

# Subrecipient Agreements: Part 200 Requirements

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## **24 CFR 570.503 requirements:**

- *Statement of work*
- *Records and reports*
- *Program income*
- *Uniform requirements*
- *Other program requirements*
- *Reversion of assets*
- *Suspension and termination*

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- 2 CFR 200 supersedes seven OMB circulars – 12/26/2014
- HUD changes 24 CFR 84 and 24 CFR 85 to reference Part 200
- HUD issues CPD 16-04:

“Grant recipients are encouraged to be explicit with respect to including the new requirements in order to promote a clear understanding and enhanced compliance by sub-awardees. For example, instead of simply stating that a subrecipient must comply with the requirements of 2 CFR 200, the agreement should list the specific provisions (and the regulatory citations) that apply to the entity.”

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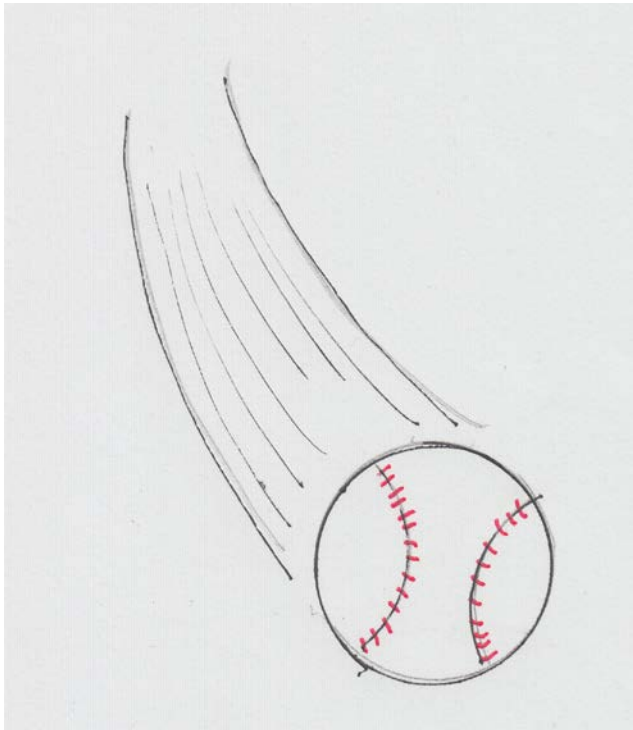
HUD's §200 expectations:

“... enhanced compliance by sub-awardees.”

“... instead of simply stating that a subrecipient must comply with the requirements of 2 CFR 200, the agreement should list the specific provisions (and the regulatory citations) that apply to the entity.”

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OMB threw us a §200 curveball in 2020...

The original plan called for re-visiting the rule every five years...

OMB stuck to the plan...

What changed?

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## **Section A Acronyms and Definitions**

NFE (Non-Federal Entity) and PTE (Pass-through Entity) now official acronyms

§200.1 Definitions gathers 101 definitions together in one paragraph

Most of these definitions are repeated in §200.2-99.

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The important changes are in Subpart D  
Post-Award Federal Requirements.

OMB added §200.322.

That changes all the succeeding paragraph  
numbers ... many of which have content  
that needs to be reflected in your  
Subrecipient Agreement.

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§200.332(a) – formerly §200.331(a) – requires the PTE “ensure that every subaward is clearly identified to the subrecipient as a subaward...”

Most grantees have handled this requirement by including a Federal Award Identification Worksheet as part of the Subrecipient Agreement ... the rule doesn't specify the form, just that the information has to be “clearly identified.”

No change so far except the number... the changes are hidden later in the paragraph describing the information that has to be “clearly identified.”



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## **The Federal Award Identification Worksheet**

Some new terms... a new data point required...  
some clarifications...

New terms:

- Unique Entity Identifier
- Assistance Listings Number and Title

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## **Unique Entity Identifier**

OMB and the Feds are trying to move away from using DUNS #s, moving to their own system... the transition was supposed to be completed in December 2020... it wasn't...

Until further notice use your subrecipient's DUNS # as its UEI.

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## **Assistance Listings Number and Title**

*Assistance listings* refers to the publicly available listing of Federal assistance programs managed and administered by the General Services Administration, formerly known as the Catalog of Federal Domestic Assistance (CFDA).

Only thing that changes is the terminology... change the terminology, then use HUD CFDA's until told otherwise.

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**a new data point required...**

§200.332(a)(1)(vi) Subaward Budget Period  
Start and End Date;

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## **some clarifications...**

(iv) Federal Award Date (see the definition of Federal award date in §200.1 of this part) of award to the recipient by the Federal agency;

*Federal award date* means the date when the Federal award is signed by the authorized official of the Federal awarding agency.

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## **more clarifications...**

(vii) Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient;

(viii) Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current financial obligation;

(ix) Total Amount of the Federal Award committed to the subrecipient by the pass-through entity;

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## **and one more clarification...**

(xi) Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity;

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If you have subrecipients who are reimbursed using an indirect cost rate, you probably want to visit the expanded coverage of the subject in §200.332(a)(4).



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## **More specific references to consider:**

Requirement to open books – specify that the subrecipient is expected to comply with the requirements in 24 CFR 570.503(b)2) and 2 CFR 200.337.

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## **Suspension and termination**

§570.503(b)(6) says, “This agreement shall set forth remedies for noncompliance and provisions on termination in accordance with 2 CFR 200, subpart D.

Use the language in §200.339-343 to build specific terms in your subrecipient agreements.

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## Closeout

The language in §570.509 covers HUD's relationship with the grantee...

For your subrecipient agreements use §200.344 language... for example...

“The grantee will close out the CDBG award when it determines all applicable administrative actions and all required work of the award have been completed by the subrecipient.”

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Don't forget to include internal control requirements as appropriate in the subrecipient agreement.

For example, consider a requirement that the subrecipient have policies and procedures protecting Personally Identifiable Information.

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## **Conflict of Interest**

Reference both §570.611...

(§92.356 for HOME Subrecipient Agreements)

... and §200.112.

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## And finally...

Review your subrecipient agreement templates to be sure:

- All references to 24 CFR 84, 24 CFR 85, and OMB Circulars have been removed;
- Your Part 200 citations are current and correct.
- Change Section 3 language to reflect 24 CFR 75