

Book	Policy Manual
Section	600 Finances
Title	Federal Fiscal Compliance
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Authority

The Board shall ensure federal funds received by the district are administered in accordance with federal requirements, including but not limited to the federal Uniform Guidance.[1]

The Board shall review and approve all applications for federal funds submitted by the district.

Delegation of Responsibility

The Board designates the

- {X} Superintendent
- { } Federal Programs Coordinator
- { } building principal
- { } Business Manager

as the district contact for all federal programs and funding.

The Superintendent or designee, in collaboration with the Federal Programs Coordinator and Business Manager, shall establish and maintain a sound financial management system to include internal controls and federal grant management standards covering the receipt of both direct and state-administered federal grants, and to track costs and expenditures of funds associated with grant awards.[1]

The Superintendent, to assist in the proper administration of federal funds and implementation of this policy, may approve additional procedures as attachments to this policy.

Guidelines

The district's financial management system shall be designed with strong internal controls, a high level of transparency and accountability, and documented procedures to ensure that all financial management system requirements are met.

The district's financial management system is subject to periodic internal and external audits. For any fiscal year in which the district expends \$1,000,000 or more in federal awards, the district is required to have a single or program-specific audit in compliance with federal requirements.[2]

District financial management standards and procedures shall include requirements for the following:

1. Identification – The district must identify, in its accounts, all federal awards received and expended, and the federal programs under which they were received.

2. Financial Reporting – Accurate, current, and complete disclosure of the financial results of each federal award or program must be made in accordance with the financial reporting requirements of **federal regulations**.
3. Accounting Records – The district must maintain records which adequately identify the source and application of funds provided for federally-assisted activities.
4. Internal Controls – Effective control and accountability, including segregation of duties, must be maintained for all funds, real and personal property and other assets. The district must adequately safeguard all such property and **take steps to ensure** that it is used solely for authorized purposes. **Reasonable cybersecurity and other measures must be in place to protect personally identifiable information and other types of information.**
5. Budget Control – Actual expenditures or outlays must be compared with budgeted amounts for each federal award. Procedures shall be developed to establish determination for allowability of costs for federal funds.
6. Cash Management – The district shall maintain written procedures to implement the cash management requirements found in **federal regulations**.
7. Allowability of Costs – The district shall ensure that allowability of all costs charged to each federal award is accurately determined and documented.

Standards of Conduct

The district shall maintain standards of conduct covering conflicts of interest and the actions of employees and school officials engaged in the selection, award and administration of contracts.
[3][4][5]

All employees shall be informed of conduct that is required for federal fiscal compliance and the disciplinary actions that may be applied for violation of Board policies, administrative regulations, rules and procedures.[6]

Employees - Time and Effort Reporting

All district employees paid with federal funds shall document **their time working** in support of each federal program, in accordance with law. Time and effort reporting requirements do not apply to contracted individuals.[7]

District employees shall be reimbursed for travel costs incurred in the course of performing services related to official business as a federal grant recipient.[8]

The district shall establish and maintain employee policies and procedures on hiring, benefits and leave and outside activities, as approved by the Board. District procedures on payment of staff shall apply to employees paid with federal funds and shall include payment in extenuating or emergency conditions, in accordance with applicable law, regulations or emergency declarations by state or federal authorities.[9][10][11][12][13][14][15][16]

Record Keeping

The district shall develop and maintain a Records Management Plan and related Board policy and administrative regulations for the retention, retrieval and disposition of manual and electronic records, including emails.[17][18]

The district shall comply with federal record conversion and quality control review requirements to safeguard the integrity of electronic records.[19]

The district shall ensure the proper maintenance of federal fiscal records documenting:[18][20]
[21][22].

1. Amount of federal funds.
2. How funds are used.
3. Total cost of each project.
4. Share of total cost of each project provided from other sources.
5. Other records to facilitate an effective audit.
6. Other records to show compliance with federal program requirements.
7. Significant project experiences and results **to:**
 - a. **Determine progress.**
 - b. **Inform periodic review and continuous improvement of project plan.**
 - c. **Revise project objectives, if necessary.**

All records must be retrievable and available for programmatic or financial audit.

The district shall provide the federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, the right of access to any documents, papers, or other district records which are pertinent to the federal award. The district shall also permit timely and reasonable access to the district's personnel for the purpose of interview and discussion related to such documents.[23]

Records shall be retained for a minimum of **three (3) years** from the date **of submission of the final financial report**, or as otherwise specified in the requirements of the federal award, unless a written extension is provided by the awarding agency, cognizant agency for audit, oversight agency for audit or cognizant agency for indirect costs.[20]

If any litigation, claim or audit is started before the expiration of the standard record retention period, the records shall be retained until all litigation, claims or audits have been resolved and final action taken.[20]

Records for property and equipment acquired with federal funds shall be retained for three (3) years after final disposition of the property or equipment.[20]

As part of the Records Management Plan, the district shall develop and maintain a records retention schedule, which shall delineate the record retention format, retention period and method of disposal.[18]

The Records Management Plan shall include identification of staff authorized to access records, appropriate training, and preservation measures to protect the integrity of records and data.[18]
[20]

The district shall ensure that all personally identifiable data protected by law or regulations is handled in accordance with the requirements of applicable law, regulations, Board policy and administrative regulations.[24][25][26][27][28]

Subrecipient Monitoring

In the event that the district awards subgrants, the district shall establish **written** procedures to:[29]

1. Assess the risk of **fraud and** noncompliance.
2. Monitor grant subrecipients to ensure compliance with federal, state, and local laws and Board policy and procedures.
3. Ensure the district's record retention schedule addresses document retention on assessment and monitoring.[18]

Compliance Violations

Employees and contractors involved in federally funded programs and subrecipients shall be made aware that failure to comply with federal law, regulations or terms and conditions of a federal award may result in the federal awarding agency or pass-through entity imposing additional conditions or terminating the award in whole or in part.[30][31]

Mandatory Reporting of Violations

An applicant, recipient or subrecipient of a federal award must promptly disclose whenever, in connection with the federal award (including any related activities or subawards) it has credible evidence of a violation of federal criminal law involving fraud, conflict of interest, bribery or gratuity violations under Title 18 of the United States Code or a violation of the federal civil False Claims Act. The written disclosure must be made to the federal agency, the agency's Office of Inspector General, and pass-through entity (if applicable). Recipients and subrecipients are also required to report issues related to a recipient integrity and performance in accordance with Appendix XII to 2 CFR Part 200. Failure to make required disclosures can result in compliance violations.[32]

Whistleblower Protections

District employees may not be discharged, demoted or otherwise discriminated against as a reprisal for making a protected disclosure of information that the employee reasonably believes to be:[33][34]

1. **Evidence of gross mismanagement of a federal contract or grant; or**
2. **Gross waste of federal funds; or**
3. **An abuse of authority relating to a federal contract or grant; or**
4. **A substantial and specific danger to public health or safety; or**
5. **A violation of law, rule or regulation related to a federal contract, including the competition for or negotiation of a contract or grant.**

District employees may disclose such information to any of the following:

1. **The Superintendent or designee authorized to investigate, discover or address such misconduct.**
2. **A federal employee responsible for contract or grant oversight or management of the relevant agency.**
3. **An authorized official of the United States Department of Justice or other law enforcement agency.**

4. **A member of Congress or a representative of a committee of Congress.**
5. **A federal Inspector General.**
6. **The federal Government Accountability Office.**
7. **A court or grand jury, including providing evidence of misconduct in any judicial or administrative proceeding relating to waste, fraud or abuse on a federal contract or grant.**

A district employee who believes that they have been subjected to a reprisal for making a protected disclosure may submit a complaint to the Inspector General of the federal executive agency that is responsible for the relevant federal funding or federal contract. The federal agency and the agency's Inspector General have the authority to investigate such complaints and provide appropriate remedies for substantiated complaints.

The district shall provide written notification to employees of their rights and protections under the Whistleblower Law by posting notices:

{X} in the Employee Handbook.

{ } on the district's website.

{ } _____ Other.

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Legal

1. 2 CFR Part 200

2. 2 CFR 200.501

3. 2 CFR 200.318

4. Pol. 827

5. Pol. 828

6. Pol. 317

7. 2 CFR 200.430

8. Pol. 626.1

9. 24 P.S. 1153

10. Pol. 304

11. Pol. 319

12. Pol. 336

13. Pol. 337

14. Pol. 624

15. Pol. 805

16. Pol. 813

17. 2 CFR 200.334-200.338

18. Pol. 800

19. 2 CFR 200.336

20. 2 CFR 200.334

21. 34 CFR 75.730-75.732

22. 34 CFR 76.730-76.732

23. 2 CFR 200.337

24. Pol. 113.4

25. Pol. 216

26. Pol. 324

27. Pol. 830

28. Pol. 830.1

29. 2 CFR 200.331-200.332

30. 2 CFR 200.339

31. 2 CFR 200.340

32. 2 CFR 200.113

33. 2 CFR 200.217

34. 41 U.S.C. 4712

Pol. 610

Pol. 611

Pol. 612

Pol. 613

Pol. 625

626-Attach-AllowabilityofCosts.docx (44 KB)

626-Attach-Procurement.doc (143 KB)

626-Attach-CashManagement.docx (29 KB)

626-Attach-Costs_Obligations_Property.docx (46 KB)

626-Attach-SubrecipientMonitoring.docx (39 KB)

Allowability of Costs – Federal Programs

Expenditures must be aligned with approved budgeted items. Any changes or variations from the state-approved budget and grant application need prior approval from the state.

