



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

Operating Policy and Procedure

HSCEP OP: 65.09, Subrecipient Monitoring

PURPOSE: The purpose of this Health Sciences Center El Paso Operating Policy and Procedure (HSCEP OP) is to satisfy the requirements of the Office of Management and Budget (OMB) 2 CFR Part 200.331 by establishing procedures for monitoring subrecipients and obtaining and acting on subrecipient audit reports and management letters.

REVIEW: This HSCEP OP will be reviewed on May 1 of each odd-numbered year (ONY) by the Director of Contracts and Grants Accounting (CGA) and the Senior Director of the Office of Sponsored Programs (OSP), with recommendations for revisions submitted to the Assistant Vice President for Research and the Chief Financial Officer, or designee, by June 1.

POLICY/PROCEDURE:

As a prime recipient of external funds from federal sponsors, TTUHSCEP is required to monitor subrecipients in accordance with OMB 2 CFR Part 200.331. Further, as a prime recipient of external funds from federal, state, and other third party sponsors, TTUHSCEP is governed by specific financial and administrative regulations regarding the management of grants and contracts. When TTUHSCEP assigns responsibility for conducting a portion of the work sponsored by an award to a subrecipient institution, these same regulations govern the subrecipient.

1. **Applicability.** This HSCEP OP applies to each subrecipient agreement/subaward which is funded directly or indirectly from an external sponsor or is used as cost sharing or matching for an externally funded project. Vendor/contractor agreements are not subject to this policy.

The Principal Investigator (PI) or other designated personnel should determine whether a subrecipient or vendor relationship exists between TTUHSCEP and a third party involved in the sponsored agreement by using the following criteria:

- A. A subrecipient is a third party entity that receives a subagreement award/subaward for the performance of a portion of the work statement covered by a prime agreement awarded to a pass-through entity (TTUHSCEP) that is funded either directly or indirectly with sponsored funds. Pursuant to that agreement, the third party entity performs a portion of the work of TTUHSCEP's sponsored project. Subrecipient entities can be identified by criteria including, but not limited to, the following:
 - 1) Services provided by the third party are uniquely designed in response to individual projects and are not provided commercially.
 - 2) The third party can make programmatic decisions and participates in development and the execution of the work performed.
 - 3) Services provided by the third party are measured against whether the objectives of the sponsored project have been met.
 - 4) The party's results are likely to be published in scientific literature and / or the party is likely to be a co-author on any publications for the project.

- B. A vendor is a distributor, merchant or other seller providing goods or services that are required in the execution of a sponsored project and can be identified with criteria including, but not limited to, the following:
- 1) The party provides goods or services as a normal part of their business operations.
 - 2) The party provides similar goods and services to many different purchasers.
 - 3) The party operates in a competitive environment.
 - 4) The party provides goods or services that are merely ancillary to the sponsored project.

2. **Contracting Requirements.**

- A. Subrecipients should be identified during the proposal stage of the sponsored project. However, a need may arise during the life of the project, which requires a subcontract which was not anticipated at the time of the proposal. These normally require approval from the sponsor prior to entering into the contract.
- 1) OSP should be contacted to determine if sponsor approval is required.
 - 2) Once the subcontract is approved, CGA should be notified and supplied with the required contractor information.
 - 3) If applicable, a budget revision should be submitted to reserve the dollar amount contracted out to the subrecipient by transferring budget from the primary grant fund to a subrecipient fund at the direction of CGA..
- B. Agreements with subrecipients, which meet the applicability test outlined in Section 1 above, should include the following information related to the prime award:
- CFDA number (if federal) and title of the prime award
 - Prime Award name and number
 - Prime Award year/period of availability of funds
 - Type of Prime Award
 - Name of Federal agency providing funding for Prime Award

In addition, agreements with subrecipients which meet the applicability test outline in Section 1 above must contain the following clauses, with paragraph 2) below applicable only to federally sponsored agreements:

- 1) **Records Inspection.** The accounting records and files of the subrecipient which are applicable to this subcontract shall at all times be available for inspection, review, and audit by TTUHSCEP and its representatives to determine the proper application and use of all funds paid to the subrecipient.
- 2) **Audits.** The subrecipient agrees to submit to TTUHSCEP the following:
 - a. Copies of the A-110 or A-133 audit report(s) covering the period(s) of this subcontract;
 - b. Copies of any management letters that relate to compliance with federal laws and regulations; and

- c. Within six months after the issuance of the audit report, a notice of corrective actions taken as a result of non-compliance with federal laws and regulations cited in the audit report or management letter.

All submissions must be forwarded as soon as possible following the close of each budget period of this subcontract. In the event that the submissions cannot be made within 12 months following the close of a budget period, the subrecipient must notify TTUHSCEP in writing of the anticipated date of submission. The submission must be within 18 months after the end of the budget period, unless approved by the subrecipient's appropriate federal agency. All submissions required under this article should be submitted to the following address:

Texas Tech University Health Sciences Center El Paso
Office of Contracts and Grants Accounting
5001 El Paso Drive
El Paso, TX 79905

- C. OSP is responsible for ensuring that the above information is included in each applicable subrecipient agreement, as well as any other A-133 requirements or supplemental TTUHSCEP requirements imposed on the subrecipient. On rare occasions, the Contracting Office will draft subcontract agreements with third party institutions that meet the criteria of a subrecipient entity. In those instances, the Contracting Office is responsible for ensuring that these clauses are inserted into the related agreements.

