

TOWN OF CLAYTON, NY
UNIFORM GRANT GUIDANCE (UGG)

Adopted: 4/11/2018

Policy Statement

At times, significant portions of financial support for the Town are derived from Federal and State government sources. This funding is in the form of direct grants from Federal and State entities. The Federal Uniform Grant Guidance (UGG) identifies the criteria that must be met in order to properly charge costs to Federally funded projects.

The Town shall adhere to all applicable cost principles governing the use of Federal grants and contracts. This policy addresses the importance of properly classifying costs, both direct and indirect, charged to grant funded projects and that proposed and actual expenditures are consistent with the grant agreement and all applicable Federal rules embodied in the Uniform Grant Guidance at 2 CFR 200 (UGG). Town personnel who are responsible for administering, expending or monitoring grant funded programs should be well versed with the categories of costs that are generally allowable and unallowable.

All costs expended using Federal funds must meet the following general criteria laid forth in the UGG at 2 CFR 200, Subpart E:

- Be **necessary and reasonable** for the proper and efficient performance and administration of the grant program.
- Be **allocable** to Federal awards under the provisions of the Federal circular.
- Be authorized and not prohibited under state or local laws or regulations.
- Conform to any limitations or exclusions set forth in the principles, Federal laws, terms and conditions of the Federal award, or other governing regulations as to types or amounts of cost items.
- Be consistent with policies, regulations, and procedures that apply uniformly to both Federal awards and other activities of the Town.
- Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost and also be charged to a Federal award as an indirect cost.
- Except as otherwise provided for in the Federal circular, be determined in accordance with generally accepted accounting principles and not included as a cost or used to meet cost sharing or matching requirements of any other Federal award in either the current or a prior period.
- Be net of all applicable credits.
- Be adequately documented.

The cost guidelines of the UGG must be considered any time Federal award funds are to be expended. The Town may apply Federal UGG requirements to non-Federal projects.

Federal regulations also require that any other Town policies related to specific types of expenditures must also be followed. Examples include travel, meals, procurement or equipment accountability.

Direct and indirect costs

Allowable and allocable costs must be appropriately classified as direct or indirect. In general, direct costs are those that can be identified specifically with a particular cost objective while indirect costs are those (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. It is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

If an indirect cost rate is going to be utilized for charging indirect rates, the rate must first be approved by the applicable approving authority or not exceed the de minimus level of 10%. In general, however, indirect costs will be borne by the Town and not allocated to the grant.

Cost transfers

Any costs charged to a Federal award that do not meet the allowable cost criteria must be removed from the award account and charged to an account that does not require adherence to Federal UGG or other applicable guidelines. Cost transfers must be performed in accordance with the Town's policy and will be approved by the Town Supervisor as a transfer.

Failure to adequately follow this policy and related procedures could result in questioned costs, audit findings, potential repayment of disallowed costs and discontinuance of funding. Grant Program Managers (GPM), Town personnel and any other individuals responsible for expending grant funds are held responsible for compliance with UGG.

Responsibilities

Designated Program Office personnel and the Town Supervisor are responsible for creating purchasing documents and encumbering grant funds at the request of a GPM. They should be familiar with the general cost principals embodied in the Federal UGG. Purchasing office personnel must notify the GPM when they recognize a request as an unallowable cost and will reject the requisition.

Grant Program Managers (GPMs) must ensure that any costs charged to their award are aligned with applicable cost principles, are computed correctly, and would not create a compliance violation. GPMs should collect, maintain and where applicable, submit copies of adequate documentation to support the expenditures. GPMs monitor, review and approve (or disapprove) grant expenditures at the program office level as the first level of "Approver" for non-personnel expenditures to ensure that applicable cost principles, regulations and policies are followed.

Related Policy

The Town's Comprehensive Financial Policy details the responsibility and controls regarding purchasing and the allocation of costs to grants pursuant to Federal OMB circulars.

Definitions

Direct costs are expenses that are specifically associated with a particular grant program that can be directly assigned to such activities relatively easily with a high degree of accuracy. Common examples of direct costs include the GPM's salary and fringe benefits, equipment and supplies for the program, subcontracted service provider, or other materials consumed or expended in the performance of the grant.

Indirect costs are incurred for common or joint objectives and, therefore, cannot be readily and specifically identified with a particular program. They are expenses that benefit more than one grant. Common examples of indirect costs include utilities, local telephone charges, shared office supplies, administrative or secretarial salaries.

History:

Created XX March 2018

Appendices:

- A – Financial Standards
- B – Allowability of Cost
- C – Cash Management
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- K – Not Used
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Appendix A – Financial Standards

The Town maintains a proper financial management system in order to receive both direct and state-administered grants and to expend funds associated with a grant award. Fiscal controls and procedures must be in place to ensure that all financial management system requirements are met. Failure to meet a requirement may result in return of funds or termination of the award.

