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Department of Transportation

## GRANT DISBURSEMENT AGREEMENTS

### PURPOSE:

To define responsibilities within the Florida Department of Transportation (Department) for maintaining compliance with Department of Financial Services requirements for agreements funded with state and federal financial assistance.

**AUTHORITY:** [Section 20.23\(3\)\(a\)](#) and [334.048\(3\)](#), Florida Statutes (F.S.)

### REFERENCES:

[2 CFR 200, Subpart F—Audit Requirements](#)

[215.97, F.S., Florida Single Audit Act](#)

[215.971, F.S.](#), Agreements funded with state or federal assistance

[216.3475, F.S.](#), Maximum rate of payment for services funded under General Appropriations Act or awarded on a noncompetitive basis

[Ethics Policy No. 001-010-020](#)

[Chapter 69I-5, F.A.C.](#), Rules of the Department of Financial Services – Schedule of Expenditures of State Financial Assistance

[Chapter 10.550, Rules of the Auditor General](#)

[CFO No. 06 \(2011-2012\)](#) Contract Monitoring and Documenting Contractor Performance

[CFO No. 02 \(2012-2013\)](#) Contract and Grant Reviews and Related Payment Processing Requirements

[CFO No. 03 \(2014-2015\)](#) Compliance Requirements for Agreements

[Procedure No. 350-020-301](#), Financial Provisions for Department Funded Agreements, [Disbursement Handbook for Employees and Managers](#)

[Work Program Instructions](#)

### SCOPE:

The procedure's primary users are Central Office Grant Program Administrators (Program Administrators) and Grant Managers responsible for administering state and federal financial assistance passed through to local government entities, non-profit

organizations, for-profit organizations, and other state agencies.

## **BACKGROUND:**

Beginning with agreements executed on or after July 1, 2010, [Section 215.971, F.S.](#), established requirements for agreements funded with state or federal financial assistance. In addition, [Section 216.3475, F.S.](#), requires agencies to maintain records to support a cost analysis for service agreements (including grant disbursement agreements) awarded on a noncompetitive basis on or after July 1, 2010.

In January 2014, the responsibility for conducting single audit reviews in accordance with [2 CFR 200, Subpart F](#) and [Section 215.97, F.S.](#), was transferred from the Office of Inspector General to the Office of Comptroller. The previous review process was decentralized and performed by grant managers. For single audits for periods ending with fiscal year 2013, the review process was centralized in the Office of Comptroller.

## **1. ROLES AND RESPONSIBILITIES**

### **1.1 STATEWIDE GRANTS OFFICE**

The Statewide Grants Office is part of the Contracts, Grants, and Funds Management Section in the Office of Comptroller. The Statewide Grants Office is responsible for ensuring the Department's compliance with Department of Financial Services requirements for agreements funded with state and federal financial assistance. This includes receiving and reviewing all single audit reporting packages for each recipient of financial assistance.

### **1.2 CENTRAL OFFICE GRANT PROGRAM ADMINISTRATORS (PROGRAM ADMINISTRATORS)**

These positions are responsible for providing policies and procedures for the administration of specific grant programs, including federal and/or state program requirements, contract management requirements and guidance for risk assessment and monitoring plans, as well as Quality Assurance Reviews (QARs) to ensure compliance.

### **1.3 GRANT MANAGERS**

These positions are responsible for managing the contracts between the Department and the subrecipients. Contract management includes adherence to program requirements outlined in the agreements and review and approval of invoices, during the award monitoring and close out of the agreement.

## **2. FINANCIAL ASSISTANCE:**

## **2.1 FEDERAL AWARDS**

Federal financial assistance is a federal award that a non-federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity. Federal financial assistance includes grants, cooperative agreements, non-cash contributions or donations of property (including donated surplus property), direct appropriations, and other financial assistance.

