (portions of the Impact Aid program), except for 20 U.S.C. 238(d)(2)(c) and 240(f) (Entitlement Increase for</p>	<p>(E) Medical Assistance (Medicaid) (title XIX of the Act, 42 U.S.C. §§ 1396-1396w-5) not including the State Medicaid Fraud Control program authorized by section 1903(a)(6)(B) of the Social Security Act (42 U.S.C. § 1396b(a)(6)(B)).</p> <p>(2) A Federal award for an experimental, pilot, or demonstration project that is also supported by a Federal award listed in paragraph (e)(1) of this section;</p> <p>(3) Federal awards under subsection 412(e) of the Immigration and Nationality Act and subsection 501(a) of the Refugee Education Assistance Act of 1980 (Pub. L. 96-422, 94 Stat. 1809), for cash assistance, medical assistance, and supplemental security income benefits to refugees and entrants and the administrative costs of providing the assistance and benefits (8 U.S.C. § 1522(e));</p> <p>(4) Entitlement awards under the following programs of The National School Lunch Act:</p> <p>(A) National School Lunch Program (section 4 of the Act, 42 U.S.C. § 1753), (B) Commodity Assistance (section 6 of the Act, 42 U.S.C. § 1755), (C) Special Meal Assistance (section 11 of the Act, 42 U.S.C. § 1759a), (D) Summer Food Service Program for Children (section 13 of the Act, 42 U.S.C. § 1761), and (E) Child and Adult Care Food Program (section 17 of the Act, 42 U.S.C. § 1766).</p> <p>(5) Entitlement awards under the following programs of The Child Nutrition Act of 1966:</p> <p>(A) Special Milk Program (section 3 of the Act, 42 U.S.C. § 1772), (B) School Breakfast Program (section 4 of the Act, 42 U.S.C. § 1773), and (C) State Administrative Expenses (section 7 of the Act, 42 U.S.C. section 1776).</p> <p>(6) Entitlement awards for State Administrative Expenses under The Food and Nutrition Act of 2008 (section 16 of the Act, 7 U.S.C. § 2025).</p> <p>(7) Non-discretionary Federal awards under the following non-entitlement programs:</p> <p>(A) Special Supplemental Nutrition Program for Women, Infants and Children (section 17 of the Child Nutrition Act of 1966) 42</p>

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<p><b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b></p>	<p><b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b></p>	<p><b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b></p>
	<p>Handicapped Children); and</p> <p>(7) Payments under the Veterans Administration's State Home Per Diem Program (38 U.S.C. 641(a)).</p>	<p>U.S.C. section 1786;                      (B) The Emergency Food Assistance Programs (Emergency Food Assistance Act of 1983) 7 U.S.C. section 7501 note; and                      (C) Commodity Supplemental Food Program (section 5 of the Agriculture and Consumer Protection Act of 1973) 7 U.S.C. section 612c note.</p>
<p><b>___0(c) OMB responsibilities.</b>                      OMB is responsible for:                      (1) Issuing and maintaining the guidance in this part.                      (2) Interpreting the policy requirements in this part and providing assistance to ensure effective and efficient implementation.                      (3) Reviewing Federal agency regulations implementing the guidance in this part, as required by Executive Order 12866.                      (4) Granting any deviations to Federal agencies from the guidance in this part, as provided in § 215.4. Exceptions will only be made in particular cases where adequate justification is presented.                      (5) Conducting broad oversight of government-wide compliance with the guidance in this part.</p> <p><b>___0(d) Federal agency responsibilities.</b> The head of each Federal agency that awards and administers grants and agreements subject to the guidance in this part is responsible for:                      (1) Implementing the guidance in subparts A through D of this part by adopting the language in those subparts unless different provisions are required by Federal statute or are approved by OMB.                      (2) Ensuring that the agency's components and subcomponents comply with the agency's implementation of the guidance in subparts A through D of this part.                      (3) Requesting approval from OMB for deviations from the guidance in subparts A through D of this part in situations where the guidance requires that approval.</p>	<p><b>5. OMB Responsibilities.</b>                      OMB may grant deviations from the requirements of this Circular when permissible under existing law. However, in the interest of uniformity and consistency, deviations will be permitted only in exceptional circumstances.</p> <p><b>4. Required Action.</b>                      Consistent with their legal obligations, all Federal agencies administering programs that involve grants and cooperative agreements with State, local and Indian tribal governments (grantees) shall follow the policies in this Circular. If the enabling legislation for a specific grant program prescribes policies or requirements that differ from those in this Circular, the provisions of the enabling legislation shall govern.</p>	<p><b>200.107 OMB Responsibilities.</b>                      OMB will review Federal agency regulations and implementation of this Part, and will provide interpretations of policy requirements and assistance to ensure effective and efficient implementation. Any exceptions will be subject to approval by OMB. Exceptions will only be made in particular cases where adequate justification is presented.</p> <p><b>200.106 Agency Implementation.</b>                      The specific requirements and responsibilities of Federal agencies and non-Federal entities are set forth in this Part. Federal agencies making Federal awards to non-Federal entities must implement the language in the Subpart C – Pre-Federal Award Requirements and Contents of Federal Awards through Subpart F - Audit Requirements of this Part in codified regulations unless different provisions are required by Federal statute or are approved by OMB.</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
(4) Performing other functions specified in this part.		
<p><b>___0(e) Relationship to previous issuance.</b> The guidance in this part previously was issued as OMB Circular A-110. Subparts A through D of this part contain the guidance that was in the attachment to the OMB circular. Appendix A to this part contains the guidance that was in the appendix to the attachment.</p>	<p><b>3. Background.</b> On March 12, 1987, the President directed all affected agencies to issue a grants management common rule to adopt government-wide terms and conditions for grants to State and local governments, and they did so. In 1988, OMB revised the Circular to provide guidance to Federal agencies on other matters not covered in the common rule.</p>	<p><b>200.104 Supersession.</b> As described in section 200.110 Effective Date, this Part supersedes the following OMB guidance documents and regulations under Title 2 of the Code of Federal Regulations.: (a) A-21, “Cost Principles for Educational Institutions” (2 C.F.R. Part 220); (b) A-87, “Cost Principles for State, Local and Indian Tribal Governments” (2 C.F.R. Part 225) and also Federal Register notice 51 FR 552 (January 6, 1986); (c) A-89, “Federal Domestic Assistance Program Information”; (d) A-102, “Grant Awards and Cooperative Agreements with State and Local Governments”; (e) A-110, “Uniform Administrative Requirements for Awards and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations” (codified at 2 C.F.R. 215); (f) A-122, “Cost Principles for Non-Profit Organizations” (2 C.F.R. Part 230); (g) A-133, “Audits of States, Local Governments and Non-Profit Organizations,”; and (h) Those sections of A-50 related to audits performed under Subpart F - Audit Requirements.</p>
<p><b>___0(f) Information Contact.</b> Further information concerning this part may be obtained by contacting the Office of Federal Financial Management, Office of Management and Budget, Washington, DC 20503, telephone (202) 395-3993.</p>	<p><b>6. Information Contact.</b> Further information concerning this Circular may be obtained from: Office of Federal Financial Management Office of Management and Budget Room 6025 New Executive Office Building Washington, DC 20503 (202) 395-3993</p>	<p><b>200.108 Inquiries.</b> Inquiries concerning this Part may be directed to the Office of Federal Financial Management Office of Management and Budget, in Washington, D.C. Non-Federal entities’ inquiries should be addressed to the Federal awarding agency, cognizant agency for indirect costs, cognizant or oversight agency for audit, or pass-through entity as appropriate.</p>
<p><b>___0(g) Termination Review Date.</b> This part will have a policy review three years from the date of issuance.</p>	<p><b>7. Termination Review Date.</b> The Circular will have a policy review three years from the date of issuance.</p>	<p><b>___109 Review Date</b> OMB will review this Part at least every five years after [insert date of publication].</p>
	<p><b>8. Effective Date</b> The Circular is effective on publication.</p>	<p><b>200.110 Effective Date</b> (a) The standards set forth in this Part which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
		<p>amendment to this Part becomes final. Federal agencies must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by [Insert Date one year after publication of this part] unless different provisions are required by statute or approved by OMB.</p> <p>(b) The standards set forth in Subpart F - Audit Requirements and any other standards which apply directly to Federal agencies will be effective [insert date of publication] and will apply to audits of fiscal years beginning on or after [Insert date one year after publication of this part].</p>
<b>2 CR Part 215 Subpart A – General</b>	<b>OMB Circular A-102 Subpart A - General</b>	<b>Subpart B – General Provisions</b> <i>Continued from above</i>
<p><b>___ .1 Purpose.</b> This part establishes uniform administrative requirements for Federal grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations. Federal awarding agencies shall not impose additional or inconsistent requirements, except as provided in §§215.4, and 215.14 or unless specifically required by Federal statute or executive order. Non-profit organizations that implement Federal programs for the States are also subject to State requirements.</p>	<p><b>___ .1 Purpose and scope of this part.</b> This part establishes uniform administrative rules for Federal grants and cooperative agreements and subawards to State, local and Indian tribal governments.</p> <p><b>___ .2 Scope of subpart.</b> This subpart contains general rules pertaining to this part and procedures for control of exceptions from this part.</p>	<p><b>200.100 Purpose.</b> (a) (1) This Part establishes uniform administrative requirements, cost principles, and audit requirements for Federal awards to non-Federal entities, as described in section 200.101 Applicability. Federal awarding agencies must not impose additional or inconsistent requirements, except as provided in sections 200.102 Exceptions, and 200.210 Information Contained In a Federal Award. or unless specifically required by Federal statute, regulation, or Executive Order.</p> <p>(2) This Part provides the basis for a systematic and periodic collection and uniform submission by Federal agencies of information on all Federal financial assistance programs to the Office of Management and Budget (OMB). It also establishes Federal policies related to the delivery of this information to the public, including through the use of electronic media. It prescribes the manner in which General Services Administration (GSA), OMB, and Federal agencies that administer Federal financial assistance programs are to carry out their statutory responsibilities under the Federal Program Information Act (31 U.S.C. §§ 6101-6106).</p> <p>(b) Administrative requirements. Subparts B through D of this Part set forth the uniform administrative requirements for grant and cooperative agreements, including the requirements for Federal awarding agency management of Federal grant programs before the</p>

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		<p>Federal award has been made, and the requirements Federal awarding agencies may impose on non-Federal entities in the Federal award.</p> <p>(c) Cost Principles. Subpart E – Cost Principles of this Part establishes principles for determining the allowable costs incurred by non-Federal entities under Federal awards. The principles are for the purpose of cost determination and are not intended to identify the circumstances or dictate the extent of Federal government participation in the financing of a particular program or project. The principles are designed to provide that Federal awards bear their fair share of cost recognized under these principles except where restricted or prohibited by statute.</p> <p>(d) Single Audit Requirements and Audit Follow-up. Subpart F – Audit Requirements of this Part is issued pursuant to the Single Audit Act Amendments of 1996, (31 U.S.C. §§ 7501-7507). It sets forth standards for obtaining consistency and uniformity among Federal agencies for the audit of non-Federal entities expending Federal awards. These provisions also provide the policies and procedures for Federal awarding agencies and pass-through entities when using the results of these audits.</p> <p>(e) For OMB guidance to Federal awarding agencies on Challenges and Prizes, please see M-10-11 Guidance on the Use of Challenges and Prizes to Promote Open Government, issued March 8, 2010, or its successor.</p>
<p><b>____.2 Definitions</b> See Definitions Side-by-Side Comparison document.</p>	<p><b>____.3 Definitions.</b> See Definitions Side-by-Side Comparison document.</p>	<p><b>Subpart A - Definitions.</b> See Definitions Side-by-Side Comparison document.</p>
<p><b>____.3 Effect on other issuances.</b> For awards subject to this part, all administrative requirements of codified program regulations, program manuals, handbooks and other nonregulatory materials which are inconsistent with the requirements of this part shall be superseded, except to the extent they are required by statute, or authorized in accordance with the deviations provision in §215.4.</p>	<p><b>____.5 Effect on other issuances.</b> All other grants administration provisions of codified program regulations, program manuals, handbooks and other nonregulatory materials which are inconsistent with this part are superseded, except to the extent they are required by statute, or authorized in accordance with the exception provision in § 92.6.</p>	<p><b>200.105 Effect on Other Issuances.</b> For Federal awards subject to this Part, all administrative requirements, program manuals, handbooks and other non-regulatory materials that are inconsistent with the requirements of this Part must be superseded upon implementation of this Part by the Federal agency, except to the extent they are required by statute or authorized in accordance with the provisions in section 200.102 Exceptions.</p>

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<p><b>___4 Deviations.</b> The Office of Management and Budget (OMB) may grant exceptions for classes of grants or recipients subject to the requirements of this part when exceptions are not prohibited by statute. However, in the interest of maximum uniformity, exceptions from the requirements of this part shall be permitted only in unusual circumstances. Federal awarding agencies may apply more restrictive requirements to a class of recipients when approved by OMB. Federal awarding agencies may apply less restrictive requirements when awarding small awards, except for those requirements which are statutory. Exceptions on a case-by-case basis may also be made by Federal awarding agencies.</p>	<p><b>___4 Additions and exceptions.</b> (a) For classes of grants and grantees subject to this part, Federal agencies may not impose additional administrative requirements except in codified regulations published in the Federal Register .  (b) Exceptions for classes of grants or grantees may be authorized only by OMB.  (c) Exceptions on a case-by-case basis and for subgrantees may be authorized by the affected Federal agencies.</p>	<p><b>200.102 Exceptions.</b> (a) With the exception of Subpart F - Audit Requirements, OMB may allow exceptions for classes of Federal awards or non-Federal entities subject to the requirements of this Part when exceptions are not prohibited by statute. However, in the interest of maximum uniformity, exceptions from the requirements of this Part will be permitted only in unusual circumstances. Exceptions for classes of Federal awards or non-Federal entities will be published on the OMB website at <a href="http://www.whitehouse.gov/omb">www.whitehouse.gov/omb</a>.  (b) Exceptions on a case-by-case basis for individual non-Federal entities may be authorized by the Federal awarding agency or cognizant agency for indirect costs except where otherwise required by law or where OMB or other approval is expressly required by this Part. No case-by-case exceptions may be granted to the provisions of Subpart F - Audit Requirements.  (c) The Federal awarding agency may apply more restrictive requirements to a class of Federal awards or non-Federal entities when approved by OMB, required by Federal statutes or regulations except for the requirements in Subpart F - Audit Requirements. A Federal awarding agency may apply less restrictive requirements when making fixed amount awards as defined in Subpart A – Acronyms and Definitions, except for those requirements imposed by statute or in Subpart F - Audit Requirements.  (d) On a case-by-case basis, OMB will approve new strategies for Federal awards when proposed by the Federal awarding agency in accordance with OMB guidance (such as M-13-17) to develop additional evidence relevant to addressing important policy challenges or to promote cost-effectiveness in and across Federal programs. Proposals may draw on the innovative program designs discussed in M-13-17 to expand or improve the use of effective practices in delivering Federal financial assistance while also encouraging innovation in service delivery. Proposals submitted to OMB in accordance with M-13-17 may include requests to waive requirements other than those in Subpart F - Audit Requirements.</p>
<p><b>___5 Subawards.</b> Unless sections of this part specifically exclude</p>	<p>See ___37(a), (b),(c) below.</p>	<p><b>Subpart D – Post Federal Award Requirements Subrecipient Monitoring and Management</b></p>

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<p>subrecipients from coverage, the provisions of this part shall be applied to subrecipients performing work under awards if such subrecipients are institutions of higher education, hospitals or other non-profit organizations. State and local government subrecipients are subject to the provisions of regulations implementing the grants management common rule, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” published at 7 CFR parts 3015 and 3016, 10 CFR part 600, 13 CFR part 143, 15 CFR part 24, 20 CFR part 437, 22 CFR part 135, 24 CFR parts 44, 85, 111, 511, 570, 571, 575, 590, 850, 882, 905, 941, 968, 970, and 990, 28 CFR part 66, 29 CFR parts 97 and 1470, 32 CFR part 278, 34 CFR parts 74 and 80, 36 CFR part 1207, 38 CFR part 43, 40 CFR parts 30, 31, and 33, 43 CFR part 12, 44 CFR part 13, 45 CFR parts 74, 92, 602, 1157, 1174, 1183, 1234, and 2015, and 49 CFR part 18.</p>	<p>____.37(c) Exceptions. By their own terms, certain provisions of this part do not apply to the award and administration of subgrants:</p> <ol style="list-style-type: none"> <li>(1) Section ____10;</li> <li>(2) Section ____11;</li> <li>(3) The letter-of-credit procedures specified in Treasury Regulations at 31 CFR Part 205, cited in § ____21; and</li> <li>(4) Section ____50.</li> </ol>	<p>200.330 Subrecipient and Contractor Determinations</p> <p>The non-Federal entity may concurrently receive Federal awards as a recipient, a subrecipient, and a contractor, depending on the substance of its agreements with Federal awarding agencies and pass-through entities. Therefore, a pass-through entity must make case-by-case determinations whether each agreement it makes for the disbursement of Federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor. The Federal awarding agency may supply and require recipients to comply with additional guidance to support these determinations provided such guidance does not conflict with this section.</p> <p>(a) Subrecipients. A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. See section 200.92 Subaward. Characteristics which support the classification of the non-Federal entity as a subrecipient include when the non-Federal entity:</p> <ol style="list-style-type: none"> <li>(1) Determines who is eligible to receive what Federal assistance;</li> <li>(2) Has its performance measured in relation to whether objectives of a Federal program were met;</li> <li>(3) Has responsibility for programmatic decision making;</li> <li>(4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and</li> <li>(5) In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.</li> </ol> <p>(b) Contractors. A contract is for the purpose of obtaining goods and services for the non-Federal entity’s own use and creates a procurement relationship with the contractor. See section 200.22 Contract. Characteristics indicative of a procurement relationship between the non-Federal entity and a contractor are when the non-Federal entity receiving the Federal funds:</p> <ol style="list-style-type: none"> <li>(1) Provides the goods and services within normal business operations;</li> <li>(2) Provides similar goods or services to many different purchasers;</li> <li>(3) Normally operates in a competitive environment;</li> <li>(4) Provides goods or services that are ancillary to the operation of the Federal program; and</li> <li>(5) Is not subject to compliance requirements of the Federal</li> </ol>

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	<p>____.37(b) All other grantees. All other grantees shall follow the provisions of this part which are applicable to awarding agencies when awarding and administering subgrants (whether on a cost reimbursement or fixed amount basis) of financial assistance to local and Indian tribal governments. Grantees shall:</p> <p>(1) Ensure that every subgrant includes a provision for compliance with this part;</p> <p>(2) Ensure that every subgrant includes any clauses required by Federal statute and executive orders and their implementing regulations; and</p> <p>(3) Ensure that subgrantees are aware of requirements imposed upon them by Federal statutes and regulations.</p>	<p>program as a result of the agreement, though similar requirements may apply for other reasons.</p> <p>(c) Use of judgment in making determination. In determining whether an agreement between a pass-through entity and another non-Federal entity casts the latter as a subrecipient or a contractor, the substance of the relationship is more important than the form of the agreement. All of the characteristics listed above may not be present in all cases, and the pass-through entity must use judgment in classifying each agreement as a subaward or a procurement contract.</p> <p>200.331 Requirements For Pass-Through Entities All pass-through entities must:</p> <p>(a) Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward and if any of these data elements change, include the changes in subsequent subaward modification. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward. Required information includes:</p> <p>(1) Federal Award Identification</p> <p>(i) Subrecipient name (which must match registered name in DUNS);</p> <p>(ii) Subrecipient’s DUNS number (see 200.32 Data Universal Numbering System (DUNS) number));</p> <p>(iii) Federal Award Identification Number (FAIN);</p> <p>(iv) Federal Award Date (see section 200.39 Federal Award Date);</p> <p>(v) Subaward Period of Performance Start and End Date;</p> <p>(vi) Amount of Federal Funds Obligated by this action;</p> <p>(vii) Total Amount of Federal Funds Obligated to the subrecipient;</p> <p>(viii) Total Amount of the Federal Award;</p> <p>(ix) Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);</p> <p>(x) Name of Federal awarding agency, pass-through entity, and contact information for awarding official,</p> <p>(xi) CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each Federal award and the CFDA number at time of disbursement;</p>



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		<p>(xii) Identification of whether the award is R&amp;D; and</p> <p>(xiii) Indirect cost rate for the Federal award (including if the de minimis rate is charged per section 200.414 Indirect (F&amp;A) Costs).</p> <p>(2) All requirements imposed by the pass-through entity on the subrecipient so that the Federal award is used in accordance with Federal statutes, regulations and the terms and conditions of the Federal award.</p> <p>(3) Any additional requirements that the pass-through entity imposes on the subrecipient in order for the pass-through entity to meet its own responsibility to the Federal awarding agency including identification of any required financial and performance reports;</p> <p>(4) An approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal government or, if no such rate exists, either a rate negotiated between the pass-through entity and the subrecipient (in compliance with this Part), or a de minimis indirect cost rate as defined in section 200.414 Indirect (F&amp;A) Costs, paragraph (b) of this Part.</p> <p>(5) A requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient’s records and financial statements as necessary for the pass-through entity to meet the requirements of this section, section Standards for Financial and Program Management and Subpart F - Audit Requirements of this Part; and</p> <p>(6) Appropriate terms and conditions concerning closeout of the subaward.</p> <p>(b) Evaluate each subrecipient’s risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring described in paragraph (e) below, which may include consideration of such factors as:</p> <p>(1) The subrecipient’s prior experience with the same or similar subawards;</p> <p>(2) The results of previous audits including whether or not the subrecipient receives a Single Audit in accordance with Subpart F - Audit Requirements, and the extent to which the same or similar subaward has been audited as a major program;</p> <p>(3) Whether the subrecipient has new personnel or new or substantially changed systems; and</p>

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		<p>(4) The extent and results of Federal awarding agency monitoring (e.g., if the subrecipient also receives Federal awards directly from a Federal awarding agency).</p> <p>(c) Consider imposing specific subaward conditions upon a subrecipient if appropriate as described in section 200.207 Specific Conditions.</p> <p>(d) Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Pass-through entity monitoring of the subrecipient must include:</p> <ol style="list-style-type: none"> <li>(1) Reviewing financial and programmatic reports required by the pass-through entity.</li> <li>(2) Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and other means.</li> <li>(3) Issuing a management decision for audit findings pertaining to the Federal award provided to the subrecipient from the pass-through entity as required by section 200.521 Management Decision.</li> </ol> <p>(e) Depending upon the pass-through entity’s assessment of risk posed by the subrecipient (as described in paragraph (b) of this section), the following monitoring tools may be useful for the pass-through entity to ensure proper accountability and compliance with program requirements and achievement of performance goals:</p> <ol style="list-style-type: none"> <li>(1) Providing subrecipients with training and technical assistance on program-related matters; and</li> <li>(2) Performing on-site reviews of the subrecipient’s program operations;</li> <li>(3) Arranging for agreed-upon-procedures engagements as described in 200.425 Audit Services.</li> </ol> <p>(f) Verify that every subrecipient is audited as required by Subpart F - Audit Requirements when it is expected that the subrecipient’s Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in section 200.501 Audit Requirements.</p>

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	<p>____.37(a) States. States shall follow state law and procedures when awarding and administering subgrants (whether on a cost reimbursement or fixed amount basis) of financial assistance to local and Indian tribal governments. States shall:</p> <p>(1) Ensure that every subgrant includes any clauses required by Federal statute and executive orders and their implementing regulations;</p> <p>(2) Ensure that subgrantees are aware of requirements imposed upon them by Federal statute and regulation;</p> <p>(3) Ensure that a provision for compliance with § 92.42 is placed in every cost reimbursement subgrant; and</p> <p>(4) Conform any advances of grant funds to subgrantees substantially to the same standards of timing and amount that apply to cash advances by Federal agencies.</p>	<p>(g) Consider whether the results of the subrecipient’s audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity’s own records.</p> <p>(h) Consider taking enforcement action against noncompliant subrecipients as described in section 200.338 Remedies For Noncompliance of this Part and in program regulations.</p> <p>200.332 Fixed Amount Subawards With prior written approval from the Federal awarding agency, a pass-through entity may provide subawards based on fixed amounts up to the Simplified Acquisition Threshold, provided that the subawards meet the requirements for fixed amount awards in section 200.201 Use of Grant Agreements (Including Fixed Amount Awards), Cooperative Agreements, And Contracts.</p>
<p><b>Subpart B–Pre-Award Requirements</b></p>	<p><b>Subpart B – Pre-Award Requirements</b></p>	<p><b>Subpart C-Pre-Federal Award Requirements and Contents of Federal Awards</b></p>
<p>____.10 Purpose. Sections ____ .11 through ____ .17 prescribe forms and instructions and other pre-award matters to be used in applying for Federal awards.</p>		<p><b>200.200 Purpose.</b> (a) Sections 200.201 Use of Grant Agreements (Including Fixed Amount Awards), Cooperative Agreements, And Contracts through 200.208 Certifications And Representations prescribe instructions and other pre-award matters to be used in the announcement and</p>

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		<p>application process.                      (b) Use of sections 200.203 Notices of Funding Opportunities, 200.204 Federal Awarding Agency Review of Merit of Proposals, 200.205 Federal Awarding Agency Review of Risk Posed by Applicants, 200.205 Federal Awarding Agency Review of Risk Posed by Applicants, and 200.207 Specific Conditions, is required only for competitive Federal awards, but may also be used by the Federal awarding agency for non-competitive awards where appropriate or where required by Federal statute.</p>
<p><b>__ .11 Pre-award policies.</b>  <b>(a) Use of Grants and Cooperative Agreements, and Contracts.</b> In each instance, the Federal awarding agency shall decide on the appropriate award instrument ( i.e., grant, cooperative agreement, or contract). The Federal Grant and Cooperative Agreement Act (31 U.S.C. 6301–08) governs the use of grants, cooperative agreements and contracts. A grant or cooperative agreement shall be used only when the principal purpose of a transaction is to accomplish a public purpose of support or stimulation authorized by Federal statute. The statutory criterion for choosing between grants and cooperative agreements is that for the latter, “substantial involvement is expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.” Contracts shall be used when the principal purpose is acquisition of property or services for the direct benefit or use of the Federal Government.   <b>(b) Public Notice and Priority Setting.</b> Federal awarding agencies shall notify the public of its intended funding priorities for discretionary grant programs, unless funding priorities are established by Federal statute.</p>	<p><b>1. Pre-Award Policies.</b>  <b>1. a. Use of grants and cooperative agreements.</b>                      Sections 6301-08, title 31, United States Code govern the use of grants, contracts and cooperative agreements. A grant or cooperative agreement shall be used only when the principal purpose of a transaction is to accomplish a public purpose of support or stimulation authorized by Federal statute. Contracts shall be used when the principal purpose is acquisition of property or services for the direct benefit or use of the Federal Government. The statutory criterion for choosing between grants and cooperative agreements is that for the latter, "substantial involvement is expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.</p>	<p><b>200.201 Use Of Grant Agreements (Including Fixed Amount Awards), Cooperative Agreements, And Contracts</b>                      (a) The Federal awarding agency or pass-through entity must decide on the appropriate instrument for the Federal award (i.e., grant agreement, cooperative agreement, or contract) in accordance with the Federal Grant and Cooperative Agreement Act (31 U.S.C. §§ 6301-08).                       (b) Fixed Amount Awards. In addition to the above, Federal awarding agencies, or pass-through entities as permitted in section 200.332 Fixed Amount Subawards, may use fixed amount awards (see section 200.45 Fixed Amount Awards) to which the following conditions apply:                       (1) Payments are based on meeting specific requirements of the Federal award. Accountability is based on performance and results. The Federal award amount is negotiated using the cost principles (or other pricing information) as a guide. Except in the case of termination before completion of the Federal award, there is no governmental review of the actual costs incurred by the non-Federal entity in performance of the award. The Federal awarding agency or pass-through entity may use fixed amount awards if the project scope is specific and if adequate cost, historical, or unit pricing data is available to establish a fixed amount award with assurance that the non-Federal entity will realize no increment above actual cost. Some of the ways in which the Federal award may be paid include, but are not limited to:                      (i) In several partial payments, the amount of each agreed upon in advance, and the "milestone" or event triggering the payment also agreed upon in advance, and set forth in the Federal award;</p>

