

2019

Subrecipient Handbook





CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES

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INTRODUCTION

This handbook outlines the terms and conditions that apply to the California Governor's Office of Emergency Services (Cal OES) Victim Services Public Safety (VSPS) grant-funded projects and replaces the 2018 Subrecipient Handbook. ***The 2019 Subrecipient Handbook is applicable for Grant Subaward with a start date of January 1, 2019, or later.*** Grant Subawards with a start date prior to January 1, 2019 may utilize this handbook.

This Cal OES Subrecipient Handbook is designed to be accessed and downloaded from the Cal OES website, and placed on the Subrecipient's computer desktop, so that hard copies are no longer required on site. Funded projects must administer their Grants Subawards in accordance with these administrative and fiscal conditions. Failure to comply with these requirements may result in the withholding or disallowance of grant payments, the reduction or termination of the Grant Subaward and/or the denial of future Grant Subawards. All agencies that receive grant funds for programs funded by Cal OES must comply with the terms of the program as defined by the applicable Program Guidelines contained in the Request for Proposal (RFP), Request for Applications (RFA), and applicable statutes. The phrase "terms of the program" refers to the applicable RFP, RFA, or other written directives from Cal OES. In the event the terms of the program are inconsistent with the provisions of this handbook, the terms of the program shall be interpreted and construed as superseding the provisions of this handbook.

Cal OES may modify and/or impose additional conditions not outlined in this handbook should it be deemed appropriate to do so. Modifications or exceptions to these provisions may be made in writing, by the Director or designee.

*This handbook is applicable for all Grants Subawards with a start date of January 1, 2019, or later.

This Subrecipient Handbook is available online at www.caloes.ca.gov. Questions concerning this Subrecipient Handbook may be addressed by contacting the assigned Cal OES Program Specialist or by contacting Shane McKillop via email at Shane.mckillop@caloes.ca.gov

HOW TO USE THIS HANDBOOK

This handbook is designed to be accessed and downloaded to the Subrecipient's computer through this link [Subrecipient Handbook](#) on the Cal OES website at www.caloes.ca.gov. Once downloaded to the user's computer, it should be kept as a reference document on the computer's desktop. Embedded links have been placed throughout this handbook that will take the reader to the forms pages of the Cal OES website if the user has an open link to the internet. To easily download and save a copy to the computer desktop, go to www.caloes.ca.gov select "Cal OES Divisions," scroll down to "Grants Management," on the right-hand side, click on "Criminal Justice, Emergency Management & Victim Services Grant Programs," then select "Handbooks, Reports & Publications."

The top of each page also includes a TOC button that will return to the Table of Contents and an INDEX button to return to the Index.

To access all of the forms referenced in the Subrecipient Handbook, please use the FORMS button located at the top right-hand corner of each page. A PRINT button is located at the top of each page. This button allows the Subrecipient to print one page or the entire Subrecipient Handbook. While Subrecipients and stakeholders are welcome to request a hardcopy of this handbook, many of the search features of this handbook are not available in a hardcopy version and users can go to the Cal OES website to download the [forms](#).

Number System Organization

This handbook is organized with a numbering system for easy reference. The numbering system provides a specific location for each section of information, and puts that section in context to the rest of the handbook. This allows easy reference to sections in verbal, telephonic or written communications. The following description is an explanation of the numbering system.

- Major chapters of the handbook are numbered with a thousand series number. There are 13 major chapters to this handbook. They are numbered 1000 to 14000.
- Subsections of chapters are numbered with a hundred series number. As an example, there are three major subsections of Section 2000, and they are numbered 2100 to 2300.
- Subdivisions of the hundred series are numbered with ten series numbers. As an example, there are eight major topics under Section 2100, and they are numbered 2110 to 2180.
- Subdivisions of the ten series are numbered with integers. As an example, there are three major sections of 2340, and they are numbered 2341 to 2343.

- Subdivisions of the integer series are numbered with decimals. As an example, there are three topics discussed under Section 2342, and they are numbered 2342.1 to 2342.3.

In some instances, it is necessary to provide lists of information within sections. In those instances the lists may be designated with normal alpha/numeric systems.

REVISED HANDBOOK SECTIONS

The following sections have been revised for the Fiscal Year (FY) 2019 Subrecipient Handbook.

1. **Section 1350** **PROOF OF AUTHORITY**
This section has been updated to clarify the requirement of a Resoulution/Board Minutes/Letter.
2. **Section 2130** **PERSONNEL POLICIES**
This section has been updated to include discrimination policies.
3. **Section 2151** **EQUAL EMPLOYMENT OPPORTUNITY (EEO)**
This section has updated its protected classes.
4. **Section 2151.1.1** **ADDITIONAL FEDERAL REGULATIONS**
This section has been removed.
5. **Section 2151.1.2** **EQUAL EMPLOYMENT OPPORTUNITY PLAN (EEO)
COMPLIANCE REQUIREMENTS**
Section headers has been changed and the section has been updated with new compliance requirements.
6. **Sections 2151.1.3,
2151.4, and 2151.5** **VARIOUS SECTION TITLES**
These sections have been removed.
7. **Section 2151.6** **ADDITIONAL REQUIREMENTS FOR ALL CAL OES
SUBRECIPIENTS**
Section headers has been changed and the section has been updated with new compliance requirements.
8. **Section 2151.7** **EEO/CIVIL RIGHTS MONITORING RESPONSIBILITY**
Section has been updated to reflect monitoring responsibility.
9. **Section 2151.8** **SUBRECIPIENT RESPONSIBITLY**
Section updated to clarify subrecipient responsibility.
10. **Section 2151.9** **ADDITIONAL INFORMATOIN**
Section updated with EEO contact information.
11. **Section 2153** **ENVIORMNETAL IMPACT-CALIFORNIA ENVIORMENTAL
QUALTY ACT (CEQA) COMPLIANCE.**
Sesction updated to provide clarification on the CEQA requirements for State and Local Government and Non-Profit Organizations.
12. **Section 2161.5** **CERTIFICATE OF INSURANCE**
Added new requirement, which must be on the certificate of insurance.

- 13. Section 2174** **PERSONNEL CHANGES**
Language updated to clarify when modification required for personnel changes.
- 14. Section 2232** **FACILITY RENTAL**
This section has been updated to clarify what cannot be charged as Facility Rental Costs.
- 15. Section 2232.2** **DONATED SPACE**
This section has been updated to clarify what cannot be charged as donated space.
- 16. Section 2236.2** **TRAVEL AND PER DIEM POLICIES**
This section has been updated to reflect the current State Travel Policy.
- 17. Section 2236.2.2** **COMMUNITY-BASED ORGANIZATION(CBO)**
This section have been re-written for better understanding, consistency, clarification and compliance with Cal OES policies.
- 18. Section 3211** **CONTRACTS AND PROCUREMENTS \$10,000 OR LESS**
This section has been updated to reflect the new contract amount, from \$3,500 to \$10,000.
- 19. Section 3212** **CONTRACTS AND PROCUREMENTS \$10,001 TO \$50,000**
This section has been updated to reflect the new contract amount, from \$3,501 to \$10,001.
- 20. Section 3421** This section has been updated to reflect the new contract amount, from \$3,500 to \$10,000.
- 21. Section 3422** This section has been updated to reflect the new contract amount, from \$3,501 to \$10,001.
- 22. Section 3520** **CONTRACTS AND PROCUREMENTS \$10,000 OR LESS**
This section has been updated to reflect the new contract amount, from \$3,500 to \$10,000.
- 23. Section 3710** **INDEPENDENT CONTRACTOR/CONSULTANT**
Updated Contract amount from \$3,500 to \$10,000.
- 24. Section 5120** **CAL OES REVIEW**
Updated to reflect that project will furnish one copies instead of two.
- 25. Section 6512.3** Changed functional Timesheets to volunteer time log.

- 26. Section 6540 OVER MATCH**
This section have been re-written for better understanding, consistency, clarification and compliance with Cal OES policies.
- 27. Section 6560-6570 CHANGING THE TYPE OF MATCH/REPORTING**
These sections have been re-written for better understanding, consistency, clarification and compliance with Cal OES policies.
- 28. Section 6610.5** This section have been re-written for better understanding.
- 29. Section 8111** In this section, removed grant specific audits, as they are the same as audits.
- 30. Section 10320 TIMEFRAME**
Timeframe has been updated from three year cycle to every two years.
- 31. Section 11331 FUNCTIONAL TIME SHEETS**
Removed volunteers from this section.
- 32. Section 11331.1 VOLUNTEER TIME LOG**
This is a new section, which was added to clarify Cal OES policies in regards to volunteers.

TABLE OF CONTENTS

1000 GRANT SUBAWARD

- 1100 DEFINITION
- 1200 GRANT SUBAWARD COMPONENTS
- 1300 GRANT SUBAWARD CONDITIONS
 - 1310 General
 - 1311 Responsible Agency
 - 1320 Terms of the Program
 - 1320.1 Special Conditions
 - 1330 Supplanting Prohibited
 - 1340 Grant Subaward Changes
 - 1350 Proof of Authority
- 1400 FUND AVAILABILITY

2000 FUNDING CATEGORIES AND POLICY

- 2100 PERSONAL SERVICES – SALARIES/EMPLOYEE BENEFITS
 - 2110 Key Personnel
 - 2111 Project Director
 - 2112 Financial Officer
 - 2113 Official Authorized to Sign for Project
 - 2114 Changes in Key Personnel
 - 2115 Signature Authority
 - 2120 Project-Specific Job Descriptions
 - 2130 Personnel Policies
 - 2131 Project Staffing and Operation
 - 2140 Conflict of Interest
 - 2140.4 Purchase of Supplies
 - 2150 Certification of Assurance of Compliance (Cal OES Form 2-104, and 2-104 c-o)
 - 2151 Equal Employment Opportunity (EEO)
 - 2151.1 State and Federal Civil Rights Laws
 - 2151.1.1 Additional Federal Regulations

- 2151.1.2 Equal Employment Opportunity Plan (EEOP) Compliance Requirements
- 2151.1.3 Federal Funds of \$500,000 and Above
- 2151.4 Subrecipients Exempt from EEOP Requirements
- 2151.5 Requirements for Continuing EEOP Grants
- 2151.6 Additional Requirements for All Cal OES Subrecipients
- 2151.7 EEO Monitoring Responsibility
- 2151.8 Subrecipient Responsibility
- 2151.9 Additional Information
- 2152 Drug-Free Workplace Certification
 - 2152.1 General
 - 2152.2 Definitions
 - 2152.3 Requisites for Certification to Cal OES
 - 2152.5 Termination of Contract or Grant Subaward; List of Canceled Awards
- 2153 Environmental Impact – California Environmental Quality Act (CEQA) Compliance
- 2154 Lobbying
- 2155 Suspension and Debarment
 - 2155.1 Verification of Vendor/Contractor Eligibility
- 2160 Fidelity Bond
 - 2160.1 Definition
- 2161 Requirements and Exemptions
 - 2161.1 Amount of Coverage
 - 2161.2 Type of Coverage
 - 2161.3 Bond Period
 - 2161.4 Beneficiary/Certificate Holder
 - 2161.5 Certificate of Insurance
- 2170 Allowable Costs for Personnel
- 2171 General
 - 2171.6.1 Overtime
- 2172 Provisions Regarding Allowable Compensation for Personnel

- 2173 Indirect Costs (IC) or Facilities and Administration (F&A) Costs
- 2174 Personnel Changes
- 2180 Indirect Cost Rate Proposal (ICRP)
- 2181 Description
- 2182 Resources for Developing an Indirect Cost Rate Proposal or Cost Allocation Plan
- 2183 Developing a Cost Allocation Plan to Support Modified Total Direct Costs
- 2185 Documenting the Cost Allocation Plan
- 2186 Revising the Allocation Plan
- 2188 Indirect Cost Rates
- 2189 Records
- 2200 OPERATING EXPENSES
 - 2210 General
 - 2230 Allowable Expense Items
 - 2230.1 Provisions Regarding Allowable Operating Expenses
 - 2231 Confidential Expenditures
 - 2231.1 Requests for Approval
 - 2232 Facility Rental
 - 2232.1 Rental Space for Training, Shelter, Counseling Rooms, and Other Required Space
 - 2232.2 Donated Space
 - 2232.3 Moving Expenses
 - 2233 Rented or Leased Equipment
 - 2234 Audit Costs
 - 2235 Petty Cash Victim Fund
 - 2235.1 Petty Cash Victim Fund Defined
 - 2235.2 Petty Cash Victim Fund Accountability Procedures
 - 2236 Travel and Per Diem
 - 2236.1 General
 - 2236.1.1 Out-of-State Travel
 - 2236.2 Travel and Per Diem Policies

- 2236.2.1 Units of Government
- 2236.2.2 Community-Based Organization (CBO)
- 2236.3.1 Private Vehicles
- 2236.3.2 Commercial Automobile Rental
- 2236.3.3 Business Expenses
- 2236.4 Travel Claims
- 2237 Consultant Services
 - 2237.1 Operational Agreements
 - 2237.2 Retainer Fees
 - 2237.3 Management Services/Studies
- 2240 Prohibited Expense Items
- 2241 Bonuses/Commissions
- 2242 Lobbying
 - 2242.1 Prohibited Lobbying Activities
 - 2242.2 Activities Exempt from the Prohibition
- 2243 Fundraising
- 2245 Interest, Charges, Fees, and Penalties
- 2246 Food and Beverages
- 2247 Weapons and Ammunition
- 2248 Dues, Licenses, and Fees
- 2249 Depreciation
- 2300 EQUIPMENT
 - 2310 Definition
 - 2320 Allowable Equipment
 - 2330 Motorized Vehicles
 - 2331 Automobiles
 - 2340 Computers and Automated Equipment
 - 2340.1 Internet Access
 - 2341 Justification
 - 2342 Cost
 - 2342.1 Community-based Organization (CBO)

- 2342.2 Units of Government
- 2342.3 Instructions – Computers and Automated Systems
- 2343 Lease-to-Purchase Agreement
- 2350 Equipment Identification and Records
- 2370 Losses/Replacements
- 3000 CONTRACTS AND PROCUREMENTS**
- 3010 Responsibility
- 3100 DEFINITIONS
- 3110 Definition of Contracts
- 3120 Definition of Procurement
- 3200 APPROVALS
- 3210 Contracts and Procurements
- 3211 Contracts and Procurements \$10,000 or Less
- 3212 Contracts and Procurements \$10,001 to \$50,000
- 3213 Contracts and Procurements Over \$50,000
- 3220 Approval of Procurements
- 3300 CONTRACTS AND PROCUREMENTS GUIDELINES
- 3400 METHODS OF CONTRACTING AND/OR PROCUREMENT
- 3410 Formal Advertising
- 3411 Invitation for Bid (IFB)
- 3412 Request for Proposal (RFP)
- 3413 Contract and Procurement Awards
 - 3413.1 Contract Awards
- 3414 Cost or Price Analysis
- 3420 Informal Advertising
- 3500 NON-COMPETITIVE BID REQUESTS
- 3510 General
- 3511 Non-Competitive Bid (NB) Request
- 3520 Justification Procedure
- 3521 Justification Procedure – Contracts
- 3522 Justification Procedures – Procurement

- 3530 One Quote, Bid, RFP Received or Considered Responsive
- 3600 ELEMENTS OF A CONTRACT OR PURCHASE ORDER/DOCUMENT
- 3700 SELECTING A CONTRACTOR
 - 3710 Independent Contractor/Consultant
 - 3710.1 Rates
 - 3710.1.1 Exception to Rates
 - 3710.2 Expert Witness Fees
- 3800 CONTRACT LIMITATIONS
- 3900 CONTRACT PROVISIONS
 - 3910 Drug-Free Workplace Certification Requirements

4000 OPERATIONAL AGREEMENTS

- 4100 DEFINITION
- 4200 ESTABLISHING OPERATIONAL AGREEMENTS
- 4300 ELEMENTS OF AN OPERATIONAL AGREEMENT
- 4400 REQUIREMENTS OF PARTICIPATING AGENCIES
- 4500 PARTICIPATING STAFF

5000 MULTI-MEDIA MATERIALS, COPYRIGHTS, AND PATENTS

- 5100 PUBLICATIONS
 - 5110 Definition
 - 5120 Cal OES Review
 - 5130 Income
 - 5140 Transfer of Publication Title
- 5200 CREDITS AND DISCLAIMERS
- 5300 COPYRIGHTS AND RIGHTS IN DATA
- 5400 PATENTS

6000 FINANCIAL REPORTING

- 6100 NOTIFICATION OF GRANT SUBAWARD
- 6200 ENCUMBRANCES AND LIQUIDATION EXPENDITURES
 - 6210 Definition of an Encumbrance
 - 6220 Liquidation Period
 - 6220.1 Liquidation Expenditures
- 6300 REPORT OF EXPENDITURES AND REQUEST FOR FUNDS
(Cal OES Form 2-201)

- 6310 Monthly Report of Expenditures and Request for Funds
- 6311 Advance Payments
 - 6311.1 Advance of State Funds – Expenditures on a Monthly Basis
 - 6311.2 Advance of State Funds – Expenditures on a Quarterly Basis
 - 6311.4 Certification for Advance of Grant Funds (Cal OES 2-202)
- 6312 Monthly Report of Expenditures and Request for Funds
- 6320 Quarterly Report of Expenditures and Request for Funds
- 6330 Final Report of Expenditures and Request for Funds
- 6340 Double Billings
- 6400 ACCOUNTING SYSTEM AND STRUCTURE
 - 6400.8 Cash Basis
 - 6400.9 Accrual Basis
 - 6410 Modified Accrual Basis
 - 6420 General Ledger Account Structure
- 6500 MATCH REQUIREMENTS
 - 6510 Definitions
 - 6511 Cash Match
 - 6512 In-Kind Match
 - 6520 Match Categories (Allowable/Non-allowable)
 - 6521 Asset Forfeitures
 - 6522 State Funds Matching State or Federal Funds
 - 6530 Required Match
 - 6540 Over Match
 - 6550 Calculating the Match
 - 6550.1 Match on Total Project Cost
 - 6550.2 Match on Percent of Funds Allocated
 - 6560 Changing the Type of Match
 - 6570 Reporting¹⁹
- 6600 PROJECT AND OTHER INCOME
 - 6610 Project Income
 - 6610.1 Project Income Generated by the Use of State and/or Federal Funds

6620 Interest Income

6630 Other Income

7000 CHANGES TO GRANT SUBAWARD

7100 GENERAL

7110 Amending the Grant Subaward

7120 Approval of Amendments

7130 Modifying the Grant Subaward

7140 Approval of Grant Subaward Modifications

7200 GRANT SUBAWARD EXTENSIONS

7210 Definition

7220 Extensions of Performance Periods

7230 Considerations

7240 Extension Procedures

7300 AUGMENTATIONS

7310 Definition

7320 Considerations

7330 Augmentation Procedures

7400 REDUCTION TO GRANT SUBAWARD

7410 Definition

7420 Considerations

7430 Reduction Procedures

7500 BUDGET MODIFICATION

7510 Definition

7520 Prior Approval

7530 Budget Modification Procedures

7600 MODIFICATION OF PROJECT OBJECTIVES

7610 Procedures

7620 Approval

7700 EXTENSION OF LIQUIDATION PERIOD

7710 Definition

7720 Considerations

7730 Procedures

8000 AUDITS

8100 AUDIT REQUIREMENTS

- 8101 Audit Reporting Compliance
- 8102 Timely Submittal of Audit Reports
- 8110 Scope of Audit
- 8120 Frequency of Audit
- 8130 Securing Audits
- 8140 Relation to Other Audit Requirements
- 8150 Audit Costs

8200 AUDIT REPORTS

- 8210 Audit Report Content
- 8213 The auditor's report on compliance contains:
- 8220 Report Distribution
- 8230 Failure to Submit an Audit Report
- 8240 Access to Audit Documents
- 8250 Quality Control Review
- 8260 Right to Perform Audit or Review

8300 MONITORING PROCESS

- 8310 Methods of Monitoring
- 8311 Field Review
- 8315 Independent Audit Report Review
- 8320 Monitoring Report
- 8321 Questioned/Disallowed Costs Identified in a Monitoring or Audit Report

8400 SEPARATION OF DUTIES

8500 DISPOSITION OF MONITORING PROCESS

- 8510 Invoice for Repayment
- 8520 Sanctions for Nonpayment

8600 DEFINITION OF TERMS

10000 REPORTING PROJECT ACTIVITIES AND ACHIEVEMENTS

10100 PROGRESS REPORTS

- 10110 Purpose
- 10111 Source Documentation

10120 Submission

10120.1 Reports for Extended Grant Subawards

10130 Final Payment

10200 PROGRAMMATIC TECHNICAL ASSISTANCE

10300 SITE VISIT PERFORMANCE ASSESSMENT

10310 Purpose

10320 Timeframe

10330 Follow-up

10400 MONITORING

10400.1 Definition

10410 Monitoring Requirements and Access to Records

10420 Standard Monitoring Procedures

10421 Scope of Monitoring

10422 Monitoring Field Document

10430 Monitoring Report

10431 No Findings Identified

10432 Findings Identified

10433 Corrective Action Plan Process

10434 Disputed Findings

10435 Sanctions

10436 Final Action by Cal OES

11000 RECORDS

11100 GENERAL

11110 Audits/Monitoring

11200 RETENTION AND REVIEW REQUIREMENT

11210 Retention of Records

11300 DOCUMENTATION REQUIREMENTS

11310 Fiscal

11311 Bank Statements and Reconciliation

11312 General Ledger Account Entries

11313 Duplicate Deposit Receipts

11314 Canceled Checks

11315 Vouchers

11320 Programmatic

11330 Payroll Records

11331 Functional Time Sheets

11331.1 Volunteer Time Log

11332 Personnel payroll files must include the following:

11340 Personnel Files

11350 Equipment

11400 ORGANIZATION POLICIES AND PROCEDURES

11500 COMMUNICATIONS

12000 WITHHOLDING, DISALLOWANCE, REDUCTION, TERMINATION, AND/OR DENIAL OF GRANT FUNDS

12100 WITHHOLDING OR DISALLOWANCE OF GRANT FUNDS

12200 REDUCTION OR TERMINATION OF GRANT FUNDS

12300 DENIAL OF FUTURE FUNDING

13000 CLOSEOUT

13200 FINAL PROGRESS REPORT

13300 INTERNAL ASSESSMENT/FINAL EVALUATION REPORT

13400 FINAL REQUEST FOR REIMBURSEMENT

13400.1 Reporting Required Match

13500 RETENTION OF RECORDS

13600 AUDITS CLOSEOUT

14000 GLOSSARY OF TERMS

1000 GRANT SUBAWARD

A Grant Subaward is the signed final agreement between Cal OES and the local government agency or organization authorized to accept grant funding.

1100 DEFINITION

The grant application, when signed by the Director or designee of Cal OES, becomes the Grant Subaward which includes the terms and conditions.

1200 GRANT SUBAWARD COMPONENTS

The Grant Subaward components are:

- a. Grant Subaward Face Sheet (Cal OES Form 2-101);
- b. Project Contact Information (Cal OES Form 2-102);
- c. Signature Authorization (Cal OES Form 2-103);
- d. Certification of Assurance of Compliance (Cal OES Form 2-104, and 2-104 c-o);
- e. Grant Subaward Budget (Cal OES Form 2-106 a or b);
- f. Any special conditions imposed by Cal OES; and
- g. Any other document required by RFA/RFP.

1300 GRANT SUBAWARD CONDITIONS

1310 General

The Grant Subaward is an agreement between Cal OES and the Subrecipient. Projects must conform to the agreement as specified. Failure to do so may result in the withholding or disallowance of subaward payments on current or future Cal OES Grant Subawards, the reduction or termination of the Grant Subaward, and/or the denial of future Grant Subawards. Additionally, the Subrecipient must comply with applicable laws, regulations and guidelines set-forth for the type of funding received. For instance, Subrecipients receiving federal funding must comply with the Code of Federal Regulation, and may be required to comply with additional federal guidelines such as the DOJ Financial Guide or Code of Domestic Assistance (CFDA). For funding sources falling under multiple regulations and guidance, Subrecipients must follow those rules, which are most stringent.

1311 Responsible Agency

The Subrecipient named on the Grant Subaward Face Sheet is the agency responsible for the implementation of the Grant Subaward and for providing all matching funds specified on the Grant Subaward Face Sheet. The Subrecipient may not transfer or assign the Grant Subaward to another agency or party. Any liability arising shall be the responsibility of the Grant Subrecipient. The State of California and Cal OES disclaim responsibility for any such liability.

1320 Terms of the Program

The applicable Request for Proposal (RFP) and/or the Request for Application (RFA) must be accessible by the project on-site (an internet link to the Cal OES website is acceptable). These key documents contain the applicable guidelines that define the terms of the program. Failure to adhere to these requirements, i.e. enabling legislation, funding regulations, service standards, program guidelines, etc., may result in the withholding or disallowance of subaward payments on current or future Cal OES Grant Subawards and/or a reduction in funding or termination of the Grant Subaward and/or the denial of future funding. In the event the terms of the program are inconsistent with the provisions of this Subrecipient Handbook, the terms of the program supersede the provisions of this Subrecipient Handbook.

1320.1 Special Conditions

Special Conditions may be applied to an application before final Cal OES approval. Special Conditions are applied at Cal OES's discretion to modify the terms of the program or funding as defined in the RFP or RFA. Special Conditions may include, but are not limited to: a change to the fund source, fund amount, and/or the fund expiration date and/or a reduction to the liquidation period, etc. If a Special Condition is applied, it will be fully explained on a colored sheet of paper that is included in the Subrecipient's fully executed Grant Subaward. By signing the Grant Subaward, the Subrecipient agrees to the terms of the Special Condition.

1330 Supplanting Prohibited

Supplanting means to deliberately reduce the amount of federal, state, or local funds currently being appropriated to an existing program or activity, because a Cal OES Grant Subaward has also been awarded for the same purposes. When the Subrecipient replaces funds in this manner, it reduces the total amount that would have been available for the stated subaward purpose, and the substitution results in supplanting.

Cal OES funds should be used to supplement existing funds for program activities and not replace funds that have been appropriated for the same purpose. Supplanting is strictly prohibited for all Cal OES grant funds. However, if both state and federal funds are allocated for the same line item, state funds shall be expended first.

1340 Grant Subaward Changes

Changes made during the Grant Subaward year must be fully documented in accordance with the procedures described in this Subrecipient Handbook. Oral agreements are not binding.