The Department receives most of its federal awards directly from the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the National Highway Traffic Safety Administration (NHTSA). The Department uses most of the federal awards received on contracts (vendor agreements) for professional and construction services; however, the Department is a pass-through entity that provides federal financial assistance for local infrastructure improvements, transit systems, and safety initiatives.

## **2.2 CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA)**

The Catalog of Federal Domestic Assistance (CFDA) is a comprehensive listing of federal programs available to state and local governments (including the District of Columbia), federally-recognized Indian tribal governments, territories (and possessions) of the United States, domestic public, quasi-public and private profit and nonprofit organizations and institutions, and specialized groups and individuals. The catalog contains detailed program descriptions, including authorization, objectives, types of assistance, uses and restrictions, eligibility requirements, and application and award process.

A CFDA number is the number assigned to a federal program in the catalog. The CFDA number is used to track the awards through the Florida Accounting Information System (FLAIR) and in the subrecipient's single audit report. The Department's federal award programs typically begin with the CFDA number 20.xxx. The Statewide Grants Office maintains a list of active CFDA programs passed-through the Department on their SharePoint site: <https://fldot.sharepoint.com/sites/FDOT-OOC/CGFM/Grants/Lists/CFDACSFSA%20Grant%20Programs/AllItems.aspx>

If a new federal program is received by the Department that will be passed through to a subrecipient, notify the Statewide Grants Office to add it to the SharePoint site and ensure it is set up in compliance with the requirements set forth in this procedure.

## **2.3 STATE FINANCIAL ASSISTANCE**

State financial assistance encompasses resources provided to subrecipients for carrying out state programs, and includes cooperative agreements, direct appropriations, non-cash assistance, grants, insurance, investments, loans, loan guarantees, property, tax credits, and tax refunds. State financial assistance does not include federal awards, state matching on federal programs, or procurement contracts (vendor agreements) used to buy goods or services from vendors.

The Department manages several state grant programs authorized in Florida Statutes or General Appropriations Act by specific appropriation. The programs provide financial assistance for aviation development, seaport projects, transit systems, and local infrastructure improvements.

## **2.4 CATALOG OF STATE FINANCIAL ASSISTANCE (CSFA)**

The Catalog of State Financial Assistance (CSFA) is a comprehensive listing of state financial assistance programs that contains the responsible state agency, standard state program number identifier, official title, legal authorization, and description of the program. It also provides objectives, restrictions, application and awarding procedures, and other relevant information.

A CSFA number is the number assigned to a state program in the catalog. [Rule 69I-5.005, F.A.C.](#), provides guidance on evaluating applicability of the Florida Single Audit Act to a state program for inclusion in the catalog. To establish a CSFA number, the Program Administrator works with the Statewide Grants Office to complete the State Project (Program) Determination Checklist, CSFA Request Form, and Compliance Supplement.

The Compliance Supplement is used by subrecipients' independent auditors to determine risk when conducting an audit. The Program Administrator must include procedures and compliance requirements, such as allowable costs, eligibility, matching, and reporting for the independent auditors to use when performing their audit of the subrecipients. The Compliance Supplement is included by reference in the grant disbursement agreement in the Single Audit Exhibit.

The CSFA number is used to track the awards through FLAIR and in the subrecipient's single audit report. The Department's state grant programs typically begin with the CSFA number 55.xxx.

Pursuant to [Rule 69I-5.005\(4\), F.A.C.](#), state agencies are required to annually certify the accuracy and completeness of their state programs included in the CSFA. The

Statewide Grants Office is responsible for filing the certification. The Statewide Grants Office coordinates with Program Administrators to identify any additions, deletions, or changes applicable to the current fiscal year's catalog information. The Statewide Grants Office maintains a list of active CSFA programs on their SharePoint site: <https://fldot.sharepoint.com/sites/FDOT-OOC/CGFM/Grants/Lists/CFDACSFA%20Grant%20Programs/AllItems.aspx>

### **3.0 VENDOR DETERMINATION**

The Department's Work Program is tracked in the Work Program component of the Financial Management System. Before a project can be included ("programmed") in the Financial Management System, it must be determined if the funding will be provided to a vendor/contractor or a subrecipient.

