



Arts New Orleans

# Compliance Handbook

Activity period: April 1, 2022 – March 31, 2023



Through the National Endowment for Arts Cares Act Grant program, the NEA provides support for subgranting to the nonprofit arts sector in response to and recovery from the COVID-19 pandemic. This grant program is made possible with funding from the Cares Act. Arts New Orleans was awarded \$500,000 by the NEA to subgrant to local arts organizations. Grant awards are contingent upon being received by the NEA. Awards will go to eligible arts organizations who are current recipients of 2022 Community Arts Grants, made possible with funds from the City of New Orleans.

### **FY 2022 National Endowment for Arts Cares Act Grant Activity Period**

April 1, 2022 – March 31, 2023

### **Type of Grant**

Support for subgranting to the nonprofit arts sector in response to and recovery from the COVID-19 pandemic who may use this funding to save jobs, and to fund operations and facilities, health and safety supplies, and marketing and promotional efforts to encourage attendance and participation.

### **Grant Program Staff**

**Ashley Firstley, Grants and Marketing Manager** – 504-232-4101, [ashley@artsneworleans.org](mailto:ashley@artsneworleans.org)

Please contact grants staff if you need assistance with your grant.

### **Arts New Orleans**

P.O Box 58379

New Orleans, LA 70158

# COMPLIANCE ISSUES

## ❖ **Establish a File on your computer**

### **Include:**

- Original Application - PDF
- Grant Award Letter
- Copy of signed Grant Contract
- Financial Documentation (paystubs, invoices, etc.)
- Current Credit Line, NEA, and Arts New Orleans Logo
- National Endowment for the Arts Guidelines\*

\* Available on Arts New Orleans website for download

**Grant forms and other materials pertaining to your grant are available on Arts New Orleans' website, [www.artsneworleans.org/grants](http://www.artsneworleans.org/grants) at the right hand of the page.** Grant materials online include grant contract forms, final report forms and instructions, the grant credit line along with the **National Endowment for the Arts logo**, and the **2022 NEA Guidelines and Compliance Handbook**. It is your responsibility as a grantee to download the forms and grant materials, read them thoroughly, and file them for reference during the grant.

Completed contracts must be uploaded in PDF format to Arts New Orleans' online grants system in Submittable at by **Thursday, April 21, 2022**. More info at <http://www.artsneworleans.org/grants/grant-contracts/>

## ❖ **The Grant Contract**

**The deadline to upload a signed copy of the contract (in PDF format) is Thursday, April 21, 2022.** Electronic signature is acceptable.

Find grant contract and upload sites at <http://www.artsneworleans.org/grants/grant-contracts/>

## ❖ Grant Amendments

After submitting the grant contract, any further changes to expenditures are to be requested in writing and approved by ACNO grants staff before they are implemented. Please email changes to [ashley@artsneworleans.org](mailto:ashley@artsneworleans.org). Changes expenditures that have not been approved may not be accepted for final grant payment.

## ❖ Statutory and National Policy Requirements

You are responsible for complying with all requirements of the Federal award, including those based on:

- Statutory Policy Requirements - You are required to ensure that Federal funding is expended and programs are implemented in full accordance with the U.S. Constitution, Federal Law, and public policy requirements. You are required to adhere to all national policy requirements as outlined in Appendix A (pg. 15), including, but not limited to, those protecting public welfare, the environment, and prohibiting discrimination.

## ❖ Grant Payments by Direct Deposit

Grant payments are made by **direct deposit** into grantees' bank accounts. If your bank account information has changed, please email us the name of your bank along with your routing number and account number or a copy of a voided check with your name and address on it to [ashley@artsneworleans.org](mailto:ashley@artsneworleans.org). Also included in this email should be the grantee's name.

- Initial Payment: 75% of grant award
- Final Payment: 25% of grant award, a **reimbursement** after approval of Final Report\*

\*As a grantee, **you must spend the full amount of the ENTIRE GRANT AWARD by March 31, 2023**, and you must provide proof that 100% of the grant award was spent before receiving the final 25% payment. For example, if your grant award is \$4,000, your initial payment will be \$3,000, but you will need to spend the entire \$4,000 awarded by March 31, 2023 and document those expenditures in order to receive the final \$1,000 payment.

Arts New Orleans anticipates receiving payment from the National Endowment for the Arts in **May 2022**. If a grantee needs payment in order to pay towards operations, expenditures should take place **after May 2022**.

