



CRIMINAL JUSTICE COMMISSION GRANTS MANAGEMENT HANDBOOK



The Oregon Criminal Justice Commission (CJC) is the State Administrative Agency (SAA) for various state and federal grant programs. The Grant Management Handbook was prepared to assist grantees in complying with state and federal requirements.

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[Oregon Criminal Justice Commission Website](#)

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Grant Related Forms

The following forms can be found on the Criminal Justice Website under Grants > Resources.

[PROGRAM INCOME REPORT](#)

[AUDIT CERTIFICATION](#)

[STATE OF OREGON TRAVEL EXPENSE DETAIL](#)

[STATE OF OREGON PRIVATE VEHICLE REQUEST](#)

[EXAMPLE RFR SPREADSHEET](#)

INTRODUCTION

“The mission of the Oregon Criminal Justice Commission is to improve the legitimacy, efficiency and effectiveness of state and local criminal justice systems.”

In addition, CJC provides services to the Oregon criminal justice community through the administration of grant programs that reduce drug use and violent crime while improving the effectiveness of the criminal justice system. CJC administers several state and federal grant programs and distributes funding through sub awards to state and local units of government, and non-profit agencies. The grant programs include:

- Edward Byrne Memorial Justice Assistance Grant Program (JAG)
- Specialty Court Grant Program
- Oregon Justice Reinvestment Grant Program (JRGP)
- Justice Reinvestment: Maximizing State Reforms (Federal JRI)
- Residential Substance Abuse Treatment for State Prisoners (RSAT)
- Technical Assistance funds (PEW, Vera, Booz-Allen-Hamilton, BJA, etc...)

JUSTICE ASSISTANCE GRANT (JAG) PROGRAMS

In 2009, Governor Kulongoski appointed the Criminal Justice Commission (CJC) as the State Administering Agency (SAA) for the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG). The CJC allocates resources statewide for comprehensive criminal justice planning and policy development while maintaining responsibility for distribution, monitoring, and reporting of annual formula grants and when applicable, competitive grants. The CJC serves as the primary coordinating body for the acceptance, planning, and distribution of federal criminal justice funds leveraged to address the needs of the state criminal justice system as well as smaller local entities that are not eligible for direct JAG funding. This responsibility includes state and local public safety issue identification, system collaboration, policy development, and system planning and implementation. In addition, the CJC has been asked to lead statewide public safety planning efforts and initiatives to address the needs of the state and local criminal justice system.

JAG funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any one or more of the following purpose areas:

- Law Enforcement programs;
- Prosecution and court programs, including indigent defense;
- Prevention and education programs;
- Corrections and community corrections programs;
- Drug treatment programs and enforcement programs;
- Planning, evaluation, and technology improvement programs;
- Crime victim and witness programs (other than compensation).

SPECIALTY COURT GRANT PROGRAM

The Specialty Court Grant Program calls for evidence-based problem-solving court strategies designed to address the root causes of criminal activity and substance use disorders by coordinating efforts of the judiciary, prosecution, defense, probation, law enforcement, treatment, mental health, and social services. These courts offer non-violent offenders an alternative to incarceration and teach participants to become productive law abiding citizens, which reduces recidivism and provides for healthier communities.

Oregon House Bill 2485 (2005) addressed the public safety and public health issues caused by methamphetamine use in the State. It directed CJC to implement a grant program to administer state funds for the purposes of creating new drug courts and expanding the capacity of Oregon's active drug court programs (ORS 137.656 § 3(f)). The 2007 Legislature then expanded the CJC Drug Court Grant Program and the Commission has continued funding since 2006. In 2013, the Legislature, as part of a larger Justice Reinvestment effort, substantially increased funding to CJC for drug courts to take the place of the federal Recovery Act funds ending in 2013.

CJC is charged with serving as *a clearing house and information center for the collection, preparation, analysis and dissemination of the best practices applicable to specialty courts*. This includes coordinating research and distributing research results in addition to specialty court specific trainings and the support of program or evidence-based practice implementation. Further, the CJC was required to develop evidence-based standards for specialty courts designed to reduce recidivism and target high to medium risk offenders. The current draft standards¹ describe best practices associated with a successful adult drug court programs and are in line with the standards² published by the National Association of Drug Court Professionals (NADCP).

OREGON JUSTICE REINVESTMENT GRANT PROGRAM

The Justice Reinvestment Grant Program (JRGP) is Oregon's proactive approach to controlling prison growth and investing the avoided operational prison costs in Oregon's local criminal justice systems. The additional goals of JRI are to reduce recidivism, increase public safety and to hold offenders accountable. JRGP is a state grant program monitored by the CJC requiring a data-driven approach that: (1) analyzes criminal justice trends to understand drivers of local prison use; (2) promotes the effective implementation of investments that increase public safety and improve offender accountability; (3) measures the impact of the policy changes and reinvestment resources; and (4) ties results to future funding.

