

# CITY of ALBUQUERQUE

## TWENTY FIFTH COUNCIL

COUNCIL BILL NO. R-23-188 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Brook Bassan, by request

1 RESOLUTION

2 APPROVE AND AUTHORIZE THE FILING OF A GRANT APPLICATION AND  
3 THE ACCEPTANCE OF THE GRANT AWARD FOR THE DEPARTMENT OF  
4 FAMILY & COMMUNITY SERVICES PROVIDING FOR AN APPROPRIATION TO  
5 THE CITY OF ALBUQUERQUE, FOR THE CITY OF ALBUQUERQUE MEDICAL  
6 SOBERING CENTER WITH THE U.S. DEPARTMENT OF HEALTH AND HUMAN  
7 SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES  
8 ADMINISTRATION FOR THE MEDICAL SOBERING CENTER AND PROVIDING  
9 AN APPROPRIATION TO THE DEPARTMENT OF FAMILY & COMMUNITY  
10 SERVICES BEGINNING FISCAL YEAR 2024.

11 WHEREAS, the City of Albuquerque has as a goal to ensure people of all  
12 ages have the opportunity to participate in the community and economy and  
13 are well sheltered, safe, healthy and educated; and

14 WHEREAS, the City of Albuquerque applied for Community Funded  
15 Projects through the Substance Abuse and Mental Health Services  
16 Administration to assist in ensuring it's residents are safe and healthy; and

17 WHEREAS, the City of Albuquerque desires to receive these funds in order  
18 to provide medical sobering services to bolster the continuum of care in our  
19 community and further the goals of the Department, for which funding of  
20 \$1,999,827 will be appropriated and available beginning in the Fiscal Year 2024  
21 for the purpose of meeting grant requirements and indirect overhead  
22 requirements.

23 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BOARD OF THE CITY  
24 OF ALBUQUERQUE:

25 Section 1. That the attached grant agreement for Community Funded  
26 Projects from the Substance Abuse and Mental Health Services

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1 Administration, in the amount of \$1,999,827 is approved, and its acceptance  
2 and filing with the appropriate official of the Substance Abuse and Mental  
3 Health Services Administration is in all respects approved.

4 Section 2. That funds in the amount of \$1,999,827, of which \$6,693 are for  
5 indirect costs are hereby appropriated to the Department of Family &  
6 Community Services in the Operating Grants Fund (265), beginning in Fiscal  
7 Year 2024.

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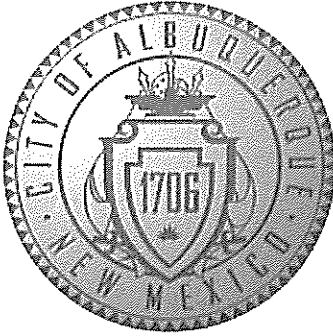
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Mayor Timothy M. Keller

**CITY OF ALBUQUERQUE**  
**Albuquerque, New Mexico**  
**Office of the Mayor**

**INTER-OFFICE MEMORANDUM**

**October 23, 2023**

**TO:** Pat Davis, President, City Council

**FROM:** Timothy M. Keller, Mayor 

**SUBJECT:** APPROVE AND AUTHORIZE THE FILING OF A GRANT APPLICATION AND THE ACCEPTANCE OF THE GRANT AWARD FOR THE DEPARTMENT OF FAMILY & COMMUNITY SERVICES PROVIDING FOR AN APPROPRIATION TO THE CITY OF ALBUQUERQUE, FOR THE CITY OF ALBUQUERQUE MEDICAL SOBERING CENTER WITH THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION FOR THE MEDICAL SOBERING CENTER AND PROVIDING AN APPROPRIATION TO THE DEPARTMENT OF FAMILY & COMMUNITY SERVICES BEGINNING FISCAL YEAR 2024


This resolution would approve the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration grant application and subsequent grant award, Award Number 1H79FG001020; Program Title: Community Funded Projects; Project Title: City of Albuquerque Medical Sobering Center, and appropriate the associated funding to the Department of Family & Community Services. This project will provide funding for the Albuquerque Medical Sobering Center to increase the continuum of care available for our community. Specific objectives of the project include diverting individuals with moderate acuity intoxication from overcrowded emergency departments and jail to a safe place to gain sobriety; establish a front-door access to services including treatment, recovery supports and case management; and reduce the need for emergency response related to substance misuse.

