

## **JUDICIAL COUNCIL OF GEORGIA AMERICAN RESCUE PLAN ACT GRANT FUNDING FREQUENTLY ASKED QUESTIONS**

This document contains answers to frequently asked questions regarding federal American Rescue Plan Act funds allocated to the Judicial Council of Georgia. This document will be updated periodically in response to questions received from applicants and other stakeholders. For overall information about the Judicial Council’s American Rescue Plan Act (ARPA) Grant Program, including information on requesting funding, please see [jcaoc.georgiacourts.gov/arpa](http://jcaoc.georgiacourts.gov/arpa). For general questions, please e-mail [ARPA@georgiacourts.gov](mailto:ARPA@georgiacourts.gov).

Questions added 11/19/2021: 8.1, 29.1 (noted with “[added 11/19/2021]”).

Question added 11/24/2021: 8.2 (noted with “[added 11/24/2021]”).

Questions updated 11/29/2021: 4, 9 (noted with “[updated 11/29/2021]”).

Questions updated 1/1/2022: 4, 9, 10, 13, 14, 15, 16, 17, 19, 26, 27, 28, 30, 31, 33, 34 (noted with “[updated 1/1/2022]”).

Questions updated 1/13/2022: 9, 10, 15, 30 (noted with “[updated 1/13/2022]”).

Questions added 2/3/2022: 10.1; 16.1 (noted with “[added 2/3/2022]”).

Questions updated 4/1/2022: 1, 2, 3, 4, 9, 10, 10.1, 12, 15, 19, 20, 26, 27, 28, 29, 30, 31, 34 (noted with “[updated 4/1/2022]”).

Questions added 4/18/2022: 23.1, 23.2, 29.2 (noted with “[added 4/18/2022]”).

Questions updated 4/18/2022: 10, 26, 27, 28, 30 (noted with “[updated 4/18/2022]”).

Question added 4/25/2022: 36 (noted with “[added 4/25/2022]”).

Questions updated 4/25/2022: 4, 9 (noted with “[updated 4/25/2022]”).

Questions added 8/31/2022: 9.1, 20.1, 23.3, 26.1, 36.1, 36.2, 36.3 (noted with “[added 8/31/2022]”).

Questions updated 8/31/2022: 4, 8, 9, 10, 15, 16.1, 20, 21, 22, 23.1, 23.2, 26, 27, 28, 31, 32, 34, 35, 36 (noted with “[updated 8/31/2022]”).

Question updated 11/10/2022: 20.1 (noted with “[updated 11/10/2022]”).

Question updated 11/29/2022: 20.1 (noted with “[updated 11/29/2022]”).

Questions updated 1/11/2023: 1, 3, 4, 7, 9, 9.1, 15, 16, 16.1, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 29.1, 31, 33, 34, 36 (noted with “[updated 1/11/2023]”).

Questions added 1/11/2023: 28.1, 37, 38 (noted with “[added 1/11/2023]”).

Questions updated 8/9/2023: 4, 9, 15, 16, 16.1, 17, 18, 20, 20.1, 21, 22, 23, 23.1, 26, 26.1, 27, 28, 28.1, 33 (noted with “[updated 8/9/2023]”).

Question updated 8/14/2023: 28.1 (noted with “[updated 8/14/2023]”).

Question added 8/23/2023: 28.2 (noted with “[added 8/23/2023]”).

Questions updated 8/23/2023: 4, 9, 17, 26, 26.1, 27, 28, 28.1, 36 (noted with “[updated 8/23/2023]”).

Questions updated 9/7/2023: 9, 10, 26.1, 36 (noted with “[updated 9/7/2023]”).

### **1. How much ARPA funds were appropriated by the U.S. Congress? [updated 1/11/2023]**

The U.S. Department of the Treasury (“Treasury”) has established a process for the dissemination of Coronavirus State and Local Fiscal Recovery Funds (“ARPA funds”), as provided by the federal [American Rescue Plan Act of 2021](#) (Public Law No: 117-2; hereinafter “ARPA”). ARPA appropriated \$350 billion in emergency funding for eligible state, local, territorial, and Tribal governments to respond to the COVID-19 pandemic. Treasury has created a [website](#), a [Final Rule](#), and [supporting guidance](#) detailing how ARPA funds may be used under federal laws and regulations.

### **2. How much ARPA funds were allocated to the State of Georgia and its Judicial Branch? [updated 4/1/2022]**

The State of Georgia has been allocated \$4.8 billion in ARPA funds. Governor Brian P. Kemp (“Executive Branch”) has allocated up to \$110 million in ARPA funds to address backlogs of court cases (prioritizing cases involving serious violent felonies), which will be administered as follows:

- (a) The Judicial Council of Georgia (“Judicial Council”) and its Administrative Office of the Courts (“AOC”) will administer up to \$96 million in grants to authorized classes of court, prosecutors, and related agencies.
- (b) The remaining \$14 million in ARPA funds is allocated to the Georgia Public Defender Council (GPDC) for grants to public defenders and will be administered by the Governor’s Office of Planning and Budget (OPB). (Accordingly, the term “related agencies” used below does not include public defenders).

It is possible that additional ARPA funds may be allocated by the Executive Branch to the Judicial Council in the future for purposes other than addressing backlogs of court cases (prioritizing cases involving serious violent felonies). See Judicial Council **FAQ 4** below for a list of ARPA expenditure categories permitted by federal law but not currently authorized by the Executive Branch or the ARPA Committee.

### **3. What ARPA expenditures are permitted under the federal American Rescue Plan Act of 2021? [updated 1/11/2023]**

Under federal law, ARPA funds may be used for expenditures in one of the following four statutory categories:

- (a) To respond to the COVID-19 public health emergency or its negative economic impacts;
- (b) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to such eligible workers of the recipient;
- (c) For the provision of government services, to the extent of the reduction in revenue of such recipient due to the COVID-19 public health emergency, relative to revenues collected in the most recent full fiscal year of the recipient prior to the emergency; or
- (d) To make necessary investments in water, sewer, or broadband infrastructure.

ARPA § 9901 (a) (codified at 42 USC § 802 (c) (1)). Insight into Treasury’s interpretation of these four statutory categories may be found in 31 CFR Part 35 (“[Final Rule](#)”) and Treasury’s [Compliance and Reporting Guidance](#). ARPA funds allocated to the Judicial Council fall under statutory category (a) “negative economic impacts” above because Treasury has identified “backlogs in court systems” as a negative economic impact of the COVID-19 pandemic. 87 Fed.

Reg. 4,341; 4,388 (Jan. 27, 2022) (Eligible use “must ‘respond to’ the identified negative economic impact,” “e.g., backlogs in court systems”); Treasury’s Interim Final Rule [FAQ 2.19](#).

Treasury has deemed steps to reduce court case backlogs, such as implementing COVID-19 safety measures to facilitate court operations, hiring additional judges, court staff, security staff, or attorneys to increase the speed of case resolution, as well as other expenses to expedite case resolution, as eligible uses of ARPA funds. 31 CFR § (b) (3) (ii) (E) (4); 87 Fed. Reg. 4,388 (Jan. 27, 2022) (“e.g., backlogs in court systems”); Treasury’s Interim Final Rule [FAQ 2.19](#).

#### **4. What limitations has Georgia’s Executive Branch and the ARPA Committee placed on how the Judicial Branch may use ARPA funds? [updated 8/23/2023]**

Consistent with Executive Branch limitations on the ARPA funds allocated to the Judicial Council and ARPA Committee policies, the following are eligible uses of ARPA funds under federal law and regulations but *not currently* authorized uses for Judicial Branch grant awards (but may become authorized uses in future grant cycles):