The purpose of JRI is to alleviate the need for additional prison beds by the end of this biennium through

¹ Oregon Specialty Court Standards. Criminal Justice Commission. Accessed April 2015. Available from <http://www.oregon.gov/cjc/specialtycourts/Pages/SpecialtyCourtStandards.aspx>

² Adult Drug Court Best Practice Standards Volume 1. NADCP. Accessed April 2015. Available from <http://www.nadcp.org/sites/default/files/nadcp/AdultDrugCourtBestPracticeStandards.pdf>

a combination of sentencing changes and investments into more cost-effective strategies in local criminal justice systems. All counties are participating in the JRI grant program. The Commission has determined the proportion of grant funds available to each county will be no less than \$100,000 for this biennium and in accordance with the formula used to distribute baseline funding under ORS 423.483. The investments in local systems are governed by grant rules recommended by the Grant Review Committee created in HB 3194 and adopted by the nine-member commission directing the agency. Agency staff serves its clients, state and local public safety officials, by providing crime data and analysis via regional implementation councils. These regional meetings allow the agency to provide quarterly feedback to officials and public safety coordinating councils (LPSCCs).

FEDERAL JUSTICE REINVESTMENT INITIATIVE GRANT PROGRAM

In 2014, the CJC was awarded the Federal Justice Reinvestment Initiative: Maximizing State Reforms Competitive Grant to reduce prison intakes in Lane and Klamath counties. Funds were awarded to design and implement an evidence-based sentencing program for high to medium risk property and drug offenders based on the successful pilot project implemented in Marion County, Oregon in 2012. Lane and Klamath counties will utilize evidence-based pre- and/or post-sentencing tools and programs to safely manage offenders in the community. Local community corrections agencies will implement supervision practices and case plans driven by the LS/CMI validated criminogenic risk and needs assessment tool.

Evidence-based sentencing requires pre-sentencing assessment and the use of evidence-based programs and strategies by community-based service providers of: substance abuse, mental health, and behavioral health treatment; diversion programming; aftercare; and reentry services.

Funds are contributing to CJC conducting a randomized controlled trial of the impact of this project in Lane and Marion counties to determine success and replicability across Oregon. CJC and county public safety officials are collaborating to design the evaluation to provide useful and accurate population and recidivism information to account for population characteristics.

Federal Justice Reinvestment Grant objectives include:

- Increase corrections costs saved or avoided by reducing unnecessary confinement.
- Increase reinvestment in evidence-based practices that reduce recidivism.
- Support justice reinvestment reform efforts by promoting and increasing collaboration among agencies and officials who work in criminal justice, including state and local policymakers, law enforcement, prosecution, defense, pretrial, courts, probation, treatment, corrections, reentry, and parole.
- Enhance the translation of evidence into practice by supporting the use of data analysis results to inform policy decisions.

RSAT GRANT PROGRAM

The Residential Substance Abuse Treatment (RSAT) for State Prisoners Program is funded through the Office of Justice Programs, Bureau of Justice Assistance. RSAT assists states, local,

and tribal governments to develop and implement substance abuse treatment programs in state, local, and tribal correctional and detention facilities and to create and maintain community-based aftercare services for offenders.

The goal of the RSAT Program is to break the cycle of drugs and violence by reducing the demand for use and trafficking of illegal drugs. RSAT enhances the capability of states and units of local and tribal government to provide residential substance abuse treatment for incarcerated inmates; prepares offenders for their reintegration into the communities from which they came by incorporating reentry planning activities into treatment programs; and assists offenders and their communities through the reentry process through the delivery of community-based treatment and other broad-based aftercare services.

RSAT Grant Program purpose areas include:

- Residential Substance Abuse Treatment Programs
- Jail-Based Treatment Programs
- Aftercare Programs

GENERAL PROVISIONS

All grantees are subject to the following general provisions regardless of their funding source.

GRANT AWARD AGREEMENT

Following the approval of grant awards by the CJC Commissioners, CJC will provide an Intent to Award Notice. After collecting outstanding items and discussing program details with the applicant, an award agreement will be provided for review and signature. The Grant Award Agreement (GAA) serves as the contract between the CJC and grantee. The GAA contains the grant award terms, conditions, and budget summary.

The grantee agrees to comply with the program objectives and fiscal requirements in accordance with the executed GAA.

- **NOTE:** Modifications to the GAA or budget detail must be requested in writing. The conditions of the grant may not be modified without prior approval from CJC.

Failure of the grantee to operate the program in accordance with the written, agreed upon objectives or budget may constitute immediate grounds for suspension and/or termination of the GAA and de-obligation of unspent funds.

GRANT AWARD AGREEMENT AMENDMENT PROCEDURES

Requests to amend the GAA require written approval from the CJC and are handled administratively on a case-by-case basis by the assigned grant analyst. All requests to amend the agreement, must be submitted in writing. Grantees may propose budget changes that do not increase the total budget amount. Following CJC written approval, modifications to the grant are completed through the assigned grant analyst and requested documentation. Agreement amendments are not necessary for minor changes in program activities and outputs.

While not an inclusive list, a request to amend the grant agreement is required:

1. To adjust the grant award period
2. To modify the program in any significant manner to expedite achievement of the grant's objectives;
3. To modify the program outputs, outcomes, or performance measures;
4. To change the target population;
5. To expand or decrease the geographic area to be served;
6. To make changes in key grant-funded personnel;
7. To modify the methodology, approach, or scope of any component of the program;
8. To change the total federal funding amount or the total match amount;

9. To reallocate amounts among budget categories. If the change in any one category exceeds the total original budget by more than 10%, a formal amendment is required;
10. To add a new budget category not included in the original budget;
11. To delete an existing budget category;
12. To add new items to a budget category not included in the original budget;
13. To delete items from a budget category included in the original budget.