The resolution approves an agreement with the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration for a total award of \$1,999,827.

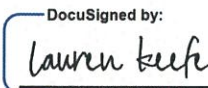
This request is forwarded to the Council for consideration and approval.

**Legislation Title:** APPROVE AND AUTHORIZE THE FILING OF A GRANT APPLICATION AND THE ACCEPTANCE OF THE GRANT AWARD FOR THE DEPARTMENT OF FAMILY & COMMUNITY SERVICES PROVIDING FOR AN APPROPRIATION TO THE CITY OF ALBUQUERQUE, FOR THE CITY OF ALBUQUERQUE MEDICAL SOBERING CENTER WITH THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION FOR THE MEDICAL SOBERING CENTER AND PROVIDING AN APPROPRIATION TO THE DEPARTMENT OF FAMILY & COMMUNITY SERVICES BEGINNING FISCAL YEAR 2024

**Recommended:**


 11/14/23  
Samantha Sengel      Date  
Chief Administrative Officer

**Approved as to Legal Form:**

DocuSigned by:  
 11/11/2023 | 12:48 PM MST  
Lauren Keefe      Date  
City Attorney

**Recommended:**

DS  
PP

DocuSigned by:  
 11/7/2023 | 2:05 PM MST  
Carol M. Pierce, Director      Date  
Department of Family & Community Services

## **Cover Analysis**

### **1. What is it?**

This legislation is for the Council approval of the grant application and acceptance of the subsequent U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration grant award Number 1H79FG001020; Program Title: Community Funded Projects; Project Title: City of Albuquerque Medical Sobering Center, and appropriates the associated funding to the Department of Family & Community Services beginning in Fiscal Year 2024.

### **2. What will this piece of legislation do?**

The resolution approves the grant application and acceptance of the subsequent U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration grant award Number 1H79FG001020; Program Title: Community Funded Projects; Project Title: City of Albuquerque Medical Sobering Center, and appropriates the associated funding to the Department of Family & Community Services beginning in Fiscal Year 2024 for a total award of \$1,999,827.

### **3. Why is this project needed?**

This project is needed to provide funding for the Albuquerque Medical Sobering Center to increase the continuum of care available for our community. Specific objectives of the project include diverting individuals with moderate acuity intoxication from overcrowded emergency departments and jail to a safe place to gain sobriety; establish a front-door access to services including treatment, recovery supports and case management; and reduce the need for emergency response related to substance misuse.

### **4. How much will it cost and what is the funding source?**

The City will receive \$1,999,827 in federal funds from U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration.

### **5. Is there a revenue source associated with this contract? If so, what level of income is projected?**

N/A

# FISCAL IMPACT ANALYSIS

TITLE:

R:  
FUND: 265

O:

APPROVE AND AUTHORIZE THE FILING OF A GRANT APPLICATION AND THE ACCEPTANCE OF THE GRANT AWARD FOR THE DEPARTMENT OF FAMILY & COMMUNITY SERVICES PROVIDING FOR AN APPROPRIATION TO THE CITY OF ALBUQUERQUE, FOR THE CITY OF ALBUQUERQUE MEDICAL SOBERING CENTER WITH THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION FOR THE MEDICAL SOBERING CENTER AND PROVIDING AN APPROPRIATION TO THE DEPARTMENT OF FAMILY & COMMUNITY SERVICES BEGINNING FISCAL YEAR 2024

DEPT: FCS

- ☐ No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- ☒ (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	2024	Fiscal Years 2025	2026	Total
Base Salary/Wages	-	-	-	-
Temporary Wages	-	-	-	-
Fringe Benefits at	-	-	-	-
Fringe Benefits at	-	-	-	-
Subtotal Personnel	-	-	-	-
Operating Expenses	1,993,134	-	-	1,993,134
Property	-	-	-	-
Indirect Costs	6,693	-	-	6,693
Total Expenses	\$ 1,999,827	\$ -	\$ -	\$ 1,999,827
[ ] Estimated revenues not affected				
[X] Estimated revenue impact				
Amount of Grant	1,999,827	-	-	1,999,827
City Cash Match	-	-	-	-
City Inkind Match	-	-	-	-
City IDOH	-	-	-	-
Total Revenue	\$ 1,999,827	\$ -	\$ -	\$ 1,999,827

These estimates do not include any adjustment for inflation.