- Professional dues, continuing education, and training for staff (unless expressly authorized in **FAQ 9**) (ECs 3.5, 7.1; 31 CFR § 35.6 (b) (3) (ii) (E) (4); 87 Fed. Reg. 4,438 (Jan. 27, 2022) (Uniform Guidance (2 CFR 200 Subpart E) applies to ARPA funds); 2 CFR § 200.473 (“The cost of training and education provided for employee development is allowable”).
- Case management systems and software (EC 7.1; 31 CFR § 35.6 (b) (3) (ii) (E) (4); 87 Fed. Reg. 4,389 (Jan. 27, 2022) (“improvements to case management systems . . . are eligible”).
- Unauthorized software. Only the following software is currently authorized by OPB: (1) basic operating and word processing software; (2) digital evidence management software; and (3) legal research software for ARPA-funded staff attorneys and prosecutors. *See **FAQ 26.1** for authorized software and **FAQ 28.2** for detailed federal procurement guidance from OPB.*
- ARPA grants to municipal courts (pursue ARPA funds from cities before contacting the ARPA Committee), public defenders, or conflict attorneys (see funds allocated to [GPDC](#)).
- COVID-19 testing (EC 1.2; 31 CFR § 35.6 (b) (3) (i) (A)). Contact the [Georgia Emergency Management and Homeland Security Agency](#) (GEMA) for COVID-19 testing assistance.
- The purchase of personal protective equipment (e.g., gloves, masks, and hand sanitizer) (EC 1.5; 31 CFR § 35.6 (b) (3) (i) (A)). Contact [GEMA](#) for personal protective equipment.
- Expenditures to prevent COVID-19 in congregate settings (e.g., plexiglass, cleaning supplies or services) (EC 1.4; 31 CFR § 35.6 (b) (3) (i) (A)). Contact [GEMA](#) for assistance with supplies to prevent COVID-19 in congregate settings.
- Payroll supplements, stipends, bonuses, “premium pay,” or any other payroll payments to staff that do not correspond to actual documented payroll time spent responding to case backlogs or performing ARPA grant administration *are not authorized*. “Premium pay” is defined in 31 CFR §§ 35.3, 35.6 (c); (EC 4.1).
- Long-term infrastructure (i.e., capital) investments in public facilities, such as physical plant improvements, permanent adaptations to existing public buildings, or constructing new facilities to respond to the pandemic or its negative economic impacts (ECs 3.5, 7.1; 31 CFR § 35.6 (b) (3) (i) (A), (b) (3) (ii), (b) (4); 87 Fed. Reg. 4,389 (Jan. 27, 2022). *Grant recipients should rent equipment (if possible, practical, and cost-effective) to avoid violating the prohibition on purchasing permanent infrastructure. See **FAQ 28.1** for an exception for audio-visual equipment modernization in existing permanent courtrooms.*

- Adding or upgrading a court’s broadband connection, including modernization of cybersecurity for existing or new broadband infrastructure (EC 5.19; 31 CFR § 35.6 (e) (2) (i)-(ii)).
- Offsets to a reduction in government revenue due to the pandemic, which may be used to maintain existing infrastructure, build new infrastructure, or provide any government service, excluding contributions to a rainy-day fund (EC 6.1; 31 CFR § 35.6 (d); 87 Fed. Reg. 4,422-4,430 (Jan. 27, 2022)).
- General modernization of cybersecurity not related to broadband upgrades, including hardware, related software, and protection of critical infrastructure (falls under the category of government revenue offsets) (EC 6.1; 31 CFR § 35.6 (d)). See 31 CFR § 35.6 (e) (2) (ii). See *FAQ 26.1 for authorized software*.

### **5. Who will oversee the ARPA funds application, evaluation, and awards process?**

Chief Justice David E. Nahmias established the Judicial Council of Georgia Ad Hoc Committee on American Rescue Plan Act Funding (“ARPA Committee”) on October 28, 2021, to review and approve applications for ARPA grant funds from all authorized classes of trial court (excluding municipal courts), appellate courts, prosecutors, and related agencies for the limited purpose of addressing backlogs of court cases, prioritizing cases involving serious violent felonies (access the order creating the ARPA Committee under Quick Links at [jcaoc.georgiacourts.gov/arpa](http://jcaoc.georgiacourts.gov/arpa)). The Chief Justice may change the composition of the ARPA Committee throughout the performance period based on the needs of the Judicial Branch and any changes in funding priorities established by the Governor and OPB. The ARPA Committee is staffed by the [Judicial Council/Administrative Office of the Courts \(AOC\)](#). To reach AOC’s ARPA Grants Team (“ARPA Grants Team”), please e-mail [ARPA@georgiacourts.gov](mailto:ARPA@georgiacourts.gov).

### **6. Who will facilitate the distribution of ARPA funds?**

The AOC’s ARPA Grants Team will facilitate the grant application, awarding, compliance, reimbursement, and reporting processes. To reach AOC’s ARPA Grants Team (“ARPA Grants Team”), please e-mail [ARPA@georgiacourts.gov](mailto:ARPA@georgiacourts.gov).

### **7. Who is eligible for ARPA funds? [updated 1/11/2023]**

The Executive Branch has placed certain limitations on what entities are currently eligible for ARPA grant funds and what such funds may be used for. In accordance with these limitations, ARPA grant funds are currently available to all classes of trial court (except municipal courts), appellate courts, prosecutors, and related agencies for the limited purpose of addressing backlogs of court cases (prioritizing cases involving serious violent felonies). Municipal courts *with substantial* backlogs are encouraged to pursue ARPA funds from the city that a municipal court serves. However, please e-mail [ARPA@georgiacourts.gov](mailto:ARPA@georgiacourts.gov) if such pursuit is unsuccessful.

### **8. Who may apply for ARPA funds? [updated 8/31/2022]**

Each judicial circuit must apply to the ARPA Committee for ARPA funds on behalf of all authorized classes of trial court (excluding municipal courts), prosecutors, and related agencies within the circuit. Appellate courts are also eligible for ARPA grant funds and may apply directly to the ARPA Committee. Public defenders and conflict attorneys are not authorized to apply for ARPA funds allocated to the Judicial Council but may pursue ARPA funds from the Georgia Public Defender Council.

**8.1. May prosecutors apply for ARPA funds? [added 11/19/2021]**

Prosecutors responding to case backlogs may pursue ARPA funds via a judicial circuit's application. However, please e-mail [ARPA@georgiacourts.gov](mailto:ARPA@georgiacourts.gov) if such pursuit is unsuccessful after asking to be included in an application in good faith with supporting data demonstrating an eligible need for ARPA funds.

**8.2. What is the role of a chief judge of a judicial circuit in the ARPA grant application process? [added 11/24/2021]**

The chief superior court judge in each judicial circuit is responsible for managing and submitting an ARPA grant application on behalf of all eligible courts and judicial system stakeholders in his or her circuit. The chief superior court judge, in consultation with and with substantial input from all stakeholders, should design a coordinated, balanced, and proportional circuit-wide plan for the use of ARPA funds to address case backlogs throughout the circuit (with a priority on cases involving serious violent felonies). The chief superior court judge has the sole discretion to fashion his or her circuit's application to meet circuit-wide objectives. Accordingly, he or she may prioritize funding requests and is not required to include all proposed expenditures in the circuit's application.

**9. What ARPA expenditures are permitted given the limitations Georgia's Executive Branch and the ARPA Committee have placed on how the Judicial Branch may use ARPA funds? [updated 9/7/2023]**

The Executive Branch and ARPA Committee have placed certain limitations on: (1) which Judicial Branch entities are eligible for ARPA grant funds; and (2) what expenditures ARPA grant funds may be used for. Per the Executive Branch's limitations on authorized uses and ARPA Committee policies, *the ARPA Committee may currently only award grant funding for the following expenditures:*

(a) *Personnel*. Payroll costs for personnel responding to court case backlogs with a primary focus on serious violent felonies; backfilling positions requiring less experience to reassign more experienced staff to expedite the disposition of serious violent felony cases; or personnel administering the ARPA grant. *As used in this expenditure category only, "primary focus on serious violent felonies" means more than 50 percent of total personnel costs awarded in each calendar year is dedicated to responding to serious violent felonies*, as defined in OCGA § 17-10-6.1 (a).

(b) *Court-based Eviction, Mental Health, or Substance Use Diversion*. Payroll costs for personnel performing court-based eviction, mental health, or substance use diversion services only if: (i) such services respond to case backlogs; and (ii) a subrecipient provides a *numerical* estimate to the AOC demonstrating that such services will conserve staff time and resources to respond to backlogs of serious violent felony cases, as defined in OCGA § 17-10-6.1 (a).

