

# FY2019 TERMS AND CONDITIONS

## AmeriCorps VISTA Program Grants

These Corporation for National & Community Service (CNCS) Grant Terms and Conditions are binding on the recipient. By accepting funds under this award, the recipient agrees to comply with, and include in all awards, these program-specific Grant Terms and Conditions, the CNCS general grant terms and conditions, all applicable federal statutes, regulations and guidelines, and any amendments thereto. The grantee agrees to operate the funded program in accordance with the approved grant application and budget, supporting documents, and other representations made in support of the approved grant application. The term “recipient” is used to connote a grant recipient (i.e., sponsor) throughout these Grant Terms and Conditions.

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### I. **CHANGES FROM THE 2018 AMERICORPS VISTA PROGRAM GRANT TERMS AND CONDITIONS**

- A. **Section Changes** – Section Changes have been changed from capital letter format to Roman numeral format.
- B. **Reporting Requirements** – Federal Financial Report requirements (FFRs) (CNCS) previously located in Section “E,” Page 4 is now located in Part IX, page 5 of this agreement.

- C. Reporting Requirements** – Requirements related to Federal Financial Reports/Disbursements, Reporting at the Dept. of Health and Human Services/Payment management system (HHS/PMS) previously in Section “F,” page 4 is now located in Section X, page 5 of this agreement.
- D. Project Progress Reports – Project Process Report** requirements previously located in Section “G,” page 5 is now located in Section X, page 5 of this agreement.

## **II. NOTICE OF FUNDING OPPORTUNITY**

The Notice of Funding Opportunity (NOFO) and any amendments are hereby incorporated into this agreement. Recipients are bound by the authorizations, restrictions and requirements contained in the NOFO. If there are any inconsistencies between the NOFO and any statute, regulation, guidance or cost principle, the statute, regulation, guidance or cost principle take precedence over matters set forth in the NOFO.

## **III. AWARD ACCEPTANCE**

The signature on the SF-424, including electronic signature via e-authentication on e-grants, constitutes a binding offer and constitutes agreement to the terms and conditions of award. CNCS reserves the right to withdraw the award if activity does not begin upon award and/or as a remedy for non-compliance as described in 2 CFR 200.338-339.

## **IV. LIVING ALLOWANCE AND WITHHOLDINGS**

- A. Living Allowance (also referred to as Subsistence Allowance).** The biweekly payments made to AmeriCorps VISTA members and AmeriCorps VISTA Summer Associates to cover housing, food and other personal expenses during their term of service. Living allowances are neither salary, nor wages for work. Living allowances do not correspond to services provided by VISTA members or VISTA Summer Associates and are not intended to serve as payment for services provided by VISTA members and VISTA Summer Associates. AmeriCorps VISTA Program Grant sponsors must obtain a W-4 Form (Employee’s Withholding Allowance Certificate), or a W-4E Form (Exemption from Withholding) from each AmeriCorps VISTA member. By January 31 of the calendar year following the payments, the grant sponsor must provide each member with a W-2 Form (Wage and Tax Statement) that reports the AmeriCorps VISTA member’s total earnings, and federal taxes withheld, for the period during the prior calendar year in which the sponsor provided the member a living allowance. CNCS will provide the members with a W-2 Form for any allowance or stipend earnings made directly by CNCS.

The sponsor will disburse the AmeriCorps VISTA member living allowances in arrears, either biweekly in 26 payments if following the federal VISTA allowance schedule, or twice monthly if the sponsor’s organizational pay schedule is twice a month or 24 payments in a year. The living allowances provided by the recipient to AmeriCorps VISTA members shall be at the same rate as the allowances provided to other AmeriCorps VISTA members serving in similar circumstances in the same state. The sponsor shall modify allowances and end-of-service stipends disbursed to AmeriCorps VISTA members to reflect any changes to such allowances, as determined by CNCS.

AmeriCorps VISTA Program Grant sponsors shall make no deductions from member allowances for state taxes, workers compensation, health coverage, or other types of fringe benefits. With regard to health coverage, AmeriCorps VISTA members may be covered by either private insurance, Medicaid, Medicare, or the AmeriCorps VISTA Health Benefits Program. With regard to workers compensation, VISTA members are covered by the Federal Employees Compensation Act (FECA).

Program Grant sponsors may not expend funds approved for payment of bi-weekly living allowances, or stipends, for any other purpose without the prior written approval of CNCS's Grants Officer.