Delegation of Responsibility

When determining how the district will spend its grant funds, the

{ X } Business Manager

{ X } Federal Programs Coordinator

will review the proposed cost to determine whether it is an allowable use of federal grant funds *before* obligating and spending those funds on the proposed good or service. **The decision for such determination shall be in writing and provide justification for the allowability determination.**

Allowability Determinations

All costs supported by federal education funds must meet the standards outlined in **applicable laws and regulations, including but not limited to**, 2 CFR Part 3474 and 2 CFR Part 200, Subpart E, which are listed below. The

{ X } Business Manager

{ } Federal Programs Coordinator

must consider these factors when making an allowability determination. A section entitled, *Helpful Questions for Determining Whether Costs are Allowable*, is located at the end of this document.

Part 200 sets forth general cost guidelines that must be considered, as well as rules for specific types of items, both of which must be considered when determining whether a cost is an allowable expenditure of federal funds. The expenditure must also be allowable under the applicable program statute (e.g., Title I of the Elementary and Secondary Education Act (ESEA), or the Carl D. Perkins Career and Technical Education Act (Perkins)), along with accompanying program regulations, nonregulatory guidance and grant award notifications.

Restrictions in state and local rules or policy also must be considered. For example, travel and other job-related expenses incurred by employees are not allowable unless they also are in compliance with Board Policy 331 (Job Related Expenses) and related administrative regulations.

Whichever allowability requirements are stricter will govern whether a cost is allowable.

Except where otherwise authorized by law, determination factors for allowability of costs include the following:

1. **Be Necessary and Reasonable for the performance of the federal award.** A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, **reasonable** means that sound business practices were followed, and purchases were comparable to market prices.

When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the district or the proper and efficient performance of the federal award.
- The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state and other laws and regulations; and terms and conditions of the federal award.
- Market prices for comparable goods or services for the geographic area.
- Whether the individual incurring the cost acted with prudence in the circumstances considering responsibilities to the district, its employees, its students, the public at large, and the federal government.
- Whether the district significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the federal award's cost. (2 CFR 200.404)

Whether a cost is **necessary** will be determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the district can demonstrate that the cost addresses an existing need and can prove it. For example, the school entity may deem a language skills software program necessary for a Language Instruction Educational Program.

When determining whether a cost is necessary, consideration may be given to:

- Whether the cost is needed for the proper and efficient performance of the federal award program.
- Whether the cost is identified in the approved budget or application.
- Whether there is an educational benefit associated with the cost.

- Whether the cost aligns with identified needs based on results and findings from a needs assessment.
 - Whether the cost addresses program goals and objectives and is based on program data.
2. **Allocable to the federal award.** A cost is allocable to the federal award **or other cost objective** if the **cost is** assignable to the federal award **or other cost objective** in accordance with the relative benefit received. This means that the federal grant program derived a benefit in proportion to the funds charged to the program. (2 CFR 200.405)

For example, if fifty percent (50%) of a teacher's salary is paid with grant funds, then that teacher must spend at least fifty percent (50%) of his/her time on the grant program.

3. **Consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the school entity.**
4. **Conform to any limitations or exclusions set forth as cost principles in 2 CFR Part 200 or in the terms and conditions of the federal award.**
5. **Consistent treatment.** A cost cannot be assigned to a federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
6. **Adequately documented.** All expenditures must be properly documented. (2 CFR §200.300 through 200.309)

Direct cost allocation principles: If a cost benefits two (2) or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two (2) or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. (2 CFR 200.405)

7. **Be calculated in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in 2 CFR Part 200.**
8. **Not included as a cost or used to meet cost-sharing requirements in either the current or a prior period, unless the specific federal program authorizes federal costs to be treated as such.** Some federal program statutes require the nonfederal entity to contribute a certain amount of nonfederal resources to be eligible for the federal program. (2 CFR 200.306)
9. **Administrative closeout costs may be incurred until the due date of the final report(s). If incurred, closeout costs must be liquidated prior to the due date of the final report(s) and charged to the final budget period of the award unless otherwise specified by the federal agency. All other costs must be incurred during the approved budget period.**

(2 CFR 200.308, 200.344)

10. **Be the net of all applicable credits.** The term **applicable credits** refers to those receipts or reduction of expenditures that operate to offset or reduce **direct or indirect costs** allocable to the federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the **recipient or subrecipient** relate to the federal award, they shall be credited to the federal award, either as a cost reduction or a cash refund, as appropriate. (2 CFR 200.406)

Selected Items of Cost

Subpart E of Part 200 sets forth principles to be applied in establishing the allowability of specific cost items (commonly referred to as Selected Items of Cost), at 2 CFR **200.420-200.476**. These specific cost items are listed in the chart below along with the citation to the section of Subpart E addressing the allowability of that item. These principles are in addition to the other general allowability standards, and apply whether or not a particular item of cost is properly treated as direct cost or indirect (F&A) cost. Meeting the specific criteria for a listed item does not by itself mean the cost is allowable, as it may be unallowable under other standards or for other reasons, such as restrictions contained in the terms and conditions of a particular grant or restrictions established by the **recipient or subrecipient** or in Board policy. If an item is unallowable for any of these reasons, federal funds cannot be used to purchase it.

The fact that a particular item of cost is not listed is not intended to imply that it is either allowable or unallowable; rather, determination as to allowability in each case should be based on the treatment provided for similar or related items of cost and based on the principles described in applicable law and regulations. In case of discrepancy between the provisions of a specific federal award and the provisions below, the federal award governs. (2 CFR 200.102, 200.409, 200.420)

School district personnel responsible for spending federal grant funds and for determining allowability must be familiar with and refer to the Part 200 selected items of cost section. These rules must be followed when charging these specific expenditures to a federal grant. When applicable, employees must check costs against the selected items of cost requirements to ensure the cost is allowable, and also check **recipient, subrecipient**, district and program-specific rules.

The selected item of cost addressed in Part 200 includes the following (in alphabetical order):

Item of Cost	Citation of Allowability Rule
Advertising and public relations costs	2 CFR § 200.421
Advisory councils	2 CFR § 200.422
Alcoholic beverages	2 CFR § 200.423
Alumni/ae activities	2 CFR § 200.424
Audit services	2 CFR § 200.425
Bad debts	2 CFR § 200.426

Bonding costs	2 CFR § 200.427
Collection of improper payments	2 CFR § 200.428
Commencement and convocation costs	2 CFR § 200.429
Compensation – personal services	2 CFR § 200.430
Compensation – fringe benefits	2 CFR § 200.431
Conferences	2 CFR § 200.432
Contingency provisions	2 CFR § 200.433
Contributions and donations	2 CFR § 200.434
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	2 CFR § 200.435
Depreciation	2 CFR § 200.436
Employee health and welfare costs	2 CFR § 200.437
Entertainment costs	2 CFR § 200.438
Equipment and other capital expenditures	2 CFR § 200.439
Exchange rates	2 CFR § 200.440
Fines, penalties, damages and other settlements	2 CFR § 200.441
Fund raising and investment management costs	2 CFR § 200.442
Gains and losses on disposition of depreciable assets	2 CFR § 200.443
General costs of government	2 CFR § 200.444
Goods and services for personal use	2 CFR § 200.445
Idle facilities and idle capacity	2 CFR § 200.446
Insurance and indemnification	2 CFR § 200.447
Intellectual property	2 CFR § 200.448
Interest	2 CFR § 200.449
Lobbying	2 CFR § 200.450
Losses on other awards or contracts	2 CFR § 200.451
Maintenance and repair costs	2 CFR § 200.452
Materials and supplies costs, including costs of computing devices	2 CFR § 200.453
Memberships, subscriptions, and professional activity costs	2 CFR § 200.454
Organization costs	2 CFR § 200.455
Participant support costs	2 CFR § 200.456
Plant and security costs	2 CFR § 200.457
Pre-award costs	2 CFR § 200.458
Professional services costs	2 CFR § 200.459
Proposal costs	2 CFR § 200.460
Publication and printing costs	2 CFR § 200.461

Rearrangement and reconversion costs	2 CFR § 200.462
Recruiting costs	2 CFR § 200.463
Relocation costs of employees	2 CFR § 200.464
Rental costs of real property and equipment	2 CFR § 200.465
Scholarships and student aid costs	2 CFR § 200.466
Selling and marketing costs	2 CFR § 200.467
Specialized service facilities	2 CFR § 200.468
Student activity costs	2 CFR § 200.469
Taxes (including Value Added Tax)	2 CFR § 200.470
Telecommunication and video surveillance	2 CFR § 200.471
Termination costs	2 CFR § 200.472
Training and education costs	2 CFR § 200.473
Transportation costs	2 CFR § 200.474
Travel costs	2 CFR § 200.475
Trustees	2 CFR § 200.476

