

WITH YOU WHEN IT COUNTS

ARPA Compliance Supplement Addendum

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Training 4 of 4 | March 28, 2023

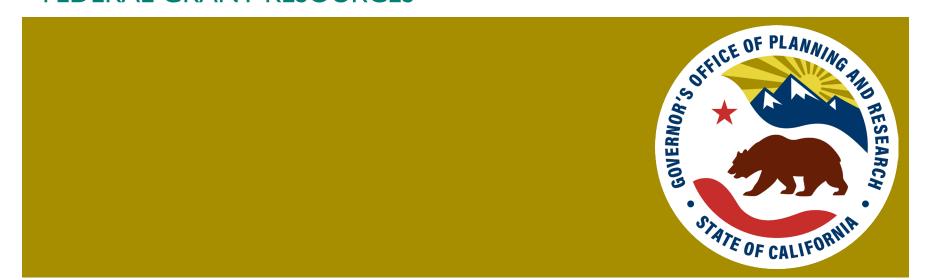


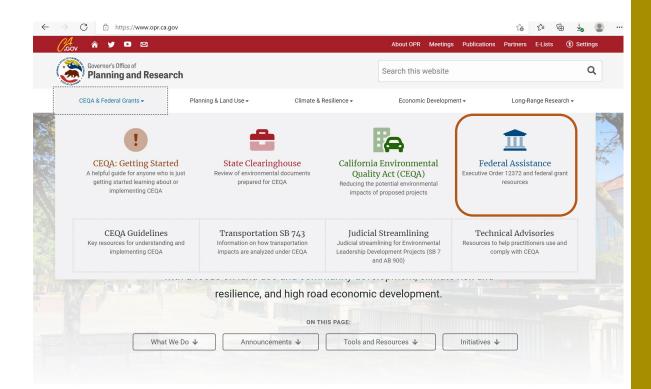


COMPLIANCE

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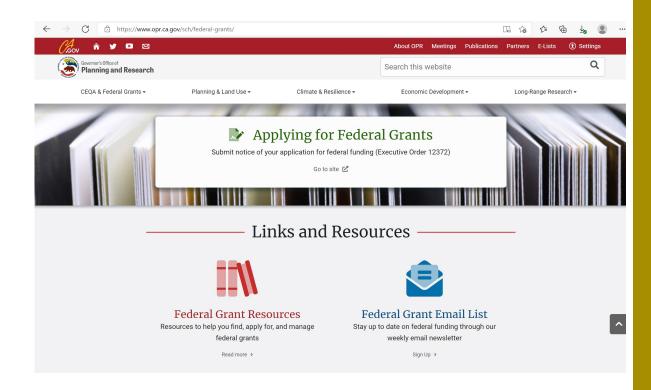
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH (OPR) FEDERAL GRANT RESOURCES





OPR FEDERAL ASSISTANCE

Office of Planning and Research (ca.gov)



OPR FEDERAL ASSISTANCE

Federal Grants - Office of Planning and Research (ca.gov)

APPLYING FOR FEDERAL GRANTS E.O. 12372 PROCESS

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Intergovernmental Review of Federal Programs	OPR Home	Submissions	Registration	Login	

Home

The State Clearinghouse (SCH) serves as the state's Single Point of Contact for the submission of Federal assistance applications pursuant to <u>Presidential Executive Order No. 12372</u> and <u>SAM</u> <u>Section 0912</u>. With the signing of <u>Assembly Bill 1348</u> the State Clearinghouse is responsible for reporting on all federal grants applied for and received in California regardless if they fall under Executive Order 12372. We have developed the new on-line database to assist with that reporting.

These applications must be provided to the SCH, which in turn publishes this information for review by State and local elected officials. The submittal of the SF-424 form on this website begins a 30-day review period. The SCH does not administer grant programs or offer any grant funding. Please visit Grants.gov for funding opportunities.

Federal Assistance Application

To apply for a federal assistance program, please upload a copy of your application cover form (Standard Form 424) to the SCH. DO NOT send your full application package or any other supplemental information.

In the appropriate box on Form 424, mark that the federal assistance application was made available for state review under the Executive Order 12372 process before submitting your federal assistance application to the federal funding agency.

* Organization Name

* Email Address

OPR Intergovernmental Review of Federal Programs | EO 12372 | California

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* Catalogue of Federal Domestic Assistance (CFDA)

FEDERAL GRANT RESOURCES



<u>Federal Grant Resources - Office of Planning</u> and Research (ca.gov)

FEDERAL GRANT EMAIL LIST



Sign up for Federal Grant Updates

Updates on federal grant opportunities, news, and trainings.

