

Chapter 26. Grants Administration¹

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Subchapter A. General Provisions of Chapter

26.001 Authority

Texas Local Government Code section 81.032 authorizes the Commissioners Court to accept a “donation of labor or services, gift, grant, donation, bequest, or devise of money or other property on behalf of the county...for the purpose of performing a function conferred by law on the county or a county officer.”

26.002 Grants Administration Policy

This chapter is known as the “Grants Administration Policy” or “Policy.” The terms “chapter” and “policy” may be used interchangeably.

26.003 Purpose

- (a) The Travis County Commissioners Court adopts this policy to promote the effective management of grant funds received by Travis County.
- (b) The purpose of this policy is to ensure that every grant award submitted or received by Travis County is consistent with and adheres to the priorities of the Travis County Commissioners Court. It establishes Travis County’s guidelines for managing the performance of work conducted with federal, state, local government, and private grant awards.

26.004 Applicability

This chapter applies to all grant awards submitted or received on behalf of Travis County by any county elected or appointed official, their employees, or departments under the direction of the Commissioners Court. This chapter only applies to awards where Travis County is the recipient or subrecipient of the award.

26.005 Effective Date

This chapter is effective upon adoption or amendment by Travis County Commissioners Court.

26.006 Definitions

In this chapter:

- (1) "Activities" means actions undertaken as part of a Grant including, but not limited to hiring personnel, procuring goods or services, and providing services to beneficiaries.
- (2) "Application" means the set of documents submitted to a Grantor that details the Activities an entity will undertake as part of a Grant.
- (3) "Authorized Official" means the County Judge, unless otherwise specified by the Travis County Commissioners Court.
- (4) "Award" means the specific contract or legal instrument through which a Grant is provided by a Grantor.
- (5) "Beneficiary" means a person who receives a service funded by a Grant.
- (6) "Contractor" means an entity that has a legal agreement with Travis County, other than a subaward, to provide goods or services for Travis County.
- (7) "Department" means the staff of elected offices or departments under the Commissioners Court, within Travis County.
- (8) "Equipment" means tangible property having a useful life or more than one year and a per-unit cost equal or greater than Travis County's capitalization threshold.
- (9) "FMS" means Financial Management System, e.g. SAP.
- (10) "Grant" means financial or in-kind assistance provided to an entity through an Award to carry out Activities with a public purpose. Receipt of a grant may or may not require an Application.
- (11) "Grantor" means the organization that provides funding to Travis County through a Grant.
- (12) "Key Personnel" means employees of Departments, regardless of funding source, that undertake Activities for a grant.
- (13) "Subaward" means a contract provided to another organization to carry out part of a Grant received by Travis County. A Subaward may be provided through any form of legal agreement available to Travis County.
- (14) "Subrecipient" means an entity that receives a Subaward from Travis County to carry out part of a Grant.

26.007 Administration of Policy

This policy will be administered by the Grants Administration division of the Intergovernmental Relations Office in conjunction with affected departments. Effective

management is essential to ensure that funds are administered in accordance with applicable laws and regulations, and the specific terms and conditions of each grant award.

26.008 Ongoing Review

- (a) Grants Administration will review federal, state, and local policies and regulations applicable to grants at least annually and make changes to this chapter as necessary.
- (b) Grants Administration will review this chapter, the office's procedures, and forms at least annually and make changes to those documents as necessary.
- (c) Grants Administration will immediately refer to the appropriate entity for enforcement any violation of federal, state, and local policies, regulations, or this chapter.
- (d) Grants Administration will review and update its policies and procedures when a violation of this chapter or other regulations is identified in order to ensure its policies and procedures address the issue.

26.009 Training

- (a) Grants Administration will provide training on this chapter and its policies and procedures to department staff working on awards.
- (b) Grants Administration will communicate its policies and procedures to all of Travis County's employees, including members of the Commissioners Court.
- (c) Department staff involved in the administration of an award must attend compliance training provided by Grants Administration at least annually.
- (d) All agents (contractors, subrecipients, etc.) of Travis County will receive a copy of this chapter and its expectation of ethical behavior and compliance with the law.

[26.010 - 26.019 Reserved]

Subchapter B. Application and Award Requirements

26.020 Commissioners Court Approval of Grants

- (a) Departments must have the approval of the Travis County Commissioners Court by vote before submitting applications, executing awards, modifying awards, or continuing funding. Grants Administration will facilitate these approvals.
- (b) Departments may not submit applications, execute awards, modify awards, or continue funding without the authority of the Commissioners Court.

