



COLORADO

Office of the State Controller

Department of Personnel & Administration
1525 Sherman St., 5th Floor
Denver, CO 80203

March 10, 2025

Dear Federally Funded Grant Recipient:

The State is continuing to monitor developments related to federal funding and wanted to provide grantees with an update on the ongoing status of federal funding and related litigation. As stated previously, the State recognizes that the federal government's actions have created substantial uncertainty, and the State is continuing to evaluate all of its options to ensure the federal government meets its commitments. The State intends to continue to honor its payment obligations under the federally funded grants it has awarded so long as the federal government continues to make the associated funds available.

The State of Colorado, along with 21 other jurisdictions, continues to challenge freezes in federal funding. There are also cases that the State is not a party to, but nonetheless impact Colorado. Below are the two most relevant cases regarding funding:

- *State of New York et al v. Trump et al (25-cv-00039-JJM-PAS)*: Colorado along with 21 jurisdictions challenged the original OMB memo creating a freeze in funding as well as any subsequent freeze attempts. The Court entered a Preliminary Injunction on March 6, 2025, prohibiting the federal agency defendants in that suit “from pausing, freezing, blocking, canceling, suspending, terminating, or otherwise impeding the disbursement of appropriated federal funds to the States under awarded grants . . . based on the OMB Directive, including funding freezes dictated, described, or implied by Executive Orders issued by the President before rescission of the OMB Directive or any other materially similar order ... under which the federal government imposes or applies a categorical pause or freeze of funding appropriated by Congress.” The federal government is appealing this decision.
- *National Association of Diversity Officers in Higher Education v. Trump, (25-cv-333-ABA)*: On February 21, 2025, the Court issued a preliminary injunction with respect to



three provisions of the following two Executive Orders: Executive Order 14,151, 90 FR 8339, entitled *Ending Radical and Wasteful Government DEI Program and Preferencing*; and Executive Order 14,173, 90 FR 8633, entitled *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* (collectively “the EOs”). With respect to these EOs, Federal agencies cannot “pause, freeze, impede, block, cancel, or terminate” awards, contracts, or obligations pursuant to the Termination Provision; require grantees or contractors to make certifications as mandated by the Certification Provision; or bring any enforcement action pursuant to the Enforcement Threat Provision. The federal government is appealing this decision.

If you have questions regarding these orders or others related to federal funding, we encourage you to retain independent legal counsel.

We have seen federal agencies resume reimbursement for most but not all existing awards, although there are still some agencies, such as FEMA, where the federal agency continues to pause or delay reimbursements. Given the general resumption of reimbursements, it is important that the State and grantees honor existing agreements and fulfill grant timelines. We ask that you continue to implement grants unless directed otherwise by your State grant manager due to grant-specific funding instructions received from the federal government. Please stay in close coordination with your State grant managers - they will be monitoring expenses closely and submitting requests for reimbursement to the federal government promptly to avoid accruing large unreimbursed balances and associated financial risk.

It is still unclear how the courts will ultimately rule in the aforementioned cases and what future action the federal government could take in relation to these litigations or subsequent actions related to federal awards to states. Actions could include canceling grants already awarded, refusing to disburse the funds for those grants, or refusing to contract with states for awards. Given ongoing uncertainty regarding federal funding, the State still encourages grant recipients to be judicious in incurring expenses as necessary to the continuing operation of their programs. It is important for grantees to fulfill grant requirements and timelines, to provide your State grant manager with anything needed to expedite expense reimbursement requests, and to notify your State grant manager immediately of any issues that could impact your ability to fulfill the terms and conditions of the grant.



The State continues to monitor developments related to federal funding and will provide updates as they become available, including additional information and guidance when available. More information on these cases can be found on OSC's website [Federal Grant Funding FAQs](#).

Sincerely,



Robert Jaros, CPA, MBA, JD
Colorado State Controller



Fw: NWR 2021 Grant Closing & Reimbursement Delays

From NWCCOG Finance - Becky Walter <finance@nwccog.org>

Date Fri 3/7/2025 4:11 PM

To Jon Stavney <jstavney@nwccog.org>

See below - just keeping you in the loop. Deborah was inquiring about an extension on our 2021 contract (ending May 31) due to delays causing by the funding freeze.

