IDAPA 16 – IDAHO DEPARTMENT OF HEALTH AND WELFARE

Division of Family and Community Services

16.05.04 – Idaho Council on Domestic Violence and Victim Assistance Grant Funding

Who does this rule apply to?
For those applying for grants administered by the Idaho Council on Domestic Violence and Victim Assistance.

What is the purpose of this rule?
These rules define the application process, eligibility determination, and other requirements for the grants administered by the Idaho Council on Domestic Violence and Victim Assistance.

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statute passed by the Idaho Legislature:

Health and Safety -
- Section 39-5209, Idaho Code – Domestic Violence Project Grants: Rules

Where can I find information on Administrative Appeals?
Administrative appeals and contested cases are governed by the provisions of IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings."

How do I request public records?
Unless exempted, all public records are subject to disclosure by the Department that will comply with Title 74, Chapter 1, Idaho Code, upon requests. Confidential information may be restricted by state or federal law, federal regulation, and IDAPA 16.05.01, "Use and Disclosure of Department Records."

Who do I contact for more information on this rule?

Idaho Department of Health and Welfare
Idaho Council on Domestic Violence and Victim Assistance
NOTE: The Council on Domestic Violence and Victim Assistance is attached to the Department of Health and Welfare for fiscal and administrative purposes, and any grant awards, disbursement of funds, and other procedural matters must be in compliance with Department requirements. Programmatically the Council is independent of the Department.

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16.05.04 – GRANT FUNDING FOR THE IDAHO COUNCIL ON DOMESTIC VIOLENCE AND VICTIM ASSISTANCE

000. LEGAL AUTHORITY.
Under Section 39-5209, Idaho Code, the Idaho Council on Domestic Violence and Victim Assistance (ICDVVA) is authorized to promulgate, adopt, and amend rules to implement the provisions of the Domestic Violence Project Grants Act, as contained in Title 39, Chapter 52, Idaho Code. (3-20-20)

001. TITLE AND SCOPE.

01. Title. The title of these rules is IDAPA 16.05.04, "Grant Funding for the Idaho Council on Domestic Violence and Victim Assistance." (3-20-20)

02. Scope. These rules define the application process, eligibility determination, and other requirements for the grants administered by the (ICDVVA). (3-20-20)

03. Relationship to the Department of Health and Welfare. The (ICDVVA) is attached to the Department of Health and Welfare for fiscal and administrative purposes, and any grant awards, disbursement of funds, and other procedural matters must be in compliance with Department requirements. Programmatically, the Council is independent of the Department. (3-20-20)

002. INCORPORATION BY REFERENCE.

01. Documents Incorporated by Reference. In accordance with Section 67-5229, Idaho Code, the following documents are incorporated by reference into this chapter of rules: (7-1-14)

a. "Service Standards for ICDVVA-Funded Programs," Edition 2014-1, published by the Idaho Council on Domestic Violence and Victim Assistance, effective July 1, 2014. (7-1-14)

b. "Minimum Standards for Domestic Violence Offender Intervention Programs," published by the Idaho Council on Domestic Violence and Victim Assistance, edition 2019-1, effective July 1, 2019. (7-1-19)

02. Availability of Reference Material. Copies of the documents incorporated by reference into these rules are available: (7-1-14)

a. At the Idaho Council on Domestic Violence and Victim Assistance, 304 North 8th Street, Suite 140, P.O. Box 83720, Boise, Idaho 83720-0036. (7-1-14)

b. On the internet at: http://www.icdv.idaho.gov. (7-1-14)

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b. On the internet at: http://www.icdv.idaho.gov. (7-1-14)

004. -- 005. (RESERVED)

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS ACT REQUESTS.