- (c) In the event that an application must be submitted prior to the next scheduled voting session, the Commissioners Court authorizes the Travis County Judge to sign the application, and Grants Administration will thereafter place the application on the Commissioners Court agenda for final approval to continue with the application process.

26.021 Procedure for Commissioners Court Approval

- (a) Grants Administration is responsible for establishing a procedure to facilitate Commissioners Court action on applications, awards, modifications, and funding continuations.
- (b) Grants Administration will coordinate reviews of applicable grant material with the County Attorney's Office, the County Auditor's Office, and the Planning and Budget Office.
- (c) Reviews must be completed prior to Commissioners Court acting on applications or awards to ensure the requirements of an award are legally permissible and administratively feasible.
- (d) If the terms of an award are legally permissible, Grants Administration will place the grant item on the next available Travis County Commissioners Court agenda for consideration and action.

26.022 Application Requests

- (a) Departments must submit a written request, rather than final application, to Grants Administration for Commissioners Court consideration.
- (b) The request should detail an overview of the project proposed as part of the application, the types of expenditures planned, any cost-sharing requirements, and how those requirements will be met.
- (c) When multiple departments submit a written request to apply for the same grant, all requests will be presented to Commissioners Court. If only one application may be submitted by Travis County, Grants Administration will recommend one request for Commissioners Court to approve.

26.023 Application Requirements

Applications for grants must meet the following requirements:

- (1) Applications must align with the project outlined in the request approved by Commissioners Court.
- (2) Applications must have clear goals, objectives, and performance measures that reflect the activities of the proposed project.
- (3) Applications must have project plans that identify all activities of the project, the parties responsible for implementing the activities, and a timeline of when those activities will take place.

- (4) Applications must have a project budget that incorporates all costs needed to complete all proposed activities.
- (5) Applications must identify the key personnel performing work as part of the project, regardless of funding source.
- (6) Applications proposing to fund personnel must have budget estimates and correct job titles for the work described and the length of time employed.
- (7) Applications must comply with all applicable rules, regulations, statutes, and standards set by the grantor.
- (8) Applications must include an indirect cost rate proposal as part of an application unless one of the below apply:
 - (A) The amount of funds provided by the award is not sufficient to cover both the programmatic requirements of the project and indirect costs.
 - (B) Travis County does not have an active indirect cost rate with a federal agency.
- (9) Applications must not propose starting a new service unless the following criteria are met or participation is otherwise directed by law:
 - (A) The service is a pilot to determine whether Travis County should provide the service on a permanent basis.
 - (B) The service can be stopped without affecting other Travis County programs.
 - (C) The service aligns with the mission, vision, and scope of the department requesting the funds.
 - (D) The service does not contradict existing County Code or other applicable laws, statutes, or regulations.

26.024 Application Submission

- (a) Grants Administration will submit final applications to grantors on behalf of departments, or authorize departments to submit, only after the request has been approved by the Travis County Commissioners Court.
- (b) Grants Administration will complete electronic signatures on behalf of the Authorized Official.
- (c) Grants Administration will acquire non-electronic signatures from the Authorized Official when required for a submission.

26.025 Continuation of Funding

- (a) In certain situations, it may be in the interest of the Commissioners Court to fund personnel positions or critical service delivery costs in a grant fund prior to execution of an award using operating funds.

- (b) Departments must submit a written request to Grants Administration for Commissioners Court to approve continuing funding. Departments may only do so under the following conditions:
 - (1) An award is expected to be renewed based on written communication from the grantor.
 - (2) The costs can be reimbursed from the grant under the terms and conditions of the award.

26.026 Award Review

- (a) Departments must notify Grants Administration when they receive an award.
- (b) Grants Administration will review awards to ensure the award matches the application request approved by the Commissioners Court. If an application was not required for Travis County to receive an award, departments must submit a request to Grants Administration detailing the project and planned expenditures.
- (c) Grants Administration will negotiate awards with grantors to ensure applicable rules, regulations, statutes, and standards are adhered to. Departments may negotiate awards with grantors if authorized in writing by Grants Administration.
- (d) If an award differs from the project described as part of the application request, departments must submit a modification request to Grants Administration.

26.027 Award Execution or Amendment

- (a) Grants Administration will submit awards, or amendments to awards, to Commissioners Court for consideration.
- (b) Grants Administration will complete electronic signatures, or acquire non-electronic signatures, to execute or amend grant awards on behalf of the Authorized Official only after approval by the Commissioners Court.

