The Uniform Guidance is the first consolidation of Federal grant management requirements in many years.

There are a number of important changes in the Guidance that will impact your grants and how they are managed.

There are additional DOL exceptions to the Uniform Guidance, and many changes in Subpart A – Definitions. There are new pre-award requirements that impact grant administration.
Lesson Overview & Module Objectives

- Provide trainees with the structure and applicability of the newly issued Uniform Guidance
- Define DOL exceptions and technical corrections approved by OMB
- Review key changes in definitions and noteworthy deletions
- List the key pre-award provisions related to awarding of grants and sub-grants.
- Discuss available implementation options for DOL-ETA recipients and their subrecipients

OMB Uniform Guidance: Overview
Knowledge Check

On a scale of 1 (lowest) to 5 (highest), rate your knowledge and understanding of the following by circling the appropriate number in the middle column of the sheet, labeled Pre-Training, for each of the statements.

I am fully aware of the various OMB Circulars that are impacted by the issuance of the Uniform Guidance.

I understand the new structure of the Uniform Guidance.

I know where to find additional resources to assist in my understanding of the Uniform Guidance.

I understand the options available for implementation.

I am fully aware of the new pre-award requirements.
Genesis

Learning objectives for this section

• Provide trainees with the structure and applicability of the newly issued Uniform Guidance
How Did the Uniform Guidance Come About?

Council on Financial Assistance Reform (COFAR)

The portion of project costs not paid by Federal funds (unless otherwise authorized by Federal statute)

Created on October 27, 2011

Composition
- 9 Federal awarding agencies
Why Develop the Uniform Guidance?

Reduce administrative burden and fraud, waste, and abuse

Desire of recipients and subrecipients to get uniform guidance and avoid inadvertent audit findings

Need to leverage technology

Focus audits & monitoring on high risk areas
Before Uniform Guidance

8 Separate OMB Circulars

- 2 Administrative Requirements
- 3 Cost Principles
- 2 Audit Requirements
- 1 Circular covering the CFDA catalog

• Varying applicability and standards
After Uniform Guidance

2 CFR Part 200 & 2 CFR Part 2900

- Acronyms, Definitions & Appendices
- Administrative Requirements
- Audit Requirements
- Cost Principles

Uniform Guidance
Nine Goals

1. Eliminating duplicative and conflicting guidance
2. Focusing on performance over compliance for accountability
3. Encouraging efficient use of IT and Shared Services
4. Providing for consistent and transparent treatment of costs
5. Limiting allowable costs to best use of Federal resources
6. Standardizing business processes using data definitions
7. Encouraging family-friendly policies
8. Strengthening oversight
9. Targeting audit requirements on risk of waste, fraud, and abuse
COFAR stands for the Council on Federal Awards and Regulations.

The Uniform Guidance consolidates requirements from 8 different OMB Circulars.

The sections of the Uniform Guidance contain consolidated requirements that apply separately to type of organization.

There are 9 goals associated with the UG.
Learning objectives for this section

- Define DOL exceptions and technical corrections approved by OMB
- Review key changes in definitions and noteworthy deletions
### Structure

**2 CFR Part 200 and 2 CFR Part 2900**

<table>
<thead>
<tr>
<th>Acronyms &amp; Definitions</th>
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<tbody>
<tr>
<td>- Subpart A: New and updated terms</td>
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<th>General Provisions</th>
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<td>- Subpart B: Effective dates</td>
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<th>Pre-Federal Award Requirements</th>
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<td>- Subpart E &amp; 7 Appendices</td>
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<tr>
<td>- Subpart F &amp; 2 Appendices</td>
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</tbody>
</table>
## Cost Provisions: Subpart E & 7 Appendices

- **Appendix III** — Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs)

- **Appendix IV** — Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations

- **Appendix V** — State/Local Government-wide Central Service Cost Allocation Plans

- **Appendix VI** — Public Assistance Cost Allocation Plans

- **Appendix VII** — State, Local Government, and Indian Tribe Indirect Cost Proposals

- **Appendix VIII** — Nonprofit Organizations Exempted From Subpart E — Cost Principles of Part 200

- **Appendix IX** to Part 200—Hospital Cost Principles
Audit Requirements

Subpart F & 2 Appendices

- Appendix X — Data Collection Form (Form SF–SAC)
- Appendix XI — Compliance Supplement
Technical Corrections

- Procurement Standard
- Unique Entity Identifier
- Cost Sharing or Matching
- Program Income

- Modified Total Direct Costs
- Clarification on Payments
- Prior Approvals • Should vs. Must

