

# **OFERP Training-Office Hours**

## **03/02/2023**

**Thursday, March 2, 2023 – 9:00am**  
**Office of Federal Emergency Relief Programs (OFERP)**

# OFERP Introductions

Please take a moment to share your name, title, email address, and school community in the chat.

- Shelly Chasse-Johndro, Director
- Monique Sullivan, ARP Coordinator
- Karen Kusiak, CARES & CRRSA Coordinator
- Kevin Harrington, GEER/EANS Coordinator
- Maisha Asha, Fiscal Coordinator
- Deanna Roberge, Management Analyst
- Terri Beal, Contracted Invoice Reviewer

# Today's Topics and Objectives

Today's **topics** include:

- Mandatory Learning Loss Reservation
- Davis-Bacon "prevailing wages" requirements
- Supplies and Equipment Reminders
- Updated Procedures – ARP invoice overages
- Disposition of Federally Funded Purchases
- Preparation for FY 22 ESSER Performance Report

Today's **objective**:

- Participants will be able to use ESSER funds effectively and in alignment with federal requirements

# ARP Reservation Project(s) Spending

- Friendly Reminder:
  - LEAs are required to address the impact of lost instructional time with at least 20 percent of their ARP ESSER funds

## Budget Summary for ARP ESSERF 3 Funds

Cumulative Federal Award Amount	\$1,037,266.22
Sub-Award Amount	\$691,510.81
20% Set Aside for Learning Recovery	<b>\$207,453.24</b>

Reservation Projects	Object Codes				Total Amount
	1000-2000 Salaries & Benefits	3000-5000 Purchased Services	6000 Supplies	7300 Equipment	
565: Summer programming	\$98,300.00	\$6,700.00	\$0.00	\$0.00	\$105,000.00
710: Intervention and Support for Academic Learning	\$239,750.00	\$0.00	\$32,000.00	\$0.00	\$271,750.00
<b>Total of Reservation Projects</b>	<b>\$338,050.00</b>	<b>\$6,700.00</b>	<b>\$32,000.00</b>	<b>\$0.00</b>	<b>\$376,750.00</b>
Software and Apps for Teaching and Learning	\$0.00	\$30,000.00	\$45,000.00	\$0.00	\$75,000.00
Mental Health Counselor for Staff and Families	\$0.00	\$15,000.00	\$0.00	\$0.00	\$15,000.00
Student Support: Social Worker and 40% School Counselor	\$298,750.00	\$0.00	\$0.00	\$0.00	\$298,750.00
Virtual Learning Plan	\$0.00	\$24,600.00	\$0.00	\$0.00	\$24,600.00
Facility Improvement- Indoor and Outdoor	\$0.00	\$57,700.00	\$18,000.00	\$0.00	\$75,700.00
Wireless Security	\$0.00	\$45,000.00	\$0.00	\$0.00	\$45,000.00
Professional Development and Training Educational Equity	\$0.00	\$30,000.00	\$0.00	\$0.00	\$30,000.00
Educational Technology and Federal Grant Coordinator	\$96,466.22	\$0.00	\$0.00	\$0.00	\$96,466.22
<b>Total of Additional Projects</b>	<b>\$395,216.22</b>	<b>\$202,300.00</b>	<b>\$63,000.00</b>	<b>\$0.00</b>	<b>\$660,516.22</b>
<b>Total of all Project Budgets</b>	<b>\$733,266.22</b>	<b>\$209,000.00</b>	<b>\$95,000.00</b>	<b>\$0.00</b>	<b>\$1,037,266.22</b>

# Reminders-20% ARP ESSER Reservation

LEAs are required to address the impact of lost instructional time with at least 20 percent of their ARP ESSER funds

- Cross-checking project descriptions with actual reimbursed expenses
  - Ex-Summer Programming-Project states funding for FY 21, FY 22 and FY23, but zero funds have been invoiced or reimbursed for FY 21 and FY 22.
  - Ex-Project description says funding for one year, but project budget includes three years or vice versa with no explanation of revision or misalignment.
- Minimum amount budgeted for 20% Reservation, but one or more remaining funds project(s) are over-expended in FGRS
  - Project in application will be reopened to align project budget with over-expense in invoicing system.
  - Invoices may be reopened if negatives appear in the project total amounts in FGRS
- **CLEAR Connection to COVID 19 is essential** along with necessity and reasonableness and alignment with meaningful stakeholder consultation
- USDE is still checking on district URLs for Use of Funds Plan and Safe Return to In Person Plans.