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	<p><b>1.b. Advance Public Notice and Priority Setting.</b></p> <p>(1) Federal agencies shall provide the public with an advance notice in the <b>Federal Register</b>, or by other appropriate means, of intended funding priorities for discretionary assistance programs, unless funding priorities are established by Federal statute. These priorities shall be approved by a policy level official.</p> <p>(2) Whenever time permits, agencies shall provide the public an opportunity to comment on intended funding priorities.</p> <p>(3) All discretionary grant awards in excess of \$25,000 shall be reviewed for consistency with agency priorities by a policy level official.</p>	<p>(ii) On a unit price basis, for a defined unit or units, at a defined price or prices, agreed to in advance of performance of the Federal award and set forth in the Federal award; or,</p> <p>(iii) In one payment at Federal award completion.</p> <p>(2) A fixed amount award cannot be used in programs which require mandatory cost sharing or match.</p> <p>(3) The non-Federal entity must certify in writing to the Federal awarding agency or pass-through entity at the end of the Federal award that the project or activity was completed or the level of effort was expended. If the required level of activity or effort was not carried out, the amount of the Federal award must be adjusted.</p> <p>(4) Periodic reports may be established for each Federal award.</p> <p>(5) Changes in principal investigator, project leader, project partner, or scope of effort must receive the prior written approval of the Federal awarding agency or pass-through entity.</p> <p><b>200.202 Requirement To Provide Public Notice of Federal Financial Assistance Programs</b></p> <p>(a) The Federal awarding agency must notify the public of Federal programs in the Catalog of Federal Domestic Assistance (CFDA), maintained by the General Services Administration (GSA).</p> <p>(1) The CFDA, or any OMB-designated replacement, is the single, authoritative, governmentwide comprehensive source of Federal financial assistance program information produced by the executive branch of the Federal government.</p> <p>(2) The information that the Federal awarding agency must submit to GSA for approval by OMB is listed in paragraph (b) of this section. GSA must prescribe the format for the submission.</p> <p>(3) The Federal awarding agency may not award Federal financial assistance without assigning it to a program that has been included in the CFDA as required in this section unless there are exigent circumstances requiring otherwise, such as timing requirements imposed by statute.</p> <p>(b) For each program that awards discretionary Federal awards, non-discretionary Federal awards, loans, insurance, or any other type of Federal financial assistance, the Federal awarding agency must submit the following information to GSA:</p> <p>(1) Program Description, Purpose, Goals and Measurement. A brief summary of the statutory or regulatory requirements of the program</p>

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		<p>and its intended outcome. Where appropriate, the Program Description, Purpose, Goals, and Measurement should align with the strategic goals and objectives within the Federal awarding agency’s performance plan and should support the Federal awarding agency’s performance measurement, management, and reporting as required by Part 6 of OMB Circular A-11;</p> <p>(2) Identification of whether the program makes Federal awards on a discretionary basis or the Federal awards are prescribed by Federal statute, such as in the case of formula grants.</p> <p>(3) Projected total amount of funds available for the program. Estimates based on previous year funding are acceptable if current appropriations are not available at the time of the submission;</p> <p>(4) Anticipated Source of Available Funds: The statutory authority for funding the program and, to the extent possible, agency, sub-agency, or, if known, the specific program unit that will issue the Federal awards, and associated funding identifier (<i>e.g.</i>, Treasury Account Symbol(s));</p> <p>(5) General Eligibility Requirements: The statutory, regulatory or other eligibility factors or considerations that determine the applicant’s qualification for Federal awards under the program (<i>e.g.</i>, type of non-Federal entity); and</p> <p>(6) Applicability of Single Audit Requirements as required by Subpart F - Audit Requirements.</p> <p><i>Note: This Final Guidance will supersede circular A-89. Full text of Circular A-89 is not included in this document.</i></p>
<p><b>____.12 Forms for applying for Federal assistance.</b></p>	<p><b>____.10 Forms for applying for grants.</b></p> <p>(a) Scope.</p> <p>(1) This section prescribes forms and instructions to be used by governmental organizations (except hospitals and institutions of higher education operated by a government) in applying for grants. This section is not applicable, however, to formula grant programs which do not require applicants to apply for funds on a project basis.</p> <p>(2) This section applies only to applications to Federal agencies for grants, and is not required to be applied by grantees in dealing with applicants for subgrants. However, grantees are encouraged to avoid more</p>	<p><b>200.206 Standard Application Requirements.</b></p> <p>(a) Paperwork clearances. The Federal awarding agency may only use application information collections approved by OMB under the Paperwork Reduction Act of 1995 and OMB’s implementing regulations in 5 C.F.R. Part 1320, Controlling Paperwork Burdens on the Public. Consistent with these requirements, OMB will authorize additional information collections only on a limited basis.</p> <p>(b) If applicable, the Federal awarding agency may inform applicants and recipients that they do not need to provide certain information otherwise required by the relevant information collection.</p>



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<p>whether the program for which application is made has been selected by that State for review.</p> <p>(d) Federal awarding agencies that do not use the SF-424 form should indicate whether the application is subject to review by the State under E.O. 12372.</p>	<p>Burdens on the Public":</p> <p>SF-424 Facesheet</p> <p>SF-424a Budget Information (Non-Construction)</p> <p>SF-424b Standard Assurances (Non-Construction)</p> <p>SF-424c Budget Information (Construction)</p> <p>SF-424d Standard Assurances (Construction)</p> <p>When different or additional information is needed to comply with legislative requirements or to meet specific program needs, agencies shall also obtain prior OMB approval.</p> <p>(2) A preapplication shall be used for all construction, land acquisition and land development projects or programs when the need for Federal funding exceeds \$100,000, unless the Federal agency determines that a preapplication is not needed. A preapplication is used to:</p> <p>(a) Establish communication between the agency and the applicant,</p> <p>(b) Determine the applicant's eligibility,</p> <p>(c) Determine how well the project can compete with similar projects from others, and</p> <p>(d) Discourage any proposals that have little or no chance for Federal funding before applicants incur significant costs in preparing detailed applications.</p> <p>(3) Agencies shall use the Budget Information (Construction) and Standard Assurances (Construction) when the major purpose of the project or program is construction, land acquisition or land development.</p> <p>(4) Agencies may specify how and whether budgets shall be shown by functions or activities within the program or project.</p> <p>(5) Agencies should generally include a request for a program narrative statement which is based on the following instructions:</p> <p>(a) Objectives and need for assistance. Pinpoint any</p>	



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	<p>relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for the assistance and state the principal and subordinate objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.</p> <p>(b) Results or Benefits Expected. Identify costs and benefits to be derived. For example, show how the facility will be used. For land acquisition or development projects, explain how the project will benefit the public.</p> <p>(c) Approach. Outline a plan of action pertaining to the scope and detail how the proposed work will be accomplished for each assistance program. Cite factors which might accelerate or decelerate the work and reasons for taking this approach as opposed to others. Describe any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements. Provide for each assistance program quantitative projections of the accomplishments to be achieved, if possible. When accomplishments cannot be quantified, list the activities in chronological order to show the schedule of accomplishments and target expected completion dates. Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved. List each organization, cooperator, consultant, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.</p> <p>(d) Geographic location. Give a precise location of the project and area to be served by the proposed project.</p>	

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	<p>Maps or other graphic aids may be attached.</p> <p>(e) If applicable, provide the following information: for research and demonstration assistance requests, present a biographical sketch of the program director with the following information: name, address, telephone number, background, and other qualifying experience for the project. Also, list the name, training and background for other key personnel engaged in the project. Describe the relationship between this project and other work planned, anticipated, or underway under Federal assistance. Explain the reason for all requests for supplemental assistance and justify the need for additional funding. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress or milestones anticipated with the new funding request. If there have been significant changes in the project objectives, location, approach or time delays, explain and justify. For other requests for changes, or amendments, explain the reason for the change(s). If the scope or objectives have changed or an extension of time is necessary, explain the circumstances and justify. If the total budget has been exceeded or if the individual budget items have changes more than the prescribed limits, explain and justify the change and its effect on the project.</p> <p>(6) Additional assurances shall not be added to those contained on the standard forms, unless specifically required by statute.</p>	
		<p><b>200.203 Notices Of Funding Opportunities</b></p> <p>For competitive grants and cooperative agreements, the Federal awarding agency must announce specific funding opportunities by providing the following information in a public notice:</p> <p>(a) Summary Information in Notices of Funding Opportunities. The Federal awarding agency must display the following information posted on the OMB-designated governmentwide website for finding and applying for Federal financial assistance, in</p>

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		<p>a location preceding the full text of the announcement:</p> <p>(1) Federal Awarding Agency Name;</p> <p>(2) Funding Opportunity Title;</p> <p>(3) Announcement Type (whether the funding opportunity is the initial announcement of this funding opportunity or a modification of a previously announced opportunity);</p> <p>(4) Funding Opportunity Number (required, if applicable). If the Federal awarding agency has assigned or will assign a number to the funding opportunity announcement, this number must be provided;</p> <p>(5) Catalog of Federal Financial Assistance (CFDA) Number(s);</p> <p>(6) Key Dates. Key dates include due dates for applications or Executive Order 12372 submissions, as well as for any letters of intent or pre-applications. For any announcement issued before a program’s application materials are available, key dates also include the date on which those materials will be released; and any other additional information, as deemed applicable by the relevant Federal awarding agency.</p> <p>(b) The Federal awarding agency must generally make all funding opportunities available for application for at least 60 calendar days. The Federal awarding agency may make a determination to have a less than 60 calendar day availability period but no funding opportunity should be available for less than 30 calendar days unless exigent circumstances require as determined by the Federal awarding agency head or delegate.</p> <p>(c) Full Text of Funding Opportunities. The Federal awarding agency must include the following information in the full text of each funding opportunity. For specific instructions on the content required in each section noted below, refer to Appendix I Full Text of Notice Funding Opportunity.</p>

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		<p>(1) Full programmatic description of the funding opportunity.</p> <p>(2) Federal award information, including sufficient information to help an applicant make an informed decision about whether to submit an application. (See also section 200.414 Indirect (F&amp;A) Costs, paragraph (b)).</p> <p>(3) Specific eligibility information, including any factors or priorities that affect an applicant’s or its application’s eligibility for selection.</p> <p>(4) Application Preparation and Submission Information, including the applicable submission dates and time.</p> <p>(5) Application Review Information including the criteria and process to be used to evaluate applications. See also section 200.205 Federal Awarding Agency Review of Risk Posed by Applicants. See also 2 C.F.R. Part 27.</p> <p>(6) Federal Award Administration Information. See also section 200.210 Information Contained In A Federal Award.</p>
<p><b>___ .13 Debarment and suspension.</b> Federal awarding agencies and recipients shall comply with Federal agency regulations implementing E.O.s 12549 and 12689, “Debarment and Suspension.” Under those regulations, certain parties who are debarred, suspended or otherwise excluded may not be participants or principals in Federal assistance awards and subawards, and in certain contracts under those awards and subawards.</p>	<p><b>1. d. Debarment and Suspension.</b> Federal agencies shall not award assistance to applicants that are debarred or suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549. Agencies shall establish procedures for the effective use of the List of Parties Excluded from Federal Procurement or Nonprocurement programs to assure that they do not award assistance to listed parties in violation of the Executive Order. Agencies shall also establish procedures to provide for effective use and/or dissemination of the list to assure that their grantees and subgrantees (including contractors) at any tier do not make awards in violation of the nonprocurement debarment and suspension common rule.</p> <p><b>___ .35 Subawards to debarred and suspended</b></p>	<p><b>From Appendix III – Contract Provisions for Recipient and Subrecipient Contracts</b></p> <p>(I) Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see 2 C.F.R. § 180.220) must not be made to parties listed on the governmentwide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 C.F.R. Part 1986 Comp., p. 189) and 12689 (3 C.F.R. Part 1989 Comp., p. 235), “Debarment and Suspension.” The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.</p> <p>200.205(b) In addition, for competitive grants or cooperative agreements, the Federal awarding agency must have in place a framework for evaluating the risks posed by applicants before they receive Federal awards. This evaluation may incorporate results of</p>

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	<p><b>parties.</b> Grantees and subgrantees must not make any award or permit any award (subgrant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, “Debarment and Suspension.”</p>	<p>the evaluation of the applicant’s eligibility or the quality of its application. If the Federal awarding agency determines that a Federal award will be made, special conditions that correspond to the degree of risk assessed may be applied to the Federal award. Criteria to be evaluated must be described in the announcement of funding opportunity described in section 200.203 Notices Of Funding Opportunities.</p>
	<p><b>Ie. Awards and Adjustments.</b> (1) Ordinarily awards shall be made at least ten days prior to the beginning of the grant period. (2) Agencies shall notify grantees immediately of any anticipated adjustments in the amount of an award. This notice shall be provided as early as possible in the funding period. Reductions in funding shall apply only to periods after notice is provided. Whenever an agency adjusts the amount of an award, it shall also make an appropriate adjustment to the amount of any required matching or cost sharing.</p> <p><b>If. Carryover Balances.</b> Agencies shall be prepared to identify to OMB the amounts of carryover balances (e.g., the amounts of estimated grantee unobligated balances available for carryover into subsequent grant periods). This presentation shall detail the fiscal and programmatic (level of effort) impact in the following period.</p>	
	<p><b>____.11 State Plans.</b></p> <p>(a) Scope. The statutes for some programs require States to submit plans before receiving grants. Under regulations implementing Executive Order 12372, “Intergovernmental Review of Federal Programs,” States are allowed to simplify, consolidate and substitute plans. This section contains additional provisions for plans that are subject to regulations implementing the Executive order.</p> <p>(b) Requirements. A State need meet only Federal</p>	<p><b>From Appendix I Full Text of Notice of Funding Opportunity</b></p> <p>5. Intergovernmental Review—Required, if applicable. If the funding opportunity is subject to Executive Order 12372, “Intergovernmental Review of Federal Programs,” the notice must say so. In alerting applicants that they must contact their state’s Single Point of Contact (SPOC) to find out about and comply with the state’s process under Executive Order 12372, it may be useful to inform potential applicants that the names and addresses of the SPOCs are listed in the Office of Management and Budget’s website. <a href="http://www.whitehouse.gov/omb/grants/spoc.html">www.whitehouse.gov/omb/grants/spoc.html</a>.</p>

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	<p>administrative or programmatic requirements for a plan that are in statutes or codified regulations.</p> <p>(c) Assurances. In each plan the State will include an assurance that the State shall comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding. For this assurance and other assurances required in the plan, the State may:</p> <p>(1) Cite by number the statutory or regulatory provisions requiring the assurances and affirm that it gives the assurances required by those provisions,</p> <p>(2) Repeat the assurance language in the statutes or regulations, or</p> <p>(3) Develop its own language to the extent permitted by law.</p> <p>(d) Amendments. A State will amend a plan whenever necessary to reflect: (1) New or revised Federal statutes or regulations or (2) a material change in any State law, organization, policy, or State agency operation. The State will obtain approval for the amendment and its effective date but need submit for approval only the amended portions of the plan.</p>	<p>Also see 200.203 (6) Key Dates. Key dates include due dates for applications or Executive Order 12372 submissions, as well as for any letters of intent or pre-applications. For any announcement issued before a program’s application materials are available, key dates also include the date on which those materials will be released; and any other additional information, as deemed applicable by the relevant Federal awarding agency.</p>
<p><b>____.14 Special award conditions.</b> If an applicant or recipient: has a history of poor performance, is not financially stable, has a management system that does not meet the standards prescribed in this part, has not conformed to the terms and conditions of a previous award, or is not otherwise responsible, Federal awarding agencies may impose additional requirements as needed, provided that such applicant or recipient is notified in writing as to: the nature of the additional requirements, the reason why the additional requirements are being imposed, the nature of the</p>	<p><b>____.12 Special grant or subgrant conditions for “high-risk” grantees.</b> (a) A grantee or subgrantee may be considered “high risk” if an awarding agency determines that a grantee or subgrantee:</p> <p>(1) Has a history of unsatisfactory performance, or</p> <p>(2) Is not financially stable, or</p> <p>(3) Has a management system which does not meet the management standards set forth in this part, or</p> <p>(4) Has not conformed to terms and conditions of previous awards, or</p> <p>(5) Is otherwise not responsible; and if the awarding</p>	<p><b>200.205 (a)(c) Federal Awarding Agency Review of Risk Posed by Applicants</b> (a) Prior to making a Federal award, the Federal awarding agency is required by 31 U.S.C. § 3321 and 41 U.S.C. 2313 note to review information available through any OMB-designated repositories of governmentwide eligibility qualification or financial integrity information, such as Federal Awardee Performance and Integrity Information System (FAPIIS), Dun and Bradstreet, and “Do Not Pay”. See also suspension and debarment requirements at 2 C.F.R. Part 180 as well as individual Federal agency suspension and debarment regulations in title 2 of the Code of Federal Regulations. (c) In evaluating risks posed by applicants, the Federal awarding</p>

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<p>corrective action needed, the time allowed for completing the corrective actions, and the method for requesting reconsideration of the additional requirements imposed. Any special conditions shall be promptly removed once the conditions that prompted them have been corrected.</p>	<p>agency determines that an award will be made, special conditions and/or restrictions shall correspond to the high risk condition and shall be included in the award.</p> <p>(b) Special conditions or restrictions may include:</p> <ol style="list-style-type: none"> <li>(1) Payment on a reimbursement basis;</li> <li>(2) Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given funding period;</li> <li>(3) Requiring additional, more detailed financial reports;</li> <li>(4) Additional project monitoring;</li> <li>(5) Requiring the grantee or subgrantee to obtain technical or management assistance; or</li> <li>(6) Establishing additional prior approvals.</li> </ol> <p>(c) If an awarding agency decides to impose such conditions, the awarding official will notify the grantee or subgrantee as early as possible, in writing, of:</p> <ol style="list-style-type: none"> <li>(1) The nature of the special conditions/restrictions;</li> <li>(2) The reason(s) for imposing them;</li> <li>(3) The corrective actions which must be taken before they will be removed and the time allowed for completing the corrective actions and</li> <li>(4) The method of requesting reconsideration of the conditions/restrictions imposed.</li> </ol>	<p>agency may use a risk-based approach and may consider any items such as the following:</p> <ol style="list-style-type: none"> <li>(1) Financial stability;</li> <li>(2) Quality of management systems and ability to meet the management standards prescribed in this Part;</li> <li>(3) History of performance. The applicant’s record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;</li> <li>(4) Reports and findings from audits performed under Subpart F – Audit Requirements of this Part or the reports and findings of any other available audits; and</li> <li>(5) The applicant’s ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.</li> </ol> <p>(d) In addition to this review, the Federal awarding agency must comply with the guidelines on governmentwide suspension and debarment in 2 C.F.R. Part 180, and must require non-Federal entities to comply with these provisions. These provisions restrict Federal awards, subawards and contracts with certain parties that are debarred, suspended or otherwise excluded from or ineligible for participation in Federal programs or activities.200.207 Specific Conditions for Individual Recipients.</p> <p>Based on the criteria set forth in 200.205 Agency Review of Merit of Proposals and Risk Posed by Applicants, or when a recipient materially fails to comply with the general or specific terms and conditions of a Federal award, or fails to meet expected performance goals as described in section 200.404 Award Performance Goals, Federal awarding agencies may impose additional specific award conditions on individual recipients, such as requiring payments as reimbursements rather than advances, as needed under the following conditions:</p> <ol style="list-style-type: none"> <li>(a) The applicant or recipient is notified as to:             <ol style="list-style-type: none"> <li>(1) The nature of the additional requirements;</li> <li>(2) The reason why the additional requirements are being imposed;</li> <li>(3) The nature of the corrective action needed, if applicable;</li> <li>(4) The time allowed for completing the corrective actions if applicable, and</li> </ol> </li> </ol>

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	<p><b>1. g. Special Conditions or Restrictions.</b> Agencies may impose special conditions or restrictions on awards to "high risk" applicants/grantees in accordance with section __.12 of the grants management common rule. Agencies shall document use of the "Exception" provisions of section __.6 and "High-risk" provisions of section __.12 of the grants management common rule.</p>	<p>(5) The method for requesting reconsideration of the additional requirements imposed.                      (b) Any corrective special conditions shall be promptly removed once the conditions that prompted them have been corrected.                      (c) See also section 200.403 Agency, Program, or Federal Award Specific Terms and Conditions</p> <p><b>200.207 Specific Conditions</b>                      (a) Based on the criteria set forth in section 200.205 Agency Review of Merit of Proposals and Risk Posed by Applicants or when an applicant or recipient has a history of failure to comply with the general or specific terms and conditions of a Federal award, or failure to meet expected performance goals as described in section 200.210 Information Contained In A Federal Award, or is not otherwise responsible, the Federal awarding agency or pass-through entity may impose additional specific award conditions as needed under the procedure specified in paragraph (b) of this section. These additional Federal award conditions may include items such as the following:                      (1) Requiring payments as reimbursements rather than advance payments;                      (2) Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given period of performance;                      (3) Requiring additional, more detailed financial reports;                      (4) Requiring additional project monitoring;                      (5) Requiring the non-Federal entity to obtain technical or management assistance; or                      (6) Establishing additional prior approvals.                      (b) The Federal awarding agency or pass-through entity must notify the applicant or non-Federal entity as to:                      (1) The nature of the additional requirements;                      (2) The reason why the additional requirements are being imposed;                      (3) The nature of the action needed to remove the additional requirement, if applicable;                      (4) The time allowed for completing the actions if applicable, and                      (5) The method for requesting reconsideration of the additional requirements imposed.                      (c) Any special conditions must be promptly removed once the</p>



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		<p>conditions that prompted them have been corrected.</p>
	<p><b>1.h. Waiver of Single State Agency Requirements.</b>                      (1) Requests to agencies from the Governors, or other duly constituted State authorities, for waiver of "single" State agency requirements in accordance with section 31 U.S.C. 6504, "Use of existing State or multi-member agency to administer grant programs," shall be given expeditious handling and, whenever possible, an affirmative response.                      (2) When it is necessary to refuse a request for waiver of "single" State agency requirements under section 204 of the Intergovernmental Corporation Act, the Federal grantor agency shall advise OMB prior to informing the State that the request cannot be granted. The agency shall indicate to OMB the reasons for the denial of the request.                      (3) Legislative proposals embracing grant-in-aid programs shall avoid inclusion of proposals for "single" State agencies in the absence of compelling reasons to do otherwise. In addition, existing requirements in present grant-in-aid programs shall be reviewed and legislative proposals developed for the removal of these restrictive provisions.</p>	<p><i>Note: See 200.101 and 200.102 for comparison.</i></p>
<p><b>___ .15 Metric System of Measurement.</b>                      The Metric Conversion Act, as amended by the Omnibus Trade and Competitiveness Act (15 U.S.C. 205) declares that the metric system is the preferred measurement system for U.S. trade and commerce. The Act requires each Federal agency to establish a date or dates in consultation with the Secretary of Commerce, when the metric system of measurement will be used in the agency's procurements, grants, and other business-related activities. Metric implementation may take longer where the use of the system is initially impractical or likely to cause significant inefficiencies in the accomplishment of federally-funded activities. Federal awarding agencies shall follow the provisions of E.O. 12770, "Metric Usage in Federal Government Programs" (56 FR</p>	<p><b>1. j. Metric System of Measurement.</b> The Metric Conversion Act of 1975, as amended, declares that the metric system is the preferred measurement system for U.S. trade and commerce. The Act requires each Federal agency to establish a date(s), in consultation with the Secretary of Commerce, when the metric system of measurement will be used in the agency's procurement, grants, and other business-related activities. Metric implementation may take longer where the use of the system is initially impractical or likely to cause significant inefficiencies in the accomplishment of federally-funded activities. Heads of departments and agencies shall establish a process for a policy level and program level review of proposed exceptions to metric usage in grants</p>	<p><i>Not included in Final guidance - agencies should inform recipients of appropriate national policy requirements.</i></p>

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35801, 3 CFR, 1991 Comp., p. 343).	programs. Executive Order 12770 ("Metric Usage in Federal Government Programs") elaborates on implementation of the Act.	
<p><b>___16 Resource Conservation and Recovery Act.</b> Under the Act, any State agency or agency of a political subdivision of a State which is using appropriated Federal funds must comply with section 6002. Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by the Environmental Protection Agency (EPA) (40 CFR parts 247–254). Accordingly, State and local institutions of higher education, hospitals, and non-profit organizations that receive direct Federal awards or other Federal funds shall give preference in their procurement programs funded with Federal funds to the purchase of recycled products pursuant to the EPA guidelines.</p>	<p><b>2.h. Resource Conservation and Recovery Act.</b> Agencies shall implement the Resource Conservation and Recovery Act of 1976 (RCRA) (42 U.S.C. 6962). Any State agency or agency of a political subdivision of a State which is using appropriated Federal funds must comply with Section 6002 of RCRA. Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by the Environmental Protection Agency (EPA). Current guidelines are contained in 40 CFR Parts 247-253. State and local recipients of grants, loans, cooperative agreements or other instruments funded by appropriated Federal funds shall give preference in procurement programs to the purchase of recycled products pursuant to the EPA guidelines.</p>	<p><b>From Appendix III (14) – Contract Provisions for Recipient and Subrecipient Contracts</b> In accordance with Section 6002 of the Solid Waste Disposal Act (42 U.S.C. § 6962), State agencies and agencies of a political subdivision of a state that are using appropriated Federal funds for procurement must procure items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired in the preceding fiscal year exceeded \$10,000; must procure solid waste management services in a manner that maximizes energy and resource recovery; and must have established an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.</p>
<p><b>___17 Certifications and representations.</b> Unless prohibited by statute or codified regulation, each Federal awarding agency is authorized and encouraged to allow recipients to submit certifications and representations required by statute, executive order, or regulation on an annual basis, if the recipients have ongoing and continuing relationships with the agency. Annual certifications and representations shall be signed by responsible officials with the authority to ensure recipients' compliance with the pertinent requirements.</p>		<p><b>200.208 Certifications and Representations.</b> Unless prohibited by Federal statutes or regulations, each Federal awarding agency or pass-through entity is authorized to require the non-Federal entity to submit certifications and representations required by Federal statutes, or regulations on an annual basis. Submission may be required more frequently if the non-Federal entity fails to meet a requirement of a Federal award.</p>
		<p><b>200.209 Pre-Award Costs</b> For requirements on costs incurred by the applicant prior to the start date of the period of performance of the Federal award, see 200.458 Pre-award Costs.</p>
		<p><b>Subpart C---Pre-Federal Award Requirements and Contents of Federal Awards</b></p>
		<p><b>200.210 Information Contained In A Federal Award</b> A Federal award must include the following information:</p>

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		<p>(a) General Federal Award Information. The Federal awarding agency must include the following general Federal award information in each Federal award:</p> <ol style="list-style-type: none"> <li>(1) Recipient name (which must match registered name in DUNS);</li> <li>(2) Recipient’s DUNS number (see 200.32 Data Universal Numbering System (DUNS) number);</li> <li>(3) Federal Award Identification Number (FAIN);</li> <li>(4) Federal Award Date (see section 200.39 Federal Award Date);</li> <li>(5) Period of Performance Start and End Date;</li> <li>(6) Amount of Federal Funds Obligated by this action;</li> <li>(7) Total Amount of Federal Funds Obligated;</li> <li>(8) Total Amount of the Federal Award;</li> <li>(9) Budget Approved by the Federal Awarding Agency;</li> <li>(10) Total Approved Cost Sharing or Matching, where applicable;</li> <li>(11) Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);</li> <li>(12) Name of Federal awarding agency and contact information for awarding official,</li> <li>(13) CFDA Number and Name;</li> <li>(14) Identification of whether the award is R&amp;D; and</li> <li>(15) Indirect cost rate for the Federal award (including if the de minimis rate is charged per section 200.414 Indirect (F&amp;A) Costs).</li> </ol> <p>(b) General Terms and Conditions</p> <ol style="list-style-type: none"> <li>(1) Federal awarding agencies must incorporate the following general terms and conditions either in the Federal award or by reference, as applicable: <ol style="list-style-type: none"> <li>(A) Administrative requirements implemented by the Federal awarding agency as specified in this Part.</li> <li>(B) National policy requirements. These include statutory, executive order, other Presidential directive, or regulatory requirements that apply by specific reference and are not program-specific. See section Standards for Financial and Program Management</li> </ol> </li> <li>(2) The Federal award must include wording to incorporate, by reference, the applicable set of general terms and conditions. The reference must be to the website at which the Federal awarding agency maintains the general terms and conditions.</li> <li>(3) If a non-Federal entity requests a copy of the full text of the</li> </ol>

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		<p>general terms and conditions, the Federal awarding agency must provide it.</p> <p>(4) Wherever the general terms and conditions are publicly available, the Federal awarding agency must maintain an archive of previous versions of the general terms and conditions, with effective dates, for use by the non-Federal entity, auditors, or others.</p> <p>(c) Federal Awarding Agency, Program, or Federal Award Specific Terms and Conditions. The Federal awarding agency may include with each Federal award any terms and conditions necessary to communicate requirements that are in addition to the requirements outlined in the Federal awarding agency’s general terms and conditions. Whenever practicable, these specific terms and conditions also should be shared on a public website and in notices of funding opportunities (as outlined in section 200.203 Notices Of Funding Opportunities) in addition to being included in a Federal award. See also section 200.206 Standard Application Requirements.</p> <p>(d) Federal Award Performance Goals. The Federal awarding agency must include in the Federal award an indication of the timing and scope of expected performance by the non-Federal entity as related to the outcomes intended to be achieved by the program. In some instances (e.g., discretionary research awards), this may be limited to the requirement to submit technical performance reports (to be evaluated in accordance with Federal awarding agency policy). Where appropriate, the Federal award may include specific performance goals, indicators, milestones, or expected outcomes (such as outputs, or services performed or public impacts of any of these) with an expected timeline for accomplishment. Reporting requirements must be clearly articulated such that, where appropriate, performance during the execution of the Federal award has a standard against which non-Federal entity performance can be measured. The Federal awarding agency may include program-specific requirements, as applicable. These requirements should be aligned with agency strategic goals, strategic objectives or performance goals that are relevant to the program. See also OMB Circular A-11, Preparation, Submission and Execution of the Budget Part 6 for definitions of strategic objectives and performance goals.</p>