1350 Proof of Authority¹

All Subrecipients, except for State Agencies, are required to obtain written authorization (e.g. a Resolution, Board Minutes, or a letter from the Board Chair)

¹ This section has been updated to clarify the requirement of a Resoultion/Board Minutes/Letter.

from the city council/governing board that the official executing the agreement is, in fact, authorized to do so and includes any amendments, extensions, thereof. Subrecipients must maintain this written authorization on file and make it available upon demand. Whenever possible, it is best to use the official's title rather than the person's name to avoid having to seek further authorization from the governing agency if the person named is transferred or leaves an agency/organization.

1400 FUND AVAILABILITY

Allocation of funds is contingent on the enactment of the state budget. Cal OES does not have the authority to disburse any funds until the budget is passed and the Grant Subaward is fully executed. Any expenditure incurred prior to authorization is made at the Subrecipient's own risk and may be disallowed. Cal OES employees are not able to authorize an applicant to incur expenses or financial obligations prior to the execution of a Grant Subaward. However, once the Grant Subaward is finalized the Grant Subrecipient may claim reimbursement for expenses incurred on, or subsequent to, the start of the Grant Subaward period.

If, during the term of the Grant Subaward, the state and/or federal funds appropriated for the purposes of the Grant Subaward are reduced or eliminated by the California Legislature or by the United States Government, or in the event revenues are not collected at the level appropriated, Cal OES may immediately terminate or reduce the Grant Subaward upon written notice to the project. No such termination or reduction shall apply to allowable costs already incurred by the project to the extent that state or federal funds are available for payment of such costs.

The Grant Subaward entered into with Cal OES is subject to any applicable restrictions, limitations, or conditions enacted by the California Legislature and/or the United States Government subsequent to execution of the Grant Subaward.

2000 FUNDING CATEGORIES AND POLICY

Projects are required to prepare a realistic and prudent budget that avoids unnecessary or unusual expenditures that detract from the accomplishment of the objectives and activities. The budget consists of three funding categories:

- a. Personal Services – Salaries/Employee Benefits;
- b. Operating Expenses; and
- c. Equipment.

Each funding category must be provided in line-item detail, including calculations, and a brief justification for the expense. Explanatory information included in the Budget Narrative does not eliminate the line-item detail requirements.

2100 PERSONAL SERVICES – SALARIES/EMPLOYEE BENEFITS

2110 Key Personnel

2111 Project Director

The Project Director has general administrative authority for implementing project activities and maintaining compliance with all programmatic, administrative, and fiscal requirements of the Grant Subaward.

The Project Director is responsible for:

- a. Ensuring that project monies expended or obligated are for allowable costs and are in compliance with the approved budget;
- b. Maintaining required documentation of project activities and accomplishments; and
- c. Signing the Report of Expenditures & Request For Funds (Cal OES Form 2-201), Grant Subaward Modifications (Cal OES Form 2-223), and Progress Reports where appropriate.

2112 Financial Officer

The Financial Officer oversees the actual receipts and payments of grant funds. The Financial Officer is responsible for:

- a. Maintaining proper accounting records;
- b. Signing the Report of Expenditures & Request For Funds (Cal OES Form 2-201), Grant Subaward Modifications (Cal OES Form 2-223), and Progress Reports where appropriate; and
- c. Ensuring the appropriate expenditure of subaward funds.

The Financial Officer must be someone other than the Project Director.

If the Auditor-Controller/City Auditor is designated as the Financial Officer in the Grant Subaward, the Auditor-Controller/City Auditor may not meet the independence standard to perform the audit of the Cal OES Grant Subaward (see Section 8110).

2113 Official Authorized to Sign for Project

This official is the person designated by the governing board (see Section 1350) to sign the Grant Subaward Face Sheet (Cal OES Form 2-101) and all amendments to the Grant Subaward. For information on Grant Subaward Amendments, see Section 7110. The official authorized to sign for the project is identified on the Grant Subaward Face Sheet and must sign the Certification of Assurance of Compliance (see Section 2150).

2114 Changes in Key Personnel

Any changes in key personnel, as identified in Sections 2110-2113, and the effective date of the change, must be reported immediately to Cal OES, in writing, by submitting a Grant Subaward Modification (Cal OES Form 2-223) and, if applicable, an updated Project Contact Information Sheet. If the change in key personnel is the Project Director or the Financial Officer, a revised Signature Authorization form must also be submitted. **Failure to submit these forms will result in the return of Grant Subaward documents and may cause significant delays in the Subrecipient's receipt of payment.**

2115 Signature Authority

This form must be signed by the Project Director and the Financial Officer as described in Sections 2110-2112. Subrecipients may also use this form to request signature authority in addition to the designated Project Director and/or Financial Officer. No single individual may be authorized to sign for both the Project Director and the Financial Officer.

If not previously authorized in the approved Grant Subaward, Subrecipients may request additional persons to sign for the Project Director and/or Financial Officer by submitting, for each such Grant Subaward, a revised Signature Authorization form and Project Contact Information sheet. This procedure is required for every year of operation and does not carry over to subsequent performance periods. **Failure to submit these forms will result in the return of Grant Subaward documents and may cause significant delays in the Subrecipient's receipt of payment.**

2120 Project-Specific Job Descriptions

Projects must have on file written project-specific job descriptions (as opposed to job specifications) for all positions funded by Cal OES, detailing specific subaward-related activities to achieve project objectives. These duty statements shall reflect specific subaward-related duties required by the objectives and activities of the funded program area and should not be the standard job classification description for this title of position within the agency.

Where applicable, project-specific job descriptions will also include a statement addressing the tracking of project activities and the maintenance of appropriate source documentation in support of data reported on Progress Reports.

2130 Personnel Policies²

Cal OES-funded projects must have written personnel policies that are available to all employees. Policies must include, at a minimum:

- a. Work hours;
- b. Compensation rates, including overtime, and benefits;
- c. Vacation, sick, and other leave allowances;
- d. Hiring and promotional policies;
- e. Drug free workplace policy;
- f. Code of conflict/conflict of interest policy;
- g. EEO Policy;
- h. Discrimination Policy;
- i. Harassment Policy;
- j. Discrimination & Harassment Compliant Procedures; and
- k. Limited English Proficiency Policy.

2131 Project Staffing and Operation

2131.2 Project staff must be hired and the project operational within 90 days of the approval date of the Grant Subaward, or the Subrecipient must submit a statement to Cal OES explaining the implementation delay. Upon review of the 90-day statement, Cal OES may choose to cancel the project or extend the implementation date of the project past the 90-day period.

2131.3 Project staff added to the Grant Subaward budget via an approved Grant Subaward Modification (Cal OES Form 2-223), should be hired within 90 days of the modification approval date. If project staff is not hired within 90 days, the Subrecipient must submit a statement to Cal OES explaining the delay.

2140 Conflict of Interest

Organizations must have a written code of standards of conduct governing the performance of their employees.

2140.1 Officials and employees of a Subrecipient must not participate in activities involving the use of grant funds where there is a financial interest or benefit:

² This section has been updated to include discrimination policies.

- a. To him or herself, immediate family, partners, organization (other than a public agency in which he or she is serving as an officer, director, trustee, partner, or employee); or
- b. To any person or organization with whom he or she is negotiating or has any arrangement concerning prospective employment.

2140.2 Officials and employees of a Subrecipient must avoid actions that result in, or create the appearance of:

- a. Using an official or grant-funded position for personal gain;
- b. Giving preferential treatment to a particular person or project;
- c. Losing independence or impartiality;
- d. Making a decision outside official channels; or
- e. Adversely affecting the confidence of the public in the integrity of the government or the program.

2140.3 Cal OES-funded projects shall not employ, enter into any contract, or engage in any activity or enterprise, with an Independent Contractor/Consultant currently under contract with Cal OES, or any current Cal OES employee, whether formal or informal, for pay or not for pay, which might result in a conflict of interest or the appearance of a conflict of interest.

Funded projects must submit written notification to Cal OES prior to employing, contracting, or engaging in any activity or enterprise with an Independent Contractor/Consultant currently under contract with Cal OES, or any current Cal OES employee. The notification should include a full description of the intended relationship between the project and the Independent Contractor/Consultant or employee. Cal OES Director, or his/her designee, shall review the written notification and determine whether a conflict of interest or the appearance of a conflict of interest exists.

2140.4 Purchase of Supplies

The project may use funds to purchase supplies or other goods (e.g., rent an office, secure insurance, and purchase office supplies) from a party in which the project employee or board member has a financial interest if all of the following criteria are met:

- a. The employee or board member who has a financial interest does not take part in the bidding or awarding process;
- b. The project is receiving the item at a lesser rate or there are additional benefits that would not have been available through an independent party;
- c. The purchase or transaction is approved by a quorum of the board and documented in the board minutes, and the board member who has a financial

interest abstained from voting; and

- d. The records that support b. must be retained by the project as specified in Section 11200 or as long as the supplies/goods or services are being used, whichever is longer.

2150 Certification of Assurance of Compliance (Cal OES Form 2-104, and 2-104 c-o)

Cal OES is required by law to obtain written certification of compliance. The Certification of Assurance of Compliance form is a binding affirmation that the Subrecipient will comply with the following regulations and restrictions:

- State and federal civil rights laws;
- Drug Free Workplace;
- California Environmental Quality Act;
- Federal grant fund requirements;
- Lobbying restrictions;
- Debarment and Suspension requirements; and
- Proof of Authority documentation from the city council/governing board.

This document becomes a part of the Cal OES Grant Subaward. Two individuals must sign the Certification of Assurance of Compliance (Cal OES Form 2-104). The designated individual authorized to sign the Grant Subaward (see Section 2113) and the individual granting that authority: the City/County Financial Officer, the City/County Manager, or the Governing Board Chair. The second signature is not required for State agencies.

2151 Equal Employment Opportunity (EEO) ³

It is the public policy of the State of California to promote equal employment opportunity (EEO) by prohibiting discrimination or harassment in employment because of race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age, sexual orientation, veteran and/or military status, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, and any other status protected by state or federal law

Cal OES, as well as Subrecipients and Contractors, will not discriminate in the delivery of services or benefits based on the previously identified situations. All contracts awarded by a Community Based Organization (CBO), and all construction contracts awarded by governmental entities in excess of \$10,000 are required to contain a provision requiring compliance with civil rights regulations (see Section 3600 regarding elements required in contracts).

³ This section has updated its protected classes.

2151.1 State and Federal Civil Rights Laws

Comprehensive state and federal civil rights regulations include the following directives:

- a. Prohibits discrimination or denial of benefits to persons who are under programs or activities receiving financial assistance from the State of California or the Federal Government;
- b. Mandates that qualified persons with disabilities will not be excluded from, denied benefits of, or discriminated against solely on the basis of their physical disability, mental disability, or medical condition under any program or activity receiving financial assistance from Cal OES;
- c. Mandates that all facilities used by Cal OES-funded programs shall be made reasonably accessible and usable by the physically handicapped;
- d. Provides that employers shall make reasonable accommodation for an employee or for an applicant with a known physical or mental disability, unless the employer can demonstrate that such accommodation would impose an undue hardship;
- e. Guarantees equal opportunity for individuals with disabilities in public and private sector services and employment;
- f. Mandates that all employers shall ensure a workplace free of sexual harassment; and
- g. Provides Family Care and Medical Leave and Pregnancy Disability Leave under the California Family Rights Act (CFRA).

2151.1.1 Additional Federal Regulations⁴

2151.1.2 Equal Employment Opportunity Plan (EEOP) Compliance Requirements⁵

An Equal Employment Opportunity Plan (EEOP) is a workforce report that some organizations must complete as a condition for receiving Justice Department funding authorized by the Omnibus Crime Control and Safe Streets Act of 1968, as well as the Victims of Crime Act. Subrecipients who have received funding under these Acts must comply with all the following EEOP requirements.

a. Certification Form Submission to Office of Civil Rights (OCR)

All Subrecipients, receiving federal funds, are required to complete the U.S. Department of Justice, Office of Justice Programs online Certification Form and resubmit annually. This form certifies whether or not the Subrecipient is required to submit an EEOP to the Office of Civil Rights, or if they are exempt. Please refer to the U.S. Department of Justice, [Office of Justice Programs website](#)

⁴ This section has been removed.

⁵ Section headers has been changed and the section has been updated with new compliance requirements.

(<https://ojp.gov/about/ocr/eeop.htm>) for details on submitting the online Certification form via their EEO Reporting Tool.

After accessing the EEO Reporting Tool, Subrecipients will add their organization's profile, update the user account, and then prepare the Certification form. Once the Certification form is prepared, the Subrecipient will need to e-sign, certify and submit to the Office of Civil Rights.

b. EEOP Utilization Report Submission Requirement to Office of Civil Rights (OCR)

Subrecipients are required to prepare, maintain and submit a current Equal Employment Opportunity Plan (EEOP)/Utilization Report to the Office of Civil Rights (OCR), Office of Justice Programs if **ALL** of the following criteria is met:

- The Subrecipient is a unit, an agency of state or local government, or a private business;
- The Subrecipient has 50 or more employees;
- The Subrecipient has received a single subaward of \$25,000 or more in federal funds

If the Subrecipient does not have a current EEOP, they must develop, implement, and submit one to the Office of Civil Rights (OCR) within 60 calendar days of the date the Cal OES Director signed the Grant Subaward Face Sheet (Cal OES Form 2-100).

c. EEOP/Utilization Report Submission – Exemption

Subrecipients may be exempt from the EEOP submission requirements if any of the following criteria is met:

- The Subrecipient is a CBO/nonprofit organization, a medical institution, educational institution, or an Indian Tribe; or
- The Subrecipient has less than 50 employees; or
- The Subrecipient received a single award less than \$25,000; or
- The Subrecipient receives State Funding only

Please note that Subrecipients who are exempt for the EEOP requirements are still responsible for all other EEO compliance obligations.

2151.1.3 Federal Funds of \$500,000 and Above⁶

2151.4 Subrecipients Exempt from EEOP Requirements⁶

2151.5 Requirements for Continuing EEOP Grants⁶

⁶ These sections have been removed.

2151.6 Additional Civil Rights and Non-Discrimination Compliance Requirements Subrecipients⁷

a. EEO Policy Statement

All Subrecipients must have an Equal Employment Opportunity Policy, job advertisement or employment application that states it does not discriminate in employment practices based on all current protected classes listed in section 2151.

b. Anti-Discrimination Policy

All Subrecipients must have an Anti-Discrimination Policy, statement, brochure or posting notifying program participants and beneficiaries that it does not discriminate in the delivery of services or benefits based on all current protected classes listed in section 2151.

c. Complaints & Grievances Policy

All Subrecipients must have written policies or procedures notifying employees, program participants and beneficiaries on how to file complaints and/or grievances alleging discrimination based on all current protected classes listed in section 2151. These policies and procedures should incorporate due process standards and provide for the prompt and equitable resolution of complaints. Additionally, the Subrecipient must designate an employee responsible to coordinate compliance with the prohibitions against discrimination.

d. Limited English Proficiency (LEP) Policy

All Subrecipients must take steps to provide meaningful access to its programs and activities to persons who have limited English proficiency (LEP), including but not limited to, a written language access policy, bilingual staff, telephone interpreter etc...

e. Findings of Discrimination

All Subrecipients are required to submit to the Office of Civil Rights (OCR) any adverse findings of discrimination against the Subrecipient based on any of the protected classes listed in section 2151, that are the result of a due process hearing conducted by a federal or state court or a federal or state administrative agency.

2151.7 EEO/Civil Rights Monitoring Responsibility⁸

During the Site Visit Performance Assessment, Cal OES staff will review the Subrecipients policies and ask questions related to their program to ensure the

⁷ Section headers has been changed and the section has been updated with new compliance requirements.

⁸ Section has been updated to reflect monitoring responsibility.

Subrecipients are in compliance with state and federal civil rights requirements. Reviewing the Subrecipients policies and completing a checklist.

2151.8 Subrecipient Responsibility⁹

Subrecipients acknowledge awareness of and the responsibility to comply with all EEO and Civil Rights requirements by signing the Grant Subaward Face Sheet (Cal OES Form 2-101), the Certification of Assurance of Compliance (Cal OES Form 2-104), and submitting the application to Cal OES. Failure to comply with these requirements may result in the delay or possible discontinuance of grant funds.

Additionally, all Subrecipients, regardless of the type of entity, the number of employees, or the amount awarded, are subject to the prohibitions against discrimination in any program or activity. Cal OES or OCR may require subrecipients, through selected site/monitoring visits, to submit their policies for review, to ensure their services are delivered in an equitable manner to all segments of the service population and to ensure their employment practices comply with state and federal civil rights laws.

2151.9 Additional Information¹⁰

EEO information and assistance is available by contacting the Cal OES EEO Office via email to granteecompliance@caloes.ca.gov. For additional information on the specific state and federal civil rights laws, view the State and Federal Civil Rights Laws form at www.caloes.ca.gov.

All applicants are encouraged to contact their Personnel/Human Resources/EEO Office for EEO assistance and information.

2152 Drug-Free Workplace Certification

2152.1 General

Through the enactment of Senate Bill 1120 (Chapter 1170, Statutes of 1990), the Drug-Free Workplace Act of 1990 (“the Act”) was established requiring Subrecipients to ensure Cal OES that they will comply with the requirements of Government Code Sections 8350-8357.

The Federal Drug-Free Workplace Act of 1988 (41 USC 701), was established requiring Subrecipients to ensure Cal OES that they will comply with the requirements of federal law as implemented in 28 CFR Part 67, Subpart F, Sections 615 and 620.

2152.2 Definitions

- a. “Drug-free workplace” means a site for the performance of work done in connection with a specific grant or contract described in Government Code Section 8355 of an entity at which employees of the entity are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession,

⁹ Section has been updated to clarify subrecipient responsibility.

¹⁰ Section updated with EEO contact information.

or use of a controlled substance in accordance with the requirements of this chapter.

- b. "Employee" means the employee of a Subrecipient or contractor directly engaged in the performance of work pursuant to the grant or contract described in Government Code Section 8355.
- c. "Controlled substance" means a controlled substance in Schedules I through V of Section 202 of the Controlled Substance Act (21 USC §812).
- d. "Subrecipient" means the department, division, or other unit of an organization responsible for the performance under the grant.
- e. "Contractor" means the department, division, or other unit of a person or organization responsible for the performance under the contract.

2152.3 Requisites for Certification to Cal OES

Every person or organization awarded a contract or a Grant Subaward from Cal OES for the procurement of any property or services shall certify that it will provide a drug-free workplace by doing all of the following:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required in Government Code Section 8355 Subdivision (a).
- b. Establishing a Drug-Free Awareness Program as required by Government Code Section 8355, Subdivision (b), to inform employees about all of the following:
 - 1. The dangers of drug abuse in the workplace;
 - 2. The organization's policy of maintaining a drug-free workplace;
 - 3. Any available counseling, rehabilitation, and employee assistance programs; and
 - 4. Penalties that may be imposed upon employees for drug abuse violations.
- c. Providing, as required by Government Code Section 8355, Subdivision (c), that every employee who works on the proposed Grant Subaward (a sample Drug Free Workplace Policy is available in the Forms/Additional Tools section of our website):
 - 1. Will receive a copy of the company's drug-free policy statement; and
 - 2. Will agree to abide by the terms of the company's statement as a condition of employment on the contract or Grant Subaward.

- d. Notifying the employee in the statement required that, as a condition of employment under the Grant Subaward, the employee will:
1. Abide by the terms of the statement;
 2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction; and
 3. Notify Cal OES in writing, within ten (10) calendar days after receiving notice as required above from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide written notice, including position, and title to both Cal OES and to the Department of Justice at:

U.S. Department of Justice
Office of Justice Programs
ATTN: Control Desk
810 7th Street, NW
Washington, D.C. 20531

Notice shall include the identification number(s) of each affected Grant Subaward.

- e. Take one of the following actions, within 30 calendar days of receiving notice, with respect to any employee who is so convicted:
1. Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 2. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- f. Make a good faith effort to continue to maintain a drug-free workplace through implementation of the above requirement.

2152.5 Termination of Contract or Grant Subaward; List of Canceled Awards

2152.5.1 A determination of noncompliance may jeopardize eligibility for continued grant funding. Each contract or Grant Subaward may be subject to suspension of payments or termination of the contract or grant, or both, and the Contractor or Subrecipient may be subject to debarment, in accordance with the requirements of California Government Code Section 8356, if Cal OES determines that either of the following has occurred:

- a. The Contractor or Subrecipient has made a false certification under California Government Code Section 8355; or

- b. The Contractor or Subrecipient violates the certification by failing to carry out the requirements of subdivisions (a) to (c), inclusive, of California Government Code Section 8355.

2152.5.2 The Department of General Services shall establish and maintain a list of individuals and organizations whose contracts or grants have been canceled due to failure to comply with these provisions.

2153 Environmental Impact – California Environmental Quality Act (CEQA) Compliance¹¹

Subrecipients must certify that their project is in compliance with Public Resources Code 21000 *et seq.* (the California Environmental Quality Act or CEQA). CEQA may require the preparation of an environmental document by the Subrecipient prior to commencing the project or program. Subrecipients should contact their legal counsel and/or the department or agency within their jurisdiction responsible for CEQA compliance for further information about the applicability of CEQA to their project.

By signing the Certification of Assurance of Compliance (Cal OES Form 2-104), Subrecipient agencies certify that they have completed and maintain on file the appropriate CEQA compliance documentation as follows:

State Governmental Agencies certify that:

- They have adopted or certified the completion of an environmental impact report that complies with the requirements of CEQA; or
- They have filed a Notice of Exemption with the State of California - Office of Planning & Research. The Notice of Exemption must include:
 1. A brief project description
 2. Finding that the project is exempt from CEQA, including a citation to the relevant statute or guidelines section (i.e., Categorical Exemption pursuant to 14 CCR 15300)
 3. A brief statement of reasons to support the findings

Local Governmental Agencies certify that:

- They have adopted or certified the completion of an environmental impact report that complies with the requirements of CEQA; or
- They have filed a Notice of Exemption with the County Clerk for the county in which the project is located. The Notice of Exemption must include:
 1. A brief project description
 2. Finding that the project is exempt from CEQA, including a citation to the relevant statute or guidelines section (i.e., Categorical Exemption pursuant to 14 CCR 15300)

¹¹ Updated to provide clarification on the CEQA requirements for State and Local Government and Non-Profit Organizations.

3. A brief statement of reasons to support the findings

Non-Profit Organizations certify that:

- Have adopted or certified an environmental document for the project that complies with the requirements of CEQA; or
- They have prepared a Negative Declaration letter.

Once a certification is completed/obtained by a Subrecipient agency, an updated certification will only be required if the project engages in construction activities, clearing or grading of land or existing structures, and/or changes to objectives or activities that may negatively affect the environment. All CEQA documents must be kept on file and available upon request.

2154 Lobbying

Cal OES grant funds shall not be used for the purposes of lobbying, as required by Section 1352, Title 31 of the U.S. Code, and implemented as 28 CFR Part 69. This prohibition may be applied to both federal and state-funded grants (see Section 2242). Any expenditure or use of funds, grant property, or grant-funded positions for any lobbying activities are disallowed costs. By signing the Certification of Assurance of Compliance form (Cal OES Form 2-104), the applicant certifies adherence with this requirement.

2155 Suspension and Debarment

It is the policy of the Federal Government to conduct business only with responsible persons, and a system for debarment and suspension from programs and activities involving federal financial and non-financial assistance and benefits assist agencies in carrying out this policy. Debarment or suspension of a participant by one agency has government-wide effect.

Applicants receiving federal funds must certify that they will adhere to Federal Executive Order 12549, Debarment and Suspension. By signing the Certification of Assurance of Compliance forms (Cal OES Form 2-104), the applicant certifies that neither the applicant nor its principals have been suspended or debarred from participation in federal grants. The applicant also agrees that it will not make any award, subaward, or enter into any contract greater than \$35,000 with parties that are debarred, suspended, or otherwise excluded or ineligible for participation in Federal programs or activities. The Cal OES Form 2-104 outlines the grounds for debarment and suspension.

2155.1 Verification of Vendor/Contractor Eligibility

Prior to entering into contracts or procurements greater than \$35,000, Subrecipients must either obtain a self-certification statement from the vendor/contractor indicating they or their principals are not suspended or debarred, or verify their eligibility to participate in federal awards via the federal Excluded Parties List System (EPLS).

a. Self-Certification:

The self-certification statement should contain language certifying that neither

the organization nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in the transaction by any federal department or agency.

b. EPLS Verification:

Verification of eligibility of prospective vendors/contractors may be obtained via the federal System for Award Management (SAM) website at www.sam.gov. It is suggested that a screen shot of the negative results page be kept with the procurement/contract records to support eligibility verification occurred prior to entering into the transaction.

2160 Fidelity Bond

2160.1 Definition

Fidelity Bonds guarantee the bonded employee(s) will handle money and property honestly. The purpose of the Fidelity Bond requirement is to protect public funds by assuring reimbursement to Cal OES if grant funds are stolen or otherwise misappropriated by officials and/or employees.

2161 Requirements and Exemptions

Community Based Organizations (CBOs) and American Indian Organizations are required to obtain a Fidelity Bond or an equivalent employee dishonesty insurance contract. General liability insurance does not fulfill this requirement. Projects operated by state, city or county units of government are exempt. CBOs sponsored by state or local units of government may submit documentation indicating sponsorship in lieu of the bond unless it was specifically required in the terms of the program.

2161.1 Amount of Coverage

The Fidelity Bond must be issued in an amount equal to 50 percent of the total of all Cal OES Grant Subawards, including any augmentations, less matching funds. The Fidelity Bond may have a deductible in an amount not to exceed one percent of the bond.

In the event of a subaward augmentation, the bond must be increased to cover 50 percent of the increase of funds. The Subrecipient must submit certification of increased coverage to their Cal OES Program Specialist within 30 calendar days of the approval.

2161.2 Type of Coverage

The Fidelity Bond must include Employee Dishonesty and Forgery Coverage. The Fidelity Bond must provide blanket coverage of all employees; a Schedule Bond is not acceptable.

2161.3 Bond Period

The bond period must be at least one year, which includes either the start date or end date of the Grant Subaward. If the Fidelity Bond expires prior to the end date of

the Grant Subaward, including any extension, a new Fidelity Bond must be obtained and submitted to Cal OES prior to the expiration date.

2161.4 Beneficiary/Certificate Holder

The certificate holder or first loss payee must be the “State of California, Office of Emergency Services”. In addition, the name of each Grant Subaward program covered must be included.

