

OBJECTIVES

Participants will be able to:

- Differentiate between Grants and Contracts
- Identify key components of a Grant
- Understand the purpose and intent of a Grant and a 190 Agreement
- Practice using the Grant template for writing a Grant Agreement

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AGENDA

- CONTRACTS vs GRANTS
- GRANT TYPES
- RECEIVING & DISBURSING
- CONSTRUCTING A GRANT
- 190 AGREEMENTS

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CONTRACTS VS GRANTS



One of these things
is not like the other

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When all you have
is a Hammer....

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Directions

- Complete Grant Language poll
- Check correct answer for each example
- Identify language of support (Grant)
- Identify language of obligation (Contract)

EXERCISE

Language & Intent

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The principle purpose of a Contract is acquisition of property or services for the direct benefit or use of the State

CONTRACT

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The principal purpose of a Grant is to support or stimulate a program of public benefit

GRANT

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CONTRACT	GRANT
• Language of obligation	• Language of support and mutual benefit
• Under Public Contracting Code	• NOT under Public Contracting Code
• Has a Statement of Work	• Has a Program Description
• Has Tasks and Deliverables	• Has Activities
• Warrants performance by contractor	• Most commonly supports a program of an existing entity
• ORS requires DOJ review over \$150k	• ORS requires DOJ review over \$150k
• Payments are for work completed, received and accepted	• Funding may be in advance to support activities to be done
• May withhold payments or terminate contract	• May require reimbursement of funds or cut funding
• Agency has ownership of work product, but may share with contractor	• Sub-recipient has ownership of work product (e.g. research data), but may be required to share with Agency
• Cannot start tasks prior to execution	• May start activities prior to execution

COMPARE

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COMPARE

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Now it's your turn...

QUESTIONS?

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GRANT TYPES
State, Federal & Pass-thru

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DISCUSSION

Differences between
State, Federal & Pass-thru

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STATE GRANT

- State is originator of grant
- State defines grant
- Does not include Federal funding
- State awards grant
- State funded grants are common
- T&Cs are negotiable (unless mandated)