3. **Responsibilities.**

- A. PI or Other Designated Departmental Personnel: In addition to any requirements stated above, the PI or their designated personnel are responsible for the following:
 - 1) Classifying subrecipient agencies as eligible and if necessary, as "high-risk" to indicate the need for an increased level of monitoring activities. Agencies may be identified as "high-risk" due to the complexity of the project's compliance requirements, projects which have a large percentage or dollar amount subcontracted, agencies that do not fall under audit guidelines established by OMB Circular A-133, or for other reasons identified by the PI or designated department personnel.
 - 2) Routine receipt and timely review of Technical Performance Reports, Financial Reports and / or other reports required by the subrecipient agreement including the identification of any unusual or unforeseen items. Such items, if present, should be investigated and reports should be retained on file in the department for inspection by appropriate internal or external personnel. All such items as well as any inspection requests should be reported to OSP.
 - 3) Continual monitoring of subrecipient budgets and performance of work.
 - 4) Comparison of subrecipient invoices to the established subrecipient budgets and assigned work for the project. Evidence of the regular review of invoices should be kept on file. Sufficient evidence may include initials of the PI, an appropriate personnel signature authorization on invoices, e-mail or other communications, etc.
 - 5) Request and review of explanations for any unusual, miscellaneous, other or apparent excessive charges invoiced by the subrecipient. If explanations received are insufficient to satisfy documentation requirements, request should be made to the subrecipient for detailed justification. Unallowable, undocumented or unreasonable charges invoiced by the subrecipient should be disallowed.

- 6) Approval of all payments to subrecipients within 30 days of the invoice receipt date, unless details presented on the invoice are questionable and the reason for the approval delay is documented. The subrecipient invoice must be reviewed for reasonableness compared to the stage of the work contracted. The invoice should be submitted to CGA for review prior to payment processing.
 - 7) Scheduling and performance of periodic on-site visits or other regular contact with the subrecipient to ensure proper adherence to contractual obligations.
 - a. On-site visits by the PI are discretionary and should be conducted to evaluate compliance with the scientific objectives of the project as well as the appropriateness of the subrecipient's administrative systems, processes, and charges.
 - b. All contact should be documented via correspondence, meeting notes, trip reports, etc. and must be kept on file for the duration of the project or longer if required by document retention rules.
 - 8) Notification to OSP if the right-to-audit clause needs to be exercised for due cause.
- B. Sponsored Programs: In addition to any requirements stated above, OSP is responsible for the following:
- 1) Notify CGA of all subrecipient awards and provide a copy of the related agreements.
 - 2) Provide all federal subrecipients with the Catalog of Federal Domestic Assistance (CFDA) title and number for the program, award name and number, award year, type of award and the name of the federal sponsor as required by OMB Circular A-133 and 2 CFR 200 (Uniform Guidance).
 - 3) Notify subrecipients of the requirements imposed by laws, regulations and the provisions of the contract or agreement as required by OMB Circular A-133.
 - 4) Ensure any questions or concerns regarding Technical Performance Report deficiencies are appropriately investigated.
 - 5) Ensure that all appropriate corrective action is taken by the subrecipient within six months of the audit report or that proper notifications are made.
 - 6) Determine if a subrecipient's audit findings necessitate an adjustment of the sponsored programs financial records.
 - 7) Upon receipt and consideration of A-133 Audit information from CGA as identified at paragraph C. 2). below, obtain a management decision from the Assistant Vice President for Research, in conjunction with the PI or other designated departmental personnel, regarding the following:
 - a. Corrective actions necessary for deficiencies identified in the audit
 - b. Use of sanctions pursuant to paragraph B.225 of OMB CircularA-133 for those subrecipients who are noncompliant or nonresponsive including the following:
 - i. Withholding a percentage of Federal awards
 - ii. Withholding or disallowing overhead costs
 - iii. Suspension of Federal awards
 - iv. Termination of Federal awards
 - v. Additional monitoring procedures as needed to ensure compliance

- 8) Maintain a list of all subrecipient agreements executed by OSP including the following data elements:
 - Name of subrecipient institution
 - Dollar amount of subrecipient award
 - Performance period of subrecipient award
 - Award name and number of the associated primary award

C. CGA: In addition to any requirements stated above, the Office of CGA is responsible for the following:

- 1) Review of initial budget documentation for the existence of the appropriate subrecipient budget account pool coding on primary awards for which CGA has been notified that subrecipient awards are executed.

Ensure the department requests a new fund for the subrecipient award, which will be tied to the primary grant fund. Once subrecipient fund is established, notify the department to complete a budget revision to transfer the budget in the subcontracts budget pool from the primary grant fund to the subrecipient fund.

If the subrecipient agreement is not executed at the time of the primary grant fund setup, then any funds budgeted to the subcontracts budget account pool will not be available for expenditures. When all required subrecipient information is available, the department will be required to submit a budget revision through the Budget Revision System as appropriate and in compliance with HSCEP OP 65.03.

If CGA has not received notification of the existence of subrecipient awards, then it will be assumed that there are no subrecipients of the primary grant.

- 2) Contacting subrecipients annually utilizing the OMB Circular A-133 Audit Certification Subrecipient Monitoring Requirements form included as Attachment A to this OP. Upon receipt of the form and requested audit report, CGA will review the audit report to verify whether or not exceptions exist.
 - a. For those audit reports containing exceptions, CGA will provide a summarized list of the exceptions to OSP for use in making risk assessments and management decisions pertaining to the audit findings and noncompliance with A-133 provisions.
 - b. For those audit reports containing exceptions, determine if instances of subrecipient non-compliance necessitates any adjustment to TTUHSCEP's records.
 - c. If no reply is received within 120 days after the form is originally sent, CGA will provide a list of the subrecipient agencies that failed to comply to OSP for use in making management decisions pertaining to the audit findings and noncompliance with A-133 provisions.