

Annual Grants Management Q&A Responses

- **Is there a difference between sub-recipient vs subcontractor?**
 - Yes. The presentation focused on not-for-profit grant recipients and not on contractors. The FFATA applies to both prime awardees when they make sub-awards and prime contractors when they make sub-contracts. See the FSRS FAQ page at <https://www.fsr.gov/#a-faqs>
- **Can you define "sub-award?"**
 - Per the FSRS FAQ page <https://www.fsr.gov/#a-faqs>: The Office of Management & Budget issued guidance identifying the requirement to report first-tier sub-awards on April 6, 2010 and that guidance may be found at the OMB Open Government site at <http://www.whitehouse.gov/omb/open>. That guidance defines a sub-award as generally referring to a monetary award made as a result of a Federal award to a grant recipient or contractor to a sub-recipient or sub-contractor respectively.
- **A new award of \$1 million issued January 2011, but the FFATA requirement is not included in T&C. Are you subject to FFATA?**
 - Our understanding is that you would be subject to the FFATA reporting requirements if sub-awards were made. If in doubt, please contact your contracting officer at the agency for clarification.
- **What is ARRA? What is FAIN? Can you spell out the acronyms that are not already?**
 - ARRA = American Reinvestment and Recovery Act and FAIN = Federal Award Identification Number.
- **The \$25,000 sub-award is cumulative over the course of the budget period, the project period, or some other time frame?**
 - The \$25,000 is cumulative over the term of the sub-award. Per the FSRS FAQ document:
 - If the initial award is below \$25,000 but subsequent grant modifications result in a total award equal to or over \$25,000, the award will be subject to the reporting requirements, as of the date the award exceeds \$25,000.
 - If the initial award equals or exceeds \$25,000 but funding is subsequently de-obligated such that the total award amount falls below \$25,000, the award continues to be subject to the reporting requirements of the Transparency Act and this Guidance.
- **Does \$25K include awards in kind?**
 - It is our understanding that it would include Federal in-kind programs such as donated commodities, medicine, etc. Make sure to clarify with your funder.
- **Does this apply to federal community grants that states used to pay through their departments of mental health? As a recipient, should we be able to see the amounts they input?**
 - I would think so. The states would have a requirement under FFATA to report their sub-awards under such awards.

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- **What if my new award does not have a FAIN?**
 - *If it is a new action from a Federal agency to your organization, assume it to be under a new "FAIN" and you would be subject to FFATA if you meet the other requirements (\$25,000, etc.).*

- **Is this all concerning Federal grant or funds only or is this for any grants received from outside sources or individuals?**
 - *FFATA only concerns first tier recipients that receive awards directly from the Federal government.*

- **Why are small not-for-profit organizations that earn revenue less than \$25,000 per year required to file Form 990 annually?**
 - *Effective with the 2010 Form 990, organizations with revenues less than \$50,000 (was \$25,000 previously) are generally exempt from having to file the Form 990 or 990EZ. The 990-N would be required through the IRS website. Exceptions do apply so seek qualified advice before acting in any direction.*

- **Is this annually filing (990-N) a new regulation? I see that many not-for-profit organization's 501(C)(3) are automatically revoked for non-filing.**
 - *The 990-N is not new. Organizations not required to file a 990 or 990EZ should file the 990-N in order to inform the IRS that you are still an active organization. Non-filing will result in a revocation of the organization's exempt status.*

- **Regarding name of entity, if Sub-grantee X uses Fiscal Agent Y, which name should we report?**
 - *Use the Fiscal Agent's name as this is the shell the recipient is operating under from a legal sense*

- **If we are a sub-award and we then have Sub-recipient are we required to report under FFATA?**
 - *No this is for first tier recipients only.*

- **What if the sub is a foreign organization?**
 - *You are required to report if you are a first tier recipient and making the award to the foreign organization.*

- **Do we need to report this under FFATA?**
 - *If you are a sub and make another award to a foreign sub – you do not have an FFATA reporting requirement.*

- **If the info is publically available do you have to include in FFATA reporting?**
 - *The FFATA reporting is the mechanism to make it publicly available – so yes – you have to do the reporting if you meet the other requirements*

- **Can non-US sub- recipient organizations obtain a DUNS number? Do they have to?**
 - *Yes, the Transparency Act requires information disclosure concerning entities receiving Federal financial assistance through Federal awards such as Federal contracts, sub-contracts, grants, and subgrants. See 31 U.S.C. 6101 note. One of the data elements required is the unique identifier of the entity receiving the award and the parent entity of the recipient, should the entity be owned by another entity. The Unique identifier used is the entity's Dun & Bradstreet (D&B) Data Universal Numbering System (DUNS) Number. See OMB M-09-19 at 11. For prime and sub-grant recipients, OMB has issued interim*

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final guidance requiring such recipients to obtain a valid DUNS number. See 2 CFR Part 25.