Prior Written Approval

A request for prior written approval to ensure reasonableness and allocability of any expense related to a federal award before incurring the cost is permissible. The elements listed below *require* prior written approval:

Reason Requiring Prior Written Approval	Citation
Cost sharing	2 CFR § 200.306
Program income	2 CFR § 200.307
Revision of budget and program plans	2 CFR § 200.308
Fixed amount subawards	2 CFR § 200.333
Compensation – personal services	2 CFR § 200.430
Compensation – fringe benefits	2 CFR § 200.431
Equipment and other capital expenditures	2 CFR § 200.439
Exchange rates	2 CFR § 200.440
Fines, penalties, damages and other settlements	2 CFR § 200.441
Fund raising and investment management costs	2 CFR § 200.442
Goods or services for personal use	2 CFR § 200.445
Insurance and indemnification	2 CFR § 200.447
Organization costs	2 CFR § 200.455
Pre-award costs	2 CFR § 200.458
Rearrangement and reconversion costs	2 CFR § 200.462
Travel costs	2 CFR § 200.475

Helpful Questions for Determining Whether Costs are Allowable -

In addition to applying the cost principles and standards described above, district staff involved in expending federal funds should ask the following questions when assessing the allowability of a particular cost:

1. Is the proposed cost allowable under the relevant program?
2. Is the proposed cost consistent with an approved program plan and budget?
3. Is the proposed cost consistent with program specific fiscal rules? For example, the school entity may be required to use federal funds only to supplement the amount of funds available from nonfederal (and possibly other federal) sources, or only as a match for funds from nonfederal sources.
4. Is the proposed cost consistent with **applicable laws and regulations**?
5. Is the proposed cost consistent with specific conditions imposed on the grant (if applicable)?
6. Is the proposed cost consistent with the underlying needs of the program? For example, program funds must benefit the appropriate population of students for which they are allocated. This means that, for instance, funds allocated under Title III of the Elementary and Secondary Education Act (ESEA) governing language instruction programs for English Learner (EL) students must only be spent on EL students and cannot be used to benefit non-EL students.
7. Will the cost be targeted at addressing specific areas of weakness that are the focus of the program, as indicated by available data?
8. **Has this expenditure been reviewed by legal for compliance if there is any uncertainty?**

Any questions related to specific costs should be forwarded to the

{ } Business Manager,

{ } Federal Programs Coordinator,

who shall consult with the school solicitor for clarification as appropriate.

Refunds

Payments made for costs determined to be unallowable by either the federal awarding agency, cognizant agency for indirect costs, or pass-through entity, must be refunded with interest to the federal government in accordance with instructions from the federal awarding agency that determined the costs are unallowable unless applicable statute or regulation directs otherwise. (2 CFR 200.410)

Procurement – Federal Programs

This document is intended to integrate standard district purchasing procedures with additional requirements applicable to procurements that are subject to the federal Uniform Guidance regulations, federal guidance of the Office of Management and Budget and/or U.S. Department of Agriculture (USDA) regulations governing school food service programs. The district maintains the following purchasing procedures, in accordance with federal and state laws, regulations and Board policy. (2 CFR **200.1**, 200.102, 200.318-200.325; 7 CFR 210.16, 210.19, 210.21, 215.14a, 220.16; 24 P.S. 120, 24 P.S. 504, 24 P.S. 508, 24 P.S. 521, 24 P.S. 607, 24 P.S. 609, 24 P.S. 751, 24 P.S. 807.1; 62 Pa. C.S.A. 4601 et seq; Pol. 610, 611, 612, 613, 808, **827**)

Procurement Method §200.320	Goods/Supplies	Services	Requirements
Micro-purchase (No quotes required)	Less than \$10,000 Note: Must use more restrictive \$0 Federal threshold instead of the state threshold	Less than \$10,000 Note: Must use more restrictive \$10,000 Federal threshold instead of state exemption for services	Consider price to be reasonable Distribute equitably among suppliers to the extent practical
Simplified Acquisition Procedures (Small Purchases - relatively simple and informal)	\$10,000 - \$23,800 Note: Must use more restrictive \$10,000 Federal threshold instead of the state threshold	\$10,000 - \$249,999 Note: Must use more restrictive \$10,000 Federal threshold instead of state exemption for services	Obtain/document price or rate quotations from a reasonable number of qualified sources (at least three per 24 PS 8.807.1) Written or documented quotes
Sealed Bids (Formal advertising)	\$23,800 or more Note: Must use more restrictive \$23,800 state threshold instead of the Federal threshold	N/A	Bids are publicly solicited Firm fixed price contract awarded to the responsible bidder lowest in price Cost or price analysis for purchases in excess of the Simplified Acquisition Threshold (\$250,000)
Competitive	N/A	\$250,000 or more	Conducted with more than

Proposals (Formal RFPs)		Note: Must use more restrictive \$250,000 Federal threshold instead of state exemption for services	one source submitting an offer Price is not used as sole selection factor Fixed price or cost-reimbursement type contract is awarded Cost or price analysis for purchases in excess of the Simplified Acquisition Threshold (\$250,000)
Non-competitive proposals	Appropriate only when these circumstances apply: - Available only from a single source (sole source) - Public emergency - After soliciting from several sources, competition is deemed inadequate - Consult with your school solicitor		Solicitation from only one source Used only when qualifying circumstances apply Fixed price or cost-reimbursement type contract is awarded

*Please review this Procurement attachment annually and update amounts accordingly

The district implements exceptions to the Micro-Purchase and Simplified Acquisition Threshold amounts announced by the federal Office of Management and Budget as part of its procurement procedures. **The state threshold of \$12,900 is not applicable to federal procurement thresholds.**

Responsibility for Purchasing

The Board has outlined standard district purchasing responsibility, methods of purchasing, price quotations and bid requirements in the following Board policies and their accompanying administrative regulations or procedures:

Policy 610. Purchases Subject to Bid/Quotation
Policy 611. Purchases Budgeted

Policy 612. Purchases Not Budgeted
Policy 613. Cooperative Purchasing

Purchase Methods

When a request for purchase of equipment, supplies or services has been submitted and approved as outlined below, the procurement method to be used will be determined based on the type of purchase and the total cost of the purchase as further outlined below. This procedure outlines how the cost thresholds for determining when the quote or formal bidding procedures that are required by state law as reflected in Policy 610 must be modified when making purchases for federally funded purposes to which the Uniform Guidance or USDA regulations apply, so as to comply with both state and federal requirements. At each point where requirements for food service-related procurement under USDA regulations differ, a note will refer to the Food Service Program Notes at the end of this procedure. Final determination of which purchasing procedures are to be applied is delegated to the

☒ Business Manager

☐ Superintendent

under the authority of the Board.

Standard Procurement Documents and Purchase Request Process

The district shall use

☒ purchase orders

☒ requisitions

for purchase requests in accordance with the applicable purchase method.

The district shall use

☒ paper

☒ electronic

purchasing records, which are pre-numbered and are accessible to designated purchasing staff in

☐ the district office.

☒ the Business Office.

☐ Purchasing Agent's office.

☐ Other _____.

Purchase requests by an employee must be submitted to the building administrator or immediate supervisor. Purchase of all budgeted items or items approved by an administrator or supervisor must be initiated by use of a purchase order or requisition submitted to the

☐ Board Secretary.

☒ Business Manager.

☐ Superintendent.

☐ Purchasing Agent.

Purchase orders and requisitions shall contain information including, but not limited to:

1. Description of the services to be performed or goods to be delivered.
2. Location of where services will be performed, or goods will be delivered.
3. Appropriate dates of service or delivery.
4. ☐ Other (describe) _____.

Documentation on purchase orders and requisitions shall be maintained in accordance with the district's Records Management Policy and records retention schedule. (Pol. 800)

Contracts shall be reviewed by the _____.

☐ Board Secretary

☒ Business Manager

☒ Superintendent

☐ school solicitor

prior to submission to the Board for approval.

Contracts to which the Uniform Guidance apply shall contain the clauses specified in Appendix II to 2 CFR Part 200 (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards), when applicable.

[See Additional Provisions for Food Service Programs below for specific clauses required by USDA regulations to be included in cost reimbursable procurement contracts.]

Micro-Purchases Not Requiring Quotes or Bidding

For purposes of this procedure, **micro-purchase** means a purchase of equipment, supplies or services for use in federally funded programs using simplified acquisition procedures, the aggregate amount of which does not exceed a base amount of \$10,000. The micro-purchase dollar threshold is adjusted periodically by the federal government, and the threshold most recently established and published in the Federal Register or announced as an exception by the federal Office of Management and Budget shall apply if other than \$10,000.(48 CFR Subpart 2.1)

Note: The micro-purchase maximum for federal purposes is lower than the amount which the School Code allows purchase for nonfederal purposes to be made without obtaining at least three (3) written or telephonic quotes or using formal competitive bidding.