26.028 Failure to Comply with this Chapter

Failure to comply with the policy may result in denial of future applications or awards.

[26.029 - 26.039 Reserved]

Subchapter C. Award Management

26.040 Revenue Certification and Budget Creation

- (a) The County Auditor's Office will certify the revenue received from a grant award and create or approve a budget in the Financial Management System

(FMS) after the Travis County Commissioners Court approves the award. The County Auditor's Office will follow their internal process for this action.

- (b) The budget created must conform to the budget submitted to, and approved by, the grantor as part of the application, along with any negotiated changes included as part of the award.

26.041 Ongoing Review of Award Terms and Conditions

Awards may be modified during their performance period. Grants Administration will maintain documentation on award terms and conditions and review the documentation quarterly for unilateral changes instituted by grantors.

26.042 Modification Requirements

Modifications to an award's terms must have the approval of the Travis County Commissioners Court in either of the following circumstances:

- (1) The signature of the Authorized Official is required.
- (2) The scope of an award will be changed. These modifications include:
 - (A) Changes in the scope, objective, or design of the project as described in the application request or most recently approved modification request.
 - (B) Changes in key personnel, including adding or removing positions, and changing the functions or responsibilities of the position.
 - (C) Changes in subrecipients involved in the project as described to the grantor.
 - (D) Changes in the performance period of the award, including extensions.
 - (E) Budget adjustments that transfer funds to a category not previously budgeted.

26.043 Modification Requests

- (a) Departments must submit a written request to Grants Administration detailing how the award is to be modified for Commissioners Court consideration.
- (b) The request must detail the original, or most recently approved, element of the award to be changed and how it will be changed.

26.044 Expenditure Requirements

- (a) Departments must incur expenditures in compliance with all applicable laws including, but not limited to, 2 Code of Federal Regulations 200, Texas Grants Management Standards, Travis County's policies and procedures, and the requirements stipulated in the award agreement.

- (b) When expending grant funds on equipment or supplies, Departments must coordinate with the Purchasing Office to procure the items in accordance with County purchasing laws.
- (c) Departments must not incur expenditures exceeding the amount stated in the award, unless both of the following apply:
 - (1) A modification has been approved by the Commissioners Court.
 - (2) A budget adjustment has been approved by the grantor.
- (d) Expenditures that do not meet these requirements must be charged to a different, legally available source.

26.045 Budget Requirements

- (a) Budget may not be exceeded.
- (b) If an expenditure is expected to exceed the budgeted amount available, departments must submit a budget adjustment to correct the amount.

26.046 Program Income

- (a) Program income earned in the performance or administration of a project, and earned during the performance period of the project, must be used for allowable costs on the project.
- (b) Program income must be expensed prior to additional drawdown of funds, unless otherwise allowed by the award.
- (c) Program income exceeding amounts specified in the award may be added to the project budget, deducted from the project budget, or used to meet the cost share requirement of the award in accordance with the grant agreement.

26.047 Financial Reporting to Grantors

The Travis County Auditor's Office will complete and submit all necessary financial reports to grantors. Recipients must provide information to the County Auditor's Office to complete financial reports.

26.048 Performance Reporting

- (a) Departments must report on the performance of their award accurately and in a timely manner.
- (b) Departments must complete and submit required performance reports to grantors, unless Grants Administration does so on behalf of the department.
- (c) Departments must submit updated performance measures for the award to Grants Administration at least quarterly.
- (d) Departments must submit a written narrative detailing the status of the award to Grants Administration at least quarterly.

- (e) Departments must submit a written narrative detailing significant developments to Grants Administration as soon as possible after they occur. Significant developments include:
 - (1) Events that enable meeting milestones or objectives sooner or at less cost than anticipated.
 - (2) Events that produce different beneficial results than originally planned.
 - (3) Problems, delays, or adverse conditions that impact the ability to meet milestones or objectives.

26.049 Key Personnel List

- (a) Departments will identify and document personnel performing work as part of an award and submit a list of the personnel to Grants Administration.
- (b) The list must include an identified project director for the award who will act as the primary point of contact.
- (c) Departments must update the list when personnel change or the roles and responsibilities of personnel change.
- (d) Grants Administration will review the key personnel list no less than once per fiscal year.

26.050 Annual Grants Report

Grants Administration will annually update the Commissioners Court on the status of awarded grants.