\* Range if not easily quantifiable.

Number of Positions created

COMMENTS: This project is needed to provide funding for the Albuquerque Medical Sobering Center to increase the continuum of care available for our community. Specific objectives of the project include diverting individuals with moderate acuity intoxication from overcrowded emergency departments and jail to a safe place to gain sobriety; establish a front-door access to services including treatment, recovery supports and case management; and reduce the need for emergency response related to substance misuse

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

PREPARED BY:

APPROVED:

DocuSigned by:  
*Anna M Lujan* 11/7/2023 | 10:14 AM MST  
FISCAL MANAGER

DocuSigned by:  
*Carol M Pierce* 11/7/2023 | 2:05 PM MST  
DIRECTOR (date)

REVIEWED BY:

DocuSigned by:  
*Haiyan Zhao* 11/7/2023 | 2:35 PM MST  
EXECUTIVE BUDGET ANALYST

DocuSigned by:  
*Lawrence Davis* 11/7/2023 | 2:51 PM MST  
BUDGET OFFICER (date)

DocuSigned by:  
*Christine Barner* 11/10/2023 | 11:40 AM MST  
CITY ECONOMIST



**Department of Health and Human Services**  
Substance Abuse and Mental Health Services Administration  
Center for Flex Grants

**Notice of Award**  
FAIN# H79FG001020  
**Federal Award Date**  
08/25/2023

**Recipient Information**

**1. Recipient Name**

CITY OF ALBUQUERQUE  
ONE CIVIC PLAZA NW  
11TH FLOOR  
ALBUQUERQUE, NM 87102

**2. Congressional District of Recipient**  
01

**3. Payment System Identifier (ID)**  
1856000102B1

**4. Employer Identification Number (EIN)**  
856000102

**5. Data Universal Numbering System (DUNS)**  
615720401

**6. Recipient's Unique Entity Identifier**  
FXHXYLX5LWD8

**7. Project Director or Principal Investigator**  
Ellen Braden  
  
ebraden@cabq.gov  
(505)768-2788

**8. Authorized Official**  
Carol Pierce  
cpierce@cabq.gov  
505.768.2076

**Federal Agency Information**

**9. Awarding Agency Contact Information**  
Maegan Marcano  
Grants Specialist  
Maegan.Marcano@samhsa.hhs.gov  
240-276-0421

**10. Program Official Contact Information**  
Michael Amoh  
Program Official  
Michael.Amoh@samhsa.hhs.gov  
(240) 276-1832

**Federal Award Information**

**11. Award Number**  
1H79FG001020-01

**12. Unique Federal Award Identification Number (FAIN)**  
H79FG001020

**13. Statutory Authority**  
Consolidated Appropriation Act, 2023 [P.L. 117-328]

**14. Federal Award Project Title**  
City of Albuquerque Medical Sobering Center

**15. Assistance Listing Number**  
93.493

**16. Assistance Listing Program Title**  
Community Funded Projects

**17. Award Action Type**  
New Competing

**18. Is the Award R&D?**  
No

**Summary Federal Award Financial Information**

**19. Budget Period Start Date 09/30/2023 – End Date 09/29/2024**

<b>20. Total Amount of Federal Funds Obligated by this Action</b>	\$1,999,827
20a. Direct Cost Amount	\$1,993,134
20b. Indirect Cost Amount	\$6,693

**21. Authorized Carryover**

**22. Offset**

<b>23. Total Amount of Federal Funds Obligated this budget period</b>	\$1,999,827
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<b>24. Total Approved Cost Sharing or Matching, where applicable</b>	\$0
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<b>25. Total Federal and Non-Federal Approved this Budget Period</b>	\$1,999,827
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**26. Project Period Start Date 09/30/2023 – End Date 09/29/2024**

<b>27. Total Amount of the Federal Award including Approved Cost Sharing or Matching this Project Period</b>	\$1,999,827
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**28. Authorized Treatment of Program Income**  
Additional Costs

**29. Grants Management Officer - Signature**  
Odessa Crocker

**30. Remarks**

Acceptance of this award, including the "Terms and Conditions," is acknowledged by the recipient when funds are drawn down or otherwise requested from the grant payment system.