(c) *Other Program Costs*. Reasonable and necessary costs to support a response to court case backlogs with a primary focus on cases involving serious violent felonies or to perform ARPA grant administration, as follows:

- (i) The purchase of necessary supplies and materials used by personnel funded by the ARPA grant;
- (ii) The purchase or rental of equipment used by personnel funded by the ARPA grant, including any reasonable and required license, basic operating or word processing software, or service needed to use such equipment;

- (iii) Travel costs of personnel and contractors funded by the ARPA grant traveling between counties in multi-county judicial circuits that are necessary to address the backlog in court cases with a primary focus on cases involving serious violent felonies;
- (iv) Rental of temporary space for personnel funded by the ARPA grant;
- (v) Printing, publication, media, or postage costs;
- (vi) Jury expenditures for the trial of cases that are part of the case backlog caused by the COVID-19 pandemic;
- (vii) Jury sequestration costs if necessary for jurors in serious violent felony cases;
- (viii) Continuing legal education and professional dues for staff attorneys and prosecutors funded by the ARPA grant, as required by the State Bar of Georgia to maintain a law license;
- (ix) Mandatory continuing judicial education for judges funded by the ARPA grant, as required by the Institute of Continuing Judicial Education and uniform court rules;
- (x) Contracts for professional services or per diem to respond to court case backlogs, including services provided by interpreters, senior judges, state paid county reimbursed (SPCR) prosecutors, and court reporters; or to perform grant administration;
- (xi) Mandatory training for victim assistance coordinators and victims' advocates funded by the ARPA grant, as required by law and the Prosecuting Attorneys' Council;
- (xii) Mandatory training for district attorney investigators funded by the ARPA grant, as required by law and the Peace Officer Standards and Training Council;
- (xiii) Audio-visual equipment modernization in *existing* courtrooms, the purchase of which is subject to all applicable federal procurement requirements found in 2 CFR §§ 200.318-200.327 (see **FAQ 28.2** for detailed federal procurement guidance from OPB) and the **Audio-Visual Equipment Modernization Policy** (available under Quick Links at [jcaoc.georgiacourts.gov/arpa](http://jcaoc.georgiacourts.gov/arpa));
- (xiv) Legal research software for ARPA-funded staff attorneys and prosecutors, the purchase of which is subject to all applicable federal procurement requirements found in 2 CFR §§ 200.318-200.327 (see **FAQ 28.2** for detailed federal procurement guidance from OPB);
- (xv) Digital evidence management software, the purchase of which is subject to all applicable federal procurement requirements found in 2 CFR §§ 200.318-200.327 (see **FAQ 28.2** for detailed federal procurement guidance from OPB); and
- (xvi) Other program costs necessary to address a court backlog caused or exacerbated by the COVID-19 pandemic with a primary focus on cases involving serious violent felonies may be approved by OPB at its sole discretion following a written request for approval by AOC prior to AOC's approval of said costs.

*Note:* The expenditure categories (ECs) indicated throughout this document and the application itself are listed in Appendix 1 of Treasury's [Compliance and Reporting Guidance](#). See **FAQ 10** for restrictions on ARPA grant administration payroll expenditures. As used in these FAQs, "staff attorneys" includes law clerks.

### **9.1. What does "total personnel costs . . . dedicated to serious violent felonies" mean under application section (E) (1) Payroll-Public Sector Staff Responding to Case Backlogs? [updated 1/11/2023]**

Starting in calendar year 2023, more than 50 percent of total personnel costs awarded each calendar year **under application section (E) (1) Payroll-Public Sector Staff Responding to Case**

**Backlogs** must be dedicated to responding to serious violent felonies, *as defined in OCGA § 17-10-6.1 (a)*. As used in application section (E) (1) (c), “total personnel costs” means the subtotal of funds requested under section (E) (1) only, as stated in (E) (1) (a). To get the percentage used in (E) (1) (c), divide the amount provided under (E) (1) (b) by the amount provided in (E) (1) (a).

**10. What are examples of personnel that may be paid with ARPA funds? [updated 9/7/2023]**

Increasing the capability of courts to resolve criminal cases will necessarily involve additional judges, deputy clerks of court, court reporters, law clerks, staff attorneys, prosecutors, public defenders, administrative assistants, and bailiffs/court security personnel. Such personnel may be paid with ARPA funds if they are either responding to a backlog of cases (new or existing employees allowed) or administering ARPA grant funds (see OPB clarifications below). *However, public defenders and conflict attorneys must apply to GPDC for ARPA funds.*

*New or existing staff may be used to respond to case backlogs, with priority given to serious violent felony cases (as defined in OCGA § 17-10-6.1 (a)). However, only payroll for time spent actually responding to case backlogs may be reimbursed with ARPA grant funds. This includes payroll of new personnel hired to backfill existing personnel responding to case backlogs (prioritizing cases involving serious violent felonies). Therefore, time spent responding to case backlogs must be tracked and documented for reimbursement and auditing purposes.*

*The following clarifications have been provided by OPB regarding reimbursement for ARPA grant administration payroll expenditures only:*

- *Current hourly employees performing ARPA grant administration duties may be paid from ARPA funds for time spent (including overtime) if the time is documented with timesheets.*
- *Current salaried employees performing ARPA grant administration duties may not be paid extra from ARPA funds for added duties, but an employer may be reimbursed from ARPA funds for time spent by those employees performing ARPA grant administration duties if the time is documented with timesheets. To be clear, current employees performing ARPA grant administration duties may not be given a supplement or a raise to be paid from ARPA funds.*
- *New part-time employees (hourly or salaried) may be paid from ARPA funds for time spent working on grant administration duties if the time is documented with timesheets.*
- *New full-time employees (hourly or salaried) may be paid from ARPA funds for time spent working on grant administration duties if the time is documented on a timesheet, labor report, and a Personnel Action or Periodic Certification Form upon hire and a chart of accounts for ARPA funding is provided. See ARPA Fiscal Team for details.*

Per 87 Fed. Reg. 4,387 (Jan. 27, 2022), ARPA grant “recipients may use funds for direct and indirect administrative costs for administering the [ARPA grant] program and projects funded by the [ARPA grant] program.” ARPA funds may also be used for “[c]osts associated with addressing administrative needs of recipient governments that were caused or exacerbated by the pandemic.” 31 CFR § 35.6 (b) (3) (ii) (E) (4); 87 Fed. Reg. 4,388 (Jan. 27, 2022) (“e.g., backlogs in court systems”).

See **FAQ 23.1** for details on the documentation required for personnel expenditure reimbursements. See also **FAQ 9.1** for an explanation of what “priority given to serious violent felony cases” means.

**10.1. May ARPA funds be used for the reimbursement of administrative expenditures characterized as a lump sum, a flat indirect rate, or a percentage of the award? [updated 4/1/2022]**

No. ARPA funds may not be used for the reimbursement of administrative expenditures characterized as a lump sum, flat indirect rate, or a percentage rate of the award (e.g., 1.0% of the total grant to compensate a person or an entity for administrative or fiscal agent costs or a \$100 flat rate per grant funded position). All administrative costs must be specified, described in sufficient detail, and justified as an ARPA-eligible administrative expense, e.g., administrative positions and associated payroll plus fringe, office supplies with examples, furniture and what it will be used for, necessary equipment with examples, necessary travel, etc. *The one exception to this rule is that the administrative fee charged by the Prosecuting Attorneys' Council for State paid county reimbursed (SPCR) contracts has been preauthorized by OPB.*

**11. What if we cannot find qualified personnel to help us respond to the case backlogs or administer grant funds?**

The ARPA Committee recognizes that government employers are having difficulty finding qualified personnel to fill existing positions and that it may be difficult to find qualified personnel to help respond to the case backlogs or administer grant funds. The AOC will assist applicants in their search for qualified applicants by advertising such employment opportunities on the ARPA Committee's website (<https://jcaoc.georgiacourts.gov/arpa/>). To have your job posting added, please e-mail the AOC's ARPA Grants Team at [ARPA@georgiacourts.gov](mailto:ARPA@georgiacourts.gov).

**12. How can I organize my judges to efficiently respond to the case backlogs? [updated 4/1/2022]**

A valid organizational plan may include a request to have senior judges or judges of other classes of court designated to handle a civil docket or a domestic relations docket, which would then free up the elected judges to devote more time to the criminal docket. However, a judge of another class of court serving in superior court pursuant to OCGA § 15-1-9.1 must meet the minimum qualifications of a superior court judge as provided in OCGA § 15-6-4.

**13. May ARPA funds be used to pay court reporters or other personnel increased per diem rates to respond to the case backlogs? [updated 1/1/2022]**

Recipients may use ARPA grant funds to pay increased per diem rates to certified court reporters (i.e., attendance fees) and other personnel (e.g., senior judges) responding to case backlogs to gain increased participation if necessary due to local job market conditions. However, recipients should ensure such increased costs are reasonable and do not exceed that which would be incurred by a prudent person under the circumstances. See 2 CFR § 200.404 (defining "reasonable costs," which would include "[m]arket prices for comparable goods or services for the geographic area"). *Note: Court reporter fees other than attendance fee (i.e., per diem) rates are set by the fee schedule promulgated by the Judicial Council as provided in OCGA § 15-5-21 and may not be increased without a rule change. Please see FAQs 9-10 above for additional restrictions on the use of certain personnel.*

**14. May ARPA funds be used to pay for administrative tasks unrelated to grant administration? [updated 1/1/2022]**

Administrative tasks *unrelated to ARPA grant administration* are eligible expenditures if such tasks are responding to a backlog of court cases, such as time personnel spends processing backlogged cases or conducting case management, e.g., the administrative duties associated with



the opening or closing of backlogged cases. See the **ARPA Budget Form** (available under Quick Links at <https://jcaoc.georgiacourts.gov/arpa/>) for examples of administrative personnel titles and administrative expenses, which may be adapted based on the needs of each applicant. *Please see FAQs 9-10 above for additional restrictions on the use of certain personnel.*

**15. What is the application period? [updated 8/9/2023]**

Applications for ARPA grant funds will be accepted from *August 28, 2023, to September 15, 2023*. The ARPA Committee will schedule additional application periods throughout the performance period, which will be posted at [jcaoc.georgiacourts.gov/arpa](https://jcaoc.georgiacourts.gov/arpa/). E-mail the ARPA Grants Team at [ARPA@georgiacourts.gov](mailto:ARPA@georgiacourts.gov) if you want to subscribe to updates from the ARPA Committee and be notified of future application periods.

