

Questions and Answers Regarding 2 CFR Part 200

Message from the Department of Education (ED):

Welcome to the Uniform Guidance (also referred to as 2 CFR Part 200) FAQ. Please note that the Uniform Guidance is evolutionary, not revolutionary. It includes changes to the way we do business with our grantees; however, only a few changes are significant.

These FAQs will be updated as we receive new questions. Updates will be added to the end of the document.

The New Regulations

1. **Question:** Is the Uniform Guidance published in the Federal Register on 12/26/2013 the most recent version?

Answer: No. Technical changes were made to that version and a revised version was published in the *Federal Register* on 12/19/2014. For the most recent version of the regulations, now referred to as 2 CFR Part 200, go to [Uniform Guidance 2 CFR 200](#).

2. **Question:** Does the Uniform Guidance apply to formula grants?

Answer: Yes, the Uniform Guidance applies to both formula and discretionary grants in just the same way that former EDGAR (34 CFR) Parts 74 and 80 did. The only difference is that these regulations are now found in one place. There are some items, such as 2 CFR §§ 200.205 and 205.206, that only apply to discretionary grants and cooperative agreements, not to formula grants. If the type of award is not specified in a particular section, subpart or group of sections, then the requirement applies to all awards.

Implementation Dates

3. **Question:** What are the implementation dates for the new guidance?

Answer: The Uniform Guidance applies to all new grant awards and non-competing continuations (NCCs) made on or after 12/26/2014 (see 2 CFR § 200.110). The Uniform Guidance also applies to any administrative actions or supplements made to those awards that were made on or after 12/26/2014.

The Uniform Guidance does not apply to grant awards made before 12/26/2014. Similarly, it does not apply to administrative actions and or any supplements made to such awards, even if those actions and supplements are made after 12/26/2014. Funds that carry over to a non-competing continuation (NCC) on or after 12/26/2014 are subject to the new Uniform Guidance. The new carryover rules in 2 CFR Part 200 are consistent with the ED's pre-existing regulations in EDGAR Parts 75 and 76. So there are no substantive changes to the carryover rules for ED grantees and subgrantees.

For examples of dates, see tables below.

Table 1: Administrative Requirements and Cost Principles (Example Dates)

Project Period Start Date OR start of FY for formula grants	Action	Action Date	Does EDGAR Parts 74 and 80 or 2 CFR Part 200 apply?
1/1/2015	New award	1/1/2015	2 CFR Part 200
7/1/2014	Administrative action (including a time extension) or supplement	12/30/2014	EDGAR Parts 74 and 80
10/1/2014		7/20/2015 (or any date within the budget period or FY)	
7/1/2014	Non-competing continuation (NCC) or otherwise adding a budget period at the end of the project period.	7/1/2015	2 CFR Part 200
10/1/2014	Non-competing continuation (NCC) or otherwise adding a budget period at the end of the project period.	10/1/2015	2 CFR Part 200
7/1/2014	Carry over of funds ¹ from previous budget period of a discretionary grant or FY of a formula grant	10/1/2015 for formula grants; any time after 12/26/2014 for discretionary grants	2 CFR Part 200

¹ EDGAR §76.710: Obligations made during a carryover period are subject to current statutes, regulations, and applications.

Once funds are carried over to the subsequent budget period, those funds are subject to the requirements of the NCC. This eases burden on a grantee because it won't have to account separately for funds made available in two fiscal years. Once the NCC is awarded, the new requirements apply to all funds made available under the grant, regardless of whether the funds are new or carried over from the prior budget period.

Indirect Cost Rates (ICRs)

Grantees must manage their ICRs in compliance with the Uniform Guidance, starting at the beginning of the first fiscal year following 12/26/2014.

Table 2: Indirect costs

Beginning of Grantee's Fiscal Year	Uniform Guidance Indirect Costs Requirements apply	Proposal due for new rate under new guidance	Request due for extension of current rate for up to 4 years
January 1, 2015	January 1, 2015	June 30, 2015	April 30, 2015
July 1, 2015	July 1, 2015	December 30, 2015	October 30, 2015
October 1, 2015	October 1, 2015	April 30, 2016	February 28, 2016

Audits

Auditors and grantees must comply with the Uniform Guidance, starting with the audit of the recipient's first fiscal year starting on or after 12/26/2014.