01. Confidentiality of Records. Any information about an individual covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." (3-20-20)

02. Public Records Act. The Department will comply with Title, 74, Chapter 1, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. (3-20-20)

007. -- 009. (RESERVED)

010. DEFINITIONS.
For the purpose of these rules, the following definitions apply: (3-20-20)

01. Conflict of Interest. No member of the Council may vote on any matter before the Council in which they have any substantial ownership, or fiduciary, contractual, consultative, creditor, or directly competitive relationship, and any such relationship be made publicly known. (3-20-20)

a. Appearance. In the use of grantor agency project funds, officials or employees of state or local units of government and nongovernmental grantees/subgrantees must avoid any action that might result in, or create the appearance of: (3-20-20)

i. Using his official position for private gain; (3-12-90)

ii. Giving preferential treatment to any person; (3-12-90)

iii. Losing complete independence or impartiality; (3-12-90)

iv. Making an official decision outside official channels; or (3-12-90)

v. Adversely affecting the confidence of the public in the integrity of government or the program. (3-12-90)

b. Fiduciary. Exercising a position of trust on behalf of an organization or entity, including any trustee, member of the Board of Directors, officer, legal counsel, or any other person with a legal obligation to act in the best interest of such an organization or entity. (3-12-90)

02. Contract. The grant contract between the program and the Council that results from a Council grant award. (3-20-20)

03. Council. The Idaho Council on Domestic Violence and Victim Assistance (ICDVVA) as outlined in Section 39-5201, et seq., Idaho Code. (3-20-20)

04. Department. The Idaho Department of Health and Welfare. (3-20-20)

05. Domestic Violence. Crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Idaho, or a family or household member. This definition also includes criminal or non-criminal acts constituting intimidation, control, coercion and coercive control, emotional and psychological abuse and behavior, expressive and psychological aggression, financial abuse, harassment, tormenting behavior, distributing or alarming behavior, and additional acts. This definition applies to individuals and relationships as set forth in 45 CFR 1370.2. (3-20-20)

06. Victim. A person who suffers direct or threatened physical, sexual, emotional, psychological, or financial harm as a result of an act by someone else, which is a crime. (3-20-20)

011. -- 014. (RESERVED)

015. GRANTS.

01. Family Violence Grant. Money awarded to a program under the Family Violence Prevention and Services Act, Title III of the Child Abuse Amendments of 1984 P.L. 98-457,42 U.S.C. 10401, and any applicable rules and regulations. (3-20-20)

02. State Domestic Violence Grant. Money awarded to a program under Sections 39-5201 through 39-5213, Idaho Code (domestic violence project grants), and any applicable rules and regulations. (3-20-20)

03. VOCA Grant. Money awarded to a program under Victims of Crime Act of 1984, P.L. 98-473, Title II, Chapter XIV, 42 U.S.C. 10601, et seq. and any applicable rules and regulations. (3-20-20)

04. Regions. The seven (7) regions of the Department of Health and Welfare are as follows: (3-12-90)

a. REGION I -- Benewah County, Bonner County, Boundary County, Kootenai County, Shoshone County. (3-12-90)

b. REGION II -- Clearwater County, Idaho County, Latah County, Lewis County, Nez Perce County. (3-12-90)

c. REGION III -- Adams County, Canyon County, Gem County, Owyhee County, Payette County, Washington County. (3-12-90)

d. REGION IV -- Ada County, Boise County, Elmore County, Valley County. (3-12-90)

e. REGION V -- Blaine County, Camas County, Cassia County, Gooding County, Jerome County, Lincoln County, Minidoka County, Twin Falls County. (3-12-90)

f. REGION VI -- Bannock County, Bear Lake County, Bingham County, Caribou County, Franklin County, Oneida County, Power County. (3-12-90)

g. REGION VII -- Bonneville County, Butte County, Clark County, Custer County, Fremont County, Jefferson County, Lemhi County, Madison County, Teton County. (3-12-90)

05. Grant Applications. Applications for grant funding that are obtained from the Council. These will have eligibility, legal, and paperwork requirements for the grants administered by the Council. (3-20-20)

