4.0 – Retaining Contract Records

Chapter 4.0 Retaining Contract Records

List of Revisions

November 6, 2016:

- Issuance of Chapter.

August 27, 2017:

- Updated paragraph 4.0 and 4.1 to include State RSA requirements to include RSA 228:43 and RSA 5:38. Eliminated reference to RSA 91-A.
- Revised Appendix 4.1 to be titled 4.1a
- Added Appendix 4.1b and 4.1c for both RSA 228:43 and RSA 5:38

4.0 **Retaining Contract Records** (23 CFR 172.7(a)(1)(iv)(F))

NOTE: The Federal requirements for record retention under 23 CFR 172 are three (3) years from time of final expenditure, but under NH Law, RSA 228:43 and RSA 5:38, the record retention policy is seven (7) years and four (4) years respectively. The requirements below meet the Federal law but do not address NH's RSA 228:43 or RSA 5:38 laws.

4.1 Record Retention for Consultant Procurement and Contract Management

The Department will retain all documents supporting the solicitation, proposal, evaluation, selection and fee negotiation (including cost certification and indirect cost rate technical reviews) of the selected consultant for a period not less than three (3) years from the time of the Consultant/Contractors final payment. Also see Appendix 4.1a for Federal requirements covered under 2 CRF 200.333, Appendix 4.1b for State requirements under RSA 228:43 and Appendix 4.1c for State requirements under RSA 5:38.

The only exceptions are the following:

(a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

(b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.

(c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.

(d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity.

(e) Records for program income transactions after the period of performance. In some cases recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the non-Federal entity's fiscal year in which the program income is earned.

(f) Indirect cost rate proposals and cost allocations plans. This paragraph applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

4.1.1 Records Retention - If submitted for negotiation.

If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the pass-through entity) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.

4.1.2 Records Retention - If not submitted for negotiation.

If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the pass-through entity) for negotiation purposes, then the 3-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.