



Grant Modification / Notice of Award

U.S. DEPARTMENT OF LABOR / EMPLOYMENT AND TRAINING ADMINISTRATION

GRANT MODIFICATION		No. 2		PROJECT: Dislocated Worker Grants	
GRANT NUMBER: DW-33167-19-60-A-12	EIN: 364706134	EFFECTIVE DATE: 12/01/2020	PAGE 1		
GRANTEE: STATE OF FLORIDA, DEPARTMENT OF ECONOMIC OPPORTUNITY 107 EAST MADISON STREET MSC 120 TALLAHASSE, FLORIDA 32399-6545			ISSUED BY U.S. DEPARTMENT OF LABOR / ETA DIVISION OF FEDERAL ASSISTANCE 200 CONSTITUTION AVENUE NW - ROOM N-4716 WASHINGTON, DC 20210		

Action:

The Recipient's modification request of October 28,2020 is conditionally approved:

to award incremental funding of \$833,333.

to incorporate a period of performance change to March 31, 2022, per Attachment A of this modification.

to realign the budget in accordance with Attachments B and C of this modification.

to incorporate a statement of work change in accordance with Attachment D of this modification.

to incorporate the Negotiated Indirect Cost Rate Agreement in accordance with Attachment E of this modification.

Special Conditions of Award: See attached document.

YEAR / CFDA PROGRAM ACCOUNT ID	Mod 0-1 CURRENT LEVEL	Mod 2 MODIFICATION	NEW LEVEL	PMS DOC #
FY 19 / 17.277 WIOA DIS WKRS NAT RES - EMERGENCY (ADVANCE) <small>19-1630-2019-0501741919BD201901740003195DW093A0000AOWI00AOWI00-A90200-410023-ETA-DEFAULT TASK-</small>	\$833,333.00	\$0.00	\$833,333.00	DW33167HB0
FY 21 / 17.277 WIOA DIS WKRS NAT RES - EMERGENCY (ADVANCE) <small>20-1630-2021-0501742121BD202101740003215DW093A0000AOWI00AOWI00-A90200-410023-ETA-DEFAULT TASK-</small>	\$0.00	\$833,333.00	\$833,333.00	DW331675R0
TOTAL FUND AVAILABILITY	\$833,333.00	\$833,333.00	\$1,666,666.00	

Except as modified, all terms and conditions of said grant /agreement remain unchanged and in full effect.

Approved by

Lynn Fraga

Grant Officer

Date Signed

12/02/2020

Close

Print

NATIONAL DISLOCATED WORKER GRANT

SPECIAL CONDITIONS OF AWARD

Grant Number: DW-33167-19-60-A-12

Recipient: STATE OF FLORIDA, DEPARTMENT OF ECONOMIC OPPORTUNITY

Project Title: FL- NATIONAL HEALTH EMERGENCY DWG

The National Dislocated Worker Grant (DWG) modification request submitted on October 28, 2020 for incremental funds is conditionally approved for \$833,333, which would bring total DWG funds awarded for this project to \$1,666,666. As a condition of this grant award, the recipient must address the issues identified in this document by submitting a subsequent modification request via email to the Federal Project Operator (FPO) within 30 business days of the receipt of this grant award package. The modification request must incorporate all information requested below. Questions pertaining to the submission of the modification responding to these Conditions of Award must be directed to the Federal Project Officer as soon as possible.

Please review the attached Federal Award Terms, including the Program Requirements for disaster projects.

Please note that a submittal of revised documents does not in and of itself constitute approval by the Employment and Training Administration, and final approval must be given by the Grant Officer. Once approved, the revised documents will comprise the official modification to this grant agreement and the previous special conditions of award will be resolved.

CONDITIONS OF AWARD

- 1) Revise the SF-424 and 424A to:
 - a. reflect the amount awarded to date of \$1,666,666.

- 2) Revise the Budget Narrative to provide a breakdown of all component costs related to each line item on the SF-424A, as well as an explanation of these costs. The breakouts provided for each line item cost must mathematically add up to equal the dollar amount indicated on the corresponding SF-424A line item. Specifically, the Budget Narrative must clarify the following:
 - a. administrative costs at the Recipient level.

Disaster Recovery National Dislocated Worker Grant

Federal Award Terms

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1. Order of Precedence

In the event of any inconsistency between the terms and conditions of this Notice of Award and other requirements, the following order of precedence shall apply:

- I. Workforce Innovation and Opportunity Act;
- II. other applicable Federal statutes;
- III. Department of Labor Appropriations Act, 2020, P.L. 116-94;
- IV. Implementing Regulations;
- V. Executive Orders;
- VI. OMB Circulars, including the Uniform Guidance at 2 CFR 200 and 2900;
- I. Training and Employment Guidance Letter (TEGL) No. 12-19, National Dislocated Worker Grants Program Guidance; and TEGL No. 4-18, *National Dislocated Worker Grants to Address the Opioid Crisis*
- VII. other applicable DOL-ETA Directives; and the
- VIII. terms and conditions of this award.

2. Notice of Award

The funds that are provided under this Notice of Award must be expended according to all applicable Federal statutes, regulations and policies, including those of the Workforce Innovation and Opportunity Act; the applicable approved State WIOA plan including approved modifications and amendments to the plan, and any waiver plan approved under WIOA Sec. 189(i)(3) or Workforce Flexibility (Workflex) plan approved under WIOA Sec. 190; the negotiated performance levels and policies established pursuant to the Secretary's authority under WIOA Section 116; and the applicable provisions in the appropriations act(s).

The funds shall be obligated and allocated via a Notice of Award (NOA) grant modification. These obligations and expenditures may not exceed the amount awarded by the NOA modification unless otherwise modified by the ETA.

3. Funding Opportunity Announcement

Training and Employment Guidance Letter (TEGL) WIOA No. 12-19 transmits the funding opportunity associated with this award. TEGL No. 12-19 and all applicable amendments are hereby incorporated into the Notice of Award. Award recipients are bound by the authorizations, restrictions, and requirements contained in the TEGL. Therefore, the expenditure of grant funds by the award recipient certifies that the recipient has read and will comply with all the parts that are contained in the NOA.

4. Administrative Law Judge Removal of Award (WIOA)

By drawing down funds, your organization as the award recipient agrees to the provisions of 20 CFR 683.820(b)(6), which states:

“Any organization selected and/or funded under WIOA title I, subtitle D, is subject to having its award removed if an ALJ decisions so orders. As part of this process, the Grant Officer will provide instructions on transition and closeout to both the newly selected grantee and to the grantee whose positions is affected or which is being removed.”

5. Federal Project Officer

The DOL/ETA Federal Project Officer (FPO) for this award is:

Name: Susan Tesone

Telephone: 404-302-5375

E-mail: Tesone.Susan.R@dol.gov

The FPO is not authorized to change any of the terms or conditions of the award or approve prior approval requests. Any changes to the terms or conditions or prior approvals must be approved by the Grant Officer through the use of a formally executed award modification process.

6. Indirect Cost Rate and Cost Allocation Plan

- A. A **current** Federally approved Negotiated Indirect Cost Rate Agreement (NICRA) or current Federally approved Cost Allocation Plan (CAP) has been provided – copy attached. For a NICRA only:

- (1) Indirect Rate approved: % See Attachment E
- (2) Type of Indirect Cost Rate: _____ See Attachment E
- (3) Allocation Distribution Base: _____ See Attachment E
- (4) Current beginning and ending period applicable to rate: See Attachment E

Estimated Indirect Costs are shown on the SF-424A budget form. If a new NICRA is issued during the grant's period of performance, it must be provided to DOL within 30 days of it being issued. Funds may be re-budgeted as necessary between direct and indirect costs as long as it is consistent with 10% Budget Flexibility term within this agreement, grant requirements and DOL regulations on prior approval. However, the total amount of the grant award will not be increased.

Any changes to the budget that impact the Statement of Work and agreed upon outcomes or deliverables will require a request for modification and prior approval from the Grant Officer.

- B. (1) _____ Latest NICRA or CAP approved by the Federal Cognizant Agency (FCA) is not current, or

- (2) _____ An indirect cost rate proposal or CAP has not been submitted for approval.

URGENT NOTICE: Estimated indirect costs have been specified on the SF-424A, Section B, Object Class Category "j", however only \$N/A will be released to support the indirect costs in the absence of a NICRA or CAP approved by the cognizant agency. The remaining funds which have been awarded for Indirect Costs are restricted and may not be used for any purpose until the recipient provides a signed copy of the NICRA or CAP and document stating that the restriction is lifted by the Grant Officer. Upon receipt of the NICRA or CAP, the Grant Officer will issue a grant modification to the award to remove the restriction on those funds.

As the award recipient, your organization must submit an indirect cost rate proposal or CAP. These documents should be submitted to the DOL's Division of Cost Determination (DCD) or to the recipient's FCA. In addition, the recipient must notify the Federal Project Officer (FPO) that the documents have been submitted to the appropriate FCA. **If this proposal is not submitted within 90 days of the effective date of the award, no funds will be approved for the reimbursement of indirect costs.** Failure to submit an indirect cost proposal by the above date means the award recipient will not receive further reimbursement for indirect costs until a signed copy of the federally approved NICRA or CAP is provided and the restriction is lifted by the Grant Officer. All indirect costs paid for using grant funds must be returned through the Payment Management System. No indirect costs will be reimbursed without a NICRA or an approved CAP.

The total amount of the DOL's financial obligation under this grant award **will not be** increased in order to reimburse the recipient for higher negotiated indirect costs.

- ___ C. The award recipient elected to exclude indirect costs from the proposed budget. Please be aware that incurred indirect costs (such as top management salaries, financial oversight, human resources, payroll, personnel, auditing costs, accounting and legal, etc. used for the general oversight and administration of the organization) must not be classified as direct costs; these types of costs are indirect costs. Only direct costs, as defined by the applicable cost principles, will be charged. According to 2 CFR 200.412, if indirect costs are misclassified as direct costs, such costs may become disallowed through an audit.

- ___ D. The award recipient has never received a negotiated indirect cost rate and, pursuant to the exceptions noted at 2 CFR 200.414(f) in the Cost Principles of the Uniform Guidance has elected to charge a de minimis rate of 10% of modified total direct costs (see 2 CFR 200.68 for definition of MTDC) which may be used indefinitely. Governmental departments or agencies that receive more than \$35 million in direct Federal Funding must submit an indirect cost rate proposal and cannot request a de minimis rate. This methodology must be used consistently for all Federal awards until such time as you choose to negotiate for an indirect cost rate, which you may apply to do at any time. (See 2 CFR 200.414(f) for more information on use of the de minimis rate.)

If the DOL is your FCA, as a recipient, your organization must work with DOL's DCD, which has delegated authority to negotiate and issue a NICRA or CAP on behalf of the Federal Government. More information about the DOL's DCD is available at <http://www.dol.gov/oasam/boc/dcd/>. This website has guidelines to develop indirect cost rates, links to the applicable cost principles, and contact information. The DCD also has Frequently Asked Questions to provide general information about the indirect cost rate approval process and due dates for provisional and final indirect cost rate proposals at <http://www.dol.gov/oasam/faqs/FAQ-dcd.htm>.