016. COUNCIL DUTIES.

01. Membership. Under Section 39-5204, Idaho Code, consist of seven (7) members appointed by the Governor of Idaho. At least one (1) member must reside in one (1) of the seven (7) Department of Health and Welfare regions. Members must be representative of persons who have been victims of domestic violence, care providers, law enforcement officials, medical and mental health personnel, counselors, and interested and concerned members of the general public. (3-20-20)

02. Purpose. Be the advisory body for programs and services affecting victims of crime. For budgetary purposes and for administrative support purposes, the Council is assigned by the Governor to the Department. (3-12-90)

03. Grants Awards Process. Award available state and federal grant money to eligible victims' services programs within the state of Idaho. The current available grants are: (3-12-90)

a. State domestic violence; (3-12-90)

b. Federal family violence; (5-3-03)

c. Federal VOCA; and (5-3-03)

d. State offender intervention program grants. (3-20-20)

04. Other Grants. The Council may establish other state or federal grants authorized under Executive Orders and under Section 39-5208(2), Idaho Code. (3-20-20)

017. ELIGIBILITY.

01. State Domestic Violence Grants. To be eligible for a state domestic violence grant, a program must comply with the applicable requirements of Title 39, Chapter 52, Idaho Code, as specified in Appendix A, these rules, and any additional requirements in the grant applications, or from the Council. (3-20-20)

02. Federal Family Violence Grant. To be eligible for a federal family violence grant, a program must comply with all the applicable sections of the Family Violence and Services Act, other federal rules and regulations, and any additional requirements in the grant applications or from the Council. (3-20-20)

03. Federal VOCA Grant. To be eligible for a federal VOCA grant, a program must comply with all the applicable sections of the Victims of Crime Act, any other federal rules and regulations that apply, these rules and any additional requirements listed in the grant applications, or from the Council. (3-20-20)

04. Tribes. All federally acknowledged tribes in the state of Idaho are eligible for ICDVVA funding. (3-20-20)

05. Application Process. The application process for grants, including time frames for both submission and disposition of applications and the form and contents of applications for annual or supplemental funding, is described in Section 018 of these rules. (3-20-20)

018. TIME FRAMES.

01. Grant Applications for Annual Grants from the Council. (5-3-03)

a. No less than once a year, the Department will publish a "Grant Applications" (GA) at least two (2) times (once a week for two (2) consecutive weeks, on the same day of the week) in a major daily newspaper in each service area. The GA will specify the deadline for submission of proposals. In no event will the deadline be less than sixty (60) days from the date of first publication of the GA. (3-12-90)

b. A copy of each GA will also be sent to current grantees and to persons and organizations who have requested timely notification. Requests for advance notification of the solicitation of grant proposals should be directed to the Executive Director of the Idaho Council on Domestic Violence and Victim Assistance, P.O. Box. 83720, Boise, Idaho 83720 - 0036, or info@icdv.idaho.gov. (3-20-20)

c. Applications for annual grants must be postmarked, hand-delivered, e-mailed, or electronically delivered as specified in the ICDVVA application RFP, no later than the date designated in the "Grant Applications." (3-20-20)

02. Proposals or Supplemental Grants. Applications for supplemental grants may be submitted for consideration at any time during the effective period of a grant. (5-3-03)

019. DISPOSITION OF APPLICATIONS.
The Council will deny or grant funding as specified below, and all applicants will be notified in writing as to the disposition of their application. (3-20-20)

01. Applications. The Council will deny or grant funding for an annual application within ninety (90) days of the GA deadline. (3-20-20)

02. Supplemental Applications. Allocation of supplemental funding is made based upon the

availability of funds. (3-20-20)

03. Late Applications. An application for annual funding received after the deadline specified in any GA will be acted upon at a regularly-scheduled meeting of the Council, following consideration of all timely initial and renewal applications for the service area. (5-3-03)