Congressional Directed Spending Projects  
Department of Health and Human Services  
Substance Abuse and Mental Health Services Administration

Notice of Award

**Issue Date:** 08/25/2023

Center for Flex Grants

**Award Number:** 1H79FG001020-01

**FAIN:** H79FG001020

**Program Director:** Ellen Braden

**Project Title:** City of Albuquerque Medical Sobering Center

**Organization Name:** CITY OF ALBUQUERQUE

**Authorized Official:** Carol Pierce

**Authorized Official e-mail address:** cpierce@cabq.gov

**Budget Period:** 09/30/2023 – 09/29/2024

**Project Period:** 09/30/2023 – 09/29/2024

Dear Grantee:

The Substance Abuse and Mental Health Services Administration hereby awards a grant in the amount of \$1,999,827 (see "Award Calculation" in Section I and "Terms and Conditions" in Section III) to CITY OF ALBUQUERQUE in support of the above referenced project. This award is pursuant to the authority of Consolidated Appropriation Act, 2023 [P.L. 117-328] and is subject to the requirements of this statute and regulation and of other referenced, incorporated or attached terms and conditions.

Award recipients may access the SAMHSA website at [www.samhsa.gov](http://www.samhsa.gov) (click on "Grants" then SAMHSA Grants Management), which provides information relating to the Division of Payment Management System, HHS Division of Cost Allocation and Postaward Administration Requirements. Please use your grant number for reference.

Acceptance of this award including the "Terms and Conditions" is acknowledged by the grantee when funds are drawn down or otherwise obtained from the grant payment system.

If you have any questions about this award, please contact your Grants Management Specialist and your Government Project Officer listed in your terms and conditions.

Sincerely yours,  
Odessa Crocker  
Grants Management Officer  
Division of Grants Management

See additional information below



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**SECTION I – AWARD DATA – 1H79FG001020-01****Award Calculation (U.S. Dollars)**

Personnel(non-research)	\$28,384
Fringe Benefits	\$14,572
Supplies	\$1,628
Contractual	\$1,946,550
Other	\$2,000
Direct Cost	\$1,993,134
Indirect Cost	\$6,693
Approved Budget	\$1,999,827
Federal Share	\$1,999,827
Cumulative Prior Awards for this Budget Period	\$0
AMOUNT OF THIS ACTION (FEDERAL SHARE)	\$1,999,827

SUMMARY TOTALS FOR ALL YEARS	
YR	AMOUNT
1	\$1,999,827

Note: Recommended future year total cost support, subject to the availability of funds and satisfactory progress of the project.

**Fiscal Information:**

CFDA Number: 93.493  
EIN: 1856000102B1  
Document Number: 23FG01020E  
Fiscal Year: 2023

IC	CAN	Amount
FG	C96CF01	\$1,999,827

IC	CAN	2023
FG	C96CF01	\$1,999,827

**FG Administrative Data:**

PCC: CDS-TI23 / OC: 4145

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**SECTION II – PAYMENT/HOTLINE INFORMATION – 1H79FG001020-01**

Payments under this award will be made available through the HHS Payment Management System (PMS). PMS is a centralized grants payment and cash management system, operated by the HHS Program Support Center (PSC), Division of Payment Management (DPM). Inquiries regarding payment should be directed to: The Division of Payment Management System, PO Box 6021, Rockville, MD 20852, Help Desk Support – Telephone Number: 1-877-614-5533.

The HHS Inspector General maintains a toll-free hotline for receiving information concerning fraud, waste, or abuse under grants and cooperative agreements. The telephone number is: 1-800-HHS-TIPS (1-800-447-8477). The mailing address is: Office of Inspector General, Department of Health and Human Services, Attn: HOTLINE, 330 Independence Ave., SW, Washington, DC 20201.

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### SECTION III – TERMS AND CONDITIONS – 1H79FG001020-01

This award is based on the application submitted to, and as approved by, SAMHSA on the above-title project and is subject to the terms and conditions incorporated either directly or by reference in the following:

- a. The grant program legislation and program regulation cited in this Notice of Award.
- b. The restrictions on the expenditure of federal funds in appropriations acts to the extent those restrictions are pertinent to the award.
- c. 45 CFR Part 75 as applicable.
- d. The HHS Grants Policy Statement.
- e. This award notice, INCLUDING THE TERMS AND CONDITIONS CITED BELOW.

