



Department of
General Services

FALL GRANTS USER GROUP MEETING

September 22, 2017

Presented by
Alex Komisar
Grants Program Manager, Central Procurement Office

Agenda

- I. Introduction and Contact Information.
- II. Helpful Links.
- III. Housekeeping Matters.
- IV. Procurement Commission Updates.
- V. Upcoming Template Changes.
- VI. Rule Exception Request (“RER”) Tips.
- VII. Backdating Grant Effective Date via RER.
- VIII. Expired Grants.
- IX. Requesting Multiple Template Changes in an RER.
- X. Submitting Grants within (30) Days of Effective Date.
- XI. Grant Tips.
- XII. Negotiations of Template Language Prohibited.
- XIII. Delegated Grant Authority (“DGA”).
- XIV. Q & A.

Contact Information

- Alex.Komisar@tn.gov
- 615-532-6871
- Tennessee Tower, 3rd Floor in CPO office

Training Assistance and Helpful Links

Grants training is available upon request

CPO Website

<http://www.tn.gov/generalservices/section/central-procurement-office>

Resources Page on CPO Website

<http://intranet.state.tn.us/generalserv/cpo/model.html>

Procurement Commission Meeting Minutes

<http://www.tn.gov/generalservices/article/procurement-commission-and-advisory-council-procurement-commission-meetings>

Housekeeping Matters

- Subrecipient Monitor Plans for FY18 due by October 1st
 - Please use an Excel file that includes the subrecipient's vendor ID as well as the subrecipient's fiscal year end, if known
 - Please submit those to me and not to the CPO Audit Notice email address
- Upload a screenshot of the completed history of an approved Grant into Edison
- Attach the Federal Award Identification Worksheet for subrecipients receiving federal funds
- Please don't mail the Parent-Child Form or the Notice of Audit Report Form. Please submit is through the CPO Audit Notice Email Address.
 - cpo.auditnotice@tn.gov
- Upload onto Edison a screenshot of the complete contract history.
 - Imperative that a completed history of an approved grant be screenshotted and uploaded

Procurement Commission Updates (Meeting #25, 4/27/17)

REQUEST: Replace the current D.23. State Liability clause include in the Grant Contract (GR) Template and the Governmental Grant (GG) Template with the following.

Current Language:

D.23. State Liability. The State shall have no liability except as specifically provided in this Grant Contract.

Proposed Change:

D.23. Limitation of State's Liability. The State shall have no liability except as specifically provided in this Grant Contract. In no event will the State be liable to the Grantee or any other party for any lost revenues, lost profits, loss of business, loss of grant funding, decrease in the value of any securities or cash position, time, money, goodwill, or any indirect, special, incidental, punitive, exemplary or consequential damages of any nature, whether based on warranty, contract, statute, regulation, tort (including but not limited to negligence), or any other legal theory that may arise under this Grant Contract or otherwise. The State's total liability under this Grant Contract (including any exhibits, schedules, amendments or other attachments to the Contract) or otherwise shall under no circumstances exceed the Maximum Liability originally established in Section C.1 of this Grant Contract. This limitation of liability is cumulative and not per incident.

Procurement Commission Updates (Meeting #26, 6/27/17)

6-27-17 RER-DELEGATION

Rule Exception Request for the DA or DG templates

Use this document to request changes to the Delegated Authority ("DA") Template or Delegated Grant Authority ("DG") Template or to request a delegation of authority that remains in force and effect for more than twelve (12) months. If requesting a delegation period in excess of twelve (12) months because of the term of a federal award, attach supporting documentation of the federal award, which may include a hyperlink to the federal award information. Complete section ten (10) below only if requesting a delegation period in excess of twelve (12) months and the delegation does NOT involve federal funds. Complete this document in conformity with Tenn. Comp. R. & Reg. 0690-03-01-.17 and send it in PDF format to: Agsprsr.Agsprsr@tn.gov. In accordance with Tenn. Comp. R. & Reg. 0690-03-01-.04, all proposed changes to the DA or DG templates must be reviewed and approved by the Chief Procurement Officer and Comptroller of the Treasury.