A. Financial Management Standards

Financial management systems standards include:

Identification

The Town shall identify, in its accounts, all Federal awards received and expended and the Federal programs under which they were received. Federal program and award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, name of the Federal agency, and, if applicable, name of the pass-through entity.

Financial Reporting

Accurate, current, and complete disclosure of the financial results of each Federal award or program must be made in accordance with the financial reporting requirements set forth in the Education Department General Administrative Regulations (EDGAR). The Town must maintain records which adequately identify the source and application of funds provided for Federally-assisted activities. These records must contain information pertaining to grant or subgrant awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation. Reports will be filed in a timely fashion on the forms directed by the state or Federal agency. These include, but are not limited to the FS-10 series, FS-25, and SF425.

Internal Controls

Effective control and accountability must be maintained for all funds, real and personal property, and other assets. The Town shall safeguard all such property and must assure that it is used solely for authorized purposes. The Town maintains an internal controls procedures manual which shall be followed to implement these activities. The Town's internal auditor shall, from time to time, assess the effectiveness of these controls across all risk areas and shall include the controls of Federal grants and programs as part of this regular review.

B. Overview of the Financial Management/Accounting System

The Town maintains a fund accounting system for financial management. The current system is MCSJ. This system manages fund accounting, the purchasing function, and the human resources function, including payroll. All budgets are loaded into the system before the beginning of the fiscal year, and transfers within accounts are authorized by the Town Board. The Town

Supervisor's Office is responsible for overseeing the entire system and its functional integration. Federal funds are named in such a fashion to permit a clear delineation of the accounting for subsequent identification by CFDA title and number. Plain English names, including contract numbers if applicable, are used to track grants and targeted Federal funds.

The Town Supervisor's Office, in conjunction with the grant program manager, shall compile or cause to be compiled timely, accurate financial reports. Monthly grant reports shall include current and cumulative expenditures against project budget, with unencumbered amounts remaining identified

C. Budgeting

The Planning Phase: Meetings and Discussions

Before Receiving the Grant Award Notice (GAN): Upon notification of the availability of a grant, the Town Supervisor's Office shall make an initial determination whether the Town meets the minimum qualifications for the grant; whether this grant, if awarded, supplements and does not supplant any existing efforts in this area; and whether the grant is in concert with the Town's objectives. If the Town Supervisor's Office determines that it is in the Town's best interests to apply for a specific grant, it shall convene a small working group to develop a grant proposal meeting the objectives of the Town and the awarding agency. In the event of grants continuing on a forward funded basis, the Town Supervisor's Office shall develop a preliminary guide for the upcoming budget. Prior to filing the grant application for new awards, the Town Supervisor's Office shall present the general grant concept to the Town Board and receive its direction on filing for the grant. This direction may be in the form of informal guidance, including oral instructions.

Reviewing and Approving the Budget: The budget is developed with the Town Supervisor's Office once an amount is determined. The final approval of the grant budget normally resides with the awarding agency. Instructions and timelines for approval shall be followed in submitting the budget to the awarding agency. The Town Supervisor's Office shall review the items in the budget to ensure allowability. See Appendix B for a discussion on allowability of costs. If this review determines that a cost is not allowable, then it shall be eliminated from the budget and the program grant manager shall be notified of this action. Once the Town Supervisor's Office determines that all budgeted items are allowable, the budget is approved by the Town Board and forwarded to the awarding agency for its approval. Simultaneously, the budget is to be entered into MCSJ.

After Receiving the GAN: Upon receipt of notice that a new grant will be awarded, the Town Supervisor's Office will prepare plans for implementation, including necessary hiring and procurement actions. In the case of continuation of forward funded grants, the Grants Program Manager will coordinate the budget with the Town Supervisor's Office to ensure proper accounting for the expenditures.

Amending the Budget

The Grant Program Manager, or Town Supervisor's Office, as appropriate, shall prepare necessary documentation to amend any grants awarded. These amendments shall consider available carryover and shall comply with amendment provisions received in the Grant Award Notice. The Town Board shall approve the amendments. If necessary, amendments shall be forwarded to and approved by the awarding agency.

Budget Control

On a monthly basis the Town Supervisor's Office will provide the Town Board with a report of expenditures incurred during the month. This shall be incorporated into the monthly Supervisor's report for all Town funds.

D. Accounting Records

Payroll and purchasing records for each grant, as well as application records, shall be maintained for a period of six years after the final receipts are made and the final bills are paid. Records will be maintained electronically in MCSJ.

E. Spending Grant Funds

The Town Supervisor's Office shall oversee the accounting functions for all grants. Payroll operations will make allowable payments for personnel services. No employees shall be paid unless approved by the Town Board. Purchasing operations shall be in accordance with the Town Purchasing policy. Requisitions shall originate at the user level and be approved by the Grant Program Manager, before being forwarded to the Town Supervisor's Office for execution as a Purchase Order.