2161.5 Certificate of Insurance¹²

A certificate of insurance must be submitted to the Cal OES Program Specialist within 60 days of entering into a signed Grant Subaward. Failure to comply with this requirement may result in a hold being placed on the subaward, and/or termination of the Grant Subaward. The following must be indicated on the certificate:

- a. Bonding company name;
- b. Bond number;
- c. Description of coverage;
- d. Amount of coverage;
- e. Bond period;
- f. Certificate holder;
- g. Name of Grant Program and Subaward number covered by the policy; and
- h. Include Employee Dishonesty and Forgery Coverage.

2170 Allowable Costs for Personnel

2171 General

2171.1 Salaries are fixed compensation for services performed by employees of the Subrecipient and are paid on a regular basis. These costs must be identified by position and percentage of salaries and rounded off to the nearest whole dollar. All others are to be shown in the Operating Expenses Category supported by contract or operational agreement.

2171.2 Employee benefits and employer payroll taxes include employer’s contributions or expenses for social security, employee’s life and health insurance plans, unemployment insurance, pension plans, and other similar expenses that are approved by Cal OES. These expenses are allowable when they are included in the Grant Subaward budget and are in accordance with the organization’s approved written policies.

2171.3 Employee benefits in the form of regular compensation (normal pay) paid to employees during periods of authorized absences from the job for paid leave are

¹² Added new requirement, which must be on the certificate of insurance.

allowable if: (1) they are provided pursuant to an approved leave system; (2) the costs are equitably allocated to all related activities (claimed in proportion to the time spent by the employee working on the subaward); and (3) the costs adhere to the state limitations noted below:

- a. Jury duty costs claimed on the Report of Expenditures and Request for Funds(Cal OES Form 2-201), must be reduced by any jury duty fees received, excluding travel costs; and
- b. Paid leave (e.g., military leave, medical leave, administrative leave, or workman's compensation) must not exceed 30 calendar days per 12 month period.

2171.4 When a Subrecipient is unable to obtain benefits, such as a health insurance plan due to the size of the organization, reimbursement payments to employees for such benefits may be allowed. Reimbursement payments must be disclosed in the Grant Subaward budget approved in the Subrecipient's written personnel policies and supported by paid invoices submitted by the employees.

2171.5 When a grant employee is placed on administrative leave (in accordance with the organization's approved written policies), a portion of that employee's salary paid during the administrative leave may be charged to the Grant Subaward as personal services. The portion of the administrative leave costs that may be charged is based on the percentage of that employee's salary approved in the Grant Subaward budget.

2171.6 Salary costs include vacation, sick leave, and compensating time off earned and used during the performance period. Overtime and shift differentials are also salary costs. All of these costs should be budgeted and claimed as personal services.

2171.6.1 Overtime

Overtime is defined as time worked beyond the normal established work week for all employees except those considered exempt under the Fair Labor Standards Act (e.g., executive, administrative, and/or professional staff). Overtime is reimbursable at a higher than normal rate of pay.

Overtime must be documented by payroll records that reflect at a minimum:

- a. The name and title of the person performing the overtime and a supervisor's prior approval;
- b. The hours worked and the amount of overtime;
- c. The basis for the overtime and the activities performed during overtime; and
- d. The hourly rate of overtime.

2171.7 With the exception of a separation from the project, Cal OES funds may be charged as leave time (vacation, sick, family leave, compensating time off) only when the time is earned and used during the Cal OES grant funding cycle (refer to the

Glossary of Terms in Section 14000 for a definition). Balances accrued during the funding cycle, but not used, cannot be claimed on the Cal OES Form 2-201, unless a separation is involved. The leave costs claimed must be proportional to the amount of time spent by the employee working on the Cal OES project [e.g., if the employee is 50 percent Cal OES funded, Cal OES will be charged only 50 percent of eight hours of vacation earned, or four hours].

2171.8 As cited above, the only exception for claiming unused leave balances is when an employee separates from employment from the project. Cal OES funds then may be used to pay the employee separating from the project that portion of the leave balances earned during the Cal OES funding cycle. The portion of the leave balances earned during any non-Cal OES funded period must be paid by another source. In addition, Cal OES funds should pay only for a proportional amount of the leave balances earned during the Cal OES funding cycle, based on the percentage of time the employee worked on the Cal OES Grant Subaward. For example, if the separating employee worked 50 percent of the time on the Cal OES Grant Subaward, the Cal OES Grant Subaward should pay only 50 percent of the vacation earned and not used by the employee. If the total hours of vacation earned during the Cal OES-funded period and not used were 40, then the total hours that can be claimed against the Cal OES Grant Subaward are 20.

2172 Provisions Regarding Allowable Compensation for Personnel

Costs for salaries and benefits of personnel involved in more than one Grant Subaward or program of the organization must be charged to each Grant Subaward (or funding source of the program) based on the actual percentage of time spent on each Grant Subaward or program. The annualized actual percentage charged for a particular position (e.g., Project Director) cannot exceed the annual percentage approved in the Cal OES Grant Subaward without prior approval. Similarly, the dollar amount charged for a particular position also must not exceed the dollar amount in the approved Grant Subaward or subsequent Grant Subaward Modification.

Functional timesheets and a cost allocation plan must be maintained which support the time charged to Cal OES Grant Subawards (see Section 11331 for guidelines for creating a Functional Timesheet, contact the Program Specialist for examples that may be used to assist in the development of an appropriate time reporting tool). See also Section 2185 for guidelines regarding the elements of a written Cost Allocation Plan.

Example A

The Cal OES Grant Subaward budget allows 100 percent of salaries and benefits for the Project Director. During the performance period, the agency received grant funds from another funding source for a different grant, which is also administered by the same Project Director. In this situation, the Subrecipient must account for the actual time the Project Director spends on each of the separate grants. Because the project has more than one grant, the Project Director is obviously no longer spending 100 percent of his/her time on the single Cal OES Grant Subaward. Although the Cal OES Grant Subawards allows the Subrecipient to charge up to 100 percent of the Project Director's salary, the Subrecipient may only charge Cal OES the ACTUAL time spent by the Project Director on the Cal OES grant. If the actual amount of the time the Project Director spends on the Cal OES Grant Subaward is 25 percent, then only 25 percent of the budgeted amount can be charged to the Cal OES Grant Subaward and claimed for reimbursement on the Cal OES 201. Salary allocation changes require the submission and prior approval of a Grant Subaward Modification (Cal OES Form 2-223), exceeding 20 percent of approved budget.

Example B

The Cal OES Grant Subaward budgets 20 percent of salaries and benefits for the Program Specialist. During the performance period the actual time spent by the Program Specialist amounts to 50 percent of actual hours charged, Cal OES can only be charged 20 percent of the salaries and benefits amount listed in the approved Grant Subaward for the Program Specialist until such time as a Grant Subaward Modification (Cal OES Form 2-223) is approved. If the Program Specialist had actually spent only ten percent of his/her time on a single Cal OES program, and 20 percent was what was actually budgeted, Cal OES can only be charged ten percent of the salaries and benefits amount for the Program Specialist. A Grant Subaward Modification (Cal OES Form 2-223) must be submitted for approval of any allocation changes, exceeding 20 percent of approved budget.

2173 Indirect Costs (IC) or Facilities and Administration (F&A) Costs

Subrecipients may elect to charge administrative positions as a direct charge to personal services, and/or as part of IC or F&A costs. The direct method is explained within this section. If the indirect method is chosen, refer to Section 2188, which describes how indirect costs and other groupings of costs (cost pools), can be allocated to the Grant Subaward. Section 2185 outlines the elements of a written Cost Allocation Plan.

2174 Personnel Changes¹³

Personnel allocations exceeding a 20 percent change or if a change requires a transfer of funds from one budget category to another, a Grant Subaward Modification (Cal OES Form 2-223) is required.

During the Grant Subaward performance period, the Subrecipient may not add, remove, or change line items to/from the Personal Services/Benefits category without prior Cal OES approval. The items added must be allowable expenses programmatically. The organization's Cost Allocation Plan may also require revision to reflect budget changes and to bring the allocation of costs in alignment with current expenditures (see Section 2186).

2180 Indirect Cost Rate Proposal (ICRP)

2181 Description

Indirect costs are shared costs that cannot be directly assigned to a particular activity, but are necessary to the operation of the organization and the performance of the Grant Subaward project. The costs of operating and maintaining facilities, accounting services, and administrative salaries are examples of indirect costs.

Such costs can be charged to a grant through the use of an Indirect Cost Rate Proposal (ICRP). The ICRP is submitted to the Subrecipient's cognizant federal agency and when approved, establishes an Indirect Cost Rate (ICR) that may be used for claiming shared costs.

2182 Resources for Developing an Indirect Cost Rate Proposal or Cost Allocation Plan

Subrecipients preparing a Cost Allocation Plan or ICRP should review the following federal publications that are pertinent to their type of organization:

- a. 2 CFR Part 200 Appendix V – State/Local Government wide Central Service Cost Allocation Plan;
- b. 2 CFR Part 200 Appendix VII – States and Local Government and Indian Tribe Indirect Cost Proposals; and
- c. 2 CFR Part 200 Appendix IV – Indirect Costs Identification and Assignment, and Rate Determination of Nonprofit Organizations.

The publications discussed above are available at the [2CFR Part 200 Website](#):

https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

¹³ Language updated to clarify when modification required for personnel changes.

2183 Developing a Cost Allocation Plan to Support Modified Total Direct Costs

Projects with more than one funding source and/or more than one program with or without an approved ICR from their cognizant federal agency must maintain a written allocation plan that identifies and distributes allowable direct and direct-shared costs.

The allocation plan (narrative, worksheet reflecting the percentage of distribution to each funding source, and methodology for distribution) must be prepared and maintained to explain and support the method used and the distribution of direct-shared costs. The limitations on charging indirect costs to the Grant Subaward as stated in Section 2188 apply.

The detailed allocation plan discussed above must be maintained for audit purposes. The basis of allocation of administrative overhead salaries and direct-shared costs must be reviewed and adjusted, if needed, during the term of the Grant Subaward. A Grant Subaward Modification (Cal OES Form 2-223) must be submitted to notify Cal OES of any changes.

2185 Documenting the Cost Allocation Plan

Projects must maintain the documentation used in establishing the allocation plan. This includes the timesheets, calculations of hours, and percentages used to distribute indirect costs, and evidence that the plan has been approved by the board or governing agency.

Written allocation plans must include the following elements:

- a. Organization chart that identifies each department, and incumbent staff;
- b. A narrative describing the types of services provided by the organization and each department or unit within the organization;
- c. A narrative that identifies all direct costs (costs that directly benefit a program) and all pooled costs (costs grouped together for allocation), including direct-shared (direct program expenses shared among two or more programs), and indirect costs (costs that are necessary for the operation of the organization, but that are not easily assignable to any one specific program), along with a description of the allocation basis used for each of these costs. The narrative must also address how unallowable costs are funded;
- d. A spreadsheet showing the organization's line-item budget along with all sources and amounts of funding. The allocation of costs for each budget line item must be shown by both percentage and dollar amount being allocated. Unallowable costs must be included and allocated a share of the indirect costs; and
- e. Certification by the board or approving authority that the plan has been prepared in accordance with federal and state regulations, along with the date of approval.

2186 Revising the Allocation Plan

The allocation plan must be reviewed, at a minimum, during each Grant Subaward to determine whether the percentages of allocation are still accurate.

If the project acquires additional Grant Subawards or has a reduction in funding sources, the allocation plan must be reviewed to determine whether the percentages charged to the grant/funding sources need to be revised. If the allocation percentages have changed, the project must submit a Grant Subaward Modification (Cal OES Form 2-223), to make any necessary budget revisions.

2188 Indirect Cost Rates

Indirect costs cannot be directly assigned to a particular Grant Subaward activity, but are necessary to the operation of the organization and the performance of the Grant Subaward project. Indirect costs include operating and maintaining facilities, accounting services, and administrative salaries.

- a. Subrecipients do not have to budget for indirect costs.
- b. Subrecipients that budget for indirect costs:
 - must use their approved Indirect Cost Rate (ICR) and base that has been established by the Subrecipient's cognizant federal agency (Cal OES will not act as a cognizant agency); or
 - for subrecipients who have never had an approved ICR, they can use an amount up to the ten percent de minimis rate of the Subrecipient's Modified Total Direct Costs (MTDC) base. The MTDC includes the cost of salaries, wages and benefits of personnel that work directly on the project, and other operational costs that are directly related to the project. The MTDC base cannot include any distorting costs such as equipment, rent, capital expenditures, or any Subawards beyond the first \$25,000 or in-kind match.

Subrecipients, who request Cal OES funds for indirect costs, must provide a method of calculation that shows what direct costs were used to calculate their indirect budgeted amount. The Subrecipient can then charge up to that budgeted amount on the subaward. Amounts may be rounded to the nearest dollar.

2189 Records

Projects must have on file the formal Indirect Cost Rate Proposal (ICRP) or a Cost Allocation Plan, which demonstrates how the indirect cost rate was established and any necessary approval. The ICRP or Cost Allocation Plan must clearly indicate that line items charged to a direct cost category (e.g., "postage") are not included in the indirect cost category. All costs included in the plan must be supported by accounting records (e.g., invoices, purchase orders, canceled checks, or other records supporting payments) which show the actual expense.

2200 OPERATING EXPENSES

2210 General

Allowable operating expenses are defined as necessary expenditures exclusive of personnel salaries, benefits, and equipment. Such expenses may include specific items directly charged to the project, and in some cases, an indirect cost allowance. The expenses must be grant-related (i.e., to further the program objectives as defined in the Grant Subaward) and be incurred (realized) during the performance period. Cal OES reserves the right to make the final determination if an operating expense is allowable and necessary. All charges must be clearly documented and rounded off to the nearest whole dollar.

During the Grant Subaward performance period, individual line items within the operating expense category may vary from budgeted amounts without prior Cal OES approval as long as the total amount budgeted in the category remains the same. This does not apply to Independent Contractor/Consultant or contract services.

A Grant Subaward Modification (Cal OES Form 2-223) must be submitted to increase/decrease the most recently approved budget category amount (see Section 7500).

2230 Allowable Expense Items

A project may, unless otherwise prohibited, include the following expenses under the operating expenses category:

- Answering service fees;
- Bank service charges and check printing fees;
- Computer with an acquisition cost of \$4,999 or less;
- Computer equipment rentals;
- Confidential expenditures (e.g., asset forfeiture and sting operations);
- Conferences, seminars, workshops, and training;
- Independent Contractor/Consultant services;
- Equipment service and maintenance agreements (including those for computers);
- Facilities Costs;
- Film or videotape (film or videotape with an acquisition cost of more than \$5,000 per unit and a useful life of more than one year must be charged in the equipment category);
- Financial audit allowances;
- Furniture and office equipment with an acquisition cost of \$4,999 or less per unit;
- Insurance, e.g., vehicle, fire, bonding, theft, and liability (to include malpractice and board liability);
- Internet access;
- Janitorial services;
- Moving expenses;
- Office supplies;
- Office space;

- Postage;
- Printing;
- Rental or lease of equipment;
- Research forms;
- Software (if not part of a computer package);
- Storage space for evidence;
- Subscriptions;
- Telephone (telephones with an acquisition cost of more than \$5,000 per unit and a useful life of more than one year must be charged in the equipment category);
- Training materials;
- Travel and per diem;
- Utilities;
- Vehicle maintenance; and
- Witness protection fees.

If an item is not listed, consult the terms of the program to determine if the expense is allowable.

2230.1 Provisions Regarding Allowable Operating Expenses

Operating expenses which cannot be directly charged to a specific project or funding source, such as expenses related to a copier, utilities or janitorial service, must be prorated on the basis of percentage of usage or other reasonable job-costing basis. An allocation plan must be prepared to determine how such operating expenses should be allocated. Schedules of the methods used to allocate such operating expense must be maintained for audit purposes.

The basis of allocating operating expenses must be reviewed and adjusted accordingly by the Subrecipient on a periodic basis.

Payments made for certain types of expenses which apply to long periods of time also become allocated expenses. For example, the Subrecipient pays for an insurance policy with a term of one year (November 1, 2003, to October 31, 2004), and the performance period (July 2004 to June 2005) includes four months of this one-year period. The Subrecipient then may allocate one-third (four months) of the insurance costs to the Grant Subaward.

2231 Confidential Expenditures

Confidential expenditures are only allowable for grants to state and local law enforcement agencies that use grant personnel working in an undercover capacity, unless otherwise specifically authorized in the terms of the program.

2231.1 Requests for Approval

If not previously authorized in the approved Grant Subaward, confidential expenditures may be requested using a Grant Subaward Modification (Cal OES Form 2-223) and must be approved prior to any expenditures. The criteria for confidential expenditures are in the terms of the program.

2232 Facility Rental¹⁴

Office space, charged to the Grant Subaward, cannot exceed 125 square feet per full-time employee. Space for files, meetings, mail, supplies, and reproduction may also be charged to the Grant Subaward if previously approved. Space for part-time employees must be prorated. For the purpose of this section, the term “employee” includes documented volunteers.

Facility rental costs per square foot must be based on actual rent paid, not to exceed \$21 per square foot annually (\$1.75 per square foot per month). If the rental cost for office space exceeds these rates, it must be consistent with the prevailing rate in the local area. Exceptions to this rate and/or square footage must have prior approval by Cal OES and requires appropriate justification.

Rental costs may not be charged to the subaward if the Subrecipient owns the building or has a financial interest in the property.

2232.1 Rental Space for Training, Shelter, Counseling Rooms, and Other Required Space

Rental space for training, individual or group counseling rooms may also be charged to the Grant Subaward if authorized in the terms of the program, and providing the rental space charged is based on actual costs to the Subrecipient and not reimbursed by any other source.

If other required space, such as a storage or evidence room is allowed in the terms of the program, the Subrecipient must provide justification for charging the costs to the Grant Subaward. Such justification must address the cost and need for the space, how it benefits the project’s objectives, and explain why the agency cannot provide the space at no cost to the grant.

2232.2 Donated Space¹⁵

A Subrecipient can claim office space used in a program as in-kind match when the space has been donated, except if the Subrecipient owns the space outright or via mortgage.

The value claimed for donated space cannot exceed the monetary value of what would normally be charged for the space in that geographical area and cannot exceed the square footage allowances as established in Section 2232.

There must be documentation on file that explains and supports the way the value for the match is determined.

2232.3 Moving Expenses

Projects may budget for moving expenses as long as such expenses are reasonable and related to the accomplishment of Grant Subaward objectives. For

¹⁴ This section has been updated to clarify what cannot be charged as Facility Rental Costs.

¹⁵ This section has been updated to clarify what cannot be charged as donated space.

example, a project may claim moving expenses if the project site is being relocated to another site and it is necessary to relocate Cal OES-funded supplies, office equipment, etc. to the new site. Moving expenses may not be charged to the Grant Subaward for transporting personal belongings of staff nor may staff relocation expenses be charged to the Grant Subaward for costs associated with the project move. Further, projects may not use Cal OES grant funds to pay for relocation expenses associated with the hiring of new staff.

If the project is one of many components of a larger organization, the project may only charge the prorated share of expenses proportionate to the Cal OES-funded project's percentage of the organization's total overall budget.

2233 Rented or Leased Equipment

An explanation and cost analysis must be submitted if equipment, budgeted in the operating expenses or equipment category, is to be rented or leased. This written analysis must demonstrate how it is more cost effective to rent or lease the equipment rather than purchase it (see Lease/Purchase Analysis).

The project must receive approval from Cal OES prior to the execution of any rental or lease agreement. If the request was not previously authorized in the approved Grant Subaward, attach the analysis to a completed Grant Subaward Modification (Cal OES Form 2-223).

2234 Audit Costs

Grant-funded projects may budget audit costs up to certain amounts (see Sections 8150 through 8154).

2235 Petty Cash Victim Fund

Victim service projects may budget up to two percent of the total project cost for a Petty Cash Victim Fund.

2235.1 Petty Cash Victim Fund Defined

Petty cash is a small amount of discretionary funds in the form of cash used for disbursements for unforeseen financial intervention paid directly to the victim. This does not prohibit Subrecipients from budgeting for other anticipated direct financial assistance for the victims (i.e., direct payments to vendors, transportation or hotel vouchers, gift cards, etc.).

2235.2 Petty Cash Victim Fund Accountability Procedures

Due to the nature of the Petty Cash Victim Fund, cash need to be easily accessible. It is also necessary, however, that safeguards and accountability of the funds be maintained. For effective management and audit purposes, the following procedures must be followed:

- a. The Petty Cash Victim Fund and the regular grant allocation funds must be kept separate, each with its own account within the general ledger;

- b. The authority to disburse funds to victims from the Petty Cash Victim Fund rests with the Project Director and Financial Officer or those identified on the Signature Authorization Form (Cal OES 2-103);
- c. The name and signature of the victim and the employee disbursing the fund must be maintained, as well as the date, amount, and reason for the request; and
- d. The project must set a limit on the amount of cash disbursements that can be made to a victim (cash disbursements must be specified on Cal OES Form 2-153).

If not previously authorized in the approved Grant Subaward, Subrecipients may request Petty Cash Victim Fund by submitting a Petty Cash Victim Fund Procedure form attached to a Grant Subaward Modification (Cal OES Form 2-223).

2236 Travel and Per Diem

2236.1 General

Travel is usually warranted when personal contact by the employee is the most appropriate method of conducting project-related business. The most economical method of transportation, in terms of direct expenses to the project and the employee's time away from the project, must be used.

Projects are required to include sufficient per diem and travel allocations for project-related personnel, as outlined in the Grant Subaward, to attend the mandated Cal OES training conferences or workshops outlined in the terms of the program.

2236.1.1 Out-of-State Travel

Out-of-state travel is restricted and only allowed in exceptional situations. Subrecipients must receive Cal OES approval prior to incurring expenses for out-of-state travel. If not previously authorized in the approved Grant Subaward, Subrecipients may request approval for out-of-state travel by submitting an Out-of-State Travel Request (Cal OES Form 2-158) attached to a completed Grant Subaward Modification (Cal OES Form 2-223).

2236.2 Travel and Per Diem Policies¹⁶

The following information details the State Travel Policy.

MILEAGE

When the Subrecipient utilizes a privately owned vehicle on project-related business, a maximum of 58 cents per mile from January 1, 2019 – December 31, 2019 is allowed at this time. Subrecipients may verify the currently approved State-approved mileage rates at [CalHR's Travel Website](http://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx):

<http://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>

¹⁶ This section has been updated to reflect the current State Travel Policy.

MEALS AND INCIDENTALS (\$46 Per Diem)

Breakfast – \$7.00 may be claimed when travel commences at or prior to 6:00 a.m. Breakfast may be claimed on the last fractional day of a trip of more than 24 hours if travel terminates at or after 8:00 a.m.

Lunch – \$11.00 may not be claimed for travel less than 24 hours. Lunch may be claimed if the trip begins at or before 11:00 a.m. and may be claimed on the last fractional day of a trip of more than 24 hours if the travel terminates at or after 2:00 p.m.

Dinner – \$23.00 may be claimed if the trip begins at or before 5:00 p.m. Dinner may be claimed when travel terminates at or after 7:00 p.m., whether on a one-day trip or on the last day of a trip of more than 24 hours.

Incidentals – \$5.00 may be claimed for trips of 24 hours or more.

LODGING RATES (with receipts)

Actual lodging expense up to the rate specified below:

- Statewide (excluding counties identified below): \$90.00, plus tax
- Napa, Riverside, and Sacramento Counties: \$95.00, plus tax
- Marin County: \$110.00, plus tax
- Los Angeles, Orange, Ventura Counties and Edwards AFB, excluding the City of Santa Monica: \$120.00, plus tax
- Monterey and San Diego Counties: \$125.00, plus tax
- Alameda, San Mateo, and Santa Clara Counties: \$140.00, plus tax
- City of Santa Monica: \$150.00, plus tax
- City & County of San Francisco: \$250.00, plus tax.

Excess lodging costs are restricted and only allowed in exceptional situations. Subrecipients must justify the need and receive prior written approval from Cal OES before incurring expenses for excess lodging costs.

OTHER

Taxi, airport shuttle, etc. which exceeds \$3.50 must be supported by receipt. Parking in excess of \$10.00 must be supported by receipt.

2236.2.1 Units of Government

Units of government must follow either their own written travel and per diem policy or the state's policy. Units of government that plan to use cars from a state, county, city, district car pool, or garage may budget either the mileage rate established by the car pool or garage, or the state mileage rate, not to exceed the loaning agency rate.

2236.2.2 Community-Based Organization (CBO)¹⁷

A CBO receiving Cal OES funds should use the state travel and per diem policy. The Subrecipient's written travel policy may be used only if the Subrecipient's travel policy is more restrictive than the State's. Subrecipients must receive Cal OES approval prior to incurring expenses for lodging in excess of the approved lodging rates shown in Section 2236.2.

2236.3.1 Private Vehicles

Reimbursement is allowed for the cost of project-related personnel operating privately owned vehicles on project-related business if authorized by the Project Director or designee.

2236.3.2 Commercial Automobile Rental

The actual reasonable cost of commercial automobile rental is allowed when appropriate under the terms of the Grant Subaward. Premium rental rates, extra charges for luxury items, and the damage/deductible waiver are not allowable costs.

2236.3.3 Business Expenses

Business expenses for employees on travel status consisting of charges for business phone calls and other appropriate charges necessary to the completion of official business are reimbursable.

2236.4 Travel Claims

Documentation of travel indicating times of departure and return, destinations, and costs, must be maintained to support subsistence allowance (per diem) claims. Mileage logs and receipt vouchers for commercial transportation fares and other expenses must support claims for reimbursable expenses.

2237 Consultant Services

Consultant services are allowable expenses (see Section 3700).

2237.1 Operational Agreements

Any funds transferred from the Subrecipient to any community-based organization, or government agency for the collaborative implementation of the project is considered Operating Expenses. This includes personnel services provided by personnel employed by an organization identified in an Operational Agreement (OA) and/or Memorandum of Understanding (MOU) (see Section 4000). All allowable and non-allowable costs for these salaried employees of an agency identified in an OA are the same as those of employees of the applicant (see Section 2170).

2237.2 Retainer Fees

Retainer fees are not allowable costs. Payments for service must be based on actual hours worked.

¹⁷ This section have been re-written for better understanding, consistency, clarification and compliance with Cal OES policies.