An approved request for amendment is required prior to implementation of the changes. Program and/or budget revisions should be requested prior to the end of the quarter. Requests to amend program budgets should be submitted before the 45 days prior to the end of the award period to be considered.

- **NOTE:** ALL budget changes (including those less than 10%) require an email or letter to the assigned grant analyst that must precede or accompany the next RFR documenting the amount and reason for the change. Following CJC written approval, the adjustment to budget categories must be made in a Budget REVISION spreadsheet provided by the assigned grant analyst.

ADDITIONAL AWARD REQUIREMENTS

Successful applicants selected for a grant award must agree to comply with all applicable requirements prior to receiving grant funding. Grant requirements are contained within the Request for Grant Proposal document and the GAA. Grantees can receive funding from either state or federal funding sources. Being familiar with the requirements of your funding source is critically important and substantial guidance is contained in this document.

FISCAL REQUIREMENTS

Awards funded with state dollars must adhere to the applicable accepted accounting principles and governmental auditing standards. Grantees must ensure subgrantees and subcontractors comply with these requirements. Award funds shall be used solely for the Project as described in Exhibit A of the GAA and shall not be used for any other purpose.

Federally funded awards are subject to specific grant requirements that are outlined in a section later in this *handbook*.

PROGRAM AND FISCAL MONITORING

CJC monitors each program ensuring the grantee is operating as agreed, working towards its objectives, and following appropriate fiscal procedures. During the grant award period, monitoring shall include review of program and fiscal records, policies and procedures, meetings with customers, sub-recipients, program evaluators, program stakeholders, program participants and/or any staff directly or indirectly involved in the performance of the award program during one or more on-site visits and desk-monitoring. Monitoring visits are intended to verify compliance with grant and fiscal requirements, provide technical assistance, offer program development guidance, and observe program activities.

PROGRESS REPORTS

Grantees must submit complete progress reports to CJC according to established timelines. Progress reports have the following purposes:

- To determine if the grantee is implementing the program as agreed;
- To determine if the grantee is making progress towards meeting its performance measures;
- To determine if the grantee demonstrates fidelity to identified evidence-based practices and/or programs;
- To determine if the activities performed by the grantee are linked to the specific outcomes of the program;
- To allow the grantee to present information on any problem encountered (e.g., what were they, how they impacted the program, and how were they resolved);
- To develop data for criminal justice planning and the *Statewide Strategy*;
- To provide information for the *Annual Key Performance Measures Report*;
- To help other agencies that might undertake a similar program;
- To present information to the Governor, the Legislature, the U.S. Department of Justice, Congress and research consultants; and
- To justify continued grant funding.

Due Dates: Progress reports are due no later than 20 days after the end of each reporting quarter. Please refer to your grant award agreement for your specific reporting due dates.

➤ **NOTE:** It is the full responsibility of the grantee to ensure that CJC receives progress reports by their due dates. In the event that an unavoidable circumstance arises, a grantee may submit a written deadline extension request. The request must be received prior to the due date in order to be considered for approval. CJC will provide a written response to all requests.

Failure to Submit Reports: CJC will issue financial reimbursements once the progress report is received and complete. Failure to submit timely reports can affect reimbursements and future funding opportunities. In addition, missing progress report timelines may result in the suspension and/or termination of the grant.

FINANCIAL REPORTS - REQUESTS FOR REIMBURSEMENT (RFR)

CJC reimburses actual and allowable expenditures for goods and services in the approved budget purchased during the grant period. CJC may withhold funds for any expenditure not budgeted or in excess of approved budget amounts. Grantees may not obligate funds, order goods, enter into contracts, or request purchase orders prior to the start of the grant period.

CJC requires accurate, clear, and verifiable expenditure documentation prior to reimbursement. CJC reimburses expenses quarterly unless otherwise agreed between CJC and the grantee. Failure of the grantee to operate the program in accordance with the approved budget may result in suspension and/or termination of the grant agreement.

Due Dates: Requests for Reimbursement (Financial Reports) are due no later than 20 days after the end of each reporting quarter. Please refer to your grant award agreement for your specific reporting due dates.

- **NOTE:** All reimbursement requests must be submitted through email to cicgrants@oregon.gov.

The RFR must reflect all program expenditures that are reported as *Grant Expenses Paid This Period or Other Support*. The **Backup** worksheet within the RFR document must be completed for supporting documentation to include all expenditures by category, separated by grant funds and other support (if applicable). This spreadsheet should also include a breakdown of expenditures for any sub award/contractual costs incurred during the quarter.

- **NOTE:** All reimbursement requests must be generated within the spreadsheet provided by the grant analyst. This spreadsheet will reflect the approved *Grant Budget* and *Remaining Grant Balance*. All open fields must be complete. The Backup worksheet is included in the RFR spreadsheet.

All documented expenses (timesheets, invoices, travel charges, incentives, confidential fund receipts) need to be kept on file and available for future audit. Administrative costs may not exceed 10% of the award amount. Your backup documentation and invoices need to be maintained within your files and will be subject to review during on-site monitoring visits.

DUE DATES

Grantees must submit a Request for Reimbursement (RFR) quarterly unless otherwise agreed. It is the responsibility of the grantee to ensure that the CJC receives the RFR by the due date. Reports are due 20 days past the end of quarter.

- **NOTE:** Refer to the GAA for specific reporting dates.

ON-SITE MONITORING AND DESK REVIEWS

CJC is currently developing policy and procedures, with applicable documents for monitoring purposes. More will be provided once this is completed. CJC intends to provide on-site monitoring to every program at least once annually.