Starting the quarter ending September 30, 2016, all grant recipients with an approved NICRA or de minimis rate must report indirect costs on their **FINAL** ETA-9130 Form. Please see TEGL 2-16 for additional guidance at https://wdr.doleta.gov/directives/attach/TEGL/TEGL_2-16_acc.pdf

7. Approved Statement of Work

The project's narrative is considered the approved Statement of Work. It has been included as Attachment D. If there is any inconsistency between items specified in the project narrative and the program statute, appropriation, regulations, Executive Orders, Uniform Guidance, OMB Circulars, and DOL-ETA directives, the order of precedence will prevail.

8. Approved Budget

The award recipient's budget documents are attached in this Notice of Award. The documents are: 1) the SF-424, included as Attachment A; 2) the SF-424 A, included as Attachment B; and 3) the Budget Narrative, included as Attachment C. As the award recipient, your organization must confirm that all costs are allowable before creating any expenses. Pursuant to 2 CFR 2900.1, the approval of the budget as awarded does not constitute prior approval of those items specified in 2 CFR 200 or your grant award as requiring prior approval. The Grant Officer is the only official with the authority to provide such approval.

9. Return of Funds

Effective October 1st, 2017, the U.S. Department of Labor, Employment & Training Administration will no longer be accepting paper checks for any type of returned funds. All return of funds are to be submitted electronically through the Payment Management System (PMS) operated by the U.S. Department of Health and Human Resources via the same method as a drawdown.

If there are questions regarding the return of funds or your organization no longer has access to PMS, contact the U.S. Department of Labor/ETA Office of Financial Administration via email at: ETA-ARteam@dol.gov for further assistance.

10. Evaluation, Data, and Implementation

As the award recipient, your organization must cooperate during the implementation of a third-party evaluation. This means providing DOL or its authorized contractor with the appropriate data and access to program operating personnel and participants in a timely manner.

11. Resources and Information

Additional resources and information to assist you are located on the ETA website at <https://www.doleta.gov/grants/resources.cfm> and on the Grants Application and Management collection page located on WorkforceGPS.org at <https://grantsapplicationandmanagement.workforcegps.org/>. These sites contains information about the Uniform Guidance, grant terms and conditions, financial reporting, indirect costs, recipient training resources, and other relevant information.

12. Cost Limitation Restrictions

a. Administrative Costs

Administrative costs under this award follow the definition in the Workforce Innovation and Opportunity Act at 20 CFR 683.215.

There is a 15 percent limitation on a DWG project's total administrative costs when the direct recipient is not also serving as the project operator. Unless a written justification is approved by the Grant Officer, administrative costs may not exceed this 15 percent limit. Direct recipients of DWG funds are limited to spending no more than 5 percent of the total award on administrative costs. Project Operators are limited to spending no more than 10 percent of their allocation received from the direct recipient on administrative costs. Compliance with the administrative costs limit is monitored throughout the grant period. Any amounts exceeding this limitation at closeout will be disallowed and subject to debt collection.

For DWG recipients who are also serving as the project operator, the administrative costs limit is 10 percent of the total award.

b. Supportive Services

Grantees must not spend more than 20 percent of their DWG award on supportive services for participants. However, grantees may submit a modification request to the Grant Officer seeking pre-approval to spend more than 20 percent of their award on supportive services. The Grant Officer will only approve these requests where the grantee demonstrates: (i) additional supportive services spending is necessary to effectively carry out the employment and training goals of the opioid-crisis Disaster Recovery DWG; (ii) the additional supportive services spending will not be so great that it impedes the availability and effectiveness of employment and training activities provided under the grant; and (iii) this additional spending follows the established local policy on providing supportive services.

c. In-patient Costs

Disaster Recovery DWG funds may not be used to pay the costs of in-patient drug treatment and rehabilitation programs.

d. Budget Flexibility

Federal recipients are not permitted to make transfers that would cause any funds to be used for purposes other than those consistent with this Federal program. Any budget changes that impact the Statement of Work and agreed upon outcomes or deliverables require a request for modification and prior approval from the Grant Officer.

As directed in 2 CFR 200.308(e), for programs where the Federal share is over the simplified acquisition threshold (currently \$150,000), the transfer of funds among direct cost categories or programs, functions and activities is restricted such that if the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by the Federal awarding agency, the recipient must receive prior approval from the Grant Officer. Any changes within a specific cost category on the SF424(a) do not require a grant modification unless the change results in a cumulative transfer among direct cost categories exceeding 10%

of total budget as noted above. It is recommended that your assigned FPO review any within-line changes to your budget prior to implementation to ensure they do not require a modification. For programs where the Federal share is below the simplified acquisition threshold, recipients are not required to obtain the Grant Officer’s approval when transferring funds among direct cost categories. This includes transferring direct costs to the indirect cost category contained on the SF424 (a).

e. Consultants

For the purposes of this award, the ETA Grant Officer has determined that fees paid to a consultant who provides services under a program shall be limited to \$710 per day (representing an eight hour work day). Any fees paid in excess of this amount cannot be paid without prior approval from the Grant Officer.

f. Travel

This award waives the prior approval requirement for domestic travel as contained in 2 CFR 200.474. For domestic travel to be an allowable cost, it must be necessary, reasonable, allocable and conform to the non-Federal entities written policies and procedures. All travel must also comply with Fly America Act (49 USC 40118), which states in part that any air transportation, regardless of price, must be performed by, or under a code-sharing arrangement with, a US Flag air carrier if service provided by such carrier is available.

g. Travel – Foreign

Foreign travel is not allowable except with prior written approval. Prior written approval must be obtained from the Grant Officer through the process described in 2 CFR 200.407 and 2 CFR 2900.16. All travel, both domestic and Grant Officer-approved foreign travel, must comply with the Fly America Act (49 USC 40118), which states in part that any air transportation, regardless of price, must be performed by, or under a code-sharing arrangement with, a US Flag air carrier if service provided by such carrier is available.

h. Travel – Mileage Reimbursement Rates

Pursuant to 2 CFR 200.474(a), all award recipients must have policies and procedures in place related to travel costs; however, for reimbursement on a mileage basis, this Federal award cannot be charged more than the maximum allowable mileage reimbursement rates for Federal employees. The 2018 mileage reimbursement rates are:

Modes of Transportation	Effective/Applicability Date	Rate per mile
Privately owned automobile	January 1, 2019	\$0.58
Privately owned motorcycle	January 1, 2019	\$0.55

Mileage rates must be checked annually at www.gsa.gov/mileage to ensure compliance.

i. WIOA Infrastructure

WIOA sec. 121(b)(1)(B) and 20 CFR 678.400 require the following programs to be One-Stop partners: A. WIOA title I programs: Adult, Dislocated Worker, and Youth formula programs; Job

Corps; YouthBuild; Native American programs; National Farmworker Jobs Program (NFJP); B. Wagner-Peyser Act Employment Service (ES) program authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as amended by WIOA title III; C. Senior Community Service Employment Program (SCSEP) authorized under title V of the Older Americans Act of 1965; D. Trade Adjustment Assistance (TAA) activities authorized under chapter 2 of title II of the Trade Act of 1974; E. Unemployment Compensation (UC) programs; F. Jobs for Veterans State Grants (JVSG) programs authorized under chapter 41 of title 38, U.S.C.; and G. Reentry Employment Opportunities (REO) programs (formerly known as Reintegration of Ex-Offenders Program (RExO) awarded prior to January 1, 2019 which were authorized under sec. 212 of the Second Chance Act of 2007 (42 U.S.C. 17532).

With the exception of Native American programs established under WIOA sec. 166, all One-Stop partner programs including all programs that are funded under title I of WIOA are required to contribute to the infrastructure costs and certain additional costs of the One-Stop delivery system in proportion to their use and relative benefits received as required in 20 CFR 678.700 and 678.760. While Native American programs are not required to contribute to infrastructure costs per WIOA 121(h)(2)(D)(iv), they are strongly encouraged to contribute as stated in TEGL 17-16. The sharing and allocation of infrastructure costs between One-Stop partners is governed by WIOA sec. 121(h), WIOA's implementing regulations, and the Federal Cost Principles contained in the Uniform Guidance at 2 CFR part 200 and DOL's exceptions at 2 CFR part 2900. The Federal Cost Principles state that a partner's contribution is an allowable, reasonable, necessary, and allocable cost to the program and is consistent with other legal requirements.

13. Administrative Requirements

a. Assurances and Certifications

The signed SF-424, Application for Federal Assistance, has been included as an attachment to this grant. The individual that signed the SF-424 on behalf of the applicant is considered the Authorized Representative of the applicant. As stated in block 21 of the SF-424 form, the signature of the Authorized Representative on the SF-424 certifies that the organization is in compliance with the Assurances and Certifications form SF-424B (available at <http://apply07.grants.gov/apply/forms/sample/SF424B-V1.1.pdf>). You do not need to submit the SF-424B form separately.

b. Audits

Organization-wide or program-specific audits shall be performed in accordance with Subpart F, the Audit Requirements of the Uniform Guidance which apply to audits for fiscal years beginning on or after December 26, 2014. DOL awards recipients including for-profit and foreign entities that expend \$750,000 or more in a year from any Federal awards must have an audit conducted for that year in accordance with the requirements contained in 2 CFR 200.501. OMB's approved exception at 2 CFR 2900.2 expands the definition of 'non-Federal entity' to include for-profit entities and foreign entities. For-profit and foreign entities that are recipients or subrecipients of a DOL award must adhere to the Uniform Guidance at 2 CFR 200.

c. Changes in Micro-purchase and Simplified Acquisition Thresholds

The Office of Management and Budget memorandum (M-18-18), issued on June 20, 2018, increased the threshold for micro-purchases under Federal financial assistance awards from \$3,500 to \$10,000 and the threshold for simplified acquisitions under Federal financial assistance awards from \$100,000 to \$250,000. Please note that these two threshold increases were effective for all Employment and Training (ETA) grantees as of October 1, 2018. All ETA grantees should carefully review the above-referenced memorandum and make any necessary updates to their financial and administrative policies, procedures and systems as a result of these threshold increases.

d. Closeout/Final Year Requirements

At the end of the grant period, the award recipient will be required to close the grant with the ETA. As the award recipient, your organization will be notified approximately 15 days prior to the end of the period of performance that the closeout process will begin once the grant ends. The information concerning the recipient's responsibilities at closeout may be found at 2 CFR 200.343. During the closeout process, the grantee must be able to provide documentation for all direct and indirect costs that are incurred. For instance, if an organization is claiming indirect costs, the documentation that is required is a Negotiated Indirect Cost Rate Agreement or Cost Allocation Plan issued by the grantee's Federal cognizant agency. Documentation for those approved to utilize a de minimis rate for indirect costs is demonstrated through the grant agreement. Not having documentation for direct or indirect costs will result in costs being disallowed and subject to debt collection. The only liquidation that can occur during closeout is the liquidation of accrued expenditures (NOT obligations) for goods and/or services received during the grant period (2 CFR 2900.15).

e. Creative Commons Attributions License

As required at 2 CFR 2900.13, any intellectual property developed under a competitive award process must be licensed under a Creative Commons Attribution 4.0 (CC BY) license, which allows subsequent users to copy, distribute, transmit and adapt the copyrighted work and attribute the work in the manner specified by the recipient. For general information on CC BY, please visit <http://creativecommons.org/licenses/by/4.0>. The Instructions for marking your work with CC BY can be found at http://wiki.creativecommons.org/Marking_your_work_with_a_CC_license.

f. Equipment

Award Recipients must receive **prior approval** from the Grant Officer to purchase any equipment as defined in the Uniform Guidance at 2 CFR 200.33. Equipment purchases must be made in accordance with 2 CFR 200.313 or 2 CFR 200.439.

