



35. Terms And Conditions

STANDARD TERMS

1. Paid by DHHS Payment Management System (PMS), see attached for payment information.

This award is subject to the requirements of the HHS Grants Policy Statement (HHS GPS) that are applicable to you based on your recipient type and the purpose of this award, including requirements in Parts I and II. Available at: <https://www.hhs.gov/sites/default/files/grants/grants/policies-regulations/hhsgps107.pdf>

The prior approval requirements in 45 CFR 75.308(d) are not waived. The grantee shall obtain all prior approvals set forth in 45 CFR 75.308.

This award is subject to requirements or limitations in any applicable Appropriations Act.

This award is subject to the requirements of Section 106 (g) of the trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104).

This award is subject to the Federal Financial Accountability and Transparency Act (FFATA or Transparency) of 2006 subaward and executive compensation reporting requirements.

This award is subject to requirements as set forth in 2 CFR 25.110 Central Contractor Registration (CCR) and DATA Universal Number System (DUNS).

For additional terms go to: <https://www.acf.hhs.gov/discretionary-post-award-requirements>

Consistent with 45 CFR 75.113, applicants and recipients must disclose in a timely manner, in writing to the HHS awarding agency, with a copy to the HHS Office of Inspector General (OIG), all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Subrecipients must disclose, in a timely manner, in writing to the prime recipient (pass through entity) and the HHS OIG, all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award.

This award is subject to Public Law 114-95 Title IX "Every Student Succeeds Act" Section 9212. (<https://www.govinfo.gov/content/pkg/PLAW-114publ95/pdf/PLAW-114publ95.pdf>)

This award is subject to the requirements as set forth in 45 CFR Part 75. (<https://www.ecfr.gov/current/title-45/subtitle-A/subchapter-A/part-75>).

Initial expenditure of funds by the grantee constitutes acceptance of this award.

Additional terms and conditions, reporting requirements, and payment instructions are attached.

AWARD ATTACHMENTS

EXECUTIVE OFFICE OF THE STATE OF NEW JERSEY

90TP0061-03-04

1. Payment Instructions
2. Highlighted Grant Requirements
3. Federal Financial Report Requirements
4. Performance Progress Report Requirements

Payment Instructions

This award will be paid through the Payment Management System (PMS), <https://pms.psc.gov>.

The Program Support Center (PSC) is a non-appropriated agency hosted by the U.S. Department of Health and Human Services (HHS). PSC developed the Payment Management System (PMS) as a secure, online grants payment platform which provides awarding agency and grant recipient customers with efficient grant and grant-like payments, cash management, and personal grant accounting support services.

PMS leverages efficient business processes, state-of-the-art information technology, E-Government initiatives, and business expertise to build a critical link in the operation of federal financial assistance programs. The system receives payment requests, transmits the payment to either the Federal Reserve Bank or the U.S. Treasury for deposit into the grantee's bank account, and records the payment transactions and corresponding disbursements to the appropriate account(s).

The Payment Management System (PMS) is a tool to help grant recipients draw down funds and file the Federal Financial Report (FFR).

For states, payments are governed by Treasury-State CMIA agreements and default procedures codified at 31 CFR part 205 and TFM 4A-2000 Overall Disbursing Rules for All Federal Agencies.

For non-Federal entities other than states, payments methods must minimize the time elapsing between the transfer of funds from the United States Treasury or the pass-through entity and the disbursement by the non-Federal entity whether the payment is made by electronic funds transfer, or issuance or redemption of checks, warrants, or payment by other means.

In accordance with Department of Treasury regulations, federal cash MUST BE DRAWN SOLELY TO ACCOMMODATE YOUR IMMEDIATE NEEDS ON AN "AS NEEDED" BASIS ONLY, and must not be held in excess of three (3) working days. The Department of Treasury issued regulations governing the flow of federal cash to recipient organizations. These regulations are intended to ensure that federal cash is disbursed from U.S. Treasury coffers only when the recipient needs cash for payment purposes. The regulations minimize the negative impact of federal cash withdrawals on the public debt and related financing costs to the Federal Government. At no time, therefore, should cash be requested to cover unliquidated encumbrances, obligations, or accrued expenditures until actual program disbursements are anticipated. {Reference Circular 1075 & 1084}

Grant Recipients can find the PMS User Guide and Training on the PMS website, <https://pms.psc.gov/training/pms-user-guide.html>.

