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## MEMORANDUM

TO: Mayor Jerry L. Demings  
and  
County Commissioners

FROM: Jeffrey J. Newton, County Attorney *JJN*  
Cristina Berrios, Assistant County Attorney *CB*  
Contact: (407) 836-7320

DATE: April 29, 2022

SUBJECT: **Consent Agenda Item for the Board Meeting on May 24, 2022**  
*Proposed Revised Administrative Regulations 6.15, titled "Federal, State, And Local Grant Application And Approval Process"*

**I. EXPLANATION & SUMMARY OF PROPOSED REGULATION:**

At the request of the Office of Management and Budget and Procurement Division, the attached regulation was reviewed in depth and revisions were made to ensure that the regulation is consistent with current practices and procedures.


**II. ACTION REQUESTED:**

Approval of proposed revisions to Administrative Regulation 6.15, titled "Federal, State And Local Grant Application And Approval Process"

AMC  
Attachment

# PROPOSED REVISIONS

04/13/22

 <p style="text-align: center;"><b>ORANGE COUNTY ADMINISTRATIVE REGULATIONS</b></p>	No.: 6.15
	Date: 6/27/06
	Approved By: BCC Revised: 11/15/16
Title: <del>FEDERAL, AND STATE AND LOCAL GRANT APPLICATION AND, APPROVAL, PROCUREMENT, AND MANAGEMENT PROCESS</del>	Page 1 of 10

## I. POLICY

~~Grants~~ Federal and state grants opportunities offer an important source of funding ~~which that~~ may be used to supplement ~~County~~ the limited resources— of Orange County (the “County”). It is therefore the ~~County’s~~ policy of Orange County to ensure that ~~County~~ taxpayers ~~its residents~~ receive a fair share of any available federal and State grants which are funded through their tax dollars state grants by encouraging the pursuit of federal, State and local grants. For the purposes of these administrative regulations, and state grants shall be defined as “financial assistance received from

This Administrative Regulation is regarding the County’s application and receipt of federal and/or State state grant funding pursuant to written agreements/contracts to carry out a specific purpose.” Grants only. Privately-funded grants, and grants issued by the County, not using only County state or federal funds are not subject to the provisions of this , shall not be included under this administrative regulation Administrative Regulation.

The Office of Management and Budget (~~“OMB”~~) is responsible for ~~countywide~~ county-wide grant coordination through the promotion of grant awareness; the facilitation of department/, division, and office grant ~~coordination~~ cooperation; the collection and dissemination of grant opportunities; the establishment of a grant database; and the creation and coordination of Grants Oversight Committee (~~“GOC”~~) activities.

The ~~respective~~ County department, ~~or~~ division, or office filing ~~the~~ any particular application for a ~~the~~ federal / State grant or state grant shall ensure compliance with that grant’s requirements as provided by the funding agency, any applicable requirements as of federal, state, or local law, and as more specifically set forth in the following statutes and regulations (when applicable):

- Section 215.97, Florida Statutes (“Florida Single Audit Act”);
- Section 215.971, Florida Statutes (“Agreements Funded with Federal or State Assistance”);
- Chapter 69I-5, Florida Administrative Regulations (“State Financial Assistance”); the



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- ~~The Rules of the Auditor General, Chapter 10.550 ("Local Governmental Entity Audits"); Code of~~
- ~~The Federal Regulations, 2 CFR Part 200 ("Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Award, Final Rule" hereinafter referred to as "Awards as found in 2 CFR Part 200, or – if the federal awarding agency is the U.S. Department of Health and Human Services, the Federal Uniform Administrative Requirements"); and those, Cost Principles, and Audit Requirements for Federal Awards for HHS Awards as found in 45 CFR Part 75 (collectively, the "Uniform Guidance"); and~~
- Any other applicable provisions of the Code of Federal Regulations federal, state, and local law, as well as any funding agency-specific directives or guidance as may apply based upon the to the specific federal funding agency source. grant in question.

It is the responsibility of the GOC to: (1) review grant applications drafted by the County's departments, divisions, and offices; and (2) make recommendations to the County Administrator, or departmentally and divisionally assigned Deputy County Administrator or Assistant County Administrator, as to the submittal of such grant applications on behalf of the County.