APPROVED <hr/> CHIEF PROCUREMENT OFFICER	APPROVED <hr/> COMPTROLLER OF THE TREASURY
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Agency request tracking #	
1. Procuring Agency	
2. Edison contract ID #: This Delegation: Prior Delegation (if applicable)	
3. Delegation's Effective Date	
4. Delegation's end date	
5. Delegation's Maximum Liability	\$
6. Maximum Liability for a single procurement/ grant	\$
7. Citation and explanation of the rule(s) for which the exception is requested	
8. Description of requested change(s) to the DA or DGA template	
9. Justification	
10. If requesting a delegation period in excess of twelve (12) months, respond to the following:	
a. Describe the funding source and how it impacts the delegation period;	
b. What are the benefits of a delegation period in excess of twelve (12) months; and	
c. What are the risks if this request is not approved?	

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11. If requesting a delegation period in excess of twelve (12) months and the delegation does NOT involve federal funds, address the following: <ol style="list-style-type: none"> a. Provide a quarterly disbursement plan for the delegation period and attach it to this document; and b. Explain the internal controls and monitoring procedures that will be used to avoid exceeding or amending the Maximum Liability. 	
12. Requestor Contact Information Please provide a point of contact for questions about this request.	
Signature of Agency head or designee and date	

Upcoming Template Changes

- D.27 State Interest in Equipment or Motor Vehicles
 - Requiring VIN numbers when submitting vehicle inventory system
 - If the Agency knows what the VIN number is, please include it in subsection (b)

The Grantee shall maintain a perpetual inventory system for all equipment or motor vehicles purchased with funds provided under this Grant Contract and shall submit an inventory control report which must include, at a minimum, the following:

- a. Description of the equipment or motor vehicles;
- b. [Vehicle identification number;](#)
- c. Manufacturer's serial number or other identification number, when applicable;
- d. Consecutive inventory equipment or motor vehicles tag identification;
- e. Acquisition date, cost, and check number;
- f. Fund source, State Grant number, or other applicable fund source identification;
- g. Percentage of state funds applied to the purchase;
- h. Location within the Grantee's operations where the equipment or motor vehicles is used;
- i. Condition of the property or disposition date if Grantee no longer has possession;
- j. Depreciation method, if applicable; and
- k. Monthly depreciation amount, if applicable.

Upcoming Template Changes

- Removal of FERPA Hold Harmless Provision in IG Model
 - Removal of hold harmless provision since the State and its agents (e.g., state college and universities) can't indemnify against themselves

E. #. Family Educational Rights and Privacy Act & Tennessee Data Accessibility, Transparency and Accountability Act. The Grantee shall comply with the Federal Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232(g)) and its accompanying regulations (34 C.F.R. § 99) ("FERPA"). The Grantee warrants that the Grantee is familiar with FERPA requirements and that it will comply with these requirements in the performance of its duties under this Grant Contract. The Grantee agrees to cooperate with the State, as required by FERPA, in the performance of its duties under this Grant Contract. The Grantee agrees to maintain the confidentiality of all education records and student information. The Grantee shall only use such records and information for the exclusive purpose of performing its duties under this Grant Contract.

The Grantee shall also comply with Tenn. Code Ann. § 49-1-701, *et seq.*, known as the "Data Accessibility, Transparency and Accountability Act," and any accompanying administrative rules or regulations (collectively "DATAA"). The Grantee agrees to maintain the confidentiality of all records containing student and de-identified data, as this term is defined in DATAA, in any databases, to which the State has granted the Grantee access, and to only use such data for the exclusive purpose of performing its duties under this Grant Contract.

Any instances of unauthorized disclosure of data containing personally identifiable information in violation of FERPA or DATAA that come to the attention of the Grantee shall be reported to the State within twenty-four (24) hours. ~~Grantee shall indemnify and hold harmless State, its employees, agents and representatives, from and against any and all claims, liabilities, losses, or causes of action that may arise, accrue, or result to any person or entity that is injured or damaged as a result of Grantee's failure to comply with this section.~~

RER Tips

- **More Description, Details, and Clarification in RERs = Faster Approval**
 - Feel free to write as much as you think is necessary to accurately convey what is the program and what you need approved
- Try and put yourself in the Readers' Shoes
 - Draft the RER with the assumption that the person reading your RER has no knowledge of the program
- Write out the full language of the phrase, before using an acronym
- Apply citations to laws or regulations that are mentioned, so I can reference them
- If template language is being modified or removed, an RER is required
- Please remember to redline the template changes that are being requested

Backdating Grant Effective Date via RER

- Submit an RER for a missed start date prior to the effective date whenever possible
 - An RER for a “late start” date is easier to get approved if it is submitted for in advance of the start date of the grant.
 - Submitting the RER well after the start date gives the impression that the grant “slipped through the cracks”. This will generate additional questions by myself and Comptroller.

