

Supreme Court of Kentucky

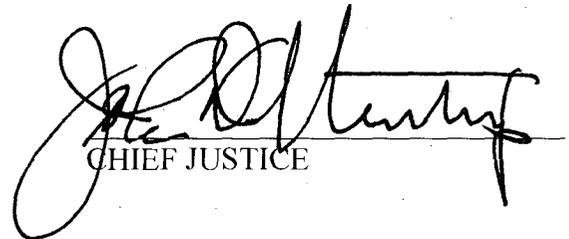
2011-07

ORDER

IN RE: KENTUCKY COURT OF JUSTICE GRANT POLICY

Under Section 116 of the Kentucky Constitution and SCR 1.010, it is ORDERED that the Kentucky Court of Justice Grant Policy is approved.

ENTERED: October 17, 2011.


CHIEF JUSTICE



Kentucky Court of Justice Grant Policy

**KENTUCKY COURT OF JUSTICE GRANT POLICY
TABLE OF CONTENTS**

<u>PURPOSE</u>	1
<u>GENERAL POLICY</u>	1
<u>PRE-AWARD PROCESS</u>	2
I. IDENTIFYING FUNDING OPPORTUNITIES	2
II. ASSESSING OPPORTUNITIES AND EVALUATING THE IMPACT	2
III. DETERMINING WHETHER TO APPLY FOR A GRANT	2
IV. DEVELOPING THE APPLICATION	3
V. SUBMITTING AND TRACKING THE APPLICATION	3
<u>POST-AWARD PROCESS</u>	4
VI. NOTICE OF GRANT AWARD (NGA)	4
VII. IMPLEMENTING THE GRANT	4
TRACKING AND REPORTING MATCHING	4
HIRING PERSONNEL	5
FISCAL REGULATIONS	5
CONTRACT FOR SERVICES	5
TECHNOLOGY	6
VIII. REPORTING REQUIREMENTS	6
IX. CHANGES IN BUDGET AND SCOPE	6
X. CLOSING OUT THE GRANT	7
<u>ROLES & RESPONSIBILITIES</u>	8

October 2011

Purpose

It is the purpose of this policy to support innovation in identifying and addressing problems that cannot be resolved with existing resources but might be suitable areas for seeking grant funds. This policy designates key roles and responsibilities and outlines proper procedures designed to ensure compliance with the governing legal authorities. It is important to emphasize the need for adequate planning and quality control in all activities relating to administering grants that involve resources and personnel of the Kentucky Court of Justice (KCOJ).

General Policy

It is the policy of the KCOJ to facilitate the responsible use of grant funds that can enhance the KCOJ's work in a manner deemed appropriate. Elected officials and personnel should identify innovations and problems that cannot be solved with existing resources, engage in planning to address the need, and given the temporary nature of grant funding, carefully consider if grants are an appropriate resource. It is important to remember that projects funded with grant money are dependent on court operations, and should address priorities of the KCOJ.

For purposes of this policy, a grant is an award of financial assistance for which the KCOJ has made application to a federal agency, state agency, or private foundation and is subject to requirements imposed by the awarding agency. Requirements may include: implementing a program, developing products, being accountable for the use of those funds to accomplish a court-related purpose, providing cash and/or in-kind services, periodic reporting and evaluation efforts.

The Administrative Office of the Courts (AOC) will be the applicant and fiscal agent through which all accounts must be established and all transactions processed for all grants where court personnel are the primary participants in the planned project. Applications shall be submitted to the funding agency only by the AOC designee after receiving final approval from the AOC Director's office.

All financial awards received by the KCOJ must include a budget, with which the project must comply. For lump sum awards with no budgetary stipulations from the funding agency, an internal budget must be created. Exceptions to this policy occur only when funds are awarded by reimbursement programs, wherein funds are reimbursed in direct proportion to after-the-fact reporting of project activities.

The existence of grant funds does not exempt court personnel or project staff from conducting related activities in accordance with the KCOJ Personnel Policies, which govern the hiring of employees, travel policies, fiscal processes, etc. Regulations and reporting requirements of the funding agency are in addition to, not a replacement for the KCOJ Personnel Policies.

The KCOJ recognizes the additional effort that must go into grant projects at all stages of the process to ensure quality implementation and ultimate success. This policy and procedures outlined herein are intended to clarify and streamline the process where possible.

Pre-Award Process

I. Identifying Funding Opportunities

The Grants Administrator is responsible for identifying funding opportunities. If an appointing authority or elected official would like the Grants Administrator to research specific or potential funding opportunities, requests may be emailed or faxed to the Grants Administrator as follows:

- Specific Opportunity, Immediately Available: Submit Request for Grant Application Approval Form, with appointing authority's signature. Request must be received at least 6 weeks prior to application deadline, or it will not be considered.
- Potential Funding for Future Needs: Submit an abstract of proposed project, with the estimated amount of funds needed.

