



ORS Newsletter

November 2020

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UNIFORM GUIDANCE 2020 UPDATES

In August 2020, the Office of Management and Budget (OMB) published its revisions to 2 CFR 200, commonly known as the “Uniform Guidance” (UG), in the [Federal Register](#). These revisions amplify and institutionalize the vision of the President’s Management Agenda (PMA), implement new statutory requirements, and reduce burden to recipients by clarifying existing rules.

While majority of the revisions are effective November 12, 2020, two revisions became effective as of August 13, 2020: *Termination* [2 C.F.R. §200.340(2)] and the *prohibition on certain telecommunications and video surveillance services or equipment* (2 C.F.R. §200.216). The latter is one of the most significant revisions, incorporating Public Law 115-232, section 889 of the National Defense Authorization Act (NDAA) for fiscal year (FY) 2019. While it prohibits the obligation or expenditure of federal funds and awards for the use of “covered telecommunications equipment or services”, guidance in UG section II.A. states that federal award recipients are prohibited from using government funds to enter into contracts (or extend or renew contracts) with entities that use telecommunication equipment produced by or services of Huawei Technologies Company, ZTE Corporation or their subsidiaries or affiliates. This has created inconsistencies in interpretation among the federal agencies. Clarification is being sought by the Council on Governmental Relations and information will be disseminated once it becomes available.

(Continued on next page)

UNIFORM GUIDANCE 2020 UPDATES (CONTINUED)

Other key UG revisions that impact the university include:

- §200.215 *Never contract with the enemy* – Implements sections 841-843 of the NDAA for FY 2015 and C.F.R. part 183 Never Contract with the Enemy, applicable to grants and cooperative agreements in excess of \$50,000 that are performed outside the U.S. and its territories, in support of a contingency operation in which Armed Forces are actively engaged in hostilities.
- §200.320 *Methods of procurement to be followed* – This section has been revised to reflect statutory changes. The micro-purchase threshold has increased from \$3,500 to \$10,000 and the simplified acquisition threshold from \$150,000 to \$250,000.
- §200.322 *Domestic preferences for procurement* – To the greatest extent practicable, preference should be made for the purchase, acquisition, or use of goods, products, or materials produced in the U.S.
- §200.332 *Requirements for pass-through entities* – Clarifies that pass-through entities are responsible for addressing only a subrecipient's audit findings specifically related to its subaward.
- §200.340(2) *Termination* – Awarding agencies may terminate federal awards when program goals or agency priorities are no longer met.
- §200.414(f) *De Minimis Rate* – Any non-federal entity that does not have a current negotiated (including provisional) rate may elect to use a de minimis rate of 10%. Originally the de minimis rate was only available to non-federal entities that had never received a negotiated rate.
- §200.344 *Closeout* – The time period for recipients to submit closeout reports and liquidate financial obligations has increased from 90 to 120 days.

Revisions have also been nicely summarized by Venable LLP, an American law firm, who has granted permission to share their summary here: <https://www.venable.com/insights/publications/2020/09/revisions-to-the-uniform-guidance-include-wel>.

If you have any questions, please contact ORS Financial Compliance at orscomp@hawaii.edu.

UPDATED FEDERAL ACQUISITION REGULATIONS FOR MICRO-PURCHASE AND SIMPLIFIED ACQUISITION THRESHOLDS

Effective August 31, 2020, the Federal Acquisition Regulations (FAR) was finalized to reflect amendments made in the National Defense Authorization Acts of 2017 and 2018. Under the revised [FAR](#):

- The micro-purchase threshold was increased from \$3,500 to \$10,000.
- The simplified acquisition threshold was increased from \$150,000 to \$250,000.

These changes align the thresholds for acquisitions on both federal contracts as well as federal grants and cooperative agreements. A notice was posted on the Research Corporation of the University of Hawaii's [website](#) with references to their updated policies.

If you have any questions regarding the FAR change, please contact ORS Financial Compliance at orscomp@hawaii.edu.

FREE WEBINAR – PROTECTING UH RESEARCH: AN OVERVIEW OF DATA GOVERNANCE, INFORMATION SECURITY AND DISCLOSURE REQUIREMENTS

On Thursday, December 3, 2020 at 9:00 AM, the University of Hawaii (UH) Information Technology Services, and UH Data Governance Office, will be holding a free virtual webinar on “Protecting UH Research: An Overview of Data Governance, Information Security and Disclosure Requirements”. This webinar is an informational briefing geared for principal investigators, researchers, administrators and support staff, and will cover research-related topics, including the data governance process, current threats and vulnerabilities, undue foreign influence and disclosure requirements.

If you are interested in attending, please register online at https://hawaii.zoom.us/webinar/register/WN_iS0snlLSRSKSG8uXD8ZODQ.

For more information or if you have any questions, please contact Sandra Furuto, Director, Data Governance Office, at yano@hawaii.edu or (808) 956-7487.

ORS HELPLINE FREQUENTLY ASKED QUESTIONS

How do I check on the status of an award or subaward?

To check on the status of a new award, award modification, subaward or subaward modification, you can use the “Status Log” tool found on the ORS website:

<http://www.ors.hawaii.edu/index.php/award-status>.

Click on either “Award Status Search” or “Subaward Status Search” to search for the status of your award or subaward, respectively.

Once you log in with your UH username and password, use the “Search” box to find the principal investigator (PI) of the award or subaward you are checking on.

Once the PI name shows up in the “Results” box, use the “Insert” button to add it to the “Choice” box. You can continue adding more PIs or click the “Run” button at the bottom of the screen. The award/subaward status should show once the query completes.

Is the University of Hawaii a 501(c)(3) non-profit organization?

No, the University of Hawaii does not have a 501(c)(3) non-profit tax status. As an instrumentality of the state, UH is exempt from federal and state income tax in accordance with Internal Revenue Code §115, and does not meet the requirements to be designated as a 501(c)(3) non-profit organization.