2237.3 Management Services/Studies

If not previously authorized in the approved Grant Subaward, Subrecipients must receive prior written approval from Cal OES on a Grant Subaward Modification (Cal OES Form 2-223) for any management study to be performed by an independent contractor/consultant or agency if project funds are to be used.

2240 Prohibited Expense Items

2241 Bonuses/Commissions

Projects are prohibited from paying any bonuses (monetary or otherwise) or commissions to any individual, organization, or firm unless specifically authorized by the terms of the program.

2242 Lobbying

Cal OES federal and state grant funds, grant property, or grant-funded positions shall not be expended or used for any of the following lobbying activities.

2242.1 Prohibited Lobbying Activities

- a. Attempts to influence the outcome of any federal, state, or local election, referendum, initiative, or similar procedure, through in-kind or cash contributions, endorsements, publicity, or similar activity.
- b. Establishing, administering, contributing to, or paying the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcome of elections.
- c. Attempts to influence: (1) the introduction of federal or state legislation; or (2) the enactment or modification of any pending federal or state legislation through communication with any member or employee of the Congress or state Legislature (including efforts to influence state or local officials to engage in similar lobbying activity), or with any government official or employee in connection with a decision to sign or veto enrolled legislation.
- d. Attempts to influence: (1) the introduction of federal or state legislation; or (2) the enactment or modification of any pending federal or state legislation by preparing, distributing or using publicity or propaganda, or by urging members of the general public or any segment thereof to contribute to or participate in any mass demonstration, march, rally, fund- raising drive, lobbying campaign or letter writing or telephone campaign.
- e. Legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried out in support of or in knowing preparation for an effort to engage in unallowable lobbying.

2242.2 Activities Exempt from the Prohibition

- a. Providing a technical and factual presentation of information on a topic directly related to the performance of a grant, contract or other agreement through hearing testimony, statements or letters to Congress or a state Legislature, or subdivision, member, or cognizant staff member thereof, in response to a documented request (including a Congressional Record notice requesting testimony or statements for the record at a regularly scheduled hearing) made by the Subrecipient member, Legislative body or subdivision, or a cognizant staff member thereof provided such information is readily obtainable and may be readily put in deliverable form; and further provided that costs under this section for travel, lodging or meals are unallowable unless incurred to offer testimony at a regularly scheduled Congressional or state Legislative hearing pursuant to a written request for such presentation made by the Chairman or Ranking Minority Member of the Committee or Subcommittee conducting such hearing.
- b. Any lobbying made unallowable by Section 2242.1(c) above to influence state legislation in order to directly reduce the cost or to avoid material impairment of the organization's authority to perform the grant, contract, or other agreement.
- c. Any activity specifically authorized by statute to be undertaken with funds from the grant, contract, or other agreement.
- d. Testimony before legislative bodies reviewing the effectiveness of grant programs.
- e. Introduction and support in the state Legislature of general statutory reform, such as criminal code revisions, court reform, etc.

2243 Fundraising

Cal OES grant funds cannot be used for organized fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, or similar expenses incurred solely to raise capital or obtain contributions, unless fundraising for the furtherance of grant objectives is specifically allowed under the terms of the program.

2244 Real Property and Improvements

Real property, including land, land improvements, structures and their attachments, and structural improvements and alterations are not allowable expenditures unless specifically authorized in the terms of the program.

2245 Interest, Charges, Fees, and Penalties

- a. Charges, Fees, and Penalties
Finance charges, late payment fees, penalties, and returned check charges are not allowable expenditures.

b. Interest

The cost of interest payments is only allowable if the cost is a result of a lease/purchase agreement.

2246 Food and Beverages

The costs of food and/or beverages at grant-sponsored conferences, meetings, or office functions are not allowable expenditures. This section does not prohibit the purchase of food and beverages for the provision of direct services under the Grant Subaward.

2247 Weapons and Ammunition

The cost of weapons and/or ammunition of any type are not allowable expenditures, unless it is part of a governmental negotiated benefit package, or is specifically authorized in the terms of the program.

2248 Dues, Licenses, and Fees

a. Membership Dues

The cost of membership dues for projects involved in the licensing or credentialing of professional personnel are not allowable expenditures, unless specifically authorized in the terms of the program.

b. Professional License

The cost of a professional license is not an allowable expenditure, unless specifically authorized in the terms of the program.

c. Annual Professional Dues or Fees

The cost of professional dues or fees is not an allowable expenditure, unless it is part of a reasonable negotiated benefit package, or is authorized by the terms of the program.

2249 Depreciation

Depreciation charges are not allowable expenditures.

2300 EQUIPMENT

2310 Definition

Equipment is nonexpendable personal property having a useful life of more than one year and a cost of \$5,000 or more per unit (excluding tax). If equipment is purchased as a complete package (i.e., computer, monitor, modem, software, etc.), the total package cost, not the unit cost, would determine if it qualifies under the equipment category. All equipment purchased by the Subrecipient is the property of the Subrecipient. Cal OES does not claim title to the equipment but requires the Subrecipient to maintain accountability for the equipment (see Section 2350).

2320 Allowable Equipment

Equipment, which is directly related to and used for project activities, will only be considered for purchase approval if no other equipment owned by the applicant is available and suitable for the project. Projects are expected to purchase only energy efficient equipment whenever possible and appropriate.

Grant funds cannot be used for equipment if specifically prohibited in the authorizing legislation or restricted in the terms of the program.

Grant funds cannot be used to reimburse the project for equipment obtained prior to the beginning of the performance period.

Equipment should be ordered as soon as possible so that it can be placed in service during the performance period.

2330 Motorized Vehicles

Aircraft, watercraft, and other motorized vehicles (except automobiles) are not allowable budget items unless specifically authorized in the terms of the program.

2331 Automobiles

If automobiles are allowable pursuant to the terms of the program, projects must provide substantial justification demonstrating the grant-related need. If not previously approved in the initial Grant Subaward, then a justification must be submitted with a Grant Subaward Modification (Cal OES Form 2-223) and include the following information:

- a. Describe the need for a vehicle, including the size of the service area and the need to provide direct service away from the office;
- b. Describe the lack of available agency vehicles;
- c. Describe the lack of available personal vehicles for which mileage can be charged or a reason why the agency will not allow personal vehicle usage during working hours; and
- d. Include a cost analysis for the vehicle purchase as compared to other options, including lease and personal vehicle use with mileage.

2340 Computers and Automated Equipment

2340.1 Internet Access

Funded projects are required to maintain internet access with an established email address (see Section 11500) for grant-related communication with Cal OES. Grant funds may be used for this purpose unless specifically restricted by the terms of the program.

2341 Justification

The purchase of computers and automated equipment necessary to achieve grant objectives may be requested unless prohibited in the terms of the program. Approval for purchases is contingent on the project's ability to demonstrate a cost effective, project-related need. This is best demonstrated by clearly relating each computer system or component to the grant objectives and activities. The amount of information necessary will be determined by the complexity of the proposed system (see Sections 2342.1 through 2342.3).

If not previously authorized in the approved Grant Subaward, justification for the purchase of computer equipment (Computers and Automated Systems Purchase Justification Guidelines) must be submitted with a Grant Subaward Modification (Cal OES Form 2-223), and receive Cal OES approval prior to purchase (see Section 3000).

2342 Cost

The cost of a computer system must include all expenses required to purchase, install and operate the system. These expenses include, but are not limited to hardware, software, maintenance, upgrade, training, conversion, technical assistance, independent contractor/consultants, programmers, analysts, furniture, supplies, modems, telephone lines, and connect time to mainframe or data centers. Computers and related expenses must be itemized in the budget pages of the Grant Subaward and described in sufficient detail to allow Cal OES to assess their size and complexity.

Reasonable costs for Internet software, modems, and connection fees will be approved for all projects that do not already have Internet access, unless such expenditures are prohibited by the terms of the program.

2342.1 Community-based Organization (CBO)

Community-based organizations may budget for computer equipment, software, and related costs. Cal OES will evaluate the proposed purchase on the basis of grant-related need. Applicants must receive Cal OES approval prior to purchase.

If the implementing agency is a CBO sponsored by a unit of government, Cal OES's policy for CBOs will apply to computer equipment, software, and related costs incurred by the purchase and the related operational expense dictated by the purchase.

2342.2 Units of Government

Units of government may budget for computer equipment, software, and related costs. Cal OES will evaluate the proposed purchase on the basis of grant-related need. Applicants must receive Cal OES approval prior to purchase.

2342.3 Instructions – Computers and Automated Systems

To certify that all resources (e.g., hardware, software, personnel, and telecommunications) to be utilized by the project are in compliance, the Project Director must submit a written justification (see Computer and Automated Systems Purchase Justification Guidelines). If not previously authorized in the approved Grant Subaward, the justification must be attached to a Grant Subaward Modification (Cal OES Form 2-223), and demonstrate that the purchase abides by applicable standards, policies, and procedures for automated systems as contained within the terms of the program, the agency's local policies and operating procedures, and this Subrecipient Handbook.

2343 Lease-to-Purchase Agreement

If a lease-to-purchase is requested, a justification and cost analysis must be submitted to demonstrate that it is more cost effective to lease rather than purchase (see Lease/Purchase Analysis).

If not previously authorized in the approved Grant Subaward, the justification and cost analysis (see Lease/Purchase Analysis) must be submitted with a Grant Subaward Modification (Cal OES Form 2-223), and the project must receive Cal OES approval prior to the signing of the lease/purchase agreement. The justification must include documentation of cost effectiveness.

2350 Equipment Identification and Records

Projects must maintain a readily identifiable inventory of all equipment purchased wholly, or in part, with Cal OES grant funds. Equipment must be noted in a log containing the following information for as long as the equipment is owned by the Subrecipient.

Equipment records must contain the following information:

- a. A description of the property;
- b. Serial number, or other identification number;
- c. Source of the property;
- d. Identification of the title holder;
- e. Acquisition date;
- f. Cost of the equipment;
- g. Percentage of federal participation in the cost of the equipment;
- h. Location of the equipment;
- i. Use and condition of the equipment;
- j. Unit acquisition cost; and

k. Disposition, data, including date of disposal and sale price.

A physical inventory of equipment shall be taken and the results reconciled with the equipment records at least once every two years.

The project is responsible for maintaining all equipment purchased with grant funds and the equipment must be available for review by Cal OES staff during Site and Monitoring visits.

2370 Losses/Replacements

Projects must safeguard equipment purchased with grant funds. Lost, stolen, or destroyed equipment must be reported to Cal OES in writing within 14 calendar days of the date of the loss. The report must include appropriate police reports, insurance claims, and a letter signed by the Project Director explaining the circumstances involved and the precautions taken to prevent such losses from occurring in the future. The report must also detail how the equipment will be replaced, timeframe for replacement, and the potential impact on program objectives without replacement of the equipment.

Projects are strongly encouraged to maintain adequate insurance to cover loss or damage of grant-funded equipment.

Damaged equipment that will not be repaired must be reported to Cal OES on a Grant Subaward Modification (Cal OES Form 2-223), within 14 calendar days of the date of damage, with a justification explaining how grant objectives will be achieved without the equipment. Projects must obtain written approval from Cal OES prior to replacing, trading, or otherwise disposing of damaged, lost, or stolen grant equipment.

3000 CONTRACTS AND PROCUREMENTS

3010 Responsibility

The project is the responsible entity, without recourse to Cal OES, regarding the settlement and satisfaction of all contractual and administrative issues arising from contracts of the Subrecipient and Grant Subaward procurements. This responsibility includes, but is not limited to, disputes, claims, and protests of awards.

Governmental entities must comply with applicable procurement laws and policies for their jurisdiction when contracting for goods or procuring services. Matters concerning violation of laws must be referred to the local, state, or federal authority having jurisdiction.

3100 DEFINITIONS

3110 Definition of Contracts

Contracts refer to the purchasing of services including, but not limited to, independent CPA audits, maintenance agreements, accounting services, and independent contractor/consultants. All contracts are subject to Cal OES contract standards as outlined in this section.

3120 Definition of Procurement

Procurement refers to the contracting for and purchasing of goods necessary to carry out the project objectives. Cal OES procurement standards apply to all contracts for goods, including office supplies, and equipment paid for in whole or in part by grant funds.

3200 APPROVALS

3210 Contracts and Procurements

3211 Contracts and Procurements \$10,000 or Less¹⁸

Contracts and procurements in the amount of \$10,000 or less do not require formal advertising. However, it is strongly suggested that a minimum of three quotes are obtained and the contract or procurement is awarded to the responsible contractor or vendor whose offer is the most advantageous to the project (price and other factors considered).

3212 Contracts and Procurements \$10,001 to \$50,000¹⁹

Contracts and procurements in the amount of \$10,001 to \$50,000 do not require formal advertising. However, it is required that a minimum of three quotes are obtained. The contract or procurement must be awarded to the responsible contractor or vendor whose offer is the most advantageous to the project (price and other factors considered). For contracts and procurements greater than \$35,000, verification must be obtained that the contractor or vendor has not been suspended

¹⁸ This section has been updated to reflect the new contract amount, from \$3,500 to \$10,000

¹⁹ This section has been updated to reflect the new contract amount, from \$3,501 to \$10,001.

or debarred from participation in federal awards prior to entering into the contract (see Section 2155).

3213 Contracts and Procurements Over \$50,000

Contracts and procurements over \$50,000 must use the formal method of contracting in which a bidder is selected based on material submitted in response to an Invitation for Bid (IFB) or a Request for Proposal (RFP). IFBs/RFPs must clearly define all requirements the bidder must fulfill for the bid or offer to be evaluated by the project. The bid or proposal must include a clear and accurate description of the technical requirements for the services or materials/goods to be produced, and must not contain any features that unduly restrict competition. Bidders are not allowed to discuss or clarify any points after their bids have been submitted, and face-to-face negotiations are not allowed (see Sections 3400 – 3414).

3220 Approval of Procurements

All purchases must be allowable expenditures, as outlined in Section 2200 *et seq.* and in the terms of the program and, when required, have prior written approval from Cal OES. The purchase of computers and related products and services or automated equipment must comply with the requirement set forth in Section 2341.

3300 CONTRACTS AND PROCUREMENTS GUIDELINES

Local units of government, CBOs and other organizations may use their own approved contracting and/or procurement policies for all contracts and procurements equal to or less than \$50,000. For contracts over \$50,000 see Section 3213. The policies must conform to applicable Federal and State standards and requirements. Local units of government, CBOs and other organizations without written contracting and/or procurement policies must follow the policies outlined in Sections 3211 through 3530. Contracted services and purchases of goods may not be split into multiple transactions in an attempt to avoid complying with federal or state requirements, or the guidelines in this section.

3400 METHODS OF CONTRACTING AND/OR PROCUREMENT

Contracts and procurement for all Cal OES Grant Subawards must be made by one of the methods described below.

3410 Formal Advertising

This refers to a process for the contracting of services and/or procurement of goods in excess of \$50,000, in which a bidder is selected based on material submitted in response to an Invitation for Bid (IFB) or a Request for Proposal (RFP). IFBs/RFPs must clearly define all requirements the bidder must fulfill for the bid or offer to be evaluated by the project. The bid or proposal must include a clear and accurate description of the technical requirements for the services or materials/goods to be produced, and must not contain any features that unduly restrict competition. Bidders are not allowed to discuss or clarify any points after their bids have been submitted, and face-to-face negotiations are not allowed.

3411 Invitation for Bid (IFB)

An IFB is used to solicit prices for services or goods based on definitive specifications. It must include a clear and accurate description of the technical requirements for the services, (Contracts) to be produced, or the material or product, (Goods) to be procured. The description must not contain features that unduly restrict competition.

The basic reason for establishing specifications for technical details for use in formal advertising is to convey to all bidders a complete, unvarying understanding of what is required. This calls for a clear and precise description not subject to varying interpretations. Ensure that all costs are accounted for including any timelines, and all programmatic requirements.

3412 Request for Proposal (RFP)

RFP often does not provide a detailed description of what is to be provided. It is designed to solicit a proposal to solve a stated problem or meet a stated need. The proposal is the product of the bidder's creative thoughts and provides the detailed approach and description of what is to be accomplished or produced, as well as a price for the services or goods to be provided.

RFP for Contracts must include:

- a. A clear statement of the problem to be solved;
- b. Realistic terms as to what the contractor is to accomplish;
- c. Time schedules, including dates for awarding the contract, commencement of performance, submission of Progress Reports, and completion;
- d. Payment plans and schedule, as appropriate; and
- e. A requirement that the bidder include in the proposal:
 1. Description of qualifications, description of lead personnel, amount of time and personnel to be expended, and equipment and facilities to be utilized;
 2. Description of techniques to be used in solving the stated problem or meeting the stated need; and
 3. Total cost of the contract.

3413 Contract and Procurement Awards

Contract and procurement awards must be made to the responsible contractor or vendor whose bid or quote is responsive to the solicitation and is most advantageous to the project (price and other factors considered).

Any and all bids or quotes may be rejected when it is in the project's best interest to do so, and such rejections are also in accordance with applicable federal, state, and local laws or ordinances, rules, regulations, and policies.

3413.1 Contract Awards

Consideration should be given to such matters as contractor integrity, record of past performance, financial and technical resources, and/or accessibility to the necessary resources. A bidder is considered responsible when it has been established that the bidder has the technical capability, financial capacity, sufficient staff, a satisfactory record of past performance, and is otherwise qualified and eligible. For contracts greater than \$35,000, you must also verify that the contractor has not been suspended or debarred from participation in federal awards prior to entering into the contract (see Section 2155).

3414 Cost or Price Analysis

All procurements and/or contracts funded by federal grants must have a cost or price analysis performed and maintained on file. The cost or price analysis is written documentation demonstrating the reasonableness of the proposed price of the contract or procured item. Specifically:

- a. **Price Analysis** is the process of examining and evaluating a proposed price without evaluating its separate elements of cost to determine the price is reasonable. It is generally used for simple procurements for which there is adequate catalog pricing and market competition.
- b. **Cost Analysis** is the review and evaluation of separate elements of cost and profit or fee in an offeror's or contractor's proposal. A cost analysis is required when a bidder is required to submit the elements of his estimated cost, e.g., on consulting contracts for professional services.

A cost analysis is necessary whenever competition is lacking, and for non-bid procurements (see Section 3521.2), contract modifications and change orders.

The method and degree of cost/price analysis is dependent on the facts surrounding the particular procurement situation. In addition to price, examples of factors that can be taken into consideration include items such as:

- a. The ability, capacity and skill of the bidder to perform the contract or provide the service required.
- b. Whether the bidder can perform the contract or provide the service promptly or within the time specified.
- c. The warranty, product life expectancy and/or the ability of the bidder to provide future maintenance and service of the item being procured.

3420 Informal Advertising

3421²⁰ Contracts and procurements in the amount of \$10,000 or less do not require formal advertising. However, it is suggested that a minimum of three quotes are obtained and the contract or procurement is awarded the responsible contractor or vendor whose offer is the most advantageous to the project (price and other factors considered).

3422²¹ Contracts and procurements in the amount of \$10,001 to \$50,000 do not require formal advertising. However, it is required that a minimum of three quotes are obtained. The contract or procurement must be awarded to the responsible contractor or vendor whose offer is the most advantageous to the project (price and other factors considered). For contracts and procurements greater than \$35,000, verification must be obtained that the contractor or vendor has not been suspended or debarred from participation in federal awards prior to entering into the contract (see Section 2155).

3500 NON-COMPETITIVE BID REQUESTS

3510 General

A Non-Competitive Bid (NB) transaction shall be defined as a purchase of goods or contracted services, where only a single source that can provide the services or goods is afforded the opportunity to offer a price for the specified services or goods. Contracts may include goods as well as services, and this definition will also apply to those circumstances.

The project must maintain documentation of all NB contracts and procurements, including professional services and consulting contracts.

3511 Non-Competitive Bid (NB) Request

NB must meet at least one of the following conditions:

- a. When the goods or services required are available from only one contractor/vendor;
- b. When an IFB or RFP produces only one qualified bidder (see Section 3530);
- c. Emergency in nature (the contract is necessary for immediate preservation of public health, welfare or safety);
- d. The contractor meets a temporary or time limited employment need;
- e. No payment is made for services rendered; only per diem and travel is paid;
- f. The contract is solely for the purpose of obtaining expert witnesses for criminal trials;

²⁰ This section has been updated to reflect the new contract amount, from \$3,500 to \$10,000.

²¹ This section has been updated to reflect the new contract amount, from \$3,501 to \$10,001.

- g. There is a maintenance agreement for equipment that is under documented warranty or where there is only one authorized or qualified representative or where there is only one distributor in the area for service;
- h. Proprietary software contracts;
- i. The contractor possesses unique features or is uniquely positioned to supply the required service; or
- j. To provide interim services while conducting competitive bid.

3520 Justification Procedure²²

All NB contracted services or purchased goods over \$10,000 must be justified and have prior written approval by Cal OES. A justification statement must be presented in the format provided in Section 3521. See the Non-Competitive Bid Justification Request Checklist, to assist in determining the appropriateness of a NB transaction. Source documentation as to how the NB was determined must be on file and available upon request. The checklist will not be considered source documentation.

3521 Justification Procedure – Contracts

3521.1 Include a brief description of the program or project and the services being contracted. This information must include the Grant Subaward number, contract amount, and pertinent background data.

3521.2 Explain the necessity to contract non-competitively and how the price for the contract was determined, including:

- a. Expertise of contractor;
- b. Management capabilities to perform the tasks required;
- c. Contractor's responsiveness to need identified by the project;
- d. Contractor's relevant knowledge and experience; and
- e. Justification of the reasonableness of the cost. The following factors will be used in determining that the costs are justified:
 - 1. Cost information that has sufficient detail to support and justify the contract;
 - 2. Cost information for similar services with differences noted and explained; and
 - 3. Special factors affecting the cost of the contract.

3521.3 Explain the uniqueness of the contract, including:

²² This section has been updated to reflect the new contract amount, from \$3,500 to \$10,000

- a. Patents, copyrights;
- b. Facilities, investments; or
- c. Continuation of an existing project.

3521.4 Explain any time constraints including:

- a. When contractual coverage is required and why;
- b. Impact on project if dates are not met; and/or
- c. Time required for another contractor to reach the same level of competence (equate to dollars, if possible).

3522 Justification Procedures – Procurement

Justification must include a description of the product to be purchased, the need for the specific brand and its relationship to the project. This information must include the Grant Subaward number, the cost or purchase amount and pertinent background data. It should explain the necessity of the purchase and how the price for the product was determined.

3530 One Quote, Bid, RFP Received or Considered Responsive

In a situation where NB is necessary because only one quote, bid or proposal was received or considered responsive, the following additional information is required:

- a. A copy of the request for quote, IFB or RFP and the bidder's list;
- b. A description of the method used to solicit responses. Copies of newspaper ads and information outlining the development of the bidder's list must be included;
- c. A description of the follow-up activity performed to determine why other quotes, bids or proposals were not submitted, or an explanation as to why follow-up activities were not performed; and
- d. If follow-up activity was not performed, an explanation must be provided.

3600 ELEMENTS OF A CONTRACT OR PURCHASE ORDER/DOCUMENT

3610 A contract or purchase order/document defines the relationship or agreement between the project and the contractor or vendor. All contracts and purchase orders/documents must be prepared in accordance with existing State policies and clearly define the responsibilities of all parties.

3610.1 At a minimum, a contract or purchase order/document must include the following:

- a. Designation of the parties to the contract or the agreement;
- b. Term of the contract (period of performance) or agreement;

- c. Maximum amount and basis upon which the payment is to be made under the terms of the contract or agreement;
- d. For procurements – clear definition of the types and quantities of the products to be delivered including delivery schedules;
- e. For contracts – clear and complete statement of the work or services to be performed, rendered, or provided;
- f. Payment schedule based upon satisfactory delivery of services and/or goods at predetermined intervals including the amount or percentage of total payments to be withheld pending satisfactory completion for all terms and conditions of the contract or agreement;
- g. Penalty clauses (punitive measures for when the contract is not being fulfilled);
- h. Termination for cause/convenience clause describing the manner by which the contract may be terminated, the basis for settlement, and conditions under which the contract may be terminated for default or because of circumstances beyond the control of the contractor;
- i. A provision that allows Cal OES, the federal awarding agency, the Comptroller General of the United States, or any of their duly authorized representative, access to any books, documents, papers and records of the contractor which are directly pertinent to the program for the purpose of making audits, examinations, excerpts and transcriptions, for all contracts greater than \$100,000; and
- j. Compliance with Equal Employment Opportunity per Executive Order 11246 as amended by Executive Order 11375 and supplemented at 41 CFR 60 (required on all CBO contracts, and on all governmental entity construction contracts awarded in excess of \$10,000).

3610.2.1 For construction contracts, the following must also be included:

- a. Compliance with the Copeland “Anti-Kickback” Act (all contracts and subgrants for construction or repair);
- b. Compliance with the Davis-Bacon Act (construction contracts in excess of \$2,000); and
- c. Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (construction contracts in excess of \$2,000 and in excess of \$2,500 for other contracts involving the employment of mechanics or laborers).

3610.2.2 Governmental entities have additional requirements, and must include the following provisions in all contracts as noted below:

- a. Notice of awarding agency reporting requirements;

- b. Notice of awarding agency requirements pertaining to patent rights, copy rights and rights in data;
- c. Compliance with the Energy Policy and Conservation Act;
- d. Compliance with the Clean Air, Clean Water, and Environmental Protection Agency regulations (contracts in excess of \$100,000);
- e. Access to any books, documents, papers and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions;
- f. Retention of all required records for three years after all final payments are made and all other pending matters are closed; and
- g. Retention of all required records for three years after Subrecipient makes final payments and all other pending matters are closed.

3700 SELECTING A CONTRACTOR

Each proposal/bid should be evaluated to determine the proposal that will best meet the project's needs. The following are some criteria that should be included in the evaluation:

- a. Does the bidder understand the project's stated problems or needs?
- b. Is the approach to the problem or need reasonable and feasible?
- c. Does the bidder have the organizational, financial solvency, resources, and experience to perform the assignment? Has the bidder had experience in similar areas?
- d. What are the professional qualifications of the personnel committed to the contract?
- e. Is the bidder on the federal suspension and debarment list?
- f. What is the total cost?

3710 Independent Contractor/Consultant²³

Independent Contractors/Consultant services are either provided on a contractual or salary basis by individuals or organizations that are not employees of the project. Services provided by a salaried employee of an agency identified in an Operational Agreement (OA) are not considered consultant services (see Section 4000). Independent contractors/consultants must not be used in lieu of employees. If the contract is over \$10,000 the project must hire the independent contractor/consultant through Competitive Bid, or submit a Non-Competitive Bid NB request to Cal OES for prior approval. If less than \$10,000, the project must maintain documentation for justification of the NB contract (see Section 3500).