The micro-purchase method is used to expedite the completion of its lowest dollar small purchase transactions and minimize the associated administrative burdens and **reduce** costs. Procurement by micro-purchase is the acquisition of equipment, supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold.

To the extent practicable, the district distributes micro-purchases equitably among qualified suppliers when the same or materially interchangeable products are identified and such suppliers offer effectively equivalent rates, prices and other terms. The

{ } Superintendent

{ X } Business Manager

{ } Purchasing Agent

{ } Board Secretary

will be responsible to determine the equitable distribution of micro-purchases.

Micro-purchases may be awarded without soliciting competitive quotations if the district considers the price to be reasonable. The district will maintain evidence of this reasonableness in the records of all micro-purchases. **Reasonable can be demonstrated through** sound business practices **documenting research, experience, purchase history, or other information.** Such determinations of reasonableness may include comparison of the price to previous purchases of the same item or comparison of the price of items similar to the item being purchased. (2 CFR 200.320)

Even if the cost of a purchase qualifies it as a micro-purchase, bidding or small purchase procedures may be used optionally when those procedures may result in cost savings.

Simplified Acquisition Procedures

For purposes of this procedure, **simplified acquisition procedures** are those relatively simple and informal procurement methods for securing equipment or supplies that cost more than the amount qualifying as a micro-purchase and do not cost \$23,800 or more, or in the case of services other than construction, maintenance or repair on school facilities, where the total cost does not exceed the \$250,000 federal Simplified Acquisition Threshold at which formal competitive bidding or competitive proposals are required. **Simplified acquisition** procedures cannot be used for purchases of equipment or supplies or for construction, repair or maintenance services costing \$23,800 or more because the School Code requires formal competitive bidding at that level of cost.

The base amount at which bidding is required under state law for purchases of equipment, supplies and construction, maintenance or repair services on school facilities is adjusted for inflation annually, and the adjusted amount most recently determined and published in the Pennsylvania Bulletin shall apply if other than \$23,800. (24 P.S. Sec. 120)

The federal Simplified Acquisition Threshold at which competitive bidding or competitive proposals are required is adjusted periodically by the federal government, and the threshold most recently established and published in the Federal Register or announced as an exception by the federal Office of Management and Budget shall apply if other than \$250,000. (48 CFR Subpart 2.1, 2 CFR 200.102)

Because state law does not require competitive bidding for the purchase of services other than construction, maintenance or repairs on school facilities regardless of total cost, **simplified acquisition** procedures may be used for procurement of such other services except when the estimated total cost will be at or over the federal threshold at which formal competitive bidding or competitive proposals are required (\$250,000).

A request for proposal (RFP) may be made for small purchases; however, the procurement process must comply with formal RFP procedures, including public notice.

[See Additional Provisions for Food Service Programs below for exemption from bidding for purchases of perishable food items costing less than \$250,000.]

If **simplified acquisition** procedures are used, written or telephonic price or rate quotations are obtained from at least three (3) qualified sources and records of quotes are maintained as provided in Policy 610. (Pol. 610)

Formal Competitive Bidding

Publicly Solicited Sealed Competitive Bids -

For purchases of equipment or supplies, or of services for construction, maintenance or repairs of school facilities, sealed competitive bids are publicly solicited and awarded to the lowest

responsive and responsible bidder as provided in Policy 610 when the total cost is estimated to be \$23,800 or more. (Pol. 610)

Note: The amount at which formal competitive bidding or competitive proposals are required by federal regulations is much higher than the base amount at which the School Code requires competitive bidding. Therefore, the lower base amount specified by the School Code, as annually adjusted, is used to determine when bidding will be used for purchases of equipment or supplies, or for obtaining services for construction, maintenance or repairs on school facilities. (24 P.S. Sec. 120)

State law does not require bidding for the purchase of services other than construction, maintenance or repairs on school facilities regardless of total cost. For procurement of such other services for federally funded purposes to which the Uniform Guidance applies, formal competitive bidding or competitive proposals will be used when the estimated total cost will be at or over the federal threshold of \$250,000.

The federal Simplified Acquisition Threshold at which competitive bidding or competitive proposals are required is adjusted periodically by the federal government, and the threshold most recently established and published in the Federal Register or announced as an exception by the federal Office of Management and Budget shall apply if other than \$250,000. (48 CFR Subpart 2.1, 2 CFR 200.102)

For procurement of services costing at or over the \$250,000 federal threshold other than for construction, maintenance or repairs on school facilities, the use of competitive sealed bidding is considered feasible and appropriate when:

1. A complete, adequate, and realistic specification or purchase description is available;
2. Two (2) or more responsible bidders are willing and able to compete effectively for the business; and
3. 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.

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. Any or all bids may be rejected if there is a **justified and** documented reason.

[See Additional Provisions for Food Service Programs below for reference to state requirements regarding contracts with food service management companies and contractors of pre-plated meals.]

Competitive Proposals -

State law does not require public school entities to solicit competitive bids for services other than construction, repairs or maintenance of school facilities, for which competitive bidding is required if the cost will be a base amount of \$23,800 or more. State law allows competitive proposals relating to work on facilities in lieu of bidding only in the context of guaranteed energy savings contracts.

Federal regulations allow the use of competitive proposals as an alternative to formal competitive bidding when conditions are not appropriate for the use of sealed bids.

In the case of services other than for construction, repairs or maintenance of school facilities costing less than that threshold, the district may use **simplified acquisition** procedures or micro-purchase procedures as applicable based on total cost. A request for proposal (RFP) process can also meet or exceed the small purchase competition requirements under state law and Policy 610 for the acquisition of services other than for construction, repairs or maintenance of school facilities, and can be used if the total cost will be less than \$250,000.

When permitted, the technique of competitive proposals is normally conducted with more than one (1) source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. Competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The district shall comply with other applicable state and federal law and regulations, Board policy and administrative regulations regarding purchasing; the district may consult with the school solicitor or other qualified counsel in determining the required process for purchasing through competitive proposals when necessary.

If this method is used, the following requirements apply:

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.
2. Proposals must be solicited from an adequate number of qualified sources.
3. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

An alternative form of competitive proposal is permitted only for qualifications-based procurement of architectural and engineering services, in which price is not a selection factor and reasonable compensation is negotiated after source selection. This alternative is not permitted for procurement of other types of services.

Competitive proposals shall be evaluated by the

{ X } Superintendent

☒ Business Manager

☐ Federal Programs Coordinator

based on factors including but not limited to:

1. Cost.

☒ Experience of contractor.

☒ Availability.

☒ Personnel qualifications.

☐ Financial stability.

☒ Minority business, women's business enterprise, **veteran-owned business** or labor surplus area firm status.

☒ Project management expertise.

☒ Understanding of district needs.

☐ Other _____.

Evaluations shall be completed in a timely manner, documented and shall be reviewed by the

☒ Board.

☒ Superintendent.

☒ Business Manager.

☐ Federal Programs Coordinator.

☒ school solicitor.

Contract/Price Analysis

The district performs a cost or price analysis in connection with every procurement action in excess of \$250,000, including contract modifications. (2 CFR 200.323(a)).

A **cost analysis** generally means evaluating the separate cost elements that make up the total price, while a **price analysis** means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the

☐ Superintendent

☒ Business Manager

☐ Federal Programs Coordinator

must come to an independent estimate prior to receiving bids or proposals. (2 CFR 200.323(a)). As part of the analysis, the Business Manager will enact established business practices which may include evaluation of similar prior procurements and a review process.

Negotiated Profit

In any procurement in which there has been no price competition, or in which a cost-analysis is performed, profit must be negotiated separately as an element of price. Accordingly, solicitations of bids, proposals or quotes shall require that bids, proposals or quotes be limited to costs other than profit, and exclude profit.

To establish a fair and reasonable profit, consideration is 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. (2 CFR 200.323(b)).

When profit must be negotiated as a separate element of the total price, it shall be negotiated by the

☒ Superintendent.

☐ Business Manager.

☐ Federal Programs Coordinator.

Noncompetitive Proposals (Sole Sourcing)

Procurement by noncompetitive proposals means procurement through solicitation of a proposal from only one (1) source and may be used only when one (1) or more of the following circumstances apply: (2 CFR 200.320)

- 1. The aggregate amount of the procurement transaction does not exceed the micro-purchasing provisions.**
- 2. The procurement transaction can only be fulfilled by a single source.**

3. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation. An **emergency** exists whenever the time required for the Board to act in accordance with regular procedures would endanger life or property or threaten continuance of existing school classes.
4. The federal awarding agency or pass-through entity **provides written approval for noncompetitive procurement** in response to a written request from the **recipient or subrecipient**.
5. After solicitation of a number of sources, the **recipient or subrecipient** determines the competition is inadequate.

In addition to standard procurement policy and procedures, the district will **provide** the grounds, **including analysis and documentation**, for using the noncompetitive method in lieu of an otherwise required competitive method of procurement. A written confirmation from the contractor as the sole source of the item **may be included as a supplement to the district's record of analysis**. Documentation must be submitted to and maintained by the Business Office.