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FEDERAL GRANT

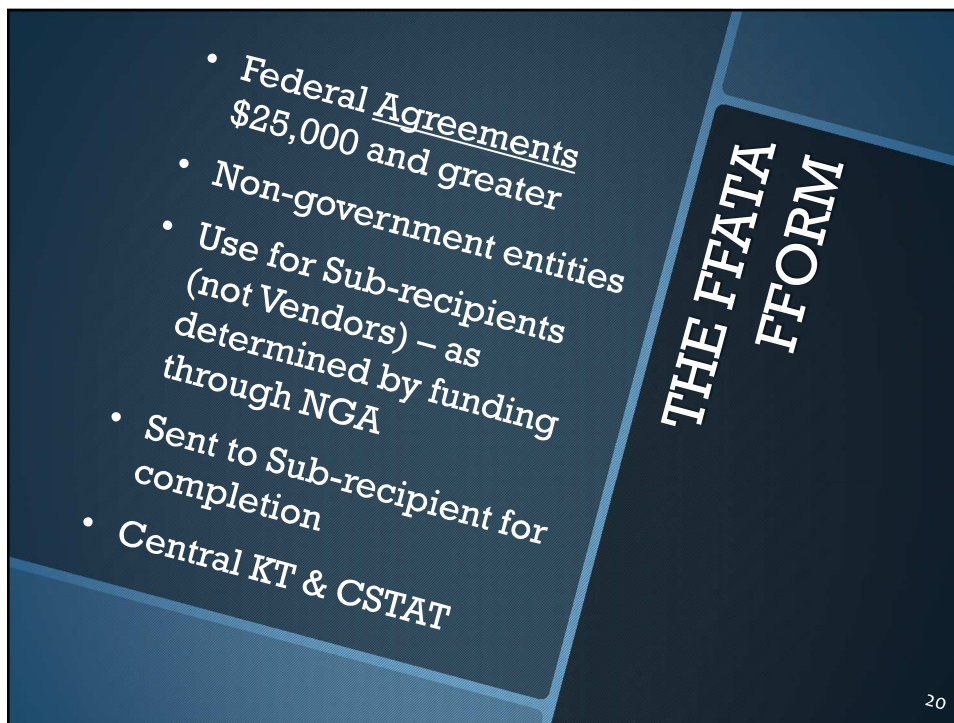
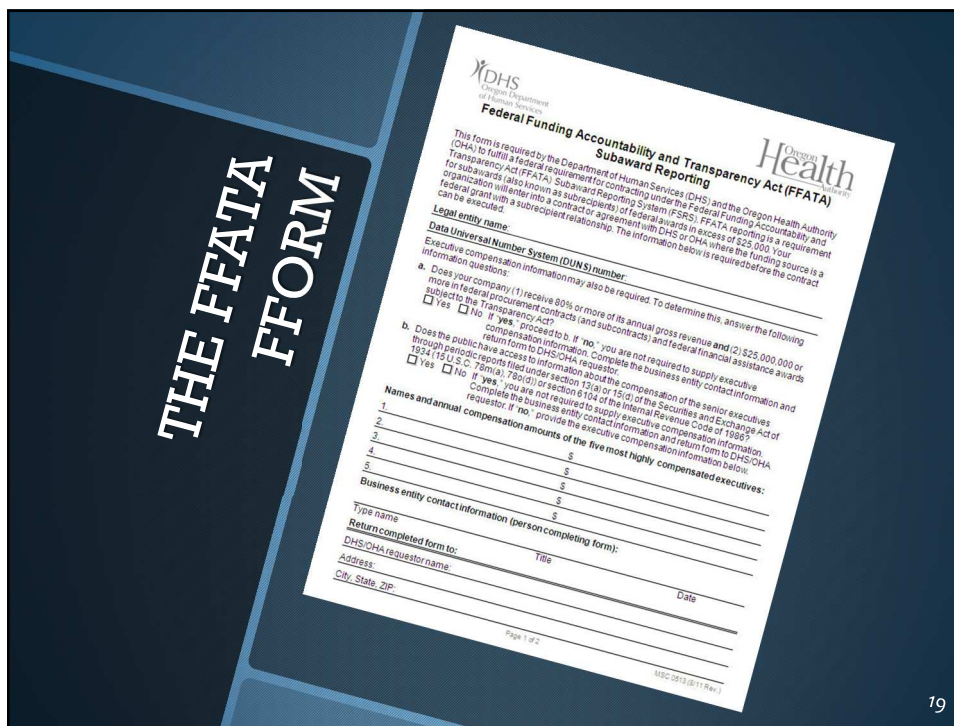
- Federal Grants are common
- State is recipient of grant
- State may be able to change grant
- State sub-awards and decides who receives grant (unless defined by Notice of Grant Award (NGA))
- Includes Block Grants
- Federal T&Cs apply (as defined by NGA)

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FEDERAL PASS-THRU


- Pass-Thru Grants are rare
- Recipient defined by NGA
- State is not grant recipient
- State cannot change grant
- Generally, does not include Block Grants
- Federal T&Cs apply (as defined by NGA)

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- Federal Agreements \$25,000 and greater
- Non-government entities
- Use for Sub-recipients (not Vendors) – as determined by funding through NGA
- Sent to Sub-recipient for completion
- Central KT & CSTAT

THE FFATA FORM



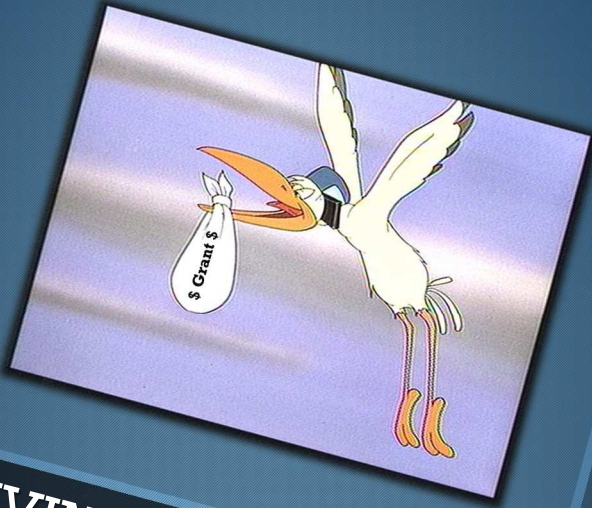
Now it's your turn...

QUESTIONS?

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**RECEIVING &
DISBURSING**


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A cartoon illustration of a white stork with a blue cap and orange beak, flying and carrying a white money bag labeled "\$ Grant \$" in its beak. The background is a light purple gradient.

RECEIVING STATE GRANTS

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A cartoon illustration of a red helicopter with "The Feds" written on its side and "Bernanke" on the door. It is dropping three green money bags from its landing gear. The background is a light blue gradient.


