

WAGNER-PEYSER ACT (W-PA)
ANNUAL FUNDING AGREEMENT
(Including Mod 0, Initial Notice of Award)
PY 2015 / FY 2016
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PY 2015 / FY 2016

CFDA #17.207 Employment Service/Wagner-Peyser
CFDA #17.271 Work Opportunity Tax Credit Program

1. **Grant Funds:** This grant agreement applies to funds appropriated for **Program Year (PY) 2015 and Fiscal Year (FY) 2016** for the purposes of carrying out activities authorized under Sections 7(a) through 7(e) of the Wagner-Peyser Act (W-PA), as amended.
2. **Applicable Authority:** Funds under this grant agreement must be expended in accordance with all applicable federal statutes, regulations and policies, including those of the Wagner-Peyser Act, as amended; the applicable and approved State plan(s) and any amendments; any negotiated performance levels; specifically approved statutory and regulatory waivers applicable to these funds; and the applicable provisions in the appropriation acts for these funds. The applicable State plans referenced above include the WIOA/W-PA four-year Unified State Plan and any modifications thereto (*and for CO, MA, and MI only: including any demonstration of alternative service delivery methods approved as part of the applicable State Plan*) and any other annual plans required for the receipt of funds under this agreement (e.g. cost reimbursable grants).
3. **Administrative Requirements:** For this award, the Grantee must follow the Office of Management and Budget's (OMB's) final guidance on Administrative Requirements, Cost Principles, and Audit Requirements, 2 Code of Federal Regulations Part 200, including the Department of Labor's exceptions codified at 2 CFR Part 2900, which supersede the requirements from OMB Circulars A-21, A-87, A-110, and A-122; Circulars A-89, A-102, and A-133; 29 CFR Parts 95, 96, 97 and 99, and the guidance in Circular A-50 on Single Audit Act follow-up, unless different provisions are required by statute or approved by OMB.
4. **Grant Expenditure Period:** This Annual Funding Agreement is effective July 1, 2015 and expires September 30, 2018 to allow for funds allocated under this agreement to be fully expended in accordance with the statutory/regulatory life of

the different fund sources (subject to availability of Federal funds) including, but not limited to: **Wagner-Peyser Employment Service, Workforce Information Grants, and the Work Opportunity Tax Credit Program.** However, any non-formula or discretionary awards are subject to the terms and conditions of the specific awards and plan approvals which may include reduced expenditure periods. Commencement of expenditures is subject to the issuance of federal obligation authority for each grant account funded under this agreement, unless preaward costs are approved via a continuing resolution or otherwise.

5. **Notice of Award:** Funds shall be obligated and allocated via a Notice of Award (NOA) grant modification. Obligations and costs may not exceed the amount obligated by the NOA modification unless otherwise modified by the Grantor. Upon execution of this agreement, the “Modification 0” supplement to the agreement will serve as the initial PY 2015, Notice of Award. Funds are obligated for the amount indicated in the “Modification 0” document in accordance with the Grantee’s PY 2015 allotment levels. The Federal obligation level will be amended by the Grant Officer to increase (or adjust) amounts available to the Grantee as funds become available for obligation and additional Notice of Award grant modifications are required and issued.
6. **Electronic Fund Transfers:** Cash payments shall be made to the Grantee under the Department of Health and Human Services (HHS) Payment Management System (PMS).
7. **Veteran’s Priority Provisions:** The Jobs for Veterans Act (Public Law 107-288) requires recipients to provide priority of 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 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 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.
8. **Salary and Bonus Limitations:** Under Public Law 113-235, Section 105, none of the funds appropriated under the heading “Employment and Training” shall be used by a recipient or sub-recipient of such funds to pay the salary and bonuses of an individual,

either as direct costs or 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/2015/executive-senior-level>). The salary and bonus limitation does not apply to contractors 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 of such funds, 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

9. **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 grantee, subgrantee 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. If revenues are generated through selling products developed with grant funds, including intellectual property, these revenues are program income. Program income is added to the grant and must be expended for allowable grant activities. 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 grantee 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. Internal use by an organization and/or personal use by an individual for non-commercial purposes is permissible. All other uses require the prior authorization of the copyright owner."

10. **Transparency Act:** Federal Funding Accountability and Transparency Act of 2006 Pub. L. 109-282 as amended by section 6202 of Pub. L. 110-252 (“FFATA”). Grantees must ensure that they have the necessary processes and systems in place to comply with the reporting requirements of FFATA. See Training and Employment Guidance Letter (TEGL) No. 11-10 (issued November 15, 2010)
<http://wdr.doleta.gov/directives/attach/TEGL/TEGL11-10acc.pdf>
11. **Personally Identifiable Information:** 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. 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)), (located at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7872).
12. **Violation of the Privacy Act:** These funds cannot be used in contravention of the 5 USC 552a or regulations implementing that section.
13. **Executive Orders:**
 - a. **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.
 - b. **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.
 - c. **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.
 - d. **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>.