*Federal Register* published December 19, 2014
<table>
<thead>
<tr>
<th>Subpart A—Acronyms and Definitions</th>
<th>Subpart D—Post Federal Award</th>
<th>Subpart E—Cost Principles</th>
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<td>Sec.</td>
<td>Requirements</td>
<td>2900.16 Prior written approval (prior approval)</td>
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<td>2900.1 Budget.</td>
<td>2900.6 Advance Payment.</td>
<td>2900.17 Adjustment of negotiated IDC rates.</td>
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<td>2900.2 Non-Federal entity.</td>
<td>2900.7 Payment.</td>
<td>2900.18 Contingency provisions.</td>
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<tr>
<td>2900.3 Questioned cost.</td>
<td>2900.8 Cost sharing or matching.</td>
<td>2900.19 Student activity costs.</td>
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<tr>
<td><strong>Subpart B—General Provisions</strong></td>
<td>2900.9 Revision of budget and program plans.</td>
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<td>2900.4 Adoption of 2 CFR part 200.</td>
<td>2900.10 Prior approval requests.</td>
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<tr>
<td><strong>Subpart C—Pre-Federal Award</strong></td>
<td>2900.11 Revision of budget and program plans including extension of the period of performance.</td>
<td><strong>Subpart F—Audit Requirements</strong></td>
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<tr>
<td>Requirements and Contents of Federal Awards</td>
<td>2900.12 Revision of budget and program plans approval from Grant Officers.</td>
<td>2900.20 Federal Agency Audit Responsibilities.</td>
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<td>2900.5 Federal awarding agency review of merit of proposals.</td>
<td>2900.13 Intangible property.</td>
<td>2900.21 Management decision.</td>
</tr>
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<td></td>
<td>2900.15 Closeout.</td>
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</tbody>
</table>

DOL Exceptions

2 CFR Part 2900
DOL Exceptions

2900.2 Non-Federal Entity

- Applies to commercial & foreign entities

Multiple Provisions Concerning Budget

- 30 days, in writing, and no blanket approval

2900.5 Federal awarding agency review of merit of proposals

- Findings outside of audits can be used during merit reviews and as questioned costs
DOL Exceptions (2)

2900.7 Payment
- Advances must be liquidated and additional restrictions can be imposed.

2900.14 Financial reporting
- Expenditures must be reported on accrual basis

2900.15 Closeout
- All obligations and/or accrued expenditures must be liquidated at closeout.

2900.13 Intangible property
- Promote through free and open use of content on Creative Commons.
DOL Exceptions (3)

2900.17 Adjustment of negotiated IDC rates

- Indirect Cost Rates may need to be renegotiated

2900.18 Contingency provisions

- Retention of records related to contingencies

Subpart F – Audit Requirements (2900.20-.22)

- Audit resolution and management decisions
- Clearly defined steps
Definitions

Subpart A of the Uniform Guidance

- Consolidates, updates, and clarifies
- Adds a number of new definitions
  - Also renames or deletes a number of definitions

DOL Exceptions

- Budget
- Non-Federal entity
- Questioned costs

Resource #1
(Definition comparison)
Definitions and New Items

- Conflict of Interest
- Procurement Methods
- Support for Indirect Cost rates
- De Minimis Rate
- Computing Devices
- Improper Payments
- COSO
New Definitions

- 200.8 Budget
  - DOL clarification at 2 CFR 2900.1
- 200.23 Contractor
- 200.45 Fixed Amount Awards
- 200.61 Internal Controls
New Definitions (2)

- 200.67 Micro-Purchase
- 200.68 Modified Total Direct Cost (MTDC)
- 200.69 Non-Federal Entity
- 200.79 PII and Protected PII
- 200.88 Simplified Acquisition Threshold
- 200.74 Pass-through Entity
- 200.92 Subaward
Are the statements true or false?

1. The Uniform Guidance is divided into 6 subparts.
2. Subpart B contains all the definitions.
3. The simplified acquisition threshold is currently $150,000.
4. Internal Controls are now defined as a system of oversight.
Learning objectives for this section

• List the key pre-award provisions related to awarding of grants and sub-grants.
<table>
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<th><strong>Notices of Funding Opportunity</strong></th>
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### 2 CFR 200.203 Notices of Funding Opportunities

- **Must be written in English and provide timely notification to public**
- **Link funds to a CFDA number, authorization, and type of assistance (formula or discretionary)**
- **Describe program purpose, goals, measurement, and eligibility requirements**
- **Applicability of Single Audit requirements**
- **Reference to merit review process**
- **ETA term is “Funding Opportunity Announcement”**
Merit Review vs. Risk Assessment Process