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		(e) Any other information required by the Federal awarding agency.
		<b>Subpart D – Post Federal Award Requirements</b>
		<p><b>Standards for Financial and Program Management</b></p> <p><b>200.300 Statutory And National Policy Requirements</b></p> <p>(a) The Federal awarding agency must manage and administer the Federal award in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements: including, but not limited to, those protecting public welfare, the environment, and prohibiting discrimination. The Federal awarding agency must communicate to the non-Federal entity all relevant public policy requirements, including those in general appropriations provisions, and incorporate them either directly or by reference in the terms and conditions of the Federal award.</p> <p>(b) The non-Federal entity is responsible for complying with all requirements of the Federal award. For all Federal awards, this includes the provisions of FFATA, which includes requirements on executive compensation, and also requirements implementing the Act for the non-Federal entity at 2 C.F.R. Part 25 Financial Assistance Use of Universal Identifier and Central Contractor Registration and 2 C.F.R. Part 170 Reporting Subaward and Executive Compensation Information. See also statutory requirements for whistleblower protections at 10 U.S.C. § 2409, 41 U.S.C. § 4712, and 10 U.S.C. 2324, 41 U.S.C. §§ 4304 and 4310.</p>
<b>Subpart C---Post Award Requirements</b>	<b>Subpart C Post-Award Requirements</b>	<b>Subpart D---Post Federal Award Requirements.</b>
<b>Financial and Program Management</b>	<b>Financial Administration</b>	<b>Standards for Financial and Program Management</b>
<b>___ .20 Purpose of financial and program management.</b> Sections 215.21 through 215.28 prescribe standards for financial management systems, methods for making payments and rules for: satisfying cost sharing and matching requirements, accounting for program income, budget revision approvals, making audits, determining allowability of cost, and establishing fund availability.	<b>___ .20 Standards for financial management systems.</b>	
<b>___ .21 Standards for financial management systems.</b> (a) Federal awarding agencies shall require recipients to relate financial data to performance data and		<b>200.301 Performance Measurement</b> The Federal awarding agency must require the recipient to use OMB-approved governmentwide standard information collections when providing financial and performance information. As

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<p><b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b></p>	<p><b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b></p>	<p><b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b></p>
<p>develop unit cost information whenever practical.</p>	<p>(a) A State must expand and account for grant funds in accordance with State laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures of the State, as well as its subgrantees and cost-type contractors, must be sufficient to—</p> <p>(1) Permit preparation of reports required by this part and the statutes authorizing the grant, and</p> <p>(2) Permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of applicable statutes.</p> <p>(b) The financial management systems of other grantees and subgrantees must meet the following standards:</p> <p>(1) Financial reporting. Accurate, current, and complete disclosure of the financial results of financially assisted activities must be made in</p>	<p>appropriate and in accordance with above mentioned information collections, the Federal awarding agency must require the recipient to relate financial data to performance accomplishments of the Federal award. Also, in accordance with above mentioned governmentwide standard information collections, and when applicable, recipients must also provide cost information to demonstrate cost effective practices (e.g., through unit cost data). The recipient’s performance should be measured in a way that will help the Federal awarding agency and other non-Federal entities to improve program outcomes, share lessons learned, and spread the adoption of promising practices. The Federal awarding agency should provide recipients with clear performance goals, indicators, and milestones as described in section 200.210 Information Contained In A Federal Award. Performance reporting frequency and content should be established to not only allow the Federal awarding agency to understand the recipient progress but also to facilitate identification of promising practices among recipients and build the evidence upon which the Federal awarding agency’s program and performance decisions are made.</p> <p><b>200.302 Financial Management</b></p> <p>Each state must expend and account for the Federal award in accordance with state laws and procedures for expending and accounting for the state’s own funds. In addition, the state’s and the other non-Federal entity’s financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award. See also section 200.450 Lobbying.</p> <p>The financial management system of each non-Federal entity must provide for the following (see also sections 200.333 Retention Requirements for Records, 200.334 Requests For Transfer of Records, 200.335 Methods for Collection, Transmission and Storage Information, 200.336 Access To Records, and 200.337</p>

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<p><b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b></p>	<p><b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b></p>	<p><b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b></p>
<p>(b) Recipients' financial management systems shall provide for the following.</p> <p>(1) Accurate, current and complete disclosure of the financial results of each federally-sponsored project or program in accordance with the reporting requirements set forth in §215.52. If a Federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient shall not be required to establish an accrual accounting system. These recipients may develop such accrual data for its reports on the basis of an analysis of the documentation on hand.</p>	<p>accordance with the financial reporting requirements of the grant or subgrant.</p> <p>(2) Accounting records. Grantees and subgrantees must maintain records which adequately identify the source and application of funds provided for financially-assisted activities. These records must contain information pertaining to grant or subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.</p>	<p>Restrictions on Public Access to Records):</p> <p>(a) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, name of the Federal agency, and name of the pass-through entity, if any.</p> <p>(b) Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set forth in sections 200.327 Financial Reporting and 200.328 Monitoring and Reporting Program Performance. If a Federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient must not be required to establish an accrual accounting system. This recipient may develop accrual data for its reports on the basis of an analysis of the documentation on hand. Similarly, a pass-through entity must not require a subrecipient to establish an accrual accounting system and must allow the subrecipient to develop accrual data for its reports on the basis of an analysis of the documentation on hand.</p> <p>(c) Records that identify adequately the source and application of funds for federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.</p> <p>(d) Effective control over, and accountability for, all funds, property, and other assets. The non-Federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes. See section 200.303 Internal Controls.</p> <p>(e) Comparison of expenditures with budget amounts for each Federal award.</p> <p>(f) Written procedures to implement the requirements of section 200.305 Payment.</p> <p>(g) Written procedures for determining the allowability of costs in accordance with Subpart E- Cost Principles of this Part and the terms and conditions of the Federal award.</p> <p><b>200.303 Internal Controls</b></p>

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<p><b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b></p>	<p><b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b></p>	<p><b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b></p>
<p>(2) Records that identify adequately the source and application of funds for federally-sponsored activities. These records shall contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, outlays, income and interest.</p> <p>(3) Effective control over and accountability for all funds, property and other assets. Recipients shall adequately safeguard all such assets and assure they are used solely for authorized purposes.</p> <p>(4) Comparison of outlays with budget amounts for each award. Whenever appropriate, financial information should be related to performance and unit cost data.</p> <p>(5) Written procedures to minimize the time elapsing between the transfer of funds to the recipient from the U.S. Treasury and the issuance or redemption of checks, warrants or payments by other means for program purposes by the recipient. To the extent that the provisions of the Cash Management Improvement Act (CMIA) (Pub. L. 101-453) govern, payment methods of State agencies, instrumentalities, and fiscal agents shall be consistent with CMIA Treasury-State Agreements or the CMIA default procedures codified at 31 CFR part 205, “Withdrawal of Cash from the Treasury for Advances under Federal Grant and Other Programs.”</p> <p>(6) Written procedures for determining the reasonableness, allocability and allowability of costs in accordance with the provisions of the applicable Federal cost principles and the terms and conditions of the award.</p> <p>(7) Accounting records including cost accounting records that are supported by source documentation.</p>	<p>(3) Internal control. Effective control and accountability must be maintained for all grant and subgrant cash, real and personal property, and other assets. Grantees and subgrantees must adequately safeguard all such property and must assure that it is used solely for authorized purposes.</p> <p>(4) Budget control. Actual expenditures or outlays must be compared with budgeted amounts for each grant or subgrant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant or subgrant agreement. If unit cost data are required, estimates based on available documentation will be accepted whenever possible.</p> <p>(7) Cash management. Procedures for minimizing the time elapsing between the transfer of funds from the U.S. Treasury and disbursement by grantees and subgrantees must be followed whenever advance payment procedures are used. Grantees must establish reasonable procedures to ensure the receipt of reports on subgrantees' cash balances and cash disbursements in sufficient time to enable them to prepare complete and accurate cash transactions reports to the awarding agency. When advances are made by letter-of-credit or electronic transfer of funds methods, the grantee must make drawdowns as close as possible to the time of making disbursements. Grantees must monitor cash drawdowns by their subgrantees to assure that they conform substantially to the same standards of timing and amount as apply to advances to the grantees.</p> <p><b>2. a. Cash Management.</b> Agency methods and procedures for transferring funds shall minimize the time elapsing between the transfer to recipients of grants and cooperative agreements and the recipient's need for the funds.</p>	<p>The non-Federal entity must:</p> <p>(a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).</p> <p>(b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.</p> <p>(c) Evaluate and monitor the non-Federal entity’s compliance with statute, regulations and the terms and conditions of Federal awards.</p> <p>(d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.</p> <p>(e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, state and local laws regarding privacy and obligations of confidentiality.</p>



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<p>(c) Where the Federal Government guarantees or insures the repayment of money borrowed by the recipient, the Federal awarding agency, at its discretion, may require adequate bonding and insurance if the bonding and insurance requirements of the recipient are not deemed adequate to protect the interest of the Federal Government.</p> <p>(d) The Federal awarding agency may require</p>	<p>(1) Such transfers shall be made consistent with program purposes, applicable law and Treasury regulations contained in 31 CFR Part 205, Federal Funds Transfer Procedures.</p> <p>(2) Where letters-of-credit are used to provide funds, they shall be in the same amount as the award.</p> <p>(5) Allowable cost. Applicable OMB cost principles, agency program regulations, and the terms of grant and subgrant agreements will be followed in determining the reasonableness, allowability, and allocability of costs.</p> <p>(6) Source documentation. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract and subgrant award documents, etc.</p> <p>(c) An awarding agency may review the adequacy of the financial management system of any applicant for financial assistance as part of a preaward review or at any time subsequent to award.</p> <p><b>2.b. Grantee Financial Management Systems.</b> In assessing the adequacy of an applicant's financial management system, the awarding agency shall rely on readily available sources of information, such as audit reports, to the maximum extent possible. If additional information is necessary to assure prudent management of agency funds, it shall be obtained from the applicant or from an on-site review.</p>	<p><b>200.304 Bonds</b> The Federal awarding agency may include a provision on bonding, insurance, or both in the following circumstances: (a) Where the Federal government guarantees or insures the repayment of money borrowed by the recipient, the Federal awarding agency, at its discretion, may require adequate bonding and insurance if the bonding and insurance requirements of the non-Federal entity are not deemed adequate to protect the interest of the</p>

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<p>adequate fidelity bond coverage where the recipient lacks sufficient coverage to protect the Federal Government's interest.</p> <p>(e) Where bonds are required in the situations described above, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties, as prescribed in 31 CFR part 223, "Surety Companies Doing Business with the United States."</p>		<p>Federal government.</p> <p>(b) The Federal awarding agency may require adequate fidelity bond coverage where the non-Federal entity lacks sufficient coverage to protect the Federal government's interest.</p> <p>(c) Where bonds are required in the situations described above, the bonds must be obtained from companies holding certificates of authority as acceptable sureties, as prescribed in 31 C.F.R. Part 223, "Surety Companies Doing Business with the United States."</p>
<p><b>___ .22 Payment.</b></p> <p>(a) Payment methods shall minimize the time elapsing between the transfer of funds from the United States Treasury and the issuance or redemption of checks, warrants, or payment by other means by the recipients. Payment methods of State agencies or instrumentalities shall be consistent with Treasury-State CMIA agreements or default procedures codified at 31 CFR part 205.</p> <p>(b) Recipients are to be paid in advance, provided they maintain or demonstrate the willingness to maintain:</p> <p>(1) Written procedures that minimize the time elapsing between the transfer of funds and disbursement by the recipient, and</p> <p>(2) Financial management systems that meet the</p>	<p><b>___ .21 Payment.</b></p> <p>(a) Scope. This section prescribes the basic standard and the methods under which a Federal agency will make payments to grantees, and grantees will make payments to subgrantees and contractors.</p> <p>(b) Basic standard. Methods and procedures for payment shall minimize the time elapsing between the transfer of funds and disbursement by the grantee or subgrantee, in accordance with Treasury regulations at 31 CFR Part 205.</p> <p>(c) Advances. Grantees and subgrantees shall be paid in advance, provided they maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of the funds and their disbursement by the grantee or subgrantee.</p>	<p><b>200.302 Payment.</b></p> <p>(a) For states, payments are governed by Treasury-State CMIA agreements and default procedures codified at 31 C.F.R. Part 205 "Rules and Procedures for Efficient Federal-State Funds Transfers" and TFM 4A-2000 Overall Disbursing Rules for All Federal Agencies.</p> <p>(b) For non-Federal entities other than states, payments methods must minimize the time elapsing between the transfer of funds from the United States Treasury or the pass-through entity and the disbursement by the non-Federal entity whether the payment is made by electronic funds transfer, or issuance or redemption of checks, warrants, or payment by other means. See also section 200.302 Financial Management paragraph (f). Except as noted elsewhere in this Part, Federal agencies must require recipients to use only OMB-approved standard governmentwide information collection requests to request payment.</p> <p>(1) The non-Federal entity must be paid in advance, provided it maintains or demonstrates the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement by the non-Federal entity, and financial management systems that meet the standards for fund control and accountability as established in this Part. Advance payments to a non-Federal entity must be limited to the minimum amounts needed</p>

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<p>standards for fund control and accountability as established in §215.21. Cash advances to a recipient organization shall be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the recipient organization in carrying out the purpose of the approved program or project. The timing and amount of cash advances shall be as close as is administratively feasible to the actual disbursements by the recipient organization for direct program or project costs and the proportionate share of any allowable indirect costs.</p> <p>(c) Whenever possible, advances shall be consolidated to cover anticipated cash needs for all awards made by the Federal awarding agency to the recipient.</p> <p>(1) Advance payment mechanisms include, but are not limited to, Treasury check and electronic funds transfer.</p> <p>(2) Advance payment mechanisms are subject to 31 CFR part 205.</p> <p>(3) Recipients shall be authorized to submit requests for advances and reimbursements at least monthly when electronic fund transfers are not used.</p> <p>(d) Requests for Treasury check advance payment shall be submitted on SF-270, “Request for Advance or Reimbursement,” or other forms as may be authorized by OMB. This form is not to be used when Treasury check advance payments are made to the recipient automatically through the use of a predetermined payment schedule or if precluded by special Federal awarding agency instructions for electronic funds transfer.</p>	<p>(d) Reimbursement. Reimbursement shall be the preferred method when the requirements in paragraph (c) of this section are not met. Grantees and subgrantees may also be paid by reimbursement for any construction grant. Except as otherwise specified in regulation, Federal agencies shall not use the percentage of completion method to pay construction grants. The grantee or subgrantee may use that method to pay its construction contractor, and if it does, the awarding agency's payments to the grantee or subgrantee will be based on the grantee's or subgrantee's actual rate of disbursement.</p> <p>(e) Working capital advances. If a grantee cannot</p>	<p>and be timed to be in accordance with the actual, immediate cash requirements of the non-Federal entity in carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the non-Federal entity for direct program or project costs and the proportionate share of any allowable indirect costs. The non-Federal entity must make timely payment to contractors in accordance with the contract provisions.</p> <p>(2) Whenever possible, advance payments must be consolidated to cover anticipated cash needs for all Federal awards made by the Federal awarding agency to the recipient.</p> <p>(i) Advance payment mechanisms include, but are not limited to, Treasury check and electronic funds transfer and should comply with applicable guidance in 31 C.F.R. Part 208.</p> <p>(ii) Non-Federal entities must be authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as they like when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. § 1601).</p> <p>(3) Reimbursement is the preferred method when the requirements in paragraph (b) cannot be met, when the Federal awarding agency sets a specific condition per section 200.207 Specific Conditions, or when the non-Federal entity requests payment by reimbursement. This method may be used on any Federal award for construction, or if the major portion of the construction project is accomplished through private market financing or Federal loans, and the Federal award constitutes a minor portion of the project.</p> <p>When the reimbursement method is used, the Federal awarding agency or pass-through entity must make payment within 30 calendar days after receipt of the billing, unless the Federal awarding agency or pass-through entity reasonably believes the request to be improper.</p> <p>(4) If the non-Federal entity cannot meet the criteria for advance</p>

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<p>(e) Reimbursement is the preferred method when the requirements in §215.12(b) cannot be met. Federal awarding agencies may also use this method on any construction agreement, or if the major portion of the construction project is accomplished through private market financing or Federal loans, and the Federal assistance constitutes a minor portion of the project.</p> <p>(1) When the reimbursement method is used, the Federal awarding agency shall make payment within 30 days after receipt of the billing, unless the billing is improper.</p> <p>(2) Recipients shall be authorized to submit request for reimbursement at least monthly when electronic funds transfers are not used.</p> <p>(f) If a recipient cannot meet the criteria for advance payments and the Federal awarding agency has determined that reimbursement is not feasible because the recipient lacks sufficient working capital, the Federal awarding agency may provide cash on a working capital advance basis. Under this procedure, the Federal awarding agency shall advance cash to the recipient to cover its estimated disbursement needs for an initial period generally geared to the awardee's disbursing cycle. Thereafter, the Federal awarding agency shall reimburse the recipient for its actual cash disbursements. The working capital advance method of payment shall not be used for recipients unwilling or unable to provide timely advances to their subrecipient to meet the subrecipient's actual cash disbursements.</p> <p>(g) To the extent available, recipients shall disburse funds available from repayments to and interest earned on a revolving fund, program income, rebates, refunds, contract settlements, audit recoveries and interest earned on such funds before requesting additional cash payments.</p> <p>(h) Unless otherwise required by statute, Federal awarding agencies shall not withhold payments for</p>	<p>meet the criteria for advance payments described in paragraph (c) of this section, and the Federal agency has determined that reimbursement is not feasible because the grantee lacks sufficient working capital, the awarding agency may provide cash or a working capital advance basis. Under this procedure the awarding agency shall advance cash to the grantee to cover its estimated disbursement needs for an initial period generally geared to the grantee's disbursing cycle. Thereafter, the awarding agency shall reimburse the grantee for its actual cash disbursements. The working capital advance method of payment shall not be used by grantees or subgrantees if the reason for using such method is the unwillingness or inability of the grantee to provide timely advances to the subgrantee to meet the subgrantee's actual cash disbursements.</p> <p>(f) Effect of program income, refunds, and audit recoveries on payment. (1) Grantees and subgrantees shall disburse repayments to and interest earned on a revolving fund before requesting additional cash payments for the same activity.</p> <p>(2) Except as provided in paragraph (f)(1) of this section, grantees and subgrantees shall disburse program income, rebates, refunds, contract settlements, audit recoveries and interest earned on such funds before requesting additional cash payments.</p> <p>(g) Withholding payments. (1) Unless otherwise required by Federal statute, awarding agencies shall not withhold payments for proper charges incurred by grantees or subgrantees unless—</p> <p>(i) The grantee or subgrantee has failed to comply with grant award conditions or</p> <p>(ii) The grantee or subgrantee is indebted to the United States.</p> <p>(2) Cash withheld for failure to comply with grant award condition, but without suspension of the grant, shall be released to the grantee upon subsequent</p>	<p>payments and the Federal awarding agency or pass-through entity has determined that reimbursement is not feasible because the non-Federal entity lacks sufficient working capital, the Federal awarding agency or pass-through entity may provide cash on a working capital advance basis. Under this procedure, the Federal awarding agency or pass-through entity must advance cash payments to the non-Federal entity to cover its estimated disbursement needs for an initial period generally geared to the non-Federal entity's disbursing cycle. Thereafter, the Federal awarding agency or pass-through entity must reimburse the non-Federal entity for its actual cash disbursements. Use of the working capital advance method of payment requires that the pass-through entity provide timely advance payments to any subrecipients in order to meet the subrecipient's actual cash disbursements. The working capital advance method of payment must not be used by the pass-through entity if the reason for using this method is the unwillingness or inability of the pass-through entity to provide timely advance payments to the subrecipient to meet the subrecipient's actual cash disbursements.</p> <p>(5) Use of resources before requesting cash advance payments. To the extent available, the non-Federal entity must disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.</p> <p>(6) Unless otherwise required by Federal statutes, payments for allowable costs by non-Federal entities must not be withheld at any time during the period of performance unless the conditions of sections 200.207 Specific Conditions, Subpart D – Post Federal Award Requirements, Remedies for Noncompliance, or the following apply:</p> <p>(i) The non-Federal entity has failed to comply with the project objectives, Federal statutes, regulations, or the terms and conditions of the Federal award.</p> <p>(ii) The non-Federal entity is delinquent in a debt to the United</p>

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<p>proper charges made by recipients at any time during the project period unless paragraphs (h)(1) or (2) of this section apply.</p> <p>(1) A recipient has failed to comply with the project objectives, the terms and conditions of the award, or Federal reporting requirements.</p> <p>(2) The recipient or subrecipient is delinquent in a debt to the United States as defined in OMB Circular A-129, “Managing Federal Credit Programs.” Under such conditions, the Federal awarding agency may, upon reasonable notice, inform the recipient that payments shall not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the Federal Government is liquidated.</p> <p>(i) Standards governing the use of banks and other institutions as depositories of funds advanced under awards are as follows.</p> <p>(1) Except for situations described in paragraph (i)(2) of this section, Federal awarding agencies shall not require separate depository accounts for funds provided to a recipient or establish any eligibility requirements for depositories for funds provided to a recipient. However, recipients must be able to account for the receipt, obligation and expenditure of funds.</p> <p>(2) Advances of Federal funds shall be deposited and maintained in insured accounts whenever possible.</p> <p>(j) Consistent with the national goal of expanding the opportunities for women-owned and minority-owned business enterprises, recipients shall be encouraged to use women-owned and minority-owned banks (a bank which is owned at least 50 percent by women or minority group members).</p> <p>(k) Recipients shall maintain advances of Federal funds in interest bearing accounts, unless paragraphs (k)(1), (2) or (3) of this section apply.</p> <p>(1) The recipient receives less than \$120,000 in Federal awards per year.</p>	<p>compliance. When a grant is suspended, payment adjustments will be made in accordance with § 92.43(c).</p> <p>(3) A Federal agency shall not make payment to grantees for amounts that are withheld by grantees or subgrantees from payment to contractors to assure satisfactory completion of work. Payments shall be made by the Federal agency when the grantees or subgrantees actually disburse the withheld funds to the contractors or to escrow accounts established to assure satisfactory completion of work.</p> <p>(h) Cash depositories.</p> <p>(2) A grantee or subgrantee shall maintain a separate bank account only when required by Federal-State agreement.</p>	<p>States as defined in OMB Guidance A-129, "Policies for Federal Credit Programs and Non-Tax Receivables." Under such conditions, the Federal awarding agency or pass-through entity may, upon reasonable notice, inform the non-Federal entity that payments must not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the Federal government is liquidated.</p> <p>(iii) A payment withheld for failure to comply with Federal award conditions, but without suspension of the Federal award, must be released to the non-Federal entity upon subsequent compliance. When a Federal award is suspended, payment adjustments will be made in accordance with section 200.342 Effects of Suspension and Termination.</p> <p>(iv) A payment must not be made to a non-Federal entity for amounts that are withheld by the non-Federal entity from payment to contractors to assure satisfactory completion of work. A payment must be made when the non-Federal entity actually disburses the withheld funds to the contractors or to escrow accounts established to assure satisfactory completion of work.</p> <p>(7) Standards governing the use of banks and other institutions as depositories of advance payments under Federal awards are as follows.</p> <p>(i) The Federal awarding agency and pass-through entity must not require separate depository accounts for funds provided to a non-Federal entity or establish any eligibility requirements for depositories for funds provided to the non-Federal entity. However, the non-Federal entity must be able to account for the receipt, obligation and expenditure of funds.</p> <p>(ii) Advance payments of Federal funds must be deposited and maintained in insured accounts whenever possible.</p> <p>(8) The non-Federal entity must maintain advance payments of Federal awards in interest-bearing accounts, unless the following apply.</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<p>(2) The best reasonably available interest bearing account would not be expected to earn interest in excess of \$250 per year on Federal cash balances.</p> <p>(3) The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.</p> <p>(l) For those entities where CMIA and its implementing regulations at 31 CFR part 205 do not apply, interest earned on Federal advances deposited in interest bearing accounts shall be remitted annually to Department of Health and Human Services, Payment Management System, Rockville, MD 20852. Interest amounts up to \$250 per year may be retained by the recipient for administrative expense. State universities and hospitals shall comply with CMIA, as it pertains to interest. If an entity subject to CMIA uses its own funds to pay pre-award costs for discretionary awards without prior written approval from the Federal awarding agency, it waives its right to recover the interest under CMIA.</p> <p>(m) Except as noted elsewhere in this part, only the following forms shall be authorized for the recipients in requesting advances and reimbursements. Federal agencies shall not require more than an original and two copies of these forms.</p> <p>(1) SF-270, Request for Advance or Reimbursement. Each Federal awarding agency shall adopt the SF-270 as a standard form for all nonconstruction programs when electronic funds transfer or predetermined advance methods are not used. Federal awarding agencies, however, have the option of using this form</p>	<p>(1) Consistent with the national goal of expanding the opportunities for minority business enterprises, grantees and subgrantees are encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members). A list of minority owned banks can be obtained from the Minority Business Development Agency, Department of Commerce, Washington, DC 20230.</p> <p>(i) Interest earned on advances. Except for interest earned on advances of funds exempt under the Intergovernmental Cooperation Act (31 U.S.C. 6501 et seq.) and the Indian Self-Determination Act (23 U.S.C. 450), grantees and subgrantees shall promptly, but at least quarterly, remit interest earned on advances to the Federal agency. The grantee or subgrantee may keep interest amounts up to \$100 per year for administrative expenses.</p> <p>(d) Request for advance or reimbursement —(1) Advance payments. Requests for Treasury check advance payments will be submitted on Standard Form 270, Request for Advance or Reimbursement. (This form will not be used for drawdowns under a letter of credit, electronic funds transfer or when Treasury check advance payments are made to the grantee automatically on a predetermined basis.) (2) Reimbursements. Requests for reimbursement under nonconstruction grants will also be submitted on Standard Form 270. (For reimbursement requests</p>	<p>(i) The non-Federal entity receives less than \$120,000 in Federal awards per year.</p> <p>(ii) The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.</p> <p>(iii) The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.</p> <p>(iv) A foreign government or banking system prohibits or precludes interest bearing accounts.</p> <p>(9) Interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services, Payment Management System, Rockville, MD 20852. Interest amounts up to \$500 per year may be retained by the non-Federal entity for administrative expense.</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>for construction programs in lieu of the SF-271, “Outlay Report and Request for Reimbursement for Construction Programs.”</p> <p>(2) SF-271, Outlay Report and Request for Reimbursement for Construction Programs. Each Federal awarding agency shall adopt the SF-271 as the standard form to be used for requesting reimbursement for construction programs. However, a Federal awarding agency may substitute the SF-270 when the Federal awarding agency determines that it provides adequate information to meet Federal needs.</p>	<p>under construction grants, see paragraph (e)(1) of this section.)</p> <p>(3) The frequency for submitting payment requests is treated in § 92.41(b)(3).</p> <p>(e) Outlay report and request for reimbursement for construction programs —(1) Grants that support construction activities paid by reimbursement method.</p> <p>(i) Requests for reimbursement under construction grants will be submitted on Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs. Federal agencies may, however, prescribe the Request for Advance or Reimbursement form, specified in § 92.41(d), instead of this form.</p> <p>(ii) The frequency for submitting reimbursement requests is treated in § 92.41(b)(3).</p> <p>(2) Grants that support construction activities paid by letter of credit, electronic funds transfer or Treasury check advance. (i) When a construction grant is paid by letter of credit, electronic funds transfer or Treasury check advances, the grantee will report its outlays to the Federal agency using Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs. The Federal agency will provide any necessary special instruction. However, frequency and due date shall be governed by § 92.41(b) (3) and (4).</p> <p>(ii) When a construction grant is paid by Treasury check advances based on periodic requests from the grantee, the advances will be requested on the form specified in § 92.41(d).</p> <p>(iii) The Federal agency may substitute the Financial Status Report specified in § 92.41(b) for the Outlay Report and Request for Reimbursement for Construction Programs.</p> <p>(3) Accounting basis. The accounting basis for the Outlay Report and Request for Reimbursement for Construction Programs shall be governed by § 92.41(b)(2).</p>	

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<p><b>____.23 Cost sharing or matching.</b></p> <p>(a) All contributions, including cash and third party in-kind, shall be accepted as part of the recipient's cost sharing or matching when such contributions meet all of the following criteria.</p> <p>(1) Are verifiable from the recipient's records.</p> <p>(2) Are not included as contributions for any other federally-assisted project or program.</p> <p>(3) Are necessary and reasonable for proper and efficient accomplishment of project or program objectives.</p> <p>(4) Are allowable under the applicable cost principles.</p> <p>(5) Are not paid by the Federal Government under another award, except where authorized by Federal statute to be used for cost sharing or matching.</p> <p>(6) Are provided for in the approved budget when</p>	<p><b>____.24 Matching or cost sharing.</b></p> <p>(a) Basic rule: Costs and contributions acceptable. With the qualifications and exceptions listed in paragraph (b) of this section, a matching or cost sharing requirement may be satisfied by either or both of the following:</p> <p>(a)(1) Allowable costs incurred by the grantee, subgrantee or a cost-type contractor under the assistance agreement. This includes allowable costs borne by non-Federal grants or by others cash donations from non-Federal third parties.</p> <p>(b) Qualifications and exceptions.</p> <p>(b)(6) Records. Costs and third party in-kind contributions counting towards satisfying a cost sharing or matching requirement must be verifiable from the records of grantees and subgrantee or cost-type contractors. These records must show how the value placed on third party in-kind contributions was derived. To the extent feasible, volunteer services will be supported by the same methods that the organization uses to support the allocability of regular personnel costs.</p> <p>(a)(2) The value of third party in-kind contributions applicable to the period to which the cost sharing or matching requirements applies.</p> <p>(b)(3) Cost or contributions counted towards other Federal costs-sharing requirements. Neither costs nor the values of third party in-kind contributions may count towards satisfying a cost sharing or matching requirement of a grant agreement if they have been or will be counted towards satisfying a cost sharing or matching requirement of another Federal grant agreement, a Federal procurement contract, or any other award of Federal funds.</p> <p>(b)(1) Costs borne by other Federal grant agreements. Except as provided by Federal statute, a cost sharing or matching requirement may not be met by costs borne by another Federal grant. This prohibition does not apply to income earned by a grantee or subgrantee</p>	<p><b>200.306 Cost Sharing or Matching.</b></p> <p>(a) Under Federal research proposals, voluntary committed cost sharing is not expected. It cannot be used as a factor during the merit review of applications or proposals, but may be considered if it is both in accordance with Federal awarding agency regulations and specified in a notice of funding opportunity. Criteria for considering voluntary committed cost sharing and any other program policy factors that may be used to determine who may receive a Federal award must be explicitly described in the notice of funding opportunity. Furthermore, only mandatory cost sharing or cost sharing specifically committed in the project budget must be included in the organized research base for computing the indirect (F&amp;A) cost rate or reflected in any allocation of indirect costs. See also sections 200.414 Indirect (F&amp;A) Costs, 200.203 Notices of Funding Opportunities, and Appendix I Full Text of Notice of Funding Opportunity.</p> <p>(b) For all Federal awards, any shared costs or matching funds and all contributions, including cash and third party in-kind contributions, must be accepted as part of the non-Federal entity's cost sharing or matching when such contributions meet all of the following criteria:</p> <p>(1) Are verifiable from the non-Federal entity's records;</p> <p>(2) Are not included as contributions for any other Federal award;</p> <p>(3) Are necessary and reasonable for accomplishment of project or program objectives;</p> <p>(4) Are allowable under Subpart E- Cost Principles;</p> <p>(5) Are not paid by the Federal government under another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs;</p> <p>(6) Are provided for in the approved budget when required by the</p>