- B. Federal Workers Compensation Coverage.** AmeriCorps VISTA members are considered federal employees for purposes of the Federal Employees Compensation Act (FECA) and are covered by FECA; therefore, no additional payment for workers compensation shall be paid to the state.
- C. Unemployment Benefits.** AmeriCorps VISTA members are not eligible for unemployment benefits or insurance at the completion of service; therefore, no unemployment tax shall be paid to the state.
- D. IRS Tax Status.** AmeriCorps VISTA members are regarded as federal employees only for certain limited purposes under the Internal Revenue Code. Among the limited purposes are federal income tax withholding. They are not employees of the grant sponsor. The rules that apply to FICA withholding for employees of the sponsor do not apply to the AmeriCorps VISTA members. (FICA should not be withheld from any living allowances and is only withheld from the end-of-service stipend at the time it is paid to the member.)

The sponsor will withhold federal income taxes on all taxable member payments, and withhold FICA (Social Security and Medicare) only from the end-of-service stipend, and submit the withholdings to the Internal Revenue Service at time of payment.

## V. EMPLOYER IDENTIFICATION NUMBER (EIN)

**Employer Tax Identification or Federal Tax Identification Number:** AmeriCorps VISTA members are considered federal employees for purposes of the Internal Revenue Code and the sponsor must withhold certain federal taxes. Because of this relationship, the VISTA grant sponsor should obtain an employer identification number (EIN) for the VISTA project to comply with the Internal Revenue Code. However, it is recommended that the sponsor obtain and use a separate EIN for the VISTA project from the EIN that the sponsor uses for sponsor employees. Using a separate EIN may help to clarify to the Internal Revenue Service and other sources that VISTA members are not considered sponsor employees. Also, because VISTA members are taxed in a somewhat different manner from sponsor employees (for example, neither FICA, nor state and local taxes, are withheld for the living allowances of VISTA members), separate EINs will ensure that the payroll is administered distinctly and properly for the two groups. Contact the Internal Revenue Service or your tax advisor for more information regarding obtaining multiple EINs for your organization.

## **VI. GRANT PERIOD**

Unless otherwise specified, the grant award covers a one year project period. If approving a multiyear project period CNCS makes an initial award for the first budget period. Additional funding for subsequent budget periods is contingent upon satisfactory progress and the availability of funds. The project period and the budget are noted on the award document.

## **VII. ENCUMBRANCE OF AWARD FUNDS**

Award funds may not be encumbered or obligated by the recipient prior to or after the award period. Encumbrances or obligations outstanding as of the end of the award period may be liquidated (paid out) after the end of the award period. Such encumbrances or obligations shall involve only specified commitments for which a need existed during the award period and that are supported by approved contracts, purchase orders, requisitions, invoices, bills, or other evidence of liability consistent with the recipient's purchasing procedures and incurred within the award period. All encumbrances/obligations incurred during the award period shall be liquidated no later than 90 days after the end of the award period or prior to the expiration of the awarded funds, whichever is sooner.

## **VIII. REPORTING REQUIREMENTS**

The recipient is responsible for timely submission of periodic financial and progress, and member, reports during the project period and a final financial report. The recipient is also responsible for setting submission deadlines for its respective subrecipients, if applicable, that ensure the timely submission of subrecipient reports.

- A. Federal Financial Reports (CNCS).** See Part IX.
- B. Final Federal Financial Report (CNCS).** See Part IX.
- C. Reporting at the Dept. of Health and Human Services/Payment Management System. (HHS/PMS)** See Part Section X.
- D. Progress Reports.** See Section V in the Memorandum of Agreement.
- E. Member Payments Report.** The sponsor shall submit to the CNCS State Program Office at least monthly, a report of AmeriCorps VISTA member payments disbursed, showing each member by name, and the amount of living allowances and deductions disbursed to AmeriCorps VISTA members. A photocopy of a computer printout or accounting ledger is acceptable proof of payments.
- F. Requests for Extensions.** Extensions of reporting deadlines will be granted only when 1) the report cannot be furnished in a timely manner for reasons, in the determination of CNCS, legitimately beyond the control of the grantee, and 2) CNCS receives a written request explaining the need for an extension before the due date of the report.

Extensions of deadlines for financial reports may only be granted by the Field Financial Management Center (FFMC), and extensions of deadlines for progress reports may only be granted by the Program Office.

- G. Other.** The recipient shall meet as necessary with the CNCS State Office or with other staff or consultants designated by the CNCS Program Officer to exchange views, ideas, and information concerning the project. The recipient shall submit such special reports as may be reasonably requested by CNCS.

**IX. FEDERAL FINANCIAL REPORTS (CNCS)**

CNCS Semi-Annual SF-425 Federal Financial Report. Sponsors complete a semi-annual Federal Financial Report (FFR), twice yearly in six month increments from the budget start date of the grant to report federal expenditures of funding.