CJC INCENTIVES DETERMINATION

This determination applies to all CJC Grantees receiving federal and state general funds.

Background: There are discussions at the federal level about disallowing grantees to use federal funds to pay for any and all types of incentives, but there is no current federal guidance. The consensus, however, is that the usage of incentives will be addressed in the near future. The OJP Financial Guide is not clear on incentives. The OJP Financial Guide prohibits spending federal funds on, “Entertainment, including amusement, diversion, and social activities, and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals).”

CJC Determination: Based on this language, CJC has made a determination about the specific types of incentives considered allowable costs for our grantees by category. Allowable costs will be categorized as non-entertainment related items that are under \$25.00 and accessible to everyone. Anything considered entertainment will not be allowable. Examples of allowable items include: bus passes, completion or achievement certificates, commemoration coins, and personal care items. Examples of items that are NOT allowable include movie passes; tickets to shows and/or sporting events; and food/beverages this includes gift cards for restaurants, “fast food” establishments and coffee shops.

OJP advises that all allowable incentives costs must be very low per participant (i.e. \$5.00-\$10.00 increments).

CJC expects a future OJP determination eliminating all incentives. The current guidance restricts food/beverage costs at conferences, meetings and events. CJC has determined that graduation parties and other celebratory gatherings fall under events. CJC believes that incentives are an important part of specialized court programs. Please know that these restrictions in no way limit your ability to use other funds or donations as resources to provide incentives for your program participants. These restrictions do eliminate your ability to recover costs using CJC funding.

SPECIAL REQUIREMENTS FOR GIFT CARDS, VOUCHERS, AND OTHER LIKE ITEMS

Programs that use gift cards, vouchers, bus passes and other like items for participants must establish internal controls through written policies and procedures that, at a minimum:

1. Ensure the security of the item(s); and
2. Address appropriate distribution to participants.

Programs must use a log and track distribution and use of all items purchased. The log must track:

1. Card, voucher, or pass number;
2. Date issued to participant;
3. Name of participant;
4. Purpose of pass or description of items to be purchased with the card;
5. For gift cards, a receipt must be returned to the Program by the participant and kept in participant file.

CJC REWARD PROGRAM DETERMINATION

Grantees shall not use grant funding for private gain, either their own gain or that of others. The use of a rewards program when making purchases for grant programs induces such benefit and is therefore prohibited.

FINAL CLOSEOUT PROCEDURES FOR GRANTS

After the final progress report and RFR have been submitted, the grant analyst will:

1. Review the grant file to determine all required documents have been completed and finalized.
2. Verify that all monies are correctly spent.
3. Verify CJC has received certificates of insurance, audit certifications, and EEO compliance forms.

When all documents are verified, the grant is determined complete, and allowable financial commitments have been processed, the grant analyst will send a Final Grant Closeout letter to the grantee.

FEDERALLY FUNDED GRANTS

CIVIL RIGHTS LAW COMPLIANCE

All State Administering Agencies (SAAs) have a responsibility to monitor their sub recipients to ensure that the sub recipients are complying with the federal civil rights laws that are applicable to recipients of federal financial assistance. The CJC has established policies, procedures, training and technical assistance to help sub recipients with compliance. Links describing CJC's policies, procedures and training for addressing complaints alleging discrimination follow.

[Civil Rights Policy 001-Employee Discrimination](#)

[Civil Rights Policy 002-Client Discrimination](#)

[Civil Rights Discrimination Complaint Form](#)

[Civil Rights Training Materials](#)

[Civil Rights Acknowledgement](#)

PROGRESS REPORTING FOR FEDERAL FUNDED AWARDS:

Federally funded grantees will be required to complete Federal Performance Measurement questions each quarter, through the BJA website, <http://www.bjaperformancetools.org/UUM/> in addition to completing the quarterly progress report.

CJC Grant staff will provide each federally funded grantee with a User ID and Password to access their individual accounts. Grantees will complete the questions each quarter and submit the report.

Failure to report timely results in federal funding accounts being frozen and will delay RFR payment processing.

FISCAL REQUIREMENTS FOR FEDERALLY FUNDED AWARDS:

FINANCIAL GUIDE

The [OJP Financial Guide](#) serves as a primary reference manual to assist grantees in fulfilling their fiduciary responsibility to safeguard grant funds and ensure funds are used for the purposes for which they were awarded. The Guide should serve as a day-to-day management tool for grantees in administering their grant programs. It is the responsibility of grantees to comply with the federal guidelines in the manual. Copies of the [OJP Financial Guide](#) may be obtained from the Office of the Comptroller Customer Services Center.

OFFICE OF MANAGEMENT AND BUDGET (OMB) CIRCULARS

It is the responsibility of the recipient agency to comply with the federal guidelines contained in the appropriately relevant [Office of Management and Budget \(OMB\) Circulars](#).

OMB 2-CFR-220: *“Cost Principles for Educational Institutions.”* This Circular establishes principles and standards for determining costs applicable to grants and contracts with educational institutions.

OMB 2-CFR-225: *“Cost Principles for State, Local and Indian Tribal Governments.”* This Circular establishes principles and standards for determining costs applicable to grants and contracts with state, local and Indian tribal units of government.

OMB 2-CFR-215: *“Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.”* This Circular establishes standards for the administration of grants to institutions of higher education, Hospitals, and other nonprofit organizations.