020. EVALUATION OF APPLICATIONS.
Applications from each region are be evaluated according to the following criteria: (3-20-20)

01. Threshold Factors. Before an application is evaluated and ranked, an affirmative determination must be made that: (3-12-90)

a. The applicant meets eligibility requirements as specified in Section 017 of these rules; and (3-20-20)

b. The applicant has the administrative capacity, or has adequately described how provisions for that capacity will be made if not present at the time of application, to administer a grant including having, contracting for, or obtaining staff and expertise to: (3-12-90)

i. Provide proper management and maintain the proper records; (3-20-20)

ii. Assure fiscal control and efficient disbursement of grant funds; (3-20-20)

iii. Fulfill grant requirements, including meeting reporting requirements; and (3-12-90)

iv. Provide the proposed services. (3-12-90)

02. Conflict of Interest. Under the following circumstances, a Council member must declare a conflict of interest in writing to the Executive Director and subsequently refrain from evaluating or ranking, or casting a vote to award a grant to an applicant who: (3-20-20)

a. Serves on a board of directors or advisory board with the Council member, or a member of the Council member's immediate family; (3-20-20)

b. Has been, or would be, directly involved in the project as an advisory board member, a consultant, collaborator, or trainer whose expenses would be paid from the subgrant, etc.; (3-20-20)

c. Is from the same institution or organization as the Council member, or was employed by that organization within the past year; (3-20-20)

d. Has collaborated recently on work related to the current application or other proposal; (3-20-20)

e. May consider the Council member for a position at the applicant's organization or institution; (3-20-20)

f. Has an organization in which the Council member has served in an official or unofficial capacity within the past year; (3-20-20)

g. Has an organization in which the Council member has employees, or closely affiliated officials, who serve as board members or in other official capacities for the applicant; (3-20-20)

h. Has a family relationship with the Council member; (3-20-20)

i. Is known to be close friends or open antagonists with the Council member; or (3-20-20)

j. Is currently directly involved in a closely associated project with the Council member. (3-20-20)

03. **Evaluation Criteria**. The Council uses the following criteria to evaluate applications: (3-20-20)

a. Assessment of existing victim services in the community and demonstrated need for proposed services in the area. (3-12-90)

b. Scope of services or number of eligible activities to be provided. (3-12-90)

c. Estimated number of clients to be served and expansion potential, if any. (3-12-90)

d. Knowledge and use of other available funding sources or fund-raising activities. (3-12-90)

e. Involvement and coordination with community resources including identification of sources of victim access. (3-12-90)

f. Recruitment efforts for volunteers to meet the specific needs of the program and the community. (3-12-90)

g. Performance record of past activities, if any, including: (3-12-90)

i. Creative use of volunteers; (3-12-90)

ii. Training of volunteers; (3-12-90)

iii. Fund-raising activities; (3-12-90)

iv. Administrative performance; (3-12-90)

v. Degree of incorporation of self-help activities into program; and (3-12-90)

vi. Education service to community. (3-12-90)

h. Cooperation with other area domestic violence and victim assistance programs to insure services to all areas and victims without duplicating services. (3-12-90)

021. ON-SITE EVALUATIONS.

01. **Initial Evaluation**. Prior to the awarding of an initial grant, the Department is authorized to conduct an on-site evaluation of the program to ensure that the program is in substantial compliance with these rules and to determine the capability of the program to provide the services for which funding is requested. The program must provide for review of any and all client records, program records, financial statements, and other documents needed by the Council to make its determination, including any information that may have changed since the time the application was submitted. (5-3-03)

02. **Follow-Up Evaluations**. In addition to any initial on-site evaluation, the Council is authorized, upon reasonable notice to the program, to conduct such on-site evaluations of the program: (5-3-03)

a. To determine continued compliance with these rules and other applicable requirements; or (3-12-90)

b. To determine the continued capability of the program to provide the services for which funding has been granted. (3-12-90)

