

Understanding the Uniform Administrative Requirements (Part 75)

Division of Energy Assistance (DEA)

Office of Community Services (OCS)

Administration for Children & Families (ACF)

U.S. Department of Health and Human Services (HHS)



ADMINISTRATION FOR
CHILDREN & FAMILIES

Agenda

- Purpose
- Layout of Requirements
- Sections Applicable to LIHEAP
- Sections to Consider
- Questions and Answers



Purpose

Describe the purpose of the Uniform Administrative Requirements.

Purpose

- Consolidation of previously separate regulations that establish uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities
- Streamline Office of Management and Budget (OMB) guidance for federal awards to ease administrative burden
- Strengthen oversight to reduce risks of waste, fraud, and abuse of federal funds

Effective Dates

12/26/2013

78 FR 78589 implemented
by OMB in 2 CFR Part 200

- Guidelines issued in Federal Register (FR) under *Uniform Administrative Requirements, Cost Principles, and Audit Requirements*

06/24/2015

Effective dates clarified by OCS

- Apply awards issued in Federal Fiscal Year (FFY) 2016
- Do not apply to any awards issued in FFY 2015
- Apply audit requirements as of 12/26/2014

12/19/2014

79 FR 75867 formally adopted
by HHS in 45 CFR Part 75

45 CFR §75.110 and IM 2015-04



Layout of Requirements

Review the way Part 75 information is organized in the Code of Federal Regulations (CFR).

ACTIVITY: Levels of Authority

Other Written Grantee Guidance

Federal and State Statutes

Agency and Grantee Guidance, Policies, and Procedures

Grantee Verbal Guidance

Rumors and Grapevine

U.S. Constitution

Federal and State Regulations

Levels of Authority

Rank (greatest to least authority)	Authoritative Sources
1	U.S. Constitution
2	Federal and State Statutes
3	Federal and State Regulations
4	Agency and Grantee Guidance, Policies, and Procedures
5	Other Written Grantee Guidance
6	Grantee Verbal Guidance
7	Rumors and Grapevine



Tracing LIHEAP Authority

OCS
(DEA)
Guidance,
Policies, and
Transmittals

Grantee
LIHEAP Policy Manual

LIHEAP Statute
42 U.S.C.
§8621-8630
(2008) Home
Energy Grants

45 CFR Part 75

Block Grant
Regulations at 45
CFR Part 96

Other
Written Guidance

Code of Federal Regulations (CFR)

2 CFR Part 200

Title 2: Grants and Agreements

Subtitle A: Office of Management and Budget Guidance for Grants and Agreements

Chapter II: Office of Management and Budget Guidance

Part 200: Uniform administrative requirements, cost principles, and audit requirements for Federal awards

45 CFR Part 75

Title 45: Public Welfare

Subtitle A: Department of Health and Human Services

Chapter III: Department of Health and Human Services

Part 75: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Health and Human Services (HHS) Awards



Layout of Information in the CFR

45 CFR Part 75

Title 45: Public Welfare

Subtitle A: Department of Health
and Human Services

Chapter III: Department of Health
and Human Services

Part 75: Uniform Administrative
Requirements, Cost Principles, and
Audit Requirements for Health and
Human Services (HHS) Awards

← Title (Topic)

← Subtitle

← Chapter

← Part

Layout of Information in the CFR

45 CFR Part 75 Subparts

Subpart A: Acronyms and Definitions

Subpart B: General Provisions

Subpart C: Pre-Federal Award Requirements and Contents of Federal Awards

Subpart D: Post-Federal Award Requirements

Subpart E: Cost Principles

Subpart F: Audit Requirements

Sections Starts

Subpart A: Section 1

Subpart B: Section 100

Subpart C: Section 200

Subpart D: Section 300

Subpart E: Section 400

Subpart F: Section 500

Layout of Information in the CFR

EXAMPLE REFERENCE: 45 CFR §75.352(a)(1)(i)

- **Title 45** Public Welfare
 - **Part 75** Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards
 - **Section 352** Requirements for pass-through entities.
 - **Subsection (a)** Ensure that every subaward is clearly identified to ...
 - **Paragraph (1)** Federal Award Identification.
 - **Subparagraph (i)** Subrecipient name ...

Citing a Regulation

Both Are Correct

45 CFR §75.352(a)(1)(i)

or

45 CFR Part 75.352(a)(1)(i)

Sections Applicable to LIHEAP

Identify sections of Part 75 that apply to LIHEAP.

