

Final Rule:

Coronavirus State and Local Fiscal Recovery Funds



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Overview: Key Objectives of This Funding

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF) deliver \$350 billion for state, local, territorial, and Tribal governments to respond to the COVID-19 emergency and lead a strong, resilient, and equitable recovery.

Key objectives of this funding:

- Fight the pandemic and support families and businesses struggling with its public health and economic impacts
- Maintain vital public services, even amid declines in revenue resulting from the crisis
- Build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity

Fast and Furious Environment

Coronavirus Relief Funds (CARES)

- Funding came out fast and furious, with the expectation it was distributed in the same manner
- Timeline was initially short
- Fluid and broad guidance
- Substantial changes were made late
- Public safety and public health personnel costs evolved
- Expanded beneficiaries beyond individuals which created confusion

Fast and Furious Environment

Coronavirus Relief Funds (CARES)

- Direct Allocations to State and Larger Locals
- Current Pandemic Needs
- No Revenue Loss
- No Stockpiling or Building Future Capabilities/Capacity
- Short Time Period for Use of Funds (POP is 3/3/21 through 12/31/24)

State and Local Fiscal Recovery Funds

SLFRF or ARPA

- Direct distributions to a larger number of local governments
- Forward looking
- Expanded eligibility
- Emphasis on planning and assessment
- Longer time period for use of funds

Notable Differences with State and Local Fiscal Recovery Funds

- Reasonable time and not “fast and furious”
- New program – Assistance Listing Number is 21.027
- Funds are generally subject to the requirements set forth in the Uniform Guidance (2 CFR Part 200)
- Interest earnings are not required to be deposited back into the program
- Indirect costs are allowable
- Reporting includes additional performance measures
- Standards for charging public safety and public health payroll changed
- Guidance is significantly more detailed

Overview: SLFRF Early Program Implementation

- In May 2021, The U.S. Treasury published the Interim Final Rule describing eligible and ineligible uses of funds.
- The final rule took effect on **April 1, 2022**
- If a use of funds complies with the final rule, the U.S. Treasury will not take action to enforce the interim final rule, regardless of when the funds were used (e.g. if the IFR would not permit that use of funds); recipients can take advantage of the expanded flexibilities in the final rule now.
- Until April 1, the interim final rule remained in effect; funds used consistently with the IFR while it was in effect are in compliance with the SLFRF program.

Reminder: Four Key Eligible Use Categories

The American Rescue Plan Act (ARPA) provides four major categories of eligible uses

1 Public Sector Revenues

- Providing government services up to the amount of revenue loss due to the pandemic

2 Public Health & Economic Response

- Responding to COVID-19's public health impact, along with its economic harms

3 Premium Pay for Essential Workers

- Offering additional support to workers who bear the greatest health risks because of their service in critical sectors

4 Water, Sewer & Broadband Infrastructure

- Providing funding to critical water and sewer projects, along with high-speed broadband infrastructure

Recipients have requested greater flexibility, simplicity & clarity in the final rule to respond to new pandemic needs and make transformative investments

Approach to the Final Rule

Treasury's final rule provides greater flexibility and simplicity for recipients to turn the tide on the pandemic, maintain vital public services amid revenue shortfalls, and build a strong, resilient, and equitable recovery.

KEY NEW FEATURES IN THE FINAL RULE

1

Public Sector Revenues

- Major simplification for thousands of recipients through the **up to \$10 million revenue loss standard allowance**

2

Public Health & Economic Response

- Providing a **broader set of eligible uses** for impacted and disproportionately impacted populations
- Clarifying that reasonably proportional **capital expenditures** may be allowable (e.g. affordable housing, hospitals, childcare facilities)

3

Premium Pay for Essential Workers

- **Streamlining options to provide premium pay** by broadening the share of essential workers who can receive premium pay without a written justification **while focusing on lower income and frontline workers performing essential work**

4

Water, Sewer & Broadband Infrastructure

- **Expanding water and sewer projects** that are eligible
- **Broadening eligible broadband investments** to allow recipients to address access, affordability & reliability challenges

Terminology within the Final Rule

- “Should” and “must” = mandatory
- “May” and “encourage” = suggestion, discretion of recipient allowed
- **Proportional** and **Reasonable** are key concepts stressed in the rule in determining the level of investment for eligible activities
- **Impacted** – those impacted by the disease itself or the harmful consequences of the economic disruptions resulting from or worsened by the COVID-19 public health emergency
- **Disproportionately Impacted** – those that experienced disproportionate public health or economic outcomes from the pandemic. The U.S. Treasury recognizes that pre-existing disparities amplified the impacts of the pandemic causing more severe impacts in underserved communities

Replace Public Sector Revenue Loss

1

Public Sector
Revenues

Recipients may use these funds to provide government services, up to the amount of revenue loss experienced due to the COVID-19 public health emergency.