Appendix B - Allowability of Cost

Expenditures must be aligned with approved budgeted items. Any changes or variations from the State or Federally approved budget and grant application need prior approval from the state or Federal government. For grants flowing through the State Education Department, variations or changes are documented on Form FS-10 or FS-10A and submitted to the controlling state authority for approval. For grants originating directly from the Federal government, changes will be submitted in a format approved by the awarding agency.

When determining how the Town will spend its grant funds, the Town Supervisor's Office will review the proposed cost to determine whether it is an allowable use of Federal grant funds *before* obligating and spending those funds on the proposed good or service. Town personnel must consider these factors when making an allowability determination.

- **Be Necessary and Reasonable for the performance of the Federal award.** Town staff must consider these elements when determining the reasonableness of a cost. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices.

When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the Town or the proper and efficient performance of the Federal award.
- The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; Federal, state and other laws and regulations; and terms and conditions of the Federal award.
- Market prices for comparable goods or services for the geographic area.
- Restrictions regarding product origin (e.g., "Buy American" requirements)
- Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the Town, its employees, the public at large, and the Federal government.
- Whether the Town significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the Federal award's cost. 2 C.F.R. §200.404

While 2 C.F.R. §200.404 does not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an

important program objective. A key aspect in determining whether a cost is necessary is whether the Town can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to:

- Whether the cost is needed for the proper and efficient performance of the grant program.
 - Whether the cost is identified in the approved budget or application.
 - Whether the cost aligns with identified needs based on results and findings from a needs assessment.
 - Whether the cost addresses program goals and objectives and is based on program data.
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- **Allocable to the Federal award.** A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received. This means that the Federal grant program derived a benefit in proportion to the funds charged to the program. 2 C.F.R. §200.405.
 - **Consistent with policies and procedures that apply uniformly to both Federally financed and other activities of the Town.**
 - **Conform to any limitations or exclusions set forth as cost principles in the terms and conditions of the Federal award.**
 - **Consistent treatment.** A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
 - **Adequately documented.** All expenditures must be properly documented.
 - **Be determined in accordance with general accepted accounting principles (GAAP), unless provided otherwise in the condition of the Federal award.**
 - **Not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.** Some Federal program statutes require the non-Federal entity to contribute a certain amount of non-Federal resources to be eligible for the Federal program.
 - **Be the net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the Town relate to the Federal award, they shall be credited to the Federal

award, either as a cost reduction or a cash refund, as appropriate. 2 C.F.R. §200.406. Non-cash credits (reward programs based on points, miles, etc.) shall not be considered credits (see policy 9310) and shall not be accrued to the Federal award.

As provided above, in addition to Federal guidelines, Federal rules require state- and Town-level requirements and policies regarding expenditures be followed as well.

Selected Items of Cost

Part 200 examines the allowability of 55 specific cost items (commonly referred to as Selected Items of Cost) at 2 C.F.R. §§ 200.420-200.475. These cost items are listed in the chart below along with the citation where it is discussed whether the item is allowable. Do not assume that an item is allowable because it is specifically listed in the regulation as it may be unallowable in a specific award despite its inclusion in the selected items of cost section. The expenditure may be unallowable for a number of reasons, including: the express language of the regulation states the item is unallowable; the terms and conditions of the grant deem the item unallowable; or State/local restrictions dictate that the item is unallowable. The item may also be unallowable because it does not meet one of the cost principles, such as being reasonable because it is considered too expensive. If an item is unallowable for any of these reasons, Federal funds cannot be used to purchase it.

Town personnel responsible for spending Federal grant funds and for determining allowability must be familiar with the Part 200 selected items of cost section. The Town must follow these rules when charging these specific expenditures to a Federal grant. When applicable, Town staff must check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, Town and program-specific rules may deem a cost as unallowable and Town personnel must follow those non-Federal rules as well.

The selected item of cost addressed in Part 200 includes the following (in alphabetical order):

Item of Cost	Citation of Allowability Rule
Advertising and public relations costs	Allowable with restrictions
Advisory councils	Allowable with restrictions
Alcoholic beverages	Not allowable
Audit services	Allowable with restrictions
Bad debts	Not allowable
Bonding costs	Allowable with restrictions
Collection of improper payments	Allowable
Compensation – personal services	Allowable with restrictions
Compensation – fringe benefits	Allowable with restrictions
Conferences	Allowable with restrictions

