TDEC ARP Non-Competitive Grant Town Hall 2024

February 8, 2024

Agenda

- Welcome
- Procurement Updates
- Reimbursement Updates
- Wrap-up & Q&A

Meet the Facilitators

Vena Jones, PG
Manager, State Revolving
Fund & Water Infrastructure
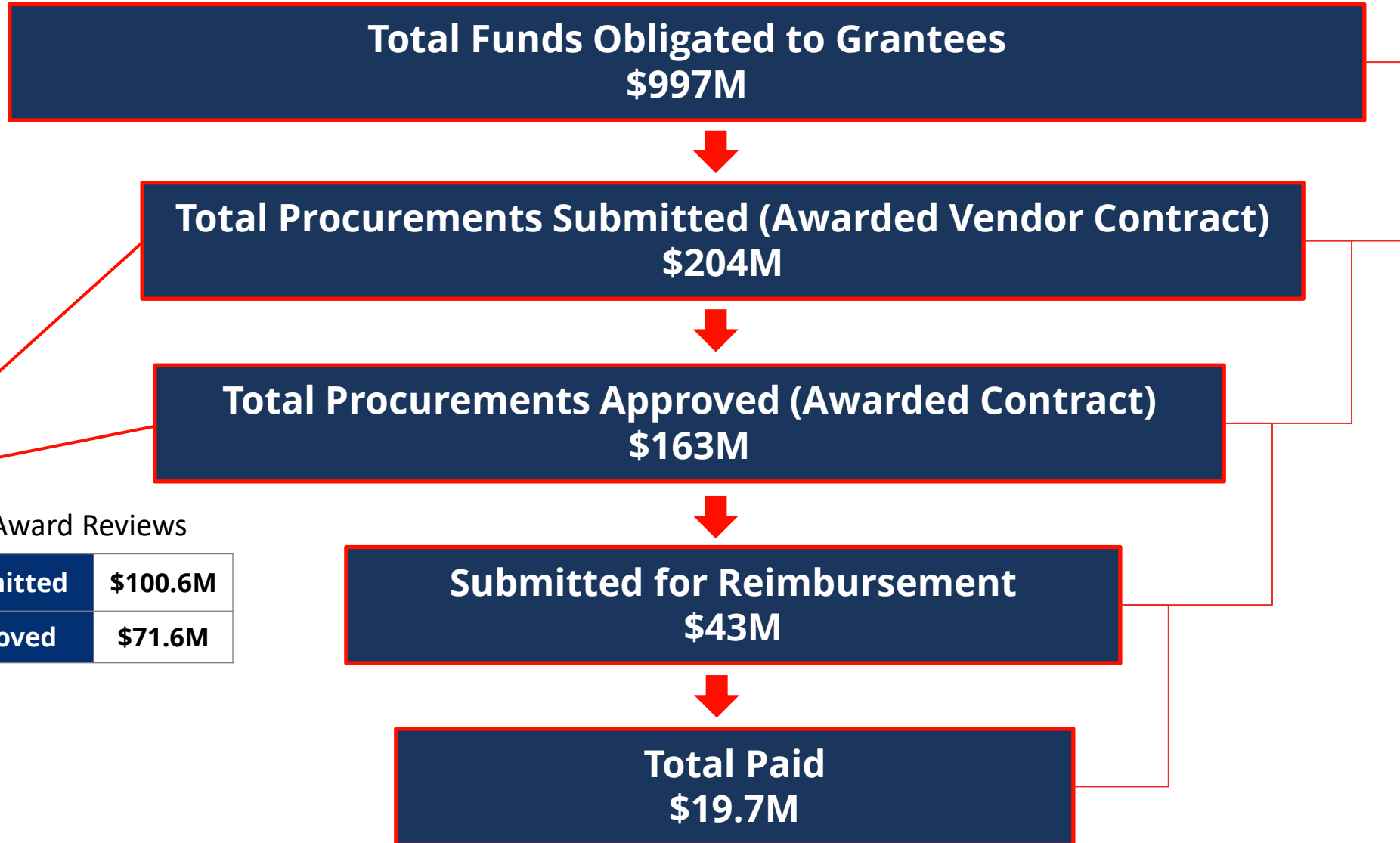Grants