**16. What will be the duration of each award? [updated 8/9/2023]**

On July 26, 2023, the ARPA Committee approved the following policies and schedule for the duration of the performance period:

- All current CY 2023 grant awards will be extended through December 31, 2025.
- Subject to available funding, current grantees and new applicants may apply for award amendments or new awards during any authorized application period (August-September 2023, April 2024, September 2024, or April 2025).
- The closeout deadline for CY 2023-2025 awards is March 31, 2026.
- Subject to available funding, all circuits must reapply for new awards for the final award period of January 1, 2026, to September 30, 2026.
- All reimbursements for the entire program must be processed by December 31, 2026.

**16.1. Is there a funding cap for awards? [updated 8/9/2023]**

Prior to December 8, 2022, the ARPA Committee set a \$2 million limit each calendar year per applicant for awards in calendar years 2022 and 2023. On December 8, 2022, the ARPA Committee approved an increase to the award cap from \$2 million to *\$2.5 million per calendar year* for all eligible expenses, including audio-visual equipment modernization.

**17. What is the overall performance period for ARPA funds? [updated 8/23/2023]**

The overall performance period for the ARPA funds provided to the Judicial Council by the Executive Branch is *January 1, 2022, to December 31, 2026*. This means that the ARPA Committee may award and disseminate ARPA funds allocated to the Judicial Council until December 31, 2026. *Expenses for activities that occurred prior to a grant award date are not eligible for reimbursement.* Any funds allocated to the Judicial Council that are not expended for eligible uses by December 31, 2026, will be forfeited to the Executive Branch. 31 CFR § 35.5. See *FAQs 16 and 18 for the current award policies and schedule for the duration of the performance period.*

**18. How long will ARPA funds be available to compensate temporary employees? [updated 8/9/2023]**

ARPA funds will be awarded to circuits for eligible expenditures, including compensation for temporary employees responding to case backlogs or performing ARPA grant administration, *until September 30, 2026*. The overall performance period for the ARPA funds provided to the Judicial Council by the Executive Branch is *January 1, 2022, to December 31, 2026*. This means that ARPA funds may not be used for expenses incurred after December 31, 2026, including compensation for temporary employees responding to case backlogs or performing grant

administration. *The ARPA Fiscal Team will process final reimbursement requests from circuits and close out the program from October 1, 2026, to December 31, 2026. See FAQ 16 for details.*

**19. What is the procedure for applying for ARPA grant funds from the Judicial Council? [updated 1/11/2023]**

ARPA grant applications will be accepted from judicial circuits on behalf of all authorized classes of trial court (excluding municipal courts), prosecutors, and related agencies during the application period stated in **FAQ 15**. Appellate courts are also eligible for ARPA grant funds and may apply directly during the same application period. Applications will first be reviewed by the ARPA Grants Team for completeness and compliance. The ARPA Grants Team will then forward completed applications to the ARPA Committee for review. Incomplete applications or applications with compliance or other issues will be returned to the applicant by the ARPA Grants Team with a list of items that should be addressed prior to it being reviewed by the ARPA Committee. *The ARPA Grants Team will automatically reject any application from a court or entity that is not a judicial circuit or appellate court.*

**20. May an applicant amend, revise, or withdraw an application that has been awarded or submitted? [updated 8/9/2023]**

Promptly notify the ARPA Grants Team at [ARPA@georgiacourts.gov](mailto:ARPA@georgiacourts.gov) if you need to revise or withdraw a submitted (but not approved) application. Applicants may also apply to amend a current award during an open application period. ARPA funds allocated to the Judicial Council will be awarded by the ARPA Committee after review and approval of an **ARPA Grant Application** (available under Quick Links at [jcaoc.georgiacourts.gov/arpa](http://jcaoc.georgiacourts.gov/arpa)). See **FAQ 16** for more details. If an award recipient needs to amend a current award, an amended **ARPA Grant Application** (available under Quick Links at [jcaoc.georgiacourts.gov/arpa](http://jcaoc.georgiacourts.gov/arpa)) may be submitted to the ARPA Committee during an authorized application period using the regular application process. *See FAQ 20.1 for important details and rules regarding modifications to current awards.*

**20.1. What are the options to modify an approved award and budget? [updated 8/9/2023]**

On May 19, 2023, the Ad Hoc Committee on American Rescue Plan Act Funding (ARPA Committee) approved the following revised policy regarding award amendments and administrative budget revisions:

***Requests to Amend a Current Award***

(a) An awardee must submit an *ARPA Grant Application* (via [ARPA@georgiacourts.gov](mailto:ARPA@georgiacourts.gov) and subject to review by the ARPA Committee) to request an *amendment to a current award* for all the following requests:

- (1) Except as provided in (b) (2), moving funds from the “Personnel Services” category to the “Administrative/Indirect Cost” category on an approved Budget Form;
- (2) Except as provided in (b) (2), moving funds from the “Administrative/Indirect Cost” category to the “Personnel Services” category on an approved Budget Form;
- (3) Any request to add a new budget line item not currently listed on an approved Budget Form
- (4) Any request that would result in a net increase of the Total Overall Budget on an approved Budget Form; or
- (5) The *fifth* or more Budget Revision Request in a calendar year from the same awardee.

### ***Budget Revision Requests***

(b) An awardee may submit a *Budget Revision Request* in writing to the ARPA Team (via [ARPA@georgiacourts.gov](mailto:ARPA@georgiacourts.gov)) for *administrative approval* by the ARPA Team as follows:

- (1) A Budget Revision Request may be used to request moving *up to ten percent* of the total approved funds within a Budget Category (i.e., within “Personnel Services” or within “Administrative/Indirect Cost”) from one or more approved budget line items (e.g., bailiffs) to one or more other approved budget line items (e.g., district attorneys) within the same Budget Category.
- (2) If an approved position maintains the same function, a Budget Revision Request may be used to request that a public sector employee position be transitioned into a contractor position; or to request that a contractor position be transitioned into a public sector employee position.
- (3) A maximum of *one* Budget Revision Request is permitted *each quarter* per awardee.
- (4) Budget Revision Requests may be submitted only during the months of *March, June, September, and December*.
- (5) Any Budget Revision Request that includes significant changes to an approved Budget Form, in the judgment of the ARPA Team, may be referred to the ARPA Committee for review.
- (6) The ARPA Team is not required to approve any Budget Revision Request and reserves the option to refer any Budget Revision Request to the ARPA Committee for review.

### **21. Will there be any penalty for not applying in the first grant cycle? [updated 8/9/2023]**

Potential applicants should note that the ARPA Committee understands that some judicial system entities and stakeholders may choose to wait to apply for ARPA funds until a future application period. The ARPA Committee will distribute ARPA funds over the full course of the performance period with the goal of expending all ARPA funds awarded to the Judicial Council by December 31, 2026 (assuming a sufficient number of awards are approved and reimbursed to exhaust such funds). The ARPA Committee will accept applications for grant funds during multiple application periods throughout the performance period and the choice not to apply in a given grant cycle will not be counted against any applicant in a subsequent grant cycle.

### **22. How often will grant applications be accepted, reviewed, and awarded? [updated 8/9/2023]**

ARPA funds allocated to the Judicial Council will be accepted, reviewed, and awarded by the ARPA Committee during two application periods each calendar year. Application periods will be posted at <https://jcaoc.georgiacourts.gov/arpa/> and communicated to the ARPA e-mail list (visit <https://jcaoc.georgiacourts.gov/arpa/> or e-mail [ARPA@georgiacourts.gov](mailto:ARPA@georgiacourts.gov) to be added to the e-mail list). Notification of awards will be communicated to grant recipients by the ARPA Grants Team on behalf of the ARPA Committee from the e-mail address: [ARPA@georgiacourts.gov](mailto:ARPA@georgiacourts.gov). See **FAQ 20.1** for important administrative budget revision rules.

