

I. Introduction:

The Uniform Grant Guidance - 2 CFR 200 (UGG) - contains certain financial management and internal controls that are required of subrecipients. The Missouri Department of Health and Senior Services (DHSS) is providing this document as a resource for subrecipients to compare their existing policies and procedures with those requirements for policies and procedures as indicated in the UGG and to make necessary changes to ensure compliance. As a pass-through entity, DHSS is required to monitor all subrecipients to ensure that these requirements are being adhered to.

The full text of UGG is located here: <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II>.

How to use this resource: Check the box next to each statement if it applies to your written policies/procedures. General guidance to aid in interpretation is provided in several sections. Statements that are not checked are areas where policies and procedures should be developed and documented to demonstrate compliance with UGG. Specific questions related to your implementation and development of organizational policies and procedures should be directed to your legal counsel or auditor.

II. Financial Management System & Internal Controls – requirements per 2 CFR 200.302 & 200.303:

The organization's financial management system (i.e. accounting system and policies and procedures) includes the following (does not have to be an electronic system):

- ☐ Accurate, timely, and complete disclosure of financial information. (.302(b)(2))
- ☐ Separately tracks and reports all funds received and expended. (.302(a))
- ☐ If expending federal funds, all related expenditures and receipts can be identified with all of the following identifying categories: federal program identification must include, as applicable, 1) Assistance Listing (AL) program title and number (formerly CFDA title and number), 2) Federal Award Identification Number and year, 3) name of the federal funding agency, and 4) name of the pass-through entity, if any. (.302(b)(1))
- ☐ Maintains budget control by comparing expenditures to budgets. (.302(b)(5))
- ☐ Records identify the source and use of funds, and include source documentation. (.302(b)(3))
- ☐ Accountability and safeguarding of all assets to ensure they are used for authorized purposes. (.302(b)(4))
- ☐ Prepares financial and performance reports according to the terms and conditions of the federal awarding agency or pass-through entity. (.302(b)(2)) and (.302(a))
- ☐ Written procedures for determining the allowability of costs. (.302(b)(7)) – *Section III of this document contains details of the UGG requirements and considerations to ensure compliance.*
- ☐ Establish, document, and maintain effective internal control over the Federal award. (i.e. have written policies that management is responsible for ensuring that staff are aware of and follow to maintain controls over the funding) (.303(a))
- ☐ Take reasonable cybersecurity and other measures to safeguard information including protected personally identifiable information (PII) and other types of information. (.303(e))

Examples of procedures to ensure reports and invoices are accurate, submitted timely, and contribute to accountability of funds, include: 1) methods to prevent and detect errors or improper financial activities by employees; 2) steps for reconciling invoices to contract budgets; 3) review of

payroll charges to ensure costs accurately reflect work being performed (for example, supervisory review of timesheets or time logs); 4) use of locked file cabinets, passwords, and other security measures for access to financial records; and, 5) management review of expenditure and progress reports.

Information pertaining to the required tracking categories (Assistance Listing title and number, Federal Award Identification Number and year, name of the federal funding agency, and name of the pass-through entity) can be found in funding letters associated with your DHSS contracts. The key is to be able to report federal receipts and expenditures with these categories. Paper files are acceptable.

III. Allowable Cost – written procedures are required per 200.302; definitions are in 200.403 - .405:

The organization has written procedures for determining the allowability of costs that includes the following:

- ☐ Costs are determined in accordance with generally accepted accounting principles (GAAP). (.403(e))
Note: The cash basis of accounting is typically used by school districts/charter schools. Under the cash basis, revenues are recorded when received, and expenditures are recorded when monies are paid. Local Public Health Agencies (county government) follow county finance and budget law as outlined in Chapter 50 RSMo.
- ☐ Costs are adequately documented. (.403(g))
- ☐ Costs are evaluated and determined as necessary and reasonable for the purposes of the contract. (.403(a)) (See 200.404 for definitions of necessary and reasonable.)
- ☐ Costs are claimed only once. (.403(f))
- ☐ Costs conform to any limitations noted in the contract or in the cost principles. (i.e. not specifically noted as unallowable) (.403(b))
- ☐ Costs are treated consistently. If a cost is considered overhead or indirect, it cannot be charged as a direct cost to federal funds. (.403(d))
- ☐ Policies and procedures for expending funds are applied consistently, regardless of funding source. (.403(c))

