



Introduction to the Part 200 Uniform Requirements

The Impact of 2 C.F.R. Part 200 (the “Supercircular”)
on OJP Grants and Cooperative Agreements

February 2016

What has happened?

The Basics



- For years, the general administrative requirements, cost principles, and audit requirements for most OJP grants have been set by various Department of Justice regulations (28 C.F.R. Parts 66 and 70; for administrative requirements) and certain OMB Circulars (for cost principles and audit requirements).
- **Starting with awards made in Calendar Year 2015**, the Part 200 Uniform Requirements – a DOJ regulation – largely replace 28 C.F.R. Parts 66 and 70, as well as the OMB Circulars on cost principles and audit requirements.

The Basics (cont'd)



- Generally speaking, the Part 200 Uniform Requirements do **NOT** alter or affect OJP awards made before January 2015.
- For most awards made by OJP prior to January 2015, OJP recipients (and subrecipients) should continue to consult the **OJP Financial Guide**. For awards made by OJP during 2015, consult the **DOJ Grants Financial Guide**.
- Many other federal agencies that award grants have now put into place (for new awards) regulations similar – but not identical – to the (DOJ) Part 200 Uniform Requirements.

The Basics (cont'd)



- The Part 200 Uniform Requirements are **NOT** an entirely new set of rules and requirements.
- In essence, the Part 200 Uniform Requirements **update, reorganize, and consolidate into a single document** the rules and regulations from 28 C.F.R. Parts 66 and 70, and the OMB Circulars on cost principles and audit requirements.
- As with awards made in earlier years, OJP awards made to individuals and for-profit organizations follow modified rules, described in award conditions.

Background



OMB, federal grant-making agencies, and others have been involved in a multi-year effort to streamline and improve many aspects of grants administration.



As one result, OMB has published guidance for federal agencies at 2 C.F.R. Part 200, entitled *“Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.”*



2 C.F.R. Part 200 does **NOT** automatically apply to all active federal grants.



Individual agency regulations, and the terms and conditions of individual federal awards, determine whether and how the “Uniform Requirements” at 2 C.F.R. Part 200 affect a specific award.

A New DOJ Regulation for Certain OJP Awards



In late December 2014, DOJ adopted a regulation that, generally speaking, applies the requirements and cost principles of 2 C.F.R. Part 200 to most new OJP grants and cooperative agreements, **starting with awards made by OJP during Calendar Year 2015.**



Every recipient of an OJP award made during 2015 should carefully review the conditions of the award, as they **will differ** from those in earlier OJP awards.

OJP awards made in 2015 that **supplement** earlier OJP funding typically include a condition that applies all or some of the Part 200 Uniform Requirements to the entire award, starting on the date the recipient accepts the 2015 supplement.

Scope and Effects – Some General Guidelines



- ✓ The Part 200 Uniform Requirements (including its definitions) do **NOT** alter existing federal statutes, including OJP grant program statutes.
- ✓ The Part 200 Uniform Requirements do **NOT** themselves change the terms and conditions of OJP awards made before January 2015.

Some important reminders



At least until all OJP awards made before January 2015 are closed and any award-related issues are resolved—

- The administrative requirements, cost principles, and audit requirements that apply to any particular OJP award depend in significant part on **when** the award was made and accepted, and on the **specific award conditions**. Consult the award document!
- For OJP awards made in Calendar Year 2015 or later, recipients are to use the **DOJ Grants Financial Guide**.

Some important reminders



- For OJP awards made before January 2015, recipients typically are to use the **OJP Financial Guide**. (Awards supplemented by OJP after 2014 may be an exception.)
- OJP recipients that are **for-profit organizations** or **individuals** should pay special attention to each award condition that deals with applicable administrative requirements, cost principles, and audit requirements. OJP awards to such recipients may contain **multiple conditions** related to these rules and requirements.

Some important reminders



If and when the Part 200 Uniform Requirements apply to a particular OJP award, the new regulation typically replaces (“supersedes”) –

- 28 C.F.R. Parts 66 and 70
- OMB Circular A-21 / 2 C.F.R. Part 220
- OMB Circular A-87 / 2 C.F.R. Part 225
- OMB Circular A-122 / 2 C.F.R. Part 230
- OMB Circular A-102
- OMB Circular A-110 / 2 C.F.R. Part 215
- OMB Circular A-133.

What about subawards?