Becky Walter

Finance Director

Northwest Colorado Council of Governments

Office: (970) 468-0295

Cell: (847) 975-0944

www.nwccog.org



 [Book time to meet with me](#)

From: Maestas - CDPS, Jerry <jerry.maestas@state.co.us>

Sent: Friday, March 7, 2025 11:03 AM

To: Deborah Bogan <dbogan@nwccog.org>

Cc: NWCCOG Finance - Becky Walter <finance@nwccog.org>

Subject: Re: NWR 2021 Grant Closing & Reimbursement Delays

This sender is trusted.

Hi Deborah,

At this time the funds are still frozen. As soon as I hear anything I can let you know how we can move forward. I have other regions whose award also ends at the end of May.

Unfortunately, I do not have any additional information to provide at this time. See FEMA's website below.



FEMA.gov is being updated to comply with President Trump's Executive Orders. Thank you for your patience and understanding.

An official website of the United States government [Here's how you know](#)

Languages



Search FEMA.gov



Disasters & Assistance Grants Floods & Maps Emergency Management About Work With Us

Apply for Assistance

Preparedness Grants

About Preparedness Grants

Preparedness Grants Manual

How to Apply for Preparedness Grants

Information Bulletins

Preparedness Grants Manual

Preparedness Grants Manual for Recipients of Grant Funding

- Policies and procedures for managing preparedness grants
- Guidance specific to each grant
- Rules and regulations that guide the proper management of FEMA grants

Thank you,

Jerry Maestas | Grant Specialist



[303.565.0049](tel:303.565.0049) Cell | 720.852.6750 Fax

8000 S. Chester St., Suite 575, Centennial, CO 80112

jerry.maestas@state.co.us | DHSEM.Colorado.gov

COEmergency.com | MARS.Colorado.gov | COBEOC.Colorado.gov

Twitter: [@COEmergency](https://twitter.com/COEmergency) | Facebook: [COEmergency](https://www.facebook.com/COEmergency)

SERVICE * TEAMWORK * RESPECT * INTEGRITY * VISION * EXCELLENCE

Our Mission is to lead and support Colorado's effort to prevent, protect, mitigate, respond to and recover from all-hazard events.

On Thu, Mar 6, 2025 at 7:08 PM Deborah Bogan <dbogan@nwccog.org> wrote:

Jerry,

Quick question regarding the reimbursement delays.

There is an equipment purchase in the amount of \$174K being delivered soon for the Jackson County Communications Repeater Project, of which \$56K is funded from the 2021 grant that closes at the end of May.

During close-out, reimbursement requests must be submitted within 45 days after the performance period ends. With the delays, unfortunately, reimbursements might be received later than usual but shouldn't affect the closing itself.

Local Government Federal Funding & Legal Impact Updates

From Governor's Office <gov.marcomm@governor.colorado.gov>

Date Mon 3/10/2025 9:49 AM

To Jon Stavney <jstavney@nwccog.org>

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#) | [Report](#)

To view this email as a web page, click [here](#).



LOCAL GOVERNMENT FEDERAL FUNDING & LEGAL IMPACT UPDATES

Good Morning,

Colorado is committed to supporting our local government partners as federal policies and legal challenges continue to evolve. Because these developments are unfolding quickly, the information in this newsletter reflects the latest updates available at the time of publication. However, policies, executive orders, and legal rulings are subject to change, and this document will not be regularly updated to reflect those changes.

Our goal is to provide helpful information and clarity as we navigate these challenges together. Please note: this newsletter is for informational purposes only and does not constitute legal advice. We encourage you to consult your legal counsel for guidance specific to your community's needs.

Please note, that this document is for informational purposes only and is not intended as legal advice.

Litigation Updates:

There are several ongoing lawsuits related to executive orders that may impact federal funding and local government operations. Below are key updates:

- [Nat'l Council of Nonprofits v. Office of Management and Budget](#)
A lawsuit challenging a memo from the Office of Management and Budget (OMB) that froze federal funds. On February 25, 2025, the court issued a preliminary injunction, halting the freeze on funds.
- [New York v. Trump](#)
Legal action was brought by 22 states and the District of Columbia to block a policy temporarily freezing federal agency activities. On March 6, the court entered a preliminary injunction enjoining the defendants from continuing the funding freeze. This decision marks a significant win for state and local governments, ensuring continued access to federal resources.
- [National Association of Diversity Officers in Higher Education v. Trump](#)
Legal challenge to the termination of Diversity, Equity, and Inclusion (DEI) programs and contracts. On February 21, the court entered a preliminary injunction, limiting enforcement of some provisions of the executive orders. On February 24, the defendant submitted a notice of appeal.

