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Governor

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Kelly Butler
Director of Finance

To: All State Agencies, Boards, Commissions, Departments, or Institutions

From: Kelly Butler, Director of Finance

Date: June 3, 2020

Re: Federal Coronavirus Relief Fund

The federal Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) includes funds that will be distributed to state governments to use to pay costs incurred in responding to the COVID-19 outbreak. This memo describes how your agency can access funds for that purpose.

Background

The CARES Act authorized \$150 Billion through the Coronavirus Relief Fund for state and local governments, including approximately \$1.8 Billion for Alabama. Aside from Jefferson County, funds have been sent in the first instance to the state, with the expectation that the state will use funds for its own expenses and those of counties and municipalities.

The Finance Department has established a separate fund in the state treasury to hold the federal funds and is authorized to spend from those funds within the parameters of the CARES Act and other federal and state law.

Eligible Uses

Under federal law, eligible uses must meet three conditions. They must be:

1. Necessary expenditures incurred due to the public health emergency with respect to COVID-19.
2. Not budgeted as of March 27, 2020 when the CARES Act was enacted.
3. Incurred on or after March 1, 2020, up to December 30, 2020.

The purpose of the Coronavirus Relief Fund appropriation is for the funds to be used to prevent, prepare for, and respond to COVID-19 only. No other purpose is authorized. Funds may not be utilized to replace or supplant any other funding nor to fill revenue shortfall gaps.

Note that these eligible uses are as currently described in federal law and relevant guidance from the US Treasury. If these uses are modified by future federal actions, the Finance Department will revisit the process and procedures described in this guidance.

For further context on costs that the state anticipates agencies may incur, see the attached list of potential uses (Attachment B). If your agency contemplates the use of funds outside these parameters, please contact Kathleen Baxter, State Comptroller, at kathleen.baxter@comptroller.alabama.gov or Doryan Carlton, State Budget Officer, at doryan.carlton@budget.alabama.gov.

Intersection with Other Funding Sources

Eligible uses of the federal Coronavirus Relief Fund (CRF) may overlap with allowable uses of other federal grants and reimbursements. It is imperative that these reimbursements are not in addition to any other federal funding for the same expenditure.

Available Funds

State agencies may request an appropriation of funds in support of the Coronavirus Pandemic. This request will be made in accordance with the instructions provided with this memo. After approvals are obtained, an agency will work with the Executive Budget Office to obtain appropriation authority within the CRF to use for covering approved expenditures. Expenditures paid from other appropriated funds may be transferred to their CRF budget, once established, by submitting a journal voucher (JVA) document.

Forms Required to Request Funds

State agencies must complete Attachment A - *CRF Acknowledgement and Certification* before receiving an appropriation from the CRF. This document will be on file with the Comptroller's Office so that it will not have to be attached with each subsequent request. Agencies must complete the Coronavirus Relief Fund Reimbursement Request Form to request an appropriation from the CRF and include copies of detailed receipts for all reimbursement requests. The form is located at <https://comptroller.alabama.gov/covid-19-1/>. If you have questions or concerns about filling out Attachment A or the Coronavirus Relief Fund Reimbursement Request Form please contact Kathleen Baxter, State Comptroller, at kathleen.baxter@comptroller.alabama.gov or Doryan Carlton, State Budget Officer, at doryan.carlton@budget.alabama.gov.

Audit Provisions and Documentation

Federal Coronavirus Relief Fund expenditures are subject to audit by an Inspector General within the U.S. Department of the Treasury. Documenting that expenditures are eligible uses of CRF funds is essential to managing compliance risk and to minimizing the possibility that the expenditures are deemed ineligible, which could require the state agency to return funds to the federal government.

We ask that you document expenditures clearly with respect to the date and type of expense so that together we can best manage resources in the interests of the residents of Alabama. In general, we will be asking that you document expenses with the same specificity as for FEMA reimbursements. The Department of Finance will follow up with further guidance as necessary.

Thank you for your cooperation as we work together to protect the interests of all our residents.

CORONAVIRUS RELIEF FUNDS (CRF) ACKNOWLEDGEMENT AND CERTIFICATION

AUTHORITY

Section 601(a)(1) of the Social Security Act (42 U.S.C. 301 et seq.), known as the Coronavirus Relief Fund, as created by Section 5001 of the CARES Act, Pub. L. No. 116-136 (March 27, 2020), appropriates money from the Treasury of the United States for making payments to States, Tribal governments, and units of local government for fiscal year 2020.

Act 2020-199 appropriates the State's portion of funds from the Coronavirus Relief Fund to the Alabama Department of Finance to administer the funds and provides categories for which the funds may be expended.

USE OF FUNDS

Section 601(d) of the Coronavirus Relief Fund states, "A State, Tribal government, and unit of local government shall use the funds provided [by the Coronavirus Relief Fund] to cover only those costs of the State, Tribal government, or unit of local government that:

- (1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
- (2) were not accounted for in the budget most recently approved as of the date of enactment of this section for the State or government; and
- (3) were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020."