Highlighted Grant Requirements

Cost Principles – costs must comply with [45 CFR § 75.400 - § 75.477](#)

Period of Performance and Availability of Funds [45 CFR § 75.309](#) – costs must be incurred during the budget period and liquidated within 90 days following the budget period end date

Procurement procedures must comply with [45 CFR §75.326](#) and [§75.335](#) Procurement Standards. States must follow the same procedures used for non-federal funds and must include contract provisions noted in 45 CFR Part 75 Appendix II.

Subrecipient Monitoring and Management [45 CFR § 75.351 – § 75.353](#) – subrecipient and contractor determinations, requirements for pass-through entities, fixed amount subawards

Indirect costs must comply with [45 CFR § 75.414](#). Indirect cost rates must be based on a current Indirect Cost Rate Agreement approved by the non-federal entity's cognizant federal agency. A de minimis rate of 10% of [Modified Total Direct Costs \(MTDC\)](#) may only be used by a non-federal entity that has never received a federally negotiated indirect cost rate agreement. Note: A governmental department/agency that receives more than \$35M in direct federal funding must submit an indirect cost rate proposal to its cognizant agency for indirect costs.

Salary Limitation: Pursuant to HHS appropriations acts, none of the funds awarded by this grant shall be used to pay the salary of an individual at a rate in excess of Federal [Executive Schedule Level II \(\\$203,700 for 2022\)](#).

Change in key person identified in the application or award (Program Director, Authorized Representative) requires prior approval per [45 CFR §75.308\(c\)\(ii\)](#).

Prior approval requirements in [45 CFR §75.308\(d\)](#) are not waived. Grant recipients must request prior approval for pre-award costs, one-time extension of the period of performance, and carryover of unobligated balances.

Budget Revision: Transfers between direct cost budget categories in excess of \$250,000 or 25% of the total budget (whichever is less) requires prior approval by the awarding agency [[HHS Grants Policy Statement, page II-54](#)].

Participant Support Costs require prior approval per [45 CFR §75.456](#).

Publications or audiovisual media must include the following disclaimer: "This [publication or project] was made possible by grant number [90TP00XX]. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the United States Department of Health and Human Services, Administration for Children and Families."

Federal Financial Report Requirements

For Preschool Development Grants, the Federal Financial Report (FFR) must be submitted in the Payment Management System (PMS) (<https://pms.psc.gov/index.html>) within 30 days after the end of each quarter.

The **SF-425** form must be prepared and certified as follows:

- **October 1 – December 31:** **certify by January 30**
 - **January 1 – March 31:** **certify by April 30**
 - **April 1 – June 30:** **certify by July 30**
 - **July 1 – September 30:** **certify by October 30**
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- The **Annual FFR**, covering the budget period plus the liquidation period, must be prepared and certified within **90 days after the end of the budget period**. The Annual FFR must reflect \$0 unliquidated obligations and statutory cost sharing requirement for federal funds expended.
 - The **Final FFR**, covering the budget period plus the liquidation period, must be prepared and certified within **90 days after the end of the project period**. The Final FFR must reflect \$0 unliquidated obligations and statutory cost sharing requirement for federal funds expended.

The FFR will be available to prepare after the end of the reporting period and must be certified by the due date.

FFR Grantee User Guide: <https://pms.psc.gov/pms-user-guide/federal-financial-report.html>

Performance Progress Reporting

Preschool Development Grant recipients are required to report project progress on a quarterly basis using the Performance Progress Report (PPR) (<https://www.acf.hhs.gov/grants/discretionary-post-award-requirements>). The PPR is used to report progress and completion of project activities, goals, and objectives as identified in the approved application.

Once completed, upload the PPR as a Grant Note in Grant Solutions using the following naming conventions:

- Subject: PPR-Q1-YYYY, PPR-Q2-YYYY, PPR-Q3-YYYY, PPR-Q4-YYYY, PPR-Final-YYYY
- Note Type: Correspondence
- Category Type: Programmatic Report

The PPR is due 30 days after the end of each quarter as follows:

- October 1 – December 31: submit by January 30
- January 1 – March 31: submit by April 30
- April 1 – June 30: submit by July 30
- July 1 – September 30: submit by October 30

Failure to submit reports when due indicates non-compliance with award terms and conditions.