Sarah Lawrence, EY
Reimbursement

Jaamal Whittington, EY
Procurement

Jovanni Mahonez, EY
Communications

Current Fund Non-Competitive Distribution Status
February 7, 2024

Total Funds Obligated to Grantees
$997M

↓

Total Procurements Submitted (Awarded Vendor Contract)
$204M

↓

Total Procurements Approved (Awarded Contract)
$163M

↓

Submitted for Reimbursement
$43M

↓

Total Paid
$19.7M

Optional Pre-Award Reviews

Pre-Award Submitted	$100.6M
Pre-Award Approved	$71.6M

Procurement Status Update

608 Approved Procurements

205 Grants
608 Projects

Engineering Procurements

401

Construction Procurements

70

Professional Services Procurements

137

TN

Procurement Updates

Streamline Changes Overview

Goal
- **Protect Grantees and the State** from US Treasury Clawbacks and audit findings
- Implement a procurement process that **requires the least amount of admin burden** that provides for an **acceptable amount of federal procurement compliance confirmation**

Outcome
- Streamline changes will **reduce the amount of documentation required by 30%.**
- **Hours of procurement review time reduced**
- Streamline changes will reduce the amount of Revisions Requested.

Summary of Streamline Changes
- ❑ *Pre-posted documentation in Pre-Bid* **–** Reduction of Pre-Bid documentation requested on the front end
- ❑ *Addenda and/or Extensions* **–** Not required to upload addenda or extensions, but confirm existence, if applicable
- ❑ *Copies of correspondence with the bidder* **–** Not required to upload correspondence, but confirm existence, if applicable
- ❑ *Independent Cost Estimate (ICE)* **–** Grantees will not be required to upload the ICE to approve procurement
- ❑ *Copies of responses to the solicitation* **–** Grantees will not be required to provide ALL solicitation responses
- ❑ *Conflicts of Interest* **–** Grantee will be asked to acknowledge understanding of written conflicts of interest

Adjustments to Procurement Review Checklist

Streamline Procurement Checklist	
Deleted	**Adjusted**
Does the non-Federal entity's purchasing/procurement procedures contain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts?	Has the proposal/bid response from the selected vendor been provided?
If the procurement is excess of $250,000, has an independent cost estimate been provided?	Based on the evaluation sheet or bid tabulation, does it appear proposals/bids w ere received from an adequate number of qualified sources? If not, has justification been provided?
	If the lowest bidder was not selected, was an acceptable rationale to award provided?

Items to Review in the Streamlined Process

1. Procurement Policy

2. Advertisement of the RFB, RFQ, or RFP

3. Solicitation package

4. Response from selected vendor ONLY

5. Certified Bid Tabulation (RFB) or Evaluation form (RFQ or RFP)

6. SAM.gov document

7. Contract with pricing information AND the required federal contract provisions

8. Required Contractor Certifications

9. Bonding requirements for construction projects

TENNESSEE DEPARMENT OF ENVIRONMENT AND CONSERVATION
AMERICAN RESCUE PLAN GRANT GUIDANCE
STREAMLINING PROCUREMENT REVIEW PROCESS

The Tennessee Department of Environment and Conservation (TDEC) continues to improve support for Grantees utilizing American Rescue Plan (ARP) competitive and non-competitive grants. This guidance outlines a reduction in documentation required prior to approval for procurement of services. This change allows for selected documents to be retained by the Grantee to be provided upon request. This does not change the federal procurement requirements for ARP projects.

All procurement transactions for the acquisition of property or services in relation to TDEC's ARP competitive or non-competitive grant program must be conducted in a manner that provides full and open competition and is consistent with the standards of 2 CFR 200.318 – 200.327. The Grantee, partners, and project owners must maintain written procedures for procurement transactions and retain records to sufficiently detail the history of procurement.