#### **3.1 VENDOR/CONTRACTOR (VENDOR)**

A vendor provides goods or services for the Department's own use. The Department's vendor agreements include maintenance and construction contracts, contractual and professional services agreements, and joint participation agreements. Joint participation agreements (JPAs) are typically vendor agreements with local agencies to provide goods or services such as utility, lighting, and signal maintenance on the State Highway System. These agreements are not providing state and/or federal financial assistance and a grant disbursement agreement is not required.

#### **3.2 RECIPIENT/SUBRECIPIENT (SUBRECIPIENT)**

A subrecipient is responsible for carrying out the activities of a particular program. Subrecipients include local government entities and non-profit or for-profit organizations. Subrecipients receive state or federal financial assistance directly from the Department, and are subject to the single audit requirement.

#### **3.3 DETERMINATION AND DOCUMENTATION**

The Department makes most determinations by program category, but occasionally a determination must be completed for a new grant program, a discretionary grant, or a vendor agreement. For state financial assistance, the determination is made using the [Florida Single Audit Act Checklist for Non-State Organizations-Recipient/Subrecipient vs. Vendor Determination](#). For federal financial assistance, the requirements for determination are in [2 CFR 200.330](#).

The state and federal subrecipient determination forms are available and maintained on the Statewide Grants Offices SharePoint page for each program:

<https://fldot.sharepoint.com/sites/FDOT-OOO/CGFM/Grants/Lists/CFDACCSFA%20Grant%20Programs/AllItems.aspx>

The Statewide Grants Office is available for assistance in completing determinations.

### 3.4 PROGRAMMING

The [Work Program Instructions](#) include the required financial programming for each state and federal grant program. Financial project numbers for grant disbursement agreements have the following key elements:

Phase type 4 and Contract Class 2, or  
Phase type 8 and Contract Class 5 (Local Agency Program)

### 4.0 GRANT DISBURSEMENT AGREEMENTS

Grant Disbursement Agreements (GD) are agreements used to provide state or federal financial assistance to a subrecipient. The subrecipient is subject to programmatic requirements provided in the CSFA or CFDA described above. In addition, [Section 215.971, F.S.](#), requires agreements funded with state or federal assistance to include the following provisions. These requirements are also outlined in [Topic No. 350-020-301, Financial Provisions for Department Funded Agreements](#):

- (a) A provision specifying a **scope of work** that clearly establishes the tasks that the subrecipient is required to perform.
- (b) A provision dividing the agreement into quantifiable units of **deliverables** that must be received and accepted in writing by the agency before payment. Each deliverable must be directly related to the scope of work and specify the required minimum level of service to be performed and the criteria for evaluating the successful completion of each deliverable.
- (c) A provision specifying the **financial consequences** that apply if the subrecipient fails to perform the minimum level of service required by the agreement.
- (d) A provision specifying that a subrecipient of state or federal financial assistance may expend funds only for **allowable costs** resulting from obligations incurred during the specified agreement period.
- (e) A provision specifying that any balance of **unobligated funds which has been advanced or paid must be refunded to the state agency**.
- (f) A provision specifying that any **funds paid in excess of the amount to which the subrecipient is entitled under the terms and conditions of the agreement must be refunded to the state agency**.

Pursuant to [Rule 69I-5.006\(3\), F.A.C.](#), whenever an entity is determined to be a subrecipient of a federal and/or state financial assistance, the standard audit language

contained on Form DFS-A2-CL must be included in the agreement. The standard language is available on the Statewide Grants Office's SharePoint site: <https://fldot.sharepoint.com/sites/FDOT-OOC/CGFM/Grants/Single%20Audit%20Contract%20Language/Forms/AllItems.aspx>

Or, at the following link: [https://apps.fldfs.com/fsaa/documents/contract\\_language.doc](https://apps.fldfs.com/fsaa/documents/contract_language.doc).