26.051 Real Property

- (a) Real property acquired or improved with an award will vest with either Travis County or a subrecipient awarded by Travis County that acquired or improved the property.
- (b) The property must be documented with Travis County regardless of its vestiture.

26.052 Equipment Title and Use

- (a) Title to equipment acquired with an award will conditionally vest with Travis County or the subrecipient that acquired the equipment.
- (b) Equipment must be used for the project as long as it is needed, regardless of whether the project continues to receive funding from an award.
- (c) Equipment no longer needed for the original project must first be provided to activities under other awards with the same grantor as the original award, then provided to other activities under other awards.

- (d) Equipment acquired with an award will not be placed on any replacement list unless otherwise directed by the Planning and Budget Office.
- (e) Departments with equipment that is no longer needed for the original project or other activities supported by an award must follow the requirements in Travis County Code Chapter 27 Accounting for Capital Assets.

26.053 Equipment Records

- (a) Departments must provide to Grants Administration and the County Auditor's Office the following information regarding equipment purchased with funds from award:
 - (1) Description of the property
 - (2) Serial number or other identification number
 - (3) Source of funding
 - (4) Title holder
 - (5) Acquisition date
 - (6) Cost of the property
 - (7) Percentage of the award contribution toward the original purchase
 - (8) Location, use, and condition of the property
 - (9) Disposition information, including date of disposal and sale price of the property.
- (b) Departments must complete a physical inventory of the property, reconciled against the records, at least once every two years.
- (c) Departments must notify Grants Administration and the County Auditor's Office of any loss, damage, or theft of equipment that will have an impact on the award.

26.054 Assurance of Nondiscrimination

Travis County assures that it will comply with all requirements of 28 Code of Federal Regulations 42.101-112 "Nondiscrimination in Federally Assisted Programs-Implementation of Title VI of the Civil Rights Act of 1964".

26.055 Compliance Information

Departments must maintain racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federal awards per 28 Code of Federal Regulations 42.106. Departments must make this information available to federal grantors, Grants Administration, and the County Auditor's Office.

[26.056 - 26.059 Reserved]

Subchapter D. Subrecipient/Contractor Management

26.060 Subrecipient vs. Contractor Determinations

- (a) In carrying out the Activities under the Award, Travis County may contract with other entities to either: (1) carry out the purpose of the Grant on behalf of Travis County; or (2) purchase goods or services. Pursuant to 2 Code of Federal Regulations 200.331, Travis County must determine whether the entity it contracts with is a Subrecipient or a Contractor, based on the proposed scope of work funded.
- (b) Grants Administration will review the planned activities of the Award and work with the Department to develop a scope of work for the proposed contract.
- (c) Grants Administration will make an initial determination to designate the entity as either a Subrecipient or Contractor and provide that initial determination, the Award agreement, and the scope of work to the County Attorney's Office.
- (d) The County Attorney's Office will review the above material to make a final determination whether the entity Travis County contracts with is a Subrecipient or a Contractor.

26.061 Contractor Procurement

- (a) Departments must work with the Travis County Purchasing Office to procure goods or services from an organization classified as a contractor.
- (b) Departments must indicate to the Travis County Purchasing Office when the procurement of goods or services involves funding from an award.
- (c) Contractors must be procured in alignment with the Travis County Purchasing Office's policies and procedures and, in the case of federal awards, 2 Code of Federal Regulations 317-327 (Procurement Standards).

26.062 Subaward Development

- (a) Subawards must have the prior written approval of the grantor. Inclusion in the approved budget and detailed in the project narrative submitted to, and approved by, the grantor is considered prior written approval.
- (b) Departments must work with Grants Administration, the County Auditor's Office, and the County Attorney's Office to develop a subaward with an organization classified as a subrecipient, as well as the Travis County Purchasing Office if deemed appropriate for the subaward.
- (c) Departments may competitively award subawards and should work with Grants Administration if they wish to do so.
- (d) Grants Administration will verify the organization is not excluded or disqualified from participation in a federal award.