* Email	
First Name	
Last Name	
	Sign LIn

By submitting this form, you are consenting to receive marketing emails from: Governor's Office of Planning and Research or California Strategic Growth Council, 1400 Tenth Street, Sacramento, CA 96814, US You can revoke your consent to receive emails at any time by using the SafeUnsubscribe® link, found at the bottom of every email. Emails are serviced by Constant Contact

Federal Funding News

EPA Announces \$600 Million in Water Infrastructure Funding for California

The EPA announces \$609 million in funding to California from the Bipartisan Infrastructure Law to fund water infrastructure through the State Revolving Fund programs.

<u>Learn more</u>

USDA Awards 23 Grants to CA to Support Local and Regional Food Systems

The USDA Local Agriculture Marketing Program awards 203 grants nationwide, including 23 to California, to support farmers markets, local food promotion, and regional food systems.

<u>Learn more</u>

New Federal Grant Opportunities

Many more opportunities are at grants.gov.



= arts.gov

Grants for Arts Projects

To support public engagement with, and access to, various forms of art across the nation, the creation of art, learning in the arts at all stages of life, and the integration of the arts into the fabric of community life.

Due: February 10, 2022

Learn more





Signup Form (constantcontactpages.com)

THANK YOU

- Amy Miller
- Federal Grant Administrator
- Amy.Miller@OPR.CA.GOV
- 916-445-0614





Governor's Office of **Planning and Research**

DISCLAIMER

The information shared here does not represent legal advice or an endorsement of any organization or its commercial products by OPR but is provided as a service to the grants community.



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PRESENTERS



MICHELLE LITTLE WITT O'BRIEN'S



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DANIEL PETRELLI WITT O'BRIEN'S





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WELCOME! TODAY WE WILL:

- Provide an overview of the Compliance Supplement Addendum
- Focus on Single Audit Basics: Threshold, Auditor Focus, and Preparation
- Explore specifics for vendors and beneficiaries
- Discover best practices for internal controls





OMB COMPLIANCE SUPPLEMENT COMPLIANCE SUPPLEMENT 2020

OMB Compliance Supplement (August 2020) Link

- Effective for audits of fiscal years beginning after 6/30/2019
- Identifies existing, important compliance requirements the federal government expects to be considered as part of an audit required by the 1996 Amendments to the Single Audit Act
- Sets out importance of 2 CFR Part 200, Subpart F that describes the nonfederal entity's
 responsibilities for managing federal assistance programs (2 CFR section 200.508) and the auditor's
 responsibility with respect to the scope of the audit (2 CFR section 200.514)
- Requires auditors to follow both the provisions of 2 CFR Part 200, Subpart F, and the Supplement

OMB Compliance Supplement Addendum (December 2020) Link

It must be used in conjunction with other parts and appendices of the 2020 Compliance Supplement in determining the appropriate audit procedures to support the auditor's opinion on compliance for each major program with expenditures of COVID-19 awards.



OMB COMPLIANCE SUPPLEMENT COMPLIANCE SUPPLEMENT 2021

OMB Compliance Supplement (July 2021) Link

• Effective for audits of fiscal years beginning after June 30, 2020 and supersedes the 2020 Compliance Supplement (dated August 2020) and its Addendum (dated December 2020).

OMB Compliance Supplement Addenda 1 (October 2021) Link

 It added two programs funded by the American Rescue Plan Act (ARPA) to Part 4 of the Compliance Supplement: (1) Treasury's Coronavirus State and Local Fiscal Recovery Funds (assistance listing number 21.027) and (2) Education's Education Stabilization Fund

OMB Compliance Supplement Addenda 2 (December 2021) Link

• It added seven programs

OMB Compliance Supplement – Technical Update (October 2021- Updated) Link

SLFRF recipients are provided with an option to have an alternative compliance examination engagement in lieu of a Single Audit or a Program-Specific Audit under 2 CFR Part 200, Subpart F. All 2021 Addenda



OMB COMPLIANCE SUPPLEMENT COMPLIANCE SUPPLEMENT 2022

OMB Compliance Supplement (April 2022) Link

- Effective for audits of fiscal years beginning after June 30, 2021 and supersedes the 2021 Compliance Supplement (dated August 2021) and its Addenda (dated December 2021 and January 2022)
- Adds CSLFRF (21.027) into Part 4 Agency Program Requirements