In addition, each agreement must include a Single Audit Exhibit that provides the information for the CSFA and/or CFDA number including; the official title; legal authorization; objectives; restrictions; and a link to the compliance supplement for the auditors. The required exhibits for each program are maintained on the Statewide Grants Office's SharePoint site: <https://fldot.sharepoint.com/sites/FDOT-OOC/CGFM/Grants/Shared%20Documents/Forms/AllItems.aspx>

#### 4.1 COST ANALYSIS

**Section 216.3475, F.S.**, requires agencies to maintain records to support a cost analysis (or budget analysis) for grant disbursement agreements. Detailed budgets or estimated project costs are required to be evaluated as per the certification statement below prior to programming and awarding the funding. The Schedule of Financial Assistance includes the budgeted expenditures by category. The following certification statement must be included on the Schedule of Financial Assistance or in the contract file:

*I certify that the cost for each line item budget category has been evaluated and determined to be allowable, reasonable and necessary as required by Section 216.3475, F.S. Documentation is on file evidencing the methodology used and the conclusions reached.*

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

#### 4.2 FLORIDA CERTIFIED CONTRACT MANAGER (FCCM or GRANT MANAGER)

**Section 215.971(2), F.S.**, requires each agreement funded with state or federal financial assistance to designate an employee to function as a grant manager. The manager is responsible for enforcing performance of the agreement's terms and

conditions and serves as a liaison with the subrecipient.

The grant manager is recorded in the Contact Funds Management System (CFM) and his or her contact information must be communicated to the subrecipient.

Effective December 1, 2014, each grant manager responsible for agreements in excess of \$100,000 annually must complete training and become a Florida Certified Contract Manager (FCCM) as required by [Section 287.057\(14\), F.S.](#) The Department requires all grant managers to complete the training, regardless of dollar thresholds. The Procurement Office is responsible for ensuring that contract and grant managers are registered for training. The Statewide Grants Office provides the Procurement Office with a list of grant managers that is updated quarterly or as notified for new hires.

Once training is complete, certification is valid for four years or until the expiration date shown on the certificate, whichever is later.

#### **4.2.1 CONFLICT OF INTEREST AND REQUIRED DISCLOSURE OF RELATED PARTY TRANSACTIONS**

In accordance with Sections [112.311](#) and [334.193](#), F.S., a grant manager should be independent and have no conflict of interest with an entity that he or she is directly responsible for managing and monitoring. Each year, in accordance with generally accepted accounting principles, the Department is required to disclose any related party transactions. The Statewide Grants Office will ensure that there is a related party disclosure on file for each grant manager annually.

## **5.0 FUNDS APPROVAL**

Funds approvals for grant disbursement agreements are required to be obtained in accordance with [Procedure No. 350-020-200, Contract Funds Management - Funds Approval](#), and the Office of Comptroller's [Contract Funds Management \(CFM\) User Manual](#).

The funds approval process requires the use of an object code. Grant disbursement agreements are assigned specific object codes. Federally funded projects have a **78xxxx** code, while state funded projects have a **75xxxx** code. Object codes available are listed below:



75****	State Financial Assistance
751000	STATE FINANCIAL ASSISTANCE - GENERAL
751003	STATE FINANCIAL ASSISTANCE - ADVANCE
751100	STATE FINANCIAL ASSISTANCE - LOANS
78*****	Federal Financial Assistance
780000	FEDERAL FINANCIAL ASSISTANCE - GENERAL
780003	FEDERAL FINANCIAL ASSISTANCE - ADVANCE
780005	FEDERAL FINANCIAL ASSISTANCE - BETWEEN AGENCIES
780100	FEDERAL FINANCIAL ASSISTANCE - LOANS

The funds approval process also requires use of an appropriate CSFA or CFDA number as described in **Section 2.2** or **Section 2.4**, as well as a contract type. For grants, the contract type is GD, Grant Disbursement.

