

<b>DATE:</b>	<b>June 30, 2020</b>
<b>SUBJECT:</b>	<b>TEA Response to EDGAR Special Request for Federal Grant Program(s)</b>
<b>CATEGORY:</b>	<b>Action Required</b>
<b>NEXT STEPS:</b>	<b>Maintain as Documentation Proceed Accordingly with Grant Expenditures</b>

Thank you for following TEA's procedures to request specific prior approval of various federal EDGAR grant requirements under Title 2 of the Code of Federal Regulations (2 CFR) 200.

Attached you will find my decision after careful review of your recent request. Please provide this information to both the program staff and the finance staff within your organization and maintain the attached signed form locally for audit and monitoring documentation.

The attached instruction document provides additional information on next steps. For questions, contact my staff at [GrantSupport@tea.texas.gov](mailto:GrantSupport@tea.texas.gov).

Sincerely,



Cory Green, Associate Commissioner  
Grant Compliance and Administration

C: Mike Meyer, Deputy Commissioner of Finance  
Christina Villarreal, Senior Director of Grants Administration

# **Instructions for Next Steps for Approval or Denial**

## **Approved Forms**

For all approved forms, you must adequately document for auditors the appropriate procurement process has been followed.

Maintain the attached signed form as part of your documentation for the appropriate process.

## **Denied Forms**

### **Noncompetitive Procurement, Sole-Source Requests**

Your form is most likely denied due to 1) the appearance of other similarly qualified vendors being available when an internet search of your procurement was completed, or 2) the appearance that the selection of the vendor has already occurred and the request is attempting to create documentation after the fact and therefore does not meet the federal requirement for submitting a written request in advance of the procurement decision.

You may proceed with one of the following options:

- Submit a request for reconsideration (reason #1 above). If you determine that you have additional supporting documentation for this requested sole-source proposal, you may provide that additional information with a new form and request reconsideration of this decision.
- Conduct this proposed procurement in accordance with the requirements applicable to a competitive proposal, found in 2 CFR 200.320(a-d), which depending on the price level may be as simple as only collecting price quotes and developing a selection matrix.
- Maintain sufficient documentation for auditors or monitors to demonstrate the allowability and conduct this proposal under the circumstances allowed for noncompetitive, sole source proposals in 2 CFR 320(f)(1, 2, or 4).

However you choose to proceed with the procurement, you must adequately document that you have followed the appropriate state or federal procurement rules, whichever is most restrictive.

### **Other Noncompetitive Procurement Requests**

Your form is most likely denied due to 1) the appearance of other similarly qualified vendors being available when an internet search of your procurement was completed, 2) the appearance that the selection of the vendor has already occurred and the request is attempting to create documentation after the fact and therefore does not meet the federal requirement for submitting a written request

in advance of the procurement decision, or 3) insufficient detail provided to justify the state approve the procurement as noncompetitive.

You may proceed with one of the following options:

- Submit a request for reconsideration (for reasons #1 or #3 above). If you determine that you have additional supporting documentation for this requested noncompetitive proposal, you may provide that additional information with a new form and request reconsideration of this decision.
- Conduct this proposed procurement in accordance with the requirements applicable to a competitive proposal, found in 2 CFR 200.320(a-d), which depending on the price level may be as simple as only collecting price quotes and developing a selection matrix.

However you choose to proceed with the procurement, you must adequately document that you have followed the appropriate state or federal procurement rules, whichever is most restrictive. Maintain the attached signed form as part of your documentation for the appropriate process.

### **Request for Approval of Unusual Costs**

Your form is most likely denied due to 1) the appearance that the expenditure has already occurred and the request is attempting to create documentation after the fact and therefore does not meet the federal requirement for submitting a written request in advance of the expenditure decision, or 2) insufficient detail provided to justify the state approve the unusual cost.

You may proceed with one of the following options:

- Submit a request for reconsideration (for reason #2 above). If you determine that you have additional supporting documentation for this requested unusual cost, you may provide that additional information with a new form and request reconsideration of this decision.
- Maintain sufficient documentation for auditors or monitors to demonstrate the allowability of the specific or unusual cost.

Maintain the attached signed form as part of your documentation for the appropriate process.

### **Participant Support Costs**

Your form is most likely denied due to 1) insufficient detail to show the costs are only requested for non-employees of your organization, 2) the appearance that the expenditure has already occurred and the request is attempting to create documentation after the fact and therefore does not meet the federal requirement for submitting a written request in advance of the expenditure decision, or 3) insufficient detail provided to justify the state approve the participant support cost.

You may submit a request for reconsideration (for reasons #1 or #3 above). If you determine that you have additional supporting documentation for this requested participant support cost, you may provide that additional information with a new form and request reconsideration of this decision.

Maintain the attached signed form as part of your documentation for the appropriate process.

## **Other Unique Forms**

### **Conflict of Interest Disclosure**

TEA will acknowledge your submission of a *potential* conflict of interest and maintain it on file.

However, USDE is yet to release their required conflict of interest definition and guidance. Once it is received, TEA may contact you with further information.

Maintain the attached signed form as part of your documentation for the appropriate process.

### **Mandatory Disclosure**

This form is required to report any violation of federal criminal law, including fraud, bribery, or gratuity violations, *potentially* affecting the federal award. Each disclosure will be handled on a case-by-case basis.

Maintain the attached signed form as part of your documentation for the appropriate process.

### **Inventory/Supply Disposition**

These forms are processed and generally self-explanatory. TEA staff may call to have the form revised and resubmitted if it cannot be approved as originally submitted.

Maintain the attached signed form as part of your documentation for the appropriate process.



# Department of Contracts, Grants and Financial Administration Request for Other Noncompetitive Procurement Approval

Complete and submit this form to request prior approval for a noncompetitive procurement that is not a sole-source proposal. Limit one proposal per form.

Completion and submission of this form satisfies the requirement in 2 CFR 200.320(f).

Name of Federal Grant  County-District Number

Name of Grantee

## Description of Request

Describe the proposed noncompetitive procurement.

Products and services from Region One ESC to other ESC's and LEA's for the 2020-2021 school year.

Do you have a sole-source verification letter from the proposed vendor?  Yes  No

Provide a rationale for why TEA should allow this procurement as a noncompetitive procurement. Additional information may be attached. Additional information may be requested by TEA.

2 C.F.R. 200.320(f)(3) allows TEA, as the pass through entity, to authorize non-competitive proposals in response to a written request, including contracted services from ESC's to LEA's and/or other ESC's.

Region One Education Service Center is requesting, on behalf of all LEA's, authorization from TEA for all 2020-2021 products and services provided by Region One ESC to be considered noncompetitive procurements for LEA's.

Region One Education Service Center is requesting, on behalf of all ESC's, authorization from TEA for all 2020-2021 products and services provided by Region One ESC to be considered noncompetitive procurements for ESC's.

## Certification

Name and Title of Authorized Official

Signature of Authorized Official and Date 

This form must be signed by the authorized official.

Email this signed form to TEA's Department of Contracts, Grants and Financial Administration (CGFA) at [GrantSupport@tea.texas.gov](mailto:GrantSupport@tea.texas.gov).


## For TEA Use

Request for prior written approval is approved as requested.

Request for prior written approval is approved with the following changes:

Request for prior written approval is denied.

Signature of CGFA Associate Commissioner and Date

 06/25/2020