Requests should include a designated contact for future correspondence.

II. Assessing Opportunities and Evaluating the Impact

- Specific Opportunity, Immediately Available: The Grants Administrator will conduct an assessment of the funding opportunity to determine if it is suitable and if funds received from the grant will offset the impact the grant requirements will have on the KCOJ. The assessment will consider eligibility requirements, project compatibility with the funding program, level of funds available, costs of meeting necessary programmatic and organizational requirements, etc.
- Potential Funding for Future Needs: The Grants Administrator will send opportunities, as they become available, to the designated contact for review. The appointing authority or elected official may submit a Request for Grant Application Approval Form for opportunities that are compatible with the project. The Grants Administrator will conduct an assessment thereafter.

III. Determining Whether to Apply for a Grant

- The Grants Administrator will provide the assessment along with the Request for Grant Application Approval Form to the Director's Office for review.
- The Director's Office will make the final determination.
- The Grants Administrator will email the determination to the contact at the department or local court.
- If the funding opportunity will be pursued, the Grants Administrator will email the Grant Application Agreement form to the designated contact. The form should be completed by the Project Director and returned to the Grants Administrator via fax or email.

IV. Developing the Application

Developing the application is a collaborative effort between the Grants Administrator and the Project Director.

- Developing the First Draft:
 - The Grants Administrator is responsible for drafting the application narrative and budget, for ensuring that the application includes all required components, and for ensuring that the components meet the agency's specifications.
 - Data for the narrative and budget must be supplied by the Project Director.
 - The budget should include:
 - Accurate Calculations
 - Adequate justification for costs
 - Costs tied to project objectives
 - The Project Director must check with Administrative Services to ensure vendors included in the budget are approved contracted vendors.
 - Cost information for technology must be requested from and meet configuration requirements of the AOC Technology Systems Department, by the Project Director.
 - Letters of Support will be coordinated by the Project Director and forwarded to the Grants Administrator.
 - The Grants Administrator will consult with the Project Director throughout the development process.
- Developing the Final Draft:
 - Two weeks before the submission deadline, the Grants Administrator will provide a draft of the application to the Project Director for review.
 - The Project Director will return revisions of the draft to the Grants Administrator, within 3 business days of receipt.

V. Submitting and Tracking the Application

- The Grants Administrator will submit the application to the Grantor and will retain a copy of the final application and copies of correspondence regarding the grant in the grant file.
- The Grants Administrator will inform the Project Director as tracking updates become available.

Post-Award Process

VI. Notice of Grant Award (NGA)

- The Grants Administrator will acquire the certifying official's signature, if required, and return the required documents to the grantor.
- The Grants Administrator will send an electronic copy of the NGA to the Project Director and Grant Fiscal Analyst.
 - The Project Director should review and understand the terms and conditions of the NGA.
- The Grants Administrator will maintain a hard copy of the NGA in the grant file.

VII. Implementing the Grant

Prior to implementing project activities, the following must be considered:

- The NGA must be received and returned, when required.
- Special conditions listed in the NGA should be understood by the Project Director and conditions should be achievable.
- Project activities may not commence until the Project Period Start Date.

Project activities must comply with the KCOJ Personnel Policies and the guidelines outlined below.

Tracking and Reporting Matching:

- Personnel used to fulfill matching requirements, must report the number of hours worked on the grant project, along with a description of the activities, to their appointing authority or elected official, within 7 business days after the payroll month ends.
- Hours must be reported as actual hours worked and not as a percentage of time.
- The appointing authority or elected official must approve and forward the match information to the Grants Administrator and Grant Fiscal Analyst.
- The Grants Administrator will maintain the detailed records for matching in the grants file.
- The Grant Fiscal Analyst will report matching information to the grantor as part of the required Financial Report.

Hiring Personnel:

- Positions funded with grant funds must be posted and filled according to the KCOJ Personnel Policies and the Employment Vacancy, Advertising, and Application Policy.
- Personnel must be advised that grant-funded positions are time-limited and will expire at the close of the grant.
 - For Federally-funded positions, personnel must sign the Appointment to Federally Funded Time-Limited Position form.
 - For Time-Limited, Restricted Fund positions, personnel must sign the Appointment to Fee-Based Position form.
- Personnel in grant-funded positions may not work hours in excess of the prescribed hours of duty.
- Personnel in positions funded by a single award must certify semi-annually that work performed during the period covered by the certification was solely for the funded program. The certification must be signed by the employee.

Fiscal Regulations:

- Fiscal records must be maintained at the AOC Central Office.
- All encumbrances, purchases, and payments, must be processed and submitted in accordance with the same procedures as are in effect for state funds. All must be processed through the AOC Administrative Services.
- The Grant account number must be recorded on all invoices and travel vouchers by the Project Director before submitting them to the AOC Grant Fiscal Analyst.
- All grants will be subject to audits by the AOC Grant Fiscal Analyst and any audits which the grantor may require.