Being awarded this grant **does not** automatically mean you are approved for the equipment specified in a recipient's budget or statement of work unless it is specifically approved by the Grant Officer. If not specified above, the recipient must submit a detailed list describing the purchase to the FPO for review within 90 days of the Notice of Award date. We strongly encourage recipients to submit requests for equipment purchase as early as possible in the grant's period of performance with as many planned pieces of equipment as possible.

Recipients may not purchase equipment in the last funded year of performance which is defined as full program service delivery (not follow up activities), but yet may not be the same as the last twelve months of the period of performance. If any approved acquisition has not occurred prior to the last funded year of performance, approval for that item(s) is rescinded.

g. Federal Funding Accountability and Transparency Act (FFATA)

1. Reporting of first-tier subawards.
 - I. *Applicability.* Unless your organization is exempt as provided in paragraph [4.] of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph [5.] of this award term).
 - II. *Where and when to report.*
 - I. You must report each obligating action described in paragraph [1.i.] of this award term to <https://www.fsrs.gov>.
 - II. For subaward information, you must report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
 - III. *What to report.* You must report the information about each obligating action that the submission instructions posted at <https://www.fsrs.gov> specify.
2. Reporting Total Compensation of Recipient Executives.
 - I. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—
 - I. the total Federal funding authorized to date under this award is \$25,000 or more;
 - II. in the preceding fiscal year, you received—
 - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - III. The public does not have access to information on the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <https://www.sec.gov/answers/execomp.htm>.)
 - II. *Where and when to report.* You must report executive total compensation described in paragraph [2.a.] of this award term:
 - a. As part of your registration profile at <http://www.sam.gov>.
 - b. By the end of the month following the month in which this award is made, and annually thereafter.

3. Reporting of Total Compensation of Subrecipient Executives.
 - I. *Applicability and what to report.* Unless you are exempt as provided in paragraph [4.]of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—
 - I. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - II. The public does not have access to information on the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <https://www.sec.gov/answers/execomp.htm>.)
 - II. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph [3.a] of this award term:
 - I. To the recipient.
 - II. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.
4. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

 - a. Subawards, and
 - b. The total compensation of the five most highly compensated executives of any subrecipient.
5. Definitions.

For purposes of this award term:

 - a. *Entity* means all of the following, as defined in 2 CFR part 25:
 - I. A Governmental organization, which is a State, local government, or Indian tribe;
 - II. A foreign public entity;
 - III. A domestic or foreign nonprofit organization;
 - IV. A domestic or foreign for-profit organization;
 - V. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
 - b. *Executive* means officers, managing partners, or any other employees in management positions.
 - c. *Subaward*:
 - I. This term is used as a legal instrument to provide support for the performance

- of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- II. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see [2 CFR 200.330]).
- III. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
- d. *Subrecipient* means an entity that:
 - I. Receives a subaward from you (the recipient) under this award; and
 - II. Is accountable to you for the use of the Federal funds provided by the subaward.
- e. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - I. *Salary and bonus.*
 - II. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - III. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - IV. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.
 - V. *Above-market earnings on deferred compensation which is not tax-qualified.*
 - VI. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

h. Intellectual Property Rights

The Federal Government reserves a paid-up, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use for federal purposes: i) the copyright in all products developed under the grant, including a subgrant or contract under the grant or subgrant; and ii) any rights of copyright to which the recipient, subrecipient or a contractor purchases ownership under an award (including but not limited to curricula, training models, technical assistance products, and any related materials). Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise. Federal funds may not be used to pay any royalty or license fee for use of a copyrighted work, or the cost of acquiring by purchase a copyright in a work, where the Department has a license or rights of free use in such work, although they may be used to pay costs for obtaining a copy which is limited to the developer/seller costs of copying and shipping. If revenues are generated by selling products developed with grant funds, including intellectual property, these revenues are considered as program income. Therefore, program income must be used in accordance with the provisions of this grant award and 2 CFR 200.307.

If applicable, the following needs to be on all products developed in whole or in part with grant funds:

“This workforce product was funded by a grant awarded by the U.S. Department of Labor’s Employment and Training Administration. The product was created by the recipient and does not necessarily reflect the official position of the U.S. Department of Labor. The Department of Labor makes no guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership. This product is copyrighted by the institution that created it.”

i. Intellectual Property Rights and the Bayh-Dole Act

All small business firms, and non-profit organizations (including Institutes of Higher Education) must adhere to the Bayh Dole Act, which requirements are provided at 37 CFR 401.3(a) and at <https://doleta.gov/grants/pdf/BayhDoleGrantTerm.pdf>. To summarize, these requirements describe the ownership of Intellectual Property rights and the government’s nonexclusive, nontransferable, irrevocable, paid-up license to use any invention conceived or first actually reduced to practice in the performance of work under this grant. These requirements are in addition to those found in the Intellectual Property Rights term provided in this document.

j. Personally Identifiable Information

Award recipients must recognize and safeguard personally identifiable information (PII) except where disclosure is allowed by prior written approval of the Grant Officer or by court order. Award recipients must meet the requirements in Training and Employment Guidance letter (TEGL) 39-11, Guidance on the Handling and Protection of Personally Identifiable Information (PII), found at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7872.

k. Pre-Award

All costs incurred by the award recipient prior to the start date specified in the award issued by the Department are ***incurred at the recipient’s own expense***.

l. Procurement

The Uniform Guidance (2 CFR 200.317) require States (as defined at 2 CFR 200.90) to follow the same procurement policies and procedures it uses for non-Federal funds. The state will comply with 200.322 Procurement of recovered *materials* and ensure that every purchase orders or other contract includes any clauses required by section 200.326 Contract provisions. Award recipients must also follow the requirements regarding the competitive award of One-Stop Operators in the Workforce Innovation and Opportunity Act at WIOA Sec. 121(d) and sec. 123.

m. Program Income

The “Addition” method as described in 2 CFR 200.307 must be used in allocating any program income generated for this grant award. Award recipients must expend all program income prior to drawing down additional funds as required at 2 CFR 200.305(b) (5) and 2 CFR 200.307(e). Any program income found remaining at the end of period of performance must be returned to the ETA. In addition, recipients must report program income on the quarterly financial report using ETA-9130 form.

n. Publicity

No funds provided under this grant shall be used for publicity or propaganda purposes, for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress or any state or local legislature or legislative body, except in presentation to the Congress or any state or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any state or local government, except in presentation to the executive branch of any state or local government itself. Nor shall grant funds be used to pay the salary or expenses of any recipient or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive Order proposed or pending before the Congress, or any state government, state legislature, or local legislative body other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a state, local, or tribal government in policymaking and administrative processes within the executive branch of that government.

o. Recipient Integrity and Performance Matters

1. If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the award recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.
2. Proceedings about which you must report. Submit the information required about each proceeding that:
 - a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from either the Federal Government;
 - b. Reached its final disposition during the most recent 5-year period; and
 - c. Is one of the following:
 - I. A criminal proceeding that resulted in a conviction, as defined in paragraph 5. of this award term
 - II. A civil proceeding that resulted in a finding of fault and liability and paying a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - III. An administrative proceeding, as defined in paragraph 5. of this award term, that resulted in a finding of fault and liability and your payment of either monetary fine or penalty of \$5,000 or more or a reimbursement, restitution, or damages in excess of \$100,000; or
 - IV. Any other criminal, civil, or administrative proceeding if:
 - (A) It could have led to an outcome described in paragraph 2.c.I, II, or III of this

- award term;
- (B) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - (C) The requirement in this award term to disclose information about the proceeding does not conflict with applicable laws and regulations.
3. Reporting procedures. Enter in SAM Entity Management area (formerly CCR), or any successor system, the FAPIIS information that SAM requires about each proceeding described in paragraph 2. of this award term. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM (formerly CCR) because you were required to do so under Federal procurement contracts that you were awarded.
4. Reporting frequency. During any period of time when you are subject to the requirement in paragraph 1. of this award term, you must report FAPIIS information through SAM no less frequently than semiannually following your initial report of any proceedings for the most recent 5-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report.
5. Definitions. For purposes of this award term:
- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level. It does not include audits, site visits, corrective plans, or inspection of deliverables.
 - b. Conviction, for purposes of this award term, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
 - c. Total value of currently active grants, cooperative agreements, and procurement contracts includes —
 - I. Only the Federal share of the funding under any award with a recipient cost share or match; and
 - II. The value of all options, even if not yet exercised.

p. Reports

All ETA recipients are required to submit quarterly financial and narrative progress reports for each grant award, no later than 45 days after the end of each calendar year quarter:

1. Quarterly Financial Reports.

All ETA recipients are required to report quarterly financial data on the ETA-9130 Form. ETA-9130 reports are due no later than 45 calendar days after the end of each specified reporting quarter. Reporting quarter end dates are March 31, June 30, September 30, and December 31. A final financial report must be submitted no later than 90 calendar days after the grant period of performance ends. A closeout report will be submitted during the closeout process. For additional guidance on ETA's financial reporting, reference [Training and Employment Guidance Letter \(TEGL\) 02-16](#) and

https://www.doleta.gov/grants/pdf/ETA-9130_Financial_Reporting_Resources.pdf

The instructions for accessing both the on-line financial reporting system and the HHS Payment Management System can be found in the transmittal memo accompanying this Notice of Award.

Note – The 9130(G) report for DWGs requires reporting on expenditures related to the training of participants (11b). Those DWGs that provide training services must report them on the 11b line of the 9130(G). Additionally, any expenditures related to transitional jobs must be reported on line 11c of the 9130(G) report.

2. Quarterly Performance Reports.

- a. **Reporting Resources:** DWG recipients must submit Quarterly Performance (QPR) and Quarterly Narrative Reports (QNR) in accordance with Training and Employment Guidance Letter (TEGL) 14-18, “Aligning Performance Accountability Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL)”, which may be found at: https://wdr.doleta.gov/directives/corr_doc.cfm?docn=7611. The requirements for DWG are specifically outlined in Attachment 6 of TEGL 14-18: https://wdr.doleta.gov/directives/attach/TEGL/TEGL_14-18_Attachment-6_Acc.pdf.