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<p>required by the Federal awarding agency.</p> <p>(7) Conform to other provisions of this part, as applicable.</p> <p>(b) Unrecovered indirect costs may be included as part of cost sharing or matching only with the prior approval of the Federal awarding agency.</p> <p>(c) Values for recipient contributions of services and property shall be established in accordance with the applicable cost principles. If a Federal awarding agency authorizes recipients to donate buildings or land for construction/facilities acquisition projects or long-term use, the value of the donated property for cost sharing or matching shall be the lesser of paragraphs (c)(1) or (2) of this section.</p> <p>(1) The certified value of the remaining life of the property recorded in the recipient's accounting records at the time of donation.</p> <p>(2) The current fair market value. However, when there is sufficient justification, the Federal awarding agency may approve the use of the current fair market value of the donated property, even if it exceeds the certified value at the time of donation to the project.</p>	<p>from a contract awarded under another Federal grant.</p> <p>(b)(2) General revenue sharing. For the purpose of this section, general revenue sharing funds distributed under 31 U.S.C. 6702 are not considered Federal grant funds.</p> <p>(b)(4) Costs financed by program income. Costs financed by program income, as defined in § 92.25, shall not count towards satisfying a cost sharing or matching requirement unless they are expressly permitted in the terms of the assistance agreement. (This use of general program income is described in § 92.25(g).</p> <p>(b)(5) Services or property financed by income earned by contractors. Contractors under a grant may earn income from the activities carried out under the contract in addition to the amounts earned from the party awarding the contract. No costs of services or property supported by this income may count toward satisfying a cost sharing or matching requirement unless other provisions of the grant agreement expressly permit this kind of income to be used to meet the requirement.</p> <p>(b)(7) Special standards for third party in-kind contributions.</p> <p>(b)(7)(i) Third party in-kind contributions count towards satisfying a cost sharing or matching requirement only where, if the party receiving the contributions were to pay for them, the payments would be allowable costs.</p> <p>(b)(7)(iii) A third party in-kind contribution to a fixed-price contract may count towards satisfying a cost sharing or matching requirement only if it results in:</p> <p>(A) An increase in the services or property provided under the contract (without additional cost to the grantee or subgrantee) or</p> <p>(B) A cost savings to the grantee or subgrantee.</p> <p>(b)(7)(iv) The values placed on third party in-kind contributions for cost sharing or matching purposes will conform to the rules in the succeeding sections of</p>	<p>Federal awarding agency; and</p> <p>(7) Conform to other provisions of this Part, as applicable.</p> <p>(c) Unrecovered indirect costs, including indirect costs on cost sharing or matching may be included as part of cost sharing or matching only with the prior approval of the Federal awarding agency. Unrecovered indirect cost means the difference between the amount charged to the Federal award and the amount which could have been to the Federal award under the non-Federal entity's approved negotiated indirect cost rate.</p> <p>(d) Values for non-Federal entity contributions of services and property must be established in accordance with section 200.434 Contributions and Donations. If a Federal awarding agency authorizes the non-Federal entity to donate buildings or land for construction/facilities acquisition projects or long-term use, the value of the donated property for cost sharing or matching must be the lesser of paragraphs (1) or (2) below.</p> <p>(1) The value of the remaining life of the property recorded in the non-Federal entity's accounting records at the time of donation.</p> <p>(2) The current fair market value. However, when there is sufficient justification, the Federal awarding agency may approve the use of the current fair market value of the donated property, even if it exceeds the value described in (1) above at the time of donation.</p>

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<p>(d) Volunteer services furnished by professional and technical personnel, consultants, and other skilled and unskilled labor may be counted as cost sharing or matching if the service is an integral and necessary</p>	<p>this part. If a third party in-kind contribution is a type not treated in those sections, the value placed upon it shall be fair and reasonable.</p> <p>(e)(2) Other awards. If assisting in the acquisition of property is not the purpose of the grant or subgrant, paragraphs (e)(2) (i) and (ii) of this section apply:</p> <p>(e)(2)(i) If approval is obtained from the awarding agency, the market value at the time of donation of the donated equipment or buildings and the fair rental rate of the donated land may be counted as cost sharing or matching. In the case of a subgrant, the terms of the grant agreement may require that the approval be obtained from the Federal agency as well as the grantee. In all cases, the approval may be given only if a purchase of the equipment or rental of the land would be approved as an allowable direct cost. If any part of the donated property was acquired with Federal funds, only the non-federal share of the property may be counted as cost-sharing or matching.</p> <p>(e)(2)(ii) If approval is not obtained under paragraph (e)(2)(i) of this section, no amount may be counted for donated land, and only depreciation or use allowances may be counted for donated equipment and buildings. The depreciation or use allowances for this property are not treated as third party in-kind contributions. Instead, they are treated as costs incurred by the grantee or subgrantee. They are computed and allocated (usually as indirect costs) in accordance with the cost principles specified in § 92.22, in the same way as depreciation or use allowances for purchased equipment and buildings. The amount of depreciation or use allowances for donated equipment and buildings is based on the property's market value at the time it was donated.</p> <p>(c) Valuation of donated services</p> <p>(1) Volunteer services. Unpaid services provided to a grantee or subgrantee by individuals will be valued at rates consistent with those ordinarily paid for similar</p>	<p>(e) Volunteer services furnished by third-party professional and technical personnel, consultants, and other skilled and unskilled labor may be counted as cost sharing or matching if the service is</p>

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<p>part of an approved project or program. Rates for volunteer services shall be consistent with those paid for similar work in the recipient's organization. In those instances in which the required skills are not found in the recipient organization, rates shall be consistent with those paid for similar work in the labor market in which the recipient competes for the kind of services involved. In either case, paid fringe benefits that are reasonable, allowable, and allocable may be included in the valuation.</p> <p>(e) When an employer other than the recipient furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (plus an amount of fringe benefits that are reasonable, allowable, and allocable, but exclusive of overhead costs), provided these services are in the same skill for which the employee is normally paid.</p> <p>(f) Donated supplies may include such items as expendable equipment, office supplies, laboratory supplies or workshop and classroom supplies. Value assessed to donated supplies included in the cost sharing or matching share shall be reasonable and shall not exceed the fair market value of the property at the time of the donation.</p> <p>(g) The method used for determining cost sharing or matching for donated equipment, buildings and land for which title passes to the recipient may differ according to the purpose of the award, if paragraphs (g)(1) or (2) of this section apply.</p> <p>(1) If the purpose of the award is to assist the recipient in the acquisition of equipment, buildings or land, the total value of the donated property may be claimed as cost sharing or matching.</p>	<p>work in the grantee's or subgrantee's organization. If the grantee or subgrantee does not have employees performing similar work, the rates will be consistent with those ordinarily paid by other employers for similar work in the same labor market. In either case, a reasonable amount for fringe benefits may be included in the valuation.</p> <p>(c)(2) Employees of other organizations. When an employer other than a grantee, subgrantee, or cost-type contractor furnishes free of charge the services of an employee in the employee's normal line of work, the services will be valued at the employee's regular rate of pay exclusive of the employee's fringe benefits and overhead costs. If the services are in a different line of work, paragraph (c)(1) of this section applies.</p> <p>(d) Valuation of third party donated supplies and loaned equipment or space.</p> <p>(1) If a third party donates supplies, the contribution will be valued at the market value of the supplies at the time of donation.</p> <p>(d)(2) If a third party donates the use of equipment or space in a building but retains title, the contribution will be valued at the fair rental rate of the equipment or space.</p> <p>(e) Valuation of third party donated equipment, buildings, and land. If a third party donates equipment, buildings, or land, and title passes to a grantee or subgrantee, the treatment of the donated property will depend upon the purpose of the grant or subgrant, as follows:</p> <p>(e)(1) Awards for capital expenditures. If the purpose of the grant or subgrant is to assist the grantee or subgrantee in the acquisition of property, the market value of that property at the time of donation may be counted as cost sharing or matching.</p>	<p>an integral and necessary part of an approved project or program. Rates for third-party volunteer services must be consistent with those paid for similar work by the non-Federal entity. In those instances in which the required skills are not found in the non-Federal entity, rates must be consistent with those paid for similar work in the labor market in which the non-Federal entity competes for the kind of services involved. In either case, paid fringe benefits that are reasonable, necessary, allocable, and otherwise allowable may be included in the valuation.</p> <p>(f) When a third-party organization furnishes the services of an employee, these services must be valued at the employee's regular rate of pay plus an amount of fringe benefits that is reasonable, necessary, allocable, and otherwise allowable, and indirect costs at either the third-party organization's approved federally negotiated indirect cost rate or, a rate in accordance with section 200.414 Indirect (F&amp;A) Costs, paragraph (d), provided these services employ the same skill(s) for which the employee is normally paid. Where donated services are treated as indirect costs, indirect cost rates will separate the value of the donated services so that reimbursement for the donated services will not be made.</p> <p>(g) Donated property from third parties may include such items as equipment, office supplies, laboratory supplies, or workshop and classroom supplies. Value assessed to donated property included in the cost sharing or matching share must not exceed the fair market value of the property at the time of the donation.</p> <p>(h) The method used for determining cost sharing or matching for third-party-donated equipment, buildings and land for which title passes to the non-Federal entity may differ according to the purpose of the Federal award, if (1) or (2) applies.</p> <p>(1) If the purpose of the Federal award is to assist the non-Federal entity in the acquisition of equipment, buildings or land, the aggregate value of the donated property may be claimed as cost sharing or matching.</p> <p>(2) If the purpose of the Federal award is to support activities that</p>

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>(2) If the purpose of the award is to support activities that require the use of equipment, buildings or land, normally only depreciation or use charges for equipment and buildings may be made. However, the full value of equipment or other capital assets and fair rental charges for land may be allowed, provided that the Federal awarding agency has approved the charges.</p> <p>(h) The value of donated property shall be determined in accordance with the usual accounting policies of the recipient, with the following qualifications.</p> <p>(1) The value of donated land and buildings shall not exceed its fair market value at the time of donation to the recipient as established by an independent appraiser ( e.g., certified real property appraiser or General Services Administration representative) and certified by a responsible official of the recipient.</p> <p>(2) The value of donated equipment shall not exceed the fair market value of equipment of the same age and condition at the time of donation.</p> <p>(3) The value of donated space shall not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.</p> <p>(4) The value of loaned equipment shall not exceed its fair rental value.</p> <p>(5) The following requirements pertain to the recipient's supporting records for in-kind contributions from third parties.</p> <p>(i) Volunteer services shall be documented and, to the extent feasible, supported by the same methods used</p>	<p>(f) Valuation of grantee or subgrantee donated real property for construction/acquisition. If a grantee or subgrantee donates real property for a construction or facilities acquisition project, the current market value of that property may be counted as cost sharing or matching. If any part of the donated property was acquired with Federal funds, only the non-federal share of the property may be counted as cost sharing or matching.</p> <p>(g) Appraisal of real property. In some cases under paragraphs (d), (e) and (f) of this section, it will be necessary to establish the market value of land or a building or the fair rental rate of land or of space in a building. In these cases, the Federal agency may require the market value or fair rental value be set by an independent appraiser, and that the value or rate be certified by the grantee. This requirement will also be imposed by the grantee on subgrantees.</p> <p>(b)(7)(ii) Some third party in-kind contributions are goods and services that, if the grantee, subgrantee, or contractor receiving the contribution had to pay for them, the payments would have been an indirect costs. Costs sharing or matching credit for such contributions shall be given only if the grantee, subgrantee, or contractor has established, along with its regular indirect cost rate, a special rate for allocating to individual projects or programs the value of the contributions.</p>	<p>require the use of equipment, buildings or land, normally only depreciation charges for equipment and buildings may be made. However, the fair market value of equipment or other capital assets and fair rental charges for land may be allowed, provided that the Federal awarding agency has approved the charges. See also section 200.420 Considerations For Selected Items of Costs.</p> <p>(h) The value of donated property must be determined in accordance with the usual accounting policies of the non-Federal entity, with the following qualifications:</p> <p>(1) The value of donated land and buildings must not exceed its fair market value at the time of donation to the non-Federal entity as established by an independent appraiser (e.g., certified real property appraiser or General Services Administration representative) and certified by a responsible official of the non-Federal entity as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. §§ 4601 - 4655) (Uniform Act) except as provided in the implementing regulations at 49 C.F.R. Part 24.</p> <p>(2) The value of donated equipment must not exceed the fair market value of equipment of the same age and condition at the time of donation.</p> <p>(3) The value of donated space must not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.</p> <p>(4) The value of loaned equipment must not exceed its fair rental value.</p> <p>(i) For third-party in-kind contributions, the fair market value of goods and services must be documented and to the extent feasible supported by the same methods used internally by the non-Federal entity.</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<p><b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b></p>	<p><b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b></p>	<p><b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b></p>
<p>by the recipient for its own employees. (ii) The basis for determining the valuation for personal service, material, equipment, buildings and land shall be documented.</p>		
<p><b>201.24 Program income.</b> (a) Federal awarding agencies shall apply the standards set forth in this section in requiring recipient organizations to account for program income related to projects financed in whole or in part with Federal funds.</p> <p>(b) Except as provided in paragraph (h) of this section, program income earned during the project period shall be retained by the recipient and, in accordance with Federal awarding agency regulations or the terms and conditions of the award, shall be used in one or more of the ways listed in the</p>	<p><b>201.25 Program Income.</b> (a) General. Grantees are encouraged to earn income to defray program costs. Program income includes income from fees for services performed, from the use or rental of real or personal property acquired with grant funds, from the sale of commodities or items fabricated under a grant agreement, and from payments of principal and interest on loans made with grant funds. Except as otherwise provided in regulations of the Federal agency, program income does not include interest on grant funds, rebates, credits, discounts, refunds, etc. and interest earned on any of them.</p> <p><b>2. e.1. Program Income.</b> Agencies shall encourage grantees to generate program income to help defray program costs. However, Federal agencies shall not permit grantees to use grant-acquired assets to compete unfairly with the private sector.</p> <p>(b) Definition of program income. Program income means gross income received by the grantee or subgrantee directly generated by a grant supported activity, or earned only as a result of the grant agreement during the grant period. “During the grant period” is the time between the effective date of the award and the ending date of the award reflected in the final financial report.</p>	<p><b>201.307 Program income.</b> (a) General. Non-Federal entities are encouraged to earn income to defray program costs where appropriate.</p> <p>(e) (2) Addition. With prior approval of the Federal awarding agency, program income may be added to the Federal award by the Federal agency and the non-Federal entity. The program income must be used for the purposes and under the conditions of the Federal award.</p> <p>(e) (1) Deduction. Ordinarily program income must be deducted from total allowable costs to determine the net allowable costs. Program income must be used for current costs unless the Federal awarding agency authorizes otherwise. Program income that the non-Federal entity did not anticipate at the time of the Federal award must be used to reduce the Federal award and non-Federal entity contributions rather than to increase the funds committed to the project.</p> <p>(e) Use of program income. If the Federal awarding agency does</p>

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>following.</p> <p>(1) Added to funds committed to the project by the Federal awarding agency and recipient and used to further eligible project or program objectives.</p> <p>(2) Used to finance the non-Federal share of the project or program.</p> <p>(3) Deducted from the total project or program allowable cost in determining the net allowable costs on which the Federal share of costs is based.</p> <p>(c) When an agency authorizes the disposition of program income as described in paragraphs (b)(1) or (b)(2) of this section, program income in excess of any limits stipulated shall be used in accordance with paragraph (b)(3) of this section.</p> <p>(d) In the event that the Federal awarding agency does not specify in its regulations or the terms and conditions of the award how program income is to be used, paragraph (b)(3) of this section shall apply automatically to all projects or programs except research. For awards that support research, paragraph (b)(1) of this section shall apply automatically unless the awarding agency indicates in the terms and conditions another alternative on the award or the recipient is subject to special award conditions, as indicated in §215.14.</p> <p>(e) Unless Federal awarding agency regulations or the terms and conditions of the award provide otherwise, recipients shall have no obligation to the Federal Government regarding program income earned after the end of the project period.</p>	<p>(g)(2) Addition. When authorized, program income may be added to the funds committed to the grant agreement by the Federal agency and the grantee. The program income shall be used for the purposes and under the conditions of the grant agreement.</p> <p>(g)(1) Deduction. Ordinarily program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless the Federal agency authorizes otherwise. Program income which the grantee did not anticipate at the time of the award shall be used to reduce the Federal agency and grantee contributions rather than to increase the funds committed to the project.</p> <p>(g) Use of program income. Program income shall be deducted from outlays which may be both Federal and non-Federal as described below, unless the Federal agency regulations or the grant agreement specify another alternative (or a combination of the alternatives). In specifying alternatives, the Federal agency may distinguish between income earned by the grantee and income earned by subgrantees and between the sources, kinds, or amounts of income. When Federal agencies authorize the alternatives in paragraphs (g) (2) and (3) of this section, program income in excess of any limits stipulated shall also be deducted from outlays.</p> <p><b>2.e.2. Program Income.</b> Federal agencies shall instruct grantees to deduct program income from total program costs as specified in the grants management common rule at paragraph __.25 (g)(1), unless agency regulations or the terms of the grant award state otherwise. Authorization for</p>	<p>not specify in its regulations or the terms and conditions of the Federal award, or give prior approval for how program income is to be used, paragraph (1) Deduction must apply. For Federal awards made to IHEs and nonprofit research institutions, if the Federal awarding agency does not specify in its regulations or the terms and conditions of the Federal award how program income is to be used, paragraph (2) Addition must apply. In specifying alternatives to paragraphs (1) and (2), the Federal awarding agency may distinguish between income earned by the recipient and income earned by subrecipients and between the sources, kinds, or amounts of income. When the Federal awarding agency authorizes the approaches in paragraphs (2) and (3) of this section, program income in excess of any amounts specified must also be deducted from expenditures.</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<p>(f) If authorized by Federal awarding agency regulations or the terms and conditions of the award, costs incidental to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the award.</p> <p>(g) Proceeds from the sale of property shall be handled in accordance with the requirements of the Property Standards (see §215.30 through §215.37).</p>	<p>recipients to follow the other alternatives in paragraph __.25 (g) (2) and (3) shall be granted sparingly.</p> <p>(g)(3) Cost sharing or matching. When authorized, program income may be used to meet the cost sharing or matching requirement of the grant agreement. The amount of the Federal grant award remains the same.</p> <p>(h) Income after the award period. There are no Federal requirements governing the disposition of program income earned after the end of the award period (i.e., until the ending date of the final financial report, see paragraph (a) of this section), unless the terms of the agreement or the Federal agency regulations provide otherwise.</p> <p>(c) Cost of generating program income. If authorized by Federal regulations or the grant agreement, costs incidental to the generation of program income may be deducted from gross income to determine program income.</p> <p>(d) Governmental revenues. Taxes, special assessments, levies, fines, and other such revenues raised by a grantee or subgrantee are not program income unless the revenues are specifically identified in the grant agreement or Federal agency regulations as program income.</p> <p>(f) Property. Proceeds from the sale of real property or equipment will be handled in accordance with the requirements of §§ 92.31 and 92.32.</p>	<p>(e) (3) Cost sharing or matching. With prior approval of the Federal awarding agency, program income may be used to meet the cost sharing or matching requirement of the Federal award. The amount of the Federal award remains the same.</p> <p>(f) Income after the period of performance. There are no Federal requirements governing the disposition of income earned after the end of the period of performance for the Federal award, unless the Federal awarding agency regulations or the terms and conditions of the Federal award provide otherwise. The Federal awarding agency may negotiate agreements with recipients regarding appropriate uses of income earned after the period of performance as part of the grant closeout process. See also section Closeout.</p> <p>(b) Cost of generating program income. If authorized by Federal regulations or the Federal award, costs incidental to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the Federal award.</p> <p>(c) Governmental revenues. Taxes, special assessments, levies, fines, and other such revenues raised by a non-Federal entity are not program income unless the revenues are specifically identified in the Federal award or Federal awarding agency regulations as program income.</p> <p>(d) Property. Proceeds from the sale of real property or equipment are not program income; such proceeds will be handled in accordance with the requirements of Subpart D - Post Federal Award Requirements, Property Standards sections 200.311 Real Property and 200.313 Equipment or as specifically identified in Federal statutes, regulations, or the terms and conditions of the Federal award.</p>

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<p>(h) Unless Federal awarding agency regulations or the terms and condition of the award provide otherwise, recipients shall have no obligation to the Federal Government with respect to program income earned from license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions produced under an award. However, Patent and Trademark Amendments (35 U.S.C. 18) apply to inventions made under an experimental, developmental, or research award.</p>	<p>(e) Royalties. Income from royalties and license fees for copyrighted material, patents, and inventions developed by a grantee or subgrantee is program income only if the revenues are specifically identified in the grant agreement or Federal agency regulations as program income. (See § __.34.)</p>	
<p><b>___.25 Revision of budget and program plans.</b> (a) The budget plan is the financial expression of the project or program as approved during the award process. It may include either the Federal and non-Federal share, or only the Federal share, depending upon Federal awarding agency requirements. It shall be related to performance for program evaluation purposes whenever appropriate.</p> <p>(b) Recipients are required to report deviations from budget and program plans, and request prior approvals for budget and program plan revisions, in accordance with this section.</p> <p>(c) For nonconstruction awards, recipients shall request prior approvals from Federal awarding agencies for one or more of the following program or budget related reasons.</p> <p>(c)(1) Change in the scope or the objective of the project or program (even if there is no associated</p>	<p><b>___.30 Changes.</b></p> <p>(a) General . Grantees and subgrantees are permitted to rebudget within the approved direct cost budget to meet unanticipated requirements and may make limited program changes to the approved project. However, unless waived by the awarding agency, certain types of post-award changes in budgets and projects shall require the prior written approval of the awarding agency.</p> <p>(c) Budget changes (1) Nonconstruction projects. Except as stated in other regulations or an award document, grantees or subgrantees shall obtain the prior approval of the awarding agency whenever any of the following changes is anticipated under a nonconstruction award:</p> <p>(d) Programmatic changes. Grantees or subgrantees must obtain the prior approval of the awarding agency</p>	<p><b>200.308 Revision of budget and program plans.</b> (a) The approved budget for the Federal award summarizes the financial aspects of the project or program as approved during the Federal award process. It may include either the Federal and non-Federal share (see section 200.43 Federal Share) or only the Federal share, depending upon Federal awarding agency requirements. It must be related to performance for program evaluation purposes whenever appropriate.</p> <p>(b) Recipients are required to report deviations from budget or project scope or objective, and request prior approvals from Federal awarding agencies for budget and program plan revisions, in accordance with this section.</p> <p>(c) For non-construction Federal awards, recipients must request prior approvals from Federal awarding agencies for one or more of the following program or budget-related reasons:</p> <p>(1) Change in the scope or the objective of the project or program</p>



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<p>budget revision requiring prior written approval).</p> <p>(c)(2) Change in a key person specified in the application or award document.</p> <p>(c)(3) The absence for more than three months, or a 25 percent reduction in time devoted to the project, by the approved project director or principal investigator.</p> <p>(c)(4) The need for additional Federal funding.</p> <p>(c)(5) The transfer of amounts budgeted for indirect costs to absorb increases in direct costs, or vice versa, if approval is required by the Federal awarding agency.</p> <p>(c)(6) The inclusion, unless waived by the Federal awarding agency, of costs that require prior approval in accordance with any of the following, as applicable:                      (i) 2 CFR part 220, "Cost Principles for Educational</p>	<p>whenever any of the following actions is anticipated:                      (1) Any revision of the scope or objectives of the project (regardless of whether there is an associated budget revision requiring prior approval).                      (2) Need to extend the period of availability of funds.</p> <p>(3) Changes in key persons in cases where specified in an application or a grant award. In research projects, a change in the project director or principal investigator shall always require approval unless waived by the awarding agency.</p> <p>(c)(i) Any revision which would result in the need for additional funding.</p> <p>(ii) Unless waived by the awarding agency, cumulative transfers among direct cost categories, or, if applicable, among separately budgeted programs, projects, functions, or activities which exceed or are expected to exceed ten percent of the current total approved budget, whenever the awarding agency's share exceeds \$100,000.</p> <p>(b) Relation to cost principles. The applicable cost principles (see § 92.22) contain requirements for prior approval of certain types of costs. Except where waived, those requirements apply to all grants and subgrants even if paragraphs (c) through (f) of this section do not.</p>	<p>(even if there is no associated budget revision requiring prior written approval).</p> <p>(2) Change in a key person specified in the application or the Federal award.</p> <p>(3) The disengagement from the project for more than three months, or a 25 percent reduction in time devoted to the project, by the approved project director or principal investigator.</p> <p>(4) The inclusion, unless waived by the Federal awarding agency, of costs that require prior approval in accordance with Subpart E - Cost Principles of this Part or 45 C.F.R. Part 74 Appendix E, "Principles for Determining Costs Applicable to Research and Development under Awards and Contracts with Hospitals," or 48 C.F.R. Part 31, "Contract Cost Principles and Procedures," as applicable.</p>

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<p>Institutions (OMB Circular A–21);”                      (ii) 2 CFR part 230, “Cost Principles for Non-Profit Organizations (OMB Circular A–122);”                      (iii) 45 CFR part 74, Appendix E, “Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals;” and                      (iv) 48 CFR part 31, “Contract Cost Principles and Procedures.”</p> <p>(c)(7) The transfer of funds allotted for training allowances (direct payment to trainees) to other categories of expense.</p> <p>(c)(8) Unless described in the application and funded in the approved awards, the subaward, transfer or contracting out of any work under an award. This provision does not apply to the purchase of supplies, material, equipment or general support services.</p> <p>(d) No other prior approval requirements for specific items may be imposed unless a deviation has been approved by OMB.</p> <p>(e) Except for requirements listed in paragraphs (c)(1) and (c)(4) of this section, Federal awarding agencies are authorized, at their option, to waive cost-related and administrative prior written approvals required by 2 CFR parts 220 and 230 (OMB Circulars A–21 and A–122). Such waivers may include authorizing recipients to do any one or more of the following.</p> <p>(e)(1) Incur pre-award costs 90 calendar days prior to award or more than 90 calendar days with the prior approval of the Federal awarding agency. All pre-</p>	<p>(iii) Transfer of funds allotted for training allowances (i.e., from direct payments to trainees to other expense categories).</p> <p>(d)(4) Under nonconstruction projects, contracting out, subgranting (if authorized by law) or otherwise obtaining the services of a third party to perform activities which are central to the purposes of the award. This approval requirement is in addition to the approval requirements of § 92.36 but does not apply to the procurement of equipment, supplies, and general support services.</p> <p>(e) Additional prior approval requirements. The awarding agency may not require prior approval for any budget revision which is not described in paragraph (c) of this section.</p>	<p>(5) The transfer of funds budgeted for participant support costs as defined in section 200.75 Participant Support Costs to other categories of expense.</p> <p>(6) Unless described in the application and funded in the approved Federal awards, the subawarding, transferring or contracting out of any work under a Federal award. This provision does not apply to the acquisition of supplies, material, equipment or general support services.</p> <p>(7) Changes in the amount of approved cost-sharing or matching provided by the non-Federal entity. No other prior approval requirements for specific items may be imposed unless a deviation has been approved by OMB. See also sections 200.102 Exceptions and 200.407 Prior Written Approval (Prior Approval).</p> <p>(d) Except for requirements listed in paragraph (c)(1) of this section, the Federal awarding agency are authorized, at their option, to waive prior written approvals required by paragraph (c) this section. Such waivers may include authorizing recipients to do any one or more of the following:</p> <p>(d) (1) Incur project costs 90 calendar days before the Federal awarding agency makes the Federal award. Expenses more than 90 calendar days pre-award require prior approval of the Federal awarding agency. All costs incurred before the Federal awarding agency makes the Federal award are at the recipient's risk (i.e., the Federal awarding agency is under no obligation to reimburse such</p>