The federal records retention policy states that records must be retained for a period of three years from the date of submission of the final expenditure report. *These records are subject to review by TDEC at any time during this period and may be subject to a state or federal audit. Any observations of non-compliance may result in rescission and/or payback of funds if a resolution is not established that satisfies state and federal procurement requirements.*

The following acknowledgment and verification applies to:

Grant ID:

Project ID:

Procurement ID:

The following items can be retained by the Grantee in lieu of uploading into the Grants Management System (GMS). All relevant documents are required to be retained in the contract files for compliance with federal procurement standards.

Please acknowledge and verify the Grantee has and will retain all relevant documents. Failure to acknowledge and verify the Grantee will retain these documents will result in a request for these documents to be uploaded to GMS prior to procurement approval.

Please check to confirm each applicable box:

☐ Addenda or communicated extensions issued on this procurement transaction

☐ Copies of any correspondence with the bidder

☐ Independent cost estimate for projects above the Simplified Acquisition Threshold (SAT) of $250,000

☐ Copies of all responses to the solicitation

Conflict of Interest

☐ Check to confirm: The Grantee organization has written standards of conduct covering conflicts of interest and governing the actions of employees engaged in the selection, award and administration of contracts. No employee, officer, or agent participated or had any involvement in the selection, award, or administration of a contract supported by this grant program, if he or she has a real or apparent conflict of interest.

Signature of Authorized Representative:

Date:

Printed Name:

Phone Number/Email Address:

☐ Check to confirm: Not able to certify to the above statements. Explanation is attached.

Reimbursement Updates

Reimbursement Process Barriers

Reasons for Requests for Information (RFIs)

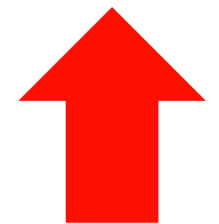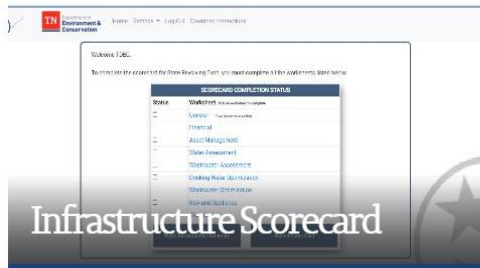| Category	Issue	Issue
Invoice Errors	Invoices **missing signatures** from the Engineer of Record (PE) <u>AND</u> project owner/authorized Grantee representative with signature blocks that clearly identify the signatory	No clearly identifiable periods of performance on invoices and applications for payment
Missing Deliverables	Required deliverables for PDC projects include ESU approved PER and Plans and Specs; these must be submitted **before** requesting reimburse ment for construction related costs	Requests for reimbursement are above 90% of project costs with missing deliverables; the maximum allowable reimbursement is 90% of the total individual project costs until all deliverables required are submitted for PDC and Construction projects
Proof of Payment Errors	**Proof of payment** does not clearly tie to or identify expenditures	**Missing escrow statements** as part of providing proof of payment
Change Orders	Submissions **missing change orders** to address applications for costs that differ from the executed vendor contract	

TN

Wrap-Up

Resources Updates

- The ***TDEC ARP website*** is updated frequently with new information related to the Non-Competitive and Competitive Grant Programs
- The resources page includes many implementation materials for grant recipients, including:
  - ❑ Implementation Guidance
  - ❑ Asset Management Plan (AMP) Guidance
  - ❑ Quick Reference Guides
  - ❑ Workshop and Webinar Materials
  - ❑ Demonstrations and Tutorials

About ARP — THE AMERICAN RESCUE PLAN

Non-Competitive Grant — OPPORTUNITY

Competitive Grant

FAQs — FREQUENTLY ASKED QUESTIONS

Engagement Opportunities

Resources

Infrastructure Scorecard

Press Releases — NEWS

https://www.tn.gov/environment/arp.html

Q&A

Feedback Survey

- Thank you for attending today's town hall!

- Please take 5 minutes to complete the **feedback form**.

- Your feedback helps us to plan for additional town halls and provide you with the most relevant resources and information.

- Contact our team with any specific questions at **TDEC.ARP@tn.gov**.

February ARP Town Hall Feedback Survey