Additional resources on DWG performance are available on the DWG performance web page: <https://www.doleta.gov/DWGs/Performance-and-Reporting-Resources/>.

b. Reporting System

Recipients must submit grantee performance reports through the Workforce Integrated Performance System (WIPS): <https://dol.appiancloud.com/suite/>.

To gain access to WIPS, recipients must first create an account. To establish a new user account in WIPS, recipients must follow these steps:

- i. Visit the following website: <https://www.doleta.gov/performance/wips/>
- ii. Select “WIPS Technical Assistance Request”
- iii. Select “DWG” from the program drop-down menu
- iv. Enter the DWG grant number the report request is for
- v. Complete all required fields of the WIPS Technical Assistance Request template
- vi. Under “Description” request a new user account
- vii. Click “Submit”

Once a user account for WIPS is established, grantees must continue to request reporting permissions for the DWG narrative reports for each new grant award. See the QNR section below for more detail.

c. Required Reports

The required reports for all DWG grantees are:

- i. Quarterly Performance Report (ETA 9173) – The DWG Quarterly

Performance Report (QPR) is generated from grantee’s submission of individual participant record files. Grantees must certify a 9173 QPR each quarter. This report captures participant characteristics, services, and outcomes according to the Participant Individual Record Layout (PIRL) layout:

https://doleta.gov/performance/pfdocs/ETA_9172_DOL_PIRL_1.18.81.pdf

Recipients submit the QPR by uploading their participant record file in WIPS. Note that on the file upload screen under Schema Name, DWG recipients must select “State Integrated Record Schema (SIRS)” from the drop-down menu. Under Target Program, select “National Dislocated Worker Grants” from the drop-down menu.

- ii. Quarterly Narrative Report (ETA 9179) – DWG recipients submit the Quarterly Narrative Report (QNR) using the WIPS reporting system. This report is an opportunity for grantees to share information on project success stories, upcoming grant activities, and promising approaches and processes. The final quarterly report must summarize the successes and/or challenges in delivering services to the target population, as well as address the topics of sustainability, replicability, and lessons learned. In order to activate the QNR feature in WIPS, grantees must request QNR reporting permissions for each new grant award by following these steps:
 - a. Visit the following website:
<https://www.doleta.gov/performance/wips/>
 - b. Select “WIPS Technical Assistance Request”
 - c. Select “DWG” from the program drop-down menu
 - d. Enter the DWG grant number the report request is for
 - e. Complete all required fields of the WIPS Technical Assistance Request template
 - f. Under “Description”, enter a request for QNR reporting permission for that DWG
 - g. Click “Submit”

3. Project Implementation Plan.

Recipients must adhere to the Project Implementation Plan submission requirements of their respective regional office, in accordance with 20 CFR 687.150. Contact the assigned Federal Project Officer for further details.

q. Requirements for Conference and Conference Space

Conferences sponsored in whole or in part by the award recipient are allowable if the conference is necessary and reasonable for the successful performance of the Federal Award. Recipients are urged to use discretion and good judgment to ensure that all conference costs charged to the grant are appropriate and allowable. For more information on the requirements and the allowability of costs associated with conferences, refer to 2 CFR 200.432. Recipients will be held accountable to the requirements in 2 CFR 200.432. Therefore, costs that do not comply with 2 CFR 200.432 will be questioned and may be disallowed.

r. Subawards

A subaward means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

The provisions of the Terms and Conditions of this award will be applied to any subrecipient under this award. The recipient is responsible for monitoring the subrecipient, ensuring that the Terms and Conditions are in all subaward packages and that the subrecipient comply with all applicable regulations and the terms and conditions of this award (2 CFR 200.101(b)(1)).

s. Supportive Services & Participant Support Costs

When supportive services are expressly authorized by a program statute, regulation, or FOA, this award waives the prior approval requirement for participant support costs as described in 2 CFR 200.456. Costs must still meet the basic considerations at 2 CFR 200.402 – 200.411. Questions regarding supportive services and participant support costs should be directed to the FPO who is assigned to the grant.

t. System for Award Management

1. Requirement for System of Award Management (SAM)

Unless you are exempt from this requirement under 2 CFR 25.110, you as the award recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

2. Requirement for unique entity identifier

If you are authorized to make subawards under this award, you:

- i. Must notify potential subrecipients that no entity (*see* definition in paragraph [3] of this award term) may receive a subaward from you unless the entity has provided its unique entity identifier to you.
- ii. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

3. Definitions

For purposes of this award term:

- i. *System of Award Management (SAM)* is the Federal repository where award recipients register to do business with the U.S. government. Additional information about registration procedures may be found at the SAM Internet site (currently at <http://www.sam.gov>).
- ii. *Unique entity identifier* means the code that is unique to a registered entity in order to complete its registration on SAM.
- iii. *Entity*, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
 - a. A Governmental organization, which is a State, local government, or Indian Tribe;
 - b. A foreign public entity;
 - c. A domestic or foreign nonprofit organization;

- d. A domestic or foreign for-profit organization; and
- e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

iv. *Subaward*:

- a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).
- c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

v. *Subrecipient* means an entity that:

- a. Receives a subaward from you under this award; and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.

u. SAM Registration Validation

ETA advises grant recipients registered in SAM to log into SAM and review their registration information, particularly their financial information and points of contact. Further, the DUN and EIN numbers must remain active until the grant award closeout process is fully completed. See TEN 18-17 for additional guidance.

v. Vendor/Contractor

The term “contractor”, sometimes referred to as a vendor, is a dealer, distributor, merchant or other seller providing goods or services that are required to implement a Federal program. (2 CFR 200.23) These goods or services may be for an organization's own use or for the use of the beneficiaries of the Federal program. Additional guidance on distinguishing between a subrecipient and a contractor (vendor) is provided in 2 CFR 200.330. When procuring contractors for goods and services, DOL ETA recipients and subrecipients must follow the procurement requirements 2 CFR 200.319, which calls for free and open competition.

w. Whistleblower Protection

This grant and employees working on this grant are subject to the whistleblower rights and remedies established at 41 U.S.C. 4712. The recipient shall inform its employees in writing, in the predominant language of the workforce, of employee whistleblower rights and protections under 41 U.S.C. 4712, as described in section 3.908 of the Federal Acquisition Regulation (48 CFR 3.908; note that for the purpose of this term and condition, use of the term "contract," "contractor," "subcontract," or "subcontractor" in section 3.908 should be read as "grant," "grantee," "subgrant," or "subgrantee"). The recipient shall insert the substance of this clause in all subgrants and contracts over the simplified acquisition threshold.

14. Program Requirements

[Training and Employment Guidance Letter \(TEGL\) WIOA No. 12-19](#) contains the program requirements for this award.

a. Coordination with Federal Agencies

Federal Emergency Management Agency (FEMA) - In accordance with WIOA Section 170 (d)(1)(A), funds made available for Disaster DWGs “shall be used in coordination with the Federal Emergency Management Agency, as applicable,” in order to ensure non-duplication and maintenance of effort. Recipients of DWG funding must coordinate the activities funded under this grant with those funded by and/or performed under the auspices of FEMA if FEMA has issued an appropriate declaration.

Other Federal Agencies –If another federal agency (outside of FEMA) with authority or jurisdiction over the federal response declares or otherwise recognizes an emergency or disaster that meets the definition at WIOA 170(A)(1)(B), DWG funds made available for that disaster must be used in coordination with that agency, as applicable in order to ensure non-duplication and maintenance of effort.

The grantee must have in place a plan to recover WIOA funds which have been expended for activities or services for which other funds are available. Examples include, but are not limited to: activities/resources provided by FEMA or other Federal agencies; public or private insurance; and construction workers employed by private for-profit firms whose employment is covered by other available resources.

If additional areas are declared eligible for assistance by FEMA or another Federal agency as allowable under WIOA, you may immediately begin to provide services under this grant in those counties. However, the direct recipient must notify its Federal Project Officer in writing of the inclusion of any additional areas that have been appropriately approved by the federal agencies, and include such locations in a subsequent modification

b. Eligibility

Grantees are responsible for setting appropriate policies and procedures for determining participant eligibility. The state has the authority to provide exceptions to its policies regarding the acceptable documentation local areas must collect to document participant eligibility, such as during a disaster. Such exceptions may rely on self-attestation. States eventually must collect all documentation necessary to demonstrate that each participant is eligible under 20 CFR 687.170(b).

When applying for a Disaster Recovery DWG in response to an influx of a substantial number of individuals relocating away from the disaster area, applicants must demonstrate that at least 50 individuals have relocated or evacuated from an area receiving a Federal declaration for the disaster event.

The Grantee should have a system in place to verify eligibility for individuals once better data are available. If the Grantee has such a system in place, and if a participant is later found to be ineligible, the costs incurred prior to the discovery of ineligibility will not be disallowed.

Limitations on Duration of Participation -- Participants in disaster-relief positions may be employed for a maximum of 12 months or 2,080 hours, whichever is longer. Grantees may submit a modification request to extend the period of employment for existing participants for up to an additional 12 months, and this modification request must justify the reason for extending participants' disaster-relief employment, as required by 20 C.F.R. 687.180(b)(1) If there remains humanitarian or clean-up needs after participants reach the limits on

employment duration, the state should attempt to employ new eligible individuals to continue the work at hand rather than continue the employment or re-employment of participants that have reached 12 months or 2,080 hours of disaster-relief employment.

While each disaster is different, ETA expects that most humanitarian assistance needs will resolve within 12 months of the disaster event, as disaster-affected communities rebuild, and their populations obtain permanent housing and no longer need assistance in obtaining food and clothing. When providing a justification for extending employment to 20 C.F.R. 687.180(b)(1), grantees must demonstrate that humanitarian assistance needs remain.

c. Participant Compensation

Participant Wages. The worksite employer that provides participants temporary disaster-relief employment under a Disaster Recovery DWG is required to pay the higher of the Federal, state, or local minimum wage, or the comparable rates of pay for other individuals employed in similar occupations by the same employer. In accordance with WIOA Section 181(a)(1)(A), generally, participants must be compensated at the same rates, including periodic increases, as employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills. Additionally, such rates must be in accordance with applicable law but in no event less than the higher of the rate specified in Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable state or local minimum wage law. Where applicable, fringe benefits should be paid in accordance with the policies of the worksite employer.

The wages paid to temporary disaster-relief workers must be consistent with the wages of the supervising entity's other employees—permanent or temporary—performing the same or similar work.

d. Employment Conditions

Benefits and Working Conditions - All participants shall be provided benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work (WIOA Sec.

181(b)(5)). (Please see item 10f, Restrictions on Health Coverage). If the employer has different policies for temporary employees than for full-time employees, these policies may apply to these participants since the jobs under this grant are classified as temporary.