- e. **13333**: As clarified by Executive Order 13333, This agreement may be terminated without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor engages in "(i) severe forms of trafficking in persons; (ii) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect; (iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement; or (iv) acts that directly support or advance trafficking in persons." (22 U.S.C. § 7104(g))

- 14. **Buy American Notice Requirement:** None of the funds made available under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) may be expended by an entity unless the entity agrees that in expending the funds it will comply with sections 8301 through 8303 of title 41, United States Code (commonly known as the "Buy American Act").
- 15. **Requirements for Conference and Conference Space:** Conferences sponsored in whole or in part by the recipient of Federal awards are allowable if the conference is necessary and reasonable for the successful performance of the Federal Award. Recipients are urged to use discretion and judgment to ensure that all conference costs charged to the grant are appropriate and allowable. For more information on the requirements and allowability of costs associated with conferences, refer to 2 CFR 200.432.
- 16. **Health Benefit Coverage:** The recipient must ensure that the use of these funds for health benefits coverage complies with *506 and 507 of Division G of Public Law 113-235, the Consolidated and Further Continuing Appropriations Act, 2015*.
- 17. **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 identified flood-prone communities in the United States, 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 DOL support. Lists of flood-prone areas that are eligible for flood insurance are published in the Federal Register by FEMA.

18. **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.
19. **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 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.
20. **Hotel-Motel Fire Safety:** Pursuant to 15 USC 2225a, the recipient must ensure that all space for conferences, meetings, 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 <http://www.usfa.dhs.gov/applications/hotel/> to see if a property is in compliance, or to find other information about the Act.
21. **Prohibition on Contracting with Corporations with Felony Criminal Convictions:** The recipient is prohibited from entering 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, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.
22. **Prohibition on Contracting with Inverted Domestic Corporations:** No funds made available under a Federal Act may be used for any contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity. Waivers to this regulation may be granted by the Secretary of Labor if the Secretary determines that the waiver is required in the interest of national security.

23. **Prohibition on Contracting with Corporations with Unpaid Tax Liabilities :** The recipient may not enter 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, where the awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.
24. **Prohibition on Providing Federal Funds to ACORN:** 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.
25. **Signatory Information:** By signing below, the signatories agree to the terms and conditions of this agreement, including all applicable assurances and certifications, on behalf of their respective agencies indicated below. In the absence of a signature by the Grantee only, this award is nevertheless effective by virtue of Grantee's electronic signature on the SF-424 upon which this award is based. In addition, the Grantee's expenditure of any funds properly granted hereunder constitutes acceptance of the award, including any new or additional terms and conditions as may be attached hereto.

 8-4-15

BY See SF-424 Signature and Clause 25 above
Signature Date

FOR GRANTOR: U.S. Department of Labor/Employment and Training Administration
200 Constitution Ave NW; Room N-4716; Washington, DC 20210

Thomas C. Martin, Grant Officer

Grant Modification / Notice of Obligation

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

GRANT MODIFICATION		No. 0	PROJECT: Employment Services	
GRANT NUMBER: ES-27482-15-55-A-12	EIN: 364706134	EFFECTIVE DATE: 07/01/2015	PAGE 1	
GRANTEE: FL DEPARTMENT OF ECONOMIC OPPORTUNITY 107 East Madison Street MSC G-229, CALDWELL BUILDING Tallahassee, FLORIDA 32399		ISSUED BY U.S. DEPARTMENT OF LABOR / ETA DIVISION OF FEDERAL ASSISTANCE 200 CONSTITUTION AVENUE NW - ROOM N-4716 WASHINGTON, DC 20210		

Action:

Base Allotment of PY 2015 Wagner-Peyser funds per Training and Employment Guidance Letter No. 29-14, Change 1.

YEAR / CFDA PROGRAM ACCOUNT ID	CURRENT LEVEL	Mod 0 MODIFICATION	NEW LEVEL	PMS DOC #
PY 15 / 17.207 EMPLOYMENT SERVICE STATE ALLOTMENTS - STATES <small>15-1630-2015-05017915168D201501790010155E5003A0000ADW100ADW100-AS0200-410010-ETA-DEFAULT TASK</small>	\$0.00	\$38,350,606.00	\$38,350,606.00	ES27482ZK0
TOTAL FUND AVAILABILITY	\$0.00	\$38,350,606.00	\$38,350,606.00	

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

Approved
by



THOMAS C MARTIN

Date Signed 07/08/2015

Grant Officer