Contingency provisions	Not allowable with exceptions
Contributions and donations	Not allowable
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	Allowable with restrictions
Depreciation	Allowable with qualifications
Employee health and welfare costs	Allowable with restrictions
Entertainment costs	Not allowable with exceptions
Equipment and other capital expenditures	Based on specific requirements
Exchange rates	Allowable with restrictions
Fines, penalties, damages and other settlements	Not allowable with exception
Fund raising and investment management costs	Not allowable with exception
Gains and losses on disposition of depreciable assets	Allowable with restrictions
General costs of government	Not allowable with exceptions
Goods and services for personal use	Not allowable
Idle facilities and idle capacity	Idle facilities – not allowable with exceptions; idle capacity – allowable with restrictions
Insurance and indemnification	Allowable with restrictions
Intellectual property	Allowable with restrictions
Interest	Allowable with restrictions
Lobbying	Not allowable
Losses on other awards or contracts	Not allowable
Maintenance and repair costs	Allowable with restrictions
Materials and supplies costs, including costs of computing devices	Allowable with restrictions
Memberships, subscriptions, and professional activity costs	Allowable with restrictions, not allowable for lobbying organizations
Organization costs	Not allowable except Federal prior approval
Participant support costs	Allowable with prior approval of the Federal awarding agency
Plant and security costs	Allowable
Pre-award costs	Allowable with restrictions
Professional services costs	Allowable with restrictions
Proposal costs	Allowable with restrictions
Publication and printing costs	Allowable with restrictions
Rearrangement and reconversion costs	Allowable (ordinary and normal)
Recruiting costs	Allowable with restrictions
Relocation costs of employees	Allowable with restrictions
Rental costs of real property and equipment	Allowable with restrictions
Selling and marketing costs	Not allowable with exceptions

Specialized service facilities	Allowable with restrictions
Taxes (including Value Added Tax)	Allowable with restrictions
Termination costs	Allowable with restrictions
Training and education costs	Allowable for employee development
Transportation costs	Allowable with restrictions
Travel costs	Allowable with restrictions
Trustees	Not specifically addressed, refer to Federal agency awarding agency

Likewise, it is possible for the State and/or Town to put additional requirements on a specific item of cost. Under such circumstances, the stricter requirements must be met for a cost to be allowable. Accordingly, employees must consult Federal, State and Town requirements when spending Federal funds. In general, Town travel and procurement policy complies with state and Federal requirements. Compliance with Town policy meets the intent of the uniform guidance.

In order for a cost to be allowable, the expenditure must also be allowable under the applicable program statute, along with accompanying program regulations, non-regulatory guidance and grant award notifications.

The state and/or Town rules related to some specific cost items are discussed below. All purchases of goods and services must be accomplished through the Town Supervisor’s Office,. The Town Supervisor’s Office shall coordinate personnel services procured through Federal awards, including both assignment of personnel costs to the grant and procurement of personnel services from an outside source. Town employees must be aware of these State and Town rules and ensure they are complying with these requirements.

Time and Effort Standards

All employees who are paid in full or in part with Federal funds must keep specific documents to demonstrate the amount of time they spent on grant activities. This includes an employee whose salary is paid with state or local funds but is used to meet a required “match” in a Federal program. These documents, known as time and effort records, are maintained in order to charge the costs of personnel compensation to Federal grants.

Charges to Federal awards for salaries and wages must be based on records that accurately reflect the work performed. These records must:

- Be supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;
- Be incorporated into official records;

- Reasonably reflect total activity for which the employee is compensated, not exceeding 100% of compensated activities;
- Encompass both Federally assisted and all other activities compensated by the Town on an integrated basis;
- Comply with the established accounting policies and practices of the Town and support the distribution of the employee's salary or wages among specific activities or costs objectives.
- Be certified by the Supervisor to assure that the work was in compliance with the grant or award intent.

Time and Effort Procedures

The Town's time and attendance accounting procedures are based on accounting for time "lost." Specifically, the Town requires that all time away from work be reported, while time on the job is generally considered as having been accomplished without providing documentation to that effect. Individuals compensated by Federal grant or award must account for the time on the job, and the portion of time spent on Federally related work, separately in order to properly meet the time and effort requirements. These records will be filed with the applicable grant to substantiate the use of time.

Helpful Questions for Determining Whether a Cost is Allowable

In addition to the cost principles and standards described above, the grant program manager can refer to this section for a useful framework when performing an allowability analysis. In order to determine whether Federal funds may be used to purchase a specific cost, it is helpful to ask the following questions:

- Is the proposed cost allowable under the relevant program?
- Is the proposed cost consistent with an approved program plan and budget?
- Is the proposed cost consistent with program specific fiscal rules?
 - o For example, the Town may be required to use Federal funds only to supplement the amount of funds available from non-Federal (and possibly other Federal) sources.
- Is the proposed cost consistent with specific conditions imposed on the grant (if applicable)?

As a practical matter, the Office of Federal Programs or the award program manager should also consider whether the proposed cost is consistent with the underlying needs of the program and the approved Town goals and strategy. Funds should be targeted to address areas of weakness, as necessary. To make this determination, the grant program manager should review data when making purchases to ensure that Federal funds are able to meet these areas of concern.

Appendix C – Cash Management

The Town will comply with applicable methods and procedures for payment that minimize the time elapsing between the transfer of funds and disbursement by the Town, in accordance with the Cash Management Improvement Act at 31 CFR Part 205. Generally, the Town receives payment from State grants on a reimbursement basis. However, if the Town receives an advance in Federal grant funds, the Town will remit interest earned on the advanced payment quarterly to the Federal agency consistent with 2 C.F.R. § 200.305(b)(9).

