# State of Vermont Agency of Natural Resources Department of Environmental Conservation

Financial Procedure:	Pass-Through Administrative Tasks	Effective Date:	12/01/2023
Applicable To:	Department of Environmental Conservation	Revision Date:	12/1/2023/
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### **Procedure Objective**

This procedure details the Pre-Award Eligibility Determination used by the Department of Environmental Conservation (the Department or VTDEC). The following grant and contract administrative tasks are completed after a loan or grant application or contract proposal is accepted by the State and prior to the issuance of the award:

- 1. Bulletin 5 Eligibility
- 2. Certificate of Good Standing
- 3. Certificate of Insurance
- 4. Debarment
- 5. Organizational Risk Assessment

### **Impacted Departments or Divisions**

All Programs within the Department that issue pass-through agreements.

### **Required Resources**

Required resources are outlined with each task.

### **Governing Documents**

- 1. Agency of Administration Bulletin 5, Policy for Grant Issuance and Monitoring
- 2. Agency of Administration Bulletin 3.5, Procurement and Contracting Procedures
- 3. <u>OMB CFR Chapter 1, Title II, Part 200</u> Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (Uniform Guidance)

# Timeline/Frequency

Administrative tasks occur on an ongoing basis within forty-five (45) days of receipt of a request for tasks. The approximate amount of time it takes to complete the tasks depends on the type of agreement and responsiveness of the recipient.

# **Initiation of Administrative Tasks**

- 1. Navigate to the following pages in your browser:
  - a) ANR Accounts Payable Vendor Certificates SharePoint Library
  - b) Admin Task Tracker Excel spreadsheet

- 2. Administrative Tasks requests are submitted by the <u>Admin Tasks</u> Form in the Microsoft Teams <u>Admin Tasks Spot</u> channel.
- 3. The Admin Tasks Form uses a MicroSoft Power Automate flow to populate the Admin Task Tracker spreadsheet.
- 4. The documentation needed for the award is determined based on the Admin Task/Document Applicability Matrix found in the GMS OneNote.
- 5. The ANR Accounts Payable Vendor Certificates SharePoint Library and Awardee Proposal are checked for documents that are already on file for the potential awardee.
- 6. If additional documents are needed, the GMS staff member responsible for pre-award administrative checks (Admin Roll) emails the awardee to request the needed documents.
  - a) The "Admin Request Template" Word file template is used for efficiency.

# **Bulletin 5 Eligibility**

Bulletin 5 Eligibility is a VISION query that checks if a potential awardee is current in their submission of Subrecipient Annual Reports (SAR) and Single Audit Reports (SA) for the past three years. The Subrecipient Annual Report informs the State of Vermont whether or not a Single Audit is required for the awardee's prior fiscal year. The Single Audit is an organization-wide financial statement and federal awards' audit of a non-federal entity that expends \$750,000 or more in federal funds in one year. This check is completed for potential grantees and ECO AmeriCorps Host Sites.

### Bulleting 5 Eligibility Procedure

- 1. Navigate to the following pages in your browser:
  - a) Department of Finance & Management VISION
  - b) Grants and Contracts Management System
- 2. Log into VISION account.
- 3. From the home page, select the Compass Icon in the top right corner to view the sidebar menu. Select "Navigator" -> "Reporting Tools" -> "Query" -> "Query Viewer".
  - a) A short cut to the "Query Viewer" can be saved on the home page for easy access in the future.
- 4. Once viewing "My Favorite Queries," find the Query Named "VT\_BULLETIN5\_ELIGIBILITY." Select the "HTML" link below the "Run to HTML" heading. This opens a page titled "VT\_BULLETIN5\_ELIGIBILITY- Pre-Award Eligibility Query."
- 5. Enter the vendor ID number. The Vendor field requires 10 characters, so enter leading 0's in the space before Vendor # to meet this requirement. "From FY" must be at least 3 years prior to the current fiscal year, and "To FY" is the current fiscal year.
- 6. Click "View Results" to run the query and view the results.
- 7. When reviewing the results, check to ensure "Delinquent" is not listed under "Subr Annual Report Status" or "Audit Received."
  - a) See Figures 1 and 2 for examples of Bulletin 5 Eligibility results.
  - b) See Figure 3 for a flow chart to assist with interpreting the Bulletin 5 Eligibility results.