## ❖ Expenditures Allowed with Grant Funds\*

- Salary support, full or partial, for one or more staff positions
- Fees/stipends for artists and/or contractual personnel to support the services they provide for specific activities in support of the subgrantee organization's day to day operations
- Facilities costs such as rent and utilities
- Costs associated with health and safety supplies for staff and/or visitors/audiences (e.g., personal protective equipment, cleaning supplies, hand sanitizer, etc.)
- Indirect costs
- Marketing and promotion costs

\*Please see the NEA Guidelines for a complete list of expenditures not allowed with grant funds.



## ❖ Grant Acknowledgement

Grantees are required to acknowledge the National Endowment for the Arts and Arts New Orleans at public presentations; in printed, electronic, and broadcast promotion; and in printed programs pertaining to grant-funded expenditures by using the following credit line and logos:



**This organization is supported in part**

**by the National Endowment for the Arts and Arts New Orleans**

**PLEASE NOTE:** The Arts Endowment and Arts New Orleans should not be included in lists of donors that are not specific to your supported project or appear beyond the project period dates.

# Final Report

- **Final reports must be uploaded to your original application on Arts New Orleans' online grants system at Submittable. A link will be forwarded to you later.** Final report can be uploaded after Arts New Orleans' receipt and approval of your contract material.
- All grantees must submit a Final Report. Before using your grant, download and read the Final Report form so that you know what data and documentation you need to collect during the grant.
- Required attachments vary for each category. See the Final Report form for the category in which funding was received for the required attachments for your grant.
- Final Reports may be submitted when grant has been used 100%, and documentation is ready, but **must be submitted by April 28, 2023.**

## Information/Data Requested in most Final Report:

- Description of grantee's operations supported
- Expenditure Form & attached financial documentation of grant expenditures
- Evaluation of how the grant funds assisted with your operations
- Budget of grant expenditures

## ❖ Financial Documentation

Grantees must comply with generally accepted accounting procedures. The accounting system should clearly separate grant funds from other revenues and records should identify the use of funds for what the grant supported. Grantees must retain grant records for three years from the date of the final report or until all audit findings involving the records have been resolved, whichever is longer.

Grantees must provide proof that grant funds were spent appropriately.

**For each grant-funded expenditure, you must obtain and submit with the final report:**

**1) A provider document** (invoice, contract or receipt for service or purchase)

AND

**2) Payment documentation** (copy of cancelled check or bank statement showing cancelled check, or credit card statement EXCEPT for paystubs)

**Please refer to the Final Report Instructions and the Expenditure Form Instructions for directions on how to present and compile the financial documentation for the Final Report.** Grant expenditures must be listed on the Expenditure Form.

Documentation of payments to staff and other providers of service should include a cancelled check AND either a contract OR an invoice identifying the service provided, dates of service and rate or fee except for paystubs.

Grant recipients are encouraged to write checks for expenditures covered by grant funds (as opposed to making cash payments). If any cash payments are made to service providers, documentation should include an invoice/receipt which is signed and marked "paid in cash" by the service provider.

## ❖ **Planning & Administration**

**To help manage your grant successfully, ask yourself the following questions:**

- Are grant-sponsored expenditures happening within the allowable activity period? (April 1, 2022 – March 31, 2023)
- What costs will be covered with grant dollars - are they the same line items & amounts as approved in the grant contract?
- Have I read the final report form & instructions before starting my grant expenditures, so I know what data and financial documentation is needed?
- Am I getting invoices or providing paystubs for staff and other providers during the grant activity period?
- Do I have contracts with staff/service providers? (Not required but a good idea and can stand in for invoices.)
- Am I collecting cancelled checks?
- Do I have cash flow to cover the expenditure of 25% of the grant award that I will not receive until the final report is submitted and reviewed and the final payment is made?
- Have I prepared promotional materials and press releases that include the current grant credit line, NEA, and Arts New Orleans logo?
- Have I notified Arts New Orleans grants staff of any changes in grant management personnel or grantee contact information?

- Have I contacted the Arts New Orleans grants staff about amending the grant contract if expenditures need to change and have I submitted a written request to amend?
- Do I have a system in place to ensure I am following National Policy and Other Legal Requirements, Statutes, and Regulations? (Refer to Appendix A)

## **Noncompliance Penalties**

If Arts New Orleans determines that a grantee has not complied with the terms and deadlines set forth in the grant award and grant guidelines, the grantee may be subject to a partial or total loss of grant funds. Should this happen, funds will need to be returned to Arts New Orleans. **Grant contracts must be uploaded by April 21, 2022.** Final Reports for grants must be uploaded by April 28, 2023. Failure to meet the final report deadline will initially result in a 10% loss of the final payment, followed by additional penalty losses for subsequent deadlines missed. Failure to meet subsequent deadlines may result in loss of the final grant payment or the return of the initial payment. Grantees deemed to be in “noncompliance status” will be ineligible to receive new grants for the year following the noncompliance determination. Failure to comply with grant requirements (such as the completion of a Final Report) may also result in legal action and the grantee may become ineligible to receive future NEA grants.