Members of the GOC shall be selected by the County Administrator's Office Administrator or designee to represent the County's departments, under the Board of County Commissioners (Board). The participation of the divisions, and offices. The Comptroller's Office; and other for any elected officials receiving that receive grant awards and requiring for which Board action; is also required are encouraged. It is the responsibility of the GOC to review County department / division grant applications and make recommendations to the County Mayor, to participate on the GOC.

With the exception of any provisions that delegate signature authority or specifically require Board approval, the County Administrator the County Administrator, and the Board, with the consult of the OMB and the County Attorney's Office, may waive or temporarily amend the requirements of this Administrative Regulation for allocations of federal financial assistance that are County-wide, instead of specific to a particular department, division, or office, in scope.

## II. PROCEDURE

### A. ~~Application Review Process~~

1. Department/Division/Office Responsibilities. As When the County receives notification of federal and/or state grant or other funding opportunities for competitive or entitlement grants/contracts, the appropriate relevant department, / division, or office will shall be responsible for preparing:



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- a. Preparing the application within the required time frame and ~~to~~ include getting Board approval, if such Board approval is required by the ~~submittal of~~ funding agency; and
  - b. Submitting a completed Grants Review Form to the OMB Grants Coordinator.
- 1-2. Grant Oversight Committee Review. Copies of all grant applications ~~should~~shall be routed through the OMB Grants Coordinator ~~which who~~ shall determine if GOC review is required.
- a. The GOC will review all new ~~federal and state grants/contracts and~~ funding opportunities, except those which seek reimbursement of County funds which have already been expended, or those which have ~~already~~ been approved by the Board for expenditure in the ~~department/division~~ annual budget of the relevant department, division, or office.
  - b. The GOC will conduct a review of the ~~grant/contract application or~~ funding opportunity applications, which may include a ~~presentation or~~ discussion with, or presentation made by, the applying department, ~~division, or office~~. Such review shall include, but is not limited to, ~~an~~:
    - (1) An evaluation of the actual cost of the grant, including administrative and indirect costs, operating and maintenance costs, staffing, cost/benefit analysis, risk analysis, interdepartmental impacts, match requirements, outcome(s) ~~or objective(s) to be achieved by the grant and plans for continuation of services following the termination of a grant.~~ The review of grant applications by the GOC may occur either prior to or following the submission of the grant application. However, as required by OMB, all grants will be reviewed and a recommendation made by the GOC before the grant award is submitted to the Board for approval. ~~), or objective(s) to be achieved by the grant; and~~
    - (2) Plans for continuation of services following the termination of a grant.
  - c. The review of grant applications by the GOC may occur either prior to, or following, the submission of the grant application. However, unless relieved from such obligation by the Director of OMB, or designee, the GOC shall review all federal and state grant applications and issue a recommendation to the County



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Administrator or designee prior to the grant award being submitted to the Board for approval.

**B. Delegation of Grant Application Signature Authority**

1. In order to better facilitate the County's process in applying for and managing state and federal grant awards, In addition to the delegation of authority stated in Executive Order 06.004, authoritythe Board hereby delegates limited signature authority to the following individuals for the following grant-related documents:

a. Grant Applications.

(1) Grant applications and any associated reports, forms, or other documents for which the funding agency does not expressly require Board approval, may be signed by the County Administrator or the Deputy/Assistant County Administrator assigned to the department, division, or office applying for the grant in question without prior Board approval.

(2) to sign grant applications is hereby delegated to Department Directors, unless federal/State/local agencies specifically require that applications be signed by the chief elected official (County Mayor) or chief administrative officer (County Administrator). Application approval by the Board is not required unless required by the granting agencyThe Manager of the Orange County Housing and Community Development Division is additionally authorized to sign grant applications and any associated forms or documents for which the funding agency does not expressly require Board Approval, so long as the funding agency in question is the U.S. Department of Housing and Urban Development without prior Board approval.

b. Post-Award Documentation. At times during the management of a grant award, a funding agency may require that a particular award-related report, form, or other document be executed by an individual that has the authority to legally bind the County. The Board hereby authorizes either the County Mayor or the County Administrator to sign any such documents without prior Board approval, so long as those documents do not:

(1) Impact or cloud title to real property, including or not limited to any real property in which the County has a fee-simple, leasehold, or other interest; or



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(2) Commit any general funds that were not either: (i) already contemplated by the County as part of the Board-approved grant agreement with the funding agency; or (ii) already specifically approved by the Board in the annual budget of the relevant department, division, or office.

a-c. Limitations. The above delegations of signature authority are made to the extent that they are not prohibited by the relevant funding agency and should be narrowly construed. Moreover, amendments to, and renewals of, grant award agreements between the County and a funding agency are not considered to be "Post-Award Documentation" for the purposes of this Administrative Regulation.