All noncompetitive proposals will ultimately be approved by the Board. The district may utilize legal advice from the solicitor regarding noncompetitive proposals.

Profit must be negotiated separately for noncompetitive proposals, and a cost or price analysis will also be performed for noncompetitive proposals when the price exceeds \$250,000.

Purchase Cards

The district approves the use of procurement cards for permissible purchases by designated employees to improve the efficiency of purchasing activities, reduce processing expenses, improve controls for small-dollar purchases, and streamline contractor payment.

Procurement cards may be used for purchases under federal programs. The use of procurement cards is governed by Board policy 625 Procurement Cards and established administrative regulations. (Pol. 625)

Full and Open Competition

All procurement transactions must be conducted in a manner providing full and open competition consistent with 2 CFR 200.319. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or 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:

1. Placing unreasonable requirements on firms in order for them to qualify to do business.
2. Requiring unnecessary experience and excessive bonding.

3. Noncompetitive pricing practices between firms or between affiliated companies.
4. Noncompetitive contracts to consultants that are on retainer contracts.
5. Organizational conflicts of interest.
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.
7. Any arbitrary action in the procurement process.

Scoring mechanisms that reward bidders that commit to specific numbers and types of U.S. jobs, minimum compensation, benefits, on-the-job-training for employees making work products or providing services on a contract, and other worker protections, may be assigned when consistent with established practices and legal requirements.
(2 CFR 300.319)

Minority Businesses, Women’s Business Enterprises, Veteran-Owned Businesses, Labor Surplus Area Firms

The district must take necessary affirmative steps to assure that minority businesses, women’s business enterprises, **veteran-owned businesses** and labor surplus area firms are **considered** when possible. **Such consideration means:** (2 CFR 200.321)

1. Placing **such** businesses on solicitation lists;
2. Assuring that **such businesses** are solicited whenever they are **deemed eligible** as potential sources;
3. Dividing total purchasing requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by **such businesses**;
4. Establishing delivery schedules, where the requirement permits, which encourage participation **by such businesses**;
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**
6. Requiring the prime contractor, if subcontracts are let, to **apply these conditions to subcontracts.**

Prequalified Lists

The district 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 district must not preclude potential bidders from qualifying during the solicitation period.

[See Additional Provisions for Food Service Programs below for reference to state requirements regarding contracts with food service management companies and contractors of pre-plated meals.]

Solicitation Language

The district must ensure that all solicitations 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 identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

Avoiding Acquisition of Unnecessary or Duplicative Items

The district must avoid the acquisition of unnecessary or duplicative items. Additionally, consideration must be given to consolidating or breaking out procurements to obtain a more economical purchase; and, where appropriate, an analysis must be made of leases versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

These considerations are given as part of the process to determine the allowability of each purchase made with federal funds. Such considerations are accessible in the procedure attached to Policy 626: Allowability of Costs – Federal Programs.

Use of Intergovernmental Agreements and Cooperative Purchasing

To foster greater economy and efficiency, the district enters into state and local intergovernmental agreements where appropriate for cooperative purchasing or use of common or shared goods and services, as permitted by the Intergovernmental Cooperation Act, the School Code and the Commonwealth Procurement Code. (Pol. 613; 53 Pa. C.S. Ch. 23; 24 P.S. 521; 62 Pa. C.S. Ch. 19, **2 CFR 200.318 (e)**)

When procuring supplies or services for federally funded purposes to which the Uniform Guidance applies, the district shall verify **and document** that the organization conducting the procurement pursuant to such agreements complies with the applicable procurement methods, requirements and standards of the Uniform Guidance as outlined in this procedure.

The district considers the use of federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

Recovered Materials

The recipient or subrecipient should, to the greatest extent practicable and consistent with law, purchase, acquire or use products and services that can be reused, refurbished or recycled; contain recycled content, are biobased, or are energy and water efficient; and are sustainable. This may include purchasing compostable items and other products and services that reduce the use of single-use plastic products. (2 CFR 200.323)

Debarment and Suspension

The district awards 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.

[See Additional Provisions for Food Service Programs below for reference to state requirements regarding contracts with food service management companies and contractors of pre-plated meals.]

The district may not subcontract with or award subgrants to any person or company who is debarred or suspended. For all contracts over \$25,000 the district verifies that the contractor with whom the district intends to do business is not excluded or disqualified. (2 CFR Part 200, Appendix II, and 2 CFR 180.220 and 180.300).

All successful contractors must provide written certification that they have not been suspended or debarred from federal projects. The

{ } Business Manager

{ } Federal Programs Coordinator

will be responsible for verification. Such verification **to determine whether a potential subrecipient is subject to any suspension or debarment restrictions must include one of the following:**

1. Accessing the online federal System for Award Management (SAM); or

2. **Collecting a certification from that person; or**

3. **Adding a clause or condition to the covered transaction with that person. (2 CFR 180.300)**

Maintenance of Procurement Records

The district must maintain records sufficient to detail the history of all procurements. 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, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.

Maintenance of records of procurement will be governed by Board policy 800 Records Management and the district's established records retention schedule. (Pol. 800)

Time and Materials Contracts

The district may use a time and materials type contract only: (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. **Time and materials type contract** means a contract whose cost to the district is the sum of: the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

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 district must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

Settlements of Issues Arising Out of Procurements

The district alone is 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 district of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

Protest Procedures to Resolve Dispute

The district maintains protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency. Protest procedures will be acted on in accordance with current state law and regulations, established district administrative regulations and the advice of the solicitor. (Pol. 610)

ADDITIONAL PROVISIONS FOR FOOD SERVICE PROGRAMS

Exemption from Bidding for Perishable Food Items -

The School Code exempts purchases of perishable food items from bidding requirements. Bidding for perishable food items is required only if the cost would be at or over the federal threshold at which formal competitive bidding is required (\$250,000). **Simplified acquisition** procedures may be used for purchases below \$250,000, or micro-purchase procedures for purchases below \$10,000. Use of bidding should be considered as an option if it is feasible and likely to result in cost savings.(24 P.S. 504(d))

Geographic Preferences -

The district is permitted to apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products. When a geographic preference is applied, the district has discretion to determine the local area to which the geographic preference option will be applied.

Unprocessed locally grown or locally raised agricultural products means only those agricultural products that retain their inherent character. The effects of the following food handling and preservation techniques shall not be considered as changing an agricultural product into a product of a different kind or character: cooling; refrigerating; freezing; size adjustment made by peeling, slicing, dicing, cutting, chopping, shucking, and grinding; forming ground products into patties without any additives or fillers; drying/dehydration; washing; packaging (such as placing eggs in cartons), vacuum packing and bagging (such as placing vegetables in bags or combining two (2) or more types of vegetables or fruits in a single package); the addition of ascorbic acid or other preservatives to prevent oxidation of produce; butchering livestock and poultry; cleaning fish; and the pasteurization of milk. (7 CFR 210.21, 215.14a, 220.16)

Buy American -

The district shall purchase, to the maximum extent practicable, domestic commodities or products for food service purposes.

The term **domestic commodity or product** means: (7 CFR. 210.21, 220.16)

1. An agricultural commodity that is produced in the United States; and
2. A food product that is processed in the United States substantially using agricultural commodities that are produced in the United States, **meaning over 51% of a food product must consist of agricultural commodities that were grown domestically.**

All procurement procedures, solicitations and contracts related to food service programs must include language regarding the *Buy American* requirements for food purchases.

The two main exceptions to the *Buy American* requirements are:

- 1. The product is not produced or manufactured in the United States in sufficient and reasonably available quantities of a satisfactory quality; or**
- 2. Competitive bids reveal the costs of a United States product are significantly higher than the non-domestic product.**

Mandatory Contract Clauses -

The following provisions shall be included in all cost reimbursable contracts for food services purchases, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts: (7 CFR 210.21, 215.14a, 220.16)

1. Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates and other applicable credits accruing to or received by the contractor or any assignee under the contract, to the extent those credits are allocable to the allowable portion of the costs billed to the school food authority;
2. (a) The contractor must separately identify for each cost submitted for payment to the school food authority the amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account); or

(b) The contractor must exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment and records have been established that maintain the visibility of unallowable costs, including directly associated costs in a manner suitable for contract cost determination and verification;
3. The contractor's determination of its allowable costs must be made in compliance with the applicable departmental and program regulations and Office of Management and Budget cost circulars;
4. The contractor must identify the amount of each discount, rebate and other applicable credit on bills and invoices presented to the school food authority for payment and individually identify the amount as a discount, rebate, or in the case of other applicable credits, the nature of the credit. If approved by the state agency, the school food authority may permit the contractor to report this information on a less frequent basis than monthly, but no less frequently than annually;
5. The contractor must identify the method by which it will report discounts, rebates and other applicable credits allocable to the contract that are not reported prior to conclusion of the contract; and
6. The contractor must maintain documentation of costs and discounts, rebates and other applicable credits, and must furnish such documentation upon request to the school food authority, the state agency, or the department.