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2	0000040571	Montpelier City Treasurer	6	2021	RECEIVED	AUDIT DUE	YES	3	202
	0000040571	Montpelier City	6	2022	RECEIVED	NO AUDIT	N/A	0	

Figure 1. Example of Bulletin 5 Eligibility Check where the awardee is current.



Figure 2. Example of Bulletin 5 Eligibility Check where the awardee is delinquent for the SAR.



Figure 3. Flow chart for interpreting Bulletin 5 Eligibility.

- 8. If the awardee is delinquent for the SAR or SA, contact the VTDEC staff member responsible for managing the VTDEC's Single Audit reviews. They will reach out to the subrecipient or the "primary" funding department to obtain the missing SAR and/or SA.
- 9. Save the Bulletin 5 Eligibility results as a PDF in GCMS.
  - a) Use the file naming convention "Bulletin5 [name] [CurrentDate]."
  - b) Save the PDF under the agreement as a risk assessment document.

### **Certificate of Good Standing**

The Act 154 Good Standing Certification form, more commonly known as Certificate of Good Standing (COG), is required for grants funded partially or exclusively by the State. *A COG must be completed for each new applicable grant agreement*. The awardee self-certifies that they are currently in "good standing" with the Agency of Natural Resources and the Agency of Agriculture, Food and Markets. The awardee has not been named a party in any administrative order, consent decree, or judicial order relating to Vermont water quality standards issued by the State or any of its agencies or departments. The awardee is in compliance with all federal and State water quality laws and regulations.

It is not required for grants that are entirely federally funded or any contracts. It should be included in the Request for Proposal (RFP) as an attachment to be completed and returned with the proposal. If the COG was not included in the RFP or the grant did not have an RFP, the Admin Role can include it in a document request email.

Grantees have an ongoing obligation to let the State know if they are no longer in good standing. If a grant applicant provides false certification or explanation, or once they are a grantee, fails to notify the

State that they are no longer in good standing after a grant award has been issued, then the Department shall:

- 1) Seek to recover any of the grant award disbursed to the grantee
- 2) Deny future payments/grant awards to the applicant for up to five years.

### Certificate of Good Standing Procedure

- 1. Navigate to the following pages in your browser:
- a) <u>Department of Finance & Management VISION</u>
   b) Grants and Contracts Management System
  - 2. Obtain completed copy of the Certificate of Good Standing
    - a) Form can be found on VTDEC <u>State and Federal Grant Reference Documents</u> under "Certificate of Good Standing").
  - 3. Review the COG to ensure the awardee filled in the applicant's name, address, checked the box indicating they are in "good standing," and completed the signature block.
  - 4. If a grantee cannot self-certify, then the State can consider their explanation when deciding whether or not to issue the grant.
  - 5. Save the COG as a PDF in GCMS.
    - a) Use the file naming convention "COG [name] –[CurrentDate]."
    - b) Save the PDF under the agreement as a risk assessment document.

### **Certificate of Insurance**

The awardee must provide a certificate of insurance (COI) to show they meet the minimum requirements outlined in Attachment C. For contracts, additional insurance requirements may be outlined in Attachment D. Additional insurance requirements may include Professional Liability or Contractor's Pollution Liability. A COI is needed for contracts and grants, except for MOUs.

Request for a COI should be included in the RFP, especially if additional insurance coverage is needed. If the COI was not included in the RFP or the award did not originate from an RFP, the Admin Role can include it in a document request email if one is not currently on file.

### Certificate of Insurance Procedure

Use Figure 4 to assist with reviewing the awardee's COI.