Generally speaking, whether the Part 200 Uniform Requirements – as opposed to the requirements that preceded them – are pertinent to a particular subaward will depend on the rules applicable to the **OJP award** to the **recipient**.



If, under the OJP award, the recipient must comply with much or all of the Part 200 Uniform Requirements, then subawards under that award also will be affected by the Part 200 Uniform Requirements.



Getting into the details ...

Where can I find the Part 200 Uniform Requirements?

The Part 200 Uniform Requirements consist of **two components**, which **together** make the whole—

- [2 C.F.R. Part 2800](#), where DOJ adopts 2 C.F.R. Part 200 (with certain changes) as a DOJ regulation.
- [2 C.F.R. Part 200](#), which contains the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*.

Getting into the details (cont'd)



- ✓ Be sure to consult the **up-to-date** version of 2 C.F.R. Part 200 (and 2 C.F.R. Part 2800).
- ✓ 2 C.F.R. Part 200 has been revised a number of times since it was first published as “final guidance” by OMB. Many official publications, training materials, FAQ’s, and similar documents are out-of-date and should **NOT** be relied upon.
- ✓ Also, be aware that “effective date” (and similar) provisions may affect how and when a requirement in the Part 200 Uniform Requirements goes into effect.

Getting into the details (cont'd)



- ✓ Keep in mind that both award conditions and the provisions of the **DOJ Grants Financial Guide** may give additional details on precisely how specific provisions of the Part 200 Uniform Requirements operate in the context of OJP awards.

OJP urges each recipient of an OJP award that is affected by the Part 200 Uniform Requirements to consult the resources at:

ojp.gov/funding/Part200UniformRequirements.htm.

Keep in mind ...



The **definitions** in the Part 200 Uniform Requirements are **critical**. Many terms and phrases used throughout 2 C.F.R. Part 200 have specific meanings.

Definitions typically appear in [Subpart A](#) of 2 C.F.R. Part 200.

Beware of taking sentences out of context.

Surrounding provisions, any cross-referenced material, general provisions and basic considerations, and pertinent definitions all can dramatically affect the meaning of a specific provision in 2 C.F.R. Part 200.

An important definition



The Part 200 Uniform Requirements frequently mention “non-Federal entities.” This defined term refers to—

- States and local governments
- Federally-recognized Indian tribes
- Institutions of higher education (public or other non-profit)
- Non-profit organizations, other than institutions of higher education.

Some highlights of the Part 200 Uniform Requirements



Audits	Updates rules on recipient (and subrecipient) audits; increases the audit “threshold.”
Indirect cost rates	Makes a new “de minimis” indirect cost rate available to most recipients (and subrecipients) that have never received a federally-negotiated indirect cost rate.
May not earn or keep any profit	Clearly specifies that no recipient (or subrecipient) may earn or keep any profit resulting from the federal award, unless the federal award conditions explicitly authorize otherwise.
Immediate reporting of certain events	Specifically requires recipients (and subrecipients) to report certain significant developments as soon as they occur, without waiting for the next scheduled report under the award.
Mandatory disclosure of certain criminal violations	Specifically requires applicants and recipients (and also subrecipients) to disclose certain violations of Federal criminal law involving fraud, bribery, or gratuity violations.

Some highlights of the Part 200 Uniform Requirements (cont'd)



Conflict of interest policies	Sets out requirements that recipients (and subrecipients) must address in written standards of conduct covering conflicts of interest (including organizational conflicts of interest), and covering actions of employees (or other agents) engaged in the selection, award and administration of contracts.
Indian tribes	Updates the approach taken with the definitions of “Indian tribe (or ‘federally recognized Indian tribe’),” “State,” and “local government,” for use in connection with 2 C.F.R. Part 200. (This updated approach for Part 200 does NOT alter existing OJP grant program statutes.)
Safeguarding of protected PII	Specifically requires recipients (and subrecipients) to take reasonable measures to safeguard protected personally-identifiable information (PII) and certain other sensitive information.
Risk assessment for subawards	Specifically requires recipients (and subrecipients) to evaluate certain risks associated with each subaward they make, and to use that evaluation in monitoring and in setting subaward conditions.

Additional Resources



If you work with an OJP award that is affected by the Part 200 Uniform Requirements, OJP recommends the following resources:

- The resources on the OJP website at ojp.gov/funding/Part200UniformRequirements.htm.

Contacts



- Your Grant Manager
- OCFO: Ask.OCFO@usdoj.gov
- OAAM: AskGMD@usdoj.gov