#### **Treatment of Program Income:**

Use of program income – Additive: Recipients will add program income to funds committed to the project to further eligible project objectives. Sub-recipients that are for-profit commercial organizations under the same award must use the deductive alternative and reduce their subaward by the amount of program income earned.

In accordance with the regulatory requirements provided at 45 CFR 75.113 and Appendix XII to 45 CFR Part 75, recipients that have currently active Federal grants, cooperative agreements, and procurement contracts with cumulative total value greater than \$10,000,000 must report and maintain information in the System for Award Management (SAM) about civil, criminal, and administrative proceedings in connection with the award or performance of a Federal award that reached final disposition within the most recent five-year period. The recipient must also make semiannual disclosures regarding such proceedings. Proceedings information will be made publicly available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). Full reporting requirements and procedures are found in Appendix XII to 45 CFR Part 75.

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### SECTION IV – FG SPECIAL TERMS AND CONDITIONS – 1H79FG001020-01

#### **REMARKS**

##### **New Award**

**This Notice of Award (NoA) is issued to inform your organization that the application submitted to Notice of Funding Opportunity Announcement (NOFO) Number *FG-23-099 (FY 2023 Congressional Directive Spending Projects)*, has been selected for funding.**

**The FY 2023 Congressional Directive Spending Projects are authorized under the Consolidated Appropriation Act, 2023 [P.L. 117-328]**

SAMHSA's mission is to reduce the impact of substance use and mental illness on America's communities. SAMHSA works in partnership with states, communities, and private organizations to advance mental and substance use disorder prevention, treatment, and recovery services to improve individual, community, and public health. Funds approved for this award must be used in support of the SAMHSA mission.

**Policies and Regulations** – Accepting a grant award or cooperative agreement requires the recipient organization to comply with the terms and conditions of the

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NoA, as well as all applicable Federal Policies and Regulations. This award is governed by the Uniform Guidance [2 Code of Federal Regulations \(CFR\) § 200](#) as codified by HHS at [45 CFR § 75](#); Department of Health and Human Services (HHS) [Grants Policy Statement](#); SAMHSA [Additional Directives](#); and the [Standard Terms and Conditions](#) for the fiscal year in which the grant was awarded.

**Key Personnel** – Key personnel are organization staff members or consultants/subrecipients who must be part of the project regardless of whether they receive a salary or compensation from the project. These individuals must make a substantial contribution to the execution of the project. *The key staff for this program will be the Project Director.*

The identified PD for this program is listed in item #7 “Project Director or Principal Investigator” on the cover page of the NoA. If the individual identified on the NoA is incorrect, you must notify your assigned Government Project Officer (GPO) and Grants Management Specialist (GMS) via email immediately and plan to submit a post award amendment for a change in key personnel via eRA Commons.

Key personnel or other grant-supported staff may not exceed 100% level of effort across all federal and non-federal funding sources.

Any changes to key staff, including level of effort involving separation from the project for more than three months or a 25 percent reduction in time dedicated to the project, requires prior approval, and must be submitted as a post-award amendment in eRA Commons. Refer to SAMHSA’s website for more information on submitting a [key personnel change](#). See [SAMHSA PD Account Creation Instructions](#) for a quick step-by-step guide and [SAMHSA Grantee PD Account Creation Slides](#) for additional information on the eRA Commons registration process for the PD.

**Funding Limitations** – Award recipients are responsible for ensuring that costs allocated to the grant award are reasonable and allowable in accordance with the Notice of Funding Opportunity and all applicable Policies & Regulations. The Cost Principles that delineate the allowable and unallowable expenditures for HHS recipients are described in the [Code of Federal Regulations](#). Funding Limitations and Restrictions are listed in the Notice [of Funding Opportunity and in the SAMHSA grantee guidelines on Financial Management Requirements](#).