**C.— Grant Award/Agreement Approval—:**

1. If a funding agency approves a grant submitted by the County, Board approval and execution by the County Mayor, or their designee, is required before:

a. Any grant funds are considered to be accepted by the County; and

b. Any funding or award related agreements are entered into between the County and the applicable funding agency.

~~Should an application receive approval for funding, Board approval and execution by the County Mayor or his/her designee shall be required prior to entering into any binding agreements/contracts and before grant funds are accepted by the County. However, if~~

2. If the grant award is conditioned upon substantial changes to the grant, as such grant had been presented to the GOC prior to its initial recommendation to the Board for approval, additional review by the GOC and OMB may also be required by the Director of OMB, or their designee.

It is the responsibility of any department, division, or office that is managing, making procurements with, or issuing subawards under, grant funding to understand, implement, and meet the specific requirements imposed upon the County in the relevant grant award and/or grant agreement.

3. \_\_\_\_\_

**D. Grant Award/Agreement Amendments.** OMB shall be responsible for establishing written procedures for presenting grant awards/~~contracts~~ and amendments to the Board for approval. —Amendments to existing grant awards and agreements/~~contracts~~ that are considered non-material, as determined by OMB, may be executed by the County Mayor ~~or his/her designee,~~ the County Administrator, or the designee of either, so long as they have received with specific prior Board approval approval.

1. \_\_\_\_\_

D. \_\_\_\_\_



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E. Renewal/Continuation Process

1. Some federal and state grants, competitive and entitlement, or funding opportunities are multi-year awards and may be subject to renewal or continuation. Subsequent review(s) for such grant funding or award renewals or continuations by the GOC will be conducted only if there is a substantial change in the original grant agreement/contract or award, or if review by GOC was not previously conducted.
1. Renewal of such agreements/contracts may be executed by signature, as described in Section B above. Board approval of renewal and continuation documents shall only be necessary only if: Board approval is required by the granting agency. funding agency; the renewal/continuation in question was not contemplated in the original agreement approved by the Board; or if the renewal/continuation in question amends the original agreement in any material manner. If the foregoing conditions are met, either the County Mayor, the County Administrator, or the designee of either, are hereby authorized to execute such renewals or continuations without prior Board approval.
2. \_\_\_\_\_
3. If a renewal contains a material amendment, such renewal may be executed as described in Paragraph D ("Grant Award/Agreement Amendments") above.
4. This provision is related to renewals or continuations of funding agreements or awards between the funding agency and the County. Renewals or continuations of any subawards that the County may issue to other agencies or entities shall be subject to the terms of the relevant subaward agreement.

F. \_\_\_\_\_

F. Procurement Process

1. State Grants. All projects/contracts funded with/by state grants that are not in any way passing through federal funding must follow the County's procurement policy/process and procedures guidelines ("County outlined in the County's Procurement Policies and Guidelines"). In addition, projects and projects funded by federal grant agreements Ordinance, Administrative Regulations, and Procurement Procedure Manual, and relevant State law, unless the specific grant or funding opportunity requires, or provides for, a specific procurement process or procedure. All contracts funded by federally-funded state grants must follow and implement the process outlined in Subsection 2 of Paragraph F ("Procurement Process; Federal Grants") below.



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2. Federal Grants.

a. "Contracts," as defined by the Uniform Guidance, that are in whole, or in part, funded by the federal government must follow:

(1) The County's Procurement Ordinance, Administrative Regulations, and Procurement Procedures Manual, unless the funding agency for a specific grant or funding opportunity requires, or provides for, a specific procurement process or procedure; and

(2) The applicable procurement standards of ~~Uniform Administrative Requirements~~, the Uniform Guidance, unless otherwise provided by the federal funding agency or pass-through entity (if applicable).