See A-16 ESSER FAQs (Updated December 7, 2022)

# Supplies and Equipment Reminders

Internal State Auditors are looking for **CLEAR** connections to COVID for supplies and equipment purchased with ESSER funds:

- i.e. Furniture (desks, chairs, PE equipment), Boilers, Roofs, Snowplows, Vehicles and Outdoor structures

**Inventory requirements:** It is the responsibility of the SAU to have a procedure identified for tracking and inventorying property purchased. The procedure must meet the following federal requirements: [2 CFR Part 200.302\(b\)\(7\)](#) and [2 CFR Part 200.319\(C\)](#).

# Davis-Bacon “Prevailing Wages”

An LEA that uses ESSER or GEER funds for minor remodeling, renovation, repair, or construction contracts over \$2,000 must meet all Davis-Bacon prevailing wage requirements (see next slide). Use of Federal Funds (i.e. ESSER)

Some HVAC upgrades may constitute “minor remodeling”. “Minor remodeling” means minor alterations in a previously completed building. The term also includes the extension of utility lines, such as water and electricity, from points beyond the confines of the space in which the minor remodeling is undertaken but within the confines of the previously completed building.

See B-7-ESSER FAQs (Updated December 7, 2022)

# Federal Davis-Bacon Resources

U.S. Dept of Labor-Fact Sheets:

<https://www.dol.gov/agencies/whd/fact-sheets/66-dbra>

U.S. Dept of Labor-General Guidance:

<https://www.dol.gov/agencies/whd/government-contracts/construction/guidance>

U.S. Dept of Labor-General Guidance Recordkeeping and Certified Payrolls (slides 42-47):

<https://www.dol.gov/sites/dolgov/files/WHD/davis-bacon/DBAOverview-2021.pdf>

Wage Determinations:

<https://sam.gov/content/wage-determinations>



# MAINE “Prevailing Wages” Requirements

- The SAU must obtain from DOL a schedule of prevailing wages and benefits for the project (26 MRS § 1306);
- The SAU must include the schedule in bid documents (26 MRS §1306);
- The contractor contract must include a provision that the contractor and all subcontractors will pay the state prevailing wages and benefits (26 MRS § 1309);
- The contractor and subcontractors must post a statement of the prevailing wages and benefits at the job site (26 MRS §1310);
- The contractor and subcontractors must keep records as required by 26 MRS § 1311;
- The contractor and subcontractors must require that “craft workers” have completed 10 hours of construction safety training (26 MRS § 1317).

\*For projects that are funded in whole or part by federal funds and subject to the Davis-Bacon Act, the state prevailing wage and benefits do not apply (26 MRS § 1314)

# HVAC Reminders

If an LEA uses funds for HVAC systems, under [34 CFR § 75.616\(c\)](#), the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) standards apply.

Please note that, for the purpose of HVAC projects supported by U.S. Department of Education COVID relief funds, the Department has indicated that projects should meet the current ASHRAE standards.

*See B-7-ESSER FAQs (Updated December 7, 2022)*

# Construction using ESSER Funds

- [Updated FAQs](#) include expanded description of considerations regarding constructions projects funded by ESSER.
- Our OFERP team will schedule meetings to discuss status of projects in upcoming weeks.
- For more information, contact [karen.kusiak@maine.gov](mailto:karen.kusiak@maine.gov)

# 10% Over-expenses for ARP Invoices

**Current process:** Expenses cannot be submitted in a budget category that does not have an associated (application) budget. An invoice can over expend in multiple categories if that overage is off-set in another category and collectively does not exceed 10% of the SAU allocation.