Table 3: Audits

Beginning of Grantee's Fiscal Year	Uniform Guidance Audit Requirements apply	The First audit period subject to 2 CFR Part 200, Subpart F, ends on	First Audit that is subject to the 2 CFR Part 200, Subpart F, must be submitted on
January 1, 2015	January 1, 2015	December 31, 2015	September 30, 2016
July 1, 2015	July 1, 2015	June 30, 2016	March 31, 2017
October 1, 2015	October 1, 2015	September 30, 2016	June 30, 2017

Risk

4. **Question:** Are grantees required to assess risks of subgrantees before awarding subgrants?

Answer: Risk assessments are required; however, there is no requirement for grantees to assess risks before making subgrants. Under the Uniform Guidance, grantees must assess risks to inform monitoring priorities. However, grantees have discretion to make risk assessments before awarding subgrants. The procedures for assessing risk should be documented and included as part of a grantee's written internal controls. Factors for grantees to consider when developing their risk tools can be found at 2 CFR §200.331.

5. **Question:** Where is the reference to high-risk designation?

Answer: The Uniform Guidance does not include the term "high-risk." However, under 2 CFR § 3474.10, ED may impose high risk conditions on a grantee or a particular grant in appropriate circumstances.

6. **Question:** Is the risk assessment for both contractors and subgrantees?

Answer: Generally yes; however, risks posed by contractors are addressed differently than those posed by subgrantees.

The Uniform Guidance requires grantees to assess risks posed by subrecipients (i.e., subgrantees). Even if a State uses a contract to award financial assistance to an entity that ED considers a subgrantee, the risks posed by that entity must be assessed. See 2 CFR §§ 200.330 and 200.331. Grantees must assess risks of a subgrantee not complying with Federal statutes, regulations, and the terms and conditions of the subawards. Risks may be posed by weak internal controls, including inadequate financial systems. The risk assessment requirements, monitoring requirements, and specific conditions for subawards are identified in 2 CFR § 200.331.

While the Uniform Guidance doesn't use the term "risk assessment" to describe the review that grantees must give potential contractors, the Uniform Guidance requires grantees and subgrantees to determine whether each potential contractor has the ability to perform successfully under the terms and conditions of a proposed procurement and consider the contractor's integrity, compliance with public policy, record of past performance, and financial and technical resources. See 2 CFR § 200.318(h). While not described as a risk assessment, consideration of these issues is, in essence, a risk assessment.

Procurement standards are identified in 2 CFR §§ 200.117 through 200.326.

7. **Question:** Are recipients of formula grants required to complete risk assessments on each subgrantee?

Answer: Yes, see 2 CFR §200.331 for those requirements. Grantees must assess all subgrantees for risk. OMB is revising its regulations regarding the Federal Awardee Performance and Integrity Information System (FAPIIS) and updating the capabilities of FAPIIS. We expect that grantees and subgrantees soon will be able to use FAPIIS to assess risks posed by subgrantees.

8. **Question:** How will State Education Agencies (SEAs) be able to conduct risk assessments on all Local Education Agencies (LEAs)?

Answer: Section 200.331 of the Uniform Guidance does not mandate how grantees must conduct risk assessments on subawards. During the first year of implementation, we expect that grantees will develop risk assessment systems to establish monitoring priorities and SEAs have discretion to establish risk assessment systems that assess risks before making subgrants. We expect that those systems would be in place before States receive their first formula-grant awards and allotments on July 1, 2015.

9. **Question:** What is the purpose of a risk assessment on formula grantees, if it does not impact receipt of an award or the amount of the award?