Contracts with Food Service Management Companies -

Procedures for selecting and contracting with a food service management company (FSMC) shall comply with guidance provided by the Pennsylvania Department of Education, Division of Food and Nutrition, including standard forms, procedures and timelines for solicitation, selection and approval of proposals and contracts. (7 CFR 210.16, 210.19, 210.21, 215.14a, 220.16)

Pre-Plated Meals -

Procedures for selecting and contracting with contractors of pre-plated meals shall comply with guidance provided by the Pennsylvania Department of Education, Division of Food and Nutrition, including standard forms, procedures and timelines for solicitation, selection and approval of proposals and contracts. (7 CFR 210.16, 210.19, 210.21, 220.16)

Standards of Conduct -

The district will comply with the written standards of conduct in Policy 827. Conflict of Interest which governs the actions of employees and Board members regarding the selection, award and administration of contracts.

No employee or Board member may participate in the selection, award or administration of a contract supported by a federal award if s/he has a real or apparent conflict of interest as well as any other circumstance in which the employee, Board member, any member of his/her immediate family, his/her business partner, or an organization which employs or is about to employ any of them, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. (2 CFR 200.318)

Violations of the standards of conduct by employees may result in disciplinary action up to and including discharge, fines and possible imprisonment. Disciplinary actions shall be consistent with Board policies, procedures, applicable collective bargaining agreements and state and federal law.

Cash Management – Federal Programs

Generally, the school district receives payment from the Pennsylvania Department of Education (PDE) **in advance, provided the district maintains both written procedures that minimize the time elapsing between the transfer of funds and disbursement, and financial management systems that meet the standards for fund control and accountability.** In circumstances where the requirements for advance payment cannot be met, the district may use the reimbursement method.

This attachment addresses the responsibilities of the district and district staff under those alternative payment methods. **In accordance with 2 CFR §200.305(b)(1), advance payments are the preferred method of payment. Reimbursement is used only when the requirements for advance payment cannot be met, as outlined in 2 CFR §200.305(b)(3).** In either case, the district shall maintain accounting methods and internal controls and procedures that assure those responsibilities are met.

When **available**, the district shall use existing resources within a program before requesting additional **cash payments**. Such resources include program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds. (2 CFR 200.305(b)(5)).

Payment Methods

Advances –

When the district receives advance payments of federal grant funds, it must minimize the time elapsing between the transfer of funds to the district and the expenditure of those funds on allowable costs of the applicable federal program. (2 CFR 200.305(b)). The district shall attempt to expend all advances of federal funds within seventy-two (72) hours of receipt.

Whenever possible, advance payment requests must be consolidated to cover anticipated cash needed for all federal awards received by the district. (2 CFR 200.305(b)(2)).

The district shall submit payment requests as often as necessary when electronic fund transfers are used or at least monthly when electronic transfers are not used. (2 CFR 200.305(b)(2)(ii)).

Reimbursements –

The

{ X } Business Manager

{ } Federal Programs Coordinator

will request reimbursement for actual expenditures incurred under the federal grants

{ } monthly.

{ X } quarterly.

Such requests shall be submitted with appropriate documentation and signed by the requestor. Requests for reimbursements will be approved by the

{ X } Business Manager.

{ } Federal Programs Coordinator.

Reimbursement will be submitted on the appropriate form to the PDE portal. All reimbursements are based on actual disbursements, not on obligations. PDE will process reimbursement requests within the timeframes required for disbursement.

Consistent with state and federal requirements, the school district will maintain source documentation supporting the federal expenditures (invoices **and receipts**, time **and payroll records**, **grant award letters**, **budget justifications**, etc.) and will make such documentation available for PDE to review upon request.

Reimbursements of actual expenditures do not involve interest calculations.

Accounting Methods/Internal Controls

The district shall hold federal advance payments in insured, interest-bearing accounts.

The school district is permitted to retain for administrative expense up to \$500 per year of interest earned on federal grant cash balances. Regardless of the federal awarding agency, interest earnings exceeding \$500 per year shall be remitted annually to the Department of Health and Human Services Payment Management System (PMS) through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment. (2 CFR 200.305(b)(9)).

Pursuant to federal guidelines, interest earnings shall be calculated from the date that the federal funds are drawn down from the G5 system until the date on which those funds are disbursed by the district. Consistent with state guidelines, interest accruing on total federal grant cash balances shall be calculated on cash balances per grant and applying the actual or average interest rate earned.

Remittance of interest shall be the responsibility of the

☒ Business Manager.

☐ Federal Programs Coordinator.

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Administration of Federal Funds

Type of Costs, Financial Obligations and Property Management

The district establishes and maintains Board policies, administrative regulations and procedures on administration of federal funds in federal programs as required by the Uniform Guidance and other federal, state and local laws, regulations and requirements. The district's financial management system includes internal controls and grant management standards in the following areas.

Direct and Indirect Costs

Direct costs – costs that can be identified specifically with a particular final cost objective, such as a federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy. (2 CFR 200.1, 200.413)

Examples of direct costs may include, but are not limited to, salaries and benefits of staff working directly on the federal program, travel costs for program-related training and equipment purchased specifically for the program.

Indirect costs – costs incurred for a common or joint purpose benefiting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. (2 CFR 200.1, 200.414)

Examples of indirect costs may include, but are not limited to, salaries and benefits of Human Resource staff, network infrastructure and building maintenance and repairs.

Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect costs. (2 CFR 200.405, 200.413)

Identification with the federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect costs.

Direct and indirect costs shall be determined in accordance with law, regulations, the terms and conditions of the federal award, and the district's negotiated indirect cost rate.

The district shall develop an indirect cost rate proposal and cost allocation plan in accordance with law, regulations and the terms and conditions of the federal award.

Timely Financial Obligation of Funds

Financial Obligations – orders placed for property and services, contracts and subawards made, and similar transactions **that require payment by a recipient or subrecipient under a federal award that will result in expenditures by a recipient or subrecipient under a federal award.**

The following table illustrates when funds must be obligated under federal regulations:

Financial Obligation is for:	Financial Obligation is made:
Acquisition of real or personal property	On the date on which the district makes a binding written commitment to acquire the property
Personal services by a district employee	When the services are performed
Personal services by a contractor who is not a district employee	On the date on which the district makes a binding written commitment to obtain the services
Work other than personal services	On the date on which the district makes a binding written commitment to obtain the services
Public utility services	When the district receives the services
Travel	When the travel occurs
Rental of real or personal property	When the district uses the property
A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 CFR Part 200, Subpart E - Cost Principles	On the first day of the project period

34 CFR §75.707

All **financial** obligations must occur between the beginning and **planned** ending dates of the federal award project, which is known as the period of performance. The period of performance is dictated by law and regulations and will be indicated in the federal award. Specific requirements for carryover funds may be specified in the federal award and must be adhered to by the district. (2 CFR 200.309)

The district will handle **financial** obligations and carryover of state-administered and direct grants in accordance with state and federal law and regulations, and the terms and conditions of the federal award. Carryover will be calculated and documented by the

{ } Superintendent.

{ X } Business Manager.

{ } Federal Programs Coordinator.

The district may exercise an extension of the period of performance in accordance with law, regulations and the terms and conditions of the federal award, when written notice is provided to the federal awarding agency at least ten (10) calendar days prior to the end of the period of performance. (2 CFR 200.308(d)(2))

The

☒ Superintendent

☒ Business Manager

☐ Federal Programs Coordinator

will decide when an extension of the period of performance is necessary and will recommend that the

☐ Board

☒ Superintendent

☐ Business Manager

☐ Federal Programs Coordinator

approve this process.

The

☒ Superintendent

☒ Business Manager

☐ Federal Programs Coordinator

will develop the required written notice, including the reasons for the extension and revised period of performance; the notice will be issued no later than ten (10) calendar days prior to the end of the currently documented period of performance in the federal award.

The district must seek approval from the federal awarding agency for an extension of the period of performance when the extension is not contrary to federal law or regulations, and the following conditions apply: **(2 CFR 200.308(d)(2))**

1. The terms and conditions of the federal award prohibit the extension;
2. The extension requires additional federal funds; or
3. The extension involves any change in the approved objectives or scope of the project.

The

☐ Superintendent

☒ Business Manager

☐ Federal Programs Coordinator

will determine when an extension must be requested for approval by the federal awarding agency, draft the written request and notify the

{ } Board

{X } Superintendent

{ } Business Manager

{ } Federal Programs Coordinator

of the requested extension.

When an extension to a federal award is approved, the period of performance will be amended to end at the completion of the extension. If termination occurs, the period of performance will be amended to end upon the effective date of termination. The start date of a renewal award begins a new and distinct period of performance. (2 CFR 200.309)

Management of Property Acquired with Federal Funds

Definitions -

Equipment – tangible personal property, including information technology systems, having a useful life of more than one (1) year and a per unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the recipient or subrecipient for financial statement purposes, or \$10,000.

Real Property – land, including land improvements, structures, and appurtenances, and legal interest in land, including fee interest, licenses, rights of way and easements. Real property excludes moveable machinery and equipment.

Personal Property – tangible or intangible property other than real property.