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44 Lafayette Road, Suite 6			H-	INNURCE	- Pacific In	surance Comp	bany Ltd			
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Figure 4. Example of an awardee's COI.

COI should be reviewed for the following items:

- 1. The awardee is named as the insured.
- 2. General Liability. Limits in coverage shall not be less than:
  - a) \$1,000,000 Each Occurrence
  - b) \$2,000,000 General Aggregate
  - c) \$1,000,000 Products/Completed Operations Aggregate
  - d) \$1,000,000 Personal & Advertising Injury
- 3. Automotive Liability. Limits in coverage shall not be less than:
  - a) \$500,000 combined single limit for standard work. If performance of this Agreement involves construction, or the transport of persons or hazardous materials, limits of coverage shall not be less than \$1,000,000 combined single limit.
- 4. Party shall carry workers' compensation insurance in accordance with the laws of the State of Vermont.
  - a) "Per Statute" marked off.
- 5. State of Vermont is named as additionally insured.
  - a) "Y" is present in "ADDL INSD" column And/Or
  - b) State is named in text box below policy information
  - c) Having the State ONLY listed in the "CERTIFICATE HOLDER" box does not meet the requirements of additionally insured.
- 6. Review expiration dates in "POLICY EXP" column to ensure COI is still valid. COI may have the same date for all policies or different dates.
- An umbrella liability policy can supplement the general and automobile liability policies to meet the required coverage limits. For example, \$500,000 general liability each occurrence + \$500,000 umbrella liability each occurrence = \$1,000,000 total coverage for general liability each occurrence.
  - a) Umbrella policy CANNOT be assumed to cover Professional or Contractor's Pollution policies. Additional proof is needed from the insurance company.
- 8. Review COI for additional insurance requirements. This information is passed on from Risk Management by the GMS drafting the agreement.
- 9. If it does not meet the requirements, you must contact the vendor to request an up-to-date COI that meets all the requirements. The COI and award scope of work is also sent to Risk Management to approve any modifications to the insurance requirements.
- 10. Save the reviewed COI and any additional emails (from Risk Management, the insurance company, and/or awardee) as a PDF and upload it into the Accounts Payable Vendor Certificates SharePoint.
  - a) Use the file naming convention "COI [name] –[CurrentDate]."
  - b) COIs are valid until the first expiration date.
  - c) In the comments box, indicate the State of Vermont has been named, any waivers, or additional policy information.

# **Debarment Check**

VTDEC must perform a debarment check to ensure awardees are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal or State department or agency from doing business with the Federal or State Government. A debarment check is required for all awards except beneficiary, cooperative, and Scopes of Work under Master Agreements managed by other State Agencies (BGS, CMO, etc).

If the awardee is receiving any Federal funds, the entities Unique Entity Identifiers (UEI) must be confirmed and documented.

### Debarment Check Procedure

11. Navigate to the following pages in your browser:

- a) Admin Task Tracker Excel spreadsheet
- b) Building and General Services Debarment List
- c) <u>DEC Staff SharePoint</u>
  - On the right side of the page under "Getting Things Done" click "Exclusion List".
  - The Excel spreadsheet will download. Open the file.
  - This spreadsheet is updated by the 5<sup>th</sup> of every month. Be sure the most up-to-date copy is used.
- d) <u>Sam.gov</u> (agreements with only State funding)
  - Logging into the site is not necessary for a debarment check
  - Under "The Official U.S. Government System for:" select "Entity Information"
  - Under "Search" change the dropdown from "All Entity Information" to "Exclusions"
- e) <u>Sam.gov</u> (agreements with any Federal funding)
  - Admin Role MUST be logged into the site to view UEIs
  - Under "The Official U.S. Government System for:" select "Entity Information"
  - Under "Search" change the dropdown from "All Entity Information" to "Entities"
- 12. A debarment check is completed for the awardee and their point of contact (POC).
- 13. The debarment check is comprised of three different checks that can be completed in any order. The most efficient way to proceed, is to complete all the checks for each awardee or POC by pasting the name into the search fields.
- 14. Copy (Ctrl + C) the name of interest from Admin Task Tracker and proceed with the debarment check:

