

DISLOCATED WORKER NATIONAL RESERVE FUNDS FOR WIOA IMPLEMENTATION FUNDS

TERMS AND CONDITIONS

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TERMS AND CONDITIONS

1. Order of Precedence

The terms and conditions of this Notice of Award and other requirements have the following order of precedence if there is any conflict in what they require: (1) Consolidated Appropriations Act, Public law 113-76; (2) Consolidated and Further Continuing Appropriations Act 2015, Public Law 113-235; (3) other applicable Federal statutes and their implementing regulations; (4) terms and conditions of award.

2. Funding Opportunity Announcement

The Training and Employment Guidance Letter WIOA NO. 34-14 http://wdr.doleta.gov/directives/attach/TEGL/TEGL_34-14_Acc.pdf are hereby incorporated into this Grant Agreement. Recipients are bound by the authorizations, restrictions, and requirements contained in the Training and Employment Guidance Letter.

3. Approved Statement of Work

The Training and Employment Guidance Letter WIOA NO. 34-14 is taken as the Statement of Work. It has been included as Attachment C. If there is any inconsistency between items in this project narrative and any Department of Labor (DOL) regulation, guidance or OMB cost principle, the DOL regulation, guidance or cost principle will prevail.

4. Approved Budget

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

5. Evaluation, Data, and Implementation

The recipient must cooperate with the DOL in the conduct of a third-party evaluation, including providing DOL or its authorized contractor with appropriate data and access to program operating personnel and participants in a timely manner.

6. Indirect Costs 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. Regarding only the NICRA:

- (1) Indirect Rate approved: %
- (2) Type of Indirect Cost Rate _____ (i.e. Provisional/Predetermined/Fixed)
- (3) Allocation Base: _____
- (4) Current period applicable to rate: _____

Estimated Indirect Costs are shown on the SF-424A budget form. If a new NICRA is issued during the life of the grant, it must be provided to DOL within 30 days of issuance. Funds may be re-budgeted as necessary between direct and indirect costs consistent with institutional requirements and DOL regulations for prior approval, however the total amount of grant award funding will not be increased. Any budget changes impacting the Statement of Work and agreed upon outcomes or deliverables require a request for modification and prior approval from the Grant Officer.

___B. (1) ___ Latest NICRA or CAP approved by the Federal Cognizant Agency¹ (FCA) is not current, or

(2) ___ No NICRA or CAP has ever been approved by an FCA.

URGENT NOTICE: Estimated indirect costs have been specified on the SF-424A, Section B, Object Class Category “j”, however only \$ NA will be released to support 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 awardee provides a signed copy of the NICRA or CAP and the restriction is lifted by the Grant Officer. Upon receipt of the NICRA or CAP, ETA will issue a grant modification to the award to remove the restriction on those funds.

The awardee must submit an indirect cost rate proposal or CAP. These documents should be submitted to DOL’s Division of Cost Determination (DCD), or to the awardee’s Federal Cognizant Agency. In addition, the awardee must notify the Federal Project Officer that the documents have been sent. Contact information for the DCD is available at <http://www.dol.gov/oasam/boc/dcd/>. 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 grantee 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 charges must be returned through the Payment Management System and no indirect charges will be reimbursed.

¹ The Federal agency providing the organization the preponderance of direct Federal funds.

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

X C. The organization 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. Audit disallowances may occur if indirect costs are misclassified as direct.

___ D. The organization has never received a negotiated indirect cost rate and, pursuant to the exceptions noted at 2 CFR 200.414(f) in the Cost Principles, has elected to charge a de minimis rate of 10% of modified total direct costs (see 2 CFR 200.68 for definition) which may be used indefinitely. 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 DOL is your FCA, grantees should 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 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 providing 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>.

7. Federal Project Officer

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

Name: Malcom Jackson

Telephone: 404-302-5353

E-mail: jackson.malcom@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.