Health and Safety Standards In all DWG projects, grantees must ensure that project participants follow the same health and safety standards established under Federal and state law applicable to working conditions of permanent employees. To the extent that state workers' compensation law applies, workers' compensation shall be provided to project participants on the same basis as individuals in similar employment, as required by WIOA Section 181(b)(4). In cases in which a project participant is not covered under a state workers' compensation law, the project participant must be provided with adequate on-site medical and accident insurance for work-related activities. The grantee must also ensure that project participants receive appropriate safety training in accordance with the Occupational Safety and Health Act (OSHA) of 1970 and assure safe working conditions. For more information, contact the OSHA field office. A listing of OSHA field offices is available at <http://www.osha.gov/html/RAmap.html>.

e. Worksite Selection and Work on Private Property

Disaster-relief worksites must be located in the geographic disaster area covered by the qualifying declaration for the Disaster Recovery DWG (a disaster or emergency declaration under the Stafford Act or other Federal agency's declaration of a disaster or emergency of national significance).

Grantees must give the highest priority to clean-up of the disaster area's most severely damaged public facilities and to the cleanup and the provision of humanitarian assistance to economically disadvantaged areas within the disaster area. To the extent feasible, administering funds according to these priorities must be in coordination with any projects administered by emergency management agencies, as described in this document within the section entitled "Coordination with Emergency Management Agencies."

Projects may perform work on private property only under these circumstances:

1. The work must be intended to remove health and safety hazards to the larger community or to address or alleviate specific economic or employment-related impacts of the disaster, such as clean-up work needed for disaster-affected employers to resume operation;
2. The activities necessary to remove health and safety hazards on private lands or around homes or other structures may only return the land or structure(s) to a safe and habitable level, and not improve the original land or structure(s);
3. The project prioritizes service to older individuals and individuals with disabilities; and,
4. Grantees must not use Disaster Recovery DWG funds to cover the cost of materials to do repairs.

Prior approval of the grant officer is required before any disaster-relief employment work on private property.

f. Fish and Wildlife Service (FWS)

In order to ensure compliance with the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA) and to protect valuable habitats and endangered species, all disaster projects where participants will be entering or impacting natural areas must ensure that activities are not negatively affecting endangered species or their habitats. NEPA and ESA require NDWG projects to either affirm to FWS that there are no endangered species or habitats within the project area, or to consult with FWS to mitigate negative impacts where there are endangered species or protected habitats before beginning any work in those areas. For more information, contact a local FWS field office (www.fws.gov/offices/).

g. Notice about Disability and Medical Information Protections for Opioid-Crisis Disaster Recovery DWG Participants

ETA intends opioid-crisis Disaster Recovery DWGs to help reintegrate individuals with a history of opioid use into the workforce. Accordingly, grant recipients should be aware of requirements pertaining to the gathering and confidentiality of medical information and their obligations under Department civil rights regulations pertaining to protections for individuals with disabilities.

1. Inquiring about how an individual has been impacted by the opioid crisis

Grantees may only ask the following question to determine that an applicant or eligible participant has been impacted by the opioid crisis:
Your answer to this question is voluntary. Do you, a friend, or any member of your family have a history of opioid use? Please answer “Yes” or “No.”

2. Confidentiality of medical information

Under applicable law, grant recipients must maintain the confidentiality of medical information obtained about an individual. Medical information must be kept confidential even if the individual volunteers the medical information without being asked. Information regarding an individual’s disability is included in information that must be kept confidential, but any medical information obtained must be kept confidential (whether or not the individual has a disability).

Example 1: An applicant may disclose that she previously has taken opioids legally with a prescription from her doctor (which is medical information, but may or may not be disability-related). The grant recipient must keep that information in a separate file and limit which staff have access to that information, under 29 C.F.R. 38.41(b)(3) (which explains how to keep such information separately and who may have access to it).

Example 2: An individual may self-disclose that he has diabetes (which is both medical information and disability-related information). The grant recipient must keep that information in a separate file and limit which staff have access to that information, under 29 C.F.R. 38.41(b)(3) (which explains how to keep such information separately and who may have access to it).

3. Drug use and protections for individuals with disabilities

When making program decisions about individuals, grant recipients should remember that disability is among the statuses protected from discrimination for participants in and applicants for programs supported by opioid-crisis Disaster Recovery DWGs. Services provided under these grants must comply with 29 C.F.R. 38.5, which sets out antidiscrimination protections for WIOA title I programs. For example, grant recipients will have to make reasonable accommodations for individuals with disabilities, according to 29 C.F.R. 38.14, and they cannot treat a participant or applicant for services less favorably on the basis of the individual’s disability, according to 29 C.F.R. 38.12.

Due to the nature of these DWGs, some participants or applicants for participation will be individuals with disabilities based on their drug history and some will not. Disability status, and how it may affect the provision of services under a WIOA grant, is a case-by-case determination, and given the many causes and complicating factors surrounding the opioid crisis, the circumstances of an individual’s history with opioids could differ significantly.

Disability status for drug addiction usually depends on whether the individual is currently engaging in the illegal use of drugs, including the illegal use of some prescription drugs. A recovering addict not currently using drugs illegally may be legally protected as an individual with a disability. The question of “current use” of illegal drugs is made on a case-by-case basis. “Current” means that the illegal drug use occurred “recently enough” to justify the grant recipient’s reasonable belief that drug use is an ongoing problem. Grant recipients may treat an individual less favorably because of current illegal use of drugs but may not make adverse decisions on the basis of an individual’s disability (even if he or she is currently engaged in the illegal use of drugs).

A potential or enrolled participant in a Disaster Recovery DWG also may have another disability—separate from his or her drug history—that entitles him or her to legal protections.

Example 1: A grant recipient discovers that a blind participant who uses a service dog is currently engaging in the illegal use of opioids. The grant recipient may terminate the individual’s participation in the program because of the current illegal use of drugs, but the grant recipient may not prohibit the individual from using his service dog because he is illegally using drugs.

Example 2: An individual is a recovering addict who is addicted to (but not currently using) opioids. The grant recipient must reasonably accommodate this disability by, for example, changing the program activity schedule to allow the participant to attend a Narcotics Anonymous meeting during the program day. However, if the grant recipient discovers that the individual has resumed using illegal drugs, the grant recipient may terminate the individual’s participation on the basis of that current illegal drug use.

15. Fiscal Year 2020 Federal Appropriations Requirements

a. Fair Labor Standards Act Amendment for Major Disasters

Pursuant to P.L. 116-94, Division A, Title I, Section 108, the Fair Labor Standards Act of 1938 (“FLSA”) will apply as if the following language was added to section 7 (the “Maximum Hours” section). This language specifically relates to occurrences of a major disaster (as declared or designated by the State or Federal government) and are applied for a period of two years afterwards. The language is as follows:

“(s)(1) The provisions of this section [maximum hours worked] shall not apply for a period of 2 years after the occurrence of a major disaster to any employee—
“(A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts;

“(B) who receives from such employer on average weekly compensation of not less than \$591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and “(C) whose duties include any of the following: “(i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians; “(ii) inspecting property damage or reviewing factual information to prepare damage estimates; “(iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims; “(iv) negotiating settlements; or “(v) making recommendations regarding litigation. “(2) The exemption in this subsection shall not affect the exemption provided by section 13(a)(1) [of the FLSA]. “(3) For purposes of this subsection— “(A) the term ‘major disaster’ means any disaster or catastrophe declared or designated by any State or Federal agency or department; “(B) the term ‘employee employed to adjust or evaluate claims resulting from or relating to such major disaster’ means an individual who timely secured or secures a license required by applicable law to engage in and perform the activities described in clauses (i) through (v) of paragraph (1)(C) relating to a major disaster, and is employed by an employer that maintains worker compensation insurance coverage or protection for its employees, if required by applicable law, and withholds applicable Federal, State, and local income and payroll taxes from the wages, salaries and any benefits of such employees; and “(C) the term ‘affiliate’ means a company that, by reason of ownership or control of 25 percent or more of the outstanding shares of any class of voting securities of one or more companies, directly or indirectly, controls, is controlled by, or is under common control with, another company.”

b. Health Benefits Coverage for Contraceptives

Federal funds may not be used to enter into or renew a contract which includes a provision for prescription drug coverage unless the contract also includes a provision for contraceptive coverage. This requirement does not apply to contracts with 1) the religious plans Personal Care’s HMO and OSF HealthPlans, Inc. and 2) any existing or future plan if the carrier for the plan objects to such coverage on the basis of religious beliefs.

In implementing this section, any plan that enters into or renews a contract may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individuals’ religious beliefs or moral convictions. Nothing in this term shall be construed to require coverage of abortion or abortion related services.

c. Participant Minimum Age

Pursuant to P.L. 116-94, Division A, Title I, Section 104, funds made available under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 3224a) must only be used for training individuals and for the related activities necessary to support such training. This training must be in the occupations and industries for which employers are using H-1B visas to hire foreign workers, and it must be provided only to

individuals who are older than 16 years of age and who are not currently enrolled in a school within a local educational agency.

d. Privacy Act

No funds can be used in contravention of 5 U.S.C. 552a (the Privacy Act) or regulations implementing the Privacy Act.

e. Prohibition on Contracting with Corporations with Felony Criminal Convictions

The recipient may not knowingly enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months.

f. Prohibition on Contracting with Corporations with Unpaid Tax Liabilities

The recipient may not knowingly enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

g. Prohibition on Procuring Goods Obtained Through Child Labor

Pursuant to P.L. 116-94, Division A, Title I, Section 103, no funds may be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries identified by the DOL prior to December 20, 2019. DOL has identified these goods and services here: <http://www.dol.gov/ilab/reports/child-labor/list-of-products>.

h. Prohibition on Providing Federal Funds to ACORN

Pursuant to P.L. 116-94, Division A, Title V, Section 521, these funds may not be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations or successors.

i. Reporting of Waste, Fraud and Abuse

No entity receiving federal funds may require employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

j. Requirement for Blocking Pornography

Pursuant to P.L. 116-94, Division A, Title V, Section 520, no Federal funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

k. Requirement to Provide Certain Information in Public Communications

Pursuant to P.L. 116-94, Division A, Title V, Section 505, when issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all non-Federal entities receiving Federal funds shall clearly state:

1. The percentage of the total costs of the program or project which will be financed with Federal money;
2. The dollar amount of Federal funds for the project or program; and
3. The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

The requirements of this part are separate from those in the 2 CFR part 200 and, when applicable, both must be complied with.

l. Restriction on Health Benefits Coverage for Abortions

Pursuant to P.L. 116-94, Division A, Title V, Section 506 and 507, Federal funds may not be expended for health benefits coverage that includes coverage of abortions, except when the pregnancy is the result of rape or incest, or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself that would, as certified by a physician, place the women in danger of death unless an abortion is performed. This restriction does not prohibit any non-Federal entity from providing health benefits coverage for abortions when all funds for that specific benefit do not come from a Federal source. Additionally, no funds made available through this award may be provided to a State or local government if such government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

m. Restriction on Lobbying/Advocacy

Pursuant to P.L. 116-94, Division A, Title V, Section 503, no federal funds may be used by a grant recipient, other than for normal and recognized executive-legislative relationships, to engage in lobbying or advocacy activities (including, for publicity or propaganda purposes, the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation) designed to support or defeat the enactment of federal, state, or local legislation, regulation, appropriations, order, or other administrative action, except in presentation to Congress or a State or local legislature itself or for participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

n. Restriction on the Promotion of Drug Legalization

Pursuant to P.L. 116-94, Division A, Title V, Section 509, no Federal funds shall be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications or where there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

o. Restriction on Purchase of Sterile Needles or Syringes

Pursuant to P.L. 116-94, Division A, Title V, Section 527, no Federal funds shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug.

p. Salary and Bonus Limitations

Pursuant to P.L. 116-94, Division A, Title I, Section 105, recipients and subrecipients shall not use funds to pay the salary and bonuses of an individual, either as direct costs or as indirect costs, at a rate in excess of Executive Level II. The Executive Level II salary may change yearly and is located on the OPM.gov website (<http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2020/executive-senior-level>). The salary and bonus limitation does not apply to contractors (vendors) providing goods and services as defined in 2 CFR 200.330. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs. See Training and Employment Guidance Letter No. 5-06 for further clarification, available at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2262.

