




STATE OF INDIANA



Eric J. Holcomb, Governor
Devon McDonald, Executive Director

TO: All ICJI Staff and Subgrantees/Vendors/Contractors

FROM: Devon McDonald, Executive Director 

RE: Organization Name Change & Business Reorganization Policy

EFFECTIVE DATE: September 14, 2021

I. Purpose

The Indiana Criminal Justice Institute (“ICJI”) understands that circumstances may arise where a subgrantee or vendor/contractor must undergo a legal name, EIN, or organizational change for various reasons, including a business reorganization and/or merger or acquisition. This policy is aimed at establishing a consistent set of guidelines regarding the requirements of subgrantees/vendors/contractors in addressing such changes.

II. Scope

This policy is intended to cover legal name and/or EIN changes and business reorganizations that occur prior to and after execution of a grant or contract entered into between ICJI and a subgrantee or vendor/contractor.

III. Applicability

This policy applies to all subgrantees who are awarded grants from ICJI, and all contracts entered into between ICJI and a vendor/contractor.

IV. Name/EIN/Organizational Changes Procedure

A name or EIN change occurs when the name or EIN of an organization is changed without otherwise affecting the rights and obligations of that organization as a grant recipient or vendor/contractor. Alternatively, an organizational change such as a merger or acquisition results in the unification of two or more legal entities, and often requires that a new grant agreement or contract be executed in order to transfer grants or contractual duties.

When there is a name change, EIN change, or organizational change to an entity, advance notice (at least 30 days prior to change, or as soon as the subgrantee or vendor/contractor is aware of the anticipated change, whichever is earlier) **must** be provided to ICJI to ensure that the subgrantee or

vendor/contractor still is able to meet its legal, administrative, and programmatic obligations, and payments are not interrupted.

Subgrantees and vendors/contractors must notify ICJI as soon as possible regarding any potential or expected legal name changes or organizational changes so ICJI can determine whether the subgrantee or vendor/contractor can continue to meet its grant or contract requirements. In the event that a subgrantee or vendor/contractor notifies ICJI regarding such changes, the ICJI grant manager or employee assigned to the subgrantee or vendor/contractor must promptly inform the ICJI Legal Division. The ICJI Legal Division will determine what additional information is needed and/or what actions must be taken and assist the grant manager or other employee with communicating such information to the subgrantee or vendor/contractor.

When providing notice to ICJI about a legal name or organizational change, the grantee or vendor/contractor should include a letter including any applicable grant number(s), Internal Revenue Service (IRS) documentation, articles of incorporation, etc. At a minimum, the grantee or vendor/contractor should provide a copy of the legal instrument that authorized the name change, EIN change, and/or organizational change, authenticated by a proper official of the state or government agency having jurisdiction, such as:

- a. If the organization is incorporated: a copy of the amendment to the Articles of Incorporation, and proof of filing with the appropriate state authority.
- b. If the organization is an unincorporated association: A copy of the amendment to the Articles of Association, constitution, or other organizing document, showing the effective date of the change of name and signed by at least two officers, trustees or members.
- c. If the organization is a government entity, political subdivision, or instrumentality of government: Documentation from the governmental unit that created the entity showing the (new) name of the entity and a letter signed by a person authorized by the creating governmental unit.

The required documentation that an organization submits to ICJI for reporting a name change, EIN change, and/or organizational change should be the same as the supporting documentation the organization uses when reporting such changes to the federal government and/or State of Indiana, including any paperwork filed with the Indiana Secretary of State.

V. Checklist

When a grantee or vendor/contractor undergoes a name/EIN or organizational change, the following items should be taken into consideration and addressed accordingly:

1. SAM/DUNs – The SAM/DUNs of a subgrantee must be associated with the legal entity receiving the grant funds. Changes may necessitate either a new SAM or DUNs registration or an update to an existing registration.
2. Vendor ID or Supplier ID with the State – The information associated with an organization's Vendor ID or Supplier ID must match be accurate and reflect any changes.

This may necessitate submitting paperwork to the Indiana Department of Administration (IDOA), Auditor of State (AOS), and Secretary of State (SOS).

3. Existing Grant Agreements or Contracts – If the organization has active grants or contracts with ICJI, these agreements must be updated to reflect any changes in name/EIN or business reorganization.
4. IntelliGrants – The IntelliGrants grants management system must contain accurate information about the legal entity.

VI. Award Management Activities

In the event of name, EIN, or organizational change, modifications may be required to be submitted in either the Grant Management System (GMS) or the Justice Grants System (JustGrants) after a grant agreement has been executed. The legal entity or organization name changes contemplated in this policy are not a mechanism by which the scope of a project may be changed.

VII. Failure to Notify

In the event that the grantee or vendor/contractor does not notify ICJI and/or any other interested parties or resolve all outstanding issues surrounding any name/EIN/organizational changes, ICJI may, in its discretion, withdraw any grant award or contract and terminate funding for same. ICJI will provide written notice of the withdrawal of an award or termination of a contract via U.S. mail.

VIII. Appeal Rights

A subgrantee who has their grant withdrawn as a result of noncompliance with this policy may appeal ICJI's decision to withdraw the grant to the ICJI Executive Director. The written request for appeal must address the reasons for noncompliance, including any extenuating circumstances. The written request must also include a corrective action plan detailing steps that will be taken to ensure that future noncompliance does not occur, which is essential for organizations that receive multiple grants and funding streams from ICJI.

All requests for appeal must be submitted in writing to ICJI within 10 days of the written notification from ICJI withdrawing the award.