

Agreements Services Center- Quarterly Meeting Notes 3/13/19

Leased Space

The Realty team is asking that a copy of any agreements, MOU, etc. that includes office, warehouse, lab, etc. space be sent to **Russell Noyes and Karin Finke**. The location is entered into a realty database which is used to map the locations. During emergencies that map is used to identify locations where USDA has a presence.

Federal Awardee Performance and Integrity Information System (FAPIS)

Federal awarding agencies must report information to FAPIS and review FAPIS before making a Federal grant or cooperative agreements to a Non-Federal Entity (NFE). The requirements apply to all Federal awards, including open-ended entitlements and mandatory programs. A determination that a Non-Federal Entity is “not qualified” to receive a Federal award is only applicable to the specific award under consideration; a “not qualified” determination does not preclude an entity from receiving other Federal awards. Federal awarding agencies must review FAPIS before making an award in excess of \$150,000. Federal awarding agencies must still review (SAM) the System for Award Management before making any award. This does not replace SAM.

- Review FAPIS before making a Federal award, over \$150,000, to determine if a NFE is qualified to receive an award.
- For all awards over \$500,000, the terms and conditions of the award must contain, or reference Appendix XII to 2 CFR 200, this language will be included in an email we will be sending out.

It is possible for a Federal awarding agency to determine that a NFE is not qualified for one award and, depending on the reasons for that first determination, qualified for another award

Potential Future Impacts:

- GSA plans to incorporate FAPIS into SAM eventually
- OMB is considering publishing guidance that would require FAPIS to contain information on any parent, subsidiary, or successor entities or corporations
- OMB may expand this guidance to incorporate additional reporting requirements in the future.

For now, if you have any questions, please send them to Emily Brown via email.

SAM Representations and Certifications

OMB Memo 18-24, Strategies to Reduce Grant Recipient Reporting Burden, directs federal agencies to centralize a place for housing certifications and representations that recipients are required to complete for federal financial assistance awards.

As a result, starting in Feb. of 2019-2020, as recipients perform their annual update to their SAM.gov registration, they will be able to certify in their SAM record that they are compliant with laws and regulations that govern agreements (similar to what is on the SF-424B.) This new process will eliminate several of the forms APHIS currently requires, including

- Standard Form 424B, Assurances for Non-Construction
- Representations Regarding Felony Corporation and Tax Delinquent Status for Corporate Applicants (AD-3030)

- Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants (AD-3031)

During the transition between now and February 2020, OCFO stated that the safe route would be to still collect the forms until February 2020 when all recipients will have updated their SAM registration. Therefore, APHIS will continue to utilize the following forms during the transition: SF-424B, AD-3030 and AD-3031, as appropriate.

Early in calendar year 2020, the ASC will send the agreements community any new language needing to be included in opportunities. We will also send out notification of any amendments made to our standard Terms and Conditions and we will update our policy manual and ASC website, as appropriate.

MOU PLG Project

The ASC is working with program representations on a PLG project titled: OneAPHIS MOU Approach. The project goal is to develop a comprehensive MOU inventory across APHIS and share knowledge of what MOUS are in existence. Part of this project is to validate what we currently have in ACMS and determine which MOUs are still active and which are no longer in existence.

In the past, we advised that agreements that expired be left in ACMS as active. Because of this MOU project and the need to run reports on only current MOUs, we have decided that any MOUs that are no longer current should be marked Inactive in ACMS. Please assist the program representative working on this project to go in and make the change so we can report on current MOUs only.

