



Coronavirus State and Local Fiscal Recover Funds Compliance Considerations for Subrecipients

On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law and established the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund, which together make up the Coronavirus State and Local Fiscal Recovery Funds (SLFRF).

Deschutes County is the **Recipient** of fiscal recovery funds and is using those funds to establish programs to help nonprofits, businesses, and residents of Deschutes County. The agencies, nonprofits, other organizations, and individuals who receive SLFRF from Deschutes County through grants, loans, contracts, and other mechanisms are called **Subrecipients**.

Subrecipients administering projects funded by the ARPA SLFRF program on behalf of Deschutes County are responsible for ensuring compliance with applicable federal, state, and local regulations. This document highlights several compliance considerations specifically applicable to SLFRF subrecipients.

These considerations are drawn from US Treasury's [SLFRF Compliance and Reporting Guidance 2.1](#) from the applicable sections of the federal Uniform Guidance (2 CFR Part 200 et seq.) and have been organized as presented in Part 1 of the SLFRF Program Guidance.

Please note that this listing of compliance considerations is designed to serve as a general guide to SLFRF program requirements and can only be interpreted in the context of the subrecipient's existing internal controls and procurement policies. The applicability of many of these requirements is highly dependent on project design. Subrecipients should refer to the specific guidance and the content of their subrecipient agreement to inform their compliance activities.

Uniform Administrative Requirements

1. **Allowable Activities.** While Deschutes County determines that a project is generally eligible as an SLFRF project before providing funding to a subrecipient, it is the subrecipient's responsibility while administering the project on Deschutes County's behalf to conduct ongoing reviews to ensure funded activities remain within the project scope and general eligibility criteria.

2. **Allowable Costs.** Subrecipients are responsible for complying with the Cost Principles outlined in 2 CFR Part 200 Subpart E. Subrecipients must have adequate financial management systems and internal controls to account for the expenditure of federal funds. Subrecipients must ensure that program budgets comply with restrictions related to administrative costs. Subrecipients making grant agreements or contracts should include language about allowable costs in those agreements.
3. **Cash Management.** Subrecipients can place SLFRF funds in an interest-bearing account and are not required to return that interest or limit its use for eligible projects.
4. **Eligibility.** Subrecipients must register with SAM.gov and maintain eligibility to receive federal funds. Subrecipients are responsible for ensuring that any beneficiaries or contractors are eligible to receive funding, including having valid SAM.gov registrations. Subrecipients making grant agreements or contracts should include language about eligibility verification in those agreements.
5. **Equipment and Real Property Management.** Purchase of equipment or real property by a subrecipient must comply with detailed regulations set forth by 2 CFR Part 200.311-313. Equipment or real property purchased with SLFRF funds can only be used for its originally authorized purchase. Subrecipients making grant agreements or contracts should include language about equipment and real property management in those agreements.
6. **Matching, Level of Effort, Earmarking.** Not relevant to these projects.
7. **Period of Performance.** The period of performance for the SLFRF project is specified in the subrecipient agreement. Subrecipients must clearly define the period of performance in any grant agreements or contracts, and that period must not exceed the project's period of performance.
8. **Procurement, Suspension & Debarment.** Subrecipients must follow the procurement regulations contained in 2 CFR Part 200.317-327 when purchasing goods or services with federal funds. If a subrecipient has a purchasing policy at least as stringent as the federal regulations, it should be followed.
 - a. Subrecipients must use a procurement procedure that is open and competitive unless otherwise authorized.
 - b. Subrecipients must include the required provisions contained in 2 CFR Part 200 Appendix II in any contracts to purchase goods or services. These provisions are in addition to the suggested provisions that have been detailed in this document.
 - c. Subrecipients must verify that contractors are not suspended, debarred, or otherwise ineligible.
 - d. Subrecipient purchasing policies must contain provisions compliant with the State of Oregon's regulations.
9. **Program Income.** Subrecipients administering a project that has the potential to generate program income must be mindful that the US Treasury intends to issue additional guidance on this topic, which may result in additional compliance requirements.
10. **Reporting.** Subrecipients are required to assist Deschutes County in the reporting required by the SLFRF program. To facilitate reporting, subrecipients should have a robust system to track programmatic data. Subrecipients will be required to submit quarterly reports to Deschutes County within ten days of the close of the SLFRF reporting period.

- a. Quarterly reports will be due to Deschutes County on January 10, April 10, June 10, and October 10 and will cover project activities for the preceding calendar year quarter.
 - b. Subrecipients should refer to their subrecipient agreement for additional details.
- 11. **Subrecipient Monitoring.** Deschutes County will monitor subrecipients following the SLFRF Subrecipient Monitoring protocols. Each subrecipient is assigned to a monitoring tier based on a risk assessment that considers project budget, subrecipient capacity, and other factors.
 - a. For projects that involve subrecipients passing funding to lower-level subrecipients, original subrecipients must develop an infrastructure to monitor those lower-level subrecipients. This infrastructure must include sufficient internal controls to ensure compliance with applicable regulations and a risk assessment consistent with SLFRF program guidance. Subrecipient agreements between original subrecipients and lower-level subrecipients must contain all applicable regulatory requirements.
 - b. The determination as to whether an entity is receiving federal funds as a subrecipient or a contractor is found in 2 CFR Part 200.331.
- 12. **Special Tests and Provisions.** Subrecipients should be aware that the US Treasury has reserved the ability to add additional program requirements.

Award Terms and Conditions

- 1. **SAM.gov Requirements.** The subrecipient must be registered on SAM.gov. The subrecipient ensures that all beneficiaries and contractors are registered and that this requirement is added to any applicable agreements.
- 2. **Recordkeeping Requirements.** The subrecipient must agree to maintain records in a manner and for a period consistent with the program guidance, which is six years, to maintain compliance with Deschutes County policy.
- 3. **Single Audit Requirements.** Subrecipients receiving more than \$750,000 in federal funding must comply with regulations regarding Federal Single Audits. Subrecipients must make lower-level subrecipients and contractors aware of this requirement.
- 4. **Civil Rights Compliance.** In addition to the nondiscrimination provisions required for procurement, subrecipients must comply with all federal, state, and local nondiscrimination laws, including but not limited to Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, Title IX of the Education Amendments and the Age Discrimination Act. The US Treasury will require reporting on Civil Rights compliance related to program access. The subrecipient should impose these requirements on any entity to which it provides funding.