1 Determine revenue loss, using one of two available options:

A Elect “**standard allowance**” of up to **\$10 million** to spend on government services through the life of the program, which greatly simplifies the program for small localities NEW

- Does not increase or decrease the award amount
- Streamlined reporting requirements

B Calculate **actual revenue loss** according to the U.S. Treasury formula

- Calculate revenue loss either on a calendar or fiscal year basis NEW
- Must adjust actual revenue totals for the effect of tax cuts and tax increases that are adopted after January 6, 2022 to more accurately reflect revenue loss due to the pandemic NEW

Replace Public Sector Revenue Loss continued

2

Final Rule increases the standard growth adjustment to 5.2%

- ❑ Provided several adjustments to the definition of general revenue

3

Spend on government services up to the revenue loss amount

Funds used to replace public sector revenues still must comply with all federal procurement, contracting, documentation and audit requirements

Government services generally include **any service traditionally provided by a government** unless the U.S. Treasury has stated otherwise, such as:

- ✓ Construction of schools and hospitals
- ✓ Road building and maintenance, and other infrastructure
- ✓ Health and other services
- ✓ Environmental remediation
- ✓ Provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles)

Respond to COVID-19's Public Health and Economic Impacts

2

Public Health and Economic Response

Recipients may use these funds to respond to a broad range of public health and economic impacts of the pandemic for households, communities, businesses, and the public sector.

1

Eligible Use Categories

- Public health impacts
- **Negative** economic impacts, including assistance to:
 - ✓ Households
 - ✓ Small businesses
 - ✓ Non-profits
 - ✓ Impacted industries
 - ✓ Public sector capacity and workforce

2

Determining Eligible Uses

- To identify eligible uses of funds, recipients should generally:
 1. Identify a public health or negative economic impact to an individual or a class
 2. Design a related and reasonably proportional response (e.g., a program, service, or capital expenditure)
- For convenience, Treasury has provided a non-exhaustive list of eligible uses and populations presumed eligible to receive these services
- Recipients may identify additional eligible uses beyond those enumerated by the U.S. Treasury based on the standards provided in the rule

Support the Public Health Response

2

Public Health and
Economic Response

Recipients may use these funds to support their **COVID-19 public health response**.

1 COVID-19 Mitigation & Containment

- **A very broad range of services and programming that are needed to contain COVID-19, including vaccination and testing programs and other COVID-19 mitigation tactics**
- May include certain capital expenditures, such as medical facilities generally dedicated to COVID-19 treatment & mitigation

2 Medical Expenses

- **Expenses to households, medical providers, or others that incurred medical costs due to the pandemic**
- Includes unreimbursed expenses for COVID-19 testing or treatment & emergency medical response expenses

3 Behavioral Healthcare

- **A broad range of prevention, treatment, harm reduction, and recovery services that may be needed to meet mental health, substance use, and other behavioral health needs**
- May include certain capital expenditures, such as behavioral health facilities & equipment

4 Preventing & Responding to Violence

- **Responses to communities that experienced an increase in violence, particularly gun violence**
- Includes community violence intervention programs & enforcement efforts to reduce gun violence

Provide Assistance to Households

2

Public Health and
Economic Response

Recipients may use these funds to respond to the negative economic impacts of the COVID-19 public health emergency on households and communities.

Impacted Households

Impacted households are those that have experienced an impact from the COVID-19 pandemic.

U.S. Treasury presumes that the following households are impacted:

- ✓ Low- and - moderate income (LMI) households, defined as those at or below 300% of FPG or 65% of AMI
- ✓ Households experiencing unemployment or food or housing insecurity
- ✓ Households that qualify for certain federal programs like Medicaid, CCDF, CHIP NEW

Disproportionately Impacted Households

Disproportionately impacted households are those that have experienced a disproportionate impact from the COVID-19 pandemic.

