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MARCH 2020 UPDATES TO OVC MATCH WAIVER APPROVAL PROCESS

The Office for Victims of Crime (OVC) has received feedback in regional meetings, conferences, and one-on-one conversations over the last year that many Victims of Crime Act (VOCA) Victim Assistance Program State Administering Agencies (SAAs) would like OVC to streamline its process for reviewing match waiver requests. As a result, OVC will make the changes detailed below regarding how it handles match waivers going forward.

I. UPDATE

OVC will no longer require prior OVC review and approval of all match waiver determinations made by SAAs. (*See* 28 C.F.R. § 94.118(b)(3) setting out the OVC Director's broad discretion to waive match).

II. IMPLEMENTATION

A. Process

The SAA may waive match (either in total or part) without OVC prior approval, provided that the SAA complies with all of the following:

1. SAAs must develop and implement a match waiver policy. SAAs may adopt the match waiver policy criteria set forth in Section II, or develop their own policy for OVC review prior to implementation.

2. SAAs must submit a program office GAN (to the most recent VOCA Assistance grant) that includes the SAA match waiver policy. The SAA policy should be submitted to OVC only once; however, if the policy changes, the SAA must submit the revised policy and obtain OVC approval prior to making a waiver determination pursuant to it. (If unique circumstances apply warranting making waiver determinations under a new or revised policy prior to OVC approval of that policy, SAAs should consult with their grant manager. SAAs should then submit the revised policy by the last day of the fiscal year, or upon request by the grant manager.)

3. Issue match determinations to the subrecipient describing the waiver justification, revised amount, and other pertinent information consistent with the applicable waiver policy.

4. Submit both the match waiver spreadsheet (using the OVC template) listing all subrecipient match waivers approved in a federal fiscal year, and the waiver determinations, to OVC via GAN, by no later than 90 days after fiscal year end. Determinations may be submitted on a rolling basis, or in bulk, via a program office approval GAN to the relevant VOCA grant (*e.g.*, waivers issued under the FY 2018 VOCA Assistance grant are submitted as a GAN to that award).

B. Additional Information

1. SAAs that do not use the above process, or that have waiver requests falling outside of the above process, may continue to submit prior approval requests to OVC using the existing process.

2. SAAs may, and should, consult with their OVC program manager with regard to any match waiver requests involving unique circumstances.

3. OVC will review SAA match waiver determinations and policies as a part of its SAA monitoring. Match waiver determinations that lack sufficient justification (in the opinion of OVC) may be questioned by OVC.

4. OVC may, in its discretion, at any time, require a SAA to resume obtaining specific prior OVC approval for subrecipient match waiver requests.

III. SAA MATCH WAIVER CRITERIA

SAA's may adopt the following match waiver policy criteria, or develop their own policy for OVC review prior to implementation (see Section II(A)(1&2).

A. SAAs generally must encourage subrecipients to meet match requirements. SAAs must monitor compliance with match appropriately throughout the subaward.

B. Match waivers, whether full or partial, must be well-justified. At a minimum, all SAAs must consider:

1. practical and/or logistical obstacles to providing match (*e.g.*, public agencies that do not engage in private fundraising and may have limitations on soliciting contributing funds);

2. local resource constraints (*e.g.*, rural community with limited local funding availability or volunteer capacity);

3. increases to VOCA funding where local funding availability has not increased to the same degree;

4. past ability to provide match – OVC generally expects subrecipients to provide at least the same dollar amount of match it provided during the grant year immediately preceding the year of the waiver request unless a change in circumstances justifies a lower amount.

C. Match waiver determination letters must (at a minimum) set out for each project:

1. a brief description of the project/services provided by subrecipient;

2. the justification (consistent with the considerations under the applicable waiver guidance);

3. the scope of the waiver, and waiver amount (unless specified otherwise by the SAA, the waiver amount should create an equivalent match waiver percentage to be applied should the project budget change); and

4. the determination should state affirmatively that the SAA approves the waiver request for the reasons set out in the determination.

D. Waivers are to be applicable only for the duration of the subrecipient project (*i.e.*, not in perpetuity) and must be filed in the appropriate subrecipient project file.

E. The SAA must submit each match waiver determination to OVC (via GAN, or as otherwise specified by OVC) by no later than 90 days after fiscal year end.

F. OVC prior approval is required for any match waiver requested by a subrecipient within the 30 days before the subaward project end date, or after that date.

G. All match waivers must be approved and signed by the authorized point of contact.

IV. Clarification Regarding Partial Match Waiver Modifications

Audits have revealed occasional confusion resulting from OVC's match waiver determination letters. OVC typically sets forth the approved amount of match in a specific dollar amount. This has sometimes led to confusion where subrecipient project funding subsequently changes.

To clarify how a match waiver should be applied where project funding changes, OVC or the SAA will apply the match *percentage* approved in (or derived from) the original waiver request to the subrecipient's modified budget to determine the new match waiver dollar amount.