

From: "Robert Vina" <robert.vina@da.co.hidalgo.tx.us>
To: "martha salazar" <martha.salazar@co.hidalgo.tx.us>
Cc: "Josephine Ramirez" <josephine.ramirez@da.co.hidalgo.tx.us>, "Victor Garza" <victor.garza@da.co.hidalgo.tx.us>
Sent: Friday, March 9, 2018 2:40:05 PM
Subject: Recommended modification to HC policy re: 2 CFR 200-disclosures

Good Afternoon Ms. Salazar,

While reviewing the County's policy regarding 2 CFR 200: federal grant funding in reference to a recent question you had, I discovered that section 11.03.03(d) was lacking reference to a specific statute (200.113) and could benefit from clarification. Please find recommendations below:

Currently 11.03.03(d) reads:

d. Any potential conflicts of interest and any violations of federal criminal law potentially affecting the award are required to be disclosed in writing in accordance with 2 CFR §200.112.

Section (d) covers both 200.112 and 200.113 (see attached). Section 200.112 covers disclosure by the County to the Federal awarding agency or pass through entity of any potential conflict of interest in accordance with the Federal awarding agency's policy.

Section 200.113 covers disclosure by the County to the Federal awarding agency or pass through entity of specific types of violations of Federal criminal law potentially affecting the Federal award. It also covers certain types of post-award reporting requirements under specific circumstances. Lastly, it provides reference to remedies available to the federal agency for the County's non-compliance with the same.

It is recommended to reference the missing statute (200.113) and to provide additional detail of the disclosure requirements of these two sections in an effort to clarify the same. To this end, it is recommended to adopt the language below to replace the current section 11.03.03(d): (Policy changes will require Commissioner Court approval):

d. The County will disclose any potential conflicts of interest in writing to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy. [See 2 CFR §200.112]. Additionally, the County will disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Further, if applicable, the County will make post-award reports as provided by Appendix XII to Part 200. Failure to make a required disclosure may result in any number of significant remedies, including suspension or debarment. [See 2 CFR §§200.113 & 200.338].

Please let us know if you have any questions.

Thank you,

Robert Viña III

Assistant District Attorney
Civil Litigation Division

Office of the Criminal District Attorney
Hidalgo County, Texas
100 E. Cano
Edinburg, TX 78539
(956) 292-7609 EXT 8187
(956) 292-7619 FAX

robert.vina@da.co.hidalgo.tx.us

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