Contract For Services:

- All contracts must follow the Commonwealth and KCOJ contract procedures (available through the Department of Purchasing).
- The Project Director must submit a description of services to be provided, any deliverables required of the vendor or contractor, and any other project specific requirements to the AOC Department of Purchasing.
- The Department of Purchasing will coordinate the contract process with the department or local court and other internal and external departments as necessary.
- Contracts for consultant services must include a description of the service, estimate of time required, and rate of compensation.
- One copy of the fully executed contract will be returned to the vendor or consultant.

Technology:

- All computer-related equipment and software must be approved by the AOC Technology Services (TS) EO or Manager.
- Arrangements for installation will be made by the TS Department.
- Technology designated as "Equipment" by the grant must be tagged and tracked in accordance with grantor policies.

VIII. Reporting Requirements

- Progress Reports: Progress reports may be required quarterly, semi-annually, or annually.
 - At least 2 weeks prior to the due date, the Grants Administrator will send the progress report requirements to the Project Director.
 - The Project Director will return the completed report via email or fax to the Grants Administrator.
 - The Grants Administrator will review and submit the progress reports to the awarding agency.
 - The Grants Administrator will maintain copies of the reports in the grant file.
- Financial Reports: The Grant Fiscal Analyst will submit the financial reports to the awarding agency (typically due 30 days after every calendar quarter).

IX. Changes in Budget and Scope

Certain types of post-award changes require prior written approval by the awarding agency. Examples of prior approval requirements are:

- Revision of the scope or objectives of the project
- Revision that would result in the need for additional funding
- Cumulative transfers among cost categories which exceed 10% of the current total approved budget
- Transfer of funds allotted for training allowances
- Need to extend the period of availability of funds
- Changes in key persons in cases where specified in an application or NGA
- When required by the applicable cost principles.

Changes requiring prior approval may not be implemented until prior approval is received, in writing, from the grants official.

Procedure for requesting prior approval:

- The Project Director will send the Grants Administrator the type of and justification for the change.
- The Grants Administrator will submit the request for prior approval, in writing, to the grants official designated on the NGA. The request will include the budgetary and programmatic impact for the proposed revision.
- The Grants Administrator will notify the Project Director when the determination is received.

X. Closing Out the Grant

- Final Progress Report: The Project Director will send the final progress report to the Grants Administrator at least 5 business days prior to the deadline. The Grants Administrator will review and submit the report to the grantor.
- Final Financial Report: The Grant Fiscal Analyst will submit the final financial report to the awarding agency.
- Carryover Request (when applicable):
 - The Grant Fiscal Analyst will provide the Grants Administrator and Project Director with the amount of funds available for carryover.
 - The Project Director will send the Grants Administrator a justification for the use of carryover funds and any other requirements for the carryover request.
 - The Grants Administrator will submit the carryover request to the awarding agency.
- Records Retention: The Grants Administrator will ensure that records are retained in accordance with the applicable legal authority (usually 3 years from the submission date of the final financial report).

Roles & Responsibilities

The Grants Administrator

- seeks appropriate funding sources
- obtains relevant statutes, regulations, OMB circulars, and agency policies governing the program
- notifies KCOJ personnel about specific funding opportunities
- oversees the application process: prepares the application and budget narratives with all required components, files applications on time and in accordance with the funding agency's specifications, and notifies the appointing authority or elected official of the funding agency's decision
- reviews the terms of the award and administers the acceptance of the award
- facilitates grant project planning and implementation
- reviews and submits all progress reports to the awarding agency
- ensures that funds are being spent timely and appropriately within the guidelines of the grant and budget
- submits requests to change the project or budget to the awarding agency
- maintains records for matching requirements
- ensures compliance with records retention requirements
- requests carryover of funds
- coordinates response to audits when required

The Appointing Authority or Elected Official

- identifies innovations or problems that may be addressed utilizing grant funds
- informs the Grants Administrator of needs and project plans through proposal summaries, or needs assessment meetings
- ensures the operational personnel and cooperating agencies are involved at the earliest planning stages
- works with the Grants Administrator throughout the planning, application, implementation and evaluation process
- assigns a Project Director as the primary contact person
- manages grant funds in accordance with the same policies and procedures as those required of state funds
- ensures that funds are being spent timely and appropriately within the guidelines of the grant and budget
- submits request to change project or budget to the Grants Administrator
- reviews personnel matching reports and forwards to the Grants Administrator and Grant Fiscal Analyst
- ensures the Project Director completes progress reports
- provides progress reports to the Grants Administrator

The AOC Budget and Fiscal Departments

- provides a timely response for any necessary budgetary or purchasing requests
- files financial reports in accordance with the awarding agency's instructions
- monitors, tracks and reports financial status to departments and local courts