If any statements above are not checked, what changes could be made to your organization's processes to incorporate the missing components? When developing or strengthening procedures consider the following:

- ❖ Which position title/role is authorized to make the determination if a cost is allowable?
- ❖ Is there a review and approval/denial process to ensure costs are claimed against the correct contract? Is the process documented?
- ❖ Identify the source of information to determine what costs are allowable. For example, 2 CFR 200 sections .403 - .405 provide certain definitions and criteria. The contract budget and terms/conditions are also important.
- ❖ The same procedures must apply to all costs. Federal funds cannot be treated differently than other funds. For example, if procedures for writing checks require two signatures, this must be done for all checks written, whether paid from federal funds or other funding sources.
- ❖ Costs may not be assigned as a direct cost if any other cost incurred for the same purpose in like circumstances is allocated as an indirect cost. Define what is typically considered as indirect/overhead for your organization.
- ❖ Costs must be supported by documentation, such as receipts, invoices, timesheets, etc.
- ❖ Costs are incurred using sound business practices; arm's-length bargaining; and are in line with the "prudent person" test. This can be explained as the cost does not exceed what a prudent person would pay under the same circumstances at the time the decision was made.

IV. Equipment Management – procedures must meet specific requirements as noted in 200.313:

The organization has written policies for managing all equipment (including equipment replacement) that includes the following:

- ☐ Equipment records must be maintained to include a description, a serial number or other identification number, the source of funding for the property, who holds title, the acquisition date, and cost of the equipment, the location, use and condition, and any ultimate disposition data including the date of disposal and sale price of the equipment. (.313(d)(1))
- ☐ A physical inventory of the equipment is taken and the results reconciled with existing equipment records at least once every two years. (.313(d)(2))
- ☐ All loss, damage, or theft is investigated. (.313(d)(3))
- ☐ Adequate maintenance procedures keep the property in good condition. (.313(d)(4))

Equipment records, including components noted above, must be available for review if equipment is purchased using funds from DHSS contracts. Equipment is defined in 2 CFR 200 as: tangible personal property (including information technology systems) having a useful life of more than one year. The federal threshold is a per unit current fair market value of over \$10,000, used if a non-federal entity's definition of equipment exceeds \$10,000. If the non-federal entity does not have a definition for equipment, use the State of Missouri's definition of equipment as items with a current fair market value of \$5,000 or more.

If any statements above are not checked, what changes could be made to policies and procedures to incorporate the missing components? Ask questions about how these processes are currently handled in your organization, and then document them. Consider the following

- ❖ Which position title/role is responsible for maintaining records?
- ❖ When is physical inventory completed?
- ❖ How is the physical inventory documented? Is a specific position title/role assigned to the task? What are the procedures used? For example, is there a master list prepared of all items, do designated personnel locate the items and mark them off the master list as they are located?
- ❖ What are the steps for reporting lost, missing, or damaged equipment?
- ❖ Which position title/role is responsible for maintaining equipment?

V. Procurement Standards – records and documentation of procurement activities as noted in 200.318 - 200.327:

The following thresholds are described in the UGG; organizations may have more restrictive procedures. Select the type(s) of procedures used by the organization.

- ☐ Micro-purchase methods (<\$10,000 per purchase). (Note - this amount is subject to periodic adjustments. The threshold is updated in the Federal Acquisition Regulation at 48 CFR Subpart 2.101)
- ☐ Small purchase methods (less than the Simplified Acquisition Threshold) (\$10,000 - < \$250,000 per purchase), includes obtaining price or rate quotations from an adequate number of qualified contractors, vendors, or suppliers.
- ☐ Formal purchase methods (> \$250,000).

If formal purchase methods are used, the following are UGG approved methodologies.

- ☐ Sealed bids (formal advertising) – invitations for bids are publicly announced. Fixed-price contracts are awarded to selected vendors, suppliers, or contractors whose bids are most responsive to the bid document, conform to all the material terms and conditions of the bid document, and are lowest in price.
- ☐ Competitive proposals (normally conducted with more than one bidder) – requests are publicized and identify all evaluation factors and their relative importance. Proposals are solicited from an adequate number of qualified sources. Any responses must be considered to the maximum extent practical. A written method is used for conducting technical evaluations of the proposals received and selecting recipients. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program with price and other factors considered.
- ☐ Noncompetitive proposals – This method is allowable in the following circumstances: the property or services amount does not exceed the micro-purchase threshold; the item is available only from a single source; the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; prior written approval has been obtained from DHSS; or after solicitation of a number of sources, competition is determined inadequate.