022. DOMESTIC VIOLENCE GRANT DISTRIBUTION.
Domestic violence project grants will be awarded in the following manner: (3-12-90)

01. **Distribution of Domestic Violence Grants to Regions**. On an annual basis, following

determination by the Council of the total funds available for domestic violence grant awards for the following fiscal year, the Council shall establish and announce the base level of funding available for each region. (5-3-03)

a. In accordance with Section 39-5212, Idaho Code, not less than fifty-one percent (51%) of available grant funds will be allocated to programs within the seven (7) regions in the proportion that marriage licenses are filed in each region, based on statistics compiled by the state registrar of Vital Statistics. (3-12-90)

b. The allocation of the remaining percentage of available grant funds shall be established and announced annually in varying percentages based on consideration of the following and in the order of priority shown below: (3-12-90)

i. Identification of critical needs and evidence of relative distribution of victim population within the state. (3-12-90)

ii. Calculation of a population/area factor, using current U.S. census data and employing the following formula: (3-12-90)

(1) Multiply the population of a region by two (2) and divide the product by the total state population; and (3-12-90)

(2) Divide the square miles for a region by the total square miles for the state and add the resulting figure to the figure determined by calculating the amount as set out in Subsection 022.01.b.i.(1). (5-3-03)

(3) Divide the sum by three (3), yielding a percentage figure which represents the population/area factor for the region. (3-12-90)

iii. Identification of programs with statewide applicability. (3-12-90)

c. In the event that proposals received from eligible applicants within a given region are insufficient and/or inadequate or that grants awarded are not accepted or grant agreements finalized on a timely basis, or a grant is terminated prior to the completion date, the Council shall solicit qualified new or supplemental proposals from the region and will hold the funds available for the region for a period of six (6) months. (5-3-03)

d. Any domestic violence grant funds not obligated or expended during any award period will be apportioned by the Council at its discretion. (3-12-90)

02. Distribution of Domestic Violence Grants Within the Regions. (3-12-90)

a. Programs shall be selected through a comparative application process; and (3-12-90)

b. Applicants shall be compared only with other applicants from the same region; and (3-12-90)

c. The Council is not obligated to select or approve any proposal received. (5-3-03)

03. Timing and Duration of Grant Awards. Grant awards under the domestic violence grants project shall be made for a period not to exceed one (1) year unless revoked. Actual funds shall be distributed in accordance with the schedule of payments established for each grant. (3-12-90)

023. VICTIM ASSISTANCE GRANT DISTRIBUTION.
Victim assistance grants will be awarded in the following manner: (3-12-90)

01. Distribution of Victim Assistance Grants to Priority Categories and Regions. On an annual basis, following the Council's receipt of an award letter from the U.S. Justice Department announcing the amount available for victim assistance grants for the following fiscal year, the Council shall establish and announce the base level of funding available for the priority categories and for each region. Determination of the actual percentage and amount of funds to be allocated for the priority and other categories for the regions, and for statewide projects will be based on data available to the Council. (5-3-03)

a. Allocations for Priority and Other Categories. The Council shall allocate the federal crime victim assistance funds awarded to Idaho to programs by complying with regulations of the Victims of Crime Act of 1989, P.L. 98-473, Title II, Chapter XIV, 42 U.S.C. 10601, et seq. (3-12-90)

b. Allocations for Service Areas. (3-12-90)

i. The Council shall allocate the victim assistance funds by region based on a population/area factor, as outlined in Subsection 022.01.b.ii. (5-3-03)

ii. At its discretion, the Council may reserve a portion of the victim assistance grant funds for programs with statewide applicability. (3-12-90)

c. Any victim assistance grant funds not obligated or expended during any award period shall be apportioned by the Council at its discretion, within the established federal limits governing use of the funds. (3-12-90)