For ongoing updates on these and other cases, refer to the [Litigation Tracker: Legal Challenges to Trump Administration Actions](#).

Relevant Executive Orders:

Several executive orders have significant implications for local governments, particularly regarding funding, policies, and federal contracts. For additional information on these executive orders, you can reference the [NLC dashboard](#) (you do not need a membership to access the information, only an email address is required). These are some of the most critical ones:

1. [Unleashing American Energy](#)
2. [Ending Radical and Wasteful Government DEI Programs and Preferencing](#)
3. [Regulatory Freeze Pending Review](#)
4. [Putting America First in International Environmental Agreements](#)
5. [America First Trade Policy](#)
6. [Initial Recissions of Harmful Executive Orders and Actions](#)
7. [Council to Assess the Federal Emergency Management Agency](#)
8. [Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis](#)
9. [Submit questions or concerns to Senator Hickenlooper](#)

Frequently Asked Questions:

As federal policies shift and new executive actions are issued, local governments have raised important questions about how these changes may impact funding, reporting requirements, and compliance obligations.

Please refer to [Local Government Federal Funding & Legal Impact Q&A](#) for a compiled list of answers to some of the most frequently asked questions to help clarify what we know so far. Please keep in mind that this information is provided for general guidance only and does not constitute as legal advice.

Resources for Local Governments:

For additional information and resources related to federal policies and their impact on local governments, please refer to the following links:

1. [Impacts of Immigration Executive Orders on Local Governments](#)
2. [Presidential Actions Summary: Impact to Local Governments](#) (you do not need to be a member to view, you just need to provide your contact info)
3. [Litigation Tracker: Legal Challenges to Trump Administration Actions](#)
4. [Federal Grant Funding FAQs posted on OSC's website](#)
5. [Slide Deck](#)
6. [Just Security](#)

For any further questions or clarifications regarding these issues, please contact Alyssa.Dinberg@state.co.us and Tara.Carruth@state.co.us.

IRA & IIJA IN THE NEWS

This email was sent by: **Colorado Governor's Office Proper**
200 E Colfax Ave Denver, CO, 80203, USA

[Unsubscribe Here](#)



PURCHASING & PROCUREMENT POLICY

PO Box 2308 • 249 Warren Ave • Silverthorne, CO 80498 • 970-468-0295 •
Fax 970-468-1208 • www.nwccog.org

Date Adopted:	October 27, 2011	Date Accepted:	January 25, 2024
Updated By:	Finance Department		

POLICY:

This policy shall govern purchasing for all NWCCOG programs where the NWCCOG is the fiscal agent, unless the granting or donor authority requires the use of a more restrictive policy, which shall prevail.

GENERAL APPROACH:

- The Northwest Colorado Council of Governments (NWCCOG) will act with good judgment in complying with purchasing and procurement laws, requirements, and policies.
- The NWCCOG fulfills its agreements with suppliers and business partners in good faith when purchasing.
- The NWCCOG will ensure fair and equitable treatment of all persons who deal with purchasing and procurement system.
- The NWCCOG understands the significance of sensitive information and keeps such information confidential and secure per the NWCCOG IT and HIPAA Policy.
- The NWCCOG makes purchases using fair, open, transparent, and simple procedures in compliance with Uniform Guidance (2 C.F.R. Part 200)
- The NWCCOG may renew service contracts annually for up to five years without repeating the bidding process
- The NWCCOG adheres to 2 CFR § 200.322 and will make every effort to purchase materials and services domestically, preferably locally, whenever possible and when costs are comparable.
- The NWCCOG adheres to 2 CFR § 200.18(h) and awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement.
- The NWCCOG adheres to 2 CFR § 200.18(d) and takes steps to avoid the acquisition of unnecessary or duplicative items.