**New process effective 2/2/2023 for ARP invoices only:** Expenses cannot be submitted in a budget category that does not have an associated (application) budget. An invoice can over expend **in a project budget category (between object codes) if the overage does not exceed 10% of the project (application) budget. The total project amount reimbursed cannot be negative.**

*Invoices and applications will be reopened if a negative is found in the total amount of a project reimbursement in the Federal Grant Reimbursement System (FGRS), even if it is for a previous invoice.*

# Examples-10% Over-Expenses for ARP Invoices

## Example 1--This invoice will be reopened.

There is an over-expense of \$118 and is over the total project budget amount. Because the total amount is in the negative, the application will be reopened to revise the project budget to reflect the invoiced amount.

Additional Social Worker Support	\$1,181.92	\$0.00	\$0.00	\$0.00	\$1,181.92
Total Precisously Invoiced	\$1,300.00	\$0.00	\$0.00	\$0.00	\$1,300.00
Additional Social Worker Support Amount Invoiced	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Remaining Additional Social Worker Support Funds	\$-118.08	\$0.00	0.00	0.00	-118.08

## Example 2 --This invoice is okay

There is an over expense of \$99.76 but it is under 10% of the total project budget and the remaining funds in the total project amount are not in the negative.

	1000-2000 Salaries & Benefits	3000-5000 Purchased Services	6000 Supplies	7300 Equipment	Total Amount
High-quality tutoring Budget	\$1,000.00	\$0.00	\$772.87	\$0.00	\$1,772.87
Total Precisously Invoiced	\$1,099.76	\$0.00	\$0.00	\$0.00	\$1,099.76
Amount Invoiced	\$0.00	\$0.00	\$349.00	\$0.00	\$349.00
Remaining High-quality tutoring Funds	\$-99.76	\$0.00	\$423.87	\$0.00	\$324.11

# Disposition of Federally Funded Purchases

Disposition is the process of transferring, donating, or selling supplies, equipment, and/or real property that are no longer needed for a federally funded project.

Supplies	Equipment	Real Property
Any tangible property that does not fall under the definition of equipment	Any tangible property, including information technology systems, having a: <ul style="list-style-type: none"> <li>• useful life of more than one (1) year and;</li> <li>• per-unit acquisition cost that equals or exceeds \$5,000</li> </ul>	Land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment

## Using Supplies, Equipment and Real Property

Supplies	Equipment	Real Property
If the residual inventory of unused supplies is less than \$5,000 in total <b>aggregate</b> value, the supplies may be used:	Any tangible property may be used:	Real property can be used:
if they are needed whether or not the project continues to be supported by the Federal award, for activities under another U.S. Department of Education Federal award, or for activities under a federal award from other Federal awarding agencies.		for the authorized purpose of the project as long as it is needed, or obtain written approval by the Federal awarding agency for the use in other federally-sponsored projects.
See <a href="#">2 CFR § 200.314(a)</a>	See <a href="#">2 CFR § 200.313(c)</a>	See <a href="#">CFR § 105-72.402</a>

# Disposition of Federally Funded Purchases

In accordance with the CFR, when the supplies, equipment or real property acquired with ESSER funding are no longer needed the steps below should be followed:

- **Step 1:** Request Disposition Instructions
- **Step 2:** Calculate the Fair Market Value
- **Step 3:** Disposition Options