16. Public Policy

a. Architectural Barriers

The Architectural Barriers Act of 1968, 42 U.S.C. 4151 et seq., as amended, the Federal Property Management Regulations (see 41 CFR 102-76), and the Uniform Federal Accessibility Standards issued by GSA (see 36 CFR 1191, Appendixes C and D) set forth requirements to make facilities accessible to, and usable by, the physically handicapped and include minimum design standards. All new facilities designed or constructed with grant support must comply with these requirements.

b. Drug-Free Workplace

The Drug-Free Workplace Act of 1988, 41 U.S.C. 702 et seq., and 2 CFR 182 require that all organizations receiving grants from any Federal agency maintain a drug-free workplace. The award recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for suspension or debarment.

c. Executive Orders

12928: Pursuant to Executive Order 12928, the recipient is strongly encouraged to provide subcontracting/subgranting opportunities to Historically Black Colleges and Universities and other Minority Institutions such as Hispanic-Serving Institutions and Tribal Colleges and Universities; and to Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals.

13043: Pursuant to Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, recipients are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles.

13166: As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, dated August 11, 2000, and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, recipients must take reasonable steps to ensure that LEP persons have meaningful access to programs in accordance with DOL's Policy Guidance on the Prohibition of National Origin Discrimination as it Affects Persons with Limited English Proficiency [05/29/2003] Volume 68, Number 103, Page 32289-32305. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance and information regarding your LEP obligations, go to <http://www.lep.gov>.

13513: Pursuant to Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, dated October 1, 2009, recipients and subrecipients are encouraged to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or GOV, or while driving POV when on official Government business or when performing any work for or on behalf of the Government. Recipients and subrecipients are also encouraged to conduct initiatives of the type described in section 3(a) of this order.

13788: Pursuant to Executive Order 13788, by drawing down funds, the recipient agrees to comply with sections 8301 through 8303 of title 41, United States Code (commonly known as the "Buy American Act"). Additionally, no funds may be made available to any person or entity that has been convicted of violating the Buy American Act. For the purposes of this award, the Buy American Act requires the recipient to use, with limited exceptions, only 1) unmanufactured items that have been mined or produced in the United States; and 2) manufactured items that have been manufactured in the United States substantially all from articles, materials, or supplies that were mined, produced, or manufactured in the United States. These requirements do not apply to 1) items for use outside of the United States, 2) items that are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality; and 3) manufactured items procured under any contract with an award value that is equal to or less than the micro-purchase threshold (currently \$10,000). In order to claim an exception to these requirements under 1 or 2 above, the recipient must get prior approval from the Grant Officer. Prior approval is not needed for purchases under the micro-purchase threshold.

d. Flood Insurance

The Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4001 *et seq.*, provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in communities in the United States identified as flood-prone, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within 1 year of the identification. The flood insurance purchase requirement applies to both public and private applicants for the DOL support. Lists of flood-prone areas that are eligible for flood insurance are published in the Federal Register by FEMA.

e. Hotel-Motel Fire Safety

Pursuant to 15 U.S.C. 2225a, the recipient must ensure that all space for conferences, and, conventions or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (P.L. 101-391, as amended). Recipients may search the Hotel Motel National Master List at <https://apps.usfa.fema.gov/hotel/> to see if a property is in compliance, or to find other information about the Act.

f. Prohibition on Trafficking in Persons

1. Trafficking in persons.

a. Provisions applicable to a recipient that is a private entity.

I. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—

- (A). Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
- (B). Procure a commercial sex act during the period of time that the award is in effect; or
- (C). Use forced labor in the performance of the award or subawards under the award.

II. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity—

- (A). Is determined to have violated a prohibition in paragraph a.1 of this award term; or
- (B). Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—
 - i. Associated with performance under this award; or
 - ii. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 CFR Part 2998.

b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

- I. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
- II. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—
 - (A). Associated with performance under this award; or
 - (B). Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 29 CFR Part 98.

c. Provisions applicable to any recipient.

- I. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
- II. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
 - (A). Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - (B). Is in addition to all other remedies for noncompliance that are available to us under this award.
- III. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

d. Definitions. For purposes of this award term:

- I. “Employee” means either:
 - (A). An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
 - (B). Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
- II. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- III. “Private entity”:
 - (A). Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
 - (B). Includes:
 - i. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
 - ii. A for-profit organization.
- IV. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

g. Veterans' Priority Provisions

The Jobs for Veterans Act (Public Law 107-288) requires recipients to provide priority service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by the DOL. The regulations implementing this priority of service can be found at 20 CFR part 1010. In circumstances where a grant recipient must choose between two qualified candidates for a service, one of whom is a veteran or eligible spouse, the veterans priority of service provisions require that the grant recipient give the veteran or eligible spouse priority of service by first providing him or her that service. To obtain priority of service, a veteran or spouse must meet the program's eligibility requirements. Recipients must comply with the DOL guidance on veterans' priority. ETA's Training and Employment Guidance Letter (TEGL) No. 10-09 (issued November 10, 2009) provides guidance on implementing priority of service for veterans and eligible spouses in all qualified job training programs funded in whole or in part by DOL. TEGL No. 10-09 is available at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2816.

17. Attachments

Attachment A: SF-424

Attachment B: SF-424A

Attachment C: Budget Narrative

Attachment D: Statement of Work

Attachment E: NICRA or Cost Allocation Plan (if applicable)

Attachment A: SF-424

Application for Federal Assistance SF-424

* 1. Type of Submission:

- Preapplication
- Application
- Changed/Corrected Application

* 2. Type of Application:

- New
- Continuation
- Revision

* If Revision, select appropriate letter(s):

E: Other (specify)

* Other (Specify):

Per Special Condition

* 3. Date Received:

[Redacted]

4. Applicant Identifier:

[Redacted]

5a. Federal Entity Identifier:

[Redacted]

5b. Federal Award Identifier:

DW-33167-19-60-A-12

State Use Only:

6. Date Received by State:

[Redacted]

7. State Application Identifier:

[Redacted]

8. APPLICANT INFORMATION:

* a. Legal Name: Florida Department of Economic Opportunity

* b. Employer/Taxpayer Identification Number (EIN/TIN):

36-4706134

* c. Organizational DUNS:

9689306640000

d. Address:

* Street1: 107 East Madison Street

Street2: MSC 120

* City: Tallahassee

County/Parish: Leon

* State: FL: Florida

Province:

* Country: USA: UNITED STATES

* Zip / Postal Code: 32399-6545

e. Organizational Unit:

Department Name:

Dept. of Economic Opportunity

Division Name:

WorkForce Services

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Ms.

* First Name: Isabelle

Middle Name:

* Last Name: Potts

Suffix:

Title: Supervisor, Program Development and Research

Organizational Affiliation:

* Telephone Number: 850-921-3148

Fax Number:

* Email: isabelle.potts@deo.myflorida.com

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Employment and Training Administration

11. Catalog of Federal Domestic Assistance Number:

17.280

CFDA Title:

WIOA Dislocated Worker National Reserve Demonstration Grants

*** 12. Funding Opportunity Number:**

TEGL-12-17

* Title:

National Health Emergency (NHE) Dislocated Worker Demonstration Grants

13. Competition Identification Number:

TEGL-12-17

Title:

National Health Emergency (NHE) Dislocated Worker Demonstration Grants

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

FL Opioid NHE

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="2,500,000.00"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text" value="2,500,000.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative: 

* Date Signed:

Attachment B: SF-424A

BUDGET INFORMATION - Non-Construction Programs

OMB Number: 4040-0006
Expiration Date: 02/28/2022

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. FL Opioid NHE		\$	\$	\$ 2,500,000.00	\$	\$ 2,500,000.00
2.						
3.						
4.						
5. Totals		\$	\$	\$ 2,500,000.00	\$	\$ 2,500,000.00

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
	FL Opioid NHE				
a. Personnel	\$ 104,040.00	\$	\$	\$	\$ 104,040.00
b. Fringe Benefits	39,535.00				39,535.00
c. Travel	7,560.00				7,560.00
d. Equipment	0.00				0.00
e. Supplies	6,310.00				6,310.00
f. Contractual	2,214,471.00				2,214,471.00
g. Construction	0.00				0.00
h. Other	14,233.00				14,233.00
i. Total Direct Charges (sum of 6a-6h)	2,386,149.00				\$ 2,386,149.00
j. Indirect Charges	113,851.00				\$ 113,851.00
k. TOTALS (sum of 6i and 6j)	\$ 2,500,000.00	\$	\$	\$	\$ 2,500,000.00
7. Program Income	\$	\$	\$	\$	\$

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program		(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	FL Opioid NHE	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
9.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
10.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
11.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
12. TOTAL (sum of lines 8-11)		\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ <input type="text"/>				
14. Non-Federal	\$ <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
15. TOTAL (sum of lines 13 and 14)	\$ <input type="text"/>				

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16. FL Opioid NHE	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
17.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
18.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
19.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
20. TOTAL (sum of lines 16 - 19)	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>

SECTION F - OTHER BUDGET INFORMATION

21. Direct Charges: <input type="text"/>	22. Indirect Charges: <input type="text" value="Indirect Rate 79.2972% of Personnel and Fringe"/>
23. Remarks: <input type="text"/>	