**Unallowable Costs** – Recipients must exercise proper stewardship over Federal funds and ensure that costs charged to awards are allowable, allocable, reasonable, necessary, and consistently applied regardless of the source of funds according to the “Factors affecting allowability of costs” per [2 CFR § 200.403](#) and the “Reasonable costs” considerations per [2 CFR § 200.404](#). A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

**Supplanting** – “Supplement Not Supplant” grant funds may be used to supplement existing activities. Grant funds may not be used to supplant current funding of existing activities. “Supplant” is defined as replacing funding of a recipient’s existing program with funds from a federal grant.

**Award Payments** – Payments under this award will be made available through the HHS Payment Management System (PMS). PMS is a centralized grants payment and cash management system, operated by the HHS Program Support Center (PSC), Division of Payment Management (DPM). First time PMS users

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must obtain access to view available funds, request funds, or submit reports. Users will need to request permission and be approved by PSC. Inquiries regarding payments should be directed to PMS by emailing the helpdesk at [PMSSupport@psc.hhs.gov](mailto:PMSSupport@psc.hhs.gov) or call 1-877-614-5553. You should also visit the PSC website for more information about their services - <https://pms.psc.gov/>

**Special Terms & Conditions of Award** – There may be special terms and conditions associated with your grant award. Recipients must address all special terms and conditions by the reflected due date. See the **Special Terms of Award** and **Special Conditions of Award** sections below for the specific terms and conditions associated with your grant award. A recipient's failure to comply with the terms and conditions of award, may cause SAMHSA to take one or more actions, depending on the severity and duration of the non-compliance. SAMHSA will undertake any such action in accordance with applicable statutes, regulations, and policies.

Responding to Award Terms & Conditions – **All responses to award terms and conditions must be submitted as .pdf documents in eRA Commons.** For more information on how to respond to tracked terms and conditions or how to submit a post award amendment request please refer to [SAMHSA Trainings](#) under the heading “Grant Management Reference Materials for Grantees.”

**Prior Approval Requirements** – Prior approval is required for the following changes to your grant award: Changes in the status of the Project Director, or other key personnel named in the NoA; Changes in scope; Significant re-budgeting and Transfer of substantive programmatic work; Carryover of unobligated balances; Change of grantee organization; Deviation from award terms and conditions; No-cost extension and Transfer of substantive programmatic work. A full list of actions requiring prior approval can be found on page II-49 of the HHS [Grants Policy Statement](#) Exhibit 5 (Summary of Actions Requiring OPDIV Prior Approval). **All prior approval actions must be submitted as post award amendment requests in eRA Commons.**

Post Award Amendments – If information on the NoA needs to be changed, it will require approval from the federal agency before the grant recipient can implement the modification. Please refer to the SAMHSA website for specific SAMHSA guidance on how to submit a post-award amendment in eRA Commons:

<https://www.samhsa.gov/grants/grants-management/post-award-amendments>

### **Primary Contacts**

- For technical support, contact [eRA Service Desk](#) at 866-504-9552 (Press 6 for SAMHSA Grantees).
- For budget and grants management related questions, contact your assigned GMS.
- For programmatic questions, contact your assigned GPO.

*Contact information for the GMS and GPO are listed on the last page of this NoA.*

**Training & Resources** – Visit the following pages on our website for more information on implementation, monitoring and reporting on your new grant award:

- [Grants Management](#)

- 
- [Training & Resources for recipients](#)
  - [eRA Commons](#)

## **SPECIAL TERMS**

### **Risk Assessment**

The Office of Financial Advisory Services (OFAS), SAMHSA may perform an administrative review of your organization's financial management system. If the review discloses material weaknesses or other financial management concerns, grant funding may be restricted in accordance with 45 CFR 75/2 CFR 200, as applicable. The restriction will affect your organization's ability to withdraw funds from the Payment Management System account, until the concerns are addressed.

### **Funding Limitations/Restrictions**

Recipients must comply with SAMHSA's standard funding restrictions, which are included in Appendix F (Standard Funding Restrictions) of the Notice of Funding Opportunity Announcement.

## **STANDARD TERMS AND CONDITIONS**

### **Standard Terms for Awards**

Your organization must comply with the Standard Terms and Conditions for the Fiscal Year in which your grant was awarded. The Fiscal Year for your award is identified on Page 3 of your Notice of Award. SAMHSA's Terms and Conditions Webpage is located at: <https://www.samhsa.gov/grants/grants-management/notice-award-noa/standard-terms-conditions>.