### 15. Building and General Services Debarment List Check

- a) Return to the Building and General Services (BGS) Debarment List browser tab. If the list is short, simply review and confirm the name of interest is not included on the BGS Debarment List. If the list is long, press Ctrl + F to open the browser search bar. Click in the search bar and press Ctrl + V to paste the name. Press Enter to complete the search.
- b) If the name is on the list, the Admin Role will email the BGS Debarment List contact to confirm if the awardee or POC is debarred and to assist with the final determination as to whether the awardee is a match to the debarred party.
- c) If the determination is that the supplier is a match to the debarred party, the Admin Role should forward the correspondence to the GMS, notifying them that they may not move forward with the award. GMS should inform the TPM. The TPM can reach out to the Finance Director on how to proceed with the award.

d) If the determination is the name is not a match or the name did not appear on the list, the Admin Task Point Person can continue with the next step of the debarment check.

# 16. DEC Exclusion List Check

- a) Return to the up-to-date DEC Exclusion List Excel spreadsheet.
- b) The most efficient way to review the spreadsheet for the name of interest is to use the search function. Press Ctrl + F to open the Excel "Find and Replace" window. In the "Find what:" field, press Ctrl + V to paste the name. Press Enter to complete the search.
- c) If the name is on the list, the GMS Administrative Task Point Person will contact the Exclusion List Program contact to confirm if the applicant is "Excluded" and to assist with the final determination as to whether the awardee is a match to the excluded party.
- d) If the determination is that the supplier is a match to the excluded party, staff will revisit the list to consider whether the applicant is ineligible to do any business with the Department (an applicant that had a failure to pay a penalty required by an assurance of discontinuance or administrative order) or if the supplier may potentially be eligible for a permit, registration, or certification. The exclusion type will be indicated as to which column (E or F) is marked with an X on the Exclusion List.
- e) If the awardee is ineligible to do any business with the DEC, no permit, certification, registration, grant, loan or contract can be issued, and payments will be sanctioned.
- f) If the awardee is potentially eligible for a permit, registration or certification, staff can send an appeal email communication to the Division Director(s) that oversees the program that flagged the delinquent account or instance of non-compliance. Division Director(s) will decide as to whether the issuance of permit, registration or certification can proceed.
- g) The Division Director overseeing program seeking to issue permit, registration or certification and Division Director of program that flagged the awardee can attempt to come to a mutual decision as to whether new permit, registration or certification can be issued. If no consensus is reached, the issue should be appealed to the DEC Commissioner.
- h) If the determination is the name is not a match or the name did not appear on the list, the Admin Role can continue with the next step of the debarment check.

# 17. Sam.gov Exclusion List Check for State funded Projects

- a) Return to Sam.gov browser tab.
- b) Paste (Ctrl + V) the name into the search field. Then press enter or click the magnifying glass to search.
- c) Review the search results.
- d) If matches are returned:
  - Review the list for the same name that was searched. The search can return irrelevant results that contain some of the same key words. For example, a search for "James Paul" may produce results like "Paul James Smith" or "Samuel Paul" which can be disregarded.
  - If the same name is present on the list, first check the "GMS Reference" tab in the Exclusion\_list Excel. This tab contains a list of names (including middle initial) of individuals who are employed by frequently used awardees. GMSs have already determined they are not the same person listed on Sam.gov.
  - If the individual is not on the "GMS Reference" tab, additional information is needed to determine if the entity or POC is a match to the excluded party.
  - For the POC, contact the individual to obtain their middle initial and/or request they confirm if they have/have not resided in the state listed in the search results.