Expired Grants

- First, CPO cannot backdate for state funds, only federal
- Secondly, if the contract has expired and it involves only state funds and there wasn't an RER submitted to either extend or amend the contract until after the expiration date, then I am not permitted to approve the RER to backdate the Grant to allow any outstanding contract balance to be paid to cover an invoice(s).
 - If there are remaining invoices to be paid, the agency might have to issue a purchase order using their limited purchase authority (up to \$50,000.00) to potentially cover an outstanding invoice. However, this will most likely result in an audit.

Requesting Multiple Template Changes in an RER

- A Single RER with Multiple Template Clause Alterations
 - In order for the agency to only need to submit one RER for all template changes, all the Edison numbers for any contracts that the agency wants the changes applied to, have to be listed on the RER and the changes have to uniform.
- Example
 - So if there are four template language changes, the alterations have to apply to every contract listed on the RER and the changes have to be redlined in order to only submit one RER.
 - In this hypothetical, if there was one template alteration that only applied to one of the four contracts, then there would need to be an additional RER produced. That RER would have only that template language variation applied to that one contract.

Submitting Grants within (30) Days of Effective Date

- Please provide a very detailed explanation in narrative form why the (30) day deadline was missed
- Submitting the Grant with less than (30) days to review makes it more difficult to approve the grant by the effective date which can put your grantee's award at risk

B. GRANT CONTRACT TERM

Procurement professionals should obtain the Grantee's signature first before submitting the Grant Contract for State signatures or approvals. Procurement professionals shall obtain all required approvals prior to the Effective Date written in the Grant Contract and submit it for Central Procurement Office approval no less than thirty (30) days before the Effective Date.

If a signed Grant Contract is not submitted to the Central Procurement Office at least thirty (30) days prior to the Effective Date, then the CPO may require that the Grant Contract be resubmitted with a new Effective Date or require a Rule Exception Request that explains why the Grant Contract was submitted less than thirty (30) days before the Effective Date. In no event shall the Grantee deliver goods or perform services prior to the Effective Date.

Negotiations of Template Language Prohibited

- Do not negotiate template language with Grantees or Subrecipients.
 - If there is a situation where the grantee or a subrecipient is requesting deviation from template language, please inform me and we can work to address the issue together.
 - Under no circumstance is an agency permitted to privately negotiate away CPO's approved provisions.

Delegated Grant Authority Information– Summary of a DGA

- A DGA is a CPO approval allowing a State Agency to issue grants for an individual program within specified limits and guidelines.
- The DGA process allows State Agencies to issue grant contracts to multiple grantees without each contract requiring CPO approval. Thus a single DGA creates an “umbrella” for all contracts to fall under a DGA if certain provisions are met.
- All contracts within a DGA will have the same grantee selection process, will contain the exact “scope of services”, maintain the corresponding funding source, and keep the consistent objective to multiple grantees.

Delegated Grant Authority Information– Summary of a DGA - Continued

- The Grantor State Agency should also remember to attach the grant contract template that will be used for the DGA application. The attached contract template shall immediately follow Attachment 2, Exact Grant Contract Scope of Services Text. Since, this provision mimics Section A of the grant contract template, then the Grantor State Agency can follow Attachment 2 immediately with Section B, C, and so forth.
- Uploading a grant template to Edison does not attach the grant template to the DGA.
- Unless all required contract sections (B, C, D, etc.) are incorporated into the DGA, the Grantor State Agency Head is attesting his/her signature to an inaccurate statement, which risks personal liability to the Commissioner under T.C.A. § 12-3-304.
- If there will be additions/deletions from the templates, highlight the changes in red and attach an approved Rule Exception Request.

Questions????????