### **Reasonable Costs for consideration**

Recipients must exercise proper stewardship over Federal funds and ensure that costs charged to awards are allowable, allocable, reasonable, necessary, and consistently applied regardless of the source of funds according to "Reasonable Costs" consideration per 2 CFR § 200.404 and the "Factors affecting allowability of costs" per 2 CFR § 200.403. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

### **Consistent Treatment of Costs**

Recipients must treat costs consistently across all federal and non-federal grants, projects and cost centers. Recipients may not direct-charge federal grants for costs typically considered indirect in nature, unless done consistently. If part of the indirect cost rate, then it may not also be charged as a direct cost. *Examples of indirect costs include (administrative salaries, rent, accounting fees, utilities, office supplies, etc.).* If typical indirect cost categories are included in the budget as direct costs, it is SAMHSA's understanding that your organization has developed a cost accounting system adequate to

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justify the direct charges and to avoid an unfair allocation of these costs to the federal government. Also, note that all awards are subject to later review in accordance with the requirements of [45 CFR 75.364](#), [45 CFR 75.371](#), [45 CFR 75.386](#) and [45 CFR Part 75, Subpart F](#), *Audit Requirements*.

### **Compliance with Award Terms and Conditions**

FAILURE TO COMPLY WITH THE ABOVE STATED TERMS AND CONDITIONS MAY RESULT IN ACTIONS IN ACCORDANCE WITH [45 CFR 75.371](#), REMEDIES FOR NON-COMPLIANCE AND [45 CFR 75.372](#) TERMINATION. THIS MAY INCLUDE WITHHOLDING PAYMENT, DISALLOWANCE OF COSTS, SUSPENSION AND DEBARMENT, TERMINATION OF THIS AWARD, OR DENIAL OF FUTURE FUNDING.

All previous terms and conditions remain in effect until specifically approved and removed by the Grants Management Officer.

### **Closeout**

Recipients must complete all actions required for closeout to include:

- Liquidate all obligations incurred under the award. All payment requests must be submitted before the end of the one hundred-twenty (120) days post-award reconciliation/liquidation period.
- Reconcile financial expenditures to the reported total disbursements and charges in PMS.
- Return any funds due to PMS as a result of refunds, corrections, or audits. Refer the following link for additional guidance <https://pms.psc.gov/grant-recipients/returning-funds-interest.html>

Recipients must close the award in accordance with 2 CFR 200.344 Closeout and the terms and conditions listed in the grant notice of award. Recipients must liquidate all obligations incurred under an award not later than one hundred-twenty (120) days after the end of awards obligation and project period. After one hundred-twenty (120) days, PMS account is automatically - locked. SAMHSA does not approve payment requests after one hundred-twenty (120) days post-award reconciliation/liquidation period. Therefore, recipients are expected to complete all expenditure requests within the approved project period and the aforementioned 120-day post-award reconciliation/liquidation period. Recipients' late withdrawal requests occurring after the aforementioned periods will be denied. Final reports are due to SAMHSA no later than 120 days after the end of the project period. Final reports include:

- Submit via PMS the Final Federal Financial Report (Final FFR, SF-425) (PDF | 1.2 MB).
- Submit in eRA Commons the Final Progress Report (FPR) or other reports required by the terms and conditions of the award.
- Submit in eRA Commons a Tangible Personal Property Report (TPPR SF-428, SF428B & if needed additional forms from SF428 series) to certify no acquisition of property or acquisition of property. Account the property acquired with federal funds and indicate on the form that you the disposition and handling of the property going forward.

Failure to complete the closeout actions in 120 days after the project period end may result in a unilateral closeout of the grant by SAMHSA. This may affect future funding of federal programs and result in the reimbursement of funding to SAMHSA. If the recipient does not submit all

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reports satisfactorily in accordance with 2 CFR 200.344 SAMHSA will report the recipient's material failure to comply with the terms and conditions of the award with the OMB-designated integrity and performance system (currently FAPIIS). Federal awarding agencies may also pursue other enforcement actions per 2 CFR 200.339. Refer to the following SAMHSA for Closeout Standard Terms and Conditions <https://www.samhsa.gov/grants/grants-management/notice-award-noa/standard-terms-conditions>. Additional information on closeout is available at <https://www.samhsa.gov/grants/grants-management/grant-closeout>

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