CNCS Final Federal Financial Report. Sponsors completing the final year of their grants must submit, in lieu of the last semi-annual FFR, a final FFR. The final FFR is cumulative over the performance period of the grant within 90 days after the close of the grant. Final FFRs must report expenditure of funds on a cumulative basis over the budget period of the grant, and must be submitted through the CNCS eGrants system.

**X. FEDERAL FINANCIAL REPORTING/DISBURSEMENTS (HHS)**

U.S. Department of Health and Human Services Payment Management System SF-425 Federal Financial Report/Federal Cash Transaction Report (FCTR). CNCS issues VISTA Program Grant funds to sponsors through the U.S. Department of Health and Human Service (HHS) Payment System. Sponsors receiving grant funds through this system must submit a Federal Financial Report (FFR) to report AmeriCorps VISTA CNCS federal funding disbursements and cash on hand, 30 days after each calendar quarter beginning with the first calendar quarter that contains the start date of the grant. FFR/FCTRs must report disbursement of funds on a cumulative basis over the performance period of the grant and be submitted through the HHS Payment Management System on the following schedule:

Period Covering:	Report Due No Later Than:
January 1 to March 31	April 30
April 1 to June 30	July 30
July 1 to September 30	October 30
October 1 to December 31	January 30

**XI. PROJECT PROGRESS REPORT**

The sponsor shall complete and submit Project Progress Reports via CNCS’ eGrants system to the CNCS State Program Office. The Project Progress Reports shall report on the progress toward

achievement of project performance targets. Refer to the Project Progress Report instructions for current due dates.

## **XII. RECOGNITION OF FEDERAL FUNDING**

When issuing statements, press releases, requests for proposals, bid solicitations, annual reports and other documents describing projects or programs funded in whole or in part with CNCS money, the grantee receiving federal funds, including but not limited to state and local governments, shall clearly state (1) the percentage of the total cost of the program which will be financed with CNCS money, and (2) the dollar amount of CNCS funds for the project or program.

## **XIII. PROGRAM/PROJECT MANAGER AUTHORITY**

The CNCS Program/Project Manager for this award is listed on the face page of the Notice of Grant Award. The Program/Project Manager has full authority to represent CNCS in connection with the management of the technical and programmatic performance of the award. However, they are not authorized to change the terms and conditions, estimated costs, or period of performance, or to give approvals, written or verbal, specifically reserved for the Grant Officer.

## **XIV. EXTERNAL AND DATA COLLECTION**

The grantee must cooperate with CNCS and its evaluators in all monitoring and evaluation efforts. As part of this effort, the grantee must collect and submit certain project data, as defined in the AmeriCorps VISTA Progress Report Supplement and must provide data as requested or needed to support external evaluations.

## **XV. ALLOWABLE COSTS**

To be allowable under a VISTA grant award, costs must fit within the allowable cost categories specified in the VISTA Program Grant Budget instructions.

## **XVI. AUDITS AND ATTESTATION ENGAGEMENTS**

Recipients must comply with the audit requirements set forth in Subpart F – Audit Requirements of the Uniform Guidance (2 CFR Part 200) and must comply with the timeframes established in those regulations for the submission of their audits to the Federal Audit Clearinghouse. Recipients must notify their assigned GMS of each audit conducted within the timeframe of the CNCS-funded project at the time it is submitted to the Federal Audit Clearinghouse.

## **XVII. MONITORING**

CNCS, through its authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments, financial and performance records, fiscal and administrative control systems and to provide such technical assistance as may be required. CNCS intends to make every effort to notify the recipient at least two weeks in advance of any

trip to the CNCS-funded project site. If CNCS makes any site visit on the premises of a recipient or a subrecipient(s), the recipient must provide, and must require its subrecipient(s) to provide, all reasonable facilities and assistance for the safety and convenience of government officials in the performance of their duties. All site visits and evaluations are expected to be performed in a manner designed to not unduly delay or disrupt the implementation of the project.

#### **XVIII. SUBAWARDS PROHIBITED**

VISTA grant recipients may not make subawards of grant funds.

#### **XIX. BUDGET AND PROGRAMMATIC CHANGES**

Approvals of Programmatic and Budget Changes. CNCS's Grants Officers are the only officials who have the authority to alter or change the provisions or requirements of the grant. Programmatic changes also require final approval of CNCS's Field Financial Management Center (FFMC) after written recommendation for approval is received from the CNCS State Office. The Grants Officers will execute written amendments, and Recipients should not assume approvals have been granted unless documentation from the Grants Office has been received.

#### **XX. LOBBY DISCLOSURE**

For grant awards exceeding \$100,000, pursuant to 31 U.S.C. 1352, the Grantee is required to file a disclosure report, Standard Form LLL, Disclosure of Lobbying Activities, at the end of any quarter, when the Grantee has paid or agreed to pay any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. The report must be submitted to the CNCS State Program Director.