### **23. Are advances of ARPA funds authorized or is only reimbursement permitted? [updated 8/9/2023]**

ARPA grant recipients will be reimbursed upon submission of monthly requests as eligible costs are incurred, reported, and approved for payment by the AOC and OPB. *Please note: (1) no advances or retroactive payments are currently authorized by the Executive Branch; and (2)*

*reimbursement requests are due by the 15<sup>th</sup> of each month following the month the expenditures were incurred.*

The AOC (on behalf of the ARPA Committee) and ARPA funding recipients are required to report to OPB on the use of ARPA funds allocated to the Judicial Council. Accordingly, recipients must submit expenditure reports and supporting documentation to the ARPA Grants Team to initiate reimbursement for eligible expenditures. The AOC will submit the required reports and documentation to OPB on behalf of grant recipients. The ARPA Grants Team will provide ARPA grant recipients with instructions, deadlines, and templates to facilitate the reporting of eligible expenditures and initiate the reimbursement process.

### **23.1. What documentation is sufficient to support reimbursement for personnel expenditures? [updated 8/9/2023]**

ARPA Committee leadership and AOC staff continue to seek clarification and guidance from the Governor's Office of Planning and Budget (OPB) regarding the documentation required to accompany a reimbursement for personnel expenditures. *OPB has provided the guidance below with the following explanation:* “[OPB is] trying to work with the circuits to ensure [OPB has what it needs] for ARPA guidelines and to work with the information [circuits] have on hand. Unlike [the Criminal Justice Coordinating Council's federal] Byrne JAG and DOJ [grant] funds that have very tenured grant guidance, ARPA is a COVID relief fund program with an entirely different set of grant guidance that is ever changing. Given the [complexity] of the funding and evolving [U.S. Treasury] guidance [ranging] from reporting to audits, [OPB] will collect sufficient proof of payment, timesheets, and payroll to make sure [OPB is] covered in an audit.”

Current OPB guidance for personnel expenses is as follows:

#### *Personnel Generally*

Salaries and wages for all personnel who will be working on the project (e.g., responding to case backlogs or performing grant administration) should be included in reimbursement requests. Justifications for payment requests should include a rationale for any existing salaries paid with ARPA grant funds.

#### *Payroll Employees*

Examples of supporting documentation:

- Payroll system proof of payment (e.g., payroll register report, labor distribution report, cleared check, ACH/EFT remittance, or general ledger for employee(s)); and
- Timesheet or level of effort to show time spent on ARPA grant.

#### *Contracted Employees/Vendors*

Examples of supporting documentation:

- Invoice showing time spent or services provided on ARPA grant.
- Cleared check, ACH/EFT remittance, credit card/purchase card statement;
- An export or screenshot from the system of the general ledger showing the incurred expense.

#### *State Paid County Reimbursed Asst. Dist. Attorney (SPCR) Invoices Paid by Check*

Examples of supporting documentation:

- Cleared check;
- An export or screenshot from the system of the general ledger showing the incurred expense;

- PAC invoice to link to SPCR for reviewer; and
- SPCR contract.
- No timesheet is required for SPCR contracts.

#### *SPCR Invoices Paid Electronically*

Examples of supporting documentation:

- ACH payment verification;
- PAC invoice to link to SPCR for reviewer; and
- SPCR contract.
- No timesheet is required for SPCR contracts.

*Note:* For U.S. Treasury and OPB auditing purposes, ARPA grant recipients should retain all bank statements, timesheets, payroll records, and other documentation of personnel expenditures in accordance with each county's document retention policy.

### **23.2. What documentation is sufficient to support reimbursement for travel or supply expenditures? [updated 8/31/2022]**

ARPA Committee leadership and AOC staff continue to seek clarification and guidance from the Governor's Office of Planning and Budget (OPB) regarding the documentation required to accompany a reimbursement for travel or supply expenditures. *OPB has provided the guidance below and the explanation stated in FAQ 23.1.*

Current OPB guidance for travel and supply expenses is as follows:

#### *Travel*

Detailed proof of payment and receipt are required. Examples of supporting documentation for travel expenditures:

- Itemized travel expenses;
- Receipts;
- Invoices; and
- Mileage.

#### *Supplies*

Examples of supporting documentation for supply expenditures:

- Invoice for supplies;
- Proof of payment; and
- Purchase orders.

*Note:* For U.S. Treasury and OPB auditing purposes, ARPA grant recipients should retain all bank statements, invoices, purchase orders, and other documentation of travel and supply expenses in accordance with each county's document retention policy.

### **23.3. Are there any limitations on travel costs? [added 8/31/2022]**

Travel costs of personnel and contractors paid for with ARPA grant funds are only permitted for travel between counties in multi-county judicial circuits to address the backlog in court cases (with a primary focus on cases involving serious violent felonies). Contracts for professional services or per diem to respond to court case backlogs, including services provided by interpreters, senior judges, state paid county reimbursed (SPCR) prosecutors, and court reporters; or to perform grant administration are also permitted expenditures. Additionally, travel expenditures are subject to the following restrictions:

- The travel must be necessary to address the backlog in court cases with a primary focus on serious violent felonies;
- The travel is reasonable; and
- Adequate documentation regarding the nature of and explanation for the travel is provided to OPB along with the request for reimbursement. See Judicial Branch **FAQ 23.2** and the Fiscal Team for details.

**24. May ARPA funds be used to reimburse counties for facility rental fees that were incurred during the pandemic but prior to the effective date of the ARPA grant award?**

No. Advances or retroactive payments are *not* currently authorized by the Executive Branch.

**25. May ARPA funds be used to reimburse counties for senior judges who were paid during the pandemic but prior to the effective date of the ARPA grant award?**

No. Advances or retroactive payments are *not* currently authorized by the Executive Branch.

**26. May ARPA funds be used to reimburse counties for supplies and equipment used by personnel responding the case backlogs or performing ARPA grant administration? [updated 8/23/2023]**

Yes. ARPA funds are authorized for supplies, furniture (valued at under \$5,000), and equipment (valued at under \$5,000; e.g., monitors, computers, *authorized* software licenses, phones, and printers) that are *necessary* for personnel to respond to the case backlogs or to perform ARPA grant administration. If valued at under \$5,000, such expenses are generally classified as eligible non-capital expenditures and must be listed in application section (E) (6) ARPA-Eligible Administrative Expenses of the **ARPA Grant Application** and in the Administrative/Indirect Costs section of the **ARPA Budget Form** (available under Quick Links at [jcaoc.georgiacourts.gov/arpa](http://jcaoc.georgiacourts.gov/arpa)).

*Grant recipients should rent equipment (if possible, practical, and cost-effective) to avoid violating the prohibition on purchasing permanent infrastructure. Special rules apply to audio-visual equipment, as explained in FAQs 27-28.2. See FAQ 26.1 for authorized software.*

**26.1. What type of computer software is currently authorized? [updated 9/7/2023]**

Effective July 26, 2023, the following are an ARPA-eligible expenditure: (1) legal research software for ARPA-funded staff attorneys and prosecutors; and (2) digital evidence management software. Per OPB requirements, however, the purchase of such software is subject to all applicable federal procurement requirements found in 2 CFR §§ 200.318-200.327. See FAQ 28.2 for detailed federal procurement guidance from OPB; and ARPA Grant Application section (E) (6) (d) for a corresponding certification that such requirements will be followed. As used in these FAQs, “staff attorneys” includes law clerks.

Basic computer operating and word processing software remains an ARPA-eligible expenditure. *No other types of software are currently authorized.*

**27. May ARPA funds be used to construct new facilities or make permanent adaptations to existing buildings? [updated 8/23/2023]**

Except audio-visual equipment modernization, long-term permanent infrastructure (i.e., capital) investments in public facilities, such as new construction, physical plant improvements, or permanent adaptations to existing public buildings **are not currently authorized** by the Executive Branch. However, renting additional facilities or workspace to accommodate additional activities and staff to respond to the case backlogs or perform ARPA grant administration *are eligible*

*expenditures* and may be reimbursed with ARPA funds. (ECs 3.5, 7.1; 31 CFR § 35.6 (b) (3) (i) (A), (b) (3) (ii) (E) (3)-(4), (b) (4); 87 Fed. Reg. 4,389 (Jan. 27, 2022)).

ARPA funds are authorized for supplies, furniture (valued at under \$5,000), and equipment (valued at under \$5,000; e.g., monitors, computers, *authorized* software licenses, phones, and printers) that are *necessary* for personnel to respond to the case backlogs or to perform ARPA grant administration. If valued at under \$5,000, such expenses are generally classified as eligible non-capital expenditures and must be listed in application section (E) (6) ARPA-Eligible Administrative Expenses of the **ARPA Grant Application** and in the Administrative/Indirect Costs section of the **ARPA Budget Form** (available under Quick Links at [jcaoc.georgiacourts.gov/arpa](http://jcaoc.georgiacourts.gov/arpa)).