The purpose of the Coronavirus Relief Fund appropriation is for the funds to be used to prevent, prepare for, and respond to coronavirus only. No other purpose is authorized. Funds may not be utilized to replace or supplant any other funding nor to fill revenue shortfall gaps.

Act 2020-199 does not alter or otherwise impact the purpose of the funds.

CERTIFICATION

Eligibility to receive payment from the State's portion of funds from the Coronavirus Relief Fund is contingent upon the recipient (State agencies or local governmental entities) certifying, in writing that the recipient will: (1) use the funds in a lawful manner consistent with Section 601(d) of the Coronavirus Relief Fund (as set forth in the "Use of Funds" section immediately preceding this section) and (2) will comply with any and all policies and directives issued by the Alabama Department of Finance related to Coronavirus Relief Funds.

RECOUPMENT

The Inspector General of the Department of the Treasury is required to conduct monitoring and oversight of the receipt, disbursement, and use of funds made available under this section. If it is determined that the unit of local government has failed to comply with Section 601(d) of the Coronavirus Relief Fund, funds used in violation of that section shall be considered, by the State of Alabama, as a debt of the recipient owed directly to the Federal Government.

REALLOCATION

Relief Funds received from this award that remain on balance as unused on December 30, 2020, shall be returned to the Alabama Department of Finance.

SANCTIONS

Expenditure of Coronavirus Relief Funds from this award in a manner not allowed or inconsistent with the law and with the “Use of Funds” statement may result in future awards being suspended or terminated.

REPORTING REQUIREMENTS

The CARES Act Sections 15010(b) and 15011 require the State to provide the federal government with regular reports on the amount of funds received and expended from the Coronavirus Relief Fund and the types of projects or activities for which the funds are used. For the State to comply with its reporting requirements, recipients of such funds from the State may be required to provide the following information to the Alabama Department of Finance by the first day of every month containing information for the immediately preceding month:

- (A) the total amount of funds received from this award;
- (B) the amount of funds that were expended or obligated for each project or activity;
- (C) a detailed list of the projects or activities for which these funds were expended or obligated, including:
 - (i) the name of the project or activity;
 - (ii) a description of the project or activity; and
 - (iii) the estimated number of jobs created or retained by the project or activity, (if applicable); and
- (D) detailed information on any level of subcontracts or subgrants awarded by the recipient or its subcontractors or subgrantees, to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) allowing aggregate reporting on awards below \$50,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

CERTIFICATION AND ASSURANCE

I, _____ am the _____ of
(Name of Signatory) (Title)

(State Agency, Local Government, or Non-Governmental Entity)

and I certify under penalty of perjury that:

1. I have the authority on behalf of _____ (hereinafter "Entity") to request payment from the State of Alabama ('State') of funding from the Coronavirus Relief Fund pursuant to section 601(b) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020).
2. I understand that the State will rely on this certification as a material representation in making an award to the Entity.
3. Entity's proposed uses of the funds provided will be used only to cover those costs that—
 - a. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
 - b. were not accounted for in the budget most recently approved as of March 27, 2020, for Entity; and
 - c. were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.
4. The necessary expenditures charged to or made against this award will be only those expenditures to prevent, prepare for, and respond to coronavirus and no other purpose.
5. Funds received from this award will not be used to replace or supplant any other funding nor to fill or prevent revenue shortages.
6. The recipient agrees to maintain records concerning the funds provided in this award. Such records must be available for review or audit by appropriate officials of a federal and pass-through agency.
7. If federal or State authorities determine that funds received from this award were expended by the Entity for a purpose other than those authorized by law (hereinafter "unauthorized expenditures"), then Entity agrees to pay any financial penalties and costs associated therewith resulting from such unauthorized expenditures. If the State is required to pay any penalties or costs associated therewith resulting from an unauthorized expenditure by Entity, the Entity agrees to reimburse the State in whole. Entity acknowledges that the State, through the Department of Finance, may be required to file a claim with the State Board of Adjustment against the Entity to recoup penalty payments made by the State on behalf of Entity. In the event that a Board of Adjustment claim is necessary as described in this paragraph, Entity agrees to consent to payment of the claim.

Printed Name: _____ Title: _____

Signature: _____ Date: _____

Reimbursement Item Descriptions

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Hand Sanitizer, Face Masks, Gloves, Protective Clothing

CLEANING AND SANITATION:

Cleaning products, disinfectants, sanitation services

MEDICAL:

Thermometers, Swabs, Testing Kits

TELEWORK EXPENSES:

Laptops, Phones, Software, Computer Equipment/Supplies, VPN, WiFi/Hotspots

WORKPLACE SAFETY PREPARATIONS:

Plexiglass Dividers, Building or Workstation Modifications, also any costs necessary to implement social distancing

TRAINING:

Specialized Instruction related to COVID-19

PAYROLL:

This may include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

COVID-19 RELATED LEAVE:

Federal Coronavirus leave

OTHER:

Any COVID-19 payments not included in the Item Descriptions above.
Please explain your purchase.