²³ Updated Contract amount from \$3,500 to \$10,000

Independent contractors/consultants are defined as individuals or organizations that meet any of the following criteria:

- a. Produce a specific product or service;
- b. Work independently without direct supervision from the project;
- c. Work on specific projects;
- d. Provide services for a limited number of hours or period of time; and/or
- e. Have no agency management or oversight responsibilities that are directed toward the financial success or direction of the agency.

There must be a signed, written agreement between the organization and independent contractor/consultant specifying the contract period, compensation rate, duties or obligations, and any other conditions of employment.

3710.1 Rates

The rate is to be negotiated by the Subrecipient in accordance with the agency's Independent Contractor/Consultant hiring policies. The rate is the total amount payable including any and all benefits (see Section 3200).

The maximum rate for independent contractor/consultants is \$650 per eight-hour day or \$81.25 per hour (including travel and per diem costs). An eight-hour day may include preparation, evaluation, and travel time in addition to the time required for actual performance. Compensation for over \$650 per eight-hour day or \$81.25 per hour requires additional justification and must receive prior written approval from Cal OES and the federal awarding agency.

3710.1.1 Exception to Rates

Compensation to government employees (e.g., federal, state, and local) will be allowed when the unit of government will not provide their services without costs. In these cases, the rate of compensation is not to exceed the daily salary rate paid by the unit of government.

Such hires must meet the criteria set forth in Section 3500.

3710.2 Expert Witness Fees

Prosecution or criminal defense projects, routinely using "expert witnesses" as independent contractor/consultants to conduct evaluations and provide expert testimony in the courtroom may only charge for costs above that which the county is required to cover. Unless, otherwise prohibited, the maximum allowable rate for such witness fees is \$250 per hour, and is not to exceed \$2,000 per day. The total amount budgeted for expert witness fees must not exceed ten percent of the project's total budget.

Written justification for proposed expert witness cost must accompany a Grant Subaward Modification (Cal OES Form 2-223), if not previously approved in the Grant Subaward. The justification must include the following:

- a. Qualifications, training, and experience of the expert(s), including a statement regarding recognition by the court of the individual as an expert;
- b. Specialized certification/license [e.g., Masters in Social Work (MSW), Licensed Clinical Social Worker (LCSW), Marriage, Family and Child Counselor (MFCC), Medical Doctor (MD)];
- c. Rate of pay per hour, including documentation of a survey of the availability of similar Independent Contractor/Consultants, the current "going rate," the proposed rate of pay, as well as a cost breakdown if the expert is paid according to services (e.g., mileage, waiting time, court testimony);
- d. Proposed services to be provided (e.g., analysis of forensic evidence, psychological evaluation); and
- e. Reason why this cost cannot be paid with county or other funds.

3800 CONTRACT LIMITATIONS

Specific provisions for contracting with individuals, other government units, and non-government organizations are as follows:

- a. Organizations funded by Cal OES shall comply with IRS requirements related to Independent Contractor/Consultants;
- b. Employees of a state or local government entity cannot be individual contractors if they engaged in any of the negotiations, transactions, planning, arrangements, or any part of the decision-making process relevant to the contract while employed in any capacity by any state, local agency or department;
- c. Travel and per diem costs must be in conformance with project policies;
- d. Preparation and travel time may not be included without adequate written justification; and
- e. Equipment purchase and/or leases may not be included in Independent Contractor/Consultant contracts.

3900 CONTRACT PROVISIONS

Independent Contractor/Consultant contracts must adhere to, but are not limited to the following:

- a. Applicable requirements of the terms of the program must be incorporated into all Independent Contractor/Consultant contracts;

- b. The project must require source documentation of Independent Contractor/Consultants that supports contract billings. Time and attendance reports must support hours charged. Travel vouchers detailing the purpose, time, and destination must support travel claims. Purchase orders, invoices, etc., must support operating expense claims. These requirements do not apply to fixed fee contracts;
- c. Compensation, travel, and per diem rates must be specified in the Independent Contractor/Consultant's contract and must comply with those of the project or be more restrictive;
- d. Performance must be measurable. Objectives and timetables must be clearly stated. Progress Reports must be required, at least quarterly, to ensure services are provided in compliance with the contract;
- e. Dual compensation (i.e., payment to a party more than once for the same work) must be specifically excluded; and
- f. Settlement of disputes between the project and the Independent Contractor/Consultant is the responsibility of the project. Cal OES is not responsible or obligated to or for the Independent Contractor/Consultant and will not intervene in disputes between the Independent Contractor/Consultant and the project.

See Section 3600 for all required elements of a contract.

3910 Drug-Free Workplace Certification Requirements

All contractors paid by Cal OES grant funds must comply with the provisions of Section 2152, requiring Drug-Free Workplace Certification (STD. 21). The contractors must notify their employees that they are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances.

4000 OPERATIONAL AGREEMENTS

4100 DEFINITION

An Operational Agreement (OA) [also referred to as a Memorandum of Understanding (MOU)] is a formal agreement between an implementing agency and one or more participating agencies. The OA reflects the roles each agency will play in achieving the goals of the project. In this respect an OA differs from a Contract for the procurement of goods and/or services from businesses or other governmental agencies that are not active participants in the implementation of the project (see Section 3000). The term also includes documents entitled MOU, Letters of Intent, or other titles, but which serve the same purpose and contain the elements described in Section 4300.

4200 ESTABLISHING OPERATIONAL AGREEMENTS

In many programs, an OA may be required by the terms of the program. In such instances the terms of the program will provide instructions concerning the agencies/organizations that must be included in an OA with the Implementing Agency for the implementation of the project. In addition to any programmatic requirements for an OA, Implementing Agencies are encouraged to establish an OA with any agency that will be an active participant in the implementation of the project. At a minimum, an OA is required for any transfer of grant funds from the Subrecipient to a participating agency. Unlike the procurement process, Implementing Agencies are not required to use a competitive bid process to select participating agencies for an OA. Implementing Agencies are expected to select participating agencies that are the best equipped to support the implementation of the project. However, participating agencies must be units of government or non-profit community based organizations.

4300 ELEMENTS OF AN OPERATIONAL AGREEMENT

The following elements must be included in the OA:

- a. Name of the Implementing Agency and the participating agency in the OA. If the OA applies to more than one participating agency, all participating agencies must be named;
- b. The titles and contact information for the individuals that will serve as the primary contacts for the OA;
- c. The timeframe of the agreement must cover the performance period of the specific program;
- d. The roles and responsibilities (as they relate to the specific program) of each participating agency in the OA. The Implementing Agency is always presumed to be the lead agency unless otherwise specified in the OA. The OA should clearly delineate specific tasks that will be performed by the Implementing Agency and participating agencies (e.g., referrals, provision of staff, or overall responsibility for a portion of the project);

- e. Specific information concerning the transfer of any grant funds from the Subrecipient to a participant agency in the OA. At a minimum this information must include the total amount of grant funds that will be transferred, the process for transferring the grant funds (e.g., advanced payment, monthly invoices, payment based on deliverables), what the grant funds will be used for, and any match contribution provided by the participating agency. Any funds included in the OA must be clearly designated in the Grant Subaward budget;
- f. Specific information concerning all non-fiscal resources shared between the Implementing Agency and the participating agency in the implementation of the project. This includes shared equipment, staff time, office space, or other resources contributing to the implementation of the project;
- g. Reporting requirements established by the Implementing Agency to collect information necessary for the Subrecipient to meet Cal OES reporting requirements; and
- h. Signatures of the chief executives or designees of the Implementing Agency and the participating agencies in the OA, including the dates of those signatures.

4400 REQUIREMENTS OF PARTICIPATING AGENCIES

Subrecipients are required to ensure that any participating agency receiving grant funds through an OA complies with all applicable requirements of the terms of the program and the provisions of this Subrecipient Handbook concerning the use of grant funds. These include, but are not limited to, the following requirements:

- a. Participating agencies receiving grant funds for personnel costs must comply with the provisions of Sections 2120 through 2140.4, 2151, 2152, 2155, 2156, and 2170;
- b. Participating agencies receiving grant funds for operating expenses must comply with the provisions of Sections 2200 through 2249;
- c. Participating agencies receiving grant funds for equipment costs must comply with the provisions of Sections 2300 through 2370;
- d. Any procurement made by participating agencies with the use of grant funds must comply with the provisions of Sections 3000 through 3910; and
- e. Any original publications developed by participating agencies must comply with the provisions of Sections 5000 through 5400.

4500 PARTICIPATING STAFF

The term Participating Staff refers to salaried employees of a participating agency assigned to work with the Implementing Agency on the implementation of a grant project. The agreement between the Implementing Agency and the participating agency concerning participating staff must be reflected in the OA. Grant-related costs associated with participating staff must be itemized in the Operating Expenses category of the Grant Subaward budget (see Section 2237.1).

5000 MULTI-MEDIA MATERIALS, COPYRIGHTS, AND PATENTS

5100 PUBLICATIONS

5110 Definition

The term “publications” includes brochures, posters, videotapes, DVD/CDs, or other multimedia materials. This does not include transient information published solely on a project’s website.

5120 Cal OES Review²⁴

Where activities supported in part or in whole with Cal OES grant funds produce original publications, the project must notify Cal OES 60 calendar days in advance of any intended publication. This notification must be in addition to the Grant Subaward and subsequent award. Upon request from Cal OES, the project must submit a request for approval for the materials to be published.

If Cal OES requests to review the publication, the project may not publish the material until Cal OES provides final written approval. The project must also furnish Cal OES with a copy of the final product within 30 calendar days of publication.

5130 Income

As long as Cal OES maintains ownership of the publication, any income resulting from the sale or distribution of publications produced in part or in whole by Cal OES grant funds is considered project income and is subject to the provisions of Section 6610.

After disposition and transfer of title, no report of income generated by the publication will be necessary unless otherwise required by Cal OES.

Cal OES reserves the right to retain ownership and require additional reporting of generated income beyond the Grant Subaward period or cycle on exceptional publications as deemed necessary.

5140 Transfer of Publication Title

After the completion of the Grant Subaward period or funding cycle (whichever is later); transfer of title and/or copyright may be approved by Cal OES upon certification that any profits derived from or generated by the publication will be used for criminal justice related activities, or to further the original intent of the Grant Subaward. In determining whether or not to approve transfer of title, Cal OES will consider programmatic and fiscal performance conditions, the potential for project income, the applicability, and cost to the field in general. The Transfer of Publication Title, (Cal OES Form 2-231) should be submitted to Cal OES as a separate request. Disposition of title to any publication will be determined by Cal OES.

²⁴ Updated to reflect that project will furnish one copies instead of two.

5200 CREDITS AND DISCLAIMERS

Publications produced in part or in whole with grant funds may require the following credit reference:

“This publication was financially assisted by the California Governor’s Office of Emergency Services (Cal OES).”

Publications produced in part or in whole with federal funds will require the following credit reference:

“This project/publication was supported by funding awarded by (state/federal grant fund) (subaward number) through the California Governor’s Office of Emergency Services (Cal OES).”

Cal OES may also require that the publication include the following disclaimer statement:

“The opinions, findings, and conclusions in this publication are those of the author and not necessarily those of Cal OES. Cal OES reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, and use these materials and to authorize others to do so.”

Cal OES reserves the right to require additional information in the publication. These statements must be placed in a visible location at the beginning and/or end of the published materials. Projects producing publications should consult their assigned Cal OES Program Specialist to coordinate the appropriate credit reference.

5300 COPYRIGHTS AND RIGHTS IN DATA

All activities supported under the Grant Subaward are considered “work made for hire” as defined under Title 17 USC Section 101, and shall include, but is not limited to, publications, original computer programs, writings, sound recordings, pictorial reproductions, drawings or other geographical representations and works of any similar nature. With regard to any “work made for hire,” Cal OES owns all rights comprised in the copyright, and therefore Cal OES reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, and use such materials, in whole or in part, and to authorize others to do so.

5400 PATENTS

If any discovery or invention arises or is developed in the course of, or as a result of, work performed, in whole or in part, with Cal OES grant funds, the project must refer the discovery or invention to Cal OES. Determination of rights to inventions or discoveries shall be made by Cal OES, or its duly authorized representative, who shall have the sole and exclusive power to determine whether or not and where a patent application should be filed, and to determine the disposition of all rights to such inventions or discoveries, including title to and license rights under any patent application or patent which may be issued. In all cases, Cal OES shall acquire at least an irrevocable, nonexclusive, and royalty-free license to practice and have practiced anywhere without limitation, for governmental purposes, any invention made with Cal OES grant funds.

6000 FINANCIAL REPORTING

6100 NOTIFICATION OF GRANT SUBAWARD

The Grant Subaward application is approved after the Cal OES Director or designee has signed the Grant Subaward Face Sheet (Cal OES Form 2-101). With this approval, the Grant Subaward package is forwarded to the Project Director.

- 6100.2** Upon receipt of the signed Grant Subaward, projects may submit a Report of Expenditure and Request for Funds (Cal OES Form 2-201) for costs incurred as of the beginning of the performance period specified on the Grant Subaward.

6200 ENCUMBRANCES AND LIQUIDATION EXPENDITURES

- 6200.1** Funds may only be used for the purpose authorized in the Grant Subaward and must be accounted for as specified in this Subrecipient Handbook (see Section 6400).

6210 Definition of an Encumbrance

- 6211** An encumbrance occurs when funds are set aside to pay for a particular expense. This is an accounting transaction, which should be recorded appropriately. The funds are now committed to a specific use and are no longer available for other expenditures.

Since the goods or services have not been received, the project legally owes nothing to the vendor or supplier.

An encumbrance is defined by the following three characteristics:

- a. The expenditure is approved in the original budget or a subsequent Grant Subaward Modification (Cal OES Form 2-223);
- b. A formal written order or request (i.e., requisition) is approved by the Project Director or designated official prior to the end of the performance period; and
- c. A purchase order/contract has been submitted to the vendor or supplier of goods or services.

6220 Liquidation Period

The liquidation period is the 60-calendar day timeframe immediately following the end of the performance period.

6220.1 Liquidation Expenditures

In order for cash expenditures made during the liquidation period to be claimed on the final Report of Expenditures and Request for Funds (Cal OES Form 2-201) these expenditures must have: (1) met the definition of an encumbrance (see Section 6210) and (2) been financed by an encumbrance recorded prior to the end of the performance period (Recorded: formal entry in accounting records). The liquidation period exists to allow projects time to receive ordered goods or services and make

final payments. The Subrecipient may not incur any new expenses or obligations during the liquidation period and claim them against the Cal OES Grant Subaward.

**6300 REPORT OF EXPENDITURES AND REQUEST FOR FUNDS
(Cal OES Form 2-201)**

Funds may be disbursed after:

- a. The Grant Subaward has been fully executed by Cal OES;
- b. The performance period has begun;
- c. The State Budget has passed;
- d. Cal OES has received the original Report of Expenditures and Request for Funds (Cal OES Form 2-201). Instructions for completing the Report of Expenditures and Request for Funds (Cal OES Form 2-201) are included with the form; and
- e. Cal OES has received a Certification For Advance Of Grant Funds (Cal OES Form 2-202), if applicable.

Address:

All warrants will be mailed to the designated payment mailing address indicated in Section 15 of the Grant Subaward Face Sheet (Cal OES Form 2-101). If this address changes, a Grant Subaward Modification (Cal OES Form 2-223), listing the address change must be submitted, before warrants will be mailed to the new address.

Letters from projects changing a permanent mailing address will not be accepted.

Funds Requested:

- a. The Subrecipient must expend cash before claiming and expenditure on the Report of Expenditures and Request for Funds (Cal OES Form 2-201).
- b. The Subrecipient shall expend state funds first, if both state and federal funds are allocated for the same line-item.
- c. The Subrecipient must not request funds for expenses that have not been paid when the Report of Expenditures and Request for Funds (Cal OES Form 2-201), is submitted.
- d. Balances must not exceed the approved budget.
- e. If a budget category is over expended, the amount requested and current expenditure columns on the Report of Expenditures and Request for Funds (Cal OES Form 2-201) will be reduced by that amount.

6310 Monthly Report of Expenditures and Request for Funds

6311 Advance Payments

6311.1 Advance of State Funds – Expenditures on a Monthly Basis

Community-Based Organizations (CBOs) that receive state funds, report expenditures, request funds on a monthly basis, and certify to cash flow problems may request an advance payment immediately after the Grant Subaward has been approved by Cal OES and the Grant Subaward performance period has begun (see Section 6311.4). Submit the request on a Certification for Advance of Grant Funds (Cal OES Form 2-202). The maximum amount advanced is 17 percent of the state portion of the total Grant Subaward, less matching funds.

Once the Grant Subaward is approved, Subrecipients should receive payment within 45 days of receipt of the Report of Expenditures and Request for Funds (Cal OES Form 2-201). Therefore, it may not be necessary to request an advance since the timelines may be the same. The project should take this into consideration prior to making an advance payment request.

Fund Advances will be liquidated equally over the first three submissions of the Report of Expenditures and Request for Funds (Cal OES Form 2-201). If this is not sufficient to liquidate the advance, the remaining amount will be taken from subsequent reports of expenditures.

6311.2 Advance of State Funds – Expenditures on a Quarterly Basis

Subrecipients that receive state funds, report expenditures, request funds on a quarterly basis and have certified to cash flow problems may request an advance payment immediately after the Grant Subaward has been approved by Cal OES and the Grant Subaward performance period has begun (see Section 6311.4.). Submit the request on a Certification for Advance of Grant Funds (Cal OES Form 2-202). The maximum amount advanced is 25 percent of the state portion of the total Grant Subaward, less matching funds.

Fund Advances will be liquidated on the first quarterly Report of Expenditures and Request for Funds (Cal OES Form 2-201). If this is not sufficient to liquidate the advance, the remaining amount will be taken from subsequent reports of expenditures.

6311.4 Certification for Advance of Grant Funds (Cal OES 2-202)

Projects must complete a Certification for Advance of Grant Funds (Cal OES Form 2-202) in order to certify cash flow problems and request an advance of grant funds.

The Certification for Advance of Grant Funds (Cal OES Form 2-202) is attached to a Report of Expenditures and Request for Funds (Cal OES Form 2-201), which reports no expenditures.

6312 Monthly Report of Expenditures and Request for Funds

CBOs must report expenditures and request funds on a monthly basis, unless they elect to submit a Request to Submit Quarterly Reports of Expenditures and Request for Funds (Cal OES Form 2-203).

- 6312.1** With the exception of the first and final payment requests, projects must submit a Report of Expenditures and Request for Funds (Cal OES Form 2-201), to Cal OES within 30 calendar days of the end of the report period, whether or not funds are requested. Projects must submit their final Report of Expenditures and Request for Funds (Cal OES Form 2-201), within 60 days after the end of the performance period.

The claimed expenses must be grant-related (i.e., they must further the project objectives as defined in the Grant Subaward) and be incurred during the performance period. Cal OES reserves the right to make the final determination if an expense is allowable and necessary.

6320 Quarterly Report of Expenditures and Request for Funds

- 6320.1** All Subrecipients other than CBOs must report expenditures and request funds on a quarterly basis unless specifically authorized by Cal OES. [CBOs – see Request to Submit Quarterly Reports of Expenditures and Request for Funds (Cal OES Form 2-203), for quarterly request.]

- 6320.2** With the exception of the final payment requests, projects are required to submit a Report of Expenditures and Request for Funds (Cal OES Form 2-201), within 30 calendar days of the end of the report period, whether or not funds are being requested. The first three months of the performance period will be the first quarter.

- 6320.3** The claimed expenses must be grant-related (i.e., they must further the project objectives as defined in the Grant Subaward) and be incurred during the performance period. Cal OES reserves the right to make the final determination if an expense is allowable and necessary.

6330 Final Report of Expenditures and Request for Funds

- 6330.1** The project must submit the final Report of Expenditures and Request for Funds (Cal OES Form 2-201) within 60 days after the end of the performance period (see Section 6220). If the Subrecipient does not submit a final Report of Expenditures and Request for Funds (Cal OES Form 2-201) within 60 days from the end of the Grant Subaward performance period, Cal OES may consider the last Report of Expenditures and Request for Funds (Cal OES Form 2-201) submitted as the final and close out the Grant Subaward. If the Grant Subaward is special conditioned to reduce the liquidation period, the special condition supersedes this section.

Once Cal OES has processed the final Report of Expenditures and Request for Funds (Cal OES Form 2-201), the Grant Subaward will be closed and no further payment activities against the Grant Subaward will be permitted.

6340 Double Billings

Projects are prohibited from billing other federal, state, or local agencies for goods and/or services that have been billed and/or reimbursed to the project by Cal OES.

6400 ACCOUNTING SYSTEM AND STRUCTURE

- 6400.1** The project must establish and maintain an adequate accounting and internal administrative control system.
- 6400.2** The Subrecipient is required to establish and maintain an accounting system that at a minimum includes the general ledger accounting structure, subsidiary accounting records, and procedures that define how and by whom the funds are handled. The accounting records must identify the receipt and the expenditure of all Cal OES funds. Overall, the accounting system should conform to Generally Accepted Accounting Principles (GAAP).
- 6400.3** The accounting system must fully record the amount and disposition of all project funds. Accounting records must show receipt of funds and expenditures by source (e.g., federal, state, or local).
- 6400.4** Match funds and related expenditures must be identified in the accounting records (i.e., general ledger) and reported on the Report of Expenditures and Request for Funds (Cal OES Form 2-201).
- 6400.5** A fund accounting system must be maintained that ensures all Cal OES income and expenditures are separately identifiable from non-Cal OES funds.
- 6400.6** Financial institutions used for the deposit of grant funds must be insured by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC).
- 6400.7** Accounting systems for Cal OES projects may be on a cash, accrual, or modified accrual basis. NOTE: Report of Expenditures and Request for Funds (Cal OES Form 2-201), payment requests should be made only on a cash basis as specified in Section 6300.

6400.8 Cash Basis

Under a cash basis system, revenue is not recognized when it is earned, but rather only when the payment is received. Similarly, expenses are recognized when they are paid, not when they are incurred.

6400.9 Accrual Basis

Accrual basis revenue is recognized in the accounts when the transaction occurs (when earned), regardless of the period in which the related cash is collected. Expenses are recognized and matched with the revenue of the period to which it relates, regardless of when it is paid.

6410 Modified Accrual Basis

Modified accrual basis is a compromise between the cash and accrual systems used by most governmental units. Revenues are recognized either when they are received in cash (e.g., licenses or fines) or when collection of the amounts can be reasonably estimated to be received in the near future (e.g., property taxes). Expenses are generally recognized in the period in which goods and services are received or a liability is incurred.

- 6410.1** The accounting system must provide accurate and current financial reporting information. All accounting records and supporting documentation must maintain a clear audit trail.
- 6410.2** The project must establish and maintain a system of internal accounting control adequate to safeguard grant assets, review the grant accounting and financial data for accuracy and reliability, and promote operational efficiency.

6420 General Ledger Account Structure

- 6420.1** Expenditures of grant funds must be recorded in categories which parallel the Grant Subaward:
 - a. Personal Services;
 - b. Operating Expenses; and
 - c. Equipment
- 6420.2** All general ledger account entries must be supported by the subsidiary records and the original source documentation. The format of the subsidiary records is determined by the project. The project must be able to show with documentation (i.e., work sheet) that general ledger entries can be traced (reconciled) to the Report of Expenditures and Request for Funds (Cal OES Form 2-201).

6500 MATCH REQUIREMENTS

6510 Definitions

6511 Cash Match

Cash match, also known as hard match, is income from a source other than federal funds that is budgeted for the project. When used to augment the project, cash expenditures for items such as personnel, facilities, and supplies may be considered cash match, if not in violation of the prohibition on supplanting. A cash match must be specifically identified by line-item as match in the budget.

6512 In-Kind Match

- 6512.1** In-kind match, also known as soft match, is the project's contribution of non-cash outlay of materials or resources to support a percentage of Cal OES's Grant Subaward activities. It may include non-cash outlay contributed by other public agencies and institutions, private organizations, and individuals. Examples include

donated office supplies, equipment, professional services, and volunteer time. In general, the value of in-kind contributions is determined by fair market value, which must be specifically identified by line-item as in-kind match in the budget.

6512.2 In-kind match is not allowable unless specifically allowed in the terms of the Program.

6512.3²⁵ If the terms of the Program allow in-kind contributions (e.g., volunteer services) for match, projects should document volunteers by maintaining a volunteer time log that: 1) indicates the actual time and activity(ies) worked (on a daily basis) on Cal OES and non-Cal OES funded project(s) to which the volunteer is allocated; and 2) accounts for all time worked by the volunteer during the pay period.

6512.4 Projects must maintain documentation to support the claimed hourly salary rate of the volunteer services. The rate claimed should be comparable to the rates for paid employees performing similar duties and a reasonable amount of fringe benefit may be included in the valuation. Published rates will not be allowed unless projects can provide evidence that the rates are comparable.

The documentation maintained should include duty statements for the volunteer positions and the comparable paid employee positions and information regarding the hourly salary rates paid to those particular employees. The hourly volunteer rates used, multiplied by the volunteer hours worked, total the dollar amount of the in-kind contributions. This calculation and the other referenced documentation should be maintained as part of the accounting records.

6512.5 Costs associated with volunteers may be claimed. These costs should be determined using the same methods used when calculating costs associated with employees.

6520 Match Categories (Allowable/Non-allowable)

6521 Asset Forfeitures

Assets from federal or state forfeiture proceedings are allowable match if permitted by the terms of the program.

6522 State Funds Matching State or Federal Funds

State and/or federal funds can be used to match other state and/or federal funds only if all of the following conditions have been met:

- a. The other funding source does not prohibit this practice;
- b. The funds are to be used for identical activities (e.g., to augment the project); and
- c. The project has obtained prior written approval from Cal OES, or the terms of the program allow this practice.

²⁵ Changed functional Timesheets to volunteer time log.

6530 Required Match

The required match is specified in the terms of the program.

6540 Over Match²⁶

Projects are not allowed to budget above the required match amount.

6550 Calculating the Match

Match is calculated using one of two methods based either on the total project cost or on the percent of grant funds allocated to the project. The method required is generally specified in the authorizing legislation or the terms of the program. If this is not the case, the match must be calculated using the total project cost method.