APHIS Round 2 Enhancements

- FAIN Search – This enhancement has remedied the issue of having to search FAIN numbers with all upper case letters in CRM. You can now search with upper or lower case letters.
- Indemnities – This enhancement customized the agreement screen to remove any/all fields and attachments that are not required when entering indemnities. This will allow for a more streamline approach for this instrument type and reduce administrative burden for those entering the information into eFG. MN is currently the main group that are entering indemnities so they are the only program set up for this instrument type in eFG. If/when other programs need this enhancement, they would contact ASC and an AGMO would add the appropriate information to the program.
- ALT NICRA Rate/Indirect Cost Budget Line Item – These are two different enhancements.
 - We created a new field on the main agreement screen called ALT NICRA Rate. This is an alpha/numeric field with a 20 character maximum. We developed this field for the purpose of being able to add multiple NICRA rates if applicable, or simply the word “Multiple” or “Various”. And also to assist with the issue we’ve had with the regular NICRA Rate box which when used produces a percentage calculation in the budget line item area. The percentage calculation has not been working correctly and has caused issues with rounding amounts that inflate the dollar amounts. This field along with the NICRA Rate field are each designed to populate on the award face sheet. The system was designed to check the ALT NICRA Rate box first, if there is data it will populate that. If there is no data, it will then revert back to the regular NICRA Rate field and populate what is entered there. It is important to note, you will now be required to enter a rate(s) in one of the two NICRA rate fields as it is required to have this information included on the award face sheet. Please see 2 CFR Part 200.210 (15) Information Contained in a Federal Award.
 - We created a new budget line item titled “Indirect Cost”. This line item will allow you to put in an indirect cost dollar amount and avoid the previous issue of the percentage calculation. Please note, if you choose to use this item, it will require you to apply claim amounts accordingly. Each program can decide if they want to make this part of their business process.
- Delegation of Authority – This enhancement was developed to assist in situations where the delegated signatory has access to eFG, but the actual signatory does not. We needed a way to capture this information in eFG. How it works, is that we create a contact in eFG that is the official signatory, for this example we will use Kevin Shea for the OA program. We include a title in that contact that says “On behalf of the Administrator”. The eFG delegated signatory is Michael Peranio, he will be the one that pushes the button in eFG. The current business process is to obtain a pen/ink signature from Kevin, upload it into eFG, then Michael will approve/sign, and the award face sheet that is generated by the system will reflect the wording “On behalf of the Administrator”. This enhancement will not apply across the board. If all of the official signatories for your program/office have access in eFG, you would not need this functionality. It

will be up to each program to notify ASC if this applies to them and we will assist in setting up the program.

- Future rollouts for other agreement types to come, no estimated date.

Section 508 of the Rehabilitation Act of 1973

The purpose of section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d), is that it requires that when Federal agencies develop, procure, maintain, or use electronic and information technology, Federal employees with disabilities have access to and use of information and data that is comparable to the access and use by Federal employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency. Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency.

Back in November, ASC was contacted by PPQ regarding specific Section 508 language that is to be included for those cooperative agreements that provide funding for technology solutions for government use (databases, websites, electronic newsletters, etc.). We were told that language has to appear in the work plan for a cooperative agreement, as it is primarily for notification purposes to inform companies/organizations of these requirements when they are considering doing business with the government.

This also makes us wonder if the other APHIS programs are aware of this requirement and if so how the language is being included in a cooperative agreement. ASC continues having discussions with IT to determine the appropriate place the language should be included and we will provide guidance to the agreements community once decisions have been made.

If anyone is already including this requirement in their agreements, please reach out to Tammie Long via email.

Closeout Report

We have started running eFG reports for agreements eligible for closeout and plan to disseminate to the agreements community to assist with timely closeouts. Closeouts should be completed no later than one year after all required final reports have been submitted per 2 CFR 200.343. As a suggestion, it would be easiest to start with closeouts for agreements that have a zero balance, because they do not require the additional documentation that deobligations do.

Attached are the closeout report and deobligation policy, for your reference.

The closeout report will be ran next on May 15th, 2019.

FPC Report

You may remember the FPC report we started running the end of last FY. We are continuing that practice again this year and are currently running it quarterly. As we approach the last few months of the FY in preparation for end of year closeout, it will be run more frequently. This matter is for your reference only to make you aware that you may be contacted if we see aging FPC's on the list for any reason. Per the updated FPC policy implemented this FY, we should not experience the level of aging FPC's we did last year.

The FPC report will be ran next on May 26th, 2019.