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<p>award costs are incurred at the recipient's risk ( i.e., the Federal awarding agency is under no obligation to reimburse such costs if for any reason the recipient does not receive an award or if the award is less than anticipated and inadequate to cover such costs).</p> <p>(e)(2) Initiate a one-time extension of the expiration date of the award of up to 12 months unless one or more of the following conditions apply. For one-time extensions, the recipient must notify the Federal awarding agency in writing with the supporting reasons and revised expiration date at least 10 days before the expiration date specified in the award. This one-time extension may not be exercised merely for the purpose of using unobligated balances.</p> <p>(i) The terms and conditions of award prohibit the extension.</p> <p>(ii) The extension requires additional Federal funds.</p> <p>(iii) The extension involves any change in the approved objectives or scope of the project.</p> <p>(e)(3) Carry forward unobligated balances to subsequent funding periods.</p> <p>(e)(4) For awards that support research, unless the Federal awarding agency provides otherwise in the award or in the agency's regulations, the prior approval requirements described in this paragraph (e) are automatically waived ( i.e., recipients need not obtain such prior approvals) unless one of the conditions included in paragraph (e)(2) applies.</p> <p>(f) The Federal awarding agency may, at its option, restrict the transfer of funds among direct cost categories or programs, functions and activities for awards in which the Federal share of the project exceeds \$100,000 and the cumulative amount of such</p>		<p>costs if for any reason the recipient does not receive a Federal award or if the Federal award is less than anticipated and inadequate to cover such costs). See also section 200.458 Pre-award Costs.</p> <p>(d) (2) Initiate a one-time extension of the period of performance by up to 12 months unless one or more of the conditions outlined in paragraphs (i) through (iii) below apply. For one-time extensions, the recipient must notify the Federal awarding agency in writing with the supporting reasons and revised period of performance at least 10 calendar days before the end of the period of performance specified in the Federal award. This one-time extension may not be exercised merely for the purpose of using unobligated balances. Extensions require explicit prior Federal awarding agency approval when:</p> <p>(i) The terms and conditions of the Federal award prohibit the extension.</p> <p>(ii) The extension requires additional Federal funds.</p> <p>(iii) The extension involves any change in the approved objectives or scope of the project.</p> <p>(d) (3) Carry forward unobligated balances to subsequent periods of performance.</p> <p>(d) (4) For Federal awards that support research, unless the Federal awarding agency provides otherwise in the Federal award or in the Federal awarding agency's regulations, the prior approval requirements described in paragraph (d) are automatically waived (i.e., recipients need not obtain such prior approvals) unless one of the conditions included in paragraph (d)(2) applies.</p> <p>(e) The Federal awarding agency may, at its option, restrict the transfer of funds among direct cost categories or programs, functions and activities for Federal awards in which the Federal share of the project exceeds the Simplified Acquisition Threshold and the cumulative amount of such transfers exceeds or is expected</p>

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by the Federal awarding agency. No Federal awarding agency shall permit a transfer that would cause any Federal appropriation or part thereof to be used for purposes other than those consistent with the original intent of the appropriation.</p> <p>(g) All other changes to nonconstruction budgets, except for the changes described in paragraph (j) of this section, do not require prior approval.</p> <p>(h) For construction awards, recipients shall request prior written approval promptly from Federal awarding agencies for budget revisions whenever paragraphs (h)(1), (2) or (3) of this section apply.</p> <p>(1) The revision results from changes in the scope or the objective of the project or program.</p> <p>(2) The need arises for additional Federal funds to complete the project.</p> <p>(3) A revision is desired which involves specific costs for which prior written approval requirements may be imposed consistent with applicable OMB cost principles listed in §215.27.</p> <p>(i) No other prior approval requirements for specific items may be imposed unless a deviation has been approved by OMB.</p> <p>(j) When a Federal awarding agency makes an award that provides support for both construction and nonconstruction work, the Federal awarding agency may require the recipient to request prior approval from the Federal awarding agency before making any fund or budget transfers between the two types of</p>	<p>(c)(2) Construction projects. Grantees and subgrantees shall obtain prior written approval for any budget revision which would result in the need for additional funds.</p> <p>(f) Requesting prior approval.</p> <p>(1) A request for prior approval of any budget revision will be in the same budget form the grantee used in its application and shall be accompanied by a narrative justification for the proposed revision.</p> <p>(2) A request for a prior approval under the applicable Federal cost principles (see § 92.22) may be made by letter.</p> <p>(3) A request by a subgrantee for prior approval will be addressed in writing to the grantee. The grantee will promptly review such request and shall approve or disapprove the request in writing. A grantee will not approve any budget or project revision which is inconsistent with the purpose or terms and conditions of the Federal grant to the grantee. If the revision, requested by the subgrantee would result in a change to the grantee's approved project which requires Federal prior approval, the grantee will obtain the Federal agency's approval before approving the subgrantee's request.</p> <p>(c)(3) Combined construction and nonconstruction</p>	<p>to exceed 10 percent of the total budget as last approved by the Federal awarding agency. The Federal awarding agency cannot permit a transfer that would cause any Federal appropriation to be used for purposes other than those consistent with the appropriation.</p> <p>(f) All other changes to non-construction budgets, except for the changes described in paragraph (c) of this section, do not require prior approval (see also section 200.407 Prior Written Approval (Prior Approval)).</p> <p>(g) For construction Federal awards, the recipient must request prior written approval promptly from the Federal awarding agency for budget revisions whenever (1), (2), or (3) applies.</p> <p>(1) The revision results from changes in the scope or the objective of the project or program.</p> <p>(2) The need arises for additional Federal funds to complete the project.</p> <p>(3) A revision is desired which involves specific costs for which prior written approval requirements may be imposed consistent with applicable OMB cost principles listed in Subpart E - Cost Principles of this Part.</p> <p>(4) No other prior approval requirements for budget revisions may be imposed unless a deviation has been approved by OMB.</p> <p>(5) When a Federal awarding agency makes a Federal award that provides support for construction and non-construction work, the Federal awarding agency may require the recipient to obtain prior approval from the Federal awarding agency before making any fund or budget transfers between the two types of work supported.</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>work supported.</p> <p>(k) For both construction and nonconstruction awards, Federal awarding agencies shall require recipients to notify the Federal awarding agency in writing promptly whenever the amount of Federal authorized funds is expected to exceed the needs of the recipient for the project period by more than \$5000 or five percent of the Federal award, whichever is greater. This notification shall not be required if an application for additional funding is submitted for a continuation award.</p> <p>(l) When requesting approval for budget revisions, recipients shall use the budget forms that were used in the application unless the Federal awarding agency indicates a letter of request suffices.</p> <p>(m) Within 30 calendar days from the date of receipt of the request for budget revisions, Federal awarding agencies shall review the request and notify the recipient whether the budget revisions have been approved. If the revision is still under consideration at the end of 30 calendar days, the Federal awarding agency shall inform the recipient in writing of the date when the recipient may expect the decision.</p>	<p>projects. When a grant or subgrant provides funding for both construction and nonconstruction activities, the grantee or subgrantee must obtain prior written approval from the awarding agency before making any fund or budget transfer from nonconstruction to construction or vice versa.</p>	<p>(h) When requesting approval for budget revisions, the recipient must use the same format for budget information that was used in the application, unless the Federal awarding agency indicates a letter of request suffices.</p> <p>(i) Within 30 calendar days from the date of receipt of the request for budget revisions, the Federal awarding agency must review the request and notify the recipient whether the budget revisions have been approved. If the revision is still under consideration at the end of 30 calendar days, the Federal awarding agency must inform the recipient in writing of the date when the recipient may expect the decision.</p>
<p><b>___ .26 Non-Federal audits.</b></p> <p>(a) Recipients and subrecipients that are institutions of higher education or other non-profit organizations (including hospitals) shall be subject to the audit requirements contained in the Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507) and revised OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations.”</p> <p>(b) State and local governments shall be subject to the audit requirements contained in the Single Audit Act</p>	<p><b>___ .26 Non-Federal audit.</b></p> <p>(a) Basic rule. Grantees and subgrantees are responsible for obtaining audits in accordance with the Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507) and revised OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations.” The audits shall be made by an independent auditor in accordance with generally accepted government auditing standards covering financial audits.</p> <p>(b) Subgrantees. State or local governments, as those</p>	



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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>(d) Commercial organizations shall be subject to the audit requirements of the Federal awarding agency or the prime recipient as incorporated into the award document.</p>	<p>(c) Auditor selection. In arranging for audit services, § 92.36 shall be followed.</p>	
<p><b>___27 Allowable costs.</b></p> <p>For each kind of recipient, there is a set of Federal principles for determining allowable costs. Allowability of costs shall be determined in accordance with the cost principles applicable to the entity incurring the costs. Thus, allowability of costs incurred by State, local or federally-recognized Indian tribal governments is determined in accordance with the provisions of 2 CFR part 225, “Cost Principles for</p>	<p><b>___22 Allowable costs.</b></p> <p>(a) Limitation on use of funds. Grant funds may be used only for:</p> <p>(1) The allowable costs of the grantees, subgrantees and cost-type contractors, including allowable costs in the form of payments to fixed-price contractors; and</p> <p>(2) Reasonable fees or profit to cost-type contractors but not any fee or profit (or other increment above allowable costs) to the grantee or subgrantee.</p> <p>(b) Applicable cost principles. For each kind of organization, there is a set of Federal principles for determining allowable costs. Allowable costs will be determined in accordance with the cost principles applicable to the organization incurring the costs. The following chart lists the kinds of organizations and the applicable cost principles.[Note: listed for this text]</p>	<p><b>200.408 Limitation on allowance of costs.</b></p> <p>The Federal award may be subject to statutory requirements that limit the allowability of costs. When the maximum amount allowable under a limitation is less than the total amount determined in accordance with the principles in this Part, the amount not recoverable under the Federal award may not be charged to other the Federal award.</p> <p><b>200.401 Application</b></p> <p>(a) General. These principles must be used in determining the allowable costs of work performed by the non-Federal entity under Federal awards. These principles also must be used by the non-Federal entity as a guide in the pricing of fixed price contracts and subcontracts where costs are used in determining the appropriate price. The principles do not apply to:</p> <p>(1) Arrangements under which Federal financing is in the form of</p>

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>State, Local, and Indian Tribal Governments (OMB Circular A-87.” The allowability of costs incurred by non-profit organizations is determined in accordance with the provisions of 2 CFR part 230, “Cost Principles for Non-Profit Organizations (OMB Circular A-122).” The allowability of costs incurred by institutions of higher education is determined in accordance with the provisions of 2 CFR part 220, “Cost Principles for Educational Institutions (OMB Circular A-21).” The allowability of costs incurred by hospitals is determined in accordance with the provisions of appendix E of 45 CFR part 74, “Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals.” The allowability of costs incurred by commercial organizations and those non-profit organizations listed in Attachment C to Circular A-122 is determined in accordance with the provisions of the Federal Acquisition Regulation (FAR) at 48 CFR part 31.</p>	<p>-State, local or Indian tribal government: OMB Circular A-87.                      -Private nonprofit organization other than an (1) institution of higher education, (2) hospital, or (3) organization named in OMB Circular A-122 as not subject to that circular: OMB Circular A-122.                      -Educational institutions: OMB Circular A-21.                      -For-profit organization other than a hospital and an organization named in OBM Circular A-122 as not subject to that circular: 48 CFR Part 31. Contract Cost Principles and Procedures, or uniform cost accounting standards that comply with cost principles acceptable to the Federal agency.</p>	<p>loans, scholarships, fellowships, traineeships, or other fixed amounts based on such items as education allowance or published tuition rates and fees.</p> <p>(2) For IHEs, capitation awards, which are awards based on case counts or number of beneficiaries according to the terms and conditions of the Federal award.</p> <p>(3) Fixed amount awards. See also Subpart A – Acronyms and Definitions 200.45 Fixed Amount Awards and section 200.201 Use Of Grant Agreements (Including Fixed Amount Awards), Cooperative Agreements, And Contracts.</p> <p>(4) Federal awards to hospitals (see Appendix IX Hospital Cost Principles).</p> <p>(5) Other awards under which the non-Federal entity is not required to account to the Federal government for actual costs incurred.</p> <p>(b) Federal Contract. Where a Federal contract awarded to a non-Federal entity is subject to the Cost Accounting Standards (CAS), it incorporates the applicable CAS clauses, Standards, and CAS administration requirements per the 48 C.F.R. Chapter 99 and 48 C.F.R. Part 30 (FAR Part 30). CAS applies directly to the CAS-covered contract and the Cost Accounting Standards at 48 C.F.R. Parts 9904 or 9905 takes precedence over the cost principles in this Subpart E - Cost Principles with respect to the allocation of costs. When a contract with a non-Federal entity is subject to full CAS coverage, the allowability of certain costs under the cost principles will be affected by the allocation provisions of the Cost Accounting Standards (e.g., CAS 414 – 48 C.F.R. § 9904.414, Cost of Money as an Element of the Cost of Facilities Capital, and CAS 417 – 48 C.F. R. § 9904.417, Cost of Money as an Element of the Cost of Capital Assets Under Construction), apply rather the allowability provisions of section 200.449 Interest. In complying with those requirements, the non-Federal entity’s application of cost accounting practices for estimating, accumulating, and reporting costs for other Federal awards and other cost objectives under the CAS-covered contract still must be consistent with its cost</p>



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		<p>accounting practices for the CAS-covered contracts. In all cases, only one set of accounting records needs to be maintained for the allocation of costs by the non-Federal entity.</p> <p>(c) Exemptions. Some nonprofit organizations, because of their size and nature of operations, can be considered to be similar to for-profit entities for purpose of applicability of cost principles. Such nonprofit organizations must operate under Federal cost principles applicable to for-profit entities located at 48 C.F.R. § 31.2. A listing of these organizations is contained in Appendix VIII Nonprofit Organizations Exempted From Subpart E - Cost Principles. Other organizations, as approved by the cognizant agency for indirect costs, may be added from time to time.</p>
<p><b>___.28 Period of availability of funds.</b> Where a funding period is specified, a recipient may charge to the grant only allowable costs resulting from obligations incurred during the funding period and any pre-award costs authorized by the Federal awarding agency.</p>	<p><b>___.23 Period of availability of funds.</b> (a) General. Where a funding period is specified, a grantee may charge to the award only costs resulting from obligations of the funding period unless carryover of unobligated balances is permitted, in which case the carryover balances may be charged for costs resulting from obligations of the subsequent funding period.</p>	
<p><b>___.29 Conditional exemptions.</b> (a) OMB authorizes conditional exemption from OMB administrative requirements and cost principles circulars for certain Federal programs with statutorily-authorized consolidated planning and consolidated administrative funding, that are identified by a Federal agency and approved by the head of the Executive department or establishment. A Federal agency shall consult with OMB during its consideration of whether to grant such an exemption.  (b) To promote efficiency in State and local program administration, when Federal non-entitlement programs with common purposes have specific statutorily-authorized consolidated planning and consolidated administrative funding and where most of the State agency's resources come from non-Federal sources, Federal agencies may exempt these</p>	<p><b>2.j. Conditional exemptions.</b> (1) OMB authorizes conditional exemption from OMB administrative requirements and cost principles circulars for certain Federal programs with statutorily-authorized consolidated planning and consolidated administrative funding, that are identified by a Federal agency and approved by the head of the Executive department or establishment. A Federal agency shall consult with OMB during its consideration of whether to grant such an exemption.  (2) To promote efficiency in State and local program administration, when Federal non-entitlement programs with common purposes have specific statutorily-authorized consolidated planning and consolidated administrative funding and where most of the State agency's resources come from non-Federal sources, Federal agencies may exempt these</p>	<p>200.102 Exceptions (a) With the exception of Subpart F - Audit Requirements, OMB may allow exceptions for classes of Federal awards or non-Federal entities subject to the requirements of this Part when exceptions are not prohibited by statute. However, in the interest of maximum uniformity, exceptions from the requirements of this Part will be permitted only in unusual circumstances. Exceptions for classes of Federal awards or non-Federal entities will be published on the OMB website at <a href="http://www.whitehouse.gov/omb">www.whitehouse.gov/omb</a>.  (b) Exceptions on a case-by-case basis for individual non-Federal entities may be authorized by the Federal awarding agency or cognizant agency for indirect costs except where otherwise required by law or where OMB or other approval is expressly required by this Part. No case-by-case exceptions may be granted to the provisions of Subpart F - Audit Requirements.  (c) The Federal awarding agency may apply more restrictive</p>

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>covered State-administered, non-entitlement grant programs from certain OMB grants management requirements. The exemptions would be from:</p> <p>(1) The requirements in 2 CFR part 225, “Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A–87)” other than the allocability of costs provisions that are contained in subsection C.3 of appendix A to that part;</p> <p>(2) The requirements in 2 CFR part 220, “Cost Principles for Educational Institutions (OMB Circular A–21)” other than the allocability of costs provisions that are contained in paragraph C.4 in section C of the appendix to that part;</p> <p>(3) The requirements in 2 CFR part 230, “Cost Principles for Non-Profit Organizations (OMB Circular A–122)” other than the allocability of costs provisions that are in paragraph A.4 in section A of appendix A to that part;</p> <p>(4) The administrative requirements provisions of part 215 (OMB Circular A–110, “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.”); and</p> <p>(5) The agencies' grants management common rule (see §215.5).</p> <p>(c) When a Federal agency provides this flexibility, as a prerequisite to a State's exercising this option, a State must adopt its own written fiscal and administrative requirements for expending and accounting for all funds, which are consistent with the provisions of 2 CFR part 225, “Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A–87)” and extend such policies to all subrecipients. These fiscal and administrative requirements must be sufficiently specific to ensure that: funds are used in compliance with all applicable Federal statutory and regulatory provisions, costs are reasonable and necessary for operating these</p>	<p>covered State-administered, non-entitlement grant programs from certain OMB grants management requirements. The exemptions would be from all but the allocability of costs provisions of OMB Circulars A-87 (Attachment A, subsection C.3), "Cost Principles for State, Local, and Indian Tribal Governments," A-21 (Section C, subpart 4), "Cost Principles for Educational Institutions," and A-122 (Attachment A, subsection A.4), "Cost Principles for Non-Profit Organizations," and from all of the administrative requirements provisions of OMB Circular A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations," and the agencies' grants management common rule.</p> <p>(3) When a Federal agency provides this flexibility, as a prerequisite to a State's exercising this option, a State must adopt its own written fiscal and administrative requirements for expending and accounting for all funds, which are consistent with the provisions of OMB Circular A-87, and extend such policies to all subrecipients. These fiscal and administrative requirements must be sufficiently specific to ensure that: funds are used in compliance with all applicable Federal statutory and regulatory provisions, costs are reasonable and necessary for operating these programs, and funds are not be used for general expenses required to carry out other</p>	<p>requirements to a class of Federal awards or non-Federal entities when approved by OMB, required by Federal statutes or regulations except for the requirements in Subpart F - Audit Requirements. A Federal awarding agency may apply less restrictive requirements when making fixed amount awards as defined in Subpart A – Acronyms and Definitions, except for those requirements imposed by statute or in Subpart F - Audit Requirements.</p> <p>(d) On a case-by-case basis, OMB will approve new strategies for Federal awards when proposed by the Federal awarding agency in accordance with OMB guidance (such as M-13-17) to develop additional evidence relevant to addressing important policy challenges or to promote cost-effectiveness in and across Federal programs. Proposals may draw on the innovative program designs discussed in M-13-17 to expand or improve the use of effective practices in delivering Federal financial assistance while also encouraging innovation in service delivery. Proposals submitted to OMB in accordance with M-13-17 may include requests to waive requirements other than those in Subpart F - Audit Requirements.</p>

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<p>programs, and funds are not be used for general expenses required to carry out other responsibilities of a State or its subrecipients.</p>	<p>responsibilities of a State or its subrecipients.</p>	
<p><b>Property Standards</b></p>	<p><b>Changes, Property, and Subawards</b></p>	<p><b>Property Standards</b></p>
<p><b>____.30 Purpose of property standards.</b> Sections 215.31 through 215.37 set forth uniform standards governing management and disposition of property furnished by the Federal Government whose cost was charged to a project supported by a Federal award. Federal awarding agencies shall require recipients to observe these standards under awards and shall not impose additional requirements, unless specifically required by Federal statute. The recipient may use its own property management standards and procedures provided it observes the provisions of §215.31 through §215.37.</p>		
<p><b>____.31 Insurance coverage.</b> Recipients shall, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired with Federal funds as provided to property owned by the recipient. Federally-owned property need not be insured unless required by the terms and conditions of the award.</p>		<p><b>200.310 Insurance Coverage.</b> The non-Federal entity must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with Federal funds as provided to property owned by the non-Federal entity. Federally-owned property need not be insured unless required by the terms and conditions of the Federal award.</p>
<p><b>____.32 Real property.</b> Each Federal awarding agency shall prescribe requirements for recipients concerning the use and disposition of real property acquired in whole or in part under awards. Unless otherwise provided by statute, such requirements, at a minimum, shall</p>	<p><b>____.31 Real Property.</b></p>	<p><b>200.311 Real Property.</b></p>

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<p>contain the following.</p> <p>(a) Title to real property shall vest in the recipient subject to the condition that the recipient shall use the real property for the authorized purpose of the project as long as it is needed and shall not encumber the property without approval of the Federal awarding agency.</p> <p>(b) The recipient shall obtain written approval by the Federal awarding agency for the use of real property in other federally-sponsored projects when the recipient determines that the property is no longer needed for the purpose of the original project. Use in other projects shall be limited to those under federally-sponsored projects ( i.e., awards) or programs that have purposes consistent with those authorized for support by the Federal awarding agency.</p> <p>(c) When the real property is no longer needed as provided in paragraphs (a) and (b) of this section, the recipient shall request disposition instructions from the Federal awarding agency or its successor Federal awarding agency. The Federal awarding agency shall observe one or more of the following disposition instructions.</p> <p>(1) The recipient may be permitted to retain title without further obligation to the Federal Government after it compensates the Federal Government for that percentage of the current fair market value of the property attributable to the Federal participation in the project.</p>	<p>(a) Title. Subject to the obligations and conditions set forth in this section, title to real property acquired under a grant or subgrant will vest upon acquisition in the grantee or subgrantee respectively.</p> <p>(b) Use. Except as otherwise provided by Federal statutes, real property will be used for the originally authorized purposes as long as needed for that purposes, and the grantee or subgrantee shall not dispose of or encumber its title or other interests.</p> <p>(c) Disposition. When real property is no longer needed for the originally authorized purpose, the grantee or subgrantee will request disposition instructions from the awarding agency. The instructions will provide for one of the following alternatives:</p> <p>(1) Retention of title. Retain title after compensating the awarding agency. The amount paid to the awarding agency will be computed by applying the awarding agency's percentage of participation in the cost of the original purchase to the fair market value of the property. However, in those situations where a grantee or subgrantee is disposing of real property acquired with grant funds and acquiring replacement real property under the same program, the net proceeds from the disposition may be used as an offset to the cost of the replacement property.</p>	<p>(a) Title. Subject to the obligations and conditions set forth in this section, title to real property acquired or improved under a Federal award will vest upon acquisition in the non-Federal entity.</p> <p>(b) Use. Except as otherwise provided by Federal statutes or by the Federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the non-Federal entity must not dispose of or encumber its title or other interests.</p> <p>(c) Disposition. When real property is no longer needed for the originally authorized purpose, the non-Federal entity must obtain disposition instructions from the Federal awarding agency or pass-through entity. The instructions must provide for one of the following alternatives:</p> <p>(1) Retain title after compensating the Federal awarding agency. The amount paid to the Federal awarding agency will be computed by applying the Federal awarding agency's percentage of participation in the cost of the original purchase (and costs of any improvements) to the fair market value of the property. However, in those situations where non-Federal entity is disposing of real property acquired or improved with a Federal award and acquiring replacement real property under the same Federal award, the net proceeds from the disposition may be used as an offset to the cost of the replacement property.</p>

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<p><b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b></p>	<p><b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b></p>	<p><b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b></p>
<p>(2) The recipient may be directed to sell the property under guidelines provided by the Federal awarding agency and pay the Federal Government for that percentage of the current fair market value of the property attributable to the Federal participation in the project (after deducting actual and reasonable selling and fix-up expenses, if any, from the sales proceeds). When the recipient is authorized or required to sell the property, proper sales procedures shall be established that provide for competition to the extent practicable and result in the highest possible return.</p> <p>(3) The recipient may be directed to transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the recipient shall be entitled to compensation for its attributable percentage of the current fair market value of the property.</p>	<p>(2) Sale of property. Sell the property and compensate the awarding agency. The amount due to the awarding agency will be calculated by applying the awarding agency's percentage of participation in the cost of the original purchase to the proceeds of the sale after deduction of any actual and reasonable selling and fixing-up expenses. If the grant is still active, the net proceeds from sale may be offset against the original cost of the property. When a grantee or subgrantee is directed to sell property, sales procedures shall be followed that provide for competition to the extent practicable and result in the highest possible return.</p> <p>(3) Transfer of title. Transfer title to the awarding agency or to a third-party designated/approved by the awarding agency. The grantee or subgrantee shall be paid an amount calculated by applying the grantee or subgrantee's percentage of participation in the purchase of the real property to the current fair market value of the property.</p>	<p>(2) Sell the property and compensate the Federal awarding agency. The amount due to the Federal awarding agency will be calculated by applying the Federal awarding agency's percentage of participation in the cost of the original purchase (and cost of any improvements) to the proceeds of the sale after deduction of any actual and reasonable selling and fixing-up expenses. If the Federal award has not been closed out, the net proceeds from sale may be offset against the original cost of the property. When non-Federal entity is directed to sell property, sales procedures must be followed that provide for competition to the extent practicable and result in the highest possible return.</p> <p>(3) Transfer title to the Federal awarding agency or to a third party designated/approved by the Federal awarding agency. The non-Federal entity is entitled to be paid an amount calculated by applying the non-Federal entity's percentage of participation in the purchase of the real property (and cost of any improvements) to the current fair market value of the property.</p>
<p><b>___ .33 Federally-owned and exempt property.</b></p> <p>(a) Federally-owned property.</p> <p>(1) Title to federally-owned property remains vested in the Federal Government. Recipients shall submit annually an inventory listing of federally-owned property in their custody to the Federal awarding agency. Upon completion of the award or when the property is no longer needed, the recipient shall report the property to the Federal awarding agency for further Federal agency utilization.</p> <p>(2) If the Federal awarding agency has no further need for the property, it shall be declared excess and reported to the General Services Administration, unless the Federal awarding agency has statutory authority to dispose of the property by alternative methods ( e.g., the authority provided by the Federal Technology Transfer Act (15 U.S.C. 3710 (I)) to donate research equipment to educational and non-</p>		<p><b>200.312 Federally-Owned And Exempt Property</b></p> <p>(a) Title to federally-owned property remains vested in the Federal government. The non-Federal entity must submit annually an inventory listing of federally-owned property in its custody to the Federal awarding agency. Upon completion of the Federal award or when the property is no longer needed, the non-Federal entity must report the property to the Federal awarding agency for further Federal agency utilization.</p> <p>(b) If the Federal awarding agency has no further need for the property, it must declare the property excess and report it for disposal to the appropriate Federal disposal authority, unless the Federal awarding agency has statutory authority to dispose of the property by alternative methods (e.g., the authority provided by the Federal Technology Transfer Act (15 U.S.C. § 3710 (i)) to donate research equipment to educational and non-profit organizations in accordance with Executive Order 12999, "Educational Technology: Ensuring Opportunity for All Children in the Next Century."). The</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>profit organizations in accordance with E.O. 12821, “Improving Mathematics and Science Education in Support of the National Education Goals” (57 FR 54285, 3 CFR, 1992 Comp., p. 323)). Appropriate instructions shall be issued to the recipient by the Federal awarding agency.</p> <p>(b) Exempt property. When statutory authority exists, the Federal awarding agency has the option to vest title to property acquired with Federal funds in the recipient without further obligation to the Federal Government and under conditions the Federal awarding agency considers appropriate. Such property is “exempt property.” Should a Federal awarding agency not establish conditions, title to exempt property upon acquisition shall vest in the recipient without further obligation to the Federal Government.</p>		<p>Federal awarding agency must issue appropriate instructions to the non-Federal entity.</p> <p>(c) Exempt federally-owned property means property acquired under a Federal award the title based upon the explicit terms and conditions of the Federal award that indicate the Federal awarding agency has chosen to vest in the non-Federal entity without further obligation to the Federal government or under conditions the Federal agency considers appropriate. The Federal awarding agency may exercise this option when statutory authority exists. Absent statutory authority and specific terms and conditions of the Federal award, title to exempt federally-owned property acquired under the Federal award remains with the Federal government.</p>
<p><b>___ .34 Equipment.</b></p> <p>(a) Title to equipment acquired by a recipient with Federal funds shall vest in the recipient, subject to conditions of this section.</p> <p>(b) The recipient shall not use equipment acquired with Federal funds to provide services to non-Federal</p>	<p><b>___ .32 Equipment.</b></p> <p>(a) Title. Subject to the obligations and conditions set forth in this section, title to equipment acquired under a grant or subgrant will vest upon acquisition in the grantee or subgrantee respectively.</p> <p>(b) States. A State will use, manage, and dispose of equipment acquired under a grant by the State in accordance with State laws and procedures. Other grantees and subgrantees will follow paragraphs (c) through (e) of this section.</p> <p>(c)(3) Notwithstanding the encouragement in § ___.25(a) to earn program income, the grantee or</p>	<p><b>200.313 Equipment</b> (See also 200.439 Equipment And Other Capital Expenditures)</p> <p>(a) Title. Subject to the obligations and conditions set forth in this section, title to equipment acquired under a Federal award will vest upon acquisition in the non-Federal entity. Unless a statute specifically authorizes the Federal agency to vest title in the non-Federal entity without further obligation to the Federal government, and the Federal agency elects to do so, the title must be a conditional title. Title must vest in the non-Federal entity subject to the following conditions:</p> <p>(a) (1) Use the equipment for the authorized purposes of the project until funding for the project ceases, or until the property is no longer needed for the purposes of the project.</p> <p>(a) (2) Not encumber the property without approval of the Federal awarding agency or pass-through entity.</p> <p>(a) (3) Use and dispose of the property in accordance with paragraphs (b), (c) and (e) of this section.</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>outside organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute, for as long as the Federal Government retains an interest in the equipment.</p> <p>(c) The recipient shall use the equipment in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds and shall not encumber the property without approval of the Federal awarding agency. When no longer needed for the original project or program, the recipient shall use the equipment in connection with its other federally-sponsored activities, in the following order of priority:</p> <p>(1) Activities sponsored by the Federal awarding agency which funded the original project, then</p> <p>(2) Activities sponsored by other Federal awarding agencies.</p> <p>(d) During the time that equipment is used on the project or program for which it was acquired, the recipient shall make it available for use on other projects or programs if such other use will not interfere with the work on the project or program for which the equipment was originally acquired. First preference for such other use shall be given to other projects or programs sponsored by the Federal awarding agency that financed the equipment; second preference shall be given to projects or programs sponsored by other Federal awarding agencies. If the equipment is owned by the Federal Government, use on other activities not sponsored by the Federal Government shall be permissible if authorized by the Federal awarding agency. User charges shall be treated as program income.</p>	<p>subgrantee must not use equipment acquired with grant funds to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by Federal statute.</p> <p>(c) Use.</p> <p>(c)(1) Equipment shall be used by the grantee or subgrantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency.</p> <p>(c)(2) The grantee or subgrantee shall also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the awarding agency. User fees should be considered if appropriate.</p>	<p>(b) A state must use, manage and dispose of equipment acquired under a Federal award by the state in accordance with state laws and procedures. Other non-Federal entities must follow paragraphs (c) through (e) of this section.</p> <p>(c) Use.</p> <p>(c) (1) Equipment must be used by the non-Federal entity in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the Federal award, and the non-Federal entity must not encumber the property without prior approval of the Federal awarding agency. When no longer needed for the original program or project, the equipment may be used in other activities supported by the Federal awarding agency, in the following order of priority:</p> <p>(i) Activities under a Federal award from the Federal awarding agency which funded the original program or project, then</p> <p>(ii) Activities under Federal awards from other Federal awarding agencies. This includes consolidated equipment for information technology systems.</p> <p>(c) (2) During the time that equipment is used on the project or program for which it was acquired, the non-Federal entity must also make equipment available for use on other projects or programs currently or previously supported by the Federal government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by Federal awarding agency that financed the equipment and second preference must be given to programs or projects under Federal awards from other Federal awarding agencies. Use for non-federally-funded programs or projects is also permissible. User fees should be considered if appropriate.</p> <p>(c) (3) Notwithstanding the encouragement in section 200.307 Program Income to earn program income, the non-Federal entity must not use equipment acquired with the Federal award to provide</p>