RECEIVING FEDERAL GRANTS

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- Request for Grant Applications (RFGA)
- Direct Selection
- Application/ Administration
- Pass-thru

DISBURSING GRANTS

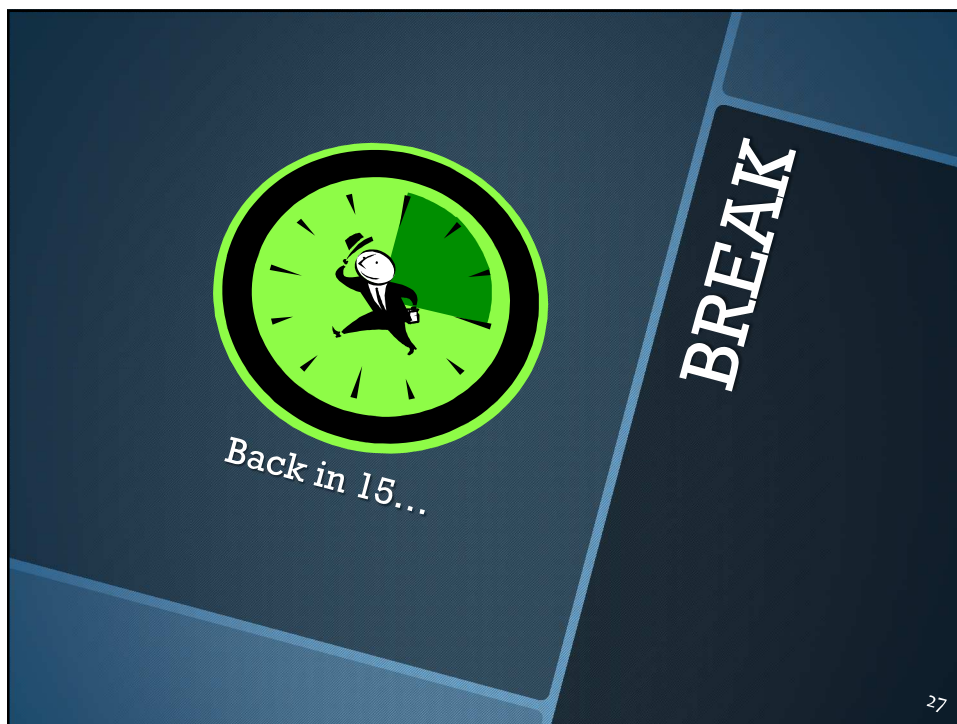
25

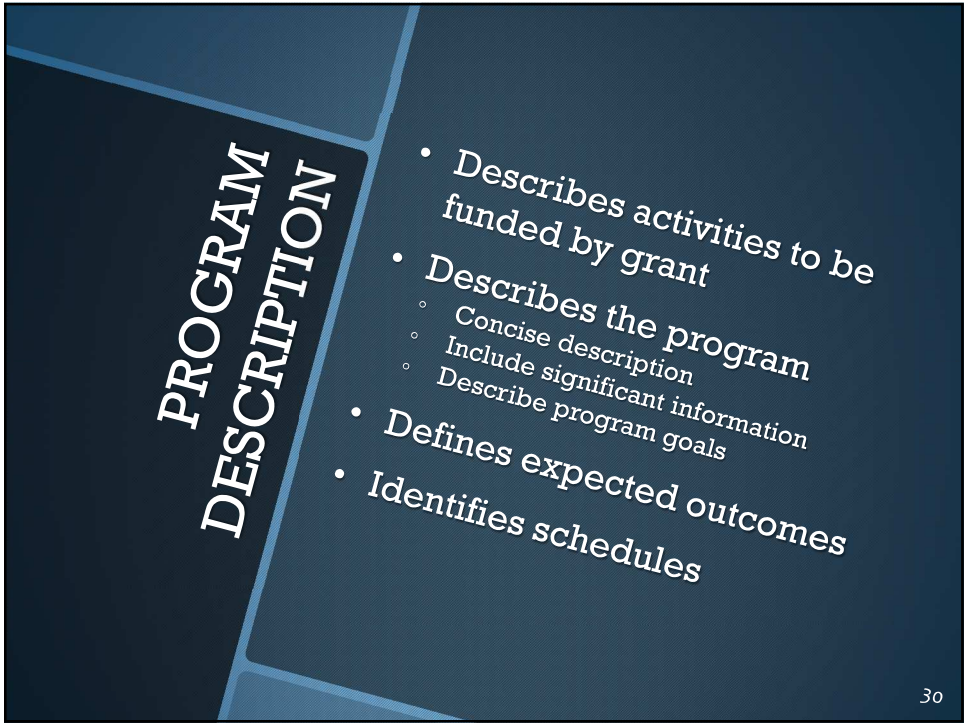
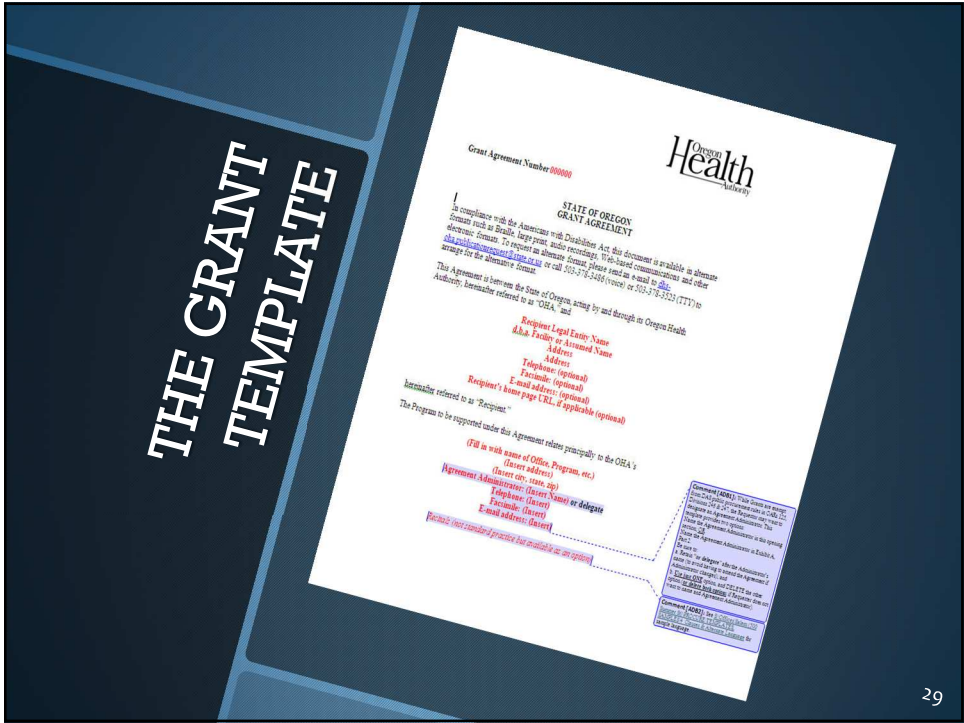


Now it's your turn...

QUESTIONS?

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**PAYMENTS
& FINANCIAL REPORTING**

- **Basic structure**
 - How funds are distributed
 - Activity approval points
 - Report how funds are spent
 - Financial Consequences
- **Defined by Oregon Accounting Manual**
 - Funding points
 - Audit trail
 - Record retention
- **Defined by NGA for Federal grants**

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CONTRACT	GRANT
<ul style="list-style-type: none"> • Contract payments are for goods and services previously provided and accepted 	<ul style="list-style-type: none"> • Grant funding is a disbursement based on pre-established allotments, budget periods, cost reimbursements, activity trigger points, etc., as defined by the Grant
<ul style="list-style-type: none"> • Payments are tied to a deliverable and acceptance criteria 	<ul style="list-style-type: none"> • Funding is a condition of the Grant based on documentary evidence of appropriate expenditures under the Grant
<ul style="list-style-type: none"> • Payments are for goods and services received and documented 	<ul style="list-style-type: none"> • Grant funds are reconciled based on how granted funds were spent
<ul style="list-style-type: none"> • May withhold payments for work not yet accepted 	<ul style="list-style-type: none"> • May request reimbursement for funds misused


**COMPARE
SPEND**

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TERMS & CONDITIONS

- Defined by originator
- Defined by NGA for Federal grants
- Pass-thru Grants may require unique T&Cs as identified in the NGA
- Include as applicable
 - Mandatory reporting
 - Criminal background check
 - HIPAA privacy
- ≡ **Separate Data Access Agreement as needed**

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Now it's your turn...

QUESTIONS?