OVERVIEW OF ARPA SLFRF PROGRAM OBJECTIVES

Treasury ARPA SLFRF Assistance Listing 21.027

Purpose: provide direct payments to States, U.S. Territories Tribal governments, Metropolitan cities, Counties, and Nonentitlement units of local government to:

- 1. Respond to the public health emergency, COVID-19 or its negative economic impacts, including assistance to households, small businesses, nonprofits, and impacted industries, such as tourism, travel, and hospitality;
- Respond to workers performing essential work during the COVID19 public health emergency by providing premium pay to eligible workers of eligible employers that have eligible workers who are performing essential work, or by providing grants to eligible entities who perform essential work;
- 3. Provide government services, to the extent COVID-19 caused a reduction in revenues collected in the most recent full fiscal year of the State, Territory, Tribal government, Metropolitan city, County, or Non-entitlement units of local government;
- 4. Make necessary investments in water, sewer, or broadband infrastructure.



OVERVIEW OF ARPA SLFRF PROGRAM PROCEDURES

Treasury ARPA SLFRF Assistance Listing 21.027

The Fund is administered by the U.S. Department of the Treasury ("Treasury") and provides assistance in the form of direct payments for specified use. The Fund provides \$350 billion for payments to eligible entities. The allocations are as follows*:

- 1. \$195.3 billion for the 50 States and the District of Columbia;
- 2. \$4.5 billion for U.S. Territories
- 3. \$20 billion for Tribal governments;
- 4. \$45.57 billion for Metropolitan Cities;
- 5. \$65.1 billion for Counties; and
- 6. \$19.53 billion for Non-entitlement Units of Local Government (NEU).

*Sections 602 and 603 of the Social Security Act (the "Act"), as added by section 9901 of the American Rescue Plan Act of 2021. <u>https://www.govinfo.gov/content/pkg/COMPS-15671/pdf/COMPS-15671.pdf</u> Amounts paid based on 2019 population data from U.S. Census and latest data from Bureau of Labor and Statistics



OVERVIEW OF ARPA SLFRF PROGRAM PROCEDURES (CONTINUED)

Treasury ARPA SLFRF Assistance Listing 21.027 Source of Governing Requirements

Auditors must audit recipients on award funds they expended for their fiscal year 2022 based on the requirements set forth in the Act and Treasury's Interim Final Rule, Treasury's Final Rule, and Frequently Asked Questions (FAQs) that were in effect at the time of those expenditures.

Auditors must audit recipients on award funds they expended in accordance with the Final Rule at 31 CFR Part 35 on and after April 1, 2022, the date the Final Rule became effective, as well as FAQs that are in effect at the time of those expenditures. See the IV., "Other Information" section below for auditor guidance relating to the criteria auditors should use for compliance testing purposes.

*Sections 602 and 603 of the Social Security Act (the "Act"), as added by section 9901 of the American Rescue Plan Act of 2021. https://www.govinfo.gov/content/pkg/COMPS-15671/pdf/COMPS-15671.pdf Amounts paid based on 2019 population data from U.S. Census and latest data from Bureau of Labor and Statistics



OVERVIEW OF ARPA SLFRF COMPLIANCE REQUIREMENTS

Treasury ARPA SLFRF Assistance Listing 21.027

The auditor must determine, from the following summary which of these 12 types of compliance requirements have been identified as subject to the audit (noted with a "Y" in the summary matrix below).

А	В	С	Е	F	G	Н	I	J	L	М	N
Activities Allowed or Unallowed	Allowable Costs/Cost Principles	Cash Management	Eligibility	Equipment/ Real Property Management	Matching, Level of Effort, Earmarking	Period Of Performance	Procurement Suspension & Debarment	Program Income	Reporting	Subrecipient Monitoring	Special Tests and Provisions
Y	Y	N	N	N	N	Y	Y	N	Y	Y	N

When a compliance requirement is shown in the summary below as "N," it has been identified as not being subject to the audit.



Treasury ARPA SLFRF Assistance Listing 21.027 A. Activities Allowed or Unallowed

Not permitted under the Fund:

- Deposits into any pension fund.
- Contributions to rainy day funds, financial reserves, or similar funds.
- Directly or indirectly offset a reduction in the net tax revenue of the State or Territory resulting from a covered change during the covered period.
- Debt service or to satisfy settlements and judgements.