02. Distribution of Victim Assistance Grants Within Priority Categories and Regions. Grants shall be awarded through comparison and consideration of applications within a region according to the category of victim services being proposed. The Council is not obligated to select or approve any proposal received. (3-12-90)

03. Timing and Duration of Grant Awards. Grant awards made under the victim assistance grants project shall be made for a period not to exceed one (1) year unless revoked. Actual funds shall be distributed in accordance with the schedule of payments established for each grant. (3-12-90)

024. FAMILY VIOLENCE GRANT DISTRIBUTION.
Family violence grants shall be awarded on an annual basis, following receipt of an award letter from the United States Department of Health and Human Services, announcing the amount available for family violence grants for the following fiscal year. The Council shall establish and announce the funding available for each region based upon the following allocation. (3-12-90)

01. Allocation. If all seven (7) regions have qualified and eligible applicants, the amount available shall be divided by seven (7). If not all regions have qualified and eligible applicants, the amount available shall be divided by the number of regions that have qualified and eligible applicants. The Council is not obliged to accept or approve any proposal received. (3-12-90)

02. Timing and Duration of Grant Awards. Grant awards made under the family violence grant project will be made for a period not to exceed one (1) year, unless revoked by the Council. Actual funds shall be distributed in accordance with the payment scheduled for each grant. (3-12-90)

025. -- 030. (RESERVED)

031. AWARDING OF GRANTS.
Notification of grant awards shall be accomplished through preparation and issuance of a contract specifying, at a minimum, the eligible activities for which the grant is to be awarded, including the beginning and termination dates of the grant; the amount of the grant award; the schedule of payments; and any terms and conditions additional to these rules which are agreed to by the parties. (3-12-90)

01. Acceptance of Grant Award by Grantee. Acceptance of the grant award is to be accomplished by returning two (2) copies of the contract bearing the original, signature of the duly authorized representative of the grantee. The copies of the signed contract are to be returned to the Council within fifteen (15) days of the date of the letter transmitting the agreement to the grantee. (5-3-03)

02. Approval or Grant Agreement. The agreement will be deemed approved and the grant effective upon the effective date specified in the agreement when signed by the authorized official for the Council. If more than sixty (60) days have elapsed between the stated effective date and the date the agreement is signed for the Council: (5-3-03)

a. There will be no penalty or reduction of funding if the delay was attributable to the Council. (5-3-03)

b. The program may face a reduction in funding and renegotiation of the agreement if the delay was attributable to the program. (3-12-90)

032. DENIAL, SUSPENSION, OR TERMINATION OF GRANT.

01. Compliance Issues. A grant may be suspended pending investigation to determine compliance with these rules. An application for a grant may be denied or a grant terminated if the program is not in compliance with these rules. (3-12-90)

02. Disincorporation. In the event a legal entity which is the recipient of a grant disincorporates, the Council must be informed in writing within twenty (20) days and the grant terminated. Grant funds for all but the portion of the fiscal year during which services required under the grant were performed must be recovered by the Council. Reallocation of remaining grant funds will be in accordance with applicable law. (3-12-90)

03. Internal Take-Over. If the governing board of one (1) of an agency's programs takes over the agency, with the program's board actually becoming the new board of the agency, the Council must be notified in writing within twenty (20) days. The grant may continue in effect without interruption. (3-12-90)

033. APPEAL OF GRANT AWARD DECISION.
No later than fifteen (15) days from the date of written notification from the Council to a program announcing denial of its grant application or suspension or termination of its grant, a program may file a written request for reconsideration of the Council's decision. All requests for reconsideration must be addressed and submitted to the executive director of the Council. (3-12-90)

01. Contents of Request for Reconsideration. Any request for reconsideration must contain all pertinent facts supporting the program's request for the Council to reconsider its grant award decision. (3-12-90)

02. Disposition of Request for Reconsideration. Upon notification of a timely request for reconsideration, the chairperson of the Council will appoint a panel composed of three (3) Council members to review the contents of the request and all pertinent data upon which the Council based its original decision. (3-12-90)