*Grant recipients should rent equipment (if possible, practical, and cost-effective) to avoid violating the prohibition on purchasing permanent infrastructure. Special rules apply to audio-visual equipment, as explained directly below and in FAQs 28.1-28.2. See FAQ 26.1 for authorized software.* It is possible that additional ARPA funds may be allocated by the Executive Branch to the Judicial Council in the future for additional purposes.

Effective December 8, 2022, audio-visual equipment modernization in *existing* permanent courtrooms is an ARPA-eligible expenditure and not subject to the OPB prohibition on capital expenditures mentioned above. Movable or temporary audio-visual equipment for temporary courtrooms must be requested under application section (E) (6). The purchase and installation of permanent audio-visual equipment (i.e., fixtures) in *existing* permanent courtrooms must be requested under application section (E) (7) and is subject to specific rules and procedures. *See the Audio-Visual Equipment Modernization Policy (available under Quick Links at jcaoc.georgiacourts.gov/arpa) and FAQs 28.1-28.2 for details and restrictions; and FAQ 26.1 for authorized software.*

## **28. May ARPA funds be used to purchase new permanent technology systems that would allow more efficient use of existing courtroom facilities? [updated 8/23/2023]**

Except audio-visual equipment modernization, long-term (i.e., capital) investments in public facilities, including new permanent technology systems unrelated to audio-visual equipment, are not generally authorized by the Executive Branch. (EC 7.1; 31 CFR § 35.6 (b) (3) (ii) (E) (3)-(4); 87 Fed. Reg. 4,389 (Jan. 27, 2022)). However, supplies, furniture (valued at under \$5,000), and other equipment (valued at under \$5,000; e.g., monitors, computers, *authorized* software licenses, phones, and printers) that is *necessary* for personnel to respond to case backlogs or perform grant administration are eligible non-capital expenditures and should be listed in (E) (6) ARPA-Eligible Administrative Expenses of the **ARPA Grant Application** and under the Administrative/Indirect Costs section of the **ARPA Budget Form** (available under Quick Links at [jcaoc.georgiacourts.gov/arpa](http://jcaoc.georgiacourts.gov/arpa)).

*Grant recipients should rent equipment (if possible, practical, and cost-effective) to avoid violating the prohibition on purchasing permanent infrastructure. Special rules apply to audio-visual equipment, as explained directly below and in FAQs 28.1-28.2. See FAQ 26.1 for authorized software.* It is possible that additional ARPA funds may be allocated by the Executive Branch to the Judicial Council in the future for additional purposes.

Effective December 8, 2022, audio-visual equipment modernization in *existing* permanent courtrooms is an ARPA-eligible expenditure and not subject to the OPB prohibition on capital

expenditures mentioned above. Movable or temporary audio-visual equipment for temporary courtrooms must be requested under application section (E) (6). The purchase and installation of permanent audio-visual equipment (i.e., fixtures) in *existing* permanent courtrooms must be requested under application section (E) (7) and is subject to specific rules and procedures. *See the Audio-Visual Equipment Modernization Policy (available under Quick Links at [jcaoc.georgiacourts.gov/arpa](http://jcaoc.georgiacourts.gov/arpa)) and FAQs 28.1-28.2 for details and restrictions; and FAQ 26.1 for authorized software.*

### **28.1. May ARPA funds be used to modernize courtroom audio-visual equipment? [updated 8/23/2023]**

Yes, subject to the rules and procedures provided in the **Audio-Visual Equipment Modernization Policy** (available under Quick Links at [jcaoc.georgiacourts.gov/arpa](http://jcaoc.georgiacourts.gov/arpa)), which is incorporated below. Treasury has authorized capital expenditures in technology infrastructure to reduce government backlogs caused or exacerbated by the COVID-19 pandemic, including backlogs in court systems, as an ARPA-eligible expenditure. 31 CFR § 35.6 (b) (3) (ii) (E) (3)-(4), (b) (4); 87 Fed. Reg. 4,389 (Jan. 27, 2022); Treasury [Compliance and Reporting Guidance](#), p. 28 (June 6, 2023). *The Audio-Visual Equipment Modernization Policy is as follows:*

On August 23, 2023, the ARPA Committee approved audio-visual equipment modernization in *existing* courtrooms as an eligible expenditure, subject to the following revised rules and procedures:

(a) Definitions:

- (1) “Audio-visual equipment modernization” means the purchase and installation of fixed and movable equipment necessary to address audio-visual controls, video presentation, audio, video streaming, and video conferencing, including any of the following:
  - (i) Control panels to control an audio-visual system, commonly installed at a judge’s bench and/or clerk’s desk;
  - (ii) Displays for evidence presentation, control monitoring, and public access in a designated viewing area;
  - (iii) Speakers mounted on desks, ceilings, walls, or other locations;
  - (iv) Fixed and wireless microphones;
  - (v) Fixed video cameras;
  - (vi) An evidence presentation cart or station with document cameras and technology inputs;
  - (vii) A court reporter interface to connect to courtroom audio and/or video;
  - (viii) Assistive listening and assistive display devices;
  - (ix) Related peripheral items, such as hardware mounts, power supplies, and networking hardware;
  - (x) Design, engineering, and installation;
  - (xi) Troubleshooting services for a fixed period after installation; and
  - (xii) Other audio-visual equipment modernization costs approved by OPB and the Committee.
- (2) “Existing courtroom” means a room that is:
  - (i) Fully constructed and in use prior to the date of the award;
  - (ii) Permanently dedicated to the primary purpose of conducting court proceedings; and
  - (iii) Not a room or facility only temporarily used to conduct court proceedings.



(b) Audio-visual equipment modernization in **an existing courtroom** is an ARPA-eligible expenditure, on the condition that all the following documentation is submitted to the Committee for approval:

- (1) An ARPA Grant Application, as provided at <https://jcaoc.georgiacourts.gov/arpa/>;
- (2) A detailed justification letter stating that audio-visual equipment modernization expenditures are a necessary component of a response to court case backlogs caused by the pandemic, with a primary focus on cases involving serious violent felonies;
- (3) A detailed summary of the project, including a complete project timeline;
- (4) A detailed proposal from a vendor, including an estimate of the cost of the project and all equipment to be installed; and
- (5) A revised Budget Form adding “Audio-visual equipment modernization” and the amount requested for such expenditures under the “ARPA-Eligible Administrative Expenses” category.

(c) Requests for proposals from vendors for audio-visual equipment modernization shall be subject to all applicable federal procurement requirements found in 2 CFR §§ 200.318-200.327. *See FAQ 28.2 for detailed federal procurement guidance from OPB.*

(d) Per federal regulations and OPB requirements, audio-visual equipment modernization costs must be necessary, reasonable, and proportional to the objectively demonstrated need to respond to case backlogs caused by the pandemic, with a primary focus on cases involving serious violent felonies. To determine the reasonableness of audio-visual modernization costs, consideration must be given to market prices for comparable goods or services for the geographic area where the courtroom is located, as provided in 2 CFR § 200.404 (c).

(e) The following expenditures remain prohibited:

- (1) Permanent adaptations to existing facilities unrelated to audio-visual equipment modernization; and
- (2) Construction of a new courtroom or new court facility, including the cost of audio-visual equipment for a new courtroom or new facility.

(f) ARPA grant recipients will be reimbursed for audio-visual equipment modernization costs as eligible expenditures are incurred and reported with adequate documentation to AOC. **No advances or retroactive payments are authorized.**

(g) Applicants may be reimbursed for costs incurred on an audio-visual equipment modernization project that is currently in progress if the entire audio-visual equipment modernization project is approved by the Committee, as provided in (b), subject to the following:

- (1) Reimbursement for an in-progress audio-visual equipment modernization project shall be limited to costs incurred on or after the date of award; and
- (2) Audio-visual equipment modernization costs incurred prior to the date of award shall not be reimbursed.

(h) ARPA funds **are subject to recoupment** if used for impermissible purposes, as provided in 31 CFR § 35.10.

