



# CORONAVIRUS STATE FISCAL RECOVERY FUND

## Assistance to the Judicial Branch

Program Guidelines

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GOVERNMENT OF PUERTO RICO



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## Program Overview

### Background

Since March 2020, Puerto Rico, like most jurisdictions in the United States and countries around the world, has experienced an unprecedented emergency caused by the Coronavirus Disease 2019 (“COVID-19”) pandemic. To slow the spread of the disease and ensure the stability of its healthcare system, the Government of Puerto Rico has implemented measures to address the emergency. On March 12, 2020, the Government of Puerto Rico issued Administrative Bulletin OE-2020-020 through, which formally declared a state of emergency due to the imminent impact of the coronavirus in Puerto Rico.

During the state of emergency, Puerto Rico suffered great loss of life and severe economic hardships, which have impacted a Commonwealth still reeling from a natural disaster. Puerto Rico lost over 2,500 citizens, tourism dwindled with hotel registrations falling 95% from February to April 2020, and 460,000 residents of Puerto Rico experienced unemployment, twice the previous number of unemployed individuals. Despite these hardships, Puerto Rico persevered, and with over 2,600,000 doses of COVID-19 vaccines administered, Puerto Rico is positioned to emerge from the COVID-19 pandemic.

To help Puerto Rico emerge from the COVID-19 pandemic, Congress passed the American Rescue Plan Act of 2021 (“ARP Act”), and the President signed it into law on March 11, 2021. To assist state governments with addressing the lingering public health emergency while targeting areas and industries in need of economic development, the ARP Act established the Coronavirus State and Local Fiscal Recovery Fund, which provides \$350 billion in direct assistance to states, territories, counties, metropolitan cities, tribal governments, and non-entitlement units of local governments. As part of the Coronavirus State and Local Fiscal Recovery Fund, Puerto Rico received \$2.47 billion under the Coronavirus State Fiscal Recovery Fund (“CSFRF”).

To ensure the expeditious processing of apportioned funds from the CARES Act, the Government of Puerto Rico established the Disbursement Oversight Committee, consisting of the Secretary of the Department of the Treasury, the Director of the Office of Management and Budget (OGP), and the Executive Director of the Puerto Rico Fiscal Agency and Financial Advisory Authority (AAFAF). The Committee was created on May 15, 2020, by means of Executive Order No. 2020-040, and on May 7, 2021, by means of Executive Order No. 2021-034, the Governor of Puerto Rico extended the Committee’s oversight to include CSFRF.

### Program Description

On August 3, 2021, Governor Pedro R. Pierluisi established the Assistance to the Legislative and Judicial Branch Program. This program makes up to \$53.7 million in CSFRF funds available to provide funds for the Legislative and Judicial branches to address identified needs. The funds will be distributed at \$20 million for the Legislative Branch and \$33.7 million for the Judicial Branch. These guidelines apply to the Judicial Branch.

## Points of Contact

The Program will be administered by the Coronavirus Relief Fund Disbursement Oversight Committee (Committee) in conjunction with the Poder Judicial- *Oficina de Administración de los Tribunales* (“OAT” by its Spanish acronym) and AAFAF.

## Eligibility Criteria

Eligible Applicants must meet all the following criteria:

- Be the *Poder Judicial*- (OAT)
- Commit to abide by the Program's terms and conditions; and
- Agree to return the Program funds if it is determined that they did not comply with any of the Program eligibility requirements or if the Program funds were not spent on eligible expenses by December 31, 2024.

## Allowable Expenditures

Allowable expenses under this award must be:

- Necessary expenses related to
  - Support the Judicial Branch's Public Health response
    - Vaccination and testing programs
    - Purchase of personal protective equipment
    - Signage to facilitate social distancing
    - Consultation with infection prevention professionals to develop safe reopening plans
  - Behavioral Health Care
    - Prevention, treatment, recovery, and harm reduction for mental health, substance abuse, and other behavioral health challenges caused or exacerbated by the public health emergency
  - Preventing and responding to violence
    - Hiring law enforcement officials
  - Restore and Bolster Public Sector Capacity
    - Payroll and covered benefits for public safety, public health, health care, human services, and similar employees through the period of performance
    - Funding for employees who experienced pay reductions or were furloughed
    - Restoring employment by hiring up to 7.5% above pre-pandemic baseline
    - Maintaining current compensation levels to prevent layoffs
  - Expenses characterized as those needed to continue essential operations and services to citizens and personnel
- Expenses incurred during the period that begins on March 3, 2021, and ends on December 31, 2024.

For further guidance, please refer to the [Guidance](#) and the [Frequently Asked Questions](#) published by the U.S. Treasury.