VI. Additional procurement standards include:

- ☐ Employers must inform employees in writing of employee whistleblower rights and protections under 41 U.S.C. 4712.
- ☐ Maintaining oversight to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. (200.318(b))
- ☐ Avoiding purchase of unnecessary or duplicative items. (200.318(d))
- ☐ Selecting contractors, suppliers, and vendors that have the ability to perform successfully under the terms and conditions of a proposed purchase. Factors include the following characteristics of vendors, suppliers, and contractors: integrity, compliance with public policy, record of past performance, and technical and financial resources. The organization does not award contracts to parties that are ineligible for participation in federal assistance programs or activities. (200.318(h))
- ☐ Verify contractors, suppliers, and vendors are not suspended or debarred. (200.214)
- ☐ Prequalified lists of contractors, vendors, or suppliers are current and include enough qualified sources to ensure maximum open and free competition and do not preclude potential bidders from qualifying during the solicitation period. 200.319(e)
- ☐ Developing descriptions, specifications, or technical requirements of desired goods and services that do not restrict competition among suitable contractors, suppliers, or vendors. The organization establishes the minimum essential characteristics and standards for the good or service to satisfy the intended use. All requirements and other factors used in evaluating bids and proposals are identified. (.319(d))
- ☐ Responsible administrative practices and sound business judgment to settle procurement issues including source evaluation, protests, disputes, and claims. (.318(k))
- ☐ Maintaining records that detail the procurement, including but not limited to rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. (.318(i))
- ☐ Procurement transactions are conducted with full and open competition. Contractors that develop specifications, requirements, statements of work, or invitations for bids or requests for proposals are excluded from competing for the procurements. (.319(a-c))
- ☐ Necessary affirmative action steps are taken to assure contracting with small and minority businesses, women's business enterprises, veteran-owned and labor surplus area firms are used when possible. (200.321)

- ☐ Cost or price analysis is performed on every procurement that exceeds the Simplified Acquisition Threshold (see Micro-Purchase Method previously described).
- ☐ Provide a preference for products or materials produced in the United States to the greatest extent practical. (200.322(a))
- ☐ Comply with the federal prohibition on certain telecommunications and video surveillance services or equipment related to Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities). (200.216)

2 CFR 200.325(c)(2) permits self-certification of procurement systems, which is accomplished by written assurances that the procurement system complies with the standards. Certification must include citations of specific policies, procedures, regulations, or standards as being in compliance. The procurement system is subject to review.

VII. Procurement Standards – documented standards of conduct are required per 200.318(c)(1) and (c)(2):

The organization has and follows a written conflict of interest policy with regard to procurement that includes the following components:

- ☐ No employee, officer, agency or board member may participate in the selection, award or administration of a contract supported by federal funding if (s)he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, agent, or board member, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of those individuals, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
- ☐ The officers, employees, agents or board member of the Contractor may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts.
- ☐ The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, agents or board members of the Contractor's organization.

VIII. General tips:

- ❖ The components may be in separate policies, such as human resources, procurement, conflict of interest, etc.
- ❖ If components are missing, or there are no written standards, it is important to address this as quickly as possible.
- ❖ The wording from the UGG can be used as a starting point, but consideration must be given to existing human resource policies pertaining to disciplinary action if policies are violated.
- ❖ Policies should include what steps employees should take if they become aware of a conflict of interest; the reporting process; and which position title/role is responsible for reviewing a situation.
- ❖ Policies must be reviewed on a regular basis by management and updated when needed. DHSS recommends that an organization conduct a policy review at a minimum of one time per year.
- ❖ Changes to policies must be approved in a manner consistent with an organization's adopted procedure. Typically, if there is a governing body over the organization (e.g. Board of Directors), they are responsible for voting to adopt any changes to policies presented by management.
- ❖ Management is responsible for communicating all policies changes to staff. This typically is done through trainings or emails.