~~(1)~~(3) In the event of conflict between the County Procurement Policies and Guidelines and the Uniform Administrative Guidelines Ordinance, Administrative Regulations, the Procurement Procedures Manual, and the Uniform Guidance, the more restrictive shall apply unless the Uniform Guidance prohibits such additional restrictions.

b. "Subawards," as defined by the Uniform Guidance, may, but are not required to, follow the procurement process listed in subparagraph "a" above, but must at minimum comply with the Uniform Guidance regarding subawards and subrecipients. Such requirements typically include publication of a notice of funding opportunity for competitive subrecipient selection, performance of subrecipient risk assessments, and any other such requirements required by the Uniform Guidance and the relevant federal funding agency's rules, regulations, guidance, or direction.

c. Departments, divisions, or offices that wish to use an alternative process to the procurement process listed in subparagraph "a" above when issuing subawards to subrecipients must have their own written internal procedures regarding how they will comply with the Uniform Guidance, and any other grant-specific rules, regulations, or funding agency guidance.

c. If a department, division, or office wishes to learn which provisions of the Uniform Guidance are applicable to any particular federal grant, it should review that grant's "assistance listings" information on SAM.gov, the terms of the grant agreement, as well as any additional guidance that was issued by the relevant federal funding agency.





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G. Federal

~~F.~~ Subaward/Contract/Subaward Management—County.

1. The County's departments and divisions must make a case-by-case determination whether each pass-through a federally-funded agreement it makes for the disbursement of federal program funds are is either a "contract" or "subaward" as defined in by the role of subrecipient or contractor, and Uniform Guidance. Such determination must be clearly identified in the respective agreement. The legal instrument used to enter into such contract or subaward with a contractor or subrecipient. performance, financial and subrecipient monitoring is mandatory and must comply with the requirements of the Uniform Administrative Requirements, or as otherwise required by the federal funding agency under the Code of Federal Regulations.
2. All departments and divisions receiving and managing federally-funded grants are responsible for performing comprehensive monitoring to ensure compliance with such federal grant's requirements. This responsibility pertains to requirements of the federal funding agency, or – if applicable – by the state or other direct recipient of federal funds in its role as the pass-through entity.
3. Subrecipient Monitoring.
  - a. It is the responsibility of the department, division, or office managing a federal grant award to routinely monitor each subrecipient's programmatic and financial performance. This monitoring must comply with the requirements of the Uniform Guidance, or as otherwise required by the relevant federal funding agency, or – if applicable – by the state or other direct recipient of federal funds in its role as the pass-through entity.
  - b. Departments, divisions, or offices managing federal grant awards must document the completion of the requisite subrecipient monitoring, which shall include: the time and date of such monitoring; the name of the staff member(s) who performed the monitoring; any findings made during the monitoring; any curative measures imposed upon the subrecipient as a result of such findings; and the results of those curative measures. This documentation must be kept and maintained by the responsible department, division, or office in the related subaward's file.

H.

~~G.~~ Debarment and Suspension—.

1. Contracts.



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- a. All departments, divisions, and offices receiving and managing federal or state grants are required to verify that all vendors/contractors being paid with grant funds are not excluded by the federal government (if applicable) and are in good standing with the federal government and the State of Florida.
- b. For procurements where formal solicitations were issued, the Procurement Division shall be responsible for ensuring that the bidder or proposer to whom a grant-funded award is being made is not excluded by the federal government (if applicable) and is in good standing with the State of Florida.
- c. For all other procurements or contracts, the relevant division, department, or office is responsible for ensuring that contractors that are being paid from grant awards are not excluded by the federal government (if applicable) and are in good standing with the State of Florida.

~~Verification shall be performed through the Federal Excluded Parties List/System for Award Management (SAM.gov) and the Florida Convicted/Suspended/Discriminatory Complaint Vendor List.~~

- d. Any verification required under this "Contracts" subsection shall occur prior to the vendor/contractor award date. a contract being executed, and shall be performed by the responsible department, division, or office through the Federal Excluded Parties List/System for Award Management (SAM.gov) (if applicable) and the Florida Convicted/Suspended/Discriminatory Complaint Vendor List.
- e. A copy of the confirmation from the SAM.gov system (if applicable) and Florida Convicted/Suspended/Discriminatory Complaint Vendor list, as applicable, must be kept by the department or division and the Procurement Division with the respective contract file by the responsible department, division, or office, and the Procurement Division, and must reflect the date upon which confirmation was obtained.

