

California Department of Education

**Equipment and Capital Expenditures Approval Application for the
Coronavirus Aid, Relief, and Economic Security (CARES) Act,
Coronavirus Response and Relief Supplemental Appropriations
(CRRSA) Act, and American Rescue Plan (ARP) Act**

The federal requirements found in the CARES Act, CRRSA Act, and ARP Act require adherence to the Uniform Grants Guidance for the following funding sources:

- CARES Act Elementary and Secondary School Emergency Relief (ESSER) I Fund,
- CARES Act Governor’s Emergency Education Relief (GEER) I Fund,
- CRRSA Act ESSER II Fund,
- CRRSA Act GEER II Fund, and
- ARP Act ESSER III Fund.

The Uniform Grants Guidance regulations stipulate that capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5,000 or more receive prior written approval as found in Title 2, *Code of Federal Regulations* (2 CFR), section 200.439 (<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRed1f39f9b3d4e72/section-200.439>).

The submission of this request constitutes an assurance by the local educational agency (LEA) that the authorized use of funds criteria for ESSER I Funds (<https://www.cde.ca.gov/fq/cr/esser.asp>), GEER I Funds (<https://www.cde.ca.gov/fq/cr/learningloss.asp>), ESSER II Funds (<https://www.cde.ca.gov/fq/cr/crrsa.asp>), GEER II Funds (<https://www.cde.ca.gov/fq/cr/crrsa.asp>), and/or ESSER III Funds (<https://www.cde.ca.gov/fq/cr/arpact.asp>) have been met. For requests including federal Expanded Learning Opportunity Grant (ELO-G) funds, this submission additionally constitutes an assurance by the LEA that the authorized use of funds criteria for the ELO-G Funds (<https://www.cde.ca.gov/ls/he/hn/covidreliefgrants.asp>) have been met.

By submitting this form, you agree to review the regulations and requirements cited above and agree to follow all applicable local, state, and federal level policies when making a purchase using federal funds. You may be required to obtain additional information if the purchase exceeds certain dollar amount thresholds, in accordance with 2 CFR sections 200.317–327 and California *Public Contract Code* (PCC) sections 20110–20118.4. All LEAs must be able to demonstrate compliance with all federal and state procurement requirements during monitoring reviews and audits.

Date of Request:

Name of Primary Contact:

Title:

Email Address:

Phone Number:

LEA Name:

School Name (if applicable):

County District School (CDS) Code:

Short Title of Project Name:

Federal Stimulus Funding Source(s) Used (must include resource code[s]):

Estimated Total Cost of the Project:

Amount of Federal Stimulus Funds to be Used:

Estimated Completion Date of Project or Projected Date of Receipt of All Related Goods and Services:

Please describe the specific items that will be purchased with the funds:

Please describe how this purchase aligns with at least one allowable use of funds for the applicable fund source. For a list of the allowable uses of each fund source, please see the links to the web pages within the introduction of this application. If utilizing federal fund sources that contribute to the ELO-G, please include descriptions specific to the connection to the ELO-G allowable uses:

Please provide a detailed description of how this purchase directly prevents, prepares for, or responds to the challenges posed by the COVID-19 pandemic. This must include details specific to your LEA's context, such as why existing practices or equipment are insufficient for the LEA's needs:

Please describe how this purchase is reasonable, necessary, and allowable in accordance with the Cost Principles found in 2 *CFR* 200.420–475:

Please describe the planned procurement process for this project, in accordance with 2 *CFR* 200.317–327 and California *PCC* sections 20110–20118.4. Please review state and federal procurement requirements and provide a detailed response to demonstrate compliance with all applicable requirements:

Please review and check each applicable certification below:

I certify that all expenditures for this request will be obligated within the period of performance for the funding source used, in alignment with 34 *CFR* 76.707. To find the applicable deadlines for each Federal Stimulus funding source, please visit the COVID-19 Relief Funding Summary Sheet (<https://www.cde.ca.gov/fg/cr/relieffunds.asp>).

I certify that all obligations for this project are planned to be liquidated within 120 days of the obligation deadline for the applicable fund source. Please note that the **entire project** must be planned to be completed with all applicable goods and services received and all costs paid by the earliest deadline if multiple allocations of ESSER or GEER funds are utilized, even if the Federal Stimulus Funds are paid in advance or will only partially fund the applicable project.

I certify that the LEA will maintain documentation to substantiate that all state and federal requirements are met, including 2 *CFR* 200.317–327, 2 *CFR* 200.420–475, and California *PCC* sections 20110–20118.4.

I certify that the LEA has reviewed the state and federal procurement threshold requirements and understands that the LEA must follow the most restrictive requirements and thresholds. Please see the CDE's most recent Bid Threshold Adjustment Letter on the CDE Accounting Correspondence web page (<https://www.cde.ca.gov/fg/ac/co/>) for more information regarding state thresholds. Federal bidding thresholds are found in 2 *CFR* 200.1

I certify that the LEA is keeping records sufficient to detail the history of the procurement, including, but not limited to, records documenting the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price, as required in 2 *CFR* 200.318(i).

(check box only if utilizing a CMAS agreement for this project) I certify that, if using California Multiple Award Schedules (CMAS) to assist in the procurement process, the LEA is ensuring that all CMAS requirements are met. In addition, the LEA is also meeting all required federal procurement requirements found under 2 *CFR* 200.317–327, including (where applicable) obtaining an adequate number of bids, depending on cost of the project and applicable state and federal thresholds. These requirements are not

necessarily fulfilled under a CMAS Agreement alone, and the LEA will be required to maintain documentation to substantiate that all federal procurement requirements were met in the event of future audits or monitoring reviews.

(check box only if utilizing a cooperative purchasing agreement or “piggyback” contract to facilitate procurement) I certify that, if using a cooperative purchasing agreement or “piggyback” contract to assist in the procurement process, in alignment with 2 *CFR* 200.318(e), the LEAs understand such an agreement may be utilized, where appropriate, to satisfy federal competition requirements, **only if the remaining federal and state procurement requirements are additionally completed.**

Additionally, the LEA is aware that requests for approval of expenditures that rely on vague contracts (with unspecified services or costs in either the original or cooperative purchasing/ piggyback agreement), those that would involve different services or pricing from the original contract, and those that rely on contracts originally made with non-federal funds or which received approval prior to the passage of ESSER may not be found allowable, because compliance with the requirements of the grant and federal procurement requirements cannot be guaranteed.

I certify that this project is consistent with the proper and efficient administration of these funds and does not limit the LEA’s ability to support other essential needs or initiatives for preventing, preparing for, or responding to COVID-19.

I certify that the LEA understands that it may be necessary to reimburse any Federal Stimulus expenditures with an unrestricted funding source if during an audit or monitoring review the expenditure is ultimately deemed unallowable, or if state and federal procurement requirements are not properly followed. This includes expenditures that had occurred prior to the submission of this request.

Please email this request to EDReliefFunds@cde.ca.gov with the subject “Equipment and Capital Expenditure Approval – (name of your LEA and project name)”. Please include any relevant documentation demonstrating why this option is the most cost effective. Please ensure a cost price analysis is completed and maintained for any project over \$250,000.

Signature of Superintendent or Applicable Authorized Representative:

Date:

Updated January 2024