Critical parts of the Pre-Award grant stage

**Merit Review**

- Specifies the criteria that the Federal awarding agency will use to evaluate all grant applications
- Appendix I of the Uniform Guidance provides additional detail

**Risk Assessment Process**

- Conducted after the merit review but before Federal award is made
- Considers the following factors:
  - Financial stability
  - Quality of management systems
  - History of performance
  - Reports and Findings including Audits and Monitoring Reports
  - Ability to effectively implement requirements
  - FAPIIS and SAM—for debarment or Do Not Pay listing

 Applies to ETA discretionary awards
Federal Award Instruments

2 CFR 200.201

Use of grant agreements, cooperative agreements, and contracts

- **Grant Agreement**
  - Including Fixed Amount Awards
  - Level of support without regard to actual costs
  - Reduced administrative burden and record keeping
  - Accountability based on performance and results

- **Cooperative Agreements**

- **Contracts**
  - Are not Federal awards of assistance
Standardized Elements

- Recipient name, period of performance, CFDA #, unique entity identifier, and more
- Budget
- Performance Goals
- Terms and Conditions
- Indirect cost rate including 10% de minimis rate
- Match or cost sharing requirements
- National policy requirements

Requirements found at 2 CR 200.210
Additional Elements

- Requirements found at 200.208 & 200.113
- Certifications and Disclosures
  - To be submitted annually unless otherwise noted
  - Including written disclosure of all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

ETA’s “Standard Terms and Conditions” can be found at www.doleta.gov/grants/resources.cfm
Are the statements true or false?

1. The pre-award requirements apply to both recipients and the Federal awarding agency.

2. Performance is an integral part of the merit review process.

3. ETA uses the term “Funding Opportunity Announcement” for all award solicitations. As issued, they will be available through grants.gov.
Learning objectives for this section

- Discuss available implementation options for DOL-ETA recipients and their subrecipients
• All new grant awards or grant modifications released on or after December 26, 2014 MUST adhere to the Uniform Guidance

• Options A and B require grant modification

Option A
- Formula recipients may request authorization to apply the Uniform Guidance to existing or old grant awards

Option B
- Discretionary recipients may request authorization to apply the Uniform Guidance to existing grant awards
• **Selection - Options A and B**
  - Submit modification request in writing to your Federal Project Officer
  - Include a list of grants (by grant number) for which the Uniform Guidance will be applicable

• **Selection – Neither Option A nor B**
  - Uniform Guidance applies to all new grant awards or funding released on or after December 26, 2014
  - Previously awarded funds must follow terms of their grant agreement
    • This may mean maintaining two sets of policies and procedures!
Grace Period for Procurement Standards Only

PROCUREMENT STANDARDS

- Effective date for implementation is revised
  - 200.110

- Allows a grace period of one fiscal year to implement 200.317 through 200.336

December 19, 2014 Federal Register

- Provides additional detail
# Resources

## Uniform Guidance

**Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards: Final Rule**

### US Department of Labor Grant Recipients

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*Please see the Federal Register dated December 19, 2014 outlining the one-year grace period for the implementation of the procurement standards.

* 2 CFR 2900.2 expands the applicability of the Uniform Guidance to these entities.

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<td>2 CFR 230</td>
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<td>29 CFR Part 95</td>
<td>2 CFR 220</td>
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<td>29 CFR Part 95</td>
<td>48 CFR 31.2</td>
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### Useful Links

- [USDOL-ETA website](http://www.dol.gov/esa/etd/)
- [Final Rule with technical corrections](http://www.ecfr.gov/cgi-bin/newECFR?y=2014&node=part2.1.2300&mode=addr)
- [TEGL 15-14 dated December 19, 2014](http://wdr.dol.gov/directives/attach/TEGL/TEGL_15-14_Acc.pdf)
- [Resources for understanding the Uniform Guidance](https://www.doleta.gov/citizen/docs/WRUG.pdf)
Key Concepts

- **Look to both Federal Registers**
  - December 26, 2013
  - December 19, 2014

- **Share information with subrecipients**

- **For specific guidance related to the DOL Exceptions or grants**
  - Contact your ETA Regional Office

- **Be aware of requirements for the awarding of grants**
Knowledge Check

On a scale of 1 (lowest) to 5 (highest), rate your knowledge and understanding of the following by **circling** the appropriate number in the column of the sheet, labeled Pre-Training, for each of the statements.

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“There is no ignorance, there is knowledge.”

- The Jedi Code

Thank You!

Please complete your evaluations
SMART Financial Training for ETA Grantees and ETA Stakeholders

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