- Be sure to note determination in the debarment file. If email was used, save the email as a PDF and attach it to the Sam.gov search results. If POC was contacted via phone, add note on search results PDF.
- 18. Save the search results as a PDF (print to PDF).
  - e) Use the following file naming convention:
     "Debarment [name] [CurrentDate]"
- 19. Add note to the PDF indicating the BGS Debarment and DEC Exclusion Lists were checked.
- 20. Save the Debarment check as a PDF in GCMS.
  - f) Use the file naming convention "Debarment [name] [CurrentDate]."
  - g) Save the PDF under the agreement as a debarment document.

# 21. Sam.gov Exclusion List and UEI Check for Federally funded Projects

- h) Return to Sam.gov browser tab.
- i) Paste (Ctrl + V) the name into the search field. If the awardee has provided their UEI it can be entered into the search bar. Then press enter or click the magnifying glass to search.
- j) The search should return the awardee's name as (Figure 5):
  - ID Assigned, or
  - Active Registration.
    - (1) The search may return more than one active registrations for larger awardees. Confirm with the awardee which UEI will be associated with the agreement.

[Awardee Name]	C Active Registration	Entity
Unique Entity ID [Awardee UEI]	CAGE Code Physical Address Awardee Address	Expiration Date Mar 8, 2024 Purpose of Registration All Awards
[Awardee Name]	ID Assigned	Entity
Unique Entity ID	Physical Address	Assigned Date
[Awardee UEI]	Awardee Address	Oct 18, 2022

Figure 5. Example UEI search results.

#### k) For an awardee with an ID Assigned

- Click on the awardee's name
- Save the displayed page as a PDF for proof of UEI
- Complete the Sam.gov Exclusion check for the Awardee name and POC using the steps outlined in #17
- When saving the completed check use the file naming convention "Debarment and UEI – [name] –[CurrentDate]

### I) For an awardee with an Active Registration

- Click on the awardee's name
- Select "Exclusions" from the menu on the left side of the page
- Ensure no exclusions are listed
- Save the displayed page as a PDF for proof of UEI and Awardee exclusion check
- Complete the Sam.gov Exclusion check for the POC using the steps outlined in #17
- When saving the completed check use the file naming convention

"Debarment and UEI – [name] –[CurrentDate]

#### m) If NO matches are returned:

• Ensure "Entities" is selected at the top of the menu on the left side of the page (Figure 6)

elect Domain ntity Informat	tion	+
All Entity Info	ormation	
Entities		
Disaster Res	ponse Registry	
Responsibili	ty / Qualification	
Exclusions		

Figure 6. Example of "Entities" selected.

• If the awardee is still not visible, broaden the search by selecting all three choices in the "Entity Status" section at the bottom of the menu on the left side of the page (Figure 7).

<b>~</b>	Active Registration		
~	Inactive Registration		
~	ID Assigned		
		Reset	

Figure 7. Example of all Entity Statuses selected.

- If the awardee is still not visible, the awardee may have *opted out of public search*. If the entity has, its records will only be viewable by federal users and users with a role in that entity.
  - (1) In this scenario, the Admin Role requests the awardee sends them a screenshot of the UEI and an "Active Registration" status.

#### n) Inactive Registration

- A Federal award CANNOT be executed with an awardee with an inactive registration status
- Reach out the awardee and the GMS to let them know the registration is inactive and it needs to be corrected before the agreement is signed

#### **Organizational Risk Assessment**

VTDEC assesses the Risk Level of a grant award by completing the Organizational Risk Assessment (ORA) and Project Risk Assessment to calculate the Total Risk Score and Risk level (Organizational Risk Score + Project Risk Score = Total Risk Score). This Risk Level determines monitoring requirements associated with the agreement and could impact the projects' deliverables.

The document relied on to calculate the Organizational Risk Score is the Risk Assessment Questionnaire (RAQ). The RAQ is completed by the entity applying to enter into a grant agreement with the Department. RAQs are signed by the grantee to certify accuracy of the information provided. All grantees must have a valid RAQ on file prior to the execution of a grant agreement. RAQs are saved in the ANR Accounts Payable Vendor Certificate SharePoint Library. The expiration date of RAQs is three years from the signature date and the data provided may be used by the Department to calculate the Organizational Risk Score applied to the Risk Level written into any grant agreement during this three-year period.