Occasionally, an agreement will blend multiple grant programs together. These programs can be included on one agreement, but must be broken out on separate encumbrance lines using the correct CSFA or CFDA number. The agreement must also include a Single Audit Exhibit referenced in **Section 4** for each program.

Some programs authorize state matching funds to meet federal financial participation matching requirements. These funds are not considered financial assistance and they require a separate object code (740100) and contract type (AK, Project Participation). These agreements are not grant disbursement agreements and they do not require single audit language or a CSFA or CFDA number.

74****	Aid to Others
740100	AID TO OTHERS – GENERAL

## 6.0 SINGLE AUDIT REQUIREMENTS

A single audit must be conducted in accordance with [Section 215.97 F.S.](#), and/or [2 CFR Part 200, Subpart F](#) if the subrecipient expends a total amount of federal awards and/or state financial assistance greater than \$750,000 or more. All sources, including noncash assistance, must be considered as financial assistance when determining whether a subrecipient met the single audit threshold. The thresholds for federal awards and state financial assistance are calculated separately. An audit conducted in accordance with [Section 215.97, F.S.](#), is in addition to any audit of federal awards required by the [2 CFR Part 200, Subpart F](#) and other federal laws and regulations.

In accordance with [Rule 10.558\(3\), Rules of the Auditor General](#), audit reports of state financial assistance must be submitted to the Auditor General and state awarding agency within 45 days after the independent auditor delivers the audit report to the auditee (subrecipient), but no later than nine (9) months after the end of the fiscal year of the auditee.

In accordance with [2 CFR 200.512](#), audits of federal awards must be submitted within the earlier of 30 calendar days after receipt of the audit report, or nine months after the end of the audit period to the [Federal Audit Clearinghouse](#).

Subrecipients who expend less than \$750,000 per fiscal year in federal awards and/or state financial assistance, from all sources, are exempt from federal and/or state single audit requirements for the concurrent fiscal year. Subrecipients are required to submit an exemption notification letter within nine (9) months after their fiscal year-end if total federal awards and/or state financial assistance expended from all sources were under the \$750,000 threshold.

### 6.1 SINGLE AUDIT REVIEW

The standard language in **Section 4.0** requires all single audit reporting packages to be submitted to the Statewide Grants Office. The Statewide Grants Office is responsible for receiving and reviewing the single audit reporting packages, including the management letters and corrective action plans, to the extent necessary to determine whether timely and appropriate corrective action has been taken with respect to audit findings and recommendations pertaining to state financial assistance that was provided by the Department. The review and related documentation is maintained in the [Single Audit Reporting Application \(SARA\)](#).

A corrective action plan must be included in the audit report for findings and/or questioned costs. If it is determined that findings and/or questioned costs represent a risk to Department funding, the Statewide Grants Office coordinates the issuance of a management decision letter with the appropriate Program Administrator within six (6)

months of receiving the subrecipient's audit report to ensure that timely and appropriate action was or will be taken to correct the audit findings. The management decision must be signed by director level or above and must clearly state:

- Whether the audit findings are sustained;
- The reasons for the decision; and
- The expected subrecipient action to repay disallowed costs, make financial adjustments, or take other action.

The Program Administrator may specify corrective action requirements for the subrecipient, if needed. If corrections are not made in a timely manner, the Program Administrator, in consultation with the Grant Manager and the Office of General Counsel, may consider the following actions:

- Temporarily withhold cash payments pending correction of deficiency
- Disallow all or part of cost of activity or action not in compliance
- Partially suspend award
- Wholly terminate award
- Withhold further awards for project or program
- Recommend for suspension or debarment proceedings
- Other

If a subrecipient fails to submit a single audit to the Department in accordance with [Section 215.97, F.S.](#), or [2 CFR 200, Subpart F](#), the Statewide Grants Office will take appropriate corrective action to enforce compliance. Through consultation with the Program Administrator, necessary action can be determined. This includes, but is not limited to, legal action, and/or the withholding of federal and/or state funds.