U.S. Treasury presumes that the following households are disproportionately impacted:

- ✓ Low income (LI) households, defined as those at or below 185% of FPG or 40% of AMI NEW
- ✓ Households located in Qualified Census Tracts (QCTs)
- ✓ Households receiving services from Tribal governments
- ✓ Households residing in the U.S. territories or receiving services from territorial governments NEW
- ✓ Households that qualify for certain federal programs NEW

Recipients can identify other impacted or disproportionately impacted households, beyond those presumed eligible

Provide Assistance to Households

Recipients may use these funds to respond to the negative economic impacts of the COVID-19 public health emergency on households and communities.

Impacted Households

All impacted households, including households presumed impacted by the U.S. Treasury, are eligible for uses that respond to the impact.

Over a dozen eligible uses, including:

- ✓ Food assistance
- ✓ Re-employment and job training
- ✓ Rent, mortgage, or utility assistance & internet subsidies
- ✓ Cash assistance
- ✓ Health insurance coverage expansion and paid sick & family leave **NEW**
- ✓ Financial services for unbanked and underbanked **NEW**
- ✓ Affordable housing development and permanent supportive housing **NEW**
- ✓ Childcare, early learning, and addressing learning loss for K-12 students **NEW**

Disproportionately Impacted Households

All disproportionately impacted households, including households presumed disproportionately impacted by Treasury, are eligible for uses that respond to the impact & the disparities that led to the disproportionate impact.

Many additional eligible uses, including:

- ✓ Addressing health disparities: e.g. community health workers, lead remediation, health facilities
- ✓ Addressing educational disparities: e.g., enhanced funding to high-poverty schools & educational facilities
- ✓ Improvements to vacant and abandoned property **NEW**
- ✓ Investments in neighborhoods to promote health outcomes

Provide Assistance to Small Businesses

2

Public Health and
Economic Response

Recipients may use these funds to respond to the negative economic impacts of the COVID-19 public health emergency on small businesses.

Impacted Small Businesses

To assess which small businesses were impacted, recipients may consider:

- ✓ Decreased revenue or gross receipts
- ✓ Financial insecurity
- ✓ Increased costs **NEW**
- ✓ And more

Eligible uses include:

- ✓ Loans or grants to mitigate financial hardship, such as by supporting payroll and benefits
- ✓ Technical assistance, counseling or other services to support business planning

Disproportionately Impacted Small Businesses

✓ **SB presumed disproportionately impacted:**

- ✓ Operating in QCTs
- ✓ Operated by Tribal governments or on Tribal lands
- ✓ Operating in the U.S. territories **NEW**

Eligible uses include:

NEW

- ✓ Rehabilitation of commercial properties, storefront & façade improvements
- ✓ Technical assistance, business incubators & grants for start-up or expansions
- ✓ Support for microbusinesses (e.g., childcare, transportation)

Provide Assistance to Non-Profits

2

Public Health and
Economic Response

Recipients may use these funds to respond to the negative economic impacts of the COVID-19 public health emergency on non-profits.

Impacted Non-Profits

To assess which non-profits were impacted, recipients may consider:

- ✓ Decreased revenue (e.g., lower donations or fees)
- ✓ Financial insecurity
- ✓ Increased costs (e.g., uncompensated increases in service need) **NEW**
- ✓ And more

Eligible uses include:

- ✓ Loans or grants to mitigate financial hardship
- ✓ Technical or in-kind assistance or other services to mitigate negative economic impact

Disproportionately Impacted Non-Profits

Non-profits presumed disproportionately impacted:

- ✓ Operating in QCTs
- ✓ Operated by Tribal governments or on Tribal lands
- ✓ Operating in the U.S. territories **NEW**

Eligible uses include:

- ✓ Responses that are related and reasonably proportional to addressing disparities that led to disproportionate impacts

Provide Aid to Impacted Industries

2

Public Health and
Economic Response

Recipients may use these funds to provide aid to impacted industries.

1 Designating an impacted industry

If industry is in the **travel, tourism, or hospitality sectors** (including Tribal development districts), the industry is impacted.

If industry is **outside the sectors above**, the industry is impacted if it either:

- Experienced **at least 8 percent employment loss** from pre-pandemic levels, or NEW
- Is experiencing **comparable or worse economic impacts** as the national travel, tourism, and hospitality sectors as of the date of the Final Rule and the impacts resulted from the COVID-19 public health emergency

2 Provide eligible aid to the impacted industry

Many eligible uses, including:

- ✓ Aid to mitigate financial hardship, such as supporting payroll costs
- ✓ COVID-19 mitigation and infection prevention measures
- ✓ Technical assistance, counseling or other services to support business planning

Aid limited to entities operating prior to the pandemic and affected by required closure and other efforts to contain the pandemic

Restore and Bolster Public Sector Capacity

2

Public Health and
Economic Response

Recipients may use these funds to restore and bolster public sector capacity, which supports governments' ability to deliver critical COVID-19 services.

