

Uniform Guidance Changes



Changes Overview

➤ Background

- Regulations
- Clarity
- Plain language
- Terminology
- Definitions

➤ Changes

- Starts Oct 1, 2024
- [IMLS guidance](#)
- Compliance
- Procurement
- Subawards



Background

- IMLS provided guidance on recent updates
- 9 regulations updated, including 2 CFR 200
- Revised to make it easier to understand
 - Clarity
 - Plain language
 - Terminology
- Supporting definitions updated
 - Used to support the revised regulations



Compliance - Audits



- Single-audit threshold increased to \$1M
- Awards during subrecipient fiscal year
- May occur for libraries in FY2025
 - Digital Connectivity
 - LSTA subgrants
- Contractors that meet program requirements
- Make sure that subgrant procurement contracts are labeled “subgrantee agreement” not contract



Compliance - Certifications



- No longer collected with annual documents
- Must be with each subgrant award
- Specific updates to certain sections
 - Cybersecurity (**NEW**)
 - Non-discrimination
 - Prohibited telecommunications
 - Trafficking
 - Whistleblower
- Take prompt action of credible reports



Spotlight: Internal Controls



- “Establish, **document**, and maintain effective internal control...”
 - Follow USG internal controls as unit
 - Ensure aligns with federal guidance
 - It is EVERYONE’s responsibility to maintain this!
- “Take reasonable cybersecurity and other measures to safeguard information including protected personally identifiable information (PII) and other types of information.”
 - Includes information the federal agency, pass-through agency or subrecipient considers sensitive
 - Consistent with all laws on privacy and confidentiality



Procurement - Process

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- Follow 5 major sections in 2 CFR 200:
 - **200.317 Procurement by States** - same procedures as non-federal funds
 - **200.321 Small businesses** - small businesses, minority-owned, women-owned, veteran-owned
 - **200.322 Domestic preference** - purchase, acquisition, or use of goods, products, or materials produced in the United States
 - **200.323 Recovered Materials (NEW)** - “procuring only items designated in the guidelines...that contain the highest percentage of recovered materials practicable”
 - **200.327 Contract provisions** - what language needs to be in contract



Procurement - Process (cont.)



- **Conflict of interest** - employee, officer, agent, or board member
- **Responsible contractors** - what to evaluate when considering using a contractor
- **Simplified acquisition** - \$10,000 to \$250,000 - must have quotes (at least three under state)
- **Admin costs** - specific closeout costs before final report not grant period (e.g. final report, etc.)
- **Prior approvals** - removal of nine references for funder approval - still need LSTA Coordinator approval
- **Spend down** - admin closing costs can only incur during liquidation period - all other incurred in period



Procurement - Costs

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- **Admin Closing costs** - certain costs allowable (**NEW**)
- **Collective bargaining (Org Cost)** - not allowed (**NEW**)
- **Conferences** - include attendance fees/dependent care
- **Data and evaluation (Org Cost)** - certain costs allowable (**NEW**)
- **Equipment** - \$10,000 single piece/records/retention
- **Fringe benefits** - no unfunded pension costs
- **Indirect Costs** - 15% de minimis rate/have to opt out
- **Prizes** - educational purposes/use memo
- **Program Income** - defray costs/closing costs
- **Reorganization (Org Cost)** - not allowed
- **Supplies** - retention of unused supplies



Spotlight: IMLS Prior Approvals

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- Cost sharing
- Program income
- Revision of budget and program plans
- Fixed amount subawards
- Compensation/personal services
- Fringe benefits
- Equipment and other capital expenditures
- Exchange rates
- Fines, penalties, damages and other settlements
- Fundraising and investment management costs
- Goods/services personal use
- Insurance and indemnification
- Organization costs
- Pre-award costs
- Rearrangement and reconversion costs
- Travel costs



Spotlight: GPLS Prior Approvals*

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- Closeout costs
- Conferences attendance costs
- Entertainment and prizes
- Equipment
- Program income
- Promotional items
- Selling of equipment/supplies

**Reviewed and approved by LSTA Coordinator.*



Subawards - Pre-Award



- **FFATA** - cumulative - \$30,000 and over
- **Audits** - single audit required for \$1,000,000 and over
- **Active UEI** - must check Sam.gov before each award
- **Disbarment/suspensions/fraud** - must check Sam.gov before each award
- **Risk assessment** - changing to include fraud
- **Federal certifications** - add to each contract packet
- **Prohibition on Telecoms** - make sure subrecipient checks
- **Certification statement** - new statement on application



Subawards - Award



- **Special conditions** - Must inform IMLS
- **Unavailable information** - Must send to subrecipient
- **Fixed Amount Subawards** - threshold now \$500,000
- **Allowable costs** - must check budget for guidance updates
- **Prior approvals** - must send to LSTA Coordinator
- **Indirect Costs** - libraries must opt-out - use GPLS form/add to application
- **Certification statement** - new statement on award notice



Subawards - Post-Award



- **Allowable costs** - must check reimbursement for guidance updates
- **Certification statement** - new statement on reimbursement, progress report, final reports, etc.
- **Monitoring requirements** - now includes subrecipient in addition to subawards - add post-award assessment
- **Spend down** - admin closing costs can only incur during liquidation period - all other incurred in period



Spotlight: Compliance



- Add indirect cost and federal certification questions to applications
- Prior approvals may be required
- Signature packets will need award notice and federal certification form
- Sam.gov checks necessary at grant manager level
- Add federal certification question to reimbursement and report submissions
- Pre- and post-award assessments required
- Document, document, document in GMS to show due diligence



Spotlight: Compliance (cont.)



Federal certification statement:

“I certify to the best of my knowledge and belief that the information provided herein is true, complete, and accurate. I am aware that the provision of false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative consequences including, but not limited to violations of U.S. Code Title 18, Sections 2, 1001, 1343 and Title 31, Sections 3729-3730 and 3801-3812.”