Attachment C: Budget Narrative

GRANTEE LEVEL

Personnel	Monthly Salary	FTE	Months	Total
GOC II	4,500.00	0.5	36	81,000.00
SMAS	5,500.00	0.1	36	19,800.00
GOC II Monitor	4,500.00	0.02	36	3,240.00
Total Personnel				104,040.00
Fringe benefits @ 38% personnel (FICA, Retirement, Health Insurance, Life Insurance, State Disability Insurance)				39,535.00
Travel 12 trips for 2 Staff members @ \$630 per trip (2 traveler in state, one hotel night at \$150 per traveler, meals and per diem at \$90 per traveler, rental car, tolls, and gas at \$150 per trip)				7,560.00
Staff Supplies \$2,103.33 per year - General Office consumables and Supplies				6,309.99
Shared Costs				
Shared Agency Overhead Costs (Rent, cost pool allocations for utilities and internet, data processing)				12,533.00
Risk Management Insurance (Made up of automobile insurance, general liability insurance, workers compensation insurance, and civil rights insurance. The charge is based on amount of FTEs accruing grant time)				1,700.00
Total Shared Costs				14,233.00
Contractual - Program Operator Expenses				
Supportive Services 60 participants @1500				90,000.00
Temporary Jobs 40 @ \$15,500	15,500.00	40		620,000.00
Fringe benefits @ 25%				155,000.00
Career Services 200 participants @ \$785				157,000.00
Training & OJT 120 participants @ \$3260				391,200.00
2 Case managers for two years	4,000.00	2	36	288,000.00
Fringe benefits @ 33%				95,040.00
0.1 Program Managers/Supervisors for two years	5,000.00	0.5	36	90,000.00
Fringe benefits @ 33%				29,700.00
Staff Travel 2 case managers x \$104/month x 36 months				7,488.00
Staff supplies 2 case managers x \$55/month x 36 months				3,960.00
Communication and Outreach				15,361.91
Pooled Career Center Costs @ 10% of staff-related costs)				50,274.00
Admin Costs @ 10%				221,447.10
Total Contractual				2,214,471.01
Indirect Rate 79.2972% of Total Personnel + fringe benefits (104,040+39,535)*79.2972%=\$113,851				113,851.00
TOTAL GRANT				2,500,000.00

Attachment D: Statement of Work

Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

August 17, 2020

Ms. Susan Rae Tesone
Federal Project Officer
National Dislocated Worker Grants
U.S. Department of Labor
61 Forsyth Street, S.W., Room 6M12 Atlanta, GA 30303

Re: National Health Emergency Dislocated Worker Grant (DW-33167-19-60-A-12)

Dear Ms. Tesone,

The Department of Economic Opportunity (DEO) is requesting to revise our National Health Emergency Dislocated Worker Grant (DW-33167-19-60-A-12) modification dated July 15, 2019, from \$833,333 to \$2,500,000, the amount conditionally approved with the original award. DEO is also requesting a one-year extension through March 31, 2022.

While the participating local workforce development boards (LWDBs) had established strong partner networks in their respective areas prior to the submission of DEO's original application, the implementation of this project proved challenging, particularly with the combination of working with individuals with substance abuse disorders within the medical and abuse recovery arenas. The LWDBs have had to deepen their work with their partners and have developed strong programs to address the needs of their communities.

The current level of service is 109 participants, of which three (3) were placed in temporary disaster-relief jobs, four (4) in work experiences, and 19 in training activities, with the remainder in various career services activities. This modification makes no changes to planned activities from DEO's previous awards. The additional funds will continue to support current participants as well as allow the enrollment of additional eligible participants. With the additional funds, we expect to reach a level of service of 200 participants, including 40 in temporary disaster-relief jobs and 120 in training activities.

There is an acute need for additional time to complete this project, especially due to the COVID-19 public health emergency. As noted by public health officials, the public health emergency is causing greater stressors on the state's population and is particularly impacting individuals with substance abuse disorders in several ways: 1) they are more likely to become infected by the virus; 2) they are at risk of increased addictive behaviors; and 3) they currently have less access to healthcare services!

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

DEO has expended 74% of the \$833,333 original award.

Updated 424 and 424A forms, Budget Narrative, Indirect Rate Approval Letter, TEGL 4-18 Proposal Summary, and Project Operator/Worksite forms are being submitted with this letter.

If you have any questions or need additional information, please contact me at (850) 245-7126 or email caroline.womack@deo.myflorida.com.

Thank you for your prompt consideration.

Sincerely,


Caroline Womack, Chief
Bureau of Financial Management

i "COVID-19 and Addiction" <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7282772/>.

U.S. Department of Labor Employment and Training Administration
PROPOSAL SUMMARY
 National Health Emergency Disaster Recovery Dislocated Worker Grants
 MODIFICATION 2

GENERAL INFORMATION		
State or Tribal Entity Name: Florida Department of Economic Opportunity		
Project Name: Florida’s Disaster Recovery Project to Address the Opioid Crisis		
Funding Request Amount: \$2,500,000		Projected Participant #: 200
GRANT ACTIVITIES: PROJECTED COSTS AND ENROLLMENTS		
Cost Item	Total Projected Cost for Activity or Service	# of Participants Receiving the Service
Participant Wages for Disaster Relief Employment	\$620,000	40
Participant Fringe Benefits for Disaster Relief Employment	\$155,000	40
Career Services	\$157,000	200
Training Services	\$391,200	120
Supportive Services	\$90,000	60
Administrative Costs	\$221,447	
PERFORMANCE		
<p><i>The DWG program applies performance measures as described in WIOA Section 116. Are the planned performance goals for the delivery of employment and training services in this project the same as the applicable negotiated goals established for the Dislocated Worker Program?</i></p> <p>Indicate YES or NO: <u>YES</u> (No change from previously-submitted Proposal Summary)</p> <p><i>If proposing to set DWG performance goals to levels lower than those established for the State's Dislocated Worker formula program, please explain why:</i> N/A</p>		
The remainder of the previously-submitted Proposal Summary is unchanged.		

PROJECT OPERATOR WORKSITE INFORMATION

Project Operator Name: CareerSource Brevard

Address:

295 Barnes Blvd.
Rockledge, FL 32955

Executive Director: Marci Murphy

Project Funding Level: 1,700,000

Participants in Temp Jobs Only: 20

Participants in Career & Training Services Only: 100

Participants in both Temp Jobs and Career & Training Services: 20

Worksite	Counties served	Job Title	Description of clean-up and recovery duties	# Participants	Completed
Brevard Health Alliance	Brevard	Intake and Service Assistant	Assist individuals who are seeking help with opioid and addiction problems, conduct intake and refer to appropriate services within the agency and with community partners.	2	0%
Brevard County Parks	Brevard	Recreation Coordinator	Develop and present programming to support sober living at selected locations for individuals in recovery and their families at local residential and day-program facilities as well as off-site.	7	0%
Brevard Prevention Coalition	Brevard	Community Connector and Representative	Work to reduce youth substance abuse, increase school-based prevention programs, recruit youths, host youth substance abuse awareness events and produce youth substance abuse prevention materials.	2	0%
Circle of Care	Brevard	Recovery Support Specialist	Work as a member of the Medical Assisted Treatment (MAT) team with clients who receive individual and group therapy, medical services, including prescribed medication, and a multitude of techniques to maintain sobriety	2	0%
Eckerds Connect	Brevard	Community Outreach Specialist	<ul style="list-style-type: none"> • Maintain local and general opioid addiction recovery resources and provide such resources to Eckerd Connects' housing case management staff for their clients experiencing homelessness who have substance/opioid abuse history. This will also be made available to all providers associated with the Brevard Homeless Coalition. • Provide opioid awareness resources and co-host workshops for families who have students in Brevard Public Schools in order to prevent youth opioid abuse and educate families on the dangers of opioids. • Actively assist in planning and participating in Brevard Prevention Coalition and Eckerd Connects opioid awareness events for the general public • Provide opioid safety, opioid awareness, opioid addiction and opioid recovery information at designated Health First clinic/hospital locations. 	2	30%
		Community Outreach Specialist	Create resource videos for providers and clients that are experiencing homelessness, domestic violence and child abuse prevention. Work as the liaison for sober living referrals that Eckerd Connects housing program receives, for clients with an opioid dependency or misuse history. Work alongside the housing case managers to wrap around active housing clients experiencing homelessness who have an identified history of substance misuse to provide needed resources.	2	0%
Liberty Lodge	Brevard	Special Assistant & Supportive Services	Assist individuals who are seeking help with opioid and addiction problems, conduct intake and refer to appropriate services within the agency and with community partners. Provide program assistance to residents of this inpatient facility.	2	0%

Worksite	Counties served	Job Title	Description of clean-up and recovery duties	# Participants	Completed
RASE Project	Brevard	Training and Outreach Assistant	<p>The position would address the needs of those impacted by the opioid crisis in the following ways:</p> <ul style="list-style-type: none"> • Maintain local and general opioid addiction recovery resources and provide such resources referrals for clients experiencing who have substance/opioid abuse history. • Assist in supervising clients who are in process of substance use recovery from Opioids and other substances during program activities. • Assist peer counselors to maintain original, accurate and up-to-date case records in a timely and thorough manner on each client in recovery consistent with program policy • Assist in developing and implementing extracurricular activities, which promote social growth and/or physical wellbeing for those in recovery from Opioids and other possible substance use issues. • Assist those arriving at the center by completing intake forms and greeting individuals and making them feel valued etc. 	3	25%
STEPS, Inc.	Brevard	Technician/Assistant	<p>Assist in supervising clients dealing with addiction during program activities and maintain accurate records on such clients.</p> <p>Assist in developing and implementing extracurricular activities which promote social growth and physical well-being.</p>	6	0%
Space Coast Recovery	Brevard	Intake Specialist - Facility Representative	<p>Assists individuals, and community partners/families looking to help individuals, who are seeking treatment and recovery for Opioid and Substance Use.</p> <p>Assist newly arriving clients with forms and support.</p> <p>Answer phones for individuals calling to learn about services.</p> <p>Tour the facility and explain programs, in patient and outpatient. Represent the facility at events when appropriate</p>	2	0%
TOTAL LWDB 13				30	

PROJECT OPERATOR WORKSITE INFORMATION

Project Operator Name: CareerSource Suncoast

Address:

1112 Manatee Avenue, East

Bradenton, FL 34208

Executive Director: Ted Ehrlichman

Project Funding Level: 672,416

Participants in Temp Jobs Only: 5

Participants in Career & Training Services Only: 50

Participants in both Temp Jobs and Career & Training Services: 5

Worksite	Counties served	Job Title	Description of clean-up and recovery duties	# Participants	Completed
Centerstone	Manatee	Behavioral Health Technician	Provide assistance, supervision, and coordination of therapeutic activities relating to daily living skills of clients. Perform urine drug test screenings and report results to nursing staff. Complete 15 minute safety checks. Mediation of agitated clients using approved Team Verbal techniques. Response to emergency codes. Data entry to document client vital signs and shift notes.	6	15%
First Step of Sarasota	Sarasota	Substance Abuse Technician	Assist professional staff and monitor condition of clients in a rehabilitation setting. Make sure clients receive the needs and services to ensure their recovery. Ensure clients adhere to program expectations and requirements, when applicable, to support their recovery. Interaction with clients, monitoring of clients, and reporting outcomes to professional staff, as needed.	4	0%
TOTAL LWDB 18				10	

Grant WNO19 - Opioid
FAIN # DW331671960A12
Current Grant Period April 1, 2019 through March 31, 2021
Proposed Grant Period April 1, 2019 through March 31, 2022

PROGRAM TIMELINE	6/30/2020	9/30/2020	12/31/2020	3/31/2021	6/30/2021	9/30/2021	12/31/2021	3/31/2022
Temporary Disaster-Relief Employment	3	7	15	25	35	40	40	40
Training	19	25	45	65	85	105	120	120
Exited Cases	20	40	60	80	110	140	170	200
Employed at Exit	20	34	51	68	94	119	145	170
FINANCIAL TIMELINE								
Actual Expenditures	567,594.00							
Projected Expenditures (cumulative)		843,652.00	1,119,710.00	1,395,768.00	1,671,826.00	1,947,884.00	2,223,942.00	2,500,000.00

Attachment E:
Negotiated Indirect Cost Rate Agreement
(If applicable)

**NEGOTIATED INDIRECT COST RATE AGREEMENT (NICRA)
STATE DEPARTMENT/AGENCY**

DEPARTMENT/AGENCY: EIN: 36-4706134
State of Florida Department of Economic Opportunity (DEO)
Caldwell Building, 107 East Madison Street
Tallahassee, Florida 32399-4120

DATE: September 27, 2019
FILE REF: This replaces
the agreement dated
April 29, 2019

The indirect cost rate(s) contained herein are for use on grants and contracts with the Federal Government. 2 CFR Part 200, Subpart E applies subject to the limitations contained in Section II, A, below. The rate(s) were negotiated between the State of Florida, Department of Economic Opportunity (DEO) and the U. S. Department of Labor in accordance with the authority contained in 2 CFR Part 200, Appendix VII, D.1.