1 Public safety, public health, and human services staff

- Payroll and covered benefits for public safety, public health, health care, human services and similar employees of a recipient government through the period of performance
- Limited to the portion of the employee's time spent responding to COVID-19, though public health and safety staff primarily dedicated to COVID-19 response may be fully covered; recipients can use reasonable estimates to determine share of employee time

2 Government employment & rehiring public sector staff

- ✓ Restoring employment by hiring up to 7.5% above pre-pandemic baseline
- ✓ Funding for employees who experienced pay reductions or were furloughed **NEW**
- ✓ Maintaining current compensation levels to prevent layoffs **NEW**
- ✓ Worker retention incentives, including reasonable increases in compensation **NEW**

3 Effective service delivery

- ✓ Supporting use of evidence, program evaluation, data, and outreach
- ✓ Providing administrative expenses for administration of programs that respond to COVID-19
- ✓ Address administrative needs caused or exacerbated by the pandemic (e.g. backlogs from pandemic shutdowns, adapting government operations to the pandemic)

Invest in Capital Expenditures

2

Public Health and
Economic Response

The Final Rule provides clarity for recipients to use SLFRF funds to invest in capital expenditures as part of their public health or economic response.

1 Overall eligibility requirements

- Capital expenditures subject to same “related and reasonably proportional” standard as other uses
- Recipients other than Tribal governments must complete Written Justification (WJ) for capital expenditures at or over \$1 million NEW
 - ❑ WJ requires recipients to explain why a capital expenditure is appropriate and why the proposed capital expenditure is superior to alternatives
 - ❑ Depending on project size, recipients may be required to submit WJ with reporting; no pre-approval

2 Presumptions for capital expenditures

Projects presumed eligible, provided the above requirements are met:

- ✓ Testing labs and equipment
- ✓ Emergency operations center & equipment
- ✓ Affordable housing
- ✓ Childcare facilities
- ✓ Schools (for Disproportionately Impacted communities)
- ✓ Primary care health clinics and hospitals (for Disproportionately Impacted communities)

Projects generally presumed to be ineligible:

- × Construction of new correctional facilities as a response to an increase in rate of crime
- × Construction of new congregate facilities to decrease spread of COVID-19 in facility
- × Construction of convention centers, stadiums or other large capital projects for general economic development or aid to impacted industries

Invest in Eligible Uses Beyond Those Enumerated ²

Recipients may use these funds to invest in eligible uses beyond those specifically listed as eligible by the U.S. Treasury.

Step:	1 Identify COVID-19 public health or economic impact	2 Design a response to address the identified impact
Analysis:	<ul style="list-style-type: none">• Can identify impact to a specific household, business or non-profit – or to a class (e.g., group)• Can also identify disproportionate impacts, or more severe impacts, to a specific beneficiary or to a class	<ul style="list-style-type: none">• Response should be related and reasonably proportional to the harm• Response should also be reasonably designed to benefit impacted individual or class

Provide Premium Pay for Essential Employees

Recipients may use this funding to provide premium pay to eligible workers performing essential work, either in public sector roles or through grants to third-party employers.

1. Eligible workers are those needed to maintain continuity of operations of critical infrastructure sectors

2. Essential work involves regular in-person interactions or physical handling of items handled by others

Example professions and sectors eligible:

- ✓ Staff at nursing homes, hospitals, and home-care settings
- ✓ Public health, safety, and emergency response
- ✓ State, local, and Tribal government workforce
- ✓ Workers at food production facilities, grocery stores, restaurants, and food delivery services
- ✓ Janitors and sanitation workers
- ✓ Truck drivers, transit staff, and warehouse workers
- ✓ Public health and safety staff
- ✓ Childcare workers, educators, and school staff
- ✓ Social service and human services staff
- ✓ Additional sectors designated by recipients

Provide Premium Pay for Essential Employees

Premium Pay for
Essential Workers

3. Pay must respond to worker needs who are performing essential work during the COVID-19 pandemic.

Final rule broadened the workers who qualify without a written justification. Recipients may qualify in one of three ways:

- Earn at or below 150 percent of their state or county's average annual wage, or
- Are not exempt from Fair Labor Standards Act overtime rules
- Or recipient provides written justification of how it meets needs

NEW

Pay can be flexibly awarded up to \$13 per hour (in addition to current wages) in installments or lump sums to hourly, part time, or salaried/non-hourly workers, and may not exceed \$25,000 for any single worker during the program

Build Water and Sewer Infrastructure

Recipients may use these funds to make a broad range of necessary investments in water and sewer infrastructure.