03. Disposition of Funds for Service Area Pending Reconsideration. While a timely and valid request for reconsideration received from a program is pending, fifty percent (50%) of the funds allocated to the service area in which the program is located will be held. (3-12-90)

04. Issuance of Decision. Following consideration of all data pertinent to the issue, the appointed panel will prepare a written report of its deliberations and issue a dated decision concerning the recommended resolution of the dispute. Copies of the report and the decision will be transmitted to the full Council and to the program submitting the request. (3-12-90)

05. Appeal of the Council's Decision. If the program is unsatisfied by the decision of the Council, a written appeal setting out the basis for the appeal may be filed. It must be received by the executive director of the Council no later than fifteen (15) days from the date of the Council's written decision. (3-12-90)

06. Hearing on Appeal. Upon notification of receipt of a timely appeal, the chairperson of the Council will appoint a hearing officer to convene a hearing in accordance with the Idaho Administrative Procedure Act, Sections 67-5201, et seq., Idaho Code. (3-30-11)

034. PAYMENT PROCEDURES.
Procedures for payment will be set out in the contract issued by the Council. (5-3-03)

035. STATE AND FEDERAL DOMESTIC VIOLENCE GRANT -- RECORD KEEPING REQUIREMENTS.
Each program receiving a grant(s) from the Department must maintain accurate, current and complete client, administrative and fiscal records, including accurate records of the receipt, obligation and disbursement of funds. Records must be accessible to authorized state officials during normal operating hours for purposes of inspection and/ or audit, with or without prior notification, pursuant to Section 39-108, Idaho Code. The fiscal and program record requirements required for each grant are in the contract. (3-12-90)

036. AUDITS.
Projects selected for funding by the Council will be subject to audit. Pursuant to the U.S. Office of Management and Budget (OMB) Circular A-128, "Audits of State and Local Governments," grantees have the responsibility to provide for an audit of their activities. These audits shall be made annually. Grantees as well as their contractors or other organizations under cooperative agreements or purchase of service contracts are to arrange for examination in the form of independent audits in conformance with OMB Circular A-128. (3-12-90)

01. Audit Requirement. These audits shall be made by an independent auditor in accordance with generally accepted governmental auditing standards governing financial and compliance audits. The required audits are to be performed on an organization-wide basis. The audit reports must include: (3-12-90)

a. The auditor's report on financial statements of the recipients organization and a schedule of financial assistance showing the total expenditures for each assistance program; (3-12-90)

b. The auditor's report on compliance containing: (3-12-90)

i. A statement of positive assurance with respect to those items tested for compliance, including compliance with law and regulations pertaining to financial reports and claims for advances and reimbursements; (3-12-90)

ii. A negative assurance of those items not tested and a summary of all instances of noncompliance; and (3-12-90)

iii. The auditor's report on the study and evaluation of internal control systems, which must identify accounting controls, and those controls designed to provide reasonable assurance that federal programs are being managed in compliance with applicable laws and regulations. It must also identify the controls that were not evaluated, and the material weaknesses identified as a result of that identification. (3-12-90)

02. Audit Objectives. Grants and other agreements are awarded subject to conditions of fiscal, program and general administration to which the recipient expressly agrees. Accordingly, the audit objective is to renew the recipient's administration of grant funds and required non-federal contributions for the purpose of determining whether the recipient has: (3-12-90)

a. Financial statements of the government, department, agency, or establishment that present fairly its financial position and the results of financial operations in accordance with generally accepted accounting principles; (3-12-90)

b. The organization has internal accounting and other control systems to provide reasonable assurance that it is managing federal financial assistance programs in compliance with applicable laws and regulations; and (3-12-90)

c. The organization has complied with laws and regulations that may have material effect on its financial statements and on each federal assistance program. (3-12-90)

037. -- 999. (RESERVED)

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