6550.1 Match on Total Project Cost

To calculate the match, subtract the required match percent from 100 percent, divide the Grant Subaward amount by this difference to determine the total project cost, and then subtract the Grant Subaward amount (the Cal OES allocation) to determine the match amount. The following example below demonstrates how to calculate the amount of a 20 percent match on a \$50,000 allocation, based on Total Project Cost.

<i>Example</i>		
<i>Grant Subaward Amount</i>	=	<i>\$50,000</i>
<i>Divide \$50,000 by .8 (100 minus 20 = 80)</i>	=	<i>\$62,500 (Total Project Cost)</i>
<i>Subtract Grant Subaward Amount</i>	=	<i>\$50,000 (80%)</i>
<i>Local Match</i>	=	<i>\$12,500 (20%)</i>

6550.2 Match on Percent of Funds Allocated

To calculate the match, multiply the Grant Subaward amount (the Cal OES allocation) by the required match percent. The example below demonstrates how to calculate the amount of a 20 percent match on a \$50,000 allocation, based on percent of funds allocated.

<i>Example</i>		
<i>Grant Subaward Amount</i>	=	<i>\$50,000</i>
<i>Percent of Cash Match</i>	=	<i>20%</i>
<i>Multiply \$50,000 by .20</i>	=	<i>\$10,000 (Amount of match)</i>

²⁶ This section have been re-written for better understanding, consistency, clarification and compliance with Cal OES policies.

6560 Changing the Type of Match²⁷

If a change in the match is requested, the following forms must be submitted to Cal OES:

- a. A completed Grant Subaward Modification (Cal OES Form 2-223) indicating any applicable changes in the budget categories and a written narrative describing the changes to the type of match and justification for the changes; and
- b. Revised budget pages.

Match amounts must be separately identified on the budget pages.

6570 Reporting¹⁹

Reporting of expenditure of match contributions need not be made in exact proportion to the expenditure of grant funds. However, the required match contribution must be expended prior to the expiration of the federal/state fund(s) and before the Grant Subaward expires.

The expenditure of both cash and in-kind contributions must be reported on the Report of Expenditures and Request for Funds (Cal OES Form 2-201), as the expenditures occur. The percentage of match expenditures reported may vary from the budgeted match percentage. The required match contribution must be expended prior to the expiration of the federal/state fund(s) and before the Grant Subaward expires. If the Subrecipient does not expend the required match, Cal OES will invoice the Subrecipient for funds allocated that did not meet their match.

Match funds and related expenditures must be identified in the accounting records (e.g., general ledger), reported on the Report of Expenditures and Request for Funds (Cal OES Form 2-201), and in the audit report (see Section 8200).

6600 PROJECT AND OTHER INCOME

6610 Project Income

6610.1 Project Income Generated by the Use of State and/or Federal Funds

Any income you make from the award is considered project income. You can use project income to advance the program objectives, or refund the income back to Cal OES.

Types of project income include the following:

- a. Client fees;
- b. Interest earned on generated income;
- c. Registration fees;

²⁷ These sections have been re-written for better understanding, consistency, clarification and compliance with Cal OES policies.

- d. Sale of publications, videos, and other project-generated materials; and
- e. Asset seizures and forfeitures.

Donations should not be considered project income, as grant funds cannot be used for organized fundraising (see Section 2243).

Project income cannot be used as Cal OES required cash match, unless specifically allowed in the terms of the program.

Example

A Subrecipient sponsors a conference and collects \$1,000 in registration fees. The conference materials and room rental costs \$800. The reportable project income is \$200 (\$1,000 in total income less \$800 in costs). The project would then submit a Project Income Reporting Transmittal (Cal OES Form 2-234), indicating how the income was earned and a proposal on how to reallocate the income.

6610.4 Records of receipt and disposition of project income must be maintained in the same manner as required for grant funds (see Section 6400). Project income must be reported on a Project Income Reporting Transmittal form (Cal OES Form 2-234), indicating how the income was earned and a proposal on how to reallocate the income. A separate Project Income Reporting Transmittal (Cal OES Form 2-234), must be submitted when the proposed income allocation changes. Unless additional restrictions on the disposition of project income are contained in the terms of the program, project income must be:

- a. Used by the project for a purpose that furthers the objectives of the project for which the Grant Subaward was made, such as expanding the project, continuing the project, and obtaining equipment or other assets needed for the project; or
- b. Returned to Cal OES.

6610.5²⁸ Unless otherwise stipulated in the subaward, any project income earned during the performance period but not utilized for the project must be refunded to Cal OES based on the ratio of federal/state funds that support the project. For example, if 75 percent (of the Grant Subaward is federal/state funds and the other 25 percent is from the Subrecipient, then 75 percent of the project income left at the end of the performance period must be refunded to Cal OES.

6620 Interest Income

Interest income is defined as income earned on advances of grant funds. Interest income must be reported at the end of the funding year on a Cal OES Statement of Interest Income (Cal OES Form 2-224). Subrecipients may retain up to \$500 of the interest earned per funding year. Interest earned on Cal OES grant funds over \$500

²⁸ This section have been re-written for better understanding.

per funding year threshold must be refunded to Cal OES. The form and a check for the amount of interest income to be refunded should be attached to the final Report of Expenditures and Request for Funds (Cal OES Form 2-201). This does not apply to state agencies, including state institutions of higher education, state hospitals, or if otherwise specified in the terms of the program.

6630 Other Income

In rare cases, a Subrecipient may receive a refund due to an over-estimate of the employer's contribution to the Public Employees Retirement System (PERS), and the contribution has been charged to a Grant Subaward as an employee benefit cost. If the overpayment refund is received within the grant's funding cycle (even if the Grant Subaward period has ended), the Subrecipient may claim the refund as project income. As project income, the refunded money must be handled in accordance with Section 6610.4. The refund may not be expended prior to receipt of Cal OES's approval on a Project Income Reporting Transmittal (Cal OES Form 2-234).

7000 CHANGES TO GRANT SUBAWARD

7100 GENERAL

All changes to the Grant Subaward must be approved by Cal OES.

There are two methods of changing the Grant Subaward as described in sections 7110 and 7130.

7110 Amending the Grant Subaward

Amendments are changes to the approved performance period and/or increases/decreases to the dollar amount. Amendments are necessary in order to:

- a. Change the performance period;
- b. Change the Grant Subaward amount; and/or
- c. Change the Subrecipient name.

These changes are discussed under Sections 7200 and 7300.

7120 Approval of Amendments

The following documents are required to request an amendment of a Grant Subaward:

- a. A Cal OES Grant Subaward Amendment (Cal OES Form 2-213), with the original signature of the person designated by the governing board (see Section 2113);
- b. A Cal OES Grant Subaward Modification (Cal OES Form 2-223); and
- c. Revised budget pages if increasing or decreasing the funds subawarded.

If the written authorization from the governing board does not authorize amendments (an increase/decrease of grant funds and/or an extension of the Grant Subaward performance period); a new written authorization from the governing board must be obtained and made available for review upon request.

7130 Modifying the Grant Subaward

Modifications are changes to the approved Grant Subaward and include:

- a. Budget modification (see Section 7500);
- b. Adding a new line item to any budget category;
- c. Change in key personnel (see Sections 2110 and 2174);
- d. Change in goals, objectives, or activities;
- e. Changes to the liquidation period;

- f. Non-Competitive Bid approval (see Section 3500);
- g. Independent Contractor/Consultant approval (e.g., expert witness);
- h. Out-of-state travel approval;
- i. Changes in operational agreements;
- j. Changes in the type of match; and
- k. Changes to either physical or mailing address.

In addition, Cal OES reserves the right to require a Grant Subaward Modification (Cal OES Form 2-223), for any change in the Grant Subaward.

7140 Approval of Grant Subaward Modifications

A Grant Subaward Modification (Cal OES Form 2-223), is required to modify a Grant Subaward.

All required modifications must be submitted on the Grant Subaward Modification (Cal OES Form 2-223), and will be effective upon Cal OES's written approval. Oral agreements are not binding on either party.

7141 Instructions for completing the Grant Subaward Modification (Cal OES Form 2-223) are on the reverse side of the form. Completed forms are to be mailed to Cal OES.

7200 GRANT SUBAWARD EXTENSIONS

7210 Definition

An extension is a change in the Grant Subaward, which affects the length of the performance period.

7220 Extensions of Performance Periods

7221 Extensions of performance periods may be requested for unavoidable delays beyond the project's control, including but not limited, to the following:

- a. Insufficient time to complete the project objectives;
- b. Extreme difficulties in acquiring adequate staffing of the project;
- c. Sudden or unexpected termination of the Project Director or other responsible officers;
- d. Delays in processing Grant Subaward modifications and/or amendments;
- e. Delays caused by acts of legislative or judicial bodies;
- f. A strike which affects the performance of the project; or
- g. Natural disasters affecting project performance.

7222 Documentation for extensions must be in writing. The request should be received by Cal OES at least 30 calendar days prior to the conclusion of the Grant Subaward performance period. Oral requests for extensions do not bind either Cal OES or the Subrecipient (see Section 7240).

7223 Projects that have not received written approval of the extension from Cal OES by the end of the performance period and continue to operate do so at their own risk. **There is no guarantee that the extension will be approved by Cal OES, or reimbursement will be made for expenditures incurred after the performance period.**

7230 Considerations

In reviewing the Grant Subaward extension request, the following may be considered:

- a. Past and current performance;
- b. The availability of funds;
- c. Timely submission of completed fiscal and program reports; and
- d. Circumstances and justification for the request.

7240 Extension Procedures

To request an extension, the following must be submitted to Cal OES:

- a. A Cal OES Grant Subaward Amendment (Cal OES Form 2-213), with original signature of the person authorized to sign the Grant Subaward; and
- b. A completed and signed Grant Subaward Modification (Cal OES Form 2-223).

Cal OES reserves the right to require additional documentation.

7300 AUGMENTATIONS

7310 Definition

An augmentation is an increase in the dollar amount of the approved Grant Subaward.

7320 Considerations

An augmentation is initiated by Cal OES. Cal OES will consider, at least, the following factors in determining whether or not to augment a project:

- a. Availability of funds; and
- b. Programmatic and/or State needs.

7330 Augmentation Procedures

To process an augmentation request, the following forms must be submitted:

- a. A Cal OES Grant Subaward Amendment (Cal OES Form 2-213), with original signature of the person authorized to sign the Grant Subaward;
- b. A completed and signed Grant Subaward Modification (Cal OES Form 2-223); and
- c. Revised budget pages indicating the new total project costs.

For Community-Based Organizations, if the original fidelity bond does not cover the increase in funds for the Grant Subaward, the Subrecipient must submit certification of increased coverage within 30 calendar days of the approval of the amendment request (see Section 2160).

Cal OES reserves the right to require additional documentation.

7400 REDUCTION TO GRANT SUBAWARD

7410 Definition

A reduction is a decrease to the funds awarded in the approved Grant Subaward.

7420 Considerations

A reduction is initiated by Cal OES or at the request of the Subrecipient. Cal OES will consider at least the following factors in determining whether or not to decrease funding to a project:

- a. Failure to comply with Grant Subaward requirements;
- b. Failure to meet program objectives and/or service goals;
- c. Availability of funds; and
- d. Project's expenditure pattern.

In the event it becomes necessary to decrease project funds, the project will be officially notified in writing by Cal OES.

7430 Reduction Procedures

To process a decrease in funds for the Grant Subaward the following must be submitted:

- a. A Cal OES Grant Subaward Amendment (Cal OES Form 2-213), with an original signature of the person authorized to sign the Grant Subaward;
- b. A completed and signed Grant Subaward Modification (Cal OES Form 2-223); and
- c. Revised budget pages indicating the reduced total project costs.

7500 BUDGET MODIFICATION

7510 Definition

A budget modification is a Grant Subaward Modification (Cal OES Form 2-223), that changes the approved budget but does not change the Grant Subaward amount or the performance period.

7520 Prior Approval

7521 Prior approval is required for budget modifications which:

- a. Transfer funds from one approved budget category to another;
- b. Reallocate personnel, the time period involved, the individuals involved, the salaries paid and/or the percentage of time worked exceeding 20 percent of the approved budget;
- c. Reallocate personnel, the time period involved, the individuals involved, the salaries paid, and/or the percentage of time worked for those identified as Independent Contractor/Consultant positions in the Operating Expenses Category; and
- d. Add a new line-item to any budget category.

Revised budget pages are required for approval.

7522 If prior approval is not obtained, the Grant Subaward reimbursement may be reduced by the amount of the unauthorized expenditure(s). Unauthorized expenditures may also result in audit issues.

7530 Budget Modification Procedures

7531 Budget modifications must be submitted on a Grant Subaward Modification (Cal OES Form 2-223), and approved before the expenditure is reported (or ordered, contracted for, etc.) on a Report of Expenditures and Request for Funds (Cal OES Form 2-201). Any changes to budget categories as a result of a modification must be reflected on the next Report of Expenditures and Request for Funds (Cal OES Form 2-201), after the change is approved. A budget modification need not be submitted to resolve questioned/disallowed costs resulting from an audit.

7600 MODIFICATION OF PROJECT OBJECTIVES

Project objectives may only be modified during the first seven (7) months of the original performance period, unless otherwise approved. Requests to modify objectives after the seventh month must cite justification showing that the need to modify arose out of circumstances beyond the project's control, including but not limited to, the following:

- a. Extreme difficulties in acquiring adequate staffing for the project;
- b. Sudden or unexpected termination of necessary project personnel;

- c. Delays in processing Grant Subaward modifications and/or amendments;
- d. Delays caused by acts of legislative or judicial bodies;
- e. A strike which affects the performance of the project; or
- f. Natural disasters affecting project performance.

7610 Procedures

Modifications to project objectives must be submitted on a Grant Subaward Modification (Cal OES Form 2-223), indicating the following:

- a. Written justification for the project objective changes being requested; and
- b. Applicable changes in the budget (if there are none, type "NO CHANGE" in the budget section).

7620 Approval

All modifications to project objectives require prior Cal OES approval in writing. Modifications to statutorily required objectives are not permissible.

7700 EXTENSION OF LIQUIDATION PERIOD

7710 Definition

The liquidation period is 60 calendar days following the end of the performance period (see Section 6220).

A request for the extension of the liquidation period must be submitted within the first 30 calendar days of the liquidation period.

7720 Considerations

The following will be considered:

- a. Past and current performance;
- b. The availability of funds;
- c. Timely submission of completed fiscal and program reports; and
- d. Circumstances and justification for the request.

7730 Procedures

To request an extension of the liquidation period a completed and signed Grant Subaward Modification (Cal OES Form 2-223), must be submitted to Cal OES.

8000 AUDITS

8100 AUDIT REQUIREMENTS

8101 Audit Reporting Compliance

To safeguard Cal OES assets and to ensure all grant funds are accounted for, Grant Subrecipients shall be audited in accordance with the following:

Subrecipients expending \$750,000 or more of federal funds annually must comply with the requirements for audit established by the Federal Office of Management and Budget (OMB) Uniform Guidance 2 CFR Part 200, Subpart F and arrange for an audit by an independent CPA firm annually. Audits conducted under this section will be performed using the guidelines established by the American Institute of Certified Public Accountants (AICPA) for such audits. Audit reports must be submitted within nine months after the Subrecipient's fiscal year.

Subrecipients expending less than \$750,000 of federal funds annually are not required to perform an agency-wide audit in accordance with OMB Uniform Guidance 2 CFR Part 200, Subpart F guidelines; however, if such an audit is performed for other purposes, the Subrecipient is required to forward a copy of the audit report to Cal OES within nine months after the fiscal year or the grant ending date. Subrecipients must maintain appropriate records to document grant compliance and are subject to audit by representatives of Cal OES, the State of California, and the United States Government.

Financial accountability and compliance require all funds to be expended in accordance with federal and state laws, rules and regulations, the terms of the program, and the Cal OES Subrecipient Handbook.

8102 Timely Submittal of Audit Reports

Projects may be suspended, terminated or withdrawn if the required audit is not performed, and/or the audit report is not submitted within nine months after the end of the Subrecipient's fiscal year end.

Any audit report extension requests must be in writing and submitted prior to the deadline.

8110 Scope of Audit

All audits performed under this section shall be made by an independent auditor (qualified state or local government auditors or an independent public accountant licensed by the State of California) as defined in Chapter 3, Paragraphs 3.03 through 3.32 of the Governmental Auditing Standards (GAS Standards) promulgated by the Comptroller General of the United States (revision 2003).

8111²⁹ Audits in which Cal OES is identified as a "major program" must consider provisions contained in the terms of the program and the Cal OES Subrecipient Handbook, and

²⁹ In this section, removed grant specific audits, as they are the same as audits.

must report on the revenues and expenditures of the grant (see Section 8215 for expenditures format reporting requirements).

8113 Unless limited by the nature of the audit, the auditor shall determine the following:

- a. The financial statements of the organization present fairly its financial position and the results of its financial operations in accordance with Generally Accepted Accounting Principles (GAAP).
- b. The organization has internal accounting and administrative control systems to provide reasonable assurance that it is managing the program in compliance with applicable laws and regulations pertaining to the expenditure of federal grant funds.
- c. The organization has complied with laws and regulations that may have a material effect on its financial statements and on the Cal OES funded project.

8120 Frequency of Audit

2 CFR Part 200 Uniform Guidance audits must be completed and submitted to the Cal OES Monitoring Division no later than nine months after the close of the Subrecipient's fiscal year if the federal funding received by the Subrecipient agency is \$750,000 or more (see Section 13600).

If grant-funded projects meeting the federal funding threshold of \$750,000 have been granted an augmentation and extension for 12 or 24 months, then an audit must be completed for each year. Projects are allowed to budget to the federal funds for a separate audit for each year of the extended grant (see Section 8157). However, these costs must be budgeted proportionately to the federal funds received and not all to the Cal OES subaward.

8130 Securing Audits

The Subrecipient must arrange for a financial audit (as defined by GAO Standards). The Single Audit Act Amendment of 1996, OMB Uniform Guidance 2 CFR Part 200, Subpart C & D and subsequent circulars should be considered in securing the audit. If there is a conflict in audit requirements, Cal OES policy will supersede. If the Subrecipient does not comply with the audit requirements, special conditions may be placed on any current and future Grant Subaward (s) to require the project to comply. Subsequent Grant Subawards may be denied or current Grant Subawards may be withheld or terminated.

8140 Relation to Other Audit Requirements

Organizations which are required to procure annual single audits in accordance with the provisions of 2 CFR Part 200 Uniform Guidance must include Cal OES Grant Subaward expenditures in total or by cost category in the Schedule of Federal Assistance. Organizations which elect to conduct a grant-specific audit or a Financial Statement audit must ensure the audit is conducted in accordance to GAS requirements and must provide a copy of the audit to Cal OES.

8150 Audit Costs

8151 Subrecipients expending less than \$750,000 in federal funds annually cannot use federal funds to reimburse for costs associated with audits.

Subrecipients expending \$750,000 or more in federal grant funds annually are required to secure an audit pursuant to 2 CFR Part 200 Uniform Guidance and are allowed to utilize federal grant funds to pay for audit costs.

Specifically, the allowable audit costs are as follows:

- a. If the total project cost is less than or equal to \$150,000, the project may charge the subaward for the actual cost up to \$2,000 for the financial audit costs for one audit per year for each year of the Grant Subaward; or
- b. If the total project cost is greater than \$150,000, the project may charge the subaward the actual cost up to one and a half percent of the total Grant Subaward for audit costs.

Amounts may be rounded to the nearest dollar.

8152 In order for the project to claim audit costs, the costs must be designated as a separate line-item within the operating expenses budget category and be encumbered prior to the end of the performance period. Encumbering audit costs means the project has the audit costs designated and approved in the original budget or added as an approved line-item during the performance period and have selected a CPA/auditor prior to the end of the Grant Subaward.

8153 Estimated audit costs related to a Cal OES Grant Subaward may be claimed for an audit that will not be completed prior to submission of the final Report of Expenditures and Request for Funds (Cal OES Form 2-201). The project must maintain documentation to support the estimated audit costs (i.e., copy of the CPA/auditor's audit fee schedule, executed audit contract or audit proposal). The accounting system must fully record the amount and disposition of all project funds. Accounting records must show receipt of funds and expenditures by source (e.g., federal, state, or local).

8154 Audit costs for interim audits (i.e., audits that do not cover the entire performance period) should be claimed on the final Report of Expenditures and Request for Funds (Cal OES Form 2-201). As noted above, estimated audit costs may be claimed for an audit to be completed after submitting the final Report of Expenditures and Request for Funds (Cal OES Form 2-201). Therefore, when the performance period is contained within two audit reports, the audit costs claimed on the final Report of Expenditures and Request for Funds, (Cal OES Form 2-201) will consist of actual and estimated costs.

Example

The performance period is July 1 through June 30. The project's audits are conducted on a calendar year basis (January 1 through December 31). The audit costs for the July through December 31 portion of the Grant Subaward can be determined when that calendar year audit is complete, and the costs for the January 1 through June 30 portion have to be estimated. The audit costs claimed on the Grant Subaward's final Report of Expenditures and Request for Funds (Cal OES Form 2-201) will consist of actual costs for the first six months of the Grant Subaward (July 1 through December 31) and estimated costs for the remaining six months of the performance period (January 1 through June 30).

- 8155** Carryover of grant funds from one performance period to the next is not allowable, including multi-year grants. Claimed expenses must be incurred during the performance period (see Section 6312.2). Expenditures claimed on the Report of Expenditures and Request for Funds (Cal OES Form 2-201) and submitted after the performance period must be recorded in the Subrecipient's books of account as of the performance period, with the exception of those Subrecipients reporting on a cash basis. However, those that are reporting on a cash basis must encumber (see Section 6200) the funds and reflect it in their accounting records for that performance period.
- 8156** If the amount of the actual audit cost is less than the amount of the estimated audit cost, the project must return the difference to Cal OES.
- 8157** Grant-funded projects are allowed to budget for additional audit costs related to an augmentation and/or an extension.

8200 AUDIT REPORTS

When required, audit reports must be prepared at the completion of the audit. The report must comply with the financial audit reporting standards contained in the Government Auditing Standards (GAS) published by the U.S. Government Accountability Office (revised 2003). Audit reports, which do not meet the standards, will not be accepted until the deficiencies are corrected.

If the Subrecipient elects to have a grant-specific audit conducted, they should provide Section 8000 of the Subrecipient Handbook to the CPA/auditor to ensure that the audit report meets Cal OES requirements.

- 8201** The audit report shall state that the audit was made in accordance with Government Auditing Standards, promulgated by the Comptroller General of the United States, or Generally Accepted Government Auditing Standards (GAGAS) for financial audits.

Public accountants performing government audits must also state that the audit was made in accordance with the Generally Accepted Auditing Standards (GAAS).

8210 Audit Report Content

The audit report must contain Sections 8211 through 8216 and meet the GAO Standards referred to in Section 8200.

8211 The auditor must include an opinion on financial statements or financial reports and related items.

The auditor is required to refer to the separate reports on compliance with laws and regulations and internal controls in the report on the financial statements.

8212 The auditor's report on their understanding of the entity's internal control structure and the assessment of control risk made as a part of the financial statement audit or a financial-related audit should include:

- a. The scope of the auditor's work in obtaining an understanding of the internal control structure and in assessing the control risks;
- b. Deficiencies in internal control considered to be significant deficiencies as defined in the AICPA standards;
- c. All instances of fraud and illegal acts unless clearly inconsequential; and
- d. Significant violations of provisions of contracts or Grant Subaward and abuse. In some circumstances, auditors should report fraud, illegal acts, and violations of provisions of contracts or Grant Subaward, and abuse directly to parties external to the audited entity.

8213 The auditor's report on compliance contains:

- a. Reporting deficiencies and/or violations of the provisions of contracts or Grant Subaward, and abuse; and
- b. An identification of any questioned or disallowed amounts for each Grant Subaward, as a result of noncompliance.

8214 In addition to the audit report, the Subrecipient shall provide comments on all findings and recommendations referred to in the report, including a plan for corrective action taken or planned and the implementation date.

8215 If a grant-specific audit is conducted, the audit report must include a categorical reporting schedule. The categorical reporting schedule must identify the following:

- a. Revenues and expenditures by cost category (personal services, operating expenses, and equipment) for each Grant Subaward;
- b. Each subaward number;
- c. Performance period;
- d. Audit period; and

e. Revenues and expenditures by match cost category (personal services, operating expenses, equipment) for each Grant Subaward.

8216 If certain information is prohibited from general disclosure (privileged and confidential information), the report must state the nature of the information omitted and the requirement that makes the omission necessary.

8217 Subrecipients are required to submit a copy of any management letters issued by the auditor that are referenced in the audit report.

8220 Report Distribution

8221 The financial statements, schedules, summaries, auditor's report(s), Corrective Action Plan, and the management letter (if prepared) are collectively referred to as the reporting package. The reporting package may be submitted in hard copy or in electronic format (unsecured PDF, *preferred*, or on a compact disc).

The reporting package for all grant-specific audits and for 2 CFR Part 200 Uniform Guidance audits of nonprofit organizations must be submitted electronically to GMD@caloes.ca.gov, or via hard copy to:

Grants Monitoring
California Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, CA 95655

The reporting package for all local government 2 CFR Part 200 Uniform Guidance audits must be submitted to:

State Controller's Office
Division of Audits
Financial Audits Bureau/Single Audits Unit
P.O. Box 942850
Sacramento, CA 94250-5874

8222 Subrecipients reporting to Boards of Directors must provide copies of all grant-related financial audit reports and all grant-related program Monitoring reports to their board of directors.

8230 Failure to Submit an Audit Report

Failure to submit an audit report or submission of a late audit report will result in special conditions being placed on the Grant Subaward to comply with audit requirements, the withholding of grant funds, or denial of subsequent Grant Subawards.

8240 Access to Audit Documents

All audit reports, audit working papers, correspondence, or other documents related to the audit reports and Grant Subaward must be accessible to Cal OES and its authorized representatives.

8250 Quality Control Review

Audit reports submitted by qualified state and local government auditors and independent CPA firms may be randomly selected for a quality control review of the CPA/auditor's working papers. The CPA/auditor will be notified when a review will be conducted.

8260 Right to Perform Audit or Review

Cal OES reserves the right to perform audits or reviews of any Grant Subaward at any time.

8300 MONITORING PROCESS

8310 Methods of Monitoring

The methods used by the Cal OES Monitoring Division test a Subrecipient's compliance with laws and regulations using field reviews and desk reviews.