## **7.0 RISK ASSESSMENT AND MONITORING PLANS**

[CFO No. 06 \(2011-2012\) Contract Monitoring and Documenting Contractor Performance](#) and [2 CFR 200.331\(b\)](#) require each state and federal grant program to have a process for assessing risk and developing an appropriate monitoring plan. The risk assessment and monitoring plan are the responsibility of the grant manager.

Risk assessment may include, but is not limited to:

- Subrecipients experience and expertise
- Subrecipients past performance
- Turnover
- Single audit results

Monitoring plans should be developed prior to execution of grant disbursement

agreements and take into consideration the results of the risk assessments. Monitoring plans include review and approval of invoices and must also include assurances that the subrecipient is satisfactorily meeting the program requirements. If the subrecipient is not meeting the program requirements, a corrective action plan should be developed.

All risk assessment and monitoring activities should be documented in contract files.

## 8.0 INVOICING

The method of payment for the Department's grant disbursement agreements is cost reimbursement. The subrecipient is reimbursed for allowable and budgeted expenditures that are directly related to the Scope of Work. Allowable expenses must be expressed or implied by federal or state statute or rule. [The Department of Financial Services Reference Guide for State Expenditures](#) and [Disbursement Handbook for Employees and Managers](#) also includes authoritative guidance on allowable costs. When there is a conflict between federal and state authority, the more restrictive guidance is applied.

Invoices for cost reimbursement contracts must be supported by an itemized listing of expenditures by category (salary, travel, expenses, etc.). Supporting documentation shall be submitted by the subrecipient for each amount for which reimbursement is being claimed, indicating that the item has been paid. Check numbers may be provided in lieu of copies of actual checks. Each piece of documentation should clearly reflect the dates of service. Only expenditures for categories in the approved agreement budget may be reimbursed. These expenditures must be allowable (pursuant to law) and directly related to the services being provided.

The Grant Manager is responsible for reviewing and approving the invoice for payment using the [Form No. 350-060-02, Summary of Contractual Services Agreement/Purchase Order Receiving Report and Invoice Transmittal](#). Supporting documentation must be maintained on file for post audit review.

## 8.1 ALTERNATIVE ADVANCED PAYMENT

Pursuant to [Section 334.044\(29\), F.S.](#), the Department's Comptroller may approve alternative advance payments for grant disbursement agreements with governmental entities. Alternative Advance Payment allows the subrecipient to invoice prior to payment. The agreement must be modified to include Alternative Advance Payment Financial Provisions in accordance with the requirements outlined in [Topic No. 350-020-301, Financial Provisions for All Department Funded Agreements](#). The

process for requesting and obtaining approval for alternative advance payments is included in the [Disbursement Handbook for Employees and Managers](#).

## **8.2 INDIRECT COSTS**

Indirect costs may be allowable for reimbursement, but the rate must be included in the grant disbursement agreement and the subrecipient must have a state or federally approved indirect cost allocation plan or a de minimis rate supporting the rate paid.

Per [Appendix VII to 2 CFR 200](#), if the subrecipient of federal financial assistance only receives funds from a pass-through entity, the pass-through entity will be responsible for negotiating and/or monitoring the subrecipient's indirect costs. Indirect Cost Plans must be submitted to the Office of Comptroller for review and approval.

## **9.0 CLOSE OUT**

Prior to close out, the grant manager shall ensure that the items included in the scope of work were met, deliverables were accepted, and all allowable costs were paid. Once complete, the contract status should be changed to "closed" in CFM.

## **10. TRAINING**

Florida Certified Contract Manager

## **11. FORMS**

The following forms are available from the Department's Forms Library.

[Form No. 350-060-02, Summary of Contractual Services Agreement/Purchase Order Receiving Report and Invoice Transmittal](#)