### *Other CSFRF Programs*

In addition to the Program detailed above, the Governor allocated funds for additional programs to address the public health emergency, ensure continuity of government services, address negative economic impact, provide premium pay, invest in water, sewer, and broadband infrastructure, and provide for the provision of government services (up to lost revenue). Please visit the [AAFAF website](#) for additional information about these programs.

## Ineligible Expenditures

Ineligible expenses will be determined by the Committee, the U.S. Department of the Treasury, the Office of Inspector General (OIG), and other regulatory bodies, and under this award include, but are not limited to:

- Any expenditures that may be categorized as Capital Expenditures
- Payments to institutions that do not meet the eligibility criteria;
- Necessary expenses that have been covered or reimbursed or that will be covered in the future by other state or federal programs, including funds received through the CARES Act or from FEMA;
- Deposits into any pension funds;
- Offsetting a reduction in net tax revenue resulting from a change in law, regulation, or administrative interpretation during the covered period that reduces any tax; and
- Executive bonuses, debt refinancing, salary increases, or other expenses that are determined to be unnecessary for continued operations in the COVID-19 environment.

For further guidance, please refer to the [Guidance](#) and the [Frequently Asked Questions](#) published by the U.S. Treasury.

## Process Overview

The following is intended to outline the process by which funds from the CSFRF will be distributed under the Program.

August 3, 2021	Award Announced
June 8, 2022	Initial Disbursement of Funds Approved
July 15, 2022- Funds Expended	Biweekly Use of Funds Report
July 30, 2022- Funds Expended	Monthly Performance Report
December 31, 2024	Deadline for Award Funds to be Expended
August 1, 2022 – Program Close	Program Audits Use of Funds Compliance and Recovery
February 28, 2025*	Program Close

\*Subject to change depending on the needs of the Program.

### *Requests*

Requests will be submitted electronically using the [Agency Request](#) for Funding process and the [request processing portal](#) administered by the Puerto Rico OGP. Applicants should submit proposals under the PP Form-CSFRF Fund Request. Upon submission, Applicants will receive a confirmation via electronic mail. More information on forms, documents, and eligibility can be found on the [web](#).

### *Evaluation*

For all requests, decisions will be evaluated for completeness and eligibility, and a representative will make final determinations of AAFAF. Each submission will be considered, and Program funds will be allocated using a standard of necessity.

The Disbursement Oversight Committee will approve final funding award decisions.

### *Award and Funding*

Requestors will be notified via electronic mail of funding decisions. Subsequent funding opportunities (including expansion of eligible institutions and use of funds) will be determined based upon the availability of funds remaining after completion of initial awards.

## Compliance

Any government entity receiving funds must adhere to the Uniform Guidance, [2 CFR § 200](#) (“Uniform Guidance”). This Uniform Guidance outlines the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.” Recipients and their personnel are responsible for reviewing, understanding, and applying the complete underlying legislation and guiding documents. Topics included in the Uniform Guidance include, but are not limited to:

- Procurement standards and requirements
- Contract cost and price principles
- Bonding requirements
- Document retention and auditing provisions

Any government and the non-government entity receiving Program funds will be required to retain use of funds records and supporting documentation for a period of five (5) years. Furthermore, by accepting CSFRF funds, government and non-government entities are required to certify proper and legal use of the funds and agree to cooperate in any audit proceedings requested by the Government of Puerto Rico or other governing entity responsible for the compliant use of Program funds.

## Reporting Requirements

On an annual basis, the Government of Puerto Rico must submit a performance report detailing the progress and impact of using CSFRF funds. This Recovery Plan Performance Report will include descriptions of the funded projects and information on each award's performance indicators and objectives, helping residents understand how their governments are using the resources provided by Coronavirus State and Local Fiscal Recovery Funds program.

The key output performance indicators for this Program include:

- Amount disbursed
- Number of projects impacted

The key outcome performance indicators for this Program include:

- Number of projects completed

To ensure timely reporting, the Government of Puerto Rico requires the Lead Agency to adhere to the following reporting frequency:

- On a weekly basis, the Puerto Rico Department of Treasury will provide a summary of all program disbursements to date.
- On a monthly basis, the lead agency will provide a report of all performance indicators.

To ensure timely reporting, the Government of Puerto Rico requires the Recipients to adhere to the following reporting frequency:

- On a biweekly basis, recipients will be required to submit financial reports using the reporting template provided by the Program. Upon program close, recipients will be required to submit a comprehensive final financial reconciliation report detailing the use of program funds.

As needs may change over time, the Program, reserves the right to 1) request additional data from recipients at any time, 2) withhold any disbursements to any eligible recipient, and 3) withhold any allocation to or from the Program.