Supply – all tangible personal property other than those defined as equipment. Computing devices costing less than \$10,000 per unit qualify as supplies.

Insurance Coverage -

The recipient or subrecipient must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with federal funds as it provides to property and equipment owned by the recipient or subrecipient.

Contract and Purchasing Administration -

The district maintains internal controls, administrative regulations and procedures to ensure that contractors deliver goods and services in accordance with the terms, conditions and specifications of the designated contract, purchase order or requisition.

Property Classifications -

Property shall be classified as **equipment, supplies, computing devices and capital assets** as defined and specified in accordance with law, regulations and Board policy. (Pol. 622)

Inventory Control/Management -

All property purchased with federal funds, regardless of cost, will be inventoried as a safeguard.

Inventory will be received by the department or program requesting the item; designated staff will inspect the property, compare it to the applicable purchase order or requisition, and ensure it is appropriately logged and tagged in the district's property management system.

Items acquired will be physically labeled by source of funding and acquisition date.

Inventory records of **property** must be current and available for review and audit, and include the following information:

1. Description of the item.
2. Manufacturer's serial number or other identification number.
3. Identification of funding source.
4. **Who holds title of the property.**
5. Acquisition date and unit cost.
6. Source of items, such as company name.
7. Percentage of federal **contribution** used in the purchase **and identification of the federal award.**
8. Present location, use, condition of item, and date information was reported.
9. Pertinent information on the ultimate transfer, replacement or disposition of the item and sale price of the property.

Inventory will be updated as items are sold, lost or stolen, or cannot be repaired, and new items are purchased.

Equipment must be used in the program or project for which it was acquired for as long as needed, whether or not the project or program continues to be supported by a federal award. (2 CFR 200.313)

During the time that equipment is used on the project or program for which it was acquired, the recipient or subrecipient must also make the equipment available for use on other programs or projects supported by the federal government, provided that such use will not interfere with the purpose for which it was originally acquired. First preference for other use of the equipment must be given to other programs or projects supported by the

federal agency that financed the equipment. Second preference must be given to programs or projects under federal awards from other federal agencies. Use for nonfederally-funded projects is also permissible, provided such use will not interfere with the purpose for which it was originally acquired. The recipient or subrecipient should consider charging user fees as appropriate. (2 CFR 200.313)

Physical Inventory -

Physical inventory of property will be completed by designated district staff in accordance with applicable federal and state law and regulation and Board policy. (Pol. 622, 706)

The physical inventory of items will be conducted **at least every two (2) years or more often if required by law or Board policy**, and the results will be reconciled with the inventory records and reported to the federal awarding agency. **(2 CFR 200.313)**

Maintenance -

The district establishes **regular** maintenance procedures to ensure that property is maintained in good condition in accordance with law, regulation and Board policy. (Pol. 704, 708, 710)

Safeguards -

The district ensures that adequate safeguards are in place to prevent loss, damage or theft of property:

1. Any loss, damage or theft **must be investigated, fully documented and reported to the federal agency or pass-through entity of any loss, damage or theft that will have an impact on the program. The**

{ X } Superintendent,

{ } Business Manager,

{ } Federal Programs Coordinator,

may **also report the loss, damage or theft** to local law enforcement.

2. If stolen items are not recovered, the district will submit copies of the investigative report and insurance claim to the federal awarding agency.
3. The district may be responsible for replacing or repairing lost, damaged, destroyed or stolen items.
4. Replaced equipment is property of the originally funded program and should be inventoried accordingly.
5. District property may only be loaned in accordance with Board policy and administrative regulations. (Pol. 707, 708, 710)

Disposition of Property Acquired with Federal Funds –

When the district determines that real property, including land, land improvements, structures and accessories thereto, acquired under a federal award is no longer needed for the originally authorized purpose, the district must obtain disposition instructions from the federal awarding agency or pass-through entity administering the program, in accordance with applicable law and regulations. (2 CFR 200.311)

When the district determines that equipment or supplies acquired under a federal award are no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, the

{ X } Superintendent

{ } Business Manager

{ } Federal Programs Coordinator

will follow the terms and conditions of the federal award, the disposition instructions in the Department of Federal Programs Administrative Manual on the PA Department of Education's website, and may contact the federal awarding agency or pass-through entity administering the program to obtain disposition instructions.

Equipment with a current fair market value of \$10,000 or less per unit may be retained, sold or otherwise disposed of with no further responsibility to the federal agency or pass-through entity. For items with a fair market value greater than \$10,000 per unit, the federal awarding agency or pass-through entity is entitled to the federal share of the current market value or sales proceeds, in accordance with applicable law and regulations. (2 CFR 200.313, 200.314, 200.453)

Supplies acquired under a federal award will vest upon acquisition in the recipient or subrecipient. After the period of performance, if there is a residual inventory of supplies exceeding \$10,000 in total aggregate value, and the supplies are not needed for any other federal award the recipient or subrecipient may retain or sell the unused supplies which are new, have never been used or opened. The aggregate value of supplies consists of all supply types, not just like-item supplies. (2 CFR 200.314)

The federal agency or pass-through entity is entitled to compensation in an amount calculated by multiplying the percentage of the federal agency's or pass-through entity's contribution towards the cost of the original purchase(s) by the current market value or proceeds from the sale. (2 CFR 200.314)

The district may retain \$1,000 to cover expenses associated with the selling and handling of the equipment or supplies. (2 CFR 200.313, 200.314)

If the district will be replacing the equipment or supplies, the district may use the existing equipment or supplies as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.

The

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☒ Business Manager

☐ Federal Programs Coordinator

will be responsible for contacting the federal awarding agency and determining the process for disposition of equipment or supplies.

The district may use the following methods in disposing of unnecessary equipment or supplies acquired with federal funds:

☐ Public auction and/or online sale – generally conducted by a licensed auctioneer.

☐ Salvage – scrap sold to local dealers.

☐ Negotiated sale – normally used when disposing of items of substantial value.

☐ Sealed bid – normally used for items of substantial value or unique qualities.

☐ Pre-priced sale – large quantities of obsolete or surplus equipment or supplies may be sold by this method.

☐ Donation to charitable organizations, for equipment or supplies with little to no value.

☐ Disposition to trash for equipment or supplies with no value.

The

☐ Superintendent

☒ Business Manager

☐ Federal Programs Coordinator

will be responsible for maintaining records of obsolete and surplus property disposed of and will report to the federal awarding agency when required.

Monitoring Program Performance

The district will monitor activities of federally-funded programs to assure compliance with applicable laws, regulations, and federal requirements, and to ensure that performance expectations and cost-effective practices are being achieved.

Data on compliance and program performance shall be provided in the form, and at the time intervals required by the state and federal law or the federal awarding agency.

Grant Subrecipient Monitoring Procedures – Federal Programs

In the event the district disperses federal funds received through a federal award to other entities and assigns responsibilities to the outside entity to conduct a portion of the work, the district shall be responsible for determining, on a case-by-case basis, whether the agreement with such entity places the outside entity in the role of a subrecipient receiving a subaward of federal funding, or the role of a contractor.

If the district grants subawards of federal funding to other entities as subrecipients, the district shall be responsible for:

1. Evaluating the entity for risk of noncompliance to determine appropriate monitoring practices.
2. Monitoring the subrecipient entity's implementation to ensure compliance with federal, state and local laws, conditions of the federal funding award, and Board policy and procedures.
3. Notifying the subrecipient entity of identified deficiencies found during the monitoring process and ensuring that identified deficiencies are corrected.
4. Documenting and retaining records on subrecipient identification, notification, evaluation, monitoring and corrective actions taken.

Definitions

For purposes of policies and procedures related to federal programs, the following definitions shall apply:

Contract – for the purpose of federal financial assistance, a legal instrument by which a recipient or subrecipient conducts procurement transactions under a federal award.

Contractor – an entity that receives a contract.

Participant – generally an individual participating in or attending program activities under a federal award, such as trainings or conferences, but who is not responsible for implementation of the federal award. Examples include community members participating in a community outreach program, students, conference attendees or a member of the public whose input is sought.

Pass-through entity – a recipient or subrecipient that provides a subaward to a subrecipient to carry out part of a federal program. The district serves as the pass-through entity in cases where it awards federal funding to a subrecipient as defined in this procedure.

Subaward – an award provided by a pass-through entity to a subrecipient in order to carry out part of a federal award received by the pass-through entity. It does not include payments to a contractor, **participant** or payments to an individual that is a beneficiary of a federal program. A

subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Subrecipient – an entity that receives a subaward **from a pass-through entity** to carry out part of a federal program; but does not include a **participant** or an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.

Subrecipient Versus Contractor

The district must determine, on a case-by-case basis, whether an entity receiving funds from the district as part of a federal funding program serves in a role of subrecipient or contractor. (2 CFR 200.331)

The

{X } Superintendent

{ X } Federal Programs Coordinator

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{ } other _____

shall be responsible for analyzing the criteria listed in the chart below and evaluating the relationship with the entity based on the substance of the **relationship**, rather than the form of the agreement. The Superintendent may consult with the school solicitor or other qualified counsel in making such determination.