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<p>(e) When acquiring replacement equipment, the recipient may use the equipment to be replaced as trade-in or sell the equipment and use the proceeds to offset the costs of the replacement equipment subject to the approval of the Federal awarding agency.</p> <p>(f) The recipient's property management standards for equipment acquired with Federal funds and federally-owned equipment shall include all of the following:</p> <p>(f)(1) Equipment records shall be maintained accurately and shall include the following information.</p> <p>(i) A description of the equipment.</p> <p>(ii) Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number.</p> <p>(iii) Source of the equipment, including the award number.</p> <p>(iv) Whether title vests in the recipient or the Federal Government.</p> <p>(v) Acquisition date (or date received, if the equipment was furnished by the Federal Government) and cost.</p> <p>(vi) Information from which one can calculate the percentage of Federal participation in the cost of the equipment (not applicable to equipment furnished by the Federal Government).</p> <p>(vii) Location and condition of the equipment and the date the information was reported.</p>	<p>(c)(4) When acquiring replacement equipment, the grantee or subgrantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the awarding agency.</p> <p>(d) Management requirements. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, as a minimum, meet the following requirements:</p> <p>(d)(1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.</p>	<p>services for a fee that is less than private companies charge for equivalent services unless specifically authorized by Federal statute for as long as the Federal government retains an interest in the equipment.</p> <p>(c) (4) When acquiring replacement equipment, the non-Federal entity may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.</p> <p>(d) Management requirements. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a Federal award, until disposition takes place will, as a minimum, meet the following requirements:</p> <p>(d) (1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for the Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.</p>



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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>(viii) Unit acquisition cost.</p> <p>(ix) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where a recipient compensates the Federal awarding agency for its share.</p> <p>(f)(2) Equipment owned by the Federal Government shall be identified to indicate Federal ownership.</p> <p>(f)(3) A physical inventory of equipment shall be taken and the results reconciled with the equipment records at least once every two years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The recipient shall, in connection with the inventory, verify the existence, current utilization, and continued need for the equipment.</p> <p>(f)(4) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the equipment. Any loss, damage, or theft of equipment shall be investigated and fully documented; if the equipment was owned by the Federal Government, the recipient shall promptly notify the Federal awarding agency.</p> <p>(f)(5) Adequate maintenance procedures shall be implemented to keep the equipment in good condition.</p> <p>(f)(6) Where the recipient is authorized or required to sell the equipment, proper sales procedures shall be established which provide for competition to the extent practicable and result in the highest possible return.</p> <p>(g) When the recipient no longer needs the</p>	<p>(d)(2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.</p> <p>(d)(3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.</p> <p>(d)(4) Adequate maintenance procedures must be developed to keep the property in good condition.</p> <p>(d)(5) If the grantee or subgrantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.</p> <p>(e) Disposition. When original or replacement equipment acquired under a grant or subgrant is no</p>	<p>(d) (2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.</p> <p>(d) (3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.</p> <p>(d) (4) Adequate maintenance procedures must be developed to keep the property in good condition.</p> <p>(d) (5) If the non-Federal entity is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.</p> <p>(e) Disposition. When original or replacement equipment acquired under a Federal award is no longer needed for the original project</p>

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>equipment, the equipment may be used for other activities in accordance with the following standards. For equipment with a current per unit fair market value of \$5000 or more, the recipient may retain the equipment for other uses provided that compensation is made to the original Federal awarding agency or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the equipment. If the recipient has no need for the equipment, the recipient shall request disposition instructions from the Federal awarding agency. The Federal awarding agency shall determine whether the equipment can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the equipment shall be reported to the General Services Administration by the Federal awarding agency to determine whether a requirement for the equipment exists in other Federal agencies. The Federal awarding agency shall issue instructions to the recipient no later than 120 calendar days after the recipient's request and the following procedures shall govern.</p> <p>(g)(1) If so instructed or if disposition instructions are not issued within 120 calendar days after the recipient's request, the recipient shall sell the equipment and reimburse the Federal awarding agency an amount computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original project or program. However, the recipient shall be permitted to deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for the recipient's selling and handling expenses.</p> <p>(g)(2) If the recipient is instructed to ship the equipment elsewhere, the recipient shall be reimbursed by the Federal Government by an amount</p>	<p>longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition of the equipment will be made as follows:</p> <p>(e)(1) Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency.</p> <p>(e)(2) Items of equipment with a current per unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.</p> <p>(e)(3) In cases where a grantee or subgrantee fails to take appropriate disposition actions, the awarding agency may direct the grantee or subgrantee to take excess and disposition actions.</p>	<p>or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions, the non-Federal entity must request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made as follows, in accordance with Federal awarding agency disposition instructions:</p> <p>(e) (1) Items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further obligation to the Federal awarding agency.</p> <p>(e) (2) Except as provided in section 200.312 Federally-Owned And Exempt Property paragraph (b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair-market value in excess of \$5,000 may be retained by the non-Federal entity or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal awarding agency may permit the non-Federal entity to deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.</p>

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>which is computed by applying the percentage of the recipient's participation in the cost of the original project or program to the current fair market value of the equipment, plus any reasonable shipping or interim storage costs incurred.</p> <p>(g)(3) If the recipient is instructed to otherwise dispose of the equipment, the recipient shall be reimbursed by the Federal awarding agency for such costs incurred in its disposition.</p> <p>(g)(4) The Federal awarding agency may reserve the right to transfer the title to the Federal Government or to a third party named by the Federal Government when such third party is otherwise eligible under existing statutes. Such transfer shall be subject to the following standards.</p> <p>(i) The equipment shall be appropriately identified in the award or otherwise made known to the recipient in writing.</p> <p>(ii) The Federal awarding agency shall issue disposition instructions within 120 calendar days after receipt of a final inventory. The final inventory shall</p>	<p>(f) Federal equipment. In the event a grantee or subgrantee is provided federally-owned equipment:</p> <p>(f)(1) Title will remain vested in the Federal Government.</p> <p>(f)(2) Grantees or subgrantees will manage the equipment in accordance with Federal agency rules and procedures, and submit an annual inventory listing.</p> <p>(f)(3) When the equipment is no longer needed, the grantee or subgrantee will request disposition instructions from the Federal agency.</p> <p>(g) Right to transfer title. The Federal awarding agency may reserve the right to transfer title to the Federal Government or a third part named by the awarding agency when such a third party is otherwise eligible under existing statutes. Such transfers shall be subject to the following standards:</p> <p>(g)(1) The property shall be identified in the grant or otherwise made known to the grantee in writing.</p> <p>(g)(2) The Federal awarding agency shall issue disposition instruction within 120 calendar days after the end of the Federal support of the project for which it was acquired. If the Federal awarding agency fails to issue disposition instructions within the 120</p>	<p>(e) (3) The non-Federal entity may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the non-Federal entity must be entitled to compensation for its attributable percentage of the current fair market value of the property.</p> <p>(e) (4) In cases where a non-Federal entity fails to take appropriate disposition actions, the Federal awarding agency may direct the non-Federal entity to take disposition actions.</p>

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<p>list all equipment acquired with grant funds and federally-owned equipment. If the Federal awarding agency fails to issue disposition instructions within the 120 calendar day period, the recipient shall apply the standards of this section, as appropriate.</p> <p>(iii) When the Federal awarding agency exercises its right to take title, the equipment shall be subject to the provisions for federally-owned equipment.</p>	<p>calendar-day period the grantee shall follow § 92.32(e).</p> <p>(g)(3) When title to equipment is transferred, the grantee shall be paid an amount calculated by applying the percentage of participation in the purchase to the current fair market value of the property.</p>	
<p><b>___ .35 Supplies and other expendable property.</b></p> <p>(a) Title to supplies and other expendable property shall vest in the recipient upon acquisition. If there is a residual inventory of unused supplies exceeding \$5000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other federally-sponsored project or program, the recipient shall retain the supplies for use on non-Federal sponsored activities or sell them, but shall, in either case, compensate the Federal Government for its share. The amount of compensation shall be computed in the same manner as for equipment.</p> <p>(b) The recipient shall not use supplies acquired with Federal funds to provide services to non-Federal outside organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute as long as the Federal Government retains an interest in the supplies.</p>	<p><b>___ .33 Supplies.</b></p> <p>(a) Title. Title to supplies acquired under a grant or subgrant will vest, upon acquisition, in the grantee or subgrantee respectively.</p> <p>(b) Disposition. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate fair market value upon termination or completion of the award, and if the supplies are not needed for any other federally sponsored programs or projects, the grantee or subgrantee shall compensate the awarding agency for its share.</p>	<p><b>200.314 Supplies</b> (See also 200.453 Materials And Supplies Costs, Including Costs Of Computing Devices.)</p> <p>(a) Title to supplies will vest in the non-Federal entity upon acquisition. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other Federal award, the non-Federal entity must retain the supplies for use on other activities or sell them, but must, in either case, compensate the Federal government for its share. The amount of compensation must be computed in the same manner as for equipment. See section 200.313 Equipment, paragraph (e)(2) for the calculation methodology.</p> <p>(b) As long as the Federal government retains an interest in the supplies, the non-Federal entity must not use supplies acquired under a Federal award to provide services to other organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute.</p>
<p><b>___ .36 Intangible property.</b></p>	<p><b>___ .34 Copyrights.</b></p>	<p><b>200.315 Intangible Property</b> (a) Title to intangible property (see section 200.59 Intangible Property) acquired under a Federal award vests upon acquisition in</p>

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<p><b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b></p>	<p><b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b></p>	<p><b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b></p>
<p>(a) The recipient may copyright any work that is subject to copyright and was developed, or for which ownership was purchased, under an award. The Federal awarding agency(ies) reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.</p> <p>(b) Recipients are subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce at 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements."</p> <p>(c) The Federal Government has the right to:                      (1) Obtain, reproduce, publish or otherwise use the data first produced under an award.                      (2) Authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.</p>	<p>The Federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Federal Government purposes:                      (a) The copyright in any work developed under a grant, subgrant, or contract under a grant or subgrant; and                      (b) Any rights of copyright to which a grantee, subgrantee or a contractor purchases ownership with grant support.</p> <p><b>1.i. Patent Rights.</b>                      Agencies shall use the standard patent rights clause specified in "Rights to Inventions made by Non-profit Organizations and Small Business Firms" (37 CFR</p>	<p>the non-Federal entity. The non-Federal entity must use that property for the originally-authorized purpose, and must not encumber the property without approval of the Federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in section 200.313 Equipment paragraph (e).</p> <p>(b) The non-Federal entity may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a Federal award. The Federal awarding agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.</p> <p>(c) The non-Federal entity is subject to applicable regulations governing patents and inventions, including governmentwide regulations issued by the Department of Commerce at 37 C.F.R. § 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Awards, Contracts and Cooperative Agreements."</p> <p>(d) The Federal government has the right to:                      (1) Obtain, reproduce, publish, or otherwise use the data produced under a Federal award; and                      (2) Authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>(d) (1) In addition, in response to a Freedom of Information Act (FOIA) request for research data relating to published research findings produced under an award that was used by the Federal Government in developing an agency action that has the force and effect of law, the Federal awarding agency shall request, and the recipient shall provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If the Federal awarding agency obtains the research data solely in response to a FOIA request, the agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by the agency, the recipient, and the applicable subrecipients. This fee is in addition to any fees the agency may assess under the FOIA (5 U.S.C. 552(a)(4)(A)).</p> <p>(2) The following definitions apply for purposes of paragraph (d) of this section:</p> <p>(i) Research data is defined as the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: Preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This “recorded” material excludes physical objects ( e.g. , laboratory samples). Research data also do not include:</p> <p>(A) Trade secrets, commercial information, materials</p>	<p>Part 401), when providing support for research and development.</p>	<p>(e) Freedom of Information Act (FOIA).</p> <p>(1) In addition, in response to a Freedom of Information Act (FOIA) request for research data relating to published research findings produced under a Federal award that were used by the Federal government in developing an agency action that has the force and effect of law, the Federal awarding agency must request, and the non-Federal entity must provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If the Federal awarding agency obtains the research data solely in response to a FOIA request, the Federal awarding agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by the Federal agency and the non-Federal entity. This fee is in addition to any fees the Federal awarding agency may assess under the FOIA (5 U.S.C. § 552(a)(4)(A)).</p> <p>(2) Published research findings means when:</p> <p>(i) Research findings are published in a peer-reviewed scientific or technical journal; or</p> <p>(ii) A Federal agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law. “Used by the Federal government in developing an agency action that has the force and effect of law” is defined as when an agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.</p> <p>(3) Research data means the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This "recorded" material excludes physical objects (e.g., laboratory samples). Research data also do not include:</p> <p>(i) Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<p><b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b></p>	<p><b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b></p>	<p><b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b></p>
<p>necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and                      (B) Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.                      (ii) Published is defined as either when:                      (A) Research findings are published in a peer-reviewed scientific or technical journal; or                      (B) A Federal agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.                      (iii) Used by the Federal Government in developing an agency action that has the force and effect of law is defined as when an agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.</p> <p>(e) Title to intangible property and debt instruments acquired under an award or subaward vests upon acquisition in the recipient. The recipient shall use that property for the originally-authorized purpose, and the recipient shall not encumber the property without approval of the Federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property shall occur in accordance with the provisions of §215.34(g).</p>		<p>information which is protected under law; and</p> <p>(ii) Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.</p>
<p><b>___37 Property trust relationship.</b>                      Real property, equipment, intangible property and debt instruments that are acquired or improved with Federal funds shall be held in trust by the recipient as trustee for the beneficiaries of the project or program under which the property was acquired or improved. Agencies may require recipients to record liens or other appropriate notices of record to indicate that</p>		<p><b>200.316 Property Trust Relationship</b>                      Real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved. The Federal awarding agency may require the non-Federal entity to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a</p>

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Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)	Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)	Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)
personal or real property has been acquired or improved with Federal funds and that use and disposition conditions apply to the property.		Federal award and that use and disposition conditions apply to the property.
<p><b>____.40 Purpose of procurement standards.</b>                      Sections 215.41 through 215.48 set forth standards for use by recipients in establishing procedures for the procurement of supplies and other expendable property, equipment, real property and other services with Federal funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal statutes and executive orders. No additional procurement standards or requirements shall be imposed by the Federal awarding agencies upon recipients, unless specifically required by Federal statute or executive order or approved by OMB.</p>	<p><b>____.36 Procurement.</b></p> <p>(a) States. When procuring property and services under a grant, a State will follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Other grantees and subgrantees will follow paragraphs (b) through (i) in this section.</p> <p>(b) Procurement standards.                      (1) Grantees and subgrantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section.</p>	<p><b>Procurement Standards.</b></p> <p><b>200.317 Procurements By States</b>                      When procuring property and services under a Federal award, a state must follow the same policies and procedures it uses for procurements from its non-Federal funds. The state will comply with section 200.322 Procurement Of Recovered Materials and ensure that every purchase order or other contract includes any clauses required by section 200.326 Contract Provisions. All other non-Federal entities, including subrecipients of a state, will follow sections 200.318 General Procurement Standards through 200.326 Contract Provisions.</p> <p><b>200.318 General Procurement Standards</b>                      (a) The non-Federal entity must use its own documented procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section.</p> <p>(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.</p> <p>(c) (2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe,</p>



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<p><b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b></p>	<p><b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b></p>	<p><b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b></p>
		<p>the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.</p> <p><b>200.318 (d)</b> The non-Federal entity’s procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.</p> <p><b>200.318 (e)</b> To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.</p> <p><b>200.318 (f)</b> The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.</p> <p><b>200.318 (g)</b> The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.</p> <p><b>200.318 (h)</b> The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed</p>

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<p><b>____.41 Recipient responsibilities.</b> The standards contained in this section do not relieve the recipient of the contractual responsibilities arising under its contract(s). The recipient is the responsible authority, without recourse to the Federal awarding agency, 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. This includes disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of statute are to be referred to such Federal, State or local authority as may have proper jurisdiction.</p>	<p>(10) Grantees and subgrantees will use time and material type contracts only— (i) After a determination that no other contract is suitable, and (ii) If the contract includes a ceiling price that the contractor exceeds at its own risk.</p> <p>(11) Grantees and subgrantees alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to source evaluation, protests, disputes, and claims. These standards do not relieve the grantee or subgrantee of any contractual responsibilities under its contracts. Federal agencies will not substitute their judgment for that of the grantee or subgrantee unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.</p>	<p>procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.</p> <p>(j) The non-Federal entity may use time and material type contracts only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and material type contract means a contract whose cost to a non-Federal entity is the sum of: (j) (1) The actual cost of materials; and (j) (2) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.</p> <p>Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.</p> <p>(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.</p>

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	<p>(12) Grantees and subgrantees will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protestor must exhaust all administrative remedies with the grantee and subgrantee before pursuing a protest with the Federal agency. Reviews of protests by the Federal agency will be limited to:</p> <p>(i) Violations of Federal law or regulations and the standards of this section (violations of State or local law will be under the jurisdiction of State or local authorities) and</p> <p>(ii) Violations of the grantee's or subgrantee's protest procedures for failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the grantee or subgrantee.</p> <p>(b)(3) Grantees and subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:</p> <p>(i) The employee, officer or agent,</p> <p>(ii) Any member of his immediate family,</p> <p>(iii) His or her partner, or</p> <p>(iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential</p>	<p>(c) (1)The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent must participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.</p>

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<p>____.42 <b>Codes of conduct.</b> The recipient shall maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts.</p>	<p>contractors, or parties to subagreements. Grantee and subgrantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrantee's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.</p> <p>(c) Competition . (1) All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of § 92.36. Some of the situations considered to be restrictive of competition include but are not limited to: (i) Placing unreasonable requirements on firms in order for them to qualify to do business, (ii) Requiring unnecessary experience and excessive bonding, (iii) Noncompetitive pricing practices between firms or between affiliated companies, (iv) Noncompetitive awards to consultants that are on retainer contracts, (v) Organizational conflicts of interest, (vi) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance of other relevant requirements of the procurement, and (vii) Any arbitrary action in the procurement process.</p> <p>(2) Grantees and subgrantees will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or</p>	<p><b>200.319 Competition</b> (a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to: (a) (1) Placing unreasonable requirements on firms in order for them to qualify to do business; (a) (2) Requiring unnecessary experience and excessive bonding; (a) (3) Noncompetitive pricing practices between firms or between affiliated companies; (a) (4) Noncompetitive contracts to consultants that are on retainer contracts; (a) (5) Organizational conflicts of interest; (a) (6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and (a) (7) Any arbitrary action in the procurement process.</p> <p>(b) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes</p>

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<p>No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. The officers, employees, and agents of the recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to subagreements. However, recipients may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the recipient.</p> <p><b>___43 Competition.</b> All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. The recipient shall be alert to organizational conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work,</p>	<p>local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts State licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.</p> <p>c)(3) Grantees will have written selection procedures for procurement transactions. These procedures will ensure that all solicitations:</p> <p>(i) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equal” description may be used as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerors shall be clearly stated; and</p> <p>(ii) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.</p>	<p>expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.</p> <p>(c) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:</p> <p>(c) (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and</p> <p>(c) (2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.</p> <p>(d) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity</p>

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<p><b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b></p>	<p><b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b></p>	<p><b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b></p>
<p>invitations for bids and/or requests for proposals shall be excluded from competing for such procurements. Awards shall be made to the bidder or offeror whose bid or offer is responsive to the solicitation and is most advantageous to the recipient, price, quality and other factors considered. Solicitations shall clearly set forth all requirements that the bidder or offeror shall fulfill in order for the bid or offer to be evaluated by the recipient. Any and all bids or offers may be rejected when it is in the recipient's interest to do so.</p>	<p>(b)(4) Grantee and subgrantee procedures will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.</p> <p>(b)(5) To foster greater economy and efficiency, grantees and subgrantees are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services.</p> <p>(b)(6) Grantees and subgrantees are encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.</p> <p>(b) (7) Grantees and subgrantees are encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.</p> <p>c)(4) Grantees and subgrantees will ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, grantees and subgrantees will not preclude potential bidders</p>	<p>must not preclude potential bidders from qualifying during the solicitation period.</p> <p><b>200.318 (d)</b> The non-Federal entity’s procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.</p> <p><b>200.318 (e)</b> To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.</p> <p><b>200.318 (f)</b> The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.</p> <p><b>200.318 (g)</b> The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.</p> <p><b>200.318 (h)</b> The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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	<p>from qualifying during the solicitation period.</p> <p>(d) Methods of procurement to be followed</p> <p>(d) (1) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at \$100,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.</p> <p>(d) (2) Procurement by sealed bids (formal</p>	<p><b>200.320 Methods Of Procurement To Be Followed</b> The non-Federal entity must use one of the following methods of procurement.</p> <p>(a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$3,000 (or \$2,000 in the case of acquisitions for construction subject to the Davis-Bacon Act). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.</p> <p>(b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.</p> <p>(c) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<p><b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b></p>	<p><b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b></p>	<p><b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b></p>
<p><b>___ .44 Procurement procedures.</b>                      (a) All recipients shall establish written procurement procedures. These procedures shall provide for, at a minimum, that (1), (2) and (3) apply.                      (1) Recipients avoid purchasing unnecessary items.                      (2) Where appropriate, an analysis is made of lease and purchase alternatives to determine which would be the most economical and practical procurement for the Federal Government.</p>	<p>advertising). Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in § 92.36(d)(2)(i) apply.</p> <p>(i) In order for sealed bidding to be feasible, the following conditions should be present:                      (A) A complete, adequate, and realistic specification or purchase description is available;                      (B) Two or more responsible bidders are willing and able to compete effectively and for the business; and                      (C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.</p> <p>(ii) If sealed bids are used, the following requirements apply:                      (A) The invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids;                      (B) The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;                      (C) All bids will be publicly opened at the time and place prescribed in the invitation for bids;                      (D) A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and</p>	<p>with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section below apply.</p> <p>(1) In order for sealed bidding to be feasible, the following conditions should be present:                      (i) A complete, adequate, and realistic specification or purchase description is available;                      (ii) Two or more responsible bidders are willing and able to compete effectively for the business; and                      (iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.</p> <p>(2) If sealed bids are used, the following requirements apply:                      (i) The invitation for bids will be publicly advertised and bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids;                      (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;                      (iii) All bids will be publicly opened at the time and place prescribed in the invitation for bids;                      (iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and</p> <p>(v) Any or all bids may be rejected if there is a sound documented</p>



**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<p>(3) Solicitations for goods and services provide for all of the following.</p> <p>(i) A clear and accurate description of the technical requirements for the material, product or service to be procured. In competitive procurements, such a description shall not contain features which unduly restrict competition.</p> <p>(ii) Requirements which the bidder/offeror must fulfill and all other factors to be used in evaluating bids or proposals.</p> <p>(iii) A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.</p> <p>(iv) The specific features of "brand name or equal" descriptions that bidders are required to meet when such items are included in the solicitation.</p>	<p>(E) Any or all bids may be rejected if there is a sound documented reason.</p> <p>(3) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:</p> <p>(i) Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical;</p> <p>(ii) Proposals will be solicited from an adequate number of qualified sources;</p> <p>(iii) Grantees and subgrantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees;</p> <p>(iv) Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and</p> <p>(v) Grantees and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot</p>	<p>reason.</p> <p>(d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:</p> <p>(1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;</p> <p>(2) Proposals must be solicited from an adequate number of qualified sources;</p> <p>(3) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;</p> <p>(4) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and</p> <p>(5) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<p>(v) The acceptance, to the extent practicable and economically feasible, of products and services dimensioned in the metric system of measurement.</p> <p>(vi) Preference, to the extent practicable and economically feasible, for products and services that conserve natural resources and protect the environment and are energy efficient.</p>	<p>be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.</p> <p>(4) Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.</p> <p>(i) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:</p> <p>(A) The item is available only from a single source;                      (B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;                      (C) The awarding agency authorizes noncompetitive proposals; or                      (D) After solicitation of a number of sources, competition is determined inadequate.</p> <p>(ii) Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.</p> <p>(iii) Grantees and subgrantees may be required to submit the proposed procurement to the awarding agency for pre-award review in accordance with paragraph (g) of this section.</p> <p><b>2.d. Contracting With Small and Minority Firms, Women's Business Enterprises and Labor Surplus Area Firms.</b>                      It is national policy to award a fair share of contracts</p>	<p>(f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:</p> <p>(1) The item is available only from a single source;</p> <p>(2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;</p> <p>(3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or</p> <p>(4) After solicitation of a number of sources, competition is determined inadequate.</p> <p><b>200.321 Contracting With Small And Minority Businesses, Women's Business Enterprises, And Labor Surplus Area Firms</b>                      (a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.</p>

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	<p>to small and minority business firms. Grantees shall take similar appropriate affirmative action to support of women's enterprises and are encouraged to procure goods and services from labor surplus areas.</p> <p>(e) Contracting with small and minority firms, women's business enterprise and labor surplus area firms.</p> <p>(1) The grantee and subgrantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.</p> <p>(2) Affirmative steps shall include:</p> <p>(i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;</p> <p>(ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;</p> <p>(vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.</p> <p>(iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;</p> <p>(iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business</p>	<p>(b) Affirmative steps must include:</p> <p>(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;</p> <p>(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;</p> <p>(3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;</p> <p>(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;</p> <p>(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and</p> <p>(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) above.</p>

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<p>(b) Positive efforts shall be made by recipients to utilize small businesses, minority-owned firms, and women's business enterprises, whenever possible. Recipients of Federal awards shall take all of the following steps to further this goal.</p> <p>(1) Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable.</p> <p>(2) Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.</p> <p>(3) Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.</p> <p>(4) Encourage contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.</p> <p>(5) Use the services and assistance, as appropriate, of such organizations as the Small Business</p>	<p>enterprises;</p> <p>(v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and</p> <p><b>2. g. Infrastructure Investment.</b> Agencies shall encourage grantees to consider the provisions of the common rule at Section __. 31 and Executive Order 12803 ("Infrastructure Privatization"). This includes reviewing and modifying procedures affecting the management and disposition of federally-financed infrastructure owned by State and local governments, with their requests to sell or lease infrastructure assets, consistent with the criteria in Section 4 of the Order. Related guidance contained in Executive Order 12893 ("Principles for Federal Infrastructure Investments") requiring economic analysis and the development of investment options, including public-private partnership, shall also be applied. On March 7, 1994, OMB issued guidance on Executive Order 12893 in OMB Bulletin No. 94-16.</p> <p><b>2. i. Procurement of Goods and Services.</b> Agencies should be aware of and comply with the requirement enacted in Section 623 of the Treasury, Postal Service and General Government Appropriations Act, 1993, and reenacted in Section 621 of the fiscal year 1994 Appropriations Act. This Section requires grantees to specify in any announcement of the awarding of contracts with an aggregate value of \$500,000 or more, the amount of Federal funds that will be used to finance the acquisitions.</p> <p>(f)(4) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.</p>	<p><b>200.322 Procurement Of Recovered Materials</b></p> <p>A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.</p>