8311 Field Review

Monitor(s) travel(s) to the Subrecipient's place of business to conduct a Compliance Review. A field review consists of, but is not limited to, the following:

- a. Entrance Conference
- b. The monitor meets with the Subrecipient to discuss the scope of the monitoring
- c. Field Work
- d. While on site, the monitor will review the Subrecipient's policies, procedures, documentation supporting claimed expenditures, procurement documentation, contracts, payroll, equipment records, and interviewing staff and, as applicable, verifying equipment purchases and location. This is not an all-inclusive list of items the monitor will be reviewing
- e. Exit Conference

At the conclusion of the visit, the monitor meets with the Subrecipient to discuss the preliminary results of the monitoring.

8312 Desk Review

Monitor(s) request(s) Subrecipient to submit documents in the mail. These documents may include responding to Schedules (targeted compliance questionnaires), Corrective Action Plans (CAP), or other source documentation supporting claimed reimbursements. A desk review's scope may be limited or extended.

8315 Independent Audit Report Review

Independent financial audit reports of Grant Subawards are reviewed to ensure that audit requirements in Section 8000 are met.

If the audit report identifies Cal OES grant-related findings, questioned costs or costs that were recommended for disallowance, a Corrective Action Plan (CAP) request letter will be sent to the Subrecipient.

The process and timeframe for responding to a request for an audit report CAP is the same as that identified in Section 8320.

8320 Monitoring Report

A compliance review report is issued to the Subrecipient approximately 45 days after the completion of the review. If corrective action is required as a result of identified areas of non-compliance, the Subrecipient has 30 days to respond in writing and outline the steps and timeframe for corrective action in the form of a CAP.

Upon approval of the CAP, the project has six months to fully implement all corrections.

Failure to timely respond to Cal OES's request for Corrective Action may result in disallowed cost (see Section 8321 Disallowed Costs), withholding of grant funds or denial of subsequent Grant Subawards.

8321 Questioned/Disallowed Costs Identified in a Monitoring or Audit Report

When costs are questioned or recommended for disallowance and the Subrecipient cannot support the costs claimed through original source documents and general ledger entries, Cal OES will make every effort to help the project identify possible stand-in (substitute) grant eligible expenditures.

Cal OES will invoice any remaining disallowances and the Subrecipient will be required to return the funds. If the questioned costs or costs recommended for disallowance are a material amount in relation to the Grant Subaward, a hold may be placed on all current grant funds.

8400 SEPARATION OF DUTIES

A key element in a system of internal control is separation of duties. Adequate separation of duties helps reduce the risk of theft or mismanagement of grant funds.

Members of the same family (e.g., husband, wife, brother, sister, daughter or son) are considered one person for the purposes of separation of duties. Adequate internal control provides that no one person may perform more than one of the following types of duties:

1. Receiving and depositing cash receipts;
2. Authorizing cash disbursements;

3. Preparing checks;
4. Operating a check signing machine;*
5. Comparing machine-signed checks with authorizations and supporting documents (or signing checks manually after personally comparing them with authorizations and supporting documents);*
6. Reconciling bank statements (+) and post to the General Ledger;* and
7. Preparing or initiating invoices.

* Will not have access to or control of blank check stock.

(+) The canceled checks must be delivered unopened to the person responsible for the bank reconciliation function and must be safeguarded by that person until the reconciliation is complete.

An employee assigned duties 1, 2, 3, 4, 5, or 7 will not keep more than one of the books of original entry concerning receipts, disbursements, or invoices. However, an employee assigned duty 6 above may do so.

Employees receiving or depositing remittances may keep the cash receipts register, employees preparing checks may keep the cash disbursements register, and persons preparing invoices may keep the invoice register.

If the size of the project does not allow for separation of duties, the project must establish other procedures to mitigate that weakness. Employees of units other than the accounting unit may be used, when necessary, to provide separation of duties. Additional division of responsibilities within each duty can be beneficial.

Projects can alleviate the problem by increasing supervision of staff or by enlisting board members to perform some functions in order to achieve adequate separation of duties.

The following is a separation of duties chart for cash receipts, disbursements, and other related duties that illustrate generally the minimum division of responsibilities to ensure adequate separation of duties.

Duty	Employee						
	1	2	3	4	5	6	7
Receiving and depositing cash receipts	✓						
Endorsing Checks	✓						
Maintaining cash receipts register	✓						
Preparing or initiating invoices		✓					
Approving invoices			✓				
Maintaining invoice register		✓					
Preparing checks				✓			
Operating a check signing machine					✓		

Duty	Employee						
	1	2	3	4	5	6	7
Comparing machine-signed checks with authorizing and supporting documents or manually signing checks after comparing them with authorizations and supporting documents						✓	
Maintaining cash disbursements register				✓			
Mailing or distributing checks	✓						
Reconciling bank accounts & posting to the general ledger							✓
Maintaining other book of original entry							✓

8500 DISPOSITION OF MONITORING PROCESS

Cal OES will notify the project in writing of the disposition of findings related to Corrective Action Plans. If the project does not agree with the finding disposition, the project has 30 days to respond in writing to the finding disposition notification.

If the project does not respond in writing within 30 calendar days, Cal OES will proceed with any resulting actions, including issuing an invoice for questioned and/or disallowed costs, if appropriate.

8510 Invoice for Repayment

The project will be invoiced for costs disallowed by Cal OES. The project must pay the invoiced amount within 30 calendar days from the invoice date. If full payment of disallowed costs causes an undue hardship to the project, the project may submit a written request to the Cal OES Accounting Branch to pay under a specified payment schedule. The term of the payment schedule shall not exceed a 12-month period, unless otherwise authorized by the Cal OES Accounting Branch.

8520 Sanctions for Nonpayment

If the project does not comply or is delinquent in complying with the payment requirements imposed by Cal OES, a hold may be placed on any funds due to the project and/or full amount of disallowed costs owed will be due and payable. Cal OES may take additional action, as appropriate, including, but not limited to, denying future Grant Subawards and reducing the amount of any payments requested by the project on a Report of Expenditures and Request for Funds (Cal OES Form 2-201).

8600 DEFINITION OF TERMS

Findings

Findings are deficiencies disclosed during a compliance review or reported by the CPA/auditor in an audit report. Examples of findings include, but are not limited to:

- a. Inadequate separation of duties among employees;
- b. Untimely preparation of Report of Expenditures and Request for Funds (Cal OES Form 2-201);
- c. Lack of written procedures;
- d. The general ledger does not agree with the Report of Expenditures and Request for Funds (Cal OES Form 2-201); and
- e. Inadequate or lack of time sheets.

Questioned Costs

Costs which require additional supporting documentation from the project or which require an interpretation from Cal OES as to whether or not the costs are allowable.

Disallowed Costs

Disallowed costs are costs that the Monitor or CPA/auditor has documentary evidence beyond a reasonable doubt that the project is in violation of legislative or regulatory requirements or specific grant conditions.

Full Period Grant Audit

The financial audit covers the full performance period.

Interim Grant Audit

The financial audit does not cover the full performance period. For example, a grant is subawarded from July 1 through September 30, of the subsequent year. The audit report covers the period July 1 through June 30 of the subsequent year. The project is required to secure a financial audit to cover the remaining time period of July 1 through September 30 of that year.

Schedules (Questionnaires)

Subrecipients are selected through a random sampling method to complete a self-certification questionnaire on various subject matters (internal controls, procurement policies, etc.). The responses to these questionnaires could result in an extended desk review and/or on-site compliance review.

10000 REPORTING PROJECT ACTIVITIES AND ACHIEVEMENTS

10100 PROGRESS REPORTS

10110 Purpose

Progress Reports serve as a historical record of the implementation of the project. The Progress Report documents the project's progress in achieving the objectives in accordance with the terms of the program and provides a mechanism by which the Subrecipient can identify problems encountered in the implementation of the project.

10111 Source Documentation

Funded projects are required to participate in data collection and submit Progress Reports. Projects must keep accurate records as source documentation to support the information reported in the Progress Report.

These records must be retained by the project for at least three years from the end of the Grant Subaward period. During programmatic monitoring and Site Visits, Cal OES will review these records for accuracy and compare that data to the Progress Reports submitted by the project.

Projects are to retain source documentation for Progress Reports on a quarterly basis, regardless of submission requirements. The Progress Reports provide project staff and Cal OES with a formal process to document ongoing grant activities and project progress toward the achievement of stated program goals. All subaward Progress Reports are reviewed by Program Specialists and retained in the project's subaward file at Cal OES.

Review of Records

Acceptance of a Grant Subaward obligates the project to allow employees and/or authorized representatives of Cal OES unrestricted access to inspect, copy, and audit all pertinent books, documents, papers, and records, including redacted confidential records.

10120 Submission

Unless otherwise specified in the terms of the program, Cal OES typically requires a Status Report and Progress Reports for the performance period. The status report covers the first three months of the Grant Subaward's operation. A Progress Report is due at the end of each six-month period of the Grant Subaward. The first Progress Report will contain information about the first six months of operation, and subsequent reports will contain cumulative figures for each six months period, until the end of performance period.

All projects are required to submit an electronic, signed copy of the status/Progress Report to Cal OES. These are due 30 calendar days after the end of the reporting period. For example, if the reporting period ends October 31, the report must be submitted to Cal OES by November 30. Failure to submit a report on time may result in the withholding or disallowance of grant payments, the reduction or termination of grant funds, and/or the denial of future grant funding.

10120.1 Reports for Extended Grant Subawards

If the performance period is extended, additional Progress Reports may be required. Contact the Cal OES Program Specialist for the additional requirements.

10130 Final Payment

Final payment of the grant funds may be withheld until receipt of the following:

- a. Written response, when appropriate, to conditions placed on the Grant Subaward;
- b. All required Progress Reports, including those covering the period for which an approved Grant Subaward extension has been authorized;
- c. Any additional reports required by federal, state, or Cal OES guidelines; and
- d. A final Report of Expenditures and Request for Funds (Cal OES Form 2-201).

Funds may be withheld or terminated and future grant funding may be denied if the project has not complied with the terms and conditions of the Grant Subaward in a timely manner (see Section 12000).

10200 PROGRAMMATIC TECHNICAL ASSISTANCE

Programmatic technical assistance is available to all projects upon request. Requests for on-site technical assistance should be made in writing by submitting the Request for Programmatic Technical Assistance (Cal OES Form 2-235), via letter or email directed to the appropriate program branch. Technical assistance may be provided on-site or over the phone.

10300 SITE VISIT PERFORMANCE ASSESSMENT

10310 Purpose

The purpose of a site visit performance assessment report is to make an on-site assessment of current project conditions and to provide technical assistance. As part of the assessment, the Subrecipient Handbook and terms of the program will be reviewed with the Subrecipient.

These visits are for Cal OES staff to provide on-site technical assistance to the project, which may include the following:

- a. Provide information that will assist the project in meeting program goals;
- b. Review project objectives to determine if they are achievable;
- c. Review project activities to determine if they will reasonably result in achievement of the objectives;
- d. Review the project's source documentation and data collection process;

- e. Review the project's Report of Expenditures and Request for Funds (Cal OES Form 2-201), to determine whether any adjustments are needed;
- f. Review the monitoring process with project staff so they know what to expect during future visits; and
- g. Review the Progress Reports to determine if they are complete and accurate.

10320 Timeframe³⁰

Newly funded grant projects will normally receive a Site Visit within the first six months of the performance period. In addition, projects will normally receive a Site Visit at least once every two years.

10330 Follow-up

Projects determined to be progressing satisfactorily will receive a letter acknowledging their current status. Projects that require corrective action may be required to submit a corrective action plan or will receive a letter outlining appropriate corrective action.

10400 MONITORING

10400.1 Definition

A monitoring visit is an on-site assessment of the administrative and fiscal components of a Cal OES-funded project. The resulting Monitoring Report provides a detailed review of the project and identifies, in limited scope, areas in which the project is and is not in compliance with the applicable laws, regulations, policies, and program requirements. The Monitoring Report is a useful tool that helps guide the Subrecipient and the Program Specialist as they work together to develop a Corrective Action Plan (CAP). Corrective action is viewed by Cal OES as a constructive, strengthening process for Subrecipients. Generally, monitoring findings do not affect the Subrecipient's funding if corrective action is implemented. Refer to Section 8300 regarding the monitoring process.

10410 Monitoring Requirements and Access to Records

Projects are monitored for compliance with the applicable laws, regulations, policies, and program requirements.

Acceptance of the Grant Subaward obligates the project to allow Cal OES staff and/or its authorized representatives unrestricted access to all project books, documents, papers, and records, (including redacted confidential records) for inspection, copying, monitoring, and auditing.

Cal OES reserves the right to conduct unannounced monitoring visits.

³⁰ Timeframe has been updated from three year cycle to every two years.

10420 Standard Monitoring Procedures

Cal OES staff will contact the Project Director to set a mutually agreeable date for the monitoring visit. A letter to the Project Director and Financial Officer will follow to confirm the monitoring of the Grant Subaward(s) and performance period(s) to be monitored, and to document the agreed upon date of the monitoring visit. The individual(s) responsible for preparing the Report of Expenditures and Request for Funds (Cal OES Form 2-201), the Progress Report, and the oversight of grant-related activity should be available during the monitoring visit to answer questions.

A field document will normally be provided to the Subrecipient prior to the monitoring visit to assist the Subrecipient in preparing for the visit.

The Monitor will review findings with the Subrecipient during the course of the monitoring, as well as at the end of the visit during the Exit Interview.

Exceptions to these standard procedures may occur on a case-by-case basis.

10421 Scope of Monitoring

The Cal OES monitoring process complies with the intent of federal and state requirements. The process assesses programmatic, administrative, and fiscal components of the project. The review of fiscal compliance is not an audit and cannot be used to replace Cal OES audit requirements.

10422 Monitoring Field Document

The monitoring field document is designed and developed specifically for each program in accordance with the applicable laws, regulations, policies, and program requirements.

10430 Monitoring Report

The Monitoring Report provides a summary of the areas monitored and identifies whether or not the areas monitored are in compliance with applicable requirements. The report also includes details of any findings and instructions for the preparation and submission of a Corrective Action Plan. The approved Monitoring Report will be sent to the Subrecipient.

10431 No Findings Identified

If no findings are identified in the monitoring report, the monitoring process is complete.

10432 Findings Identified

If findings are identified in the Monitoring Report, the Subrecipient must submit a Corrective Action Plan (CAP) within 30 calendar days of the date of the Monitoring Report. Corrective Action Plan instructions and submission information are included with the Monitoring Report.

10433 Corrective Action Plan Process

The Subrecipient is responsible for developing a Corrective Action Plan (CAP) for findings identified in the Monitoring Report, and may obtain the help of the Program Specialist in its development. The plan must be implemented and the deficiencies resolved within six months of the date of the Monitoring Report.

Six months after the report, Cal OES may conduct a follow-up inquiry or field visit to verify implementation of the CAP.

10434 Disputed Findings

If the Subrecipient does not agree with any finding in the Monitoring Report, or believes corrective action is not required, then the Corrective Action Plan shall include an explanation and specific reasons. The Subrecipient must provide documentation to support its position that the finding(s) is/are in error. Cal OES staff will work with the Subrecipient to resolve the dispute.

10435 Sanctions

If the project does not complete the required corrective action, Cal OES may take action as appropriate including, but not limited to:

- a. Withhold or reduce the amount of any payments requested by the project on a Report of Expenditures and Request for Funds (Cal OES Form 2-201);
- b. Reduce the amount of the current Grant Subaward;
- c. Terminate the current Grant Subaward, after providing 14 calendar days written notice to the project (unless Cal OES determines that good cause exists to waive the 14 calendar day notice); and/or
- d. Restrict future funding.

10436 Final Action by Cal OES

After Cal OES verifies that all corrective actions have been implemented, a letter will be sent notifying the project that all required actions are completed. The Subrecipient should maintain the letter on file for three years.

11000 RECORDS

11100 GENERAL

Agencies are required to maintain accurate, complete, orderly, and separate records for each Cal OES-funded grant. All Grant Subaward records and documents must be adequately protected from fire, theft or other possible damage or loss. When stored away from the project's principal office, an index of the record's location must be maintained and ready access to the files must be ensured.

11110 Audits/Monitoring

All project books, documents, papers, and records relating to the project must be accessible to Cal OES or authorized representatives, and in the case of projects receiving federal funds, the Comptroller General of the United States (or authorized representatives), for inspection and audit.

11200 RETENTION AND REVIEW REQUIREMENT

11210 Retention of Records

All Grant Subaward records must be retained for seven years from the end of the Grant Subaward performance period. If the Subrecipient's source documentation records are retained in a database system, it must cover the entire performance period and be retrievable. If an audit, investigation, review, litigation, or any other action occurs during the Subrecipient's seven year retention period, the Subrecipient shall retain the records until the resolution of such process, or until the end of the seven year period, whichever is longer.

11300 DOCUMENTATION REQUIREMENTS

11310 Fiscal

The retention requirement extends to books of original entry, source documents, supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks, and related documents and records.

11311 Bank Statements and Reconciliation

Each month the cash balance shown in the accounting records (e.g., general ledger and/or cash disbursements register) should be reconciled with the cash balance shown on the bank statement.

11312 General Ledger Account Entries

All general ledger account entries for revenues and expenditures must be supported by subsidiary records, the original source documentation, canceled checks, and bank statements. If the bank does not return canceled checks, a check stub, or an electronic copy of the front and back of the cancelled check must be retained. Source documentation includes invoices, bills, and vouchers. The format of

subsidiary records is determined by the project. The project must be able to trace the general ledger entries to the Report of Expenditures and Request for Funds (Cal OES Form 2-201). The project can use worksheets to document how expenditures are taken from the general ledger and recorded on the Report of Expenditures and Request for Funds (Cal OES Form 2-201).

11313 Duplicate Deposit Receipts

The project must maintain copies of the deposit receipts. The receipts must show the source of the receipt (e.g., Cal OES, county, city, United Way, donations) and filed with the applicable bank statement.

11314 Canceled Checks

Canceled checks are checks written by the project that have been processed by the bank. Each month canceled checks must be reconciled with the bank statements. If the bank does not return canceled checks, an electronic copy, or the check stub must be used.

11315 Vouchers

Vouchers include the following:

- a. Purchase orders;
- b. Receiving reports which show the items which are received from the vendor; and
- c. Vendor invoices – When invoices are paid, they must be marked as PAID with the check number to prevent the likelihood of paying the same invoice twice.

11320 Programmatic

The records retention requirement extends to supporting documentation, statistical records, and all other records pertinent to Grant Subawards or contracts under grant-funded projects must retain source documents that substantiate information on required Cal OES reports that include:

- a. Progress Reports;
- b. Grant Subaward Modifications (Cal OES Form 2-223);
- c. Evaluation Data Reports; and
- d. Any other records the project is directed by Cal OES to maintain.

11330 Payroll Records

11331 Functional Time Sheets³¹

All grant-funded personnel (including personnel being used to meet match requirements) who are directly charged to the Grant Subaward, either in whole or in part, must maintain functional timesheets that: 1) indicate the actual time and activity(ies) worked (on a daily basis) on Cal OES and non-Cal OES funded project(s) to which the employee is allocated; and 2) account for all time worked by the employee during the pay period. Completed timesheets must be signed by the employee and their supervisor, and should clearly demonstrate the various activities/duties performed by the employee. (For sample timesheets and tools that may be used to assist in the development of appropriate functional timesheets, please contact the Cal OES Program Specialist.)

11331.1 Volunteer Time Log³²

Subrecipients must maintain a volunteer time log that includes dates, times, and activities related to the Cal OES Grant Subaward. Time logs must be approved by agency staff.

11332 Personnel payroll files must include the following:

- a. W-2, W-4;
- b. Personnel action forms (i.e., approved pay rates by the board of directors or appropriate personnel agency, promotions, terminations, etc.);
- c. Cumulative earnings records;
- d. Leave records;
- e. Employee authorized deduction forms (i.e., health insurance); and
- f. Paid invoices submitted by employees for reimbursement of benefit expenses.

11340 Personnel Files

Personnel files must include the following:

- a. Application forms;
- b. Resumes;
- c. Job descriptions;
- d. Performance evaluations; and

³¹ Removed volunteers from this section.

³² This is a new section, which was added to clarify Cal OES policies in regards to volunteers.

- e. Appointment documents which include approved salary rates, benefits, and other terms of employment. Salary rates, increases, and benefits must be approved by the governing board or applicable personnel agency.

11350 Equipment

Equipment must be:

- a. Located on the project's premises or identified in a locator file that specifically identifies the location of the equipment or the individual assigned to it;
- b. Recorded on an inventory list, identifying items purchased with Cal OES funds (see Section 2350);
- c. Used in accordance with the Grant Subaward; and
- d. Funded projects must retain contract records for the purchase of equipment.

11400 ORGANIZATION POLICIES AND PROCEDURES

The organization should have written policies and procedures covering conflict of interest/code of conduct and fraud, along with personnel policies that cover hiring, termination, benefits, salary rates, leave, and travel. There should also be written procedures regarding the accounting and reporting functions, including, but not limited to the following:

- a. Cash receipts and revenue;
- b. Deposits;
- c. Cash disbursements;
- d. Payroll;
- e. General Ledger; and
- f. Equipment.

In addition, any other policies and procedures (e.g., purchasing contracts) that relate to operating the project must be in writing.

11500 COMMUNICATIONS

Projects must maintain a current telephone number and internet access with an email address (see Section 2340.1), as well as a current postal address and physical location within the State of California.

12000 WITHHOLDING, DISALLOWANCE, REDUCTION, TERMINATION, AND/OR DENIAL OF GRANT FUNDS

12100 WITHHOLDING OR DISALLOWANCE OF GRANT FUNDS

Cal OES may withhold grant funds and/or disallow expenditures anytime the project fails to comply with any term or condition of the Grant Subaward. This may include, but is not limited to, the following:

- a. Failure to submit the required Progress Reports in a timely manner;
- b. Failure to submit the final reports from previous projects in a timely manner;
- c. Failure to resolve interim or final audit exceptions on past or current Grant Subawards in a timely manner;
- d. Inadequate maintenance of accounting records;
- e. Failure to submit proof of bond coverage in a timely manner;
- f. Failure to cooperate with or admit Cal OES staff or representatives (e.g., Program Specialists; Unit, Section, or Branch Chiefs, Monitors, etc. to review program and/or fiscal records; and/or
- g. Failure to pay costs disallowed by Cal OES according to payment terms agreed to by the Subrecipient and in a timely manner.

12200 REDUCTION OR TERMINATION OF GRANT FUNDS

Cal OES may reduce or terminate grant funds for reasons that may include, but not limited to, the following:

- a. If the project fails to comply with any term or condition of the Grant Subaward; and/or,
- b. If during the term of the Grant Subaward, the state and/or federal funds appropriated for the purposes of the Grant Subaward are reduced or eliminated by the California Legislature or by the United States Government, or, in the event revenues are not collected at the level appropriated, Cal OES may immediately terminate or reduce the Grant Subaward.

Should Cal OES deem it necessary to reduce or terminate grant funds, the Subrecipient shall be notified by written notice. No such termination or reduction shall apply to allowable costs already incurred by the Subrecipient to the extent that state or federal funds are available for payment of such costs.

12300 DENIAL OF FUTURE FUNDING

Cal OES reserves the right to deny future funding to any project and its officers based on its failure to comply with any term or condition of a current or previous Grant Subaward, poor past performance in a previous Grant Subaward, or failure to cooperate with state or federal auditors/monitors.

13000 CLOSEOUT

The closeout of a Grant Subaward is the process by which a grant or agency determines that all applicable administrative actions and all required Grant Subaward activities have been completed by the Subrecipient.

13200 FINAL PROGRESS REPORT

The final Progress Report may encompass the entire performance reporting period. This report is due to Cal OES no later than 30 calendar days after the conclusion of the Grant Subaward performance period. Final payment on the Grant Subaward will not be made until the Progress Report has been submitted (see Section 10130).

13300 INTERNAL ASSESSMENT/FINAL EVALUATION REPORT

If required by the terms of the program, the report is due to Cal OES no later than 30 calendar days after the conclusion of the Grant Subaward performance period. Submit two copies of the report to Cal OES. Final payment on the Grant Subaward may be withheld until the report has been submitted (see Section 10130).

13400 FINAL REQUEST FOR REIMBURSEMENT

All expenses must have been encumbered prior to the Grant Subaward end date. The only "unpaid obligation" that may be listed is the audit expense (see Section 8153).

The project must submit the final Report of Expenditures and Request for Funds (Cal OES Form 2-201), within 60 days after the end of the performance period (see Section 6220). If the Subrecipient does not submit a final Report of Expenditures and Request for Funds (Cal OES Form 2-201) within 60 days from the end of the Grant Subaward performance period, Cal OES may consider the last Report of Expenditures and Request for Funds (Cal OES Form 2-201) submitted as the final and close out the Grant Subaward. If the Grant Subaward is special conditioned to reduce the liquidation period, the special condition supersedes this section.

13400.1 Reporting Required Match

If the Grant Subaward has a required match, it must be reported on the Report of Expenditures and Request for Funds (Cal OES Form 2-201) as the expenditures occur and before the Grant Subaward ends. If the Subrecipient does not expend the total required match by the end of the performance period, or if it is not fully reported by the Final Report of Expenditures and Request for Funds, Cal OES will invoice the Subrecipient for funds allocated that did not meet their match.

13500 RETENTION OF RECORDS

All records relating to the Grant Subaward shall be retained in accordance with Section 11200.

13600 AUDITS CLOSEOUT

Audits must be completed and submitted in accordance with Section 8120.

14000 GLOSSARY OF TERMS

TERM	DEFINITION
Activity	The specific steps or actions that a project takes to achieve a measurable objective.
Administrative Agency or Subrecipient	The agency or organization designated on the Grant Subaward Face Sheet that receives grant funds and is responsible to accomplish the planned objectives and program goals (e.g., County of Alameda, City of Fresno, State Department of Justice, Fairfield Youth Services Bureau). The Subrecipient was formerly referred to as the “Grantee/Recipient”.
Application	Once selected for funding, the original proposal plus any additional forms as required by Cal OES becomes the application.
Certification of Assurance of Compliance	A binding affirmation that the Subrecipient will comply with the Equal Employment Opportunity (EEO), Drug Free Workplace, Environmental Impact, Lobbying, Debarment/Suspension Requirements, and Proof of Authority from the city council/governing board.
CFR	Code of Federal Regulations
Community-based Organization (CBO)	A nonprofit, public benefit corporation.
Competitive Bid	A contract process used when all suppliers are equally or nearly equally qualified to provide the services.
Equal Employment Opportunity Plan (EEOP)	A comprehensive plan that analyzes the agency’s workforce and all agency employment practices to determine their impact on the basis of ethnicity and gender. The objective of the EEOP is to ensure nondiscrimination in all areas of employment (e.g., recruitment, hiring, promotions, etc.).
Grant Subaward	The signed final agreement between Cal OES and the local government agency or organization authorized to accept grant funding.
Grant Funding Cycle	The number of years a program may be funded without competition.