Answer: Conducting risk assessments of subgrantees helps ensure that potential risks are identified and appropriate monitoring is established to mitigate those risks. If the identified risks are significant, the SEA can impose specific conditions under 2 CFR § 200.207 during the course of the award and, in appropriate circumstances, designate those conditions as "high risk" conditions under 2 CFR § 3474.10.

Procurement

10. **Question:** There are significant new requirements for procurement. How much will this impact the procurement practices of grantees?

Answer: Most of the procurement requirements in the Uniform Guidance are transplants from the former regulations in EDGAR Part 80 and OMB Circular A-102; therefore, we do not expect that governments will need to make significant changes to their procurement procedures.

For nonprofit entities, institutes of higher education, and other organizations that were subject to former EDGAR Part 74, OMB has established a one-year grace period before those entities must comply with the new procurement requirements. We believe that the grace period will minimize the burden on those entities. The new requirements are designed to ensure that all grantees meet very basic standards of integrity in the procurement processes, including the same basic elements of competition and transparency that apply to procurements by governmental entities.

11. **Question:** The new requirements for procurement require negotiating profit levels for certain contracts. How will this impact the procurement process?

Answer: The requirement to negotiate profit levels only applies to procurement of contracts that exceed the Simplified Acquisition Threshold of \$150,000 (requiring the recipient to perform a cost or price analysis) or where there was no price competition. The new procurement requirements discourage procurement of contracts through procedures that do not result in price competition and contracts in excess of \$150,000 deserve cost or price analyses to ensure that the recipient does not pay excessive costs for big contracts.

12. **Question:** To what extent do the new uniform administrative requirements align with the Federal Acquisition Regulations (FAR)? Can FAR be used as the prevailing guidance where there are questions?

Answer: The Federal Acquisition Regulations (FAR) establish the rules and requirements that Federal agencies must follow when procuring goods and services. The Uniform Guidance, by contrast, establishes requirements that must be followed by grantees when procuring goods and services needed to carry out a Federal grant or subgrant. The Uniform Guidance, like the FAR, is designed to ensure that procurements involving Federal funds are conducted with integrity, fairness, and openness. However, procurement issues that arise in carrying out Federal grants must be resolved on the basis of the requirements set out in the Uniform Guidance and the recipients' written procurement policies rather than the FAR.

13. **Question:** How will companies that do business with school districts and SEAs be impacted by the changes in the Uniform Guidance?

Answer: The Uniform Guidance generally consolidates and streamlines grants administration regulatory language from eight OMB circulars into one consolidated set of guidance in the Code of Federal Regulations. The consolidation of guidance provides more efficient and consistent regulatory provisions for all types of grantees, including State or Local governments (SEAs and LEAs), non-profit organizations, and institutions of higher education.

The provisions are almost identical to longstanding requirements in either EDGAR Part 74 or 80, depending upon which version of these regulations were used in 2 CFR Part 200 by the Council on Financial Assistance Reform. Because there is so much consistency between the Uniform Guidance and prior ED regulations, we do not expect any dramatic changes in the way companies do business with LEAs and SEAs, except in the few places where substantive changes were discussed in the interim final regulations published on December 19, 2014. The following link provides a side-by-side comparison of the prior and new guidance: [Administrative Requirements Comparison Chart](#).

14. **Question:** Please explain under what circumstances profit will be negotiated for contracts with K-12 districts/states.

Answer: Negotiating profits will be governed by contracting rules established by the non-Federal entity providing the contract, which at a minimum must meet the requirements of 2 CFR 200 §§ 200.317 – 200.326. In general, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds, but must include in contracts funded under Federal awards the standard contract clauses specified in § 200.326 and Appendix II to Part 200.

15. **Question:** Will informal product and price comparisons be accepted as a competitive comparison (and therefore, not be subject to profit negotiations)?

Answer: OMB created new flexibilities permitting grantees to establish more informal procurement procedures for micro purchases. The other procurement methods are not significantly changed from the requirements in EDGAR Parts 74 and 80. See, for SEAs, 2 CFR § 200.317 and for all other non-Federal entities, including subrecipients, 2 CFR § 200.318.