According to guidance from the U.S. Department of Education (ED), when calculating the interest earned on ED grant funds, regardless of the date of obligation, interest is calculated from the date that the Federal funds are drawn down from the G5 system until the date on which those funds are disbursed by the Town.

Interest would not accrue if the Town uses non-Federal funds to pay the vendor and/or employees prior to the funds being drawn down from the G5 or Wide Area Work Flow (WAWF) system, commonly known as a reimbursement.

Payment Methods

Reimbursements: The Town will initially charge Federal grant expenditures to non-Federal funds.

The Town Supervisor's Office will request reimbursement for actual expenditures incurred under the Federal grants at least semi-annually, and more frequently if dictated by the awarding agency. The reimbursement method will dictate the required forms to substantiate the claim. All reimbursements shall be based on actual disbursements, not on obligations.

Consistent with state and Federal requirements, the Town will maintain source documentation supporting the Federal expenditures (invoices, time sheets, payroll stubs, etc.) for a period of six years after the grant is closed and the final funds are received and will make such documentation available for review by granting entities upon request.

Reimbursements of actual expenditures do not require interest calculations.

Advances: To the extent the Town receives advance payments of Federal grant funds, the Town will strive to expend the Federal funds on allowable expenditures as expeditiously as possible. Specifically, the Town attempts to expend all drawn downs of Federal funds within 72 hours of receipt. The Town will hold Federal advance payments in interest-bearing accounts, unless an allowable exception applies. The Town will begin to calculate interest earned on cash balances once funds are deposited into the Town's account.

Interest on advances will be calculated based on interest received daily and shall be apportioned to the Federal funds in the account in direct proportion to the overall amount in the account. Total Federal grant cash balances will be calculated on cash balances per grant and applying the Town's actual interest rate. The Town will remit interest earned on grant funds annually to the U.S. Department of Health and Human Services Payment Management System (regardless of the Federal awarding agency for the grant) through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment. The Town may retain up to \$500 of interest earned per year. To the maximum extent possible, use of advance payments shall be avoided. Reimbursements are the preferred means of utilizing Federal grants.

Carryover

State-Administered Grants: The Town may be able to "carryover" any funds left over at the end of the initial 15 month period into the next year. These leftover funds are typically referred to as carryover funds and continue to be available for obligation for an additional 12 months. 34 C.F.R. § 76.709. Accordingly, the Town may have multiple years of grant funds available under the same program at the same time. The Town Supervisor's Office will track the expenditures and encumbrances and will determine the amount of available funding for carryover. The Grant Program Manager will be kept aware of this amount and will adjust the expenditures to reflect this factor. The carryover will be reported in the monthly fiscal reports submitted to the Town Board.

Direct Grants: Direct grants are not normally subject to carryover provisions. However, under 2 C.F.R. § 200.308, direct grantees enjoy unique authority to expand the period of availability of Federal funds. The Town is authorized to extend a direct grant automatically for one 12-month period. Prior approval is not required in these circumstances; however, in order to obtain this extension, the Town must provide written notice to the Federal awarding agency at least 10 calendar days before the end of the period of performance specified in the award. This one-time extension may not be exercised merely for the purpose of using unobligated balances. The Town Supervisor's Office will coordinate the notice to the awarding agency and monitor the progress in obtaining the extension.

The Town will seek prior approval from the Federal agency when the extension will not be contrary to Federal statute, regulation or grant conditions and:

- The terms and conditions of the Federal award prohibit the extension;
 - The extension requires additional Federal funds; or
 - The extension involves any change in the approved objectives or scope of the project.
- 2 C.F.R. § 200.308(d)(2).

Appendix D - Standards of Conduct

In accordance with 2 C.F.R. §200.112, NY GML §§ 806 and 808, and the Town's Comprehensive Financial Policy, the Town maintains policies of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the Town may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value. Any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part shall not be accepted. However, the Board welcomes and encourages the writing of letters or notes expressing gratitude or appreciation to staff members.

“Officer or Employee” means an officer or employee of the Town, whether paid or unpaid, including members of the Board and their appointed professional or nonprofessional staff.

“Interest” means an officer or employee shall be deemed to have an interest in the contract of (a) his spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves, (b) a firm, partnership or association of which such officer or employee is a member or employee, (c) a corporation of which such officer or employee is an officer, director, or employee and (d) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee."

Any employee, officer, or member of the public noting or suspecting a violation of this policy is encouraged to bring the matter to the Board or the Town Supervisor. Matters of this nature shall be held in confidence to the maximum extent possible pending a thorough investigation of the allegations of impropriety. Knowing or willful violation of this policy by any employee or member of the Board may result in disciplinary action up to and including dismissal.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of the Board's code of ethics and its accompanying regulation may be fined, suspended, or removed from office or employment, as the case may be, in the manner provided by law.