## **Appendix A: National Policy and Other Legal Requirements, Statutes, and Regulations that Govern Your Award**

You must ensure that the funded project is implemented in full accordance with the U.S. Constitution, federal law, and public policy requirements: including, but not limited to, those protecting free speech, religious liberty, public welfare, the environment, and prohibiting discrimination (2 CFR 200.300).

As a registrant with SAM.gov, in most cases, you have already self-certified to the “Financial Assistance General Certifications and Representations,” including attesting to the accuracy of the certification and acknowledging that you may be subjected to criminal prosecution under Section 1001, Title 18 USC, or civil liability under the False Claims Act if you have misrepresented the information. A copy of this Financial Assistance Certifications Report is available in your SAM.gov entity registration record.

### **1. Nondiscrimination Policies**

As a condition of receipt of federal financial assistance, you acknowledge and agree to execute your project, and require any contractors, successors, transferees, and assignees to comply with applicable provisions of national laws and policies prohibiting discrimination, including but not limited to:

1.a Title VI of the Civil Rights Act of 1964, as amended, and implemented by the National Endowment for the Arts at 45 USC 1110, provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance. Title VI also extends protection to persons with limited English proficiency (42 USC 2000d et seq.)

1.b As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. You are encouraged to consider the need for language services for LEP persons in conducting your programs and activities. For assistance and information go to [www.arts.gov/foia/reading-room/nea-limited-english-proficiency-policy-guidance](http://www.arts.gov/foia/reading-room/nea-limited-english-proficiency-policy-guidance).

1.c Title IX of the Education Amendments of 1972, as amended, provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subject to discrimination under any education program or activity receiving federal financial assistance (20 USC 1681 et seq.)

1.d The Age Discrimination Act of 1975, as amended, provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance (42 USC 6101 et seq.)

1.e The Americans with Disabilities Act of 1990 (ADA), as amended, prohibits discrimination on the basis of disability in employment (Title I); State and local government services (Title II); and places of public accommodation and commercial facilities (Title III) (42 USC 12101-12213).

1.f Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified individual with a disability in the United States shall, solely by reason of his/her disability, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance (29 USC 794). Access should be integrated into all facets and activities of an organization, from day to day operations to long range goals and objectives. Access accommodations and services should be given a high priority and funds should be available for these services. All organizations are legally required to provide reasonable and necessary accommodations for staff and visitors with disabilities.

### **Section 504 - Self-Evaluation and Additional Resources**

i. A Section 504 self-evaluation must be on file at your organization. To help your organization evaluate its programs, activities, and facilities with regard to Section 504 accessibility requirements, the Civil Rights Office has a Section 504 Self Evaluation Workbook available on our website.

ii. You should designate a staff member to serve as a 504 Coordinator. The completed workbook or similar compliance and supporting documentation should be kept on file for a period of three (3) years from the date the Federal Financial Report (FFR) is filed, and made available to the public and the NEA upon request. The NEA may request the 504 Workbook or your compliance documents for various potential scenarios including an Inspector General audit and/or civil rights investigation.

iii. Design for Accessibility: A Cultural Administrator's Handbook provides guidance on making access an integral part of an organization's staffing, mission, budget, and programs. This Handbook and other resources may be downloaded from the NEA website. If you have questions, contact the Office of Accessibility at [accessibility@arts.gov](mailto:accessibility@arts.gov); (202) 682-5532; FAX (202) 682-5715; or TTY (202) 682-5496.

## **2. Environmental and Preservation Policies**

2.a The National Environmental Policy Act of 1969, as amended, applies to any federal funds that would support an activity that may have environmental implications. We may ask you to respond to specific questions or provide additional information in accordance with the Act. If there are environmental implications, we will determine whether a categorical exclusion may apply; to undertake an environmental assessment; or to issue a "finding of no significant impact," pursuant to applicable regulations and 42 USC Sec. 4332.

2.b The National Historic Preservation Act of 1966, as amended, applies to any federal funds that support activities that have the potential to impact any structure eligible for or on the National Register of Historic Places, adjacent to a structure that is eligible for or on the National Register of Historic Places, or located in a historic district, in accordance with Section 106. This also applies to planning activities that may affect historic properties or districts. We will conduct a review of your project activities, as appropriate, to determine the impact of your project activities on the structure or any affected properties. Agency review must be completed prior to any agency funds being released. You may be asked to provide additional information on your project to ensure compliance with the Act at any time during your award period (16 USC 470).