Treasury ARPA SLFRF Assistance Listing 21.027 A. Activities Allowed or Unallowed

Permitted under the Fund:

- Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- Replace lost public sector revenue to provide government services; recipients may use this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic.
- Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
- Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.



Treasury ARPA SLFRF Assistance Listing 21.027 B. Allowable Costs/Cost Principles

- Considered "other financial assistance" per 2 CFR Part 200.1 and is administered as direct payments for specified use.
- 2 CFR Part 200, Subpart E is appliable, unless stated otherwise.



Treasury ARPA SLFRF Assistance Listing 21.027 *H. Period of Performance*

- Begins the date the awards are issued (i.e. date funds are disbursed to recipients) and ends 2026, pursuant to Financial Assistance Agreement.
- Auditors should test that recipients only used award funds to cover costs incurred from the period beginning on March 3, 2021 and ending on December 31, 2024. Auditors should also test that recipients did not incur and apply to their award any new costs during the period beginning December 31, 2024 and ending on December 31, 2026.



Treasury ARPA SLFRF Assistance Listing 21.027 I. Procurement, Suspension and Debarment

- 1. Procurement
 - Award funds may be used for contracts to procure goods and services necessary to implement eligible purposes outlined by Treasury.
 - Follow procurement standards outlined in 2 CFR Part 200.318 200.327, including ensuring the procurement method used for the contracts are appropriate based on the dollar amount and conditions specified in 2 CFR Part 200.320. Note: Some differences for states.
 - Recipients are expected to have procurement policies and procedures in place that comply with the procurement standards outlined in the Uniform Guidance.



Treasury ARPA SLFRF Assistance Listing 21.027

- I. Procurement, Suspension and Debarment Continued
- 2. Suspension and Debarment
 - **Prior to** entering into subawards and contracts with award funds, recipients must verify that such contractors and subrecipients are not suspended, debarred, or otherwise excluded pursuant to 31 CFR section 19.300.



Treasury ARPA SLFRF Assistance Listing 21.027 L. Reporting

Types of Reporting:

- 1. Financial
- 2. Performance
- 3. Special Reporting Interim Report, Project and Expenditure Report, and Recovery Plan Performance Report (see Treasury's Compliance and Reporting Guidance for more details, as well as the User Guides found on Treasury's Website)
- 4. Special Reporting for Federal Funding Accountability and Transparency Act (FFATA)



Treasury ARPA SLFRF Assistance Listing 21.027 *M. Subrecipient Monitoring*

- The subrecipient or beneficiary designation is an important distinction as funding provided to beneficiaries is not subject to audit pursuant to the Single Audit Act and 2 CFR Part 200, Subpart F, but funding provided to subrecipients is subject to those audit requirements.
- Not required for entities deemed to be beneficiaries.



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SINGLE AUDIT BASICS AND PREPARATION FOR AN AUDIT

Single Audit

A Single Audit provides the federal government with assurance that recipients of federal funding comply with specific funding directives by having an independent external source (CPA- known as the auditor) to report on compliance.

• A single audit is required when a non-federal entity expends \$750,000 or more in federal funding during the fiscal year.

Single Audit Review

- The aspects of a Single Audit review to be performed by the auditor focuses on:
- Financial internal controls & financial statements
- Compliance adherence to Program guidelines

Single Audit Preparation

Ensure documentation is clearly identified to the program and readily available to the auditor. Examples of documentation to include and are not limited to:

- Financial policies & procedures (payment processing, procurement, etc.)
- Payroll and Benefits Records
- Purchase orders, invoices, receipts for program expenses including agreements and contracts
- Minutes of meetings and any and all reports prepared related to the programs



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OVERVIEW CONTRACTOR

For a Contractor or Vendor:

The recipient creates a procurement relationship through a contract, purchase order, or agreement for the purpose of obtaining goods and services from a contractor or vendor.

The Characteristics of a contractor or vendor are:

- The contractor or vendor operates in a competitive environment providing goods and services for normal business operations or to many different purchasers.
- The contractor or vendor provides goods and services ancillary to a federal program.
- The contractor or vendor may earn a profit through the procurement relationship.
- Not responsible for Single Audit Requirements outlined in §200 Subpart F

2 CFR 200 Sections Regarding Procurement:

- § 200.318 General Procurement Standards
- § 200.319 Competition
- § 200.320 Methods of Procurement



OVERVIEW SUBRECIPIENTS

Subrecipient Characteristics:

- Determines who is eligible to receive what Federal assistance.
- Has responsibility for programmatic decision making.
- In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.
- They do not need to be selected through the formal procurement process, but the cost for services must still meet the requirements in Cost Principles (necessary, reasonable, allowable, allocable).
- It is a requirement of the pass-through entity to monitor their subrecipients. Monitoring includes a review of the subrecipient's performance of services, fiscal, and compliance with Federal and local regulations.
- Funding provided to subrecipients is subject to those audit requirements.
- It is required for the pass-through entity to assess their subrecipients risk.