PURCHASING GUIDELINES AND LIMITS:

- Whenever possible, verbal quotes should be sought from several vendors for purchases.
- For purchases over \$10,000, written quotations must be received. Certain programs or grants may have different thresholds defined in their policies or contracts; in which case, the lower limit will apply.
- For purchases over \$30,000, written Requests of Proposals or Bids must be used unless requirement is waived in writing by NWCCOG Executive Director including reasoning for waiver.
- For contracts over \$10,000, a suspension & debarment check must be made at www.sam.gov and documentation of the check (i.e. screenshot or other printout) must be filed with procurement packet.

- The use of one of the Colorado State Purchasing Contracts may be used in place of quotes or written specifications.
- Vintage (Area Agency on Aging) follows a purchasing and procurement policy that complies with the State of Colorado, Colorado Revised Statutes, Section 300c of the USA Policies & Procedures Manual, and 2 C.F.R. Part 200.
- The Regional Transportation Coordinating Council (RTCC) adheres to Colorado Department of Transportation (CDOT) procurement rules.
- Weatherization has a procurement policy developed in alignment with the Colorado Energy Office.
- Use of the Bids Colorado Price Agreement vendors shall be considered in lieu of multiple bids or RFP process.

SOLE SOURCE BASIS

NWCCOG reserves the right to award purchase orders, consultant agreements, or project contracts on a sole source basis when there is a predominate capability, significant prior knowledge of NWCCOG's programs and program philosophy, having completed similar assignments successfully and timely. A written justification will be prepared and kept on file for any sole source procurement.

CONFLICT OF INTEREST

NWCCOG requires full and open disclosure when dealing with procurement in alignment with 2 CFR § 200.18(d). As such, NWCCOG employees and members of the Council must strictly avoid any conflict of interest or the appearance of a conflict of interest. NWCCOG employees and the Board of Directors must always provide full disclosure of their actions or relationships with prospective vendors, contractors, or consultants. If there is the slightest doubt as to the propriety of a procurement action, then the Executive Director should be contacted immediately.

SMALL, WOMEN-OWNED, & MINORITY OWNED BUSINESSES

NWCCOG uses small business, women-owned businesses, and/or minority owned businesses whenever possible. Best practices are identified in 2 CFR Subpart D (200.321). NWCCOG programs will as is reasonably possible adhere to the following:

§ 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (b)(1) through (5) of this section.

FORMAL SOLICITATION

A formal solicitation must be conducted for each procurement greater than (or equal to) \$30,000. This solicitation will be performed in accordance with the following steps:

1. Bidders' List: NWCCOG will prepare and maintain an up-to-date list of qualified and capable individuals and contractors per department throughout region. The bidders' list is maintained in the NWCCOG main office and will be updated on a frequent and regular basis as additional firms submit qualifications and expressions of interest.
2. Prepare Request for Proposals (RFPs): Upon approval by the Executive Director, the Program Director will prepare RFPs in consultation with the appropriate NWCCOG Committee and the Project Team. Each RFP will contain the following information:
 - a. Brief statement of purpose or intent
 - b. Clear statement of the products or services required in sufficient detail to allow the preparation of a responsive bid
 - c. Clear statement that the contracting agency will be NWCCOG;
 - d. Date and time by which proposals must be returned;
 - e. Evaluation criteria; and
 - f. Any other information which it may be necessary or desirable to provide
3. Distribute RFP's: All RFP's shall be placed on the NWCCOG website. It shall be at the discretion of the Executive Director as to whether to distribute the RFP's to a known bidder's list or to advertise to the general public in a newspaper(s) or a website(s) of general circulation.
4. Evaluation of Responses: Evaluation and vendor selection shall be made by the Executive Director or a designee. Documentation of the evaluation shall be maintained with the RFP documents for the period designated.
5. Contract or Purchase Agreement shall be completed upon acceptance of terms and conditions by both the successful Vendor and NWCCOG.

RECORD KEEPING

NWCCOG shall maintain records sufficient to detail the history of procurement per 2 CFR 200.318(i). These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. Purchasing and procurement records may be stored in a physical file in an NWCCOG office or electronically on NWCCOG's internal server. It is the responsibility of the Program Director to maintain sufficient procurement records and to dispose of them when appropriate.