OMB 2-CFR-230: *“Cost Principles for Nonprofit Organizations.”* This Circular establishes principles for determining costs of grants, contracts, and other agreements with nonprofit organizations.

OMB Circular A-133: *“Audits of States, Local Governments, and Nonprofit Organizations.”* This Circular covers audit requirements for states, local governments, and nonprofit institutions.

Common Rules: *“Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 28 CFR Part 66.”* This Common Rule contains government-wide fiscal and administrative conditions governing federal grants and cooperative agreements and sub awards to state, local, and Indian tribal governments.

- **NOTE:** Units of government and other organizations receiving federal financial assistance from the State shall adhere to applicable State laws and procedures.

- **NOTE:** Grantees shall also adhere to any fiscal procedures established by CJC.

SUB AWARD or PROCUREMENT DESIGNATIONS

In some instances, a grantee may choose to accomplish a portion of the program activities through a financial arrangement with another organization. A number of factors must be considered to determine whether a financial arrangement should be classified as a sub award or a procurement transaction. The proper classification of a financial arrangement as a sub award or a procurement transaction at the time it is proposed is critical to ensure proper accounting for costs and compliance requirements.

The requirements found in [OMB Circular A-133 §210\(b\)](#) provide the following guidance to distinguish between a sub award or procurement transaction:

Sub award Factors	Procurement Factors
<ul style="list-style-type: none"> • Distributes financial assistance in the form of money or property to eligible sub recipients. • Performance is measured against the objectives of the federal award. • Has responsibility for programmatic decision making. • Has responsibility to comply with applicable federal program requirements. • Uses the federal funds to carry out its own program, as compared to providing goods or services for the program of the grantee. 	<ul style="list-style-type: none"> • Provides the goods or services within its normal business operations. • Provides similar goods or services to many different purchasers. • Operates in a competitive environment. • Not subject to the compliance requirements of the federal program. • Provides goods or services those are ancillary to the operation of the federal program.

Typical sub award situations include financial arrangements in which two or more qualifying legal entities are working collaboratively on a program. Each entity has its own program director; however, one of the collaborating entities takes on the role of the prime grantee. A collaborating entity is responsible for meeting its own scope of work, for directing its segment of the program, and for complying with the pertinent OMB Circulars.

- **NOTE:** None of the program activities supported by CJC grant fund may be sub awarded to another organization without specific prior approval from CJC. Where the intention to make sub awards is made known at the time of application, the approval may be considered given, if these activities are funded as proposed.

PROCUREMENT STANDARDS

If a proposed financial arrangement does not meet the criteria for a sub award, the grantee must initiate a procurement transaction. Federal requirements state that “all procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of [OMB 2-CFR-215 §66.36](#) and [§70.44](#).” These requirements apply to all procurements, including, but not limited to, procurements for goods, services, and equipment. Grantees shall follow their own established procurement procedures and regulations, provided they adhere to applicable federal and state guidelines and standards at the minimum. If a grantee’s established procurement procedures are less competitive than the federal requirements ([OJP Financial Guide](#)), the grantee must adhere to the following procurement requirements:

- For small procurements of \$5,000 or less, grantees may solicit goods or services in any manner deemed practical or convenient. A procurement may not be artificially divided or fragmented so as to constitute a small procurement.
 - For procurements exceeding \$5,000 but not exceeding \$150,000, grantees must solicit quotes or bids from at least three sources.
 - For procurements over \$150,000, grantees must formally advertise the proposed procurement through an Invitation for Bids (IFB) or a Request for Proposals (RFP) process.
- **NOTE:** Grantees must follow the threshold limitations established in their own procurement procedures if their internal procedures are more restrictive than the federal threshold.

Grantees must submit all IFBs and RFPs over \$150,000 that involve the use of federal or matching funds to CJC for review and approval prior to their issuance ([ORS 279B](#)). Interagency agreements between units of government are excluded from this provision ([OJP Financial Guide](#)).

SOLE SOURCE PROCUREMENT

In rare and unusual circumstances it may be necessary to waive the competitive bid process and utilize a sole source, noncompetitive, procurement. If a grantee’s established sole source requirements are less stringent than the following requirements, the grantee must adhere to the following more stringent requirements:

Grantees may make the determination that competition is not feasible if one of the following circumstances exists:

- Item or service is available only from a single source;
- Public exigency or emergency will not permit a delay resulting from a competitive

solicitation or if it can be shown unequivocally that desired time frames for delivery must be met or the entire program will suffer as a direct result of the delay;

- After solicitation of a number of sources, competition is considered inadequate.

If sole source procurement is pursued, documentation reflecting actions taken and the position of the grantee is required.

A justification statement for all sole source contracting should include:

1. A brief description of the program, the amount to be designated for the sole source procurement, and the purpose of the contract.
2. Explanation of why it is necessary to contract in a noncompetitive manner by providing supporting information as identified below in the applicable section(s):
 - a. If the item or service is available only from one source, describe the contractor's expertise related to the current program (knowledge of program management, responsiveness, knowledge of the program, experience of contractor personnel), the uniqueness of items to be procured from the contractor (these services or items are only available from a single contractor), and any additional information that would support the case.
 - b. If a public exigency or emergency will not permit a delay resulting from a competitive solicitation, describe when the contractual coverage is required, the impact on the program if deadline dates are not met, how long it would take an alternate contractor to reach the same level of competence, and any additional information that would support the case.
 - c. If competition is determined inadequate after solicitation of a number of sources, describe the market survey, or similar effort, used to determine competition availability, and any additional information that would support the case.
3. A declaration that this action is in the "best interest" of the agency.