## **28.2. What do federal regulations require for the procurement of all projects and equipment reimbursed with ARPA funds? [added 8/23/2023]**

Per OPB, all circuits must follow the federal procurement standards in 2 CFR §§ 200.318-200.327 for the procurement of all projects and equipment reimbursed with ARPA funds, which are summarized as follows:

<b>Federal Procurement Guidance from OPB</b>		
<i>Purchase Amount</i>	<i>Procurement Requirements</i>	<i>Fed. Reg. Reference</i>
Less than \$10,000	1. Purchases must be distributed equitably amongst qualified suppliers; and 2. Solicitation or quotes are not required.  <i>Note:</i> Awardees may increase this threshold to “Up to \$50,000” if an annual self-certification is provided per 2 CFR § 200.320 (a) (1) (iv).	2 CFR § 200.320 (a) (1)
\$10,000 to \$249,999	1. Adequate number of price or quotes must be obtained (three is preferred); and 2. Quotes must be provided with reimbursement request.	2 CFR § 200.320 (a) (2)
\$250,000 or greater	1. Must be publicized; 2. Adequate number of proposals or sealed bids (three is preferred); 3. Must have an established written method for conducting a technical evaluation of the proposal; 4. Must have written procurement policies regarding how goods or services are acquired; and 5. Must provide documentation of 1-4 with reimbursement request. <i>Note:</i> If technical evaluation method or procurement policies are not formally established, provide a memo memorializing the evaluation method and competitive procurement method followed per 3-4. 6. All contracts made under the ARPA award must contain provisions covering those listed in <a href="#">Appendix II to Part 200, Title 2</a> , as applicable.	2 CFR § 200.320 (b)
<i>Sole Source Procurement, Purchase Defined, and Approved State Vendors</i>		
Sole source procurement	If purchase was \$10,000 or greater and competitive procurement was <i>not followed</i> , an <a href="#">OPB Sole Source Justification Form</a> must be completed and submitted for OPB review and approval only for the following circumstances: <ul style="list-style-type: none"> <li>• The item is available only from a single source; or</li> <li>• After solicitation of a number of sources, competition is determined inadequate.</li> </ul>	2 CFR § 200.320 (c)
Purchase amount defined	Purchase amount is per circuit <b><i>per vendor in the aggregate.</i></b>	OPB Guidance

<p>Approved State vendors</p>	<p>Use of a vendor awarded a statewide supplier contract, found at <a href="https://doas.ga.gov/state-purchasing/statewide-contracts">https://doas.ga.gov/state-purchasing/statewide-contracts</a>, may lessen or eliminate the need for a separate competitive bidding process, as these vendors have already participated in such a process and have been awarded a contract by the State Department of Administrative Services (DOAS). Applicants are responsible for ensuring the use of such suppliers satisfies local and federal competitive bidding requirements and will be required to provide supporting documentation during the application and reimbursement process. Quotes, proposals, bids, and invoices provided by contracted suppliers must be prepared in accordance with the statewide contract awarded to the supplier to satisfy federal competitive bidding requirements.</p>	<p>OPB Guidance</p>
-------------------------------	--	---------------------

**29. May the funds be used to compensate additional pro tempore juvenile, magistrate, probate, or state court judges, including those authorized to sit in superior court by designation? What about senior judges? [updated 1/11/2023]**

Yes. ARPA funds may be used to compensate additional or existing personnel, including additional pro tempore judges, to the extent such personnel’s time is spent responding to the case backlogs or backfilling other judges so they can respond. ARPA funds may also be used to compensate senior judges to the extent his or her time is spent responding to the case backlogs or backfilling other judges so they can respond. However, a judge of another class of court serving in superior court pursuant to OCGA § 15-1-9.1 must meet the minimum qualifications of a superior court judge as provided in OCGA § 15-6-4.

**29.1. What is the process for reimbursing senior judges with ARPA funds for time worked responding to case backlogs (with priority given to cases involving serious violent felonies) if paid by the Council of Superior Court Judges? [updated 1/11/2023]**

- A chief judge will request one or more senior judges to respond to case backlogs (with priority given to cases involving serious violent felonies) via their district court administrator (DCA) per the usual process for requesting senior judge assistance. However, such requests must clearly identify proposed ARPA eligible hours (only time spent responding to case backlogs, with priority given to cases involving serious violent felonies, is eligible for ARPA funds).
- Senior judges will submit timesheets to the applicable DCA monthly for approval after performing work responding to case backlogs (with priority given to cases involving serious violent felonies). Each timesheet must clearly identify ARPA eligible hours.
- Each DCA will submit the approved senior judge timesheets to the Department of Audits and Accounts (DOAA) and the Council of Superior Court Judges per the usual process, but each timesheet must clearly distinguish ARPA eligible hours from State-funded hours.
- The Council of Superior Court Judges will process each senior judge’s pay (using State and/or ARPA funds, as available) based on the hours submitted.

- Each DCA will submit a monthly request for reimbursement (invoice) to the AOC, which must include: (1) timesheets and case assignment forms (with senior judge’s name) indicating ARPA eligible hours; and (2) a spreadsheet with the following fields:

Circuit Name	Grant Award Amount for Senior Judges	Year-To-Date Expenses	Current Month Reimbursement Request	Remaining Balance

- The AOC will match each DCA’s invoice to the approved ARPA budget for each circuit.
- The AOC will request reimbursement from the Governor’s Office of Planning and Budget (OPB) by circuit for senior judge payroll to respond to the case backlogs (with priority given to cases involving serious violent felonies).
- When the AOC receives the reimbursement from OPB, the AOC will reimburse the Council of Superior Court Judges, in one lump sum, with ARPA funds for the senior judge payroll responding to case backlogs (with priority given to cases involving serious violent felonies).

Please e-mail the ARPA Grants Team at [ARPA@georgiacourts.gov](mailto:ARPA@georgiacourts.gov) if you have questions about the reimbursement process.

**29.2. May ARPA funds allocated to the Judicial Branch be used to fund senior judge days as referenced in the FY 2023 Appropriations Act (HB 911/AP, 2022)? [added 4/18/2022]**

The Georgia General Assembly appropriated \$675,193 to the Council of Superior Court Judges in Fiscal Year 2023 ([HB 911/AP, 2022](#)). The budget appropriations bill directed that: “to provide five senior judge days per active judge,” “existing ‘American Rescue Plan Act of 2021’ (ARP) funds [may be utilized] to provide an additional five senior judge days per active judge to expedite all cases.” Line 421. The Council of Superior Court Judges requested ten additional senior judge days per active judge, to restore funding reductions made in FY 2021. Senior judge days funded by the State, as part of regular operations, are separate from those funded by the Judicial Council’s ARPA Grant Program, as ARPA funds allocated to the Judicial Branch may only be used for senior judge days responding to case backlogs caused or exacerbated by the pandemic (prioritizing cases involving serious violent felonies). Additionally, the Executive Branch has placed certain other limitations on the use of ARPA funds allocated to the Judicial Branch, including a prohibition on using ARPA funds to offset a reduction in government revenue due to the pandemic. Therefore, and despite the appropriations bill language to the contrary, OPB has *not authorized* ARPA funds to be used expressly as a general substitute for State funds for senior judge days. However, OPB *has authorized* ARPA funds to be used to compensate senior judges to the extent his or her time is spent responding to the case backlogs caused or exacerbated by the pandemic.

**30. May ARPA funds be used to compensate county fiscal departments, district court administrators, or other existing staff that assist with grant administration, including preparing an ARPA grant application? [updated 4/18/2022]**

ARPA funds may be used for the reimbursement of payroll for existing personnel performing ARPA grant administration, *subject to the following clarifications provided by OPB:*

- **Current hourly** employees performing ARPA grant administration duties may be paid from ARPA funds for time spent (including overtime) if the time is documented with timesheets.
- **Current salaried** employees performing ARPA grant administration duties may not be paid extra from ARPA funds for added duties, but an **employer** may be reimbursed from ARPA funds for time spent by those employees performing ARPA grant administration duties if the time is documented with timesheets. *To be clear, current employees performing ARPA grant administration duties may not be given a supplement or a raise to be paid from ARPA funds.*
- **New part-time** employees (hourly or salaried) may be paid from ARPA funds for time spent working on grant administration duties if the time is documented with timesheets.
- **New full-time** employees (hourly or salaried) may be paid from ARPA funds for time spent working on grant administration duties if the time is documented on a timesheet, labor report, and a Personnel Action or Periodic Certification Form upon hire and a chart of accounts for ARPA funding is provided. See ARPA Fiscal Team for details.

See **FAQ 23.1** for details on the documentation required for personnel expenditure reimbursements.

**31. Will the AOC provide applicants with technical support to help prepare ARPA grant applications? [updated 1/11/2023]**

Each judicial circuit is responsible for assembling its own ARPA grant application. However, current or prospective applicants with questions or concerns may contact the ARPA Grants Team at [ARPA@georgiacourts.gov](mailto:ARPA@georgiacourts.gov). ARPA grant applications will first be reviewed by the ARPA Grants Team for completeness and compliance. The ARPA Grants Team will forward completed applications to the ARPA Committee for review. Incomplete applications or applications with compliance or other issues will be returned to the applicant by the ARPA Grants Team with a list of items that should be addressed prior to it being reviewed by the ARPA Committee.