SECTION I: RATES

<u>TYPE</u>	<u>EFFECTIVE PERIOD</u>		<u>RATE*</u>	<u>LOCATION</u>	<u>APPLICABLE TO</u>
	<u>FROM</u>	<u>TO</u>			
Final	7/1/17	6/30/18	11.8606% (a)	All	UC
Final	7/1/17	6/30/18	.7909% (b)	All	HCP
Final	7/1/17	6/30/18	.3526% (b)	All	WIA
Final	7/1/17	6/30/18	.8320% (b)	All	WTS/FSET
Final	7/1/17	6/30/18	12.8647% (a)	All	OP
Final	7/1/18	6/30/19	23.6854% (a)	All	WIHP
Final	7/1/18	6/30/19	60.7647% (a)	All	WBSP
Final	7/1/18	6/30/19	6.8654% (a)	All	WJMP
Final	7/1/18	6/30/19	56.0162% (a)	All	CDP
Final	7/1/18	6/30/19	69.5075% (a)	All	SBDP
Final	7/1/18	6/30/19	36.3103% (a)	All	FSP
Provisional	7/1/19	6/30/21	28.2888% (a)	All	WIHP
Provisional	7/1/19	6/30/21	79.2972% (a)	All	WBSP
Provisional	7/1/19	6/30/21	7.4838% (a)	All	WJMP
Provisional	7/1/19	6/30/21	58.9264% (a)	All	CDP
Provisional	7/1/19	6/30/21	40.5323% (a)	All	SBDP
Provisional	7/1/19	6/30/21	40.5829% (a)	All	FSP

See the Special Remarks section for abbreviation explanations and additional information.

***BASE**

(a) Total direct salaries and wages including all applicable fringe benefits.

(b) Total direct salaries and wages including all applicable fringe benefits plus flow-through funding.

TREATMENT OF FRINGE BENEFITS: Fringe benefits are specifically identified to each employee and are charged individually as direct costs. The directly claimed fringe benefits are listed in the Special Remarks Section of this Agreement.

TREATMENT OF PAID ABSENCES: Vacation, holiday, sick leave pay and other paid absences are included in salaries and wages and are claimed on grants, contracts and other agreements as part of the normal cost for salaries and wages. Separate claims for the cost of these paid absences are not made.

SECTION II: GENERAL

- A. **LIMITATIONS:** Use of the rate(s) contained in the Agreement is subject to all statutory or administrative limitations and is applicable to a given Federal award or contract only to the extent that funds are available. Acceptance of the rate(s) agreed to herein is predicated upon the following conditions:
- (1) that no costs other than those incurred by the non-Federal entity or contractor were included in its indirect cost pool as finally accepted and that such incurred costs are legal obligations of the non-Federal entity and allowable under the governing cost principles,
 - (2) that the same costs that have been treated as indirect costs have not been claimed as direct costs,
 - (3) that similar types of costs have been accorded consistent treatment, and
 - (4) that the information provided by the non-Federal entity or contractor which was used as a basis for acceptance of the rate(s) agreed to herein is not subsequently found to be materially inaccurate by the Federal government. In such situations, the rate(s) may be subject to renegotiation at the discretion of the Federal government.
 - (5) The rates cited in this Agreement are subject to audit.
- B. **ACCOUNTING CHANGES:** This agreement is based on the accounting system purported by the non-Federal entity or contractor to be in effect during the Agreement period. Changes to the method of accounting for costs which affect the amount of reimbursement resulting from the use of this Agreement require prior approval of the Office of Cost Determination. Such changes include, but are not limited, changes in the charging of a particular type of cost from indirect to direct. Failure to obtain approval may result in cost disallowances.
- C. **NOTIFICATION TO FEDERAL AGENCIES:** A copy of this document is to be provided by the non-Federal entity or contractor to other Federal funding sources as a means of notifying them of the Agreement contained herein.
- D. **PROVISIONAL-FINAL RATES AND ADJUSTMENTS:** When seeking initial reimbursement of indirect costs using the provisional/rate methodology, provisional rates

must be established within 90 days of receiving a Federal award (financial assistance, grants, cooperative agreements, and cost reimbursable contracts) requiring to account for actual costs incurred. The non-Federal entity or contractor must submit an indirect cost rate proposal within six (6) months after the end of their fiscal year to establish a final rate.

Once a final rate is negotiated, billings and charges to federal awards must be adjusted if the final rate varies from the provisional rate. If the final rate is greater than the provisional rate and there are no funds available to cover the additional indirect costs, the non-Federal entity or contractor may not recover all indirect costs. Conversely, if the final rate is less than the provisional rate, the non-Federal entity or contractor will be required to reimburse the funding agency for the excess billings.

Non-Federal entities or contractors receiving a Federal cost reimbursable contract(s) - Must adhere with FAR 52.216-7(d)(2)(v), to settle final indirect cost rates typically on annual basis:

“The contractor shall update the billings on all contracts to reflect the final settled rates and update the schedule of cumulative direct and indirect costs claimed and billed, as required in paragraph (d)(2)(iii)(I) of this sections, within 60 days after settlement of final indirect cost rates.”

In addition, the contractor shall provide to the Contracting Officer the noted cumulative costs schedule within 60 days of the execution of this agreement.

If the non-Federal entity or contractor has completed performance under any of the contracts covered by this Agreement, a final invoice or voucher must be submitted no later than 120 days from the date on which this Agreement is executed, following guidance from FAR 52.216-7(d)(5) and FAR 52.216-7(h).

Non-Federal entities receiving Federal awards (financial assistance, grants, and cooperative agreements) – Note that even if Federal awards are administratively closed prior to the settlement of final indirect cost rates, non-Federal entities still must comply with the following 2 CFR Part 200 clauses stating, in part:

§200.344 Post-closeout adjustments and continuing responsibilities

(a) The closeout of a Federal award does not affect any of the following:

(1) The right of the Federal awarding agency or pass-through entity to disallow costs and recover funds on the basis of a later audit or other review. The Federal awarding agency or pass-through entity must make any cost disallowance determination and notify the non-Federal entity within the record retention period.

(2) The obligation of the non-Federal entity to return any funds due as a result of later refunds, corrections, or other transactions including final indirect cost rate adjustments.

§200.345 Collection of amounts due

(a) Any funds paid to the non-Federal entity in excess of the amount to which the non-Federal entity is finally determined to be entitled under the terms of the Federal award constitute a debt to the Federal Government.

(b) Except where otherwise provided by statutes or regulations, the Federal awarding agency will charge interest on an overdue debt in accordance with the Federal Claims Collection Standards (31 CFR parts 900 through 999). The date from which interest is computed is not extended by litigation or the filing of any form of appeal.

E. SPECIAL REMARKS:

1. Indirect costs charged to Federal grants/contracts by means other than the rate(s) cited in the Agreement should be adjusted to the applicable rate cited herein and be applied to the appropriate base to identify the proper amount of indirect costs allocable to the program.
2. Contracts/grants providing for ceilings as to the indirect cost rates(s) or amount(s) which are indicated in Section I above, will be subject to the ceilings stipulated in the contract or grant agreements. The ceiling rate or the rate(s) cited in this Agreement, whichever is lower, will be used to determine the maximum allowable indirect cost on the contract or grant agreement.
3. The indirect cost pool for 2019 final, and 2020 and 2021 provisional rates in Section I above consists of allowable, allocable expenses of the following:

Director's Office	General Counsel
Inspector General	Budget Management
Financial Management	Human Resources Management
General Services	Shared Costs
Information Technology Services	UC Benefits
Financial Monitoring & Accountability	
State-wide Cost Allocation Plan Costs	
Chief Financial Officer/Finance & Admin	

4. Fringe benefits other than paid absences consist of the following:

Retirement	Social Security
Group Health Ins	Life Ins
Senior Mgt. Disab. Ins	Pre-Tax Benefits

5. Explanations of the abbreviations used in Section I above for 2018 final rates, are as follows:

UC = Unemployment Compensation Programs
HCP = Housing & Community Programs
WIA = Workforce Investment Act Programs
WTS/FSET = Welfare Transition Programs & Food Stamp Employment and Training
OP = Other Programs (all agency programs not included in another rate entity)

And for the 2019 final & 2020 and 2021 provisional rates:

WIHP = Workforce In House Program
WBSP = Workforce Board Services Program
WJMP = Workforce Jointly Managed Program
CDP = Community Development Program
SBDP = Strategic Business Development Program
FSP = Facilities Services Program

*** Intentionally Left Blank ***

6. The Florida Department of Economic Opportunity maintains and operates a number of state/federal-owned facilities acquired with various sources of federal and state funds. Maintenance and operating costs associated with these facilities are directly billed to users. Billing rates are designed to recover anticipated service costs on a breakeven basis.

Direct billings made in accordance with the agency's "Facilities Services Rate Plan" are hereby approved.

ACCEPTANCE

BY THE ORGANIZATION:

State of Florida
Department of Economic
Opportunity (DEO)
Caldwell Building – MSC 120
107 East Madison Street
Tallahassee, Florida 32399

(Grantee/Contractor)



(Signature)

Damon Steffens

(Name)

Chief Financial Officer

(Title)

10/3/19

(Date)

**BY THE COGNIZANT AGENCY
ON BEHALF OF THE
FEDERAL GOVERNMENT:**

U.S. DEPARTMENT OF LABOR
Office of Cost Determination
224 Westbridge Place
Mount Airy, NC 27030

(Government Agency)



(Signature)

FOR
Victor M. Lopez

(Name)

Director, Office of Cost Determination

(Title)

September 27, 2019

(Date)

Negotiated By: Damon L Tomchick
Telephone No.: 202-693-4108 or 240-475-2786