For all sole source procurements in excess of \$150,000, grantees must submit a justification statement for review and approval from CJC prior to the procurement. Interagency agreements between units of government are excluded from this provision ([OJP Financial Guide](#)).

SUBAGREEMENTS

Financial arrangements with other entities or individuals to accomplish a portion of the program activities, sub awards and procurement transactions, must be formalized in written and signed agreements between the parties involved. Sub award agreements must

be made available for CJC review, if requested, when fully executed.

An agreement must include:

- Activities to be performed;
- Budget;
- Program start date and end date;
- All required representations, certifications, and assurances;
- Program policies and procedures to be followed;
- Dollar limitation of the award or contract and any match requirements;
- Payment procedure and schedule;
- Cost principles to be used in determining allowable costs;
- All clauses required by the Grant Agreement to be included in agreements with contractors (including subcontractors and sub awardees).

The written agreement will not affect the grantee's overall responsibility for the duration of the JAG-funded program and accountability to CJC. The grantee is responsible for monitoring the subcontractor and determining that all fiscal and programmatic responsibilities are fulfilled.

PROGRAM INCOME

Program income is gross income received by the grantee or subgrantee directly generated by a grant supported activity, or earned only as a result of the grant agreement during the grant period. "During the grant period" is the time between the effective date of the award and the ending date of the award reflected in the final Request for Reimbursement (RFR).

Examples of program income include, but are not limited to: income from fees for services performed, registration fees, usage/rental fees from real or personal property acquired with grant funds, sales of commodities or items fabricated under a grant, sale of property, royalties, attorney's fees and costs, and proceeds received through asset seizure and forfeiture.

Unless specifically identified in the grant agreement, program income does *not* include interest on grant funds; rebates, credits, discounts, and refunds; or taxes, special assessments, levies, fines, and other such revenues raised by a grantee or subgrantee. Fines as a result of law enforcement activities are not considered program income.

Program income, including income that remains unexpended upon expiration of the Agreement, must be added to the grant funds and used as provided in § I.C of the Agreement. Program income also may be used to meet any non-federal matching requirement of the grant agreement or may be deducted from the total allowable costs to determine the net allowable costs.

Program income and expenditures must be reported on the Program Income Report (PIR) form

and submitted quarterly with each RFR. If any program income remains unexpended upon expiration of the Agreement it must be reported on the PIR that is submitted with the final RFR. Grantees that do not have any program income must submit a PIR only with the final RFR.

Use of Program Income: Program income earned during the grant period must be retained by the grantee and must be used in one or more of the following ways:

1. *Addition:* Added to the funds committed to the grant by CJC and the grantee and used to further eligible program objectives.
2. *Cost sharing or matching:* Used to meet the non-federal matching requirement of the grant agreement. The amount of the federal grant award remains the same.
3. *Deduction:* Deducted from the total allowable costs to determine the net allowable costs.

Program income must be used to further eligible objectives of the grant award and must be used under the conditions applicable to the award. If the cost is allowable under the grant program, then the cost would be allowable using program income.

Accounting for Program Income: Program income should be used as earned and expended as soon as possible. During the grant award period, program income and expenditures must be reported on the [Program Income Report \(PIR\)](#) form on a quarterly basis and submitted with the RFR.

- **NOTE:** Grantees that DO NOT generate program income are only required to submit a PIR with the *final* RFR, generally due 15 days after the end of the grant period.

If program income generated and reported during the award period has not been expended by the date the grant was closed, the grantee must submit a final PIR within 15 days of the expiration of the grant period. Even after a grant is closed, grantees remain obligated to use program income generated during the award period for purposes that further the objectives of the original award.

There are no federal requirements governing the disposition of program income earned *after* the end of the award period. Income generated from grant activities after the grant is closed is not program income for these purposes and does not need to be reported or expended in furtherance of grant objectives.

If CJC funding accounts for only a portion of the program's overall budget, then only that portion of the earned program income must be reported. For example: If a grantee is funded at 75 percent federal funds and 25 percent non-federal funds and the total program income earned by the grant was \$100,000, then only \$75,000 must be accounted for and reported as program income by the grantee.

Program Income from Asset Seizures and Forfeitures: Program income from asset seizures and forfeitures is considered earned when the property has been adjudicated to the benefit of

the plaintiff (i.e., law enforcement entity, task force), all appeals have been finalized, and income is available for use by the grantee.

Costs incident to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the award.

Subgrantee program income received from the sale of seized and forfeited assets (personal and real property) or from seized and forfeited money may be retained by the entity earning the program income, with the approval of the grantee, or may be used by the grantee for any purpose that furthers the objectives of the grant (*Addition* method described above).

Program income funds from seized and forfeited assets may be used as match when assets are adjudicated by a State Court, in accordance with state law.

Seized and forfeited cash received under the Equitable Sharing Program may be used as match when the assets are adjudicated by a Federal Court.