- (e) The County Auditor's Office will complete a risk assessment of the organization prior to the execution of a subaward.
- (f) The County Attorney's Office will create subaward agreements.
- (g) Subawards must include the following provisions required as part of 2 Code of Federal Regulations 200.332(b):
 - (1) All requirements imposed by statutes, regulations, and the terms and conditions of the award received by Travis County.
 - (2) Additional terms and conditions specific to the subrecipient's performance of the project and monitoring requirements.
 - (3) A requirement that the subrecipient permit Travis County and auditors to access the subrecipient's records and financial statements.
 - (4) An indirect cost rate, if negotiated and approved by Travis County.
 - (5) A requirement that Travis County will only reimburse the subrecipient for actual costs incurred in the performance of the project.
 - (6) Specific conditions recommended by the risk assessment of the organization, along with a description of why they are imposed and what actions can be taken to remove the specific conditions.
 - (7) Information required as part of 2 Code of Federal Regulations 200.332(b)(1).
- (h) Departments must place final negotiated subawards on the Travis County Commissioners Court agenda for approval and execution with backup including the determination documented under 26.060.
- (i) Grants Administration may place final negotiated subawards on the Travis County Commissioners Court agenda on behalf of departments in limited circumstances.
- (j) Departments must provide the executed subaward to the Travis County Purchasing Office to establish a contract number and upload the contract to the FMS.

26.063 Subrecipient Monitoring

- (a) The Travis County Auditor's Office is responsible for the financial monitoring of subrecipients. They will follow their policies and procedures for completing financial monitoring in a timely manner.
- (b) Departments are responsible for properly monitoring the performance of subrecipients. They must do the following:
 - (1) Departments must require subrecipients complete performance reports at least quarterly.

- (2) Departments must complete site visits to conduct performance monitoring at least once per year during the performance period of the award.
- (c) Grants Administration may assist departments with performance monitoring when requested, and may provide technical assistance to departments or subrecipients as necessary to ensure the objectives of the project are met in a timely manner.
- (d) The results of performance reports and monitoring must be shared with Grants Administration within 30 days after completion of the activity.

26.064 Fixed Amount Award Development

- (a) Departments may partner with organizations through a fixed amount award only when all the following criteria are met:
 - (1) The award does not require cost sharing.
 - (2) The organization is classified as a subrecipient.
 - (3) The value of the award does not exceed \$500,000.
 - (4) The award has clear goals, objectives, and activities which can be measured.
 - (5) The value of the award is based on a cost estimate for accomplishing the goals, objectives, and activities of the award.
 - (6) The grantor has provided prior written approval of the fixed amount award.
- (b) Creation of a fixed amount award must follow the requirements of a subaward.

26.065 Fixed Amount Award Monitoring

- (a) Expenditures incurred for a fixed amount award will be paid only after the following:
 - (1) The partner organization must invoice Travis County per the terms of the award.
 - (2) The department managing the award must verify the completion of the goal, objective, or activity included in the invoice, which can be completed via regular performance reports or through routine performance monitoring.
 - (3) The department managing the award must attest to the completion of the goal, objective, or activity before submitting the invoice to the County Auditor's Office for payment.
- (b) Departments with a fixed amount award must update performance measures monthly.

26.066 Fixed Amount Award Closeout

Closeout of a fixed amount award must follow the procedure below:

- (1) On completion of a fixed amount award, the organization must certify in writing to Travis County that the project was completed as agreed to in the award, or identify those activities not completed, and certify that all expenditures were incurred in accordance with 2 Code of Federal Regulations §200.403 "Factors affecting allowability of costs."
- (2) After receipt of the certification, Travis County will reduce the value of the award by the appropriate amount for any activities not completed.
- (3) After receipt of the certification, Travis County will pay any unexpended funds when all activities were completed in accordance with the fixed amount award.

[26.067 - 26.079 Reserved]

Subchapter E. Miscellaneous Procedures

26.080 Community Project Funding

- (a) Travis County may submit projects for funding consideration through members of either the U.S. House of Representatives or the U.S. Senate during the federal appropriations process.
- (b) Grants Administration will solicit projects in October of each year to submit during the upcoming appropriations cycle.
- (c) Grants Administration may choose one project for each member of Travis County's federal delegation based on the project's geographic scope and priorities detailed by the federal congressional member.
- (d) Grants Administration will follow the procedures established in this chapter to receive Commissioners Court approval to submit the selected projects.

26.081 Letters of Support

- (a) Travis County receives requests for letters of support from organizations applying to grant programs. For a letter of support to be provided on behalf of Travis County, the Travis County Commissioners Court must approve of the item.
- (b) Grants Administration is responsible for establishing a procedure to facilitate Commissioners Court action on letters of support.
- (c) Grants Administration will place the letter of support on the next available Commissioners Court agenda for approval by the Travis County Commissioners Court.

- (d) For requests that include Travis County providing matching resources or participating in the project, a formal contract detailing the source of matching funds and the scope of Travis County's participation must be approved by the Commissioners Court alongside the letter of support.