16. **Question:** Will contracts using federal funding require greater emphasis on outcomes and performance than in the past? If so, will you be giving guidance on what "performance" means?

Answer: The Uniform Guidance does place increased emphasis on the substantive outcomes and performance of grants than has been the case in the past. See, for example, 2 CFR § 200.301. Grantees, in obtaining services from vendors needed to implement their grant, will need to ensure that the timeliness and quality of the work provided by their contractors will allow the grantee to meet the performance standards that apply to its grant. Contractors working with grantees, therefore, may see greater emphasis on outcomes and performance than they have in the past.

ED will continue to effectively evaluate and measure the successful completion of federally funded projects, in accordance with performance and financial monitoring and reporting outlined in 2 CFR Part 200 and the regulations in the Education Department General Administrative Regulations in title 34 of the CFR. If ED establishes performance requirements for discretionary grant competition, those requirements will specify the performance elements that will be used to measure performance. As always, grantees are responsible for ensuring that contractors perform as required under their contracts.

17. **Question:** Does the guidance impact vendors' ability to play a role in helping to draft specifications for Requests for Proposals (RFPs)?

Answer: Contracts funded under an ED grant to an SEA must follow the requirements that the State uses for its non-Federal procurements, as stated in 2 CFR § 200.317, all other non-Federal entities, including subrecipients of a State, must follow the requirements 2 CFR § 200.318. For non-Federal entities, including subrecipients, 2 CFR §200.319 specifies the competition requirements for procurements and § 200.220 specifies the procurement methods that recipients must incorporate into their procurement procedures. A vendor that is a contractor involved in the development or drafting of specifications requirements for an RFP has an organizational conflict of interest that would exclude the vendor from competing for the resulting procurements under the procurement requirements in 2 CFR Part 200.

Please note that the Department established new contract competition flexibilities for certain procurements related to projects proposed for funding under the Department’s discretionary grant competitions. See EDGAR § 75.135. Under these procedures, an applicant can use the relatively simple small purchase procedures authorized under 2 CFR § 200.320(b) to select in a single competition a contractor to both help the applicant prepare its application and provide project services if the grantee is selected for funding. This flexibility is limited to cases where the contractor would provide data collection, data analysis, or evaluation services, or another essential service needed to meet a statutory, regulatory, or priority requirement related to the competition and the contractor is identified in the application. Also, if the applicant is contracting for sites to conduct proposed project activities, the applicant does not need to run a competition to select the sites.

18. **Question:** How will pricing transparency increase as a result of these changes?

Answer: The Uniform Guidance does not appear to have an impact on “pricing transparency.”

19. **Question:** Are companies’ variations in per-student pricing permissible, depending upon whether they are doing business with a large district or a small one?

Answer: The Uniform Guidance does not appear to have an impact on the permissibility of variations in per-student pricing.

20. **Question:** When are the model “terms of service” for education companies expected to be released?

Answer: We are not clear about what is meant by “terms of service.” The Department does not plan to issue model requirements that recipients could use in contracts with education companies. As stated in the Uniform Guidance, each non-Federal entity is solely “responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims.” See 2 CFR § 200.318(k).

Cost Principles

21. **Question:** Are the cost principles in the Uniform Guidance for all types of recipients?

Answer: Generally, yes the cost principles are the same for all types of recipients: State, local, and Indian tribal governments; nonprofit organizations; and institutions of higher education. Where

rules are entity-specific, the section or paragraph that specifies a different principle for one type of entity makes that applicability clear. Most of the cost principles that apply to only one type of entity are those regarding indirect costs. See, for example, Appendices III-IX.

22. **Question:** What guidance does ED have for the types of documentation and internal controls that are necessary to take advantage of the new flexibilities for tracking time and effort? Are there examples of what these flexibilities look like?

Answer: ED's efforts to reduce burden and increase flexibility in the area of time and effort reporting predate the Uniform Guidance. In 2012, ED issued guidance to the Chief State School Officers that can be found at this link: [Letter to Chief State School Officers](#).