1 Projects eligible under the EPA's State Revolving Funds, including:

*Examples of
Clean Water
State
Revolving
Fund Projects*

- ✓ Construction of publicly owned treatment works
- ✓ Decentralized wastewater treatment systems construction, upgrades & repair
- ✓ Management & treatment of stormwater or subsurface drainage water
- ✓ Water conservation, efficiency, or reuse measures
- ✓ Reuse or recycling of wastewater, stormwater, or subsurface drainage water

*Examples of
Drinking Water
State
Revolving
Fund Projects*

- ✓ New facilities to improve drinking water quality
- ✓ New sources to replace contaminated drinking water or increase drought resilience
- ✓ Green infrastructure
- ✓ Storage of drinking water
- ✓ New community water systems
- ✓ Lead service line replacement

2 Additional projects eligible under Final Rule include: NEW

- ✓ Broad suite of additional lead remediation activities, including lead testing and lead service line replacement (including replacement of faucets, fixtures, and internal plumbing in schools and childcare facilities)
- ✓ Additional stormwater infrastructure, including culvert repair, resizing and removal, and replacement of storm sewers
- ✓ Residential wells
- ✓ Certain dam and reservoir rehabilitation

Build Broadband Infrastructure

Recipients may use these funds to make a broad range of necessary investments in broadband infrastructure, in order to meet access, affordability, and other challenges.

1 Identify an eligible area for investment

- Recipients are encouraged to invest in locations without reliable wireline service of at least 100/20 Mbps speed, but are broadly able to invest in locations where recipient has identified need for additional investment **NEW**
- Such need can include lack of access to high speeds, affordability & reliability

2 Design project to meet high-speed technical standards

- Deliver reliable high-speed service of minimum 100 Mbps symmetrical speeds unless impracticable

3 Require enrollment in a low-income subsidy program (focus on need in areas) **NEW**

- Recipients must require service providers for a broadband project that provides service to households to either:
 - ✓ Participate in the FCC's Affordable Connectivity Program
 - ✓ Provide access to a broad-based, low-income affordability program commensurate to the Affordable Connectivity Program

Flexibility in eligible areas for investment complements IJA broadband funding; recipients are also able to invest in cybersecurity for broadband infrastructure regardless of service delivery standards

Restrictions on Use

The Final Rule maintains the IFR's restrictions on use with additional clarifications.

1 Net Reduction in Tax Revenue

For states and territories:

- SLFRF may not be used to directly or indirectly offset a reduction in net tax revenue resulting from a change in state or territory law

2 Deposits into Pension Funds

For all recipients except for Tribal governments:

- SLFRF may not be used for deposits into pension funds
- A “deposit” is defined as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability
- Recipients may use funds for routine payroll contributions to pensions of employees whose wages and salaries are an eligible use

3 Other Restrictions on Use

For all recipients:

- Funds may not be used for debt service, replenishing rainy day funds/financial reserves, or satisfaction of a settlement or judgment
- Uses of funds may not undermine COVID-19 mitigation practices in line with CDC guidance and recommendations
- Uses of funds may not violate Uniform Guidance conflict-of-interest requirements or other applicable laws

4 Period of Performance

- Used for costs incurred on or after March 3, 2021, and funds must be obligated by December 31, 2024 and expended by December 31, 2026

Non-Federal Match and Cost-Share Requirements

The Final Rule provides clarity on use of SLFRF funds to meet non-federal match and cost-sharing requirements of other federal programs.

- Funds available under the “revenue loss” eligible use category generally may be used to meet the non-federal cost-share or matching requirements of other federal programs
 - However, note that SLFRF funds may not be used as the non-federal share for purposes of a state’s Medicaid and CHIP programs, even under the “revenue loss” category
- SLFRF funds **beyond** those that are available under the “revenue loss” eligible use category above **may not** be used to meet the non-federal match or cost-share requirements of other federal programs other than as specifically provided for by statute (e.g., the Infrastructure Investment and Jobs Act for Bureau of Reclamation and certain broadband deployment projects).

Note on Reporting

Recipients should consult the U.S. Treasury’s reporting guidance and user guide for their reporting.