45 CFR 75.101

(d) Except for § 75.202 and §§ 75.351 through 75.353 of subpart D of this part, the requirements in subpart C of this part, subpart D of this part, and subpart E of this part do not apply to the following programs:

(1) The block grant awards authorized by the Omnibus Budget Reconciliation Act of 1981 (including Community Services), except to the extent that subpart E of this part apply to subrecipients of Community Services Block Grant funds pursuant to 42 U.S.C. 9916(a)(1)(B);...

Part 75 in Simple Terms

Was that even
in English?



Understanding the Sections in Subpart A

Acronyms and Definitions

Title 45 → Subtitle A → Subchapter A → Part 75

TITLE 45—Public Welfare

Subtitle A—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SUBCHAPTER A—GENERAL ADMINISTRATION

PART 75—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND
AUDIT REQUIREMENTS FOR HHS AWARDS

Subpart A—ACRONYMS AND DEFINITIONS

§75.1 Acronyms.

§75.2 Definitions.

Understanding the Sections in Subpart A

§75.1 Acronyms

- CFDA - Catalog of Federal Domestic Assistance
- GAAP - Generally Accepted Accounting Principles
- GAGAS - Generally Accepted Government Auditing Standards
- PTE - Pass-Through Entity

Understanding the Sections in Subpart A

§75.2 Definitions

- HHS Awarding Agency - Any organization component of HHS that is authorized to make and administer awards
- Subaward - An award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Understanding the Sections in Subpart B

General Provisions

[Title 45](#) → [Subtitle A](#) → [Subchapter A](#) → [Part 75](#) → [Subpart B](#)

[Browse Previous](#) | [Browse Next](#)

Title 45: Public Welfare

PART 75—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR HHS AWARDS

Subpart B—General Provisions

Contents

[§75.100](#) Purpose.
[§75.101](#) Applicability.
[§75.102](#) Exceptions.
[§75.103](#) Authorities.
[§75.104](#) Supersession.
[§75.105](#) Effect on other issuances.
[§75.106](#) Agency implementation.
[§75.107](#) OMB responsibilities.
[§75.108](#) Inquiries.
[§75.109](#) Review date.
[§75.110](#) Effective/Applicability date.
[§75.111](#) English language.
[§75.112](#) Conflict of interest.
[§75.113](#) Mandatory disclosures.

Understanding the Sections in Subpart B

§75.100 Purpose

- Uniform administrative requirements, cost principles, and audit requirements
- Federal awarding agencies (HHS) must not impose additional or inconsistent requirements

Understanding the Sections in Subpart B

§75.101 Applicability

- Non-federal entities must comply with outlined requirements, regardless of whether the entity is a recipient or subrecipient of a federal award
- Single Audit Act is always applicable to LIHEAP

Understanding the Sections in Subpart B

§75.112 Conflict of Interest

- Federal awarding agencies (HHS) must establish conflict of interest policies
- Non-federal entities must disclose in writing any potential conflict of interest

Understanding the Sections in Subpart C

Pre-Federal Award Requirements and Contents of Federal Awards

[Title 45](#) → [Subtitle A](#) → [Subchapter A](#) → [Part 75](#) → [Subpart C](#)

[Browse Previous](#) | [Browse Next](#)

Title 45: Public Welfare

PART 75—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR HHS AWARDS

Subpart C—Pre-Federal Award Requirements and Contents of Federal Awards

Contents

- §75.200 Purpose.
- §75.201 Use of grant agreements (including fixed amount awards), cooperative agreements, and contracts.
- §75.202 Requirement to provide public notice of Federal financial assistance programs.
- §75.203 Notices of funding opportunities.
- §75.204 HHS funding agency review of merit of proposals.
- §75.205 HHS awarding agency review of risk posed by applicants.
- §75.206 Standard application requirements, including forms for applying for HHS financial assistance, and state plans.
- §75.207 Specific award conditions.
- §75.208 Certifications and representations.
- §75.209 Pre-award costs.
- §75.210 Information contained in a Federal award.
- §75.211 Public access to Federal award information.
- §75.212 Reporting a determination that a recipient is not qualified for a Federal award.
- §75.213 Suspension and debarment.
- §75.214 Metric system of measurement.
- §75.215 Disclosure of lobbying activities.