- **When appropriate - ARRA reporting is still required on balances of any ARRA award funded through the Obama Recovery and Reinvestment Act of 2009. However, is Federal Work Study funding provided in 2009 the only FWS funding to be reported. Is 2010 or 2011 considered ARRA reportable?**
 - *Obtain the Catalog of Federal Domestic Assistant (CFDA) number and look it up on CFDA.gov. If the 2010 or 2011 awards were considered to be ARRA awards, they should be noted as such on that website. Also, the grant documents would clearly label these awards as ARRA funds if they were, as required by law.*
- **Please clarify whether if we give \$25K worth of commodities this must be reported.**
 - *The general guidance does not address commodities. I suspect they would be covered under FFATA but check with the awarding agency for clarification. If they exempt you, get it in writing.*
- **What do you mean by "transaction types?"**
 - *Grants, Contracts, or Loans under Federal programs*
- **I understand that OMB issued guidance to Agencies to include the sub-recipient reporting requirement provision in new awards. Without that provision then I don't see the requirement to report. Is this an OMB question that needs to be addressed with OMB before final guidance is issued by OMB.**
 - *Proceed at your own risk. These rules have been codified in the CFR: 2 CFR Chapter 1, Part 170*
- **Would this be a requirement only on new funding or old grants as well?**
 - *New funding as of 10/1/2010.*
- **I'm sorry if I missed this, does this law apply to any entity receiving federal funding, even if not in the first tier?**
 - *Just first tier recipients.*
- **What is the best way to determine whether we are first tier awardees, subject to FFATA? There is a lot of federal funding being passed through multiple parties, and we are receiving from them.**
 - *If you are a subrecipient (funder is not a Federal source), you are not subject to FFATA on your sub-awards under those awards.*
- **We have used Federal awards from the U.S. Department of Agriculture to purchase easements from farmers on their land. Are these farmers' sub-recipients under FFATA?**
 - *They do not appear to meet the definition of a sub-awardee. Check with Department of Agriculture for clarification*
- **How do I know if a grant should be considered R&D or not?**
 - *NSF considers all its awards as R&D awards (unless specifically noted otherwise). All others could be subjective. Review the R&D program in Part V of the latest OMB Compliance Supplement for additional information.*
http://www.whitehouse.gov/omb/circulars/a133_compliance_supplement_2011

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- **Has there been any proposed language to allow for incremental audit costs due to large federal awards (stimulus) to be paid from those awards?**
 - *I am not aware of any developments in this area.*
- **Do Match \$\$ or In Kind Support count towards that 25,000 threshold?**
 - *No.*
- **Our state is a Tier 2 and their pmts to us are Tier 3, so we won't be able to use the required reports to see how much of their payments to us are from the federal grant?**
 - *Correct – Tier 2 would have no requirement to report on their subs under FFATA.*
- **It would be interesting to have the findings broken out by financial aid, research and development, etc. Basically, trends by cluster.**
 - *Thanks for the idea (for next year). Not sure if the data can be refined in that manner but it is worth a look.*
- **We are a recipient of an ongoing Trio Program award greater than \$25,000. We do not meet the 80% of total revenue test or the \$25M total federal awards test. We are non-profit educational institution who already reports compensations publicly through the 990 tax form. Can we confirm that we have no additional reporting requirements under the FFATA?**
 - *If you are a Tier 1 or Tier 2 recipient, you must provide data (when requested) by the Federal agency or the Tier 1 entity in order for them to comply with the Act. If you do not meet the criteria for reporting compensation information, then you can certify as such and not provide that information.*
- **Is our current CCR registration adequate?**
 - *Probably not for purposes of meeting the Act.*
- **What is the reporting deadline for the new data act?**
 - *FFATA? For each qualified sub-award made by a Tier 1 recipient, the reporting deadline is the end of the month following the month the award is made. For example, an award made in September 2011, but have to be entered on the FSRS system by October 31, 2011.*