TERM	DEFINITION
Implementing Agency	The agency or organization designated on the Grant Subaward Face Sheet that is responsible for the day-to-day operation of the project (e.g., probation department, district attorney, sheriff).
Monitoring Report Response Form	Form sent to the Subrecipient with the Monitoring report. The form is completed by the Subrecipient and returned to the Cal OES Monitoring and Audit Branch indicating the Monitoring Report is accurate or inaccurate as of the date of the Monitoring.
Non-Competitive Bid (NB)	A contract for goods or services, where only a single source that can provide the services or goods is afforded the opportunity to offer a price for the specified services or goods (contracts sometimes include goods as well as services, and this definition will also apply to those circumstances).
Nonprofit Organization (aka Community-Based Organization)	<p>A nonprofit, public benefit corporation as defined in the federal regulation of 28CFR. Part 38, Department of Justice. This modifies the need to be recognized by the Internal Revenue Service as a 501 (c) (3) for Subrecipients of Faith-based Organizations. All organizations may qualify for nonprofit status using any one of the four following methods:</p> <p>(1) Proof that the Internal Revenue Service recognizes the applicant as having the status of a 501 (c) (3);</p> <p>(2) A statement from a State taxing body or the Secretary of State certifying that: (i) the Organization is a nonprofit organization operating within the State; and (ii) no part of its net earnings may lawfully benefit any private shareholder or individual;</p> <p>(3) A certified copy of the applicant's certificate of incorporation or similar document that clearly establishes the nonprofit status of the applicant; or</p> <p>(4) Any item described in (1) through (3) if that item applies to a State or national parent organization, together with a statement by the State of parent organization that the applicant is a local nonprofit affiliate.</p>
Objectives	A set of quantifiable projections to be carried out in order to accomplish the program goals.
On Site	Refers to the location of operation of the Grant Subaward Subrecipient. If multiple sites exist, the site that provides the project Subrecipients with program direction qualifies as the "on-site location."

TERM	DEFINITION
Operational Agreement (OA)	A formal agreement between two or more agencies, which specifies the responsibilities of each agency in implementing the project. The term Operational Agreement also includes documents entitled Memorandum of Understanding, Letters of Intent, or other titles, but which serve the same purpose.
Participating Agency	An organization that receives grant funds through an Operational Agreement to participate in achieving the goals of a project. The participating agency must be a unit of government or a community-based organization.
Participating Staff	A salaried employee of a Participating Agency
Petty Cash Victim Fund	Petty cash is a small amount of discretionary funds in the form of cash used for disbursements for unforeseen financial intervention paid directly to the victim.
Program	A specific set of goals and objectives established pursuant to legislative, congressional, or administrative action identifying an unmet need of the criminal justice system or victim services and supported by a set appropriation from state or federal funding sources.
Progress Report	A status update provided by the Subrecipient to confirm a measure of program compliance.
Project	The implementation of a Program by a Subrecipient. The project includes all of the grants implemented by the Subrecipient under that Program regardless of the year of implementation.
Proposal	The packet of forms and narrative as requested by the RFP and submitted to Cal OES that specified the priorities, strategies, and objectives of the applicant.
Request for Application (RFA)	The RFA is a non-competitive process issued by Cal OES to obtain applications from applicants previously selected for funding.
Request for Proposal (RFP)	The RFP is issued by Cal OES to solicit competitive proposals in order to select projects for funding.
Schedule Bond	A Fidelity bond that covers as principals only those employees specifically designated by name or by position.

TERM	DEFINITION
Single Source	This term has been replaced by the term "Non-Competitive Bid."
Sole Source	This term has been replaced by the term "Non-Competitive Bid."
Source Documentation	Records that validate project activities and achievements as they pertain to the objectives outlined in the Grant Subaward.
Subrecipient or Administrating Agency	The agency or organization designated on the Grant Subaward Face sheet that receives the grant funds and is will be responsible for accomplishing the planned objectives and program goals (e.g., County of Alameda, City of Fresno, State Department of Justice, Fairfield Youth Services Bureau).
Subrecipient Handbook	This handbook outlines the terms and conditions required of Grant Subawards. Subrecipients must administer their grants in accordance with these administrative and fiscal conditions. The Subrecipient Handbook is accessible on the internet website under "Subrecipient Handbooks." The Subrecipient Handbook was previously called the "Grantee/Recipient Handbook."
Supplanting	To reduce federal, state, or local funds because of the existence of Cal OES funds. Supplanting occurs when a Subrecipient deliberately replaces its non-Cal OES funds with Cal OES funds, thereby reducing the total amount available for the stated purpose.
Terms of the Program	The applicable Program Guidelines, application requests [Request for Proposal (RFP)/Request for Application (RFA)], Grant Subaward, Cal OES policy statements and applicable statutes. In the event the terms of the program are inconsistent with the provisions of this Handbook, the terms of the program shall be interpreted and construed as superseding the provisions of this Handbook.
USC	United States Code

INDEX

-- A --

Access to Audit Documents	8240
Account Entries, General Ledger	11312
Accountability Procedures, Petty Cash Victim Funds.....	2235.2
Accounting System and Structure	6400
Accrual Basis, Accounting System and Structure	6400.9
Achievements and Activities, Reporting Projects	10000
Action, Final by Cal OES (Monitoring).....	10436
Advance of Grant Funds, Certification of (Cal OES Form 2-202).....	(FORMS)
Advance Payment	6311
Advertising, Formal, Contracts and Procurements.....	3410
Allowable and Non-allowable Costs for Personnel.....	2170
Allowable Equipment.....	2320
Allowable Expense Items, Operating Expenses.....	2230
Amending the Grant Subaward	7110
Ammunition and Weapons	2247
Annual Professional Dues or Fees	2248
Appraisals (or Approvals) and Authorities, Contracts and Procurements.....	3200
Approval, Amendments	7120
Approval, Contracts.....	3210
Approval, Grant Subaward Modifications	7140
Approvals (or Appraisals) and Authorities, Contracts and Procurements.....	3200
Asset Forfeitures	6521
Assistance, Technical Programmatic	10200
Audit Costs.....	2234
Audit Report Content.....	8210
Audit Report Distribution	8220
Audit Report, Failure to Submit	8230
Audit Reporting Compliance.....	8101
Audit Reports, Timely Submittal	8102
Audit Reports	8200
Audit Requirements.....	8100
Audit, Frequency of	8120
Audit, Quality Control Review.....	8250
Audit, Questioned/Disallowed Costs Identified in an Audit.....	8321
Audit, Right to Perform or Review	8260
Audits, Closeout	13600
Audits, Securing	8130
Audits/Monitoring, Records	11110
Audits	8000
Augmentation Procedures.....	7330
Augmentations	7300
Authorities, Approvals (or Appraisals), Contracts and Procurements.....	3200
Authority, Proof of.....	1350

Authorized Official to Sign for Project.....	2113
Automated Equipment and Computers	2340
Automated System Purchase: Justification Guidelines (Cal OES 2-157)	(FORMS)
Automobile, Commercial Rental.....	2236.3.2
Automobiles	2331
Award, Grant Components.....	1200
Award, Grant Conditions	1300
Award, Grant.....	1000

-- B --

Bank Statements and Reconciliations, Records.....	11311
Benefits and Salaries/Employee, Personal Services	2100
Beverages and Food	2246
Bond, Fidelity	2160
Bonuses/Commissions.....	2241
Budget Modification Procedures	7530
Budget Modification.....	7500
Business Expenses.....	2236.3.3

-- C --

Cal OES Form 2-201- Report of Expenditures and Request for Fund	(FORMS)
Cal OES Form 2-202- Certification for Advance of Grant Fund.....	(FORMS)
Cal OES Form 2-203- Request to Submit Quarterly Reports of Expenditure	(FORMS)
Cal OES Form 2-223- Grant Subaward Modification	(FORMS)
Cal OES Form 2-224- Statement of Interest Income.....	(FORMS)
Cal OES Form 2-213- Grant Subaward Amendment	(FORMS)
Cal OES Form 2-235- Request for Programmatic Technical Assistance	(FORMS)
Cal OES Form 2-163- Confidential Funds.....	(FORMS)
Cal OES Form 2-104(a-m)- Certification of Assurance of Compliance	(FORMS)
Cal OES Form 2-158- Out-of-State Travel Request.....	(FORMS)
Cal OES, Final Action by.....	10436
Calculating the Match.....	6550
Cancelled Checks, Records	11314
Cash Basis, Accounting System and Structure	6400.8
Cash Match	6511
Certification of Assurance of Compliance (Cal OES Form 2-104).....	2150
Certification, Debarment.....	2155
Certification, Drug-Free Workplace	2152
Certification, Lobbying.....	2154
Changes in Key Personnel.....	2114
Changes to Grant Subaward.....	7000
Changing the Subrecipient Name	7110
Changing the Type of Match	6560
Charges, Interest, Fees, and Penalties	2245

Checks, Cancelled	11314
Civil Rights Compliance- Equal Employment Opportunity	2151
Civil Rights Laws, State and Federal (Cal OES 2-311)	(FORMS)
Claims, Travel	2236.4
Closeout	13000
Commercial Automotive Rental	2236.3.2
Commissions/Bonuses	2241
Communication, Records	11500
Community Based Organizations, Travel and Per Diem	2236.2.2
Compensation Allowable for Personnel	2172
Compliance, Civil Rights- Equal employment Opportunity	2151
Components, Grant Subaward	1200
Computers and Automated Equipment	2340
Computer Purchase Justification Guidelines (Cal OES 2-157)	(FORMS)
Computers, Lease to Purchase Agreements	2343
Conditions, Grant Subaward	1300
Confidential Expenditures	2231
Confidential Funds (Cal OES 2-163)	(FORMS)
Considerations in Grant Subaward Extensions	7320
Considerations, Augmentations	7320
Considerations, Extension of the Liquidation Period	7720
Considerations, Reduction in Grant Allocation	7420
Consultant Services	2237
Contract and Procurement Awards	3413
Contract Provisions	3900
Contract, Definition	3110
Contracting, Methods of, and/or Procurement	3400
Contractor/Independent Contractor/Consultant, Independent	3710
Contractor, Selecting	3700
Contracts and Procurements	3000
Contracts, Elements of, or Purchase Order/Document	3600
Contributions, Expenditure of Match, Reporting	6570
Copyrights and Patents, Multi-Media Materials	5000
Copyrights and Rights in Data	5300
Corrective Action Plan Process	10433
Cost Allocation	2183
Cost, Computers and Automated Equipment	2342
Costs for Personnel, Allowable and Non-allowable	2170
Costs, Audit	2234
Costs, Questioned	8600
Credits and Disclaimers, Publications	5200

-- D --

Debarment, Certification	2155
Definition, Allowable and Non-allowable Costs for Personnel	2170
Definition, Augmentations	7310

Definition, Budget Modification	7510
Definition, Contracts	3110
Definition, Drug-free Workplace	2152.2
Definition, Petty Cash Victim Fund	2235.1
Definition, Encumbrance	6210
Definition, Equipment	2310
Definition, Grant Subaward	1100
Definition, Grant Subaward Extensions	7210
Definition, Liquidation Period.....	7710
Definition, Monitoring.....	10400.1
Definition, Obligation (Encumbrance).....	6210
Definition, Operational Agreement	4100
Definition, Overtime.....	2171.6.1
Definition, Procurement.....	3120
Definition, Publications	5110
Definition, Reduction in Grant Allocation	7410
Denial of Future Funding.....	12300
Denial, Withholding, Reduction, Termination, and/or Denial	12000
Deposit Receipts, Duplicate	11313
Depreciation	2249
Description, Job, Written	2120
Director, Project	2111
Disallowance or Withholding of Grant Funds	2100
Disallowance, Withholding, Reduction, Termination and/or Denial	12000
Disallowed/Questioned Costs Identified in an Audit	8321
Disclaimers and Credits	5200
Disclosure of Lobbying Activities (Cal OES 2-232)	(FORMS)
Disputed Findings, Monitoring	10434
Distribution, Audit Report	8220
Documentation Requirements, Records.....	11300
Documents, Access to Audit	8240
Double Billings	6340
Drug-Free Workplace Certification Requirements, Contracts.....	3910
Drug-Free Workplace Certification	2152
Dues, Annual Professional	2248
Dues, Membership.....	2248
Duplicate Deposit Receipts, Records	11313

-- E --

Elements of a Contract or Purchase Order/Document	3600
Elements of an Operational Agreement	4300
Employees, Federal and State	2175
Employment, Equal Opportunity- Civil Rights Compliance	2151
Encumbrances and Liquidation Expenditures	6200
Encumbrances, Definition	6210
Environmental Impact, Certification.....	2153

Equal Employment Opportunity- Civil Rights Compliance.....	2151
Equal Employment Opportunity Policy Statement Sample (Cal OES 2-310)	(FORMS)
Equipment, Allowable.....	2320
Equipment, Computer and Automated	2340
Equipment, Definition	2310
Equipment, Depreciation	2249
Equipment, Identification and Records.....	2350
Equipment, Losses/Replacements	2370
Equipment, Records.....	11350
Equipment, Rented or Leased.....	2233
Equipment	2300
Establishing Operational Agreements	4200
Exception to Regular Independent Contractor/Consultant Services Rates	3710.11
Expenditures Report of and Request for Funds (Cal OES Form 2-201).....	(FORMS)
Expenditures, Confidential	2231
Expense Items Prohibited	2240
Expenses, Allowable, Operating	2230
Expenses, Business.....	2236.3.3
Expert Witness Fees	3710.2
Extension of Liquidation Period	7700
Extension Procedures	7240
Extensions of Performance Periods	7220
Extensions, Grant Subaward.....	7200

-- F --

Facility Rental.....	2232
Failure to Submit an Audit Report	8230
Fees, Annual Professional Dues or	2248
Fees, Charges, Interest, and Penalties	2245
Fees, Expert Witness	3710.2
Fidelity Bond	2160
Files, Personnel	11340
Final Action by Cal OES, Monitoring	10436
Final Payment, Progress Report	10130
Final Progress Report	13200
Final Report of Expenditures and Request for Funds	6330
Final Request for Reimbursement.....	13400
Final Sanctions, Monitoring	10435
Financial Officer	2112
Financial Reporting	6000
Findings, Disputed, Monitoring.....	10434
Fiscal, Records	11310
Follow-up, Site Visit.....	10330
Food and Beverages	2246
Forfeitures, Asset.....	6521

Formal Advertising, Contracts and Procurements	3410
Frequency of Audit	8120
Fund Availability	1400
Funding Categories and Policy	2000
Funding, Denial of Future Funding	12300
Fundraising	2243
Funds, Petty Cash Victim Fund	2235
Funds, Request for and Report of Expenditures (Cal OES Form 2-201)	(FORMS)
Future Funding, Denial of	12300

-- G --

General Ledger Account Entries	11312
General Ledger Account Structure	6420
Government, Travel and Per Diem, Policy	2236.2
Grant Subaward	1000
Grant Subaward Amendment (Cal OES Form 2-213)	(FORMS)
Grant Subaward Components	1200
Grant Subaward Conditions	1300
Grant Subaward Conditions, General	1310
Grant Subaward Extensions	7200
Grant Subaward Modification (Cal OES Form 2-223)	(FORMS)
Grant Subaward Notification	6100
Grant Subaward, Changes to	7000
Grant Subaward, Reduction	7400
Grant Funds, Withholding, Disallowance, Reduction, Termination and/or Denial	12000
Grant Funds, Withholding or Disallowance of	12100
Guidelines, Contracts and Procurements	3300

-- I --

Identification and Records, Equipment	2350
Improvements and Real Property	2244
Independent contractor/Independent Contractor/Consultant	3710
Indirect Costs (IC) or Facilities and Administration (F&A) Costs	2173
Indirect Cost Rate Proposal (ICRP)	2180
Informal Advertising, Contracts and Procurement	3420
In-Kind Match	6512
Interest Income	6620
Interest Income, Statement of (Cal OES Form 2-224)	(FORMS)
Interest, Charges, Fees, and Penalty Payments	2245
Interest, Conflict of	2140
Internal Assessment/Final Evaluation Report	13300
Internet Access, Funding Categories and Policies	2340.1
Invitation for Bid, Contracts and Procurements	3411

-- J --

Job Description, Written	2120
Justification Procedure, Contracts.....	3521
Justification Procedure, Contracts and Procurements	3520
Justification Procedure, Procurements.....	3522
Justification, Computers and Automated Equipment.....	2341

-- K --

Key Personnel, Changes.....	2114
Key Personnel.....	2110

-- L --

Lease to Purchase Agreement.....	2343
Lease/Purchase Analysis (Cal OES 2-233).....	(FORMS)
Leased or Rented Equipment.....	2233
Ledger, General Account Entries	11312
Ledger, General, Account Structure	6420
License, Professional	2248
Limitations, Contract.....	3800
Liquidation Expenditures	6220.1
Liquidation Period, Consideration of Extension.....	7720
Liquidation Period, Definition.....	7710
Liquidation Period, Extension of	7700
Liquidation Period, Procedures for Extension	7730
Lobbying.....	2154
Lobbying, Prohibited.....	2242
Losses/Equipment.....	2370

-- M --

Maintenance and Retention of Records	11000
Match Categories (Allowable/Non-allowable).....	6520
Match on Percent of Funds Allocated.....	6550.2
Match on Total Project Cost.....	6550.1
Match Requirements	6500
Match, Calculating.....	6550
Match, Cash	6511
Match, Changing the Type	6560
Match, In-Kind.....	6512
Match, Over.....	6540
Match, Reporting.....	6570
Match, Required.....	6530
Matching State or Federal Funds	6522

Membership Dues	2248
Methods of Contracting and/or Procurement.....	3400
Modification Grant Subaward (Cal OES Form 2-223)	(FORMS)
Modification Project Objectives	7600
Modification, Budget.....	7500
Modified Accrual Basis, Accounting System	6410
Modifying the Grant Subaward.....	7130
Monitoring Field Document	10422
Monitoring Procedures, Standard.....	10420
Monitoring Report.....	10430
Monitoring, Disputed Findings.....	10434
Monitoring, Final Action by Cal OES	10436
Monitoring, Final Sanctions	10435
Monitoring/Audits	11110
Monitoring	10400
Monthly Report of Expenditures and Request for Funds.....	6312
Motorized Vehicles.....	2330
Moving Expenses.....	2232.3
Multi-Media Materials, Copyrights, and Patents	5000

-- N --

New Line Item, Operating Expenses.....	2210
Non-allowable and Allowable Costs for Personnel.....	2170
Non-Competitive Bid (NB) Requests, Contracts.....	3511
Non-Competitive Bid (NB) Requests.....	3500
Notification of Grant Subaward	6100

-- O --

Objectives, Modification of Project Objectives.....	7600
Official Authorized to Sign for Project.....	2113
One Bid Received or Considered Responsive, Contracts and Procurements.....	3530
Operating Expenses, Audit Costs	2234
Operating Expenses.....	2200
Operation Agreements	4000
Operational Agreement, Elements	4300
Operational Agreement, Requirements of Participating Agencies.....	4400
Operational Agreement Summary (Cal OES 2-160).....	(FORMS)
Operational Agreements, Establishing	4200
Opportunity, Equal Employment- Civil Rights Compliance.....	2151
Organization Policies and Procedures	11400
Other Income and Project Income.....	6600
Other Income	6630
Out-of-State Travel.....	2236.1.1
Out-of-State Travel Request Form (Cal OES 2-158).....	(FORMS)
Over Match.....	6540

Overtime.....2171.6.1

-- P --

Participating Staff	4500
Patents	5400
Payment, Final	10130
Payments, Advance	6311
Payroll Records	11330
Penalties, Charges, Fees, Interest	2245
Per Diem and Travel	2236
Personal Services- Salaries/Employee Benefits	2100
Personnel Changes.....	2174
Personnel Files, Retention	11340
Personnel Policies, Written	2130
Personnel, Costs for, Allowable and Non-allowable.....	2170
Personnel, Key, Changes.....	2114
Personnel, Key.....	2110
Petty Cash Victim Fund.....	2235
Petty Cash Victim Fund Procedures (Cal OES 2-153)	(FORMS)
Policies and Procedures, Organization	11400
Policies, Personnel, Written	2130
Positions, Administrative Overhead	2173
Prior Approval for Budget Modification	7520
Private Vehicles, Allowable Travel Costs	2236.3.1
Procedure, Justification for Procurements.....	3522
Procedures, Accountability (Petty Cash Victim Fund)	2235.2
Procedures, Augmentation.....	7330
Procedures, Budget Modification	7530
Procedures, Petty Cash Victim Fund (Cal OES 2-153)	(FORMS)
Procedures, Extension of Liquidation Period.....	7730
Procedures, Standard Monitoring.....	10420
Procurement and Contracts Awards.....	3413
Procurement, Contracts and	3000
Procurement, Definition.....	3100
Procurement, Methods of Contracting and.....	3400
Procurements, Contracts and.....	3000
Professional Dues or Fees, Annual.....	2248
Professional License	2248
Programmatic Technical Assistance, Request for (Cal OES Form 2-235)	(FORMS)
Programmatic, Records.....	11320
Progress Reports	10100
Prohibited Expense Items	2240
Project and Other Income	6600
Project Director	2111
Project Income	6610

Project Income Reporting Transmittal (Cal OES Form 2-234)	(FORMS)
Project Objectives, Modifications	7600
Proof of Authority	1350
Provisions Regarding Allowable Compensation for Personnel.....	2172
Provisions Regarding Allowable Operating Expenses.....	2230.1
Provisions, Contract	3900
Publications, Credits and Disclaimers	5200
Publications.....	5100
Purchase of Supplies	2140.4
Purchase Order/Document, Elements of a Contract or	3600
Purchase, Lease to, Agreement.....	2343
Purpose, Progress Reports	10110
Purpose, Site Visit.....	10310

-- Q --

Quality Control Review of Audit Reports	8250
Quarterly Reports of Expenditures and Request for Funds.....	6320
Quarterly Reports of Expenditure and Request for Funds (Cal OES Form 2-203)	(FORMS)
Questioned/Disallowed Costs Identified in an Audit	8321

-- R --

Rates, Independent Contractor/Consultant Services	3710.1
Real Property and Improvements.....	2244
Reconciliations and Bank Statements	11311
Records and Identification, Equipment.....	2350
Records, Audit/Monitoring	11110
Records, Fiscal	11310
Records, Payroll.....	11330
Records, Programmatic.....	11320
Records, Retention Requirements	11200
Records.....	11000
Reduction or Termination of Grant Funds	12200
Reduction Procedures, Grant Subaward.....	7430
Reduction to Grant Subaward.....	7400
Reduction, Withholding, Disallowance, Termination and/or Denial of Grant Funds	12000
Reimbursement, Final Request.....	13400
Rental Space for Training, Shelter, and Counseling Rooms	2232.1
Rental, Commercial Automobile.....	2236.3.2
Rental, Facility.....	2232
Rented or Leased Equipment.....	2233
Replacements, Equipment	2370
Report Distribution, Audits.....	8220

Report of Expenditures and Request for Funds (Cal OES Form 2-201).....	6300
Report of Expenditures and Request for Funds (Cal OES Form 2-201).....	(FORMS)
Report, Monitoring.....	10430
Reporting, Financial	6000
Reports, Audit	8200
Reports, Progress	10100
Requests for Programmatic Technical Assistance (Cal OES Form 2-235)	(FORMS)
Request, Non-Competitive Bid	3500
Requests for Approval, Confidential Expenditures	2231.1
Requests, Non-Competitive Bid, Contracts	3511
Required Certifications (Cal OES Form 2-104a -m)	(FORMS)
Required Certification of Assurance of Compliance	2150
Required Match.....	6530
Requirements of Participating Agencies, Operational Agreement.....	4400
Requirements, Audit.....	8100
Requirements, Retention.....	11200
Responsible Agency.....	1311
Responsive, One Bid Received or Considered, Contracts and Procurement.....	3530
Retainer Fees.....	2237.2
Retention of Records.....	13500
Retention Requirements (Records).....	11200
Review, Quality Control (Audits)	8250
Right to Perform Audit or Review	8260
Rights in Data, Copyrights.....	5300
Rights, Civil, Compliance- Equal Employment Opportunity.....	2151

-- S --

Salaries/Employee Benefits, Personal Services.....	2100
Sanctions, Final.....	10435
Scope of Audit.....	8110
Scope of Monitoring	10421
Securing Audits	8130
Security, Fidelity Bond.....	2160
Selecting a Contractor.....	3700
Separation of Duties- General Guidelines	8400
Services, Independent Contractor/Consultant.....	2237
Services, Personal, Salaries/Employee Benefits.....	2100
Services/Studies, Management.....	2237.3
Shifting of Personnel	2174
Sign, Official Authorized for Project.....	2113
Site Visit	10300
Source Documents.....	10111
State and Federal Civil Rights Laws	2151.1
State and Federal Employees, Allowable/Non-allowable Costs	2170
State Funds and Federal Matching State Funds	6522

Statement of Interest Income (Cal OES Form 2-224).....	(FORMS)
Studies/Services, Management.....	2237.3
Submission of Progress Report.....	10120
Supplanting Prohibited	1330
System and Structure, Accounting	6400

-- T --

Technical Assistance.....	10200
Termination or Reduction of Grant Funds	12200
Termination, Withholding, Disallowance, Reduction, and/or Denial of Grant Funds	12000
Terms of the Program	1320
Timeframe, Site Visit	10320
Travel and Per Diem Policies	2236.2
Travel and Per Diem	2236
Travel Claims	2236.4

-- U --

Units of Government, Travel and Per Diem Policies	2236.21
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-- V --

Vehicles, Motorized.....	2330
Vehicles, Private, Allowable Costs for Travel	2236.3.1
Visit, Site	10300
Vouchers, Records.....	11315

-- W --

Weapons and Ammunition	2247
Withholding, Disallowance, Reduction, Termination and/or Denial of Grant Funds	2000
Withholding or Disallowance of Grant Funds	12100
Witness, Expert, Fees	3710.2
Written Job Description	2120
Written Personnel Policies	2130