Understanding the Sections in Subpart C

§75.202 Public Notice of Federal Financial Assistance Programs

- HHS must notify the public of the award(s)
- HHS must submit certain information in prescribed format to the General Services Administration (GSA)

Understanding the Sections in Subpart C

§75.202 Public Notice of Federal Financial Assistance Programs



Information Submitted to GSA

- Notification of the federal programs in the Catalog of Federal Domestic Assistance (CFDA)
- Program Description, Purpose, Goals, and Measurement
- Funding Details
- Eligibility Requirements
- Applicability of the Single Audit Act

Understanding the Sections in Subpart D

Post Federal Award Requirements

Subpart D—Post Federal Award Requirements

STANDARDS FOR FINANCIAL AND PROGRAM MANAGEMENT

- §75.300 Statutory and national policy requirements.
- §75.301 Performance measurement.
- §75.302 Financial management and standards for financial management systems.
- §75.303 Internal controls.
- §75.304 Bonds.
- §75.305 Payment.
- §75.306 Cost sharing or matching.
- §75.307 Program income.
- §75.308 Revision of budget and program plans.
- §75.309 Period of performance and availability of funds.
- §§75.310-75.315 [Reserved]

SUBRECIPIENT MONITORING AND MANAGEMENT

- §75.351 Subrecipient and contractor determinations.
- §75.352 Requirements for pass-through entities.
- §75.353 Fixed amount subawards.
- §§75.354-75.360 [Reserved]

Understanding the Sections in Subpart D

§75.351 Subrecipient and Contractor Determinations

- Grantees make case-by-case determinations on the role (subrecipient or contractor) of the party receiving the disbursed federal program funds

Think Fast ...



POLL QUESTION




- If the party provides goods or services, is it a subrecipient or a contractor?
- a. Subrecipient (yellow paddle)
- b. Contractor (blue paddle)



Think Fast ...



POLL QUESTION

- Which party is subject to the compliance requirements of the federal program?
 - a. Subrecipient (yellow paddle) 
 - b. Contractor (blue paddle) 
 - c. Both (green paddle) 

Understanding the Sections in Subpart D

§75.351 Subrecipient and Contractor Determinations



Classifying Roles: Subrecipients

- Determines who receives what federal assistance
- Meets performance-measured objectives
- Makes program decisions
- Adheres to applicable federal program requirements
- Uses the federal funds to carry out a program for a public purpose specified in the authorizing statute

Understanding the Sections in Subpart D

§75.351 Subrecipient and Contractor Determinations



Classifying Roles: Contractor

- Provides the goods and services
 - Within normal business operations
 - To many different purchasers
 - In a competitive environment
 - Ancillary to the operation of the federal program
- Is not subject to compliance requirements of the federal program as a result of the agreement

Think Fast ...



POLL QUESTION

- Is an energy vendor a subrecipient or a contractor?
 - a. Subrecipient (yellow paddle)
 - b. Contractor (blue paddle)



Think Fast ...



POLL QUESTION

- Is the entity a subrecipient, a contractor, or a grantee?

a. Subrecipient (yellow paddle)



b. Contractor (blue paddle)



c. Grantee (green paddle)



Understanding the Sections in Subpart D

§75.352 Requirements for Pass-Through Entities

- Subaward clearly identified to the subrecipient
- Subrecipient risk of noncompliance evaluated
- Sub-recipient monitoring requirements and auditing determined

Understanding the Sections in Subpart D

§75.352 Requirements for Pass-Through Entities



Required Information for Subawards

- Federal Award Identification
- All requirements, regulations, and terms and conditions of the award
- Requirements from pass-through entity
- Approved, federally recognized indirect cost rate
- Access to records
- Terms and conditions of closeout

Understanding the Sections in Subpart D

§75.352(b)(1)(4) Requirements for Pass-Through Entities



Evaluations of Subrecipients

- Prior experience with subawards
- Results of previous audits
- Changes in personnel
- Substantial changes in systems
- Extent and results of federal awarding agency monitoring

Understanding the Sections in Subpart D

§75.352 Requirements for Pass-Through Entities



Monitoring Subrecipients

- Reviewing financial and program reports
- Corrective action follow-up
- Issuance of a management decision for audit findings pertaining to the federal award provided
- Training and Technical Assistance
- on-site reviews
- Agreed-upon procedure engagements

Understanding the Sections in Subpart F

Audit Requirements

Subpart F—Audit Requirements

GENERAL

§75.500 Purpose.

AUDITS

§75.501 Audit requirements.

§75.502 Basis for determining Federal awards expended.

§75.503 Relation to other audit requirements.

§75.504 Frequency of audits.

§75.505 Sanctions.

§75.506 Audit costs.

§75.507 Program-specific audits.

AUDITEES

§75.508 Auditee responsibilities.

§75.509 Auditor selection.

Understanding the Sections in Subpart F

Audit Requirements



Auditing Subrecipients

- Verify every subrecipient is audited
- Consider whether results of audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records
- Consider taking enforcement action against noncompliant subrecipients



Sections to Consider

Identify other sections that may be helpful when administering LIHEAP.