Six States are currently using approved alternative methods for time and effort. ED is in the process of updating its guidance to reflect the Uniform Guidance. Strong internal controls are needed to support alternate time and effort systems. We will make additional training available.

23. **Question:** If grantees propose new ways for tracking time and attendance, especially in the case of blended funds, what will be ED's response?

Answer: ED will review all proposals for alternative time and effort systems based on current ED guidance regarding review of alternative time and effort systems. As stated in response to question 22, the ED guidance regarding that review is being updated to reflect the Uniform Guidance.

24. **Question:** What is meant by the term blended? Is that the same as comingling of funds?

Answer: Comingling of funds is different than blended funds.

Comingled funds:

A grantee (or subgrantee) comingles funds when Federal funds received for a particular grant are deposited to an account that also contains other Federal or non-Federal funds and fails to maintain the internal controls needed to separately track the funds for that grant. Because grant funds cannot be traced to determine how they are expended, there is no way to determine if the comingled grant funds were expended on allowable costs.

"Blended" funds:

When a grantee (or subgrantee) gets funds from more than one program or agency to conduct the same or closely related activities under a single grant or multiple grants, §200.430(i)(7) authorizes the grantee to account for the combined use of the Federal funds if certain conditions are met. The Uniform Guidance calls this "blended" funding and a grantee would establish a single cost accounting code to account for any blended funds.

As a procedural matter, the grantee must obtain prior approval to charge the costs to a single cost objective for blended funding purposes and that approval must be authorized by all agencies that fund the combined activities. For example, if ED, HHS, and Labor jointly fund a single grant, the grantee could, with the prior approval of all the funding agencies, charge the costs to the same accounting code and not have to separately track the funds provided by each agency. Not all

situations are as simple as this example; therefore, there are other conditions that grantees need to understand. In cases where some project activities cannot be supported under all programs funding a grant, only those activities that can be funded by all program can be treated as blended funds.

Example: A project is supported by three agencies (A, B, and C) and the project involves four activities. If the first activity is allowable under all funding sources, the recipient could ask to account for those activities under a single accounting code because funds provided by any one of the agencies could be charged for those costs. The recipient could use a single account code for these activities if all three agencies approve the blended accounting. If the second and third activities are allowable under the program funds granted by agencies A and B but not agency C, the grantee could, with permission, set up a blended-funding accounting code for those activities but could charge only the funds made available by agencies A and B for those costs. If the fourth activity is allowable only under agency C's program, the grantee could charge the costs of that activity only to agency C and could not blend those funds with funds provided by any of the other agencies.

25. **Question:** What has changed regarding food at conferences?

Answer: The policy guidance ED provided grantees regarding conferences in June, 2012, is consistent with the new requirements in the Uniform Guidance, which states that conference "hosts/sponsors must exercise discretion and judgment in ensuring that conference costs are appropriate, necessary and managed in a manner that minimizes costs to the Federal award." See 2 CFR § 200.432. This statement in the Uniform Guidance is entirely consistent with the policies stated in the ED guidance regarding the charging of food costs to a grant. The ED guidance on conference costs can be found at this link: [ED Guidance on Conference Costs](#). The guidance clarifies that providing meals at conferences is allowable only when it is reasonable and necessary to the completion of actual work. A working lunch may be a legitimate expense if the conference must conduct sessions at that time to keep the number of conference days to a minimum. Snacks and other meals typically do not meet the reasonable and necessary standard, because these costs can be purchased by attendees using non-grant funds and the snacks are not essential to the objectives of the conference. The only difference between the ED guidance and the Uniform Guidance regarding conference costs are addressed in the following Qs & As.

26. **Question:** What does the Uniform Guidance say about dependent care at conferences?

Answer: A grantee that hosts a conference can charge the grant for the costs incurred in researching dependent care, if that care is required for a conference participant. The actual dependent care cannot be charged to the conference by the host. However, if a grantee sends a person to attend a conference and that attendant's dependent care costs increase as a result of that attendance, then the costs that exceed the attendant's normal dependent care costs can be charged to the grant of the grantee that sends the attendant.