Subrecipient	Contractor
Purpose: To carry out a portion of the federal award and create a federal financial assistance relationship	Purpose: To obtain goods and services for the recipient's or subrecipient's own use and create a procurement relationship
Subrecipient Characteristics <i>Include but are not limited to when the entity -</i>	Contractor Characteristics <i>Include but are not limited to when the contractor -</i>
Determines who is eligible to receive what federal assistance	Provides the goods and services within normal business operations
Has its performance measured in relation to whether objectives of a federal program were met	Provides similar goods or services to many different purchasers
Has responsibility for programmatic decision making	Normally operates in a competitive environment
Is responsible for adherence to applicable federal program requirements specified in the federal award; and	Provides goods or services that are ancillary to the operation of the federal program; and
In accordance with its agreement, uses the federal funds to carry out a program for a public purpose specified in authorizing statute, as	Is not subject to compliance requirements of the federal program as a result of the agreement,

opposed to providing goods or services for the benefit of the pass-through entity	although similar requirements may apply for other reasons
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Qualification Verification

The district must verify that the subrecipient is not excluded or disqualified by: (2 CFR 180.300)

- **Checking SAM.gov;**
- **Collecting a certification from subrecipient; or**
- **Adding a clause or condition to the subaward.**

Subaward Notification and Information

After verification, the district shall notify subrecipients that they have been identified as a subrecipient and that the funding qualifies as a subaward. The district shall provide the subrecipient with the following information as specified at 2 CFR 200.332 regarding the federal funding award, and any subsequent changes:

1. Federal Award Identification information, including:
 - a. Subrecipient name (which must match the name associated with its unique entity identifier);
 - b. Subrecipient's unique entity identifier;
 - c. Federal Award Identification Number (FAIN);
 - d. Federal Award Date – **the date the federal agency officially signed the federal award or when an authorized alternative is reached with the recipient;**
 - e. Subaward Period of Performance Start and End Date;
 - f. **Subaward Budget Period Start and End Date;**
 - g. Amount of Federal Funds Obligated **in the subaward;**
 - h. Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current **financial** obligation;
 - i. Total Amount of the Federal Award committed to the subrecipient by the pass-through entity;

- j. Federal award project description, as required by the Federal Funding Accountability and Transparency Act (FFATA);
 - k. Name of federal awarding agency, pass-through entity, and contact information for awarding official of the pass-through entity;
 - l. **Assistance Listing Title and Number**; the pass-through entity must identify the dollar amount made available under each federal award and the **Assistance Listing Number** at time of disbursement;
 - m. Identification of whether the award is **for research and development**; and
 - n. Indirect cost rate for the federal award (including if the de minimis rate is charged per 2 CFR 200.414 Indirect (F&A) costs).
2. All requirements **of the subaward including requirements imposed by** federal statutes, regulations and the terms and conditions of the federal award;
 3. Any additional requirements that the pass-through entity imposes on the subrecipient for the pass-through entity to meet its own responsibility to the federal awarding agency including **information and certifications required for submitting** financial and performance reports; (2 CFR 200.415)
 4. An approved indirect cost rate negotiated between the subrecipient and the federal government or, if no **approved** rate exists, either a rate negotiated between the pass-through entity and the subrecipient (2 CFR 200.332), or a de minimis indirect cost rate as defined in §200.414 Indirect (F&A) costs, paragraph (f). **The pass-through entity must not require the use of the de minimis indirect cost rate if the subrecipient has an approved indirect cost rate negotiated with the federal government. Subrecipients may elect to use the cost allocation method to account for indirect costs; (2 CFR 200.405)**
 5. A requirement that the subrecipient permit the pass-through entity and auditors to access the subrecipient's records and financial statements as necessary for the pass-through entity to **fulfill its monitoring requirements**; and
 6. Appropriate terms and conditions concerning closeout of the subaward.

Evaluation of Risk

The district shall evaluate each subrecipient's **fraud risk and** risk of noncompliance with law, regulations and the terms and conditions of the subaward to determine appropriate monitoring practices. (2 CFR 200.332)

The

{ X } Superintendent

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or designee shall be responsible for evaluating risk based on the following factors:

1. The subrecipient's prior experience with the same or similar subawards;
2. The results of previous audits, including whether the subrecipient receives a single audit and the extent to which the same or similar subaward has been audited **as a major program**;
3. Whether the subrecipient has new personnel, or new or substantially changed systems and processes;
4. The extent and results of any federal award agency's monitoring of the subrecipient.

The Business Manager or designee shall request adequate documentation from the subrecipient to conduct the evaluation of risk; such documentation may include, but shall not be limited to,

☒ audit reports

☒ financial reports

☒ policies and procedures

☒ detailed descriptions or users' guides of current systems and processes.

The district shall evaluate subrecipients for risk of noncompliance

☒ annually.

☐ as specified in the legal agreement or contract.

Based on the results of the risk evaluation, the district may consider imposing specific conditions on implementation of the subaward and **shall notify the federal agency of the specific conditions**, in accordance with applicable law and regulations. (2 CFR 200.207, 200.332)

Monitoring

The district shall monitor the **overall performance, including** implementation and activities of each subrecipient as necessary to ensure that the subaward is used for authorized purposes **and that the performance goals are achieved**, in accordance with law, regulations and the terms and conditions of the subaward. The district shall notify subrecipients of monitoring requirements and may provide technical assistance to subrecipients in complying with monitoring requirements.

As part of the monitoring process, the district shall: (2 CFR 200.332)

1. Review financial and performance reports.
2. **Ensure that the subrecipient takes corrective action on all significant developments that negatively affect the subaward. Significant developments include Single Audit findings related to the subaward, other audit findings, site visits, and written notifications from a subrecipient of adverse conditions which will impact their ability to meet the milestones or the objectives of a subaward. When significant developments negatively impact the subaward, a subrecipient must provide the pass-through entity with information on their plan for corrective action and any assistance needed to resolve the situation.**
3. Issue a management decision for audit findings pertaining to the subaward provided to the subrecipient, in accordance with applicable law and regulations. (2 CFR 200.521)
4. **Resolve audit findings specifically related to the subaward. However, the pass-through entity is not responsible for resolving cross-cutting audit findings that apply to the subaward and other federal awards or subawards. If the subrecipient has a current Single Audit report and has not been excluded from receiving federal funding, the pass-through entity may rely on the subrecipient's cognizant agency findings. (2 CFR 200.513)**

Monitoring – Delegation of Responsibility

The

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or designee shall be responsible for the monitoring of subrecipients. Monitoring activities may include, but shall not be limited to:

1. **Providing training and technical assistance.**
2. Review of progress reports, financial reports and data quality.
3. On-site visits.
4. Review of federal or state debarment lists.

2. Disallow or deny use of funds for all or part of the cost of the activity or action **associated with noncompliance of the recipient or subrecipient.**
3. Suspend or terminate the federal award in whole or in part.
4. Recommend that the federal agency initiate suspension and debarment proceedings.
5. Withhold further **federal funds (new awards or continuation of funding)** for the project or program.
6. Take other remedies legally available, in consultation with the school solicitor or other qualified counsel.

Record Retention

The

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☐ other _____

shall ensure that all documentation regarding subrecipient identification, notification, evaluation, monitoring activities and corrective action is maintained in accordance with Board policy and procedures. (Pol. 800)

Records shall be retained in accordance with applicable law, regulations, specific requirements of the federal program and the district's records retention schedule. (2 CFR 200.334-200.338, Pol. 800)

5. Review of other agreed-upon procedures specified in the legal agreement or contract. (2 CFR 200.425)

The district shall verify that subrecipients are audited as required by applicable law and regulations. (2 CFR 200.332, 2 CFR 200.500-200.521, Pol. 619)

Follow-Up Actions –

The Superintendent or designee shall provide subrecipients with written documentation detailing their monitoring results and listing any identified deficiencies. The district shall consider whether the results of monitoring indicate the need to revise existing district policy and procedures **or the need to take other enforcement action.** (2 CFR 200.332)

The district may impose specific conditions on the subrecipient, in accordance with applicable law and regulations. (2 CFR 200.208)

The district shall require subrecipients to take immediate action on issues involving ineligible or illegal use of federal funding and notify the district of corrective action taken.

The district shall require subrecipients to develop a corrective action plan to address other identified deficiencies or noncompliance issues; such plan shall be submitted to the district

{ X } within sixty (60) days,

{ } as soon as possible,

{ } as specified in the agreed-upon procedures,

and the district shall evaluate and monitor the activities taken by the subrecipient under the corrective action plan. The district may provide technical assistance and/or training to subrecipients in complying with corrective action requirements.

The Superintendent or designee shall maintain all documentation on monitoring of subrecipients, and corrective action taken during the monitoring process.

The district shall report issues of noncompliance to the appropriate federal agency where required by law, regulations, or requirements of the federal funding program.

Remedies for Noncompliance –

When monitoring activities identify issues of noncompliance that are not addressed through corrective action, the district may take the following actions: (2 CFR 200.332, 200.339)

1. Temporarily withhold payments, **until the recipient or subrecipient takes corrective action.**