The RAQ should be included in the RFP as an attachment to be completed and returned with the proposal. If the RAQ was not included in the RFP or the grant did not have an RFP, the Admin Role can include it in a document request email if one is not currently on file in the Vendor Certificates Library.

The ORA is required for all grant awards issued by the Department regardless of the funding source and is described in the Department's Granting Plan.

# ORA Procedure

- 1. Navigate to the following pages in your browser:
- a) VISION Grant Tracking Module
  - Log into VISION
  - Enter Grant Tracking (GT) WorkCenter
  - Locate the awardee's profile
- b) ANR Accounts Payable Vendor Certificates SharePoint Library
  - 2. Obtain completed copy of the RAQ
    - Form can be found on VTDEC <u>State and Federal Grant Reference Documents</u> under "Risk Assessment Questionnaire").
  - 3. Open the following documents in the Risk Assessment Folder found at: Y:\DEC\_AID\Finance\Grants Management Specialist Resources\Risk Assessment.
- a) Vermont DEC Risk Assessment Spreadsheet
  - The first tab labelled "Organization" is needed.
- b) VTDEC Risk Assessment Rubric Word Document
  - 4. Review the awardee's RAQ to ensure it has been completely filled out, signed, and dated.
  - 5. Use the "Organizational Risk Assessment" section of the Risk Assessment Rubric and the RAQ to complete ORA.
    - The Risk Assessment Rubric is maintained by the GMSs to aid the Department in fair and equal treatment of all grantees in the determination of the Risk Level included in grant agreements. The purpose of the rubric is to set parameters to standardize the score of each item in the Organizational Risk Assessment and Project Risk Assessment that contribute to the overall score.
  - 6. Use the RAQ to complete questions 1 and 2 on the ORA.

	VT Grants	♠ ♀, ≡ ↓
Award Review		New Window   Help   Personalize Pag
	GRANT TRACKING MODULE Grant Awards	Active/Inactive Active V SEARCH
Grantee Supplier ID: 0000040571	Supplier name: Montpelier City Treasurer	Federal Grantee Fiscal Year End Month:

Figure 8. Image from VISION profile.

- 7. Use the awardee's VISION profile to complete questions 3-9 on the ORA.
- a) Use the "Award" tab to review the history of awards.
- b) Use the "Review" tab to examine SAR and SA information.
  - 8. Once the ORA is complete, the GMS Administrative point person can sign and date the document.
  - 9. Save the ORA as a PDF. The ORA and RAQ combined into a single PDF. The PDF is upload into the Accounts Payable Vendor Certificates SharePoint.
- a) Use the file naming convention "RAQ [name] –[CurrentDate]."
- b) Use Figure 9 to fill out the SharePoint file metadata.

Content Type	Risk Assessment Questionnaire 💙 🖣	
Name *	RAQ - Eden Town Treasurer -12-6-22 .pdf	
FY23 Vision Vendors	Eden Town Treasurer	••
Expire Date *	12/5/2025	
Organizational Risk Assessment Score	0	
Procurement Policy	Yes 🗸	
Procurement Deliverable Agreement Number		
Personnel Policy	Yes 🛶	
Additional Comments		
Produrement Policy Comments		⊿ ¬
Focurement Policy comments		
		1

Figure 9. Vendor certificate metadata with required items highlighted.

# **Finalizing Administrative Tasks**

- 1. Check off completed Administrative Tasks in the agreement's task list in GCMS.
- 2. Email GMS letting them know Administrative Tasks have been completed.
- 3. In the Admin Task Tracker Excel spreadsheet, move the agreement from the "Active" tab to the "Complete" tab

#### **Notices**

- These procedures are intended to support the Agency of Natural Resources internal control environment.
- In consideration of these procedures, the objective should be on adherence and not on rationalizing ways and means for circumvention.
- Nothing in this document shall limit or supersede any applicable Federal or State laws, statutes, bulletins, or regulations.