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<p>Administration and the Department of Commerce's Minority Business Development Agency in the solicitation and utilization of small businesses, minority- owned firms and women's business enterprises.</p>	<p>(b)(8) Grantees and subgrantees will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.</p> <p>(g) Awarding agency review.                      (1) Grantees and subgrantees must make available, upon request of the awarding agency, technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the grantee or subgrantee desires to have the review accomplished after a solicitation has been developed, the awarding agency may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.</p>	<p><b>200.324 Federal Awarding Agency Or Pass-Through Entity Review</b></p> <p>(a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.</p> <p>(b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-</p>

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<p>(c) The type of procuring instruments used (e.g., fixed price contracts, cost reimbursable contracts, purchase orders, and incentive contracts) shall be determined by the recipient but shall be appropriate for the particular procurement and for promoting the best interest of the program or project involved. The "cost-plus-a-percentage-of-cost" or "percentage of construction cost" methods of contracting shall not be used.</p> <p>(d) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources. In certain circumstances, contracts with certain parties are restricted by agencies' implementation of E.O.s 12549 and 12689, "Debarment and Suspension."</p>	<p>(2) Grantees and subgrantees must on request make available for awarding agency pre-award review procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc. when:</p> <p>(i) A grantee's or subgrantee's procurement procedures or operation fails to comply with the procurement standards in this section; or</p> <p>(ii) The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation; or</p> <p>(iii) The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product; or</p> <p>(iv) The proposed award is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or</p> <p>(v) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.</p> <p>(3) A grantee or subgrantee will be exempt from the pre-award review in paragraph (g)(2) of this section if the awarding agency determines that its procurement systems comply with the standards of this section.</p> <p>(i) A grantee or subgrantee may request that its procurement system be reviewed by the awarding agency to determine whether its system meets these standards in order for its system to be certified.</p>	<p>procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:</p> <p>(1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this Part;</p> <p>(2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;</p> <p>(3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;</p> <p>(4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or</p> <p>(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.</p> <p>(c) The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this Part.</p> <p>(1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;</p>

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<p><b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b></p>	<p><b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b></p>	<p><b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b></p>
<p>(e) Recipients shall, on request, make available for the Federal awarding agency, pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc., when any of the following conditions apply.</p> <p>(e)(1) A recipient's procurement procedures or operation fails to comply with the procurement standards in the Federal awarding agency's implementation of this part.</p> <p>(e)(2) The procurement is expected to exceed the small purchase threshold fixed at 41 U.S.C. 403 (11) (currently \$25,000) and is to be awarded without competition or only one bid or offer is received in response to a solicitation.</p> <p>(e)(3) The procurement, which is expected to exceed the small purchase threshold, specifies a “brand name” product.</p> <p>(e)(4) The proposed award over the small purchase</p>	<p>Generally, these reviews shall occur where there is a continuous high-dollar funding, and third-party contracts are awarded on a regular basis.</p> <p>(ii) A grantee or subgrantee may self-certify its procurement system. Such self-certification shall not limit the awarding agency's right to survey the system. Under a self-certification procedure, awarding agencies may wish to rely on written assurances from the grantee or subgrantee that it is complying with these standards. A grantee or subgrantee will cite specific procedures, regulations, standards, etc., as being in compliance with these requirements and have its system available for review.</p> <p>(f) Contract cost and price.</p> <p>(1) Grantees and subgrantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.</p> <p>(2) Grantees and subgrantees will negotiate profit as a separate element of the price for each contract in</p>	<p>(2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.</p> <p><b>200.323 Contract Cost And Price</b></p> <p>(a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.</p> <p>(b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.</p> <p>(c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under Subpart E - Cost Principles. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.</p> <p>(d) The cost plus a percentage of cost and percentage of</p>

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<p>threshold is to be awarded to other than the apparent low bidder under a sealed bid procurement.</p> <p>(e)(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the amount of the small purchase threshold.</p> <p><b>___45 Cost and price analysis.</b> Some form of cost or price analysis shall be made and documented in the procurement files in connection with every procurement action. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market</p>	<p>which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.</p> <p>(3) Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles (see § 92.22). Grantees may reference their own cost principles that comply with the applicable Federal cost principles.</p> <p>(9) Grantees and subgrantees will maintain records sufficient to detail the significant history of a procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.</p> <p>(2) Grantees and subgrantees will maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.</p> <p>(h)(3)(i) Contract provisions. A grantee's and subgrantee's contracts must contain provisions in paragraph (i) of this section. Federal agencies are permitted to require changes, remedies, changed</p>	<p>construction cost methods of contracting must not be used.</p> <p><b>200.318</b> (i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.</p> <p><b>200.326 Contract Provisions</b> The non-Federal entity's contracts must contain the applicable provisions described in Appendix II Contract Provisions for non-</p>



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<p>prices and similar indicia, together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability.</p> <p><b>.46 Procurement records.</b> Procurement records and files for purchases in excess of the small purchase threshold shall include the following at a minimum:</p>	<p>conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.</p> <p>(h)(3)(i)(1) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (Contracts more than the simplified acquisition threshold)</p> <p>(h)(3)(i) (2) Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)</p> <p>h) Bonding requirements. For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the awarding agency may accept the bonding policy and requirements of the grantee or subgrantee provided the awarding agency has made a determination that the awarding agency's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:</p> <p>(h)(1) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument</p>	<p>Federal Entity Contracts Under Federal Awards.</p> <p><b>200.325 Bonding Requirements</b> For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:</p> <p>(a) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm</p>

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<p>(a) basis for contractor selection, (b) justification for lack of competition when competitive bids or offers are not obtained, and (c) basis for award cost or price.</p> <p>____.47 <b>Contract administration.</b> A system for contract administration shall be maintained to ensure contractor conformance with the terms, conditions and specifications of the contract and to ensure adequate and timely follow up of all purchases. Recipients shall evaluate contractor performance and document, as appropriate, whether contractors have met the terms, conditions and specifications of the contract.</p> <p>____.48 <b>Contract provisions.</b> The recipient shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts. The following provisions shall also be applied to subcontracts.</p> <p>(a) Contracts in excess of the small purchase threshold shall contain contractual provisions or conditions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches the contract terms, and provide for such remedial actions as may be appropriate.</p> <p>(b) All contracts in excess of the small purchase threshold shall contain suitable provisions for termination by the recipient, including the manner by which termination shall be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.</p>	<p>accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.</p> <p>(h)(2) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.</p> <p>(h)(3) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.</p> <p>(i)(10) Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.</p>	<p>commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.</p> <p>(b) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.</p> <p>(c) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.</p>

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<p>(c) Except as otherwise required by statute, an award that requires the contracting (or subcontracting) for construction or facility improvements shall provide for the recipient to follow its own requirements relating to bid guarantees, performance bonds, and payment bonds unless the construction contract or subcontract exceeds \$100,000. For those contracts or subcontracts exceeding \$100,000, the Federal awarding agency may accept the bonding policy and requirements of the recipient, provided the Federal awarding agency has made a determination that the Federal Government's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows.</p> <p>(1) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder shall, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.</p> <p>(2) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.</p> <p>(3) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by statute of all persons supplying labor and material in the execution of the work provided for in the contract.</p> <p>(4) Where bonds are required in the situations described herein, the bonds shall be obtained from companies holding certificates of authority as</p>		

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<p>acceptable sureties pursuant to 31 CFR part 223, "Surety Companies Doing Business with the United States."</p> <p>(d) All negotiated contracts (except those for less than the small purchase threshold) awarded by recipients shall include a provision to the effect that the recipient, the Federal awarding agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions.</p> <p>(e) All contracts, including small purchases, awarded by recipients and their contractors shall contain the procurement provisions of Appendix A to this Circular, as applicable.</p>		
<p><b>Reports and Records</b>  <b>____.50 Purpose of reports and records.</b>                      Sections 215.51 through 215.53 set forth the procedures for monitoring and reporting on the recipient's financial and program performance and the necessary standard reporting forms. They also set forth record retention requirements.</p>	<p><b>Reports, Records, Retention, and Enforcement</b></p>	<p><b>200.333 Retention Requirements for Records</b>                      Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. The only exceptions are the following:</p> <p>(a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.</p> <p>(b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.</p>

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		<p>(c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.</p> <p>(d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity.</p> <p>(e) Records for program income transactions after the period of performance. In some cases recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the non-Federal entity's fiscal year in which the program income is earned.</p> <p>(f) Indirect cost rate proposals and cost allocations plans. This paragraph applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).</p> <p>(1) If submitted for negotiation. If the proposal, plan, or other computation is required to be submitted to the Federal government (or to the pass-through entity) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.</p> <p>(2) If not submitted for negotiation. If the proposal, plan, or other computation is not required to be submitted to the Federal government (or to the pass-through entity) for negotiation purposes, then the 3-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other</p>
<p><b>___ .51 Monitoring and reporting program performance.</b>                      (a) Recipients are responsible for managing and monitoring each project, program, subaward, function or activity supported by the award. Recipients shall</p>	<p><b>___ .40 Monitoring and reporting program performance.</b>                      (a) Monitoring by grantees. Grantees are responsible for managing the day-to-day operations of grant and subgrant supported activities. Grantees must monitor</p>	<p><b>200.328 Monitoring And Reporting Program Performance</b>                      (a) Monitoring by the non-Federal entity. The non-Federal entity is responsible for oversight of the operations of the Federal award supported activities. The non-Federal entity must monitor its</p>

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<p>monitor subawards to ensure subrecipients have met the audit requirements as delineated in § 215.26.</p> <p>(b) The Federal awarding agency shall prescribe the frequency with which the performance reports shall be submitted. Except as provided in § 215.51(f), performance reports shall not be required more frequently than quarterly or, less frequently than annually. Annual reports shall be due 90 calendar days after the grant year; quarterly or semi-annual reports shall be due 30 days after the reporting period. The Federal awarding agency may require annual reports before the anniversary dates of multiple year awards in lieu of these requirements. The final performance reports are due 90 calendar days after the expiration or termination of the award.</p> <p>(c) If inappropriate, a final technical or performance report shall not be required after completion of the project.</p> <p>(d) When required, performance reports shall generally contain, for each award, brief information on each of the following.</p>	<p>grant and subgrant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program, function or activity.</p> <p>(b) Nonconstruction performance reports. The Federal agency may, if it decides that performance information available from subsequent applications contains sufficient information to meet its programmatic needs, require the grantee to submit a performance report only upon expiration or termination of grant support. Unless waived by the Federal agency this report will be due on the same date as the final Financial Status Report.</p> <p>(1) Grantees shall submit annual performance reports unless the awarding agency requires quarterly or semi-annual reports. However, performance reports will not be required more frequently than quarterly. Annual reports shall be due 90 days after the grant year, quarterly or semi-annual reports shall be due 30 days after the reporting period. The final performance report will be due 90 days after the expiration or termination of grant support. If a justified request is submitted by a grantee, the Federal agency may extend the due date for any performance report. Additionally, requirements for unnecessary performance reports may be waived by the Federal agency.</p> <p>(2) Performance reports will contain, for each grant, brief information on the following:</p>	<p>activities under Federal awards to assure compliance with applicable Federal requirements and performance expectations are being achieved. Monitoring by the non-Federal entity must cover each program, function or activity. See also section 200.331 Requirements For Pass-Through Entities.</p> <p>(b) Non-construction performance reports. The Federal awarding agency must use standard, OMB-approved data elements for collection of performance information (including performance progress reports, Research Performance Progress Report, or such future collections as may be approved by OMB and listed on the OMB website).</p> <p>(1) The non-Federal entity must submit performance reports at the interval required by the Federal awarding agency or pass-through entity to best inform improvements in program outcomes and productivity. Intervals must be no less frequent than annually nor more frequent than quarterly except in unusual circumstances, for example where more frequent reporting is necessary for the effective monitoring of the Federal award or could significantly affect program outcomes. Annual reports must be due 90 calendar days after the reporting period; quarterly or semiannual reports must be due 30 calendar days after the reporting period. Alternatively, the Federal awarding agency or pass-through entity may require annual reports before the anniversary dates of multiple year Federal awards. The final performance report will be due 90 calendar days after the period of performance end date. If a justified request is submitted by a non-Federal entity, the Federal agency may extend the due date for any performance report.</p> <p>(2) The non-Federal entity must submit performance reports using OMB-approved governmentwide standard information collections when providing performance information. As appropriate in accordance with above mentioned information collections, these reports will contain, for each Federal award, brief information on</p>

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<p>(1) A comparison of actual accomplishments with the goals and objectives established for the period, the findings of the investigator, or both. Whenever appropriate and the output of programs or projects can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.</p> <p>(2) Reasons why established goals were not met, if appropriate.</p> <p>(3) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.</p> <p>(e) Recipients shall not be required to submit more than the original and two copies of performance reports.</p> <p>(f) Recipients shall immediately notify the Federal awarding agency of developments that have a significant impact on the award-supported activities. Also, notification shall be given in the case of problems, delays, or adverse conditions which</p>	<p>(i) A comparison of actual accomplishments to the objectives established for the period. Where the output of the project can be quantified, a computation of the cost per unit of output may be required if that information will be useful.</p> <p>(ii) The reasons for slippage if established objectives were not met.</p> <p>(iii) Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.</p> <p>(3) Grantees will not be required to submit more than the original and two copies of performance reports.</p> <p>(4) Grantees will adhere to the standards in this section in prescribing performance reporting requirements for subgrantees.</p> <p>(c) Construction performance reports. For the most part, on-site technical inspections and certified percentage-of-completion data are relied on heavily by Federal agencies to monitor progress under construction grants and subgrants. The Federal agency will require additional formal performance reports only when considered necessary, and never more frequently than quarterly.</p> <p>(d) Significant developments. Events may occur between the scheduled performance reporting dates which have significant impact upon the grant or subgrant supported activity. In such cases, the grantee must inform the Federal agency as soon as the following types of conditions become known:</p>	<p>the following unless other collections are approved by OMB:</p> <p>(i) A comparison of actual accomplishments to the objectives of the Federal award established for the period. Where the accomplishments of the Federal award can be quantified, a computation of the cost (for example, related to units of accomplishment) may be required if that information will be useful. Where performance trend data and analysis would be informative to the Federal awarding agency program, the Federal awarding agency should include this as a performance reporting requirement.</p> <p>(ii) The reasons why established goals were not met, if appropriate.</p> <p>(iii) Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.</p> <p>(c) Construction performance reports. For the most part, onsite technical inspections and certified percentage of completion data are relied on heavily by Federal awarding agencies and pass-through entities to monitor progress under Federal awards and subawards for construction. The Federal awarding agency may require additional performance reports only when considered necessary.</p> <p>(d) Significant developments. Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, the non-Federal entity must inform the Federal awarding agency or pass-through entity as soon as the following types of conditions become known:</p>

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<p>materially impair the ability to meet the objectives of the award. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.</p> <p>(g) Federal awarding agencies may make site visits, as needed.</p> <p>(h) Federal awarding agencies shall comply with clearance requirements of 5 CFR part 1320 when requesting performance data from recipients.</p>	<p>(1) Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.</p> <p>(2) Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more beneficial results than originally planned.</p> <p>(e) Federal agencies may make site visits as warranted by program needs.</p> <p><b>2f.Site Visits and Technical Assistance.</b> Agencies shall conduct site visits only as warranted by program or project needs. Technical assistance site visits shall be provided only (1) in response to requests from grantees, (2) based on demonstrated program need, or (3) when recipients are designated "high risk" under section __.12 of the grants management common rule.</p> <p>(f) Waivers, extensions.</p> <p>(1) Federal agencies may waive any performance report required by this part if not needed.</p> <p>(2) The grantee may waive any performance report from a subgrantee when not needed. The grantee may</p>	<p>(1) Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.</p> <p>(2) Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.</p> <p>(e) The Federal awarding agency may make site visits as warranted by program needs.</p> <p>(f) The Federal awarding agency may waive any performance report required by this Part if not needed.</p>



**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
	<p>extend the due date for any performance report from a subgrantee if the grantee will still be able to meet its performance reporting obligations to the Federal agency.</p>	
<p><b>____.52 Financial reporting.</b></p>	<p><b>____.41 Financial reporting.</b></p> <p>(a) General.</p> <p>(1) Except as provided in paragraphs (a) (2) and (5) of this section, grantees will use only the forms specified in paragraphs (a) through (e) of this section, and such supplementary or other forms as may from time to time be authorized by OMB, for:</p> <p>(i) Submitting financial reports to Federal agencies, or</p> <p>(ii) Requesting advances or reimbursements when letters of credit are not used.</p> <p>(2) Grantees need not apply the forms prescribed in this section in dealing with their subgrantees. However, grantees shall not impose more burdensome requirements on subgrantees.</p> <p>(3) Grantees shall follow all applicable standard and supplemental Federal agency instructions approved by OMB to the extent required under the Paperwork Reduction Act of 1980 for use in connection with forms specified in paragraphs (b) through (e) of this section. Federal agencies may issue substantive supplementary instructions only with the approval of OMB. Federal agencies may shade out or instruct the grantee to disregard any line item that the Federal agency finds unnecessary for its decisionmaking purposes.</p> <p>(4) Grantees will not be required to submit more than the original and two copies of forms required under this part.</p>	<p><b>200.327 Financial Reporting</b></p> <p>Unless otherwise approved by OMB, the Federal awarding agency may solicit only the standard, OMB-approved governmentwide data elements for collection of financial information (at time of publication the Federal Financial Report or such future collections as may be approved by OMB and listed on the OMB website). This information must be collected with the frequency required by the terms and conditions of the Federal award, but no less frequently than annually nor more frequently than quarterly except in unusual circumstances, for example where more frequent reporting is necessary for the effective monitoring of the Federal award or could significantly affect program outcomes, and preferably in coordination with performance reporting.</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<p><b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b></p>	<p><b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b></p>	<p><b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b></p>
<p>(a) The following forms or such other forms as may be approved by OMB are authorized for obtaining financial information from recipients.</p> <p>(1) SF-269 or SF-269A, Financial Status Report.                      (i) Each Federal awarding agency shall require recipients to use the SF-269 or SF-269A to report the status of funds for all nonconstruction projects or programs. A Federal awarding agency may, however, have the option of not requiring the SF-269 or SF-269A when the SF-270, Request for Advance or Reimbursement, or SF-272, Report of Federal Cash Transactions, is determined to provide adequate information to meet its needs, except that a final SF-269 or SF-269A shall be required at the completion of the project when the SF-270 is used only for advances.</p> <p>(ii) The Federal awarding agency shall prescribe whether the report shall be on a cash or accrual basis. If the Federal awarding agency requires accrual information and the recipient's accounting records are not normally kept on the accrual basis, the recipient shall not be required to convert its accounting system, but shall develop such accrual information through</p>	<p>(5) Federal agencies may provide computer outputs to grantees to expedite or contribute to the accuracy of reporting. Federal agencies may accept the required information from grantees in machine usable format or computer printouts instead of prescribed forms.</p> <p>(6) Federal agencies may waive any report required by this section if not needed.</p> <p>(7) Federal agencies may extend the due date of any financial report upon receiving a justified request from a grantee.</p> <p>(b) Financial Status Report                      (1) Form. Grantees will use Standard Form 269 or 269A, Financial Status Report, to report the status of funds for all nonconstruction grants and for construction grants when required in accordance with § 92.41(e)(2)(iii).</p> <p><b>2.c. Financial Status Reports.</b>  <b>2.c.1.</b> Federal agencies shall require grantees to use the SF-269, Financial Status Report-Long Form, or SF-269a, Financial Status Report-Short Form, to report the status of funds for all non-construction projects or programs. Federal agencies need not require the Financial Status Report when the SF-270, Request for Advance or Reimbursement, or SF-272, Report of Federal Cash Transactions, is determined to provide adequate information.</p> <p>(2) Federal agencies shall not require grantees to report on the status of funds by object class category of expenditure (e.g., personnel, travel, equipment).  <b>2.c.2.</b> Accounting basis. Each grantee will report program outlays and program income on a cash or accrual basis as prescribed by the awarding agency. If the Federal agency requires accrual information and the grantee's accounting records are not normally kept</p>	



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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>(2) SF-272, Report of Federal Cash Transactions.</p> <p>(i) When funds are advanced to recipients the Federal awarding agency shall require each recipient to submit the SF-272 and, when necessary, its continuation sheet, SF-272a. The Federal awarding agency shall use this report to monitor cash advanced to recipients and to obtain disbursement information for each agreement with the recipients.</p> <p>(ii) Federal awarding agencies may require forecasts of Federal cash requirements in the “Remarks” section of the report.</p> <p>(iii) When practical and deemed necessary, Federal awarding agencies may require recipients to report in the “Remarks” section the amount of cash advances received in excess of three days. Recipients shall provide short narrative explanations of actions taken to reduce the excess balances.</p> <p>(iv) Recipients shall be required to submit not more than the original and two copies of the SF-272 15 calendar days following the end of each quarter. The Federal awarding agencies may require a monthly report from those recipients receiving advances totaling \$1 million or more per year.</p>	<p>(c) Federal Cash Transactions Report</p> <p>(1) Form.</p> <p>(i) For grants paid by letter or credit, Treasury check advances or electronic transfer of funds, the grantee will submit the Standard Form 272, Federal Cash Transactions Report, and when necessary, its continuation sheet, Standard Form 272a, unless the terms of the award exempt the grantee from this requirement.</p> <p>(ii) These reports will be used by the Federal agency to monitor cash advanced to grantees and to obtain disbursement or outlay information for each grant from grantees. The format of the report may be adapted as appropriate when reporting is to be accomplished with the assistance of automatic data processing equipment provided that the information to be submitted is not changed in substance.</p> <p>(2) Forecasts of Federal cash requirements. Forecasts of Federal cash requirements may be required in the “Remarks” section of the report.</p> <p>(3) Cash in hands of subgrantees. When considered necessary and feasible by the Federal agency, grantees may be required to report the amount of cash advances in excess of three days' needs in the hands of their subgrantees or contractors and to provide short narrative explanations of actions taken by the grantee to reduce the excess balances.</p> <p>(4) Frequency and due date. Grantees must submit the report no later than 15 working days following the end of each quarter. However, where an advance either by letter of credit or electronic transfer of funds is</p>	

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<p>(v) Federal awarding agencies may waive the requirement for submission of the SF-272 for any one of the following reasons:</p> <p>(A) When monthly advances do not exceed \$25,000 per recipient, provided that such advances are monitored through other forms contained in this section;</p> <p>(B) If, in the Federal awarding agency's opinion, the recipient's accounting controls are adequate to minimize excessive Federal advances; or,</p> <p>(C) When the electronic payment mechanisms provide adequate data.</p> <p>(b) When the Federal awarding agency needs additional information or more frequent reports, the following shall be observed.</p> <p>(1) When additional information is needed to comply with legislative requirements, Federal awarding agencies shall issue instructions to require recipients to submit such information under the "Remarks" section of the reports.</p> <p>(2) When a Federal awarding agency determines that a recipient's accounting system does not meet the standards in § 215.21, additional pertinent information to further monitor awards may be obtained upon written notice to the recipient until such time as the system is brought up to standard. The Federal awarding agency, in obtaining this information, shall comply with report clearance requirements of 5 CFR part 1320.</p> <p>(3) Federal awarding agencies are encouraged to shade out any line item on any report if not necessary.</p> <p>(4) Federal awarding agencies may accept the identical information from the recipients in machine readable format or computer printouts or electronic</p>	<p>authorized at an annualized rate of one million dollars or more, the Federal agency may require the report to be submitted within 15 working days following the end of each month.</p>	

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outputs in lieu of prescribed formats. (5) Federal awarding agencies may provide computer or electronic outputs to recipients when such expedites or contributes to the accuracy of reporting.		
		<p><b>200.329 Reporting on Real Property</b>                      The Federal awarding agency or pass-through entity must require a non-Federal entity to submit reports at least annually on the status of real property in which the Federal government retains an interest, unless the Federal interest in the real property extends 15 years or longer. In those instances where the Federal interest attached is for a period of 15 years or more, the Federal awarding agency or pass-through entity, at its option, may require the non-Federal entity to report at various multi-year frequencies (e.g., every two years or every three years, not to exceed a five-year reporting period; or a Federal awarding agency or pass-through entity may require annual reporting for the first three years of a Federal award and thereafter require reporting every five years).</p>

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<p><b>___53 Retention and access requirements for records.</b></p> <p>(a) This section sets forth requirements for record retention and access to records for awards to recipients. Federal awarding agencies shall not impose any other record retention or access requirements upon recipients.</p> <p>(b) Financial records, supporting documents, statistical records, and all other records pertinent to an award shall be retained for a period of three years from the date of submission of the final expenditure report or, for awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, as authorized by the Federal awarding agency. The only exceptions are the following.</p> <p>(1) If any litigation, claim, or audit is started before</p>	<p><b>___42 Retention and access requirements for records.</b></p> <p>(a) Applicability.</p> <p>(1) This section applies to all financial and programmatic records, supporting documents, statistical records, and other records of grantees or subgrantees which are:</p> <p>(i) Required to be maintained by the terms of this part, program regulations or the grant agreement, or</p> <p>(ii) Otherwise reasonably considered as pertinent to program regulations or the grant agreement.</p> <p>(2) This section does not apply to records maintained by contractors or subcontractors. For a requirement to place a provision concerning records in certain kinds of contracts, see § 92.36(i)(10).</p> <p>(b) Length of retention period.</p> <p>(1) Except as otherwise provided, records must be retained for three years from the starting date specified in paragraph (c) of this section.</p> <p>(2) If any litigation, claim, negotiation, audit or other</p>	<p><b>200.333 Retention Requirements for Records</b></p> <p>Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. The only exceptions are the following:</p> <p>(a) If any litigation, claim, or audit is started before the expiration</p>

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>the expiration of the 3-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.</p> <p>(2) Records for real property and equipment acquired with Federal funds shall be retained for 3 years after final disposition.</p> <p>(3) When records are transferred to or maintained by the Federal awarding agency, the 3-year retention requirement is not applicable to the recipient.</p> <p>(4) Indirect cost rate proposals, cost allocations plans,</p>	<p>action involving the records has been started before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.</p> <p>(c) Starting date of retention period                      (1) General. When grant support is continued or renewed at annual or other intervals, the retention period for the records of each funding period starts on the day the grantee or subgrantee submits to the awarding agency its single or last expenditure report for that period. However, if grant support is continued or renewed quarterly, the retention period for each year's records starts on the day the grantee submits its expenditure report for the last quarter of the Federal fiscal year. In all other cases, the retention period starts on the day the grantee submits its final expenditure report. If an expenditure report has been waived, the retention period starts on the day the report would have been due.</p> <p>(2) Real property and equipment records. The retention period for real property and equipment records starts from the date of the disposition or replacement or transfer at the direction of the awarding agency.</p> <p>(3) Records for income transactions after grant or subgrant support. In some cases grantees must report income after the period of grant support. Where there is such a requirement, the retention period for the records pertaining to the earning of the income starts from the end of the grantee's fiscal year in which the income is earned.</p>	<p>of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.</p> <p>(b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.</p> <p>(c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.</p> <p>(d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity.</p> <p>(e) Records for program income transactions after the period of performance. In some cases recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the non-Federal entity's fiscal year in which the program income is earned.</p>



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<p>etc. as specified in § 215.53(g).</p> <p>(c) Copies of original records may be substituted for the original records if authorized by the Federal awarding agency.</p> <p>(d) The Federal awarding agency shall request transfer of certain records to its custody from recipients when it determines that the records possess long term retention value. However, in order to avoid duplicate recordkeeping, a Federal awarding agency may make arrangements for recipients to retain any records that are continuously needed for joint use.</p> <p>(e) The Federal awarding agency, the Inspector General, Comptroller General of the United States, or any of their duly authorized representatives, have the right of timely and unrestricted access to any books, documents, papers, or other records of recipients that are pertinent to the awards, in order to make audits,</p>	<p>(d) Substitution of microfilm. Copies made by microfilming, photocopying, or similar methods may be substituted for the original records.</p> <p>(b)(3) To avoid duplicate recordkeeping, awarding agencies may make special arrangements with grantees and subgrantees to retain any records which are continuously needed for joint use. The awarding agency will request transfer of records to its custody when it determines that the records possess long-term retention value. When the records are transferred to or maintained by the Federal agency, the 3-year retention requirement is not applicable to the grantee or subgrantee.</p> <p>(e) Access to records                      (1) Records of grantees and subgrantees. The awarding agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records</p>	<p><b>200.335 Methods for Collection, Transmission and Storage of Information</b>                      In accordance with the May 2013 Executive Order on Making Open and Machine Readable the New Default for Government Information, the Federal awarding agency and the non-Federal entity should, whenever practicable, collect, transmit, and store Federal award-related information in open and machine readable formats rather than in closed formats or on paper. The Federal awarding agency or pass-through entity must always provide or accept paper versions of Federal award-related information to and from the non-Federal entity upon request. If paper copies are submitted, the Federal awarding agency or pass-through entity must not require more than an original and two copies. When original records are electronic and cannot be altered, there is no need to create and retain paper copies. When original records are paper, electronic versions may be substituted through the use of duplication or other forms of electronic media provided that they are subject to periodic quality control reviews, provide reasonable safeguards against alteration, and remain readable.</p> <p><b>200.334 Requests For Transfer Of Records</b>                      The Federal awarding agency must request transfer of certain records to its custody from the non-Federal entity when it determines that the records possess long-term retention value. However, in order to avoid duplicate recordkeeping, the Federal awarding agency may make arrangements for the non-Federal entity to retain any records that are continuously needed for joint use.</p> <p><b>200.336 Access To Records</b>                      (a) Records of non-Federal entities. The Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the non-Federal entity which are</p>