Any Town officer or employee who has, will have, or later acquires an interest in any action, legislation, or proposed contract shall publicly disclose the nature and extent of such interest in writing to the Town Board, except that such disclosure shall not be required for any of the exceptions listed under New York General Municipal Law §802

No Town officer or employee shall, after termination of services or employment with the Town, appear before any board, department, or agency of the Town in relation to any case in which the individual personally participated during the period of service or employment, or which was under active consideration.

No Town officer or employee shall engage in, solicit, negotiate for, or promise to accept private employment when such interests or services create a conflict with or impairs the proper discharge of official duties. This shall include entering into contingency agreements to represent clients before the Board.

Board members shall disclose, in writing, upon assuming office, any possible conflicts of interest. This shall be kept on file at the Town Clerk's Office annually. At any time where a possible conflict arises, the Board member will also make such disclosure in writing. As an example, a board member married to the owner of a business, or acting as an officer in the business, with which the Town conducts business exceeding \$750 annually, must make such disclosure. The disclosure only needs to be made once unless there is a material change to the underlying factors. By making such a notice the appearance of impropriety is mitigated and the ability to influence the Town for personal gain is in full view.

Appendix E – Eligibility

The main objective of this compliance requirement is that only eligible individuals or organizations participate in Federal assistance programs. The criterion for determining eligibility will vary from program to program, but the objective that only eligible individuals or organizations participate remains consistent across all Federal programs. To comply with this objective, recipients must first assure that proper eligibility determinations are made, which means that the recipient must determine the parameters and limitations to define eligibility for a specific program in accordance with the program's purpose. Eligibility for a specific award will be announced in the award notice.

Appendix F – Equipment and Real Property Management

Equipment and real property procured through any Federally funded award shall be accounted for under the Town of Clayton's Comprehensive Financial Policy. The Town shall maintain an active accounting and inventory system for all items procured through Federal grants.

A. Property Classifications

Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the Town for financial statement purposes, or \$5,000. 2 C.F.R. § 200.33.

Supplies means all tangible personal property other than those described in § 200.33 Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the Town for financial statement purposes or \$5,000, regardless of the length of its useful life. 2 C.F.R. § 200.94.

Computing devices means machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or "peripherals") for printing, transmitting and receiving, or storing electronic information. 2 C.F.R. § 200.20.

Capital assets means tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with GAAP. Capital assets include:

- Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases; and
- Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance). 2 C.F.R. § 200.12.

B. Inventory Procedure

Upon receipt of any property classified above, the Town Supervisor's Office shall identify the equipment, inspect it for condition, ensure it matches the requirement stated on the purchase order, and shall apply asset control tags to the equipment/item. The item shall be entered into the inventory system in sufficient detail to provide a discrete identification of the item (nomenclature, serial numbers, model numbers, etc.) as well as the location where the equipment will ultimately be situated. Only after this is accomplished will the equipment be shipped to the

final destination. Receiving reports will then be signed and forwarded to the Town Supervisor's Office for processing and payment.

C. Inventory Records

For each equipment and computing device purchased with Federal funds, the following information is maintained:

- Serial number or other identification number;
- Source of funding for the property;
- Who holds title;
- Acquisition date and cost of the property;
- Percentage of Federal participation in the project costs for the Federal award under which the property was acquired;
- Location, use and condition of the property; and
- Any ultimate disposition data including the date of disposal and sale price of the property.

Upon final disposition of the property (either at the end of useful life, sale, loss, etc.) the Town Supervisor's Office shall request that the Board declare the item excess to the needs of the Town. Once this resolution is recorded in the minutes, the Town Supervisor's Office may dispose of the property within the guidelines approved by the Town Board. Any monetary value derived from the disposal of the property shall be applied as a credit to the Federal Grant, if applicable.

D. Physical Inventory

A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years. The inventory will be accomplished by the Town Supervisor's Office.

E. Maintenance

In accordance with 2 C.F.R. § 200.313(d)(4), the Town maintains adequate maintenance procedures to ensure that property is kept in good condition. Issues arising during normal operations will be reported to the appropriate agency.

F. Lost or Stolen Items

The Town maintains a control system that ensures adequate safeguards are in place to prevent loss, damage, or theft of the property. Devices are assigned to a building for use by trained

personnel. Losses will be reported to the Town Supervisor's Office as soon as practicable after the loss is noticed. At that time, appropriate administrative personnel will conduct an inquiry to determine the nature and cause of the loss. If a theft is suspected, a police report will be filed (contact the Town Supervisor's Office for processing procedures). If the property is not recovered in 60 days, it can be removed from the inventory as a loss.

G. Use of Equipment

Equipment must be used in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the Federal award, and the Town will not encumber the property without prior approval of the Federal awarding agency and the pass-through entity.