Additional Regulations Considered

Subpart D – POST FEDERAL AWARD REQUIREMENTS

§75.326-75.335

Procurement Standards

Subpart E – COST PRINCIPLES

§75.408

Limitation on allowance of costs

§75.412-75.414

Direct/indirect costs

§75.416

Cost allocation plan and indirect cost proposals

Think Fast...



DISCUSSION

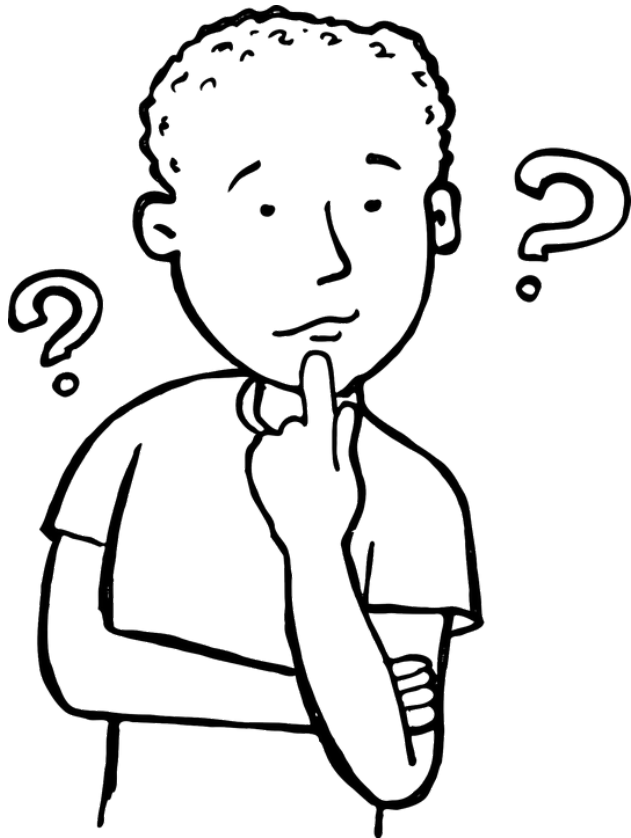
- What other sections have you used?
- How did they help?



Using Part 75 Requirements

Apply what you have learned about using the requirements to develop program policies and procedures.

ACTIVITY: Using the Regulations



SCENARIO

You have issued a monitoring letter to a subgrantee citing a violation of your written Crisis policy regarding the computation of income eligibility. Your policy requires eligibility be based on gross household income. The subgrantee is allowing for certain deductions from the gross, countable income before computing eligibility. The monitoring letter requires subgrantee corrective action.

The subgrantee's response from its attorney demands that you provide the legal basis for your policy and an explanation of your authority to enforce such a policy.

Where do you look to find the requested information?

ACTIVITY: Using the Regulations

- **Applicable LIHEAP statute provisions:**
 - 42 USC 8623(c)—crisis program requirement
 - 42 USC 8624(b)(2)—Assurance 2 on income eligibility
 - 42 USC 8624(b)(10)—Assurance 10 on fiscal controls
 - 42 USC 8622—no federal LIHEAP definition of income
- **Applicable HHS block grant regulations:**
 - 45 CFR 96.50(e)—grantee as the primary interpreter
 - 45 CFR 96.30(a)—establish fiscal controls and accounting procedures
- **Applicable Part 75 provisions:**
 - 45 CFR 75.101—requirements apply to both recipients and subrecipients
 - 45 CFR 75.352(a)(2)—requirements passed through to subrecipients
 - 45 CFR 75.352(d)—monitoring subrecipient activities

Summary

- Only some sections of Part 75 are required of LIHEAP grantees.
- Part 75 fleshes out Assurance 10 of the LIHEAP statute on fiscal controls.
- Reconcile all law-LIHEAP statute, regulations and grantee-wide law
- States that use subgrantees may find that some of those partners follow more of Part 75 because it is required of other programs they administer.
- You can still adopt the non-required sections of Part 75

Resources

- **Electronic Code of Federal Regulations (45 CFR Part 75)**
https://www.ecfr.gov/cgi-bin/text-idx?SID=b85322102b507bfa5423740b34e1ac3a&mc=true&tpl=/ecfrbrowse/Title45/45cfr75_main_02.tpl
- **Information Memorandum 2015-04**
<https://www.acf.hhs.gov/ocs/resource/liheap-im-2015-04-applicability-of-the-omb-uniform-administrative-requirements-cost-principles>
- **A Research Guide to the Federal Register and the Code of Federal Regulations**
<https://www.llsdc.org/fr-cfr-research-guide>

Questions?