OVERVIEW BENEFICIARY

Beneficiaries/Direct Recipients

- Beneficiaries are the end user of a program. They are the one receiving the benefit.
- The term beneficiary is not clearly defined in 2 CFR 200.
- Page 211, Final Rule: if the recipient is providing funds to the individual or entity for the purpose of directly benefitting the individual or entity as a result of experiencing a public health impact or negative economic impact of the pandemic, the individual or entity is acting as a beneficiary. Acting as a beneficiary, the individual or entity is not subject to subrecipient monitoring and reporting requirements.
- Final Rule denotes the following groups as potential beneficiaries: households, small businesses, nonprofits, or impacted industries (class) (pg. 27, Final Rule).



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OVERVIEW OF BEST PRACTICES FOR ENSURING INTERNAL CONTROLS COMPLIANCE AND REPORTING GUIDANCE

Across each of the compliance requirements above, Treasury has described some best practices for development of internal controls, with an example of each best practice.

Best Practice	Description	Example
Written policies and procedures	Formal documentation of recipient policies and procedures	Documented procedure for determining worker eligibility for premium pay
Written standards of conduct	Formal statement of mission, values, principles, and professional standards	Documented code of conduct / ethics for subcontractors
Risk-based due diligence	Pre-payment validations conducted according to an assessed level of risk	Enhanced eligibility review of subrecipient with imperfect performance history
Risk-based compliance monitoring	Ongoing validations conducted according to an assessed level of risk	Higher degree of monitoring for projects that have a higher risk of fraud, given program characteristics
Record maintenance and retention	Creation and storage of financial and non-financial records.	Storage of all subrecipient payment information.

*Special Tests and Provisions https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf



FEDERAL REQUIREMENTS

Useful Websites for Federal requirements:

eCFR.gov https://ecfr.federalregister.gov/

Federal regulation text in searchable platform

SAM.gov

Assistance Listing Federal requirements and waivers Exclusion Search

OFAC "Sanctions List Search"

https://sanctionssearch.ofac.treas.gov/

USASpending.gov https://www.usaspending.gov/search/

Federal Assistance Identification Number (FAIN) lookup; Single, searchable website of all Federal grants and contracts containing information required by FFATA.





RESOURCES OMB Compliance Supplement and Addenda

OMB Compliance Supplement (August 2020):

2 CFR Part 200, APPENDIX XI (whitehouse.gov)

OMB Compliance Supplement Addendum (December 2020):

2020 Compliance Supplement Addendum (whitehouse.gov)

OMB Compliance Supplement (July 2021):

2021 Compliance Supplement Addendum _ Final (whitehouse.gov)

OMB Compliance Supplement Addenda 1 (October 2021):

Treasury SLFRF Compliance Supplement Addendum 1 PDF.pdf (cfo.gov)

OMB Compliance Supplement Addenda 2 (December 2021):

Addendum 2 - FR Notice.pdf (cfo.gov)

OMB Compliance Supplement Addenda 3 (October 2021- Updated):

21.027 Treasury SLFRF Technical Update - Final 04 04 22.pdf (cfo.gov)

OMB Compliance Supplement (April 2022):

2022 Compliance Supplement (whitehouse.gov)



RESOURCES ARPA SLFRF

Treasury Website:

https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds/recipient-compliance-and-reporting-responsibilities

Assistance Listing 21.027:

https://sam.gov/fal/68467c9ed71e498aa904d8ef4970f5ee/view

Final Rule:

https://www.govinfo.gov/content/pkg/FR-2022-01-27/pdf/2022-00292.pdf

Compliance and Reporting Guidance:

https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf

FAQs about the ARPA SLFRF are outlined:

https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-FAQ.pdf

For specific questions regarding the ARPA SLFRF, email Treasury at <u>SLFRP@treasury.gov</u> or telephone at (202) 622-2000.



QUESTIONS



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Requirement

Guideline



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THANK YOU FOR YOUR TIME

Following today's training, the following will be sent to you:

- Post-training survey
- Resource Guide A Guide to Treasury Compliance and Reporting