27. **Question:** How long can grantees charge the temporary ICR?

Answer: The temporary rate predates the new indirect cost flexibilities in the Uniform Guidance. Generally, a grantee can charge the temporary rate up to 90 days after the grant award date. However, if the grantee does not submit an ICR proposal to ED within that 90 days, the grantee can no longer charge indirect costs to the grant until the grantee obtains a negotiated ICR from ED. If the

grantee submits its ICR proposal on a timely basis, then it may continue charging its grant at the temporary rate until it obtains a negotiated rate.

Audits

28. **Question:** Given that the threshold for auditors to report questionable costs is increased to \$25,000, will the ED adopt a similar threshold for program monitoring as well as audit resolution efforts?

Answer: Currently, ED does not have a policy of not making findings below the minimum reportable threshold. Some auditors have made findings on questioned costs well below the former threshold. Generally, if an auditor makes a finding on a questioned cost, ED will resolve the finding. Currently ED is assessing the need to have a policy based on the increased questioned cost threshold. In addition, ED is developing monitoring procedures to ensure that grantees properly account for grant funds, regardless of the level of expenditures for a particular cost item.

29. **Question:** The Guidance raises the threshold for reporting questioned costs to \$25,000. Does that mean no questioned costs under that threshold will be reported?

Answer: The Guidance requires all questioned costs of \$25,000 or more to be reported (2 CFR § 200.516(a)(3)). However, auditors have the option of reporting questioned costs of lesser amounts.

Outreach to Grantees

30. **Question:** What training will be available for grantees?

Answer: OMB is preparing training for grantees and Federal staff. In addition, ED is in the process of developing additional guidance and training. ED launched a Uniform Guidance portal on ED.gov that includes many resources to assist grantees and subgrantees in understanding the Uniform Guidance. It is at the following address: [ED Uniform Guidance Portal](#). If you need assistance beyond that one the website, please contact your program officer here at ED.

31. **Question:** How much additional time will grantees need to spend on complying with the Uniform Guidance?

Answer: The Uniform Guidance requires strong, written internal controls and offers flexibilities that were not previously available to grantees. The new requirements and flexibilities may take time to implement. However, once those procedures are in place, we do not expect that grantees and subgrantees will need more time to comply with the Uniform Guidance than is required under former regulations. More likely, given the new flexibilities available under the Uniform Guidance, ED grantees may develop less time-consuming procedures to demonstrate compliance with the Uniform Guidance than were required under prior regulations. ED will assess the effect of the Uniform Guidance as it is implemented and provide feedback to OMB regarding the effectiveness of the guidance and the extent to which it reduces burden on recipients.

Forms, Documents, and G5

32. **Question:** How are forms and documents being reviewed and revised?

Answer: ED has updated several standard forms (e.g., GAN attachments and enclosures). ED Supplemental Form 524 is being updated to distinguish whether the indirect cost rate included in an applicant's budget is a negotiated rate, a de minimis rate,² or a temporary rate. The new form should be available in early February, 2015. OMB recognizes that these changes are technical; therefore, a full review under the Paperwork Reduction Act (PRA) is not required.

Program offices are working to revise their own program-specific forms and documents. Any amendments to program forms or documents needed to reference 2 CFR Part 200 instead of EDGAR Parts 74 or 80 are also technical changes that do not require full PRA review.

33. **Question:** Will G5 update records to ensure the recipient name is the same as the name found in DUNS, since there is now a requirement that the names match?

Answer: ED is developing procedures to ensure that the award name matches the name that is associated with the DUNS number.

34. **Question:** Per the new regulations, must the required cost-sharing be included on the GAN?

Answer: Yes, see 2 CFR § 200.210(a)(10).

35. **Question:** Is the ICR required on the GAN for all awards, including formula grants?

Answer: Yes, the requirement is for all Federal awards, as required under 2 CFR §200.210.

² Not all grants can use the de minimis rate; training grants and grants that require restricted indirect cost rates cannot use the de minimis rate.