## **Other National Policies**

3. Debarment and Suspension. You must comply with requirements regarding debarment and suspension in Subpart C of 2 CFR Part 180, as adopted by the NEA in 2 CFR 3254.10. There are circumstances under which we may receive information concerning your fitness to carry out a project and administer federal funds, such as:

i. Conviction of, or a civil judgment for, the commission of fraud, embezzlement, theft, forgery, or making false statements;

ii. Any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility;



iii. Any other cause of so serious or compelling a nature that it affects an organization's present responsibility. In these circumstances, we may need to act quickly to protect the interest of the government by suspending your funding while we undertake an investigation of the specific facts. We may coordinate our suspension actions with other federal agencies that have an interest in our findings. A suspension may result in your debarment from receiving federal funding government-wide for up to three (3) years.

4. The Drug Free Workplace Act requires you to publish a statement about your drug-free workplace program. You must give a copy of this statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out. You must maintain on file the place(s) where work is being performed under this award (i.e., street address, city, state, and zip code). You must notify the NEA Office of Grants Management of any employee convicted of a violation of a criminal drug statute that occurs in the workplace (41 USC 701 et seq. and 2 CFR Part 3256).

5. Lobbying. You may not conduct political lobbying, as defined in the statutes and regulations listed below, within your federally-supported project. In addition, you may not use federal funds for lobbying specifically to obtain awards. For definitions and other information on these restrictions, refer to the following:

5.1 No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Member or official, at his request, or to Congress or such official, through the proper official channels, requests for any legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities (18 USC 1913).

5.2 Lobbying (2 CFR 200.450) describes the cost of certain influencing activities associated with obtaining grants, contracts, cooperative agreements, or loans as an unallowable project cost. The regulation generally defines lobbying as conduct intended to influence the outcome of elections or to influence elected officials regarding pending legislation, either directly or through specific lobbying appeals to the public.

5.3 Certification Regarding Lobbying to Obtain Awards. Section 319 of Public Law 101-121, codified at 31 USC 1352, prohibits the use of federal funds in lobbying members and employees of Congress, as well as employees of federal agencies, with respect to the award or amendment of any federal grant, cooperative agreement, contract, or loan. While non-federal funds may be used for such activities, they may not be included in your project budget, and their use must be disclosed to the awarding federal agency. Disclosure of lobbying activities by long-term employees (employed or expected to be employed for more than 130 days) is, however, not required. In addition, the law exempts from definition of lobbying certain professional and technical services by applicants and awardees.

6. Davis-Bacon and Related Acts (DBRA), as amended, requires that each contract over \$2,000 to which the United States is a party for the construction, alteration, or repair of public buildings or public works (these activities include, but are not limited to, painting, decorating, altering, remodeling, installing pieces fabricated off-site, and furnishing supplies or equipment for a worksite) must contain a clause setting forth the minimum wages to be paid to laborers and mechanics employed under the contract. Under the provisions of DBRA, contractors or their subcontractors must pay workers who qualify under DBRA no less than the locally prevailing wages and fringe benefits paid on projects of a similar character. Information about the laborers and projects that fall under DBRA can be found in the U.S. Department of Labor's Compliance Guide at [www.dol.gov/compliance/guide/dbra.htm](http://www.dol.gov/compliance/guide/dbra.htm). DBRA wage determinations are to be used in accordance with the provisions of Regulations, 29 CFR Part 1, Part 3, and Part 5, and with DOL's Compliance Guide. The provisions of DBRA apply within the 50 states, territories, protectorates, and Native American nations (if the labor is completed by nontribal laborers).

7. The Native American Graves Protection and Repatriation Act of 1990 applies to any organization that controls or possesses Native American human remains and associated funerary objects and receives federal funding, even for a purpose unrelated to the Act (25 USC 3001 et seq.).

8. U.S. Constitution Education Program. Educational institutions (including but not limited to "local educational agencies" and "institutions of higher education") receiving federal funds from any agency are required to provide an

educational program on the U.S. Constitution on September 17 (P.L. 108-447, Division J, Sec. 111(b)). For more information on how to implement this requirement and suggested resources, see [www2.ed.gov/policy/fund/guid/constitutionday](http://www2.ed.gov/policy/fund/guid/constitutionday) and <http://thomas.loc.gov/teachers/constitution.html>.

9. Prohibition on use of funds to ACORN or its subsidiaries. None of the federal or cost share/matching funds expended for your awarded project may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries (P.L. 111-88 Sec. 427).