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<p>examinations, excerpts, transcripts and copies of such documents. This right also includes timely and reasonable access to a recipient's personnel for the purpose of interview and discussion related to such documents. The rights of access in this paragraph are not limited to the required retention period, but shall last as long as records are retained.</p> <p>(f) Unless required by statute, no Federal awarding agency shall place restrictions on recipients that limit public access to the records of recipients that are pertinent to an award, except when the Federal awarding agency can demonstrate that such records shall be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552) if the records had belonged to the Federal awarding agency.</p> <p>(g) Indirect cost rate proposals, cost allocations plans,</p>	<p>of grantees and subgrantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts.</p> <p>(2) Expiration of right of access. The rights of access in this section must not be limited to the required retention period but shall last as long as the records are retained.</p> <p>(f) Restrictions on public access. The Federal Freedom of Information Act (5 U.S.C. 552) does not apply to records unless required by Federal, State, or local law, grantees and subgrantees are not required to permit public access to their records.</p> <p>(c)(4) Indirect cost rate proposals, cost allocations</p>	<p>pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.</p> <p>(b) Only under extraordinary and rare circumstances would such access include review of the true name of victims of a crime. Routine monitoring cannot be considered extraordinary and rare circumstances that would necessitate access to this information. When access to the true name of victims of a crime is necessary, appropriate steps to protect this sensitive information must be taken by both the non-Federal entity and the Federal awarding agency. Any such access, other than under a court order or subpoena pursuant to a bona fide confidential investigation, must be approved by the head of the Federal awarding agency or delegate.</p> <p>(c) Expiration of right of access. The rights of access in this section are not limited to the required retention period but last as long as the records are retained.</p> <p><b>200.337 Restrictions On Public Access To Records</b>                      No Federal awarding agency may place restrictions on the non-Federal entity that limit public access to the records of the non-Federal entity pertinent to a Federal award, except for protected personally identifiable information (PII) or when the Federal awarding agency can demonstrate that such records will be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act (5 U.S.C. § 552) or controlled unclassified information pursuant to Executive Order 13556 if the records had belonged to the Federal awarding agency. The Freedom of Information Act (5 U.S.C. § 552) (FOIA) does not apply to those records that remain under a non-Federal entity's control except as required under 200.315 Intangible Property. Unless required by Federal, state, or local statute, non-Federal entities are not required to permit public access to their records. The non-Federal entity's records provided to a Federal agency generally will be subject to FOIA and applicable exemptions.</p> <p><b>200.333</b> (f) Indirect cost rate proposals and cost allocations plans.</p>

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>etc. Paragraphs (g)(1) and (g)(2) of this section apply to the following types of documents, and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).</p> <p>(1) If submitted for negotiation. If the recipient submits to the Federal awarding agency or the subrecipient submits to the recipient the proposal, plan, or other computation to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts on the date of such submission.</p> <p>(2) If not submitted for negotiation. If the recipient is not required to submit to the Federal awarding agency or the subrecipient is not required to submit to the recipient the proposal, plan, or other computation for negotiation purposes, then the 3-year retention period for the proposal, plan, or other computation and its supporting records starts at the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.</p>	<p>plans, etc. This paragraph applies to the following types of documents, and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).</p> <p>(i) If submitted for negotiation. If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the grantee) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.</p> <p>(ii) If not submitted for negotiation. If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the grantee) for negotiation purposes, then the 3-year retention period for the proposal plan, or computation and its supporting records starts from end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.</p>	<p>This paragraph applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).</p> <p><b>200.333</b> (f) (1) If submitted for negotiation. If the proposal, plan, or other computation is required to be submitted to the Federal government (or to the pass-through entity) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.</p> <p><b>200.333</b> (f) (2) If not submitted for negotiation. If the proposal, plan, or other computation is not required to be submitted to the Federal government (or to the pass-through entity) for negotiation purposes, then the 3-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.</p>
<p><b>Termination and Enforcement</b></p> <p><b>___ .60 Purpose of termination and enforcement.</b> Sections 215.61 and 215.62 set forth uniform suspension, termination and enforcement procedures.</p> <p><b>___ .61 Termination.</b></p> <p>(a) Awards may be terminated in whole or in part only if paragraphs (a)(1), (2) or (3) of this section apply.</p> <p>(1) By the Federal awarding agency, if a recipient materially fails to comply with the terms and conditions of an award.</p>	<p><b>___ .44 Termination for convenience.</b> Except as provided in § 92.43 awards may be terminated in whole or in part only as follows:</p> <p>(a) By the awarding agency with the consent of the</p>	<p><b>200.339 Termination</b></p> <p>(a) The Federal award may be terminated in whole or in part as follows:</p> <p>(1) By the Federal awarding agency or pass-through entity, if a non-Federal entity fails to comply with the terms and conditions of a Federal award;</p> <p>(2) By the Federal awarding agency or pass-through entity for</p>

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>(2) By the Federal awarding agency with the consent of the recipient, in which case the two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated.</p> <p>(3) By the recipient upon sending to the Federal awarding agency written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal awarding agency determines in the case of partial termination that the reduced or modified portion of the grant will not accomplish the purposes for which the grant was made, it may terminate the grant in its entirety under either paragraphs (a)(1) or (2) of this section.</p>	<p>grantee or subgrantee in which case the two parties shall agree upon the termination conditions, including the effective date and in the case of partial termination, the portion to be terminated, or</p> <p>(b) By the grantee or subgrantee upon written notification to the awarding agency, setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. However, if, in the case of a partial termination, the awarding agency determines that the remaining portion of the award will not accomplish the purposes for which the award was made, the awarding agency may terminate the award in its entirety under either § 92.43 or paragraph (a) of this section.</p>	<p>cause;</p> <p>(3) By the Federal awarding agency or pass-through entity with the consent of the non-Federal entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated; or</p> <p>(4) By the non-Federal entity upon sending to the Federal awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal awarding agency or pass-through entity determines in the case of partial termination that the reduced or modified portion of the Federal award or subaward will not accomplish the purposes for which the Federal award was made, the Federal awarding agency or pass-through entity may terminate the Federal award in its entirety.</p> <p>(b) When a Federal award is terminated or partially terminated, both the Federal awarding agency or pass-through entity and the non-Federal entity remain responsible for compliance with the requirements in sections Closeout and 200.344 Post-Closeout Adjustments and Continuing Responsibilities.</p> <p><b>200.340 Notification Of Termination Requirement</b></p> <p>(a) The Federal agency or pass-through entity must provide to the non-Federal entity a notice of termination.</p> <p>(b) If the Federal award is terminated for the non-Federal entity’s failure to comply with the Federal statutes, regulations, or terms and conditions of the Federal award, the notification must state that the termination decision may be considered in evaluating future applications received from the non-Federal entity.</p> <p>(c) Upon termination of a Federal award, the Federal awarding agency must provide the information required under FFATA to the Federal website established to fulfill the requirements of FFATA, and update or notify any other relevant governmentwide systems or entities of any indications of poor performance as required by 41 U.S.C. § 417b and 31 U.S.C. § 3321 and implementing guidance at 2 C.F.R. Part 77. See also the requirements for Suspension and</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>(b) If costs are allowed under an award, the responsibilities of the recipient referred to in §215.71(a), including those for property management as applicable, shall be considered in the termination of the award, and provision shall be made for continuing responsibilities of the recipient after termination, as appropriate.</p>		<p>Debarment at 2 C.F.R. Part 180.</p>
<p><b>___ .62 Enforcement.</b>                      (a) Remedies for noncompliance. If a recipient materially fails to comply with the terms and conditions of an award, whether stated in a Federal statute, regulation, assurance, application, or notice of award, the Federal awarding agency may, in addition to imposing any of the special conditions outlined in §215.14, take one or more of the following actions, as appropriate in the circumstances.</p> <p>(1) Temporarily withhold cash payments pending correction of the deficiency by the recipient or more severe enforcement action by the Federal awarding agency.</p> <p>(2) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.</p> <p>(3) Wholly or partly suspend or terminate the current award.</p> <p>(4) Withhold further awards for the project or program.</p>	<p><b>___ .43 Enforcement.</b>                      (a) Remedies for noncompliance. If a grantee or subgrantee materially fails to comply with any term of an award, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the awarding agency may take one or more of the following actions, as appropriate in the circumstances:</p> <p>(1) Temporarily withhold cash payments pending correction of the deficiency by the grantee or subgrantee or more severe enforcement action by the awarding agency,</p> <p>(2) Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance,</p> <p>(3) Wholly or partly suspend or terminate the current award for the grantee's or subgrantee's program,</p> <p>(4) Withhold further awards for the program, or</p>	<p><b>200.338 Remedies For Noncompliance</b>                      If a non-Federal entity fails to comply with Federal statutes, regulations or the terms and conditions of a Federal award, the Federal awarding agency or pass-through entity may impose additional conditions, as described in section 200.207 Specific Conditions. If the Federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the Federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:</p> <p>(a) Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity.</p> <p>(b) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.</p> <p>(c) Wholly or partly suspend or terminate the Federal award.</p> <p>(d) Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and Federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency).</p> <p>(e) Withhold further Federal awards for the project or program.</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<p><b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b></p>	<p><b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b></p>	<p><b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b></p>
<p>(5) Take other remedies that may be legally available.</p> <p>(b) Hearings and appeals. In taking an enforcement action, the awarding agency shall provide the recipient an opportunity for hearing, appeal, or other administrative proceeding to which the recipient is entitled under any statute or regulation applicable to the action involved.</p> <p>(c) Effects of suspension and termination. Costs of a recipient resulting from obligations incurred by the recipient during a suspension or after termination of an award are not allowable unless the awarding agency expressly authorizes them in the notice of suspension or termination or subsequently. Other recipient costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if paragraphs (c)(1) and (2) of this section apply.</p> <p>(1) The costs result from obligations which were properly incurred by the recipient before the effective date of suspension or termination, are not in anticipation of it, and in the case of a termination, are noncancellable.</p> <p>(2) The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes effect.</p> <p>(d) Relationship to debarment and suspension. The enforcement remedies identified in this section, including suspension and termination, do not preclude a recipient from being subject to debarment and suspension under E.O.s 12549 and 12689 and the Federal awarding agency implementing regulations</p>	<p>(5) Take other remedies that may be legally available.</p> <p>(b) Hearings, appeals. In taking an enforcement action, the awarding agency will provide the grantee or subgrantee an opportunity for such hearing, appeal, or other administrative proceeding to which the grantee or subgrantee is entitled under any statute or regulation applicable to the action involved.</p> <p>(c) Effects of suspension and termination. Costs of grantee or subgrantee resulting from obligations incurred by the grantee or subgrantee during a suspension or after termination of an award are not allowable unless the awarding agency expressly authorizes them in the notice of suspension or termination or subsequently. Other grantee or subgrantee costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:</p> <p>(1) The costs result from obligations which were properly incurred by the grantee or subgrantee before the effective date of suspension or termination, are not in anticipation of it, and, in the case of a termination, are noncancellable, and,</p> <p>(2) The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes effect.</p> <p>(d) Relationship to debarment and suspension. The enforcement remedies identified in this section, including suspension and termination, do not preclude grantee or subgrantee from being subject to “Debarment and Suspension” under E.O. 12549 (see §</p>	<p>(f) Take other remedies that may be legally available.</p> <p><b>200.341 Opportunities to Object, Hearings And Appeals</b>                      Upon taking any remedy for non-compliance, the Federal awarding agency must provide the non-Federal entity an opportunity to object and provide information and documentation challenging the suspension or termination action, in accordance with written processes and procedures published by the Federal awarding agency. The Federal awarding agency or pass-through entity must comply with any requirements for hearings, appeals or other administrative proceedings which the non-Federal entity is entitled under any statute or regulation applicable to the action involved.</p> <p><b>200.342 Effects Of Suspension And Termination</b>                      Costs to the non-Federal entity resulting from obligations incurred by the non-Federal entity during a suspension or after termination of a Federal award or subaward are not allowable unless the Federal awarding agency or pass-through entity expressly authorizes them in the notice of suspension or termination or subsequently. However, costs during suspension or after termination are allowable if:</p> <p>(a) The costs result from obligations which were properly incurred by the non-Federal entity before the effective date of suspension or termination, are not in anticipation of it; and</p> <p>(b) The costs would be allowable if the Federal award was not suspended or expired normally at the end of the period of performance in which the termination takes effect.</p>

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Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)	Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)	Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)
(see §215.13)	92.35).	
Subpart D—After-the-Award Requirements	Subpart D-After-The-Grant Requirements	Subpart D – Post Federal Award Requirements
<p><b>___ .70 Purpose.</b> Sections 215.71 through 215.73 contain closeout procedures and other procedures for subsequent disallowances and adjustments.</p> <p><b>___ .71 Closeout procedures.</b> (a) Recipients shall submit, within 90 calendar days after the date of completion of the award, all financial, performance, and other reports as required by the terms and conditions of the award. The Federal awarding agency may approve extensions when requested by the recipient.</p>	<p><b>___ .50 Closeout.</b> (a) General. The Federal agency will close out the award when it determines that all applicable administrative actions and all required work of the grant has been completed.</p> <p><b>3.a Closeout.</b> Federal agencies shall notify grantees in writing before the end of the grant period of final reports that shall be due, the dates by which they must be received, and where they must be submitted. Copies of any required forms and instructions for their completion shall be included with this notification. The Federal actions that must precede closeout are: (1) Receipt of all required reports, (2) Disposition or recovery of federally-owned assets (as distinct from property acquired under the grant), and (3) Adjustment of the award amount and the amount of Federal cash paid the recipient.</p> <p><b>3.b. Annual Reconciliation of Continuing Assistance Awards.</b> Federal agencies shall reconcile continuing awards at least annually and evaluate program performance and financial reports.</p> <p>Items to be reviewed include: (1) A comparison of the recipient's work plan to its progress reports and project outputs, (2) the Financial Status Report (SF-269), (3) Request(s) for payment, (4) Compliance with any matching, level of effort or maintenance of effort requirement, and</p>	<p><b>200.343 Closeout</b> The Federal agency or pass-through entity will close-out the Federal award when it determines that all applicable administrative actions and all required work of the Federal award have been completed by the non-Federal entity. This section specifies the actions the non-Federal entity and Federal awarding agency or pass-through entity must take to complete this process at the end of the period of performance.</p> <p>(a) The non-Federal entity must submit, no later than 90 calendar days after the end date of the period of performance, all financial, performance, and other reports as required by or the terms and conditions of the Federal award. The Federal awarding agency or pass-through entity may approve extensions when requested by the non-Federal entity.</p> <p>(b) Unless the Federal awarding agency or pass-through entity authorizes an extension, a non-Federal entity must liquidate all obligations incurred under the Federal award not later than 90 calendar days after the end date of the period of performance as specified in the terms and conditions of the Federal award.</p> <p>(c) The Federal awarding agency or pass-through entity must make prompt payments to the non-Federal entity for allowable reimbursable costs under the Federal award being closed out.</p> <p>(d) The non-Federal entity must promptly refund any balances of unobligated cash that the Federal awarding agency or pass-through entity paid in advance or paid and that is not authorized to be retained by the non-Federal entity for use in other projects. See OMB Circular A-129 and see section 200.345 Collection Of Amounts Due for requirements regarding unreturned amounts that become delinquent debts.</p> <p>(e) Consistent with the terms and conditions of the Federal award, the Federal awarding agency or pass-through entity must make a</p>

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<p>(b) Unless the Federal awarding agency authorizes an extension, a recipient shall liquidate all obligations incurred under the award not later than 90 calendar days after the funding period or the date of completion as specified in the terms and conditions of the award or in agency implementing instructions.</p> <p>(c) The Federal awarding agency shall make prompt</p>	<p>(5) A review of federally-owned property (as distinct from property acquired under the grant).</p> <p>(b) Reports. Within 90 days after the expiration or termination of the grant, the grantee must submit all financial, performance, and other reports required as a condition of the grant. Upon request by the grantee, Federal agencies may extend this timeframe. These may include but are not limited to:</p> <p>(1) Final performance or progress report.</p> <p>(2) Financial Status Report (SF 269) or Outlay Report and Request for Reimbursement for Construction Programs (SF-271) (as applicable).</p> <p>(3) Final request for payment (SF-270) (if applicable).</p> <p>(4) Invention disclosure (if applicable).</p> <p>(5) Federally-owned property report: In accordance with § 92.32(f), a grantee must submit an inventory of all federally owned property (as distinct from property acquired with grant funds) for which it is accountable and request disposition instructions from the Federal agency of property no longer needed.</p> <p>(b) Liquidation of obligations. A grantee must liquidate all obligations incurred under the award not later than 90 days after the end of the funding period (or as specified in a program regulation) to coincide with the submission of the annual Financial Status Report (SF-269). The Federal agency may extend this deadline at the request of the grantee.</p> <p>(d) Cash adjustments.</p>	<p>settlement for any upward or downward adjustments to the Federal share of costs after closeout reports are received.</p> <p>(f) The non-Federal entity must account for any real and personal property acquired with Federal funds or received from the Federal government in accordance with Property Standards and 200.329 Reporting on Real Property.</p> <p>(g) The Federal awarding agency or pass-through entity should complete all closeout actions for Federal awards no later than one year after receipt and acceptance of all required final reports.</p>



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<p>payments to a recipient for allowable reimbursable costs under the award being closed out.</p> <p>(d) The recipient shall promptly refund any balances of unobligated cash that the Federal awarding agency has advanced or paid and that is not authorized to be retained by the recipient for use in other projects. OMB Circular A-129 governs unreturned amounts that become delinquent debts.</p> <p>(e) When authorized by the terms and conditions of the award, the Federal awarding agency shall make a settlement for any upward or downward adjustments to the Federal share of costs after closeout reports are received.</p> <p>(f) The recipient shall account for any real and personal property acquired with Federal funds or received from the Federal Government in accordance with §215.31 through §215.37.</p> <p>(g) In the event a final audit has not been performed prior to the closeout of an award, the Federal awarding agency shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.</p>	<p>(1) The Federal agency will make prompt payment to the grantee for allowable reimbursable costs.</p> <p>(d)(2) The grantee must immediately refund to the Federal agency any balance of unobligated (unencumbered) cash advanced that is not authorized to be retained for use on other grants.</p> <p>(c) Cost adjustment. The Federal agency will, within 90 days after receipt of reports in paragraph (b) of this section, make upward or downward adjustments to the allowable costs.</p>	
<p><b>____.72 Subsequent adjustments and continuing responsibilities.</b></p> <p>(a) The closeout of an award does not affect any of the following:</p> <p>(1) The right of the Federal awarding agency to disallow costs and recover funds on the basis of a later audit or other review.</p> <p>(2) The obligation of the recipient to return any funds due as a result of later refunds, corrections, or other</p>	<p><b>____.51 Later disallowances and adjustments.</b></p> <p>The closeout of a grant does not affect:</p> <p>(a) The Federal agency's right to disallow costs and recover funds on the basis of a later audit or other review;</p> <p>(b) The grantee's obligation to return any funds due as</p>	<p><b>200.344 Post-Closeout Adjustments and Continuing Responsibilities</b></p> <p>(a) The closeout of a Federal award does not affect any of the following.</p> <p>(1) The right of the Federal awarding agency or pass-through entity to disallow costs and recover funds on the basis of a later audit or other review. The Federal awarding agency or pass-through entity must make any cost disallowance determination and notify the non-Federal entity within the record retention period.</p> <p>(2) The obligation of the non-Federal entity to return any funds due</p>

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<p>transactions.</p> <p>(3) Audit requirements in §215.26.</p> <p>(4) Property management requirements in §§215.31 through 215.37.</p> <p>(5) Records retention as required in §215.53.</p> <p>(b) After closeout of an award, a relationship created under an award may be modified or ended in whole or in part with the consent of the Federal awarding agency and the recipient, provided the responsibilities of the recipient referred to in paragraph (a) of this section, including those for property management as applicable, are considered and provisions made for continuing responsibilities of the recipient, as appropriate.</p>	<p>a result of later refunds, corrections, or other transactions;</p> <p>(e) Audit requirements in § 92.26.</p> <p>(d) Property management requirements in §§ 92.31 and 92.32; and</p> <p>(c) Records retention as required in § 92.42;</p>	<p>as a result of later refunds, corrections, or other transactions including final indirect cost rate adjustments.</p> <p>(3) Audit requirements in Subpart F - Audit Requirements.</p> <p>(4) Property management and disposition requirements in Subpart D - Post Federal Award Requirements, Property Standards.</p> <p>(5) Records retention as required in Subpart D - Post Federal Award Requirements, Record Retention and Access.</p> <p>(b) After closeout of the Federal award, a relationship created under the Federal award may be modified or ended in whole or in part with the consent of the Federal awarding agency or pass-through entity and the non-Federal entity, provided the responsibilities of the non-Federal entity referred to in paragraph (a) of this section including those for property management as applicable, are considered and provisions made for continuing responsibilities of the non-Federal entity, as appropriate.</p>
<p><b>___73 Collection of amounts due.</b></p> <p>(a) Any funds paid to a recipient in excess of the amount to which the recipient is finally determined to be entitled under the terms and conditions of the award constitute a debt to the Federal Government. If not paid within a reasonable period after the demand for payment, the Federal awarding agency may reduce the debt by paragraphs (a)(1), (2) or (3) of this section.</p> <p>(1) Making an administrative offset against other requests for reimbursements.</p> <p>(2) Withholding advance payments otherwise due to the recipient.</p> <p>(3) Taking other action permitted by statute.</p> <p>(b) Except as otherwise provided by law, the Federal</p>	<p><b>___52 Collection of amounts due.</b></p> <p>(a) Any funds paid to a grantee in excess of the amount to which the grantee is finally determined to be entitled under the terms of the award constitute a debt to the Federal Government. If not paid within a reasonable period after demand, the Federal agency may reduce the debt by:</p> <p>(1) Making an administrative offset against other requests for reimbursements,</p> <p>(2) Withholding advance payments otherwise due to the grantee, or</p> <p>(3) Other action permitted by law.</p> <p>(b) Except where otherwise provided by statutes or</p>	<p><b>200.345 Collection Of Amounts Due</b></p> <p>(a) Any funds paid to the non-Federal entity in excess of the amount to which the non-Federal entity is finally determined to be entitled under the terms of the Federal award constitute a debt to the Federal government. If not paid within 90 calendar days after demand, the Federal awarding agency may reduce the debt by:</p> <p>(1) Making an administrative offset against other requests for reimbursements;</p> <p>(2) Withholding advance payments otherwise due to the non-Federal entity; or</p> <p>(3) Other action permitted by Federal statute.</p> <p>(b) Except where otherwise provided by statutes or regulations, the</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<p><b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b></p>	<p><b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b></p>	<p><b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b></p>
<p>awarding agency shall charge interest on an overdue debt in accordance with 4 CFR Chapter II, “Federal Claims Collection Standards.”</p>	<p>regulations, the Federal agency will charge interest on an overdue debt in accordance with the Federal Claims Collection Standards (4 CFR Ch. II). The date from which interest is computed is not extended by litigation or the filing of any form of appeal.</p>	<p>Federal awarding agency will charge interest on an overdue debt in accordance with the Federal Claims Collection Standards (31 C.F.R. Part 900 et seq.). The date from which interest is computed is not extended by litigation or the filing of any form of appeal.</p>
<p><b>Appendix A to Part 215 – Contract Provisions.</b> All contracts, awarded by a recipient including small purchases, shall contain the following provisions as applicable:</p> <p>1. Equal Employment Opportunity —All contracts shall contain a provision requiring compliance with E.O. 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR, 1964–1965 Comp., p. 339), as amended by E.O. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and as supplemented by regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”</p>	<p><b>___36 (i.) Contract Provisions.</b> A grantee's and subgrantee's contracts must contain provisions in paragraph (i) of this section. Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.</p> <p>(1) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (Contracts more than the simplified acquisition threshold)</p> <p>(2) Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)</p> <p>(3) Compliance with Executive Order 11246 of September 24, 1965, entitled “Equal Employment Opportunity,” as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by grantees and their contractors or subgrantees)</p>	<p><b>Appendix II Contract Provisions for non-Federal Entity Contracts Under Federal Awards</b> In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.</p> <p>(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. § 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.</p> <p>(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.</p> <p>(C) Equal Employment Opportunity. Except as otherwise provided under 41 C.F.R. Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 C.F.R. Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 C.F.R. Part, 1964–1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 C.F.R. part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”</p>

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>2. Copeland “Anti-Kickback” Act (18 U.S.C. 874 and 40 U.S.C. 276c) —All contracts and subgrants in excess of \$2000 for construction or repair awarded by recipients and subrecipients shall include a provision for compliance with the Copeland “Anti-Kickback” Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal awarding agency.</p> <p>3. Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7) —When required by Federal program legislation, all construction contracts awarded by the recipients and subrecipients of more than \$2000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR part 5, “Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction”). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the</p>	<p>(4) Compliance with the Copeland “Anti-Kickback” Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). (All contracts and subgrants for construction or repair)</p> <p>(5) Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR Part 5). (Construction contracts in excess of \$2000 awarded by grantees and subgrantees when required by Federal grant program legislation)</p>	<p>(D) Davis-Bacon Act, as amended (40 U.S.C. §§ 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. §§ 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 C.F.R. Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. § 3145), as supplemented by Department of Labor regulations (29 C.F.R. Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.</p>

**Administrative Requirements Comparison Chart – 2 CFR Part 215, Circular A-102, and Final Uniform Guidance Subchapters A-E**

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<b>Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR Part 215 (OMB Circular A-110)</b>	<b>Grants and Cooperative Agreements With State and Local Governments Grants and Cooperative Agreements With State and Local Governments (OMB Circular A-102)</b>	<b>Final OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards: Subparts A-F, Appendix III (Final Uniform Guidance)</b>
<p>acceptance of the wage determination. The recipient shall report all suspected or reported violations to the Federal awarding agency.</p> <p>4. Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333) —Where applicable, all contracts awarded by recipients in excess of \$2000 for construction contracts and in excess of \$2500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), as supplemented by Department of Labor regulations (29 CFR part 5). Under section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1 1/2 times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.</p> <p>5. Rights to Inventions Made Under a Contract or Agreement —Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, “Rights to Inventions Made by Nonprofit</p>	<p>(6) Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5). (Construction contracts awarded by grantees and subgrantees in excess of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers)</p> <p>(8) Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.</p> <p>(9) Awarding agency requirements and regulations pertaining to copyrights and rights in data.</p>	<p>(E) Contract Work Hours and Safety Standards Act (40 U.S.C. § 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. §§ 3702 and 3704, as supplemented by Department of Labor regulations (29 C.F.R. Part 5). Under 40 U.S.C. § 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. § 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.</p> <p>(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 C.F.R. § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 C.F.R. Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business</p>

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<p>Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.</p> <p>6. Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended—Contracts and subgrants of amounts in excess of \$100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq. ) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq. ). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).</p> <p>7. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.</p>	<p>(12) Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of \$100,000)</p> <p>(7) Notice of awarding agency requirements and regulations pertaining to reporting.</p> <p>(11) Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.</p> <p><b>1.d.Debarment and Suspension.</b> Federal agencies</p>	<p>Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.</p> <p>(G) Clean Air Act (42 U.S.C. § 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. § 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. § 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. § 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).</p> <p>(J) Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352)—Contractors that apply or bid for an award of \$100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. § 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.</p> <p>(K) See section 200.322 Procurement of Recovered Materials.</p> <p>(I) Debarment and Suspension (Executive Orders 12549 and 12689)</p>

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<p>8. Debarment and Suspension (E.O.s 12549 and 12689)</p> <p>A contract award with an amount expected to equal or exceed \$25,000 and certain other contract awards (see 2 CFR 180.220) shall not be made to parties listed on the government-wide Excluded Parties List System, in accordance with the OMB guidelines at 2 CFR part 180 that implement E.O.s 12549 (3 CFR, 1986 Comp., p. 189) and 12689 (3 CFR, 1989 Comp., p. 235), “Debarment and Suspension.” The Excluded Parties List System contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than E.O. 12549.</p>	<p>shall not award assistance to applicants that are debarred or suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549. Agencies shall establish procedures for the effective use of the List of Parties Excluded from Federal Procurement or Nonprocurement programs to assure that they do not award assistance to listed parties in violation of the Executive Order. Agencies shall also establish procedures to provide for effective use and/or dissemination of the list to assure that their grantees and subgrantees (including contractors) at any tier do not make awards in violation of the nonprocurement debarment and suspension common rule.</p> <p>(13) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).</p>	<p>- A contract award (see 2 C.F.R. § 180.220) must not be made to parties listed on the governmentwide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 C.F.R. Part 1986 Comp., p. 189) and 12689 (3 C.F.R. Part 1989 Comp., p. 235), “Debarment and Suspension.” The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.</p> <p>(H) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. § 6201).</p>