	Recipients	Requirements
<p>Quarterly Reports Due January 31</p>	<p>Recipients required to submit quarterly reports:</p> <ul style="list-style-type: none"> • States and territories • Metropolitan cities and counties with population over 250,000 • Metropolitan cities and counties with population less than 250,000 that received an award of more than \$10 million • Tribal governments that received an award of more than \$30 million 	<ul style="list-style-type: none"> • Recipients should rely on reporting guidance and user guide issued by the U.S. Treasury • Portal will reflect certain Final Rule changes, including information on capital expenditures as part of public health and economic response, fiscal year revenue loss calculation, standard allowance election, & expanded flexibility in premium pay
<p>Quarterly and Annual Reports Due April 30</p>	<p>All recipients above who are required to submit quarterly reports, as well as recipients required to submit annually, which include:</p> <ul style="list-style-type: none"> • Metropolitan cities and counties with population less than 250,000 that received an award less than \$10 million • Tribal governments that received an award less than \$30 million • Nonentitlement units of government 	<ul style="list-style-type: none"> • The U.S. Treasury will issue additional reporting guidance ahead of reports due April 30

Note on Reporting

Refer to the **Recipient Compliance and Reporting Responsibilities** Treasury web page for

- Updated Compliance and Reporting Guidance document
- User guides
- Templates
- Access Treasury portal
- Webinars

Things to Remember to Be Prepared for Your Audit - Determining Relationships

- **Subrecipients** – receives subaward from a pass-through entity to **carry out part of** a Federal award
- **Beneficiary** – individuals, businesses, non-profits and educational institutions that receive a Federal award for their own use
- **Contractor** - entity that receives a contract

Subrecipient and Contractor Determinations - 2 CFR 200.331

Subrecipient

- Pass through can determine who to fund
- Performance measured in relation to whether objectives were met
- Pass- through has programmatic decision-making
- Responsible to adhere to Federal requirements and is subject to single audit
- Uses funds to carry out a program purpose

Remember the subrecipient sub award agreement must include all requirements of the 2 CFR 200.330-332

Subrecipient and Contractor Determinations - 2 CFR 200.331

Contractor

- Provides goods and services within normal business operations
- Provides similar goods or services to others
- Normally operates in a competitive environment
- Provides goods and services that are ancillary to the operation of the program
- Not subject to compliance requirements

Things to Remember to Be Prepared for Your Audit

General Procurement Standards - 2 CFR 200.318- .327

1. Documented policies and procedures
2. Contract oversight
3. Written standards of conduct covering conflicts of interest
4. Avoid unnecessary or duplicative items
5. Encourages state and local governmental agreements
6. Encourages use of surplus property instead of buying new
7. Award contracts only to responsible contractors
8. Maintain procurement records
9. States must also ensure that every contract includes the applicable contract clauses required by 2 CFR 200.327

Procurement, Suspension and Debarment – Restrictions/Considerations

- Required to ensure contractor/recipient is not suspended, debarred or excluded on SAM.gov (2 CFR 200.214)
- Prohibition on certain telecommunications and video surveillance services or equipment (2 CFR 200.216)
- Domestic preferences for procurements (2 CFR 200.322)

Procurement Pitfalls

- Use of legacy purchase renewals when original procurement was not competitive
- Use of master service or supply agreement that was not competitive
- Conflict of interest considerations
- Repeated use of same service contractors without re-bidding
- Inappropriate justification for sole source
- Short time frame of grant funds does not constitute a public emergency for sole source
- Cost analysis indicating reasonable price/cost benefit not performed
- Failure to keep documentation

Things to Remember to Be Prepared for Your Audit-Equipment Purchases

- Equipment purchased must be **tagged and tracked**
- Property records must be maintained that include:
 - description of the property
 - serial numbers or other identifier
 - source of funding for the property
 - who holds title
 - acquisition date
 - cost of the property
 - percentage of Federal participation
 - location
 - use and condition of the property
 - any disposition data, including date of disposal and sales price
- A physical inventory must be taken, and **results reconciled** with property records at **least once every two years**

Things to Remember to Be Prepared for Your Audit

- SLFRF is expected to be a “high risk” program in the 2022 supplement
- DOCUMENT! DOCUMENT! DOCUMENT!
- U.S. Treasury has indicated a five-year record retention
- Document your reasoning, research, any estimates used, expenses allocated, etc. to support costs incurred
- Procurement rules under Uniform Grant Guidance apply!
- Track well costs charged to the various Federal grants and programs.
- **No double/triple dipping!**



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