TRAVEL REIMBURSEMENT REQUESTS

Reimbursement rates for travel expenses shall not exceed those allowed by the Federal travel policy. Requests for reimbursement for travel must be supported with a detailed statement identifying the person and purpose of the travel as well as the time, date, location of travel, and the actual expenses or authorized rates incurred. Travel expenses for agency personnel include: costs for mileage, lodging, per diem, motor pool fees, commercial transportation, conference registration fees, meals (or per diem), airfare, tolls and parking fees.

Lodging and meal per diem rates and requirements can be found on the [United States General Services Administration](#) website.

REIMBURSABLE EXPENSE CATEGORIES

Please refer to the [OJP Financial Guide Part III](#) for Allowable and Reimbursable Expenses.

- Part III, Chapter 12: [Property and Equipment](#)
- Part III, Chapter 14: [Allowable Costs](#)
- Part III, Chapter 17: [Confidential Funds](#)

PERSONNEL COSTS include employees, fringe benefits, and payroll taxes. Overtime must be specifically listed and approved in the budget in order to be reimbursed. Reimbursement for taxes and benefits for overtime cannot include fixed monthly costs that do not increase with overtime pay; this generally pertains to health care benefits, but may include other taxes and benefits.

Documentation kept by the grantee as backup must include copies of actual payroll reports

showing the full amount paid for each employee (wage, tax, and benefits) as well as a calculation to show how the amount reported was determined and signed Personnel Activity Reports (time sheets). If the employee works less than the 1.0 FTE on the funded program, the Personnel Activity Report must reflect an after-the-fact distribution of the employee's actual time on the program and must also account for the total time for which the employee is compensated.

- **NOTE:** The Personnel Activity Report (time sheet) must provide a breakdown of the total time for which the employee is compensated. This includes the actual time spent on the program (grant and/or match) and any other federal programs.

One example of documentation that satisfies the requirement for the Personnel Activity Report may include time sheets with a separate breakdown for each program indicating how much time was spent each day on each of the different programs. If the requirement for documenting Personnel Activity Reports can be met within the recipient's current management system, there is no need to establish a separate time tracking system.

ADMINISTRATIVE COSTS are program-related costs such as accounting, program management, legal services, and payroll preparation. Reimbursement of these services and will be approved on a case-by-case basis. Administrative costs may not exceed 10% of the federal and minimum match amounts, including any match for contractual services. Use of an indirect cost rate may only be used for this expense if approved in advance by the Federal government. For specific requirements on indirect rates and uses, contact your grant analyst.

UNALLOWABLE COSTS

For unallowable costs refer to the [OJP Financial Guide Part III, Chapter 18](#).

- **NOTE:** CJC will hold a grantee accountable for any overpayment, audit disallowances, or any other breach of grant agreement that results in a debt owed to the federal government. t, audit disallowances, or any other breach of grant agreement that results in a debt owed to the federal government.

SUPPLANTING

Federal funds must be used to supplement existing funds and not replace (supplant) non-federal funds which have been appropriated for the same purpose. Grant funds may not be used to pay for program activities that the recipient is already obligated to pay or has already funded. Grant funds must be used to increase the total amount of funds available to deliver program services. The rules governing supplanting also apply to any funds used as match.

[Supplanting](#) will be a subject of post-award monitoring and audit. If there is a potential presence of supplanting, the grantee will be required to supply documentation demonstrating that the reduction in non-federal resources occurred for reasons other than the receipt or

expected receipt of federal funds.

MATCHING FUNDS

The purpose of matching contributions is to increase the amount of resources available to a program supported by grant funds. Funds allocated for use as match must be used to support a federally-funded program and supplement funds that would otherwise be made available for the stated program purpose. Grantees must maintain records that clearly show the source, amount, and period during which the match was allocated. Grantees must ensure that match is identified in a manner that guarantees accountability during an audit.

- **NOTE:** All conditions that apply to grant funds apply to match funds. All funds designated as match are restricted to the same uses as the grant funds and must be expended within the grant period.

Further guidance on the calculation, documentation, and auditing of the match requirement can be found in the [OJP Financial Guide, Part III, Chapter 8](#) and in the [OMB Circular A-110 §23\(c\)](#).

MATCH FUNDS

For grant programs that require a matching contribution, the contribution need not be applied at the exact time or in proportion to the obligation of federal funds. However, the full match amount must be expended by the end of the grant period. Match and grant funds constitute program funds and must be reported on.

- **NOTE:** Not all CJC JAG funded programs require a match (cash or in-kind).

CASH MATCH

Cash match must be from a non-federal source, must be spent on allowable program-related costs, and must be included in the grantee's financial records. Cash match may include funds from state and local units of government, seized assets and forfeitures, fees and other program income, and the related interest earned on that program income. Program income must be reported by completing a [Program Income Report \(PIR\)](#) and submitting it with the Request for Reimbursement.

IN-KIND MATCH

In-kind match may include donations of expendable equipment, office supplies, workshop or classroom materials, work space, or the monetary value of time contributed by professional and technical personnel and other skilled and unskilled labor if the services they provide are an integral and necessary part of a funded program.

The value placed on loaned or donated equipment may not exceed its fair rental value. The value placed on donated services must be consistent with the rate of compensation paid for similar work in the organization or the labor market. Fringe benefits may be included in the valuation. Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the recipient organization for its own employees. The value of donated space may not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately owned building in the same locality. The basis for determining the value of volunteer services, materials, equipment, and space must be documented.