During the time equipment is used on the project or program for which it was acquired, the equipment will also be made available for use on other projects or programs currently or previously supported by the Federal government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by the Federal awarding agency that financed the equipment. Second preference is given to programs or projects under Federal awards from other Federal awarding agencies. Use for non-Federally funded programs or projects is also permissible.

When no longer needed for the original program or project, the equipment may be used in other activities supported by the Federal awarding agency, in the following order of priority: (1) activities under a Federal award from the Federal awarding agency which funded the original program or project; then (2) activities under Federal awards from other Federal awarding agencies.

H. Disposal of Equipment

When it is determined that original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, the Town Supervisor's Office will contact the awarding agency (or pass-through for a state-administered grant) for disposition instructions.

Generally, disposition of equipment is dependent on its fair market value (FMV) at the time of disposition. If the item has a current FMV of \$5,000 or less, it may be retained, sold, or otherwise disposed of with no further obligation to the Federal awarding agency. If the item has a current FMV of more than \$5,000, the Federal awarding agency is entitled to the Federal share of the current market value or sales proceeds. All final decisions to excess property are reserved to the Town Board.

If acquiring replacement equipment, the Town may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property. Net cost will be applied to any accounts used to acquire equipment including a trade in.

Appendix G – Matching, Level of Effort and Earmarking

Matching, also referred to as “cost sharing”, is a requirement for the recipient to provide contributions or donations of a specified amount or percentage to supplement Federal assistance received. In other words, when the recipient participates in a Federal program and an operating budget is prepared, the Federal government may require the recipient to provide contributions to cover a portion of that program’s operations.

Level of effort defines particular goals or objectives the recipient must achieve with the assistance received, and includes recipient requirements for a specified level of service, specified level of expenditures for designated activities, and Federal funds to supplement and not supplant non-Federal services.

Earmarking is a requirement that specifies a limited amount or percentage of the program’s assistance that must (minimum) or may (maximum) be used for specified activities. Examples of this include limits imposed on the Federal government on the amount of Federal funds to cover administrative expenses, or a percentage requirement for total program funds provided to subrecipients. Earmarking may also be specified in relation to the types of participants covered (e.g. a limit on how many participants a recipient can provide assistance to).

Individual Federal grants may have matching or level of effort requirements associated with the grant as a condition of award. The Town Supervisor’s Office will determine these requirements during the application/pre-award phase of the process. These requirements will be budgeted and tracked during execution of the award. The following criteria will be met when identifying matching/level of effort/earmarking of funds by the Town:

- Must be verifiable in the Town’s accounting system
- Must not be included as the contribution to any other Federal award (no “double-dipping”)
- Must be necessary and reasonable for accomplishing the program objectives
- Must be allowable under cost principles previously stated in this guidance
- Must not be paid by another Federal agency or under another Federal award
- Must be provided for in the budget approved for the award by the applicable Federal Agency.

The Grant Program Director will ensure that earmark requirements are fully complied with. The Town Supervisor’s Office will monitor this aspect and ensure that no funds are disbursed that do not meet the earmark requirements.

Appendix H – Period of Performance

The period of performance will be described in the grant award notice. All obligations must occur on or between the beginning and ending dates of the grant project. 2 C.F.R. § 200.309. This period of time is known as the period of performance. 2 C.F.R. § 200.77. The period of performance is dictated by statute. Further, certain grants have specific requirements for carryover funds that must be adhered to. The period of performance is a required data point for claiming reimbursement through G5 or WAWF. The period of performance can only be changed by the awarding agency. In instances where the budget is under executed and funding will remain at the end of the performance period, the Grant Program Manager, or Town Supervisor's Office will apply to the awarding agency for an extension of the time for performance. If granted, this extension will be listed on a modification to the grant award notice. On application for reimbursement, all information on award notice modifications must be annotated on the claim in order for it to be processed properly and in a timely fashion.

Appendix I – Procurement and Suspension and Debarment

This section covers compliance of laws and regulations when obtaining a good or services from a vendor, supplier, or provider. The Town will comply with its procedures outlined in the Comprehensive Financial Policy in all purchases made through Federal grants or awards. The fact that the source is a Federal grant/award does not relieve the Town from complying with all aspects of the effective policy. The procurement requirement is established to ensure that such goods and services are obtained in an effective manner, including the prohibition of conflicts of interest, the fair selection of vendors, provision of open and free competition among vendors, etc. The suspension and debarment requirement establishes that certain non-Federal entities have been prohibited from participating in or receiving Federal assistance for various reasons, including prior mismanagement of funds or previous non-compliance of laws and regulations. This prohibition may be temporary (suspension) or indefinite (debarment; until specifically allowed by the government). When performing this purchase, the Town Supervisor's Office must verify that the vendor, supplier, provider or their respective principals (e.g., owners, top management, etc.) are not suspended, debarred or otherwise excluded by the Federal government. This is done by checking the Excluded Parties List System (EPLS) maintained by the General Services Administration (GSA) or by contacting the Federal agency.