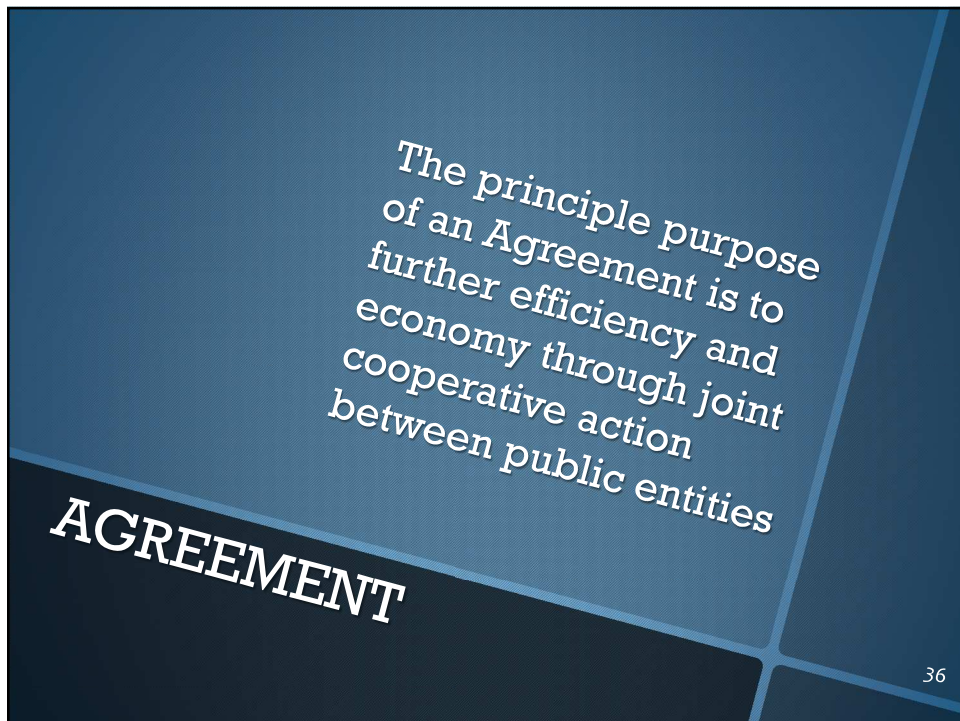
34



190 AGREEMENTS

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This slide features a dark blue background with a lighter blue geometric pattern of intersecting lines. The text '190 AGREEMENTS' is written in a bold, white, sans-serif font, slanted upwards from left to right. The number '35' is located in the bottom right corner.



The principle purpose of an Agreement is to further efficiency and economy through joint cooperative action between public entities

AGREEMENT

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This slide features a dark blue background with a lighter blue geometric pattern of intersecting lines. The main text is in a white, italicized, sans-serif font, slanted upwards from left to right. Below it, the word 'AGREEMENT' is written in a bold, white, sans-serif font, also slanted upwards. The number '36' is located in the bottom right corner.

LANGUAGE & INTENT

- Allows for agreements between 2 or more governmental entities
- Allows performance of any function that the entities have authority to perform
- Increases flexibility between governmental entities
- Language of collaboration

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190 AGREEMENTS

- Agreement may be initiated by either entity
- Not under the Public Contracting Code
- Delegation Authority is through ORS 190
- Accountability is a political relationship (not a legal relationship)
- May look like a Contract or a Grant

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GOVERNMENTAL ENTITIES


- May be difficult to determine if an organization is a Governmental entity
- Entity cannot meet requirements of an Independent Contractor
- Entity NOT listed in SOS Business Registry

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REQUIREMENTS

- Covers funding/revenue distribution, transfer of personnel or property, and termination rights
- ORPIN reporting is required
- DOJ review required over \$150,000
- Business Associate determination required
- Vendor/Sub-recipient determination required if Federal funding

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Now it's your turn...

QUESTIONS?

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The Final Word
Contact OC&P early and often
based on the need and complexity
of the procurement

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OC&P Training & Support

- **Training**
 - OC&P offers a variety of training courses including:
 - Solicitations
 - Contract Administration
 - Statement of Work
 - Register in the Learning Center (keyword: OC&P)
- **Support**
 - Contact the Office of Contracts and Procurement:
 - 503.945.5818
 - <http://inside.dhsoha.state.or.us/asd/ocp.html>
 - OCP Phone List
 - Program Users Group (PUG) blog

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Thanks for your participation

Grants & Agreements

Office of
Contracts & Procurement

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