**32. Does the AOC's ARPA Grants Team have the capacity to handle reimbursements to counties on a monthly basis? [updated 8/31/2022]**

The AOC will add or redirect existing personnel to ensure it has the capacity to process ARPA grant applications and reimbursements.

**33. How will reporting and the reimbursement process work? [updated 8/9/2023]**

The AOC's ARPA Grants Team will endeavor to simplify the reimbursement process to the extent possible. ARPA grant recipients will be reimbursed upon submission of monthly requests as eligible costs are incurred, reported, and approved for payment by the AOC and OPB. *Please note: (1) no advances or retroactive payments are currently authorized by the Executive Branch; and (2) reimbursement requests are due by the 15<sup>th</sup> of each month following the month the expenditures were incurred.*

The AOC (on behalf of the ARPA Committee) and ARPA funding recipients are required to report to OPB on the use of ARPA funds allocated to the Judicial Council. Accordingly, recipients must timely submit expenditure reports and supporting documentation to the ARPA Grants Team to initiate reimbursement for eligible expenditures. The AOC will submit the required reports and

documentation to OPB on behalf of grant recipients. The ARPA Grants Team will provide ARPA grant recipients with instructions, deadlines, and templates to facilitate the reporting of eligible expenditures and initiate the reimbursement process.

**34. Is there a requirement that a judicial circuit prove that case backlogs exist, or will it simply be presumed that the positions or facilities are needed? [updated 1/11/2023]**

As required in section (B) of the **ARPA Grant Application** (available under Quick Links at [jcaoc.georgiacourts.gov/arpa](http://jcaoc.georgiacourts.gov/arpa)), all applicants must objectively demonstrate that case backlogs exist to qualify for ARPA grant funds or continued funding. *All expenditures requested in the application must be “reasonably proportional” to the applicant’s objectively demonstrated need to address case backlogs, with priority given to serious violent felonies (as defined in OCGA § 17-10-6.1 (a)).* 87 Fed. Reg. 4,344 (Jan. 27, 2022). As used in this FAQ, reasonably proportional “refers to the scale of the response compared to the scale of the harm” i.e., “backlogs in court systems.” *Id.* at 4,344; 4,388. When calculating the need for additional resources to respond to case backlogs, a court may compare its case volume from a “normal” pre-pandemic year (e.g., case volume in 2019) versus current case volume.

For example, if a court is currently experiencing a 30 percent increase in cases over “normal,” it may need 30 percent more resources to clear the pending cases that accumulated during the pandemic. Additionally, a 30 percent increase in resources could be broken down over a two-year period, which would equal a 15 percent temporary increase over two years. If statistics do not demonstrate the full picture of an applicant’s case backlog, other facts may be included in application section (B) (1), e.g., space constraints or other factors. Applicants should also identify what portion of case backlogs are serious violent felony cases, as defined in OCGA § 17-10-6.1 (a).

**35. Are costs to call additional jury pools to address the case backlog permitted expenditures? [updated 8/31/2022]**

Yes. Costs to call additional jury pools to address the case backlog are permitted expenditures. Postage, printing, publications, media, supplies, materials, and communication costs associated with calling additional jury pools to address the case backlog should be classified as administrative expenses and listed under Administrative/Indirect Costs on the **ARPA Budget Form** (available under Quick Links at [jcaoc.georgiacourts.gov/arpa](http://jcaoc.georgiacourts.gov/arpa)). Staff time spent calling additional jury pools or managing juries to address case backlogs should be classified as payroll expenses and listed under Personnel Directly Responding to Case Backlog on the **ARPA Budget Form**. *Other jury expenditures and payments to jurors must not be listed under the “Personnel Services” Budget Category on the ARPA Budget Form, which is reserved for public sector employee payroll costs. Non-payroll jury expenditures and payments to jurors must be listed under the “Administrative/Indirect Cost” Budget Category on the ARPA Budget Form.*

**36. Are professional dues, continuing legal education, and training for ARPA-funded staff attorneys and prosecutors an eligible expenditure? [updated 9/7/2023]**

Yes. Professional dues, continuing legal education, and training for ARPA-funded staff attorneys and prosecuting attorneys are an *eligible expenditure, subject to the following limitations required by the Governor’s Office of Planning and Budget (OPB):*

- Registration fee – Limited to \$225 per event.
- Lodging – Limited to \$225 per night, plus taxes and fees.

- Other travel related expenses (meals, mileage, incidentals, etc.) in compliance with the [Statewide Travel Policy](#).
- State Bar dues in the amount required by the State Bar of Georgia to maintain license.
- Continuing legal education (CLE) hours in the amount required by the State Bar of Georgia to maintain license.

*Note:* As used in these FAQs, “staff attorneys” includes law clerks.

**36.1. Is mandatory continuing judicial education for judges funded by the ARPA grant an eligible expenditure? [added 8/31/2022]**

Yes. Mandatory continuing judicial education for judges funded by the ARPA grant is an eligible expenditure if such training is required by the Institute of Continuing Judicial Education and uniform court rules. See **FAQ 36** for limitations on registration fees, lodging, and compliance with the [Statewide Travel Policy](#), which also apply to mandatory continuing judicial education for judges funded by the ARPA grant, where applicable.

**36.2. Is mandatory training for victim assistance coordinators or victims’ advocates funded by the ARPA grant an eligible expenditure? [added 8/31/2022]**

Yes. Mandatory training for victim assistance coordinators or victims’ advocates funded by the ARPA grant is an eligible expenditure if such training is required by law and the Prosecuting Attorneys’ Council. To be reimbursed for such expenditures, awardees must show that the training is mandatory for the employee’s job. See **FAQ 36** for limitations on registration fees, lodging, and compliance with the [Statewide Travel Policy](#), which also apply to mandatory training for victim assistance coordinators or victims’ advocates funded by the ARPA grant, where applicable.

**36.3. Is mandatory training for district attorney investigators funded by the ARPA grant an eligible expenditure? [added 8/31/2022]**

Yes. Mandatory training for district attorney investigators funded by the ARPA grant is an eligible expenditure if such training is required by law and the Peace Officer Standards and Training Council. To be reimbursed for such expenditures, awardees must show that the training is mandatory for the employee’s job. See **FAQ 36** for limitations on registration fees, lodging, and compliance with the [Statewide Travel Policy](#), which also apply to mandatory training for district attorney investigators funded by the ARPA grant, where applicable.

**37. Do any conflict-of-interest rules apply to ARPA funds? [added 1/11/2023]**

Yes. Federal regulations provide that ARPA grant recipients and subrecipients must avoid real or apparent conflicts of interest in the context of ARPA award decisions, ARPA-funded contract decisions, and ARPA-funded employee hiring decisions. 87 Fed. Reg. 4,387; 4,438 (Jan. 27, 2022). “A recipient [or subrecipient of ARPA funds] may not use control over [ARPA funds] for their own private gain.” Id. at 4,387, n. 245.

As provided in 2 CFR § 200.318 (c) (1), “[n]o employee, officer, or agent may participate in the selection, award, or administration of a contract supported by [an ARPA] award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.” 87 Fed. Reg. 4,387; 4,438 (Jan. 27, 2022) (“Recipients [and subrecipients] of [ARPA] funds are subject to the provisions of the Uniform Guidance (2 CFR Part 200)”). “Further, [ARPA grant] recipients [and

subrecipients] must ensure that its hiring practices do not violate conflict-of-interest policies.” 87 Fed. Reg. 4,387 (Jan. 27, 2022).

**38. Will OPB reimburse sales taxes paid by ARPA awardees when ARPA-eligible goods are purchased from out-of-state online vendors? [added 1/11/2023]**

No. As provided in 2 CFR § 200.470 (a) (1), “[f]or states, local governments and Indian tribes,” only “[t]axes that a governmental unit is legally required to pay are [an] allowable” ARPA expenditure. 87 Fed. Reg. 4,438 (Jan. 27, 2022) (“Recipients [and subrecipients] of [ARPA] funds are subject to the provisions of the Uniform Guidance (2 CFR Part 200)”). Under Georgia law, state, county, and municipal governments “or any bona fide department of such governments” are exempt from Georgia sales taxes “when paid for directly to the seller” with government funds. OCGA § 48-8-3 (1) (a).

Accordingly, OPB has indicated that they will not reimburse awardees for sales taxes paid to purchase ARPA-eligible goods. If a particular item is not available for purchase in Georgia, making an out-of-state purchase necessary, an awardee may elect to provide OPB a written justification that: (1) the out-of-state purchase was unavoidable; and (2) the payment of out-of-state sales taxes was legally required. However, OPB has not indicated whether they would reimburse sales taxes in such cases and awardees assume the risk that any out-of-state sales taxes paid may not be reimbursed by OPB.