The Town awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

The Town may not subcontract with or award subgrants to any person or company who is debarred or suspended.

Appendix J – Program Income

Program income is sometimes directly generated by the Federally funded program. This type of income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. However, it generally does not include interest on program funds (which is covered under “Cash Management”); nor does it cover rebates, credits, discounts, and refunds (covered under “Allowable Costs/Cost Principles”); nor proceeds from the sale of equipment or real property (covered under “Equipment and Real Property Management”). The uses or treatment of program income are either deducted by the Federal agency from the current program budget (e.g., the program income substitutes part of the original budget), added to the current program budget, or used to meet matching requirements.

Use of Program Income

The default method for the use of program income for the Town is the deduction method. Under the deduction method, any program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the Town is otherwise directed by the Federal awarding agency or pass-through entity. The Town may also request prior approval from the Federal awarding agency to use the addition method. Under the addition method, program income may be added to the Federal award by the Federal agency and the Town. The program income must then be used for the purposes and under the conditions of the Federal award.

While the deduction method is the default method, the Town always refers to the GAN prior to determining the appropriate use of program income.

Appendix L – Reporting

This section establishes that all recipients must submit reports (whether financial, performance-related, or of special nature) to the Federal government to monitor Federal assistance activities and uses. The most common reports are pre-designed by the Federal agency, are approved by OMB, and are available to all recipients and the general public. The time deadlines for submitting them vary depending on the report, and will generally be established in the initial Grant Award Notice. Furthermore, the reporting requirements (e.g., which reports must be submitted, the timing of the submission, information in the reports, etc.) may vary from recipient to recipient, although the Federal government has established several reports that apply to all recipients. Common reports include:

- SF-270 the *Request for Advance or Reimbursement*.
- SF-425 the *Federal Financial Report*.
- FS-10 the *Proposed Budget for a Federal or State Project*
- FS-10A the *Proposed Amendment for a Federal or State Project*
- FS-25 the *Request for Funds for a Federal or State Project*

Reconciliation and Closeout Procedures

It is critical for charges to match the actual disbursement. Budget estimates or other distribution percentages determined before the services are performed or purchases made do not qualify as support for charges to Federal awards, but may be used for interim accounting purposes provided that the system for establishing the estimates produces reasonable approximations of the activity actually performed. Therefore, when filing final reports, all accounting must be for actual, not budgeted accounting numbers.

Record Retention

A. Retention:

The Town maintains all records that fully show (1) the amount of funds under the grant or subgrant; (2) how the subgrantee uses those funds; (3) the total cost of each project; (4) the share of the total cost of each project provided from other sources; (5) other records to facilitate an effective audit; and (6) other records to show compliance with Federal program requirements. The Town also maintains records of significant project experiences and results. These records and accounts must be retained and made available for programmatic or financial audit and will be maintained for a minimum of six (6) years after filing the final reports, unless the New York state retention period prescribes a longer retention period.

If any litigation, claim, or audit is started before the expiration of the record retention period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

Upon reaching the end of the retention period, records will be destroyed by shredding or, in the case of electronic records, deletion with overwrite on the recorded section of the medium.

B. Access to Records

The Town provides the awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives the right of access to any documents, papers, or other records of the Town which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the Town's personnel for the purpose of interview and discussion related to such documents.

C. Privacy

The Town protects the privacy of the records under applicable laws. Documents subject to Freedom of Information Law requests or Freedom of Information Act requests will be reviewed for privacy concerns and properly redacted prior to release under either law. This does not apply to properly executed subpoenas or investigations by properly documented law enforcement in the conduct of official duties.

Appendix M – Subrecipient Monitoring

In the event that the Town awards subgrants to other entities (also known as pass-through entities), the Town shall monitor those grant subrecipients to ensure compliance with Federal, state, and local laws. Monitoring is the regular and systematic examination of all aspects associated with the administration and implementation of a program. Each program office that awards a subgrant must have its own monitoring policy. This policy must ensure that any monitoring findings are corrected. The Town shall require that all subrecipients provide required reports and financial documents in sufficient detail to permit the Town to make its required reports. In this manner the Town will exercise a level of control. The Town may also conduct site visits, regular contact, interviews, meetings and examinations of the subrecipient, as well as requiring that the subrecipient be subject to an annual single audit. The specific measures will be developed at the time the subgrant is awarded and will be followed up by the Grant Program Manager for the Town.

Appendix N – Special Tests and Provisions

Certain programs have unique compliance requirements—established by laws, regulations, and contract or grant agreements—that do not fit into the requirements listed above. The Program Grant Manager must review these, normally provided in the Grant Award Notice, and ensure compliance with those requirements. The auditor must review the program’s contract, grant agreements, referenced laws, and regulations to identify unique compliance requirements. In conjunction with the Grant Program Manager and the Town Supervisor’s Office, the auditor will develop audit objectives and audit procedures under this section to ensure full compliance.