ACCOUNTING AND AUDITING REQUIREMENTS

ACCOUNTING SYSTEMS

Grantees must maintain accounting systems that accurately account for grant and match funds. Grantees must maintain adequate books, records, and supporting documents to verify the amounts, recipients, and uses of all disbursements of funds passing in conjunction with this agreement for a minimum of six years after completion of the grant or a minimum of three years after an audit is completed, whichever comes last.

COMMINGLING OF FUNDS

Federal agencies do not require physical segregation of cash deposits or the establishment of eligibility requirements for funds. However, the accounting of recipients and sub recipients must ensure that agency funds are not commingled with funds from other federal agencies. Each award must be accounted for separately. Recipients and sub recipients are prohibited from commingling funds on both a program-by-program basis and project-by-project basis.

Funds specifically budgeted or received for one program may not be used to support another. If accounting cannot comply with this requirement, the recipient or sub recipient shall establish a system to provide adequate fund accountability for each program awarded.

AUDITS

Non-federal entities that expend \$500,000 or more in federal funds (all sources) in the grantee's fiscal year shall have a single organization-wide audit conducted in accordance with the provisions of [OMB Circular A-133](#). Non-federal entities that expend less than \$500,000 in a year are exempt. Records must be available for review or audit by appropriate officials including the federal agency, pass through entity, and General Accounting Office (GAO). Grantees must complete and submit a signed [Audit Certification](#) required documentation (if applicable) to CJC within 60 days after the end of the grantee's fiscal year.

- **NOTE:** Audit costs for those not required in accordance with OMB Circular A-133 are unallowable. If the grantee did not expend \$500,000 or more in federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit, these costs cannot be charged to the grant.

All federally funded projects require a CFDA number that is verified as part of the audit. The CFDA number for [JAG funded programs](#) is 16.738. For all other programs, follow the [CFDA](#) link.

Compliance with Federal Equal Employment Opportunity regulations is also required. A Certification Form for [Compliance with the Equal Employment Opportunity Plan \(EEO\)](#) must be completed and submitted within 60 days of receipt of award.

FEDERAL ACCOUNTING REQUIREMENTS

Grant funds are awarded subject to fiscal and program conditions to which the grantee expressly agrees. The audit objective is to review the grantee's administration of the program for the purpose of determining whether the grantee has:

1. An accounting system integrated with adequate internal fiscal and management control to provide full accountability for revenues, expenditures, assets, and liabilities;
2. Prepared financial statements that are presented fairly, in accordance with generally accepted accounting principles;
3. Prepared financial reports to support claims for reimbursement that contain accurate and reliable financial data and are presented in accordance with the terms of the applicable agreements;
4. Expended program funds in accordance with the agreement of federal and state rules.

➤ **NOTE:** Detailed auditing and accounting requirements for federal grants can be in the [OJP Financial Guide](#).

- Part II, Chapter 5: [Standards for Financial Management Systems](#)
- Part III, Chapter 21: [Retention and Access Requirements for Records](#)
- Part III, Chapter 24: [Audit Requirements](#)

PUBLICITY AND PUBLICATIONS

Publication shall be construed as the initiation of the procurement of writing, editing, preparation of related illustration material, including videos, from recipients/sub recipients, or the internal printing requirements of the recipient/sub recipient necessary for compliance with the terms of the project. However, individuals are authorized to make or have made by any means available to them, without regard to the copyright of the journal and without royalty, a single copy of any such article for their own use. Project Directors are encouraged to make the results and accomplishments of their activities available to the public. A recipient/sub recipient who publicizes project activities and results shall adhere to the following:

1. Responsibility for the direction of the project activity should not be ascribed to the awarding agency. The publication shall include the following statement: "The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice or the Oregon Criminal Justice Commission." The receipt of awarding agency funding does not constitute official recognition or endorsement of any project. A separate application for Official Recognition may be filed with the awarding agency.
2. All materials publicizing or resulting from award activities shall contain an acknowledgement of the awarding agency assistance. An acknowledgement of

support shall be made through use of the following or comparable footnote: "This project was supported by Award No. _____ awarded by the Office of Justice Programs, Bureau of Justice Assistance through the Oregon Criminal Justice Commission."

3. A recipient/sub recipient is expected to publish or otherwise make widely available to the public, as requested by the awarding agency, the results of work conducted or produced under an award.
4. All publication and distribution agreements with a publisher shall include provisions giving the State of Oregon and the Federal Government a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use the publication for State of Oregon and Federal Government purposes. The agreements with a publisher should contain information on the awarding agency requirements.
5. Unless otherwise specified in the award, the recipient/sub recipient may copyright any books, publications, films, or other copyrightable material developed or purchased as a result of award activities. Copyrighted material shall be subject to the same provisions of the State of Oregon and the Federal Government.
6. The recipient/sub recipient shall be permitted to display the official awarding agency logo in connection with the activities supported by the award. In this respect, the logo shall appear in a separate space, apart from any other symbol or credit.

The words "Funded/Funded in part by OJP (/CJC)" shall be printed as a legend, either below or beside the logo, each time it is displayed. Use of the logo must be approved by the awarding agency.

- **NOTE:** The recipient/sub recipient shall submit a publication and distribution plan to the awarding agency before materials developed under an award are commercially published or distributed. The plan shall include a description of the materials, the rationale for commercial publication and distribution, the criteria to be used in the selection of a publisher, and, to assure reasonable competition, the identification of firms that will be approached. Prior agency approval of this plan is required for publishing project activities and results when Federal funds are used to pay for the publication.