2. Subawards.

- a. All departments, divisions, and offices receiving and managing state grants, and that are issuing state-funded subawards, are required to verify that all subrecipients are in good standing with the State of Florida. If any portion of a state grant is paid for with a pass-through of federal funding, then the department, division, or office managing such grant must also comply with provision Paragraph H., Subsection 2.b. ("Debarment and Suspension; Subawards") below.



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- b. All departments, divisions, and offices receiving and managing federal grants, and that are issuing federally-funded subawards as defined by the Uniform Guidance, are required to verify that all subrecipients have a unique entity identifier and are in good standing with the federal government and the State of Florida.
- c. Any verification required under this "Subawards" subsection shall occur prior to a subaward being executed, and shall be performed by the responsible department, division, or office through the Federal Excluded Parties List/System for Award Management (SAM.gov), the Florida Convicted/Suspended/Discriminatory Complaint Vendor List., or both (if applicable)
- d. A copy of the confirmation from the SAM.gov system and Florida Convicted/Suspended Discriminatory Complaint Vendor list, as applicable, must be kept with the respective subaward file by the responsible department, division, or office, and the Procurement Division (if applicable), and must reflect the date upon which confirmation was obtained.
3. Both Contract and Subawards.
- a. Departments, divisions, and offices responsible for receiving and managing federal or state grants shall perform the verifications required in this Paragraph H ("**Debarment and Suspension**") verification through the Federal Excluded Parties List/System for Award Management (SAM.gov) and the Florida Convicted/Suspended/Discriminatory Complaint Vendor List annually based on the anniversary date of the contract award, and retains a copy in their file. Contracts awarded to a vendor/contractor must include a clause requiring that the vendor/contractor perform status verification for all subcontracts/sub-awardees they employ using these grant funds, or subaward execution, and must retain a copy of such annual verification in their respective subaward or contract file.
- Hb. Contracts awarded to a contractor or subrecipient must include a clause requiring that such contractor or subrecipient perform the above-discussed verifications for all subcontractors or subrecipients with which such contractor or subrecipient subcontracts or issues a subaward with the funds provided by the contract or subaward, or for completion of the project or provision of services funded in whole or in part through the contract or subaward.
- I. Reporting Requirements of Grants—For documents requiring signatory approval refer to Executive Order 06.004.;



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1. The departments, divisions, and offices shall provide the OMB Grants Coordinator notification that financial and performance reports have been submitted to the ~~granting~~ funding agency in conformance with the funding agency's requirements.
  2. Concurrence as to the accuracy of financial reports or related financial information shall be obtained from the Comptroller's Office Finance and Accounting Grants Section, prior to submission to the granting agency.
  3. Where applicable, ~~Orange~~ the County must follow ~~the certification process as required by the the~~ Code of Federal Regulations under the ~~Uniform~~ Uniform Administrative Requirements ~~Guidance~~, or as otherwise applicable, and the ~~granting~~ funding agency.
- J. *Interdepartmental Transfers.* Notwithstanding any provisions in 6.02.03 ("Budget Transfers and Amendments") or any other County rule, policy, or regulation to the contrary, Board approval shall not be required for transfers of state or federal grant funds that are interdepartmental in nature, provided that such transfers are contemplated within, or necessary for the completion of the objectives of, a federal or state award.

**FOR MORE INFORMATION CONTACT:**

Office of Management and Budget

**REFERENCE:**

~~The White House Office of Management and Budget~~ Code of Federal Regulations- 2 CFR Part 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Award, Final Rule" and/or 45 CFR Part 75 "Uniform Guidance, Cost Principles, and Audit Requirements for HHS Awards"; Section 215.97, Florida Statutes; Section 215.971, Florida Statutes; Chapter 69I-5, Florida Administrative Regulations; Rules of the Auditor General, Chapter 10.550.