

REHABILITATION SERVICES ADMINISTRATION
Randolph-Sheppard Financial Relief and Restoration Payments (FRRP) Appropriation
ASSURANCES and USE of FRRP FUNDS

Name of State licensing agency (SLA): Texas Business Enterprises of Texas (BET)
DUNS:

A. Assurances

The State licensing agency (SLA), responsible for administering the Randolph-Sheppard Act program in the State, assures it will (check if yes):

- Yes** (1) cooperate with the Secretary in applying the requirements of the Randolph-Sheppard Act in a uniform manner when administering the FRRP, pursuant to 34 C.F.R. § 395.3(a)(11)(i), and will comply with all applicable Federal statutory and regulatory requirements for Federal recipients, as well as the terms and conditions of the grant award;
- Yes** (2) use all funds received under the FRRP in accordance with the terms of the Consolidated Appropriations Act of 2021, PL 116-260, Division H, Title III, section 318, specifically for the purposes of:
- offsetting losses of blind vendors that occurred during calendar year 2020, to the extent that such losses were not otherwise compensated; and
 - other purposes authorized under 34 C.F.R. § 395.9 for set-aside funds, but only to the extent any funds remain available after offsetting losses that were incurred by blind vendors during calendar year 2020.
- Yes** (3) actively participate with the State Elected Committee of Blind Vendors in developing for RSA approval how it will use the FRRP funds, consistent with the information required by Part B of this document, pursuant to 34 C.F.R. §§ 395.3(a)(2), 395.3(a)(6), 395.3(a)(11)(iii), 395.4(a), and 395.14, and Technical Assistance Circular RSA-TAC-21-01. The SLA understands that this information in Part B is required since receipt and use of the FRRP funds represent a change in the SLA's procedures covering the operation of vending facilities in accordance with Federal laws and its sources of funds for the administration of the program;
- Yes** (4) expend all FRRP funds, including for administrative purposes, in a manner that is allowable, reasonable, and allocable as required by 2 C.F.R. §§ 200.403 through 200.405;
- Yes** (5) not use Vocational Rehabilitation (VR) program funds, either Federal or non-Federal, to cover the administration of the FRRP funds unless such costs are also allowable under the VR program in accordance with section 103(b)(1) of the Rehabilitation Act of 1973 (Rehabilitation Act) and 34 C.F.R. § 361.49(a)(5) (*i.e.*, "financial relief and restoration payments to offset losses of blind vendors that occurred during calendar year 2020" are

not allowable expenses under the VR program), and allocable to that program in accordance with the Federal cost principles at 2 C.F.R. §§ 200.403 through 200.405. In the unusual event an activity under the FRRP funds is also authorized under the VR program and the SLA wants to use VR program funds, either Federal or non-Federal, to pay the administrative costs, the SLA assures it will allocate those costs proportionately across all benefitting programs in accordance with 2 C.F.R. §§ 200.403 through 200.405;

Yes (6) not use expenditures paid with these FRRP funds to meet the non-Federal share of the VR program, because these are Federal – not non-Federal – funds; and

Yes (7) satisfy all applicable requirements under the Randolph-Sheppard Vending Facility Program, including those set forth at 34 C.F.R. § 395.3(a)(11) (viii) and (ix), as well as those of 2 C.F.R. part 200, including those governing internal controls (§ 200.302), financial management (§ 200.303), financial reporting (§ 200.328), performance reporting and monitoring (§ 200.329), and grant closeout (§ 200.344).

B. Use of FRRP Funds

1. Explain briefly how the SLA will distribute the FRRP funds to blind vendors to offset losses incurred during the 2020 calendar year (*e.g.*, proportional to losses incurred, based on losses due to vendor's spoiled or expired stock, etc.).

To determine the distribution methodology for FRRP funds, Business Enterprises of Texas (BET) staff and the Elected Committee of Managers (ECM) reviewed the monthly facility reports submitted by BET-licensed managers for Calendar Year (CY)'19 and CY'20. Loss amounts for purposes of FRRP calculations are the difference between total reported net proceeds of facilities operated by the licensed manager in CY' 20 compared to CY'19. Available distribution per individual manager was calculated by dividing the allotted \$1,243,001 of FRRP available to TWC by the total amount of reported losses for all qualified managers. The resulting factor is 25.83 percent. BET licensed managers will be compensated for 25.83% of their 2020 losses. No vendor will receive FRRP funds in excess of their reported losses.

2. Does the SLA anticipate using any of the FRRP funds to cover administrative costs?
 Yes No X
3. If yes, what percentage of the FRRP funds do you anticipate expending on administrative costs? n/a percent

4. How will the SLA ensure blind vendor losses were not previously compensated (*e.g.*, attestation, financial reports, inventory reports, documentation of losses due to spoilage, etc.)?

The SLA reviewed monthly facility reports containing the financial information for facilities operated by licensed managers as submitted on a monthly basis by each BET licensed manager for calendar CY19 and CY 20 to determine losses. No unemployment insurance, PPP loans, CARE Act payments, SSDI benefits or any other payment was considered prior compensation in this plan.

5. Does the SLA anticipate having any FRRP funds remaining after distributing funds to the blind vendors to cover losses incurred in²calendar year 2020? Yes No X
6. If yes, please identify for which authorized set aside purposes under 34 C.F.R. § 395.9

the SLA anticipates using the funds (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> purchase of equipment | <input type="checkbox"/> fair minimum return to vendors |
| <input type="checkbox"/> maintenance of equipment | <input type="checkbox"/> establishment and maintenance of |
| <input type="checkbox"/> management services | <input type="checkbox"/> retirement or pension funds* |
| <input type="checkbox"/> paid sick leave* | <input type="checkbox"/> health insurance contributions* |
| <input type="checkbox"/> paid vacation time* | |

*Use of funds for these purposes would also require a majority vote of the blind vendors licensed by the SLA in accordance with 34 C.F.R. § 395.9(b)(5).

7. Explain briefly how the SLA actively participated with the State's Elected Committee of Blind Vendors to develop the Use of FRRP funds under Part B of this document and the result of their active participation (*e.g.*, was there consensus on the use of the funds). Documentation, such as meeting minutes when the use of FRRP funds was discussed, must be available upon request.

The SLA participated in weekly meetings with the ECM beginning in February 2020 through the date of submission of the SLA plan to develop the proposed use of FRRP funds.

8. Please identify the date by which the SLA anticipates obligating all FRRP funds, making sure all funds will be obligated by September 30, 2022.

The SLA will ensure funds are obligated by September 30, 2022.

C. Certification

As a duly authorized representative of the applicant, I hereby certify that the applicant will comply with the Assurances in Part A. I also attest that the information provided in Part B regarding the Use of FRRP Funds is true and accurate.

Printed name and title of authorized representative: Cheryl Fuller, VR Division Director

Signature: Cheryl Fuller

Date: 07/15/2021

Paperwork Burden Statement: According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1820-0698. Public reporting burden for this collection of information is estimated to average 1 hour per response, including time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. The Department is requiring States to respond to this collection to obtain or retain benefit pursuant to 34 C.F.R. §§ 395.3, 395.4(a), and 395.14, and consistent with the requirement of 2 C.F.R. § 200.207. If you have any comments concerning the accuracy of the time estimate, suggestions for improving this information collection, or if you have comments or concerns regarding your individual form, application, or survey, please contact Jesse Hartle, U.S.

Department of Education, 550 12th Street, SW, Washington, DC 20202-5176,
Jesse.Hartle@ed.gov, directly. Note: Please do not return the completed form to this address.

This form should be emailed to: randolph-sheppardvprestationfunds@ed.gov.