*Examples on the next slide*

	Retained	Sold	Disposed
<b>Less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation.</b>	Subrecipients may retain or transfer equipment, supplies, or real property to be used for other federally funded programs or projects.	Subrecipients may sell equipment, supplies, or real property but must, <b>compensate*</b> the Federal awarding agency.	Subrecipients may dispose of the equipment, supplies, or real property in any way it sees fit after receiving USED approval via the OFERP.
<b>Greater than \$5,000 may be retained or sold.</b>	<p>If property is transferred, subrecipient must be entitled to compensation for its attributable percentage of the current fair market value of the property.</p> <p>If a subrecipient chooses to retain or transfer the equipment, supplies, or real property, they must inform OFERP.</p>	<p><i>* § 200.313 (e)(2) ... items of equipment with a current per-unit fair market value in excess of \$5,000 may be ... sold. The Federal awarding agency is entitled to <b>an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase.</b> If the equipment is sold, the Federal awarding agency (USED) may permit the non-Federal entity (LEA) to deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less.</i></p>	

# Disposition of Federally Funded Purchases

## Minivan purchased to transport students experiencing homelessness

- Need was identified due to the increase of students experiencing homelessness and limited shelters in the responsible SAU.
- The minivan was purchased, in whole, with ESSER funds but there is no longer the need for this additional transportation and no other federal allowable use.
- The SAU would like to sell the minivan and has calculated the fair market value as \$27,117.
- The SAU can sell the minivan and all but \$500 (or 10%, whichever is less) will be returned to the U.S. Department of Education.



## 84 Used Apple MacBook Pro 15-inch 2019 Touch Bar with Core i9 processor

- Need was identified due to hybrid learning and 1-to-1 access.
- The laptops were purchased, in whole, with ESSER funds but there is no longer the need for 1-to-1 access.
- The SAU would like to sell the 6 laptops and has calculated the fair market value as **\$969 per unit \* 6 = \$5,814 for a total unused aggregate value of supplies.**
- The SAU can retain or sell the computers and all but \$500 (or 10%, whichever is less) will be returned to the U.S. Department of Education.



Apple MacBook Pro 15-inch 2019 Touch Bar - 2.3GHz Core i9 512GB

Model: A1990, MV912LL/A

Cosmetic Condition

- Brand New
- Flawless
- Good
- Fair
- Poor



# Performance Reports – Fiscal Year 2022

## Please Note:

- SEA Annual Performance Reporting (APR) is due May 4, 2023
- The ESF - ESSER I/ESSER II/ARP ESSER - Recipient Data Collection Form is a public document available online [here](#).
- Reporting timeline: July 1, 2021 to June 30, 2022 (FY 2022)
- The SAU APR is due on April 7, 2023.
  - We understand that this is a VERY tight turnaround therefore we have provided a blank "[template](#)" of the FY 22 ESSER Performance Report on our website while the report is built in GEMS.
    - The Office of Federal Emergency Relief Programs is currently collecting all the fiscal data that will be provided to SAUs. The fiscal data will indicate precisely the amount of funds, per invoice, that was requested as a reimbursement during the reporting period.
    - The performance report will also request active links to the ARP Use of Funds plan and the ARP Safe Return to In-Person Instruction plan. These plans are required to be reviewed, and updated if applicable, every six months.

# Resources

- ESSER Page: <https://oese.ed.gov/offices/education-stabilization-fund/elementary-secondary-school-emergency-relief-fund/>
- EANS Page: <https://oese.ed.gov/offices/education-stabilization-fund/emergency-assistance-non-public-schools/>
- [Use of Funds FAQ](#)
- [Maine's Federal Emergency Relief Programs](#)

# Office Hours

The Office of Federal Emergency Relief Programs (OFERP) hosts a monthly office hour on the **1<sup>st</sup> Thursday of every month at 9:00am.**

[Registration Link](#)

# Newsletters

The Office of Federal Emergency Relief Programs (OFERP) publishes monthly newsletters.

## OFERP Newsletters

# Contact Information

Emergency Relief Funds	APR ESSER	CARES and CRRSA ESSER, CRF	GEER and EANS
Shelly Chasse-Johndro	Monique Sullivan	Karen Kusiak	Kevin Harrington
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# Q & A

Please unmute yourself or use the chat to ask questions!