8. Funding Restrictions

a. Administrative Costs

WIA Discretionary

There is a 15% limitation on administrative costs on funds awarded under this grant. Unless a written justification is approved by, the Grant Officer administrative costs may not exceed this limit. Under no circumstances may administrative costs exceed this limit. Administrative costs under this award follow the definition in the Workforce Investment Act at 20 CFR 667.220(b) and (c). Compliance with the administrative costs limits is monitored throughout the grant period. Any amounts exceeding this limitation at closeout will be disallowed and subject to debt collection.

b. Consultants

For the purposes of this award, fees paid to a consultant shall be limited to \$585 per day without additional Grant Officer approval. Regulations regarding the determining of a consultant's rate of pay are located at 5 CFR 304.104 with the calculation for a maximum amount located at 5 CFR 304.105.

c. Salary and Bonus Limitations

Under Public Law 113-76, 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/2014/executive-senior-level>). The salary and bonus limitation does not apply to vendors providing goods and services as defined in OMB Circular A-133. 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

d. Budget Flexibility

As directed in 2 CFR 200.308(e), 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 to personnel costs within the personnel line item do not require a grant modification unless the changes result in a change to the amount listed on the SF 424A Personnel line. It is recommended that your assigned Department of Labor (DOL) Federal

Project Officer (FPO) review within-line changes prior to implementation to ensure they do not require a modification.

e. Mileage Reimbursement Rates

Pursuant to 2 CFR 200.474(a), 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 2015 Mileage Reimbursement Rates are:

Modes of Transportation	Effective/Applicability Date	Rate per mile
Privately owned automobile	January 1, 2015	\$0.575
Privately owned motorcycle	January 1, 2015	\$0.545

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

f. Restriction on Health Benefits Coverage

The recipient must ensure that the use of these funds for health benefits coverage complies with 506 and 507 of Division H of Public Law 113-76, the Consolidated Appropriations Act, 2014.

Q: Federal law prohibits the use of federal funds to pay for an abortion or for “health benefits coverage” that includes the coverage of abortion, except in limited circumstances. Is a State grantee prohibited from offering a health benefit that covers abortions?

A: While States are prohibited from using federal funds for such purpose, a State may use State funds (other than the State’s contribution of Medicaid matching funds) or other non-federal funds to contract separately with a managed care provider to provide abortion coverage. State grantees that wish to provide abortion coverage must determine how best to ensure compliance with federal law so that federal funds are not used for the cost of abortion coverage.

9. Administrative Requirements

a. System for Award Management and Universal Identifier Requirements

1. Requirement for System of Award Management

Unless you are exempted from this requirement under 2 CFR 25.110, you as the 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)* means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. 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 identifier required for SAM registration to uniquely identify business entities.
- 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.

b. Federal Funding Accountability and Transparency Act

1. Reporting of first-tier subawards.

- i. *Applicability*. Unless you are 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*.
 - a. You must report each obligating action described in paragraph [1.i.] of this award term to <http://www.fsrc.gov>.

- b. For subaward information, 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 <http://www.fsr.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—
 - a. the total Federal funding authorized to date under this award is \$25,000 or more;
 - b. 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
 - c. The public does not have access to information about 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 <http://www.sec.gov/answers/execomp.htm>.)
 - ii. *Where and when to report.* You must report executive total compensation described in paragraph [2.i.] 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—
 - a. 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
 - b. The public does not have access to information about 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 <http://www.sec.gov/answers/execomp.htm>.)

- ii. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph [3.i] of this award term:
 - a. To the recipient.
 - b. 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:

- i. Subawards, and
- ii. The total compensation of the five most highly compensated executives of any subrecipient.

5. Definitions. For purposes of this award term:

- i. *Entity* means all of the following, as defined in 2 CFR part 25:
 - 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;
 - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
- ii. *Executive* means officers, managing partners, or any other employees in management positions.
- iii. *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 or a subrecipient considers a contract.
- iv. *Subrecipient* means an entity that:
 - a. Receives a subaward from you (the recipient) under this award; and
 - b. Is accountable to you for the use of the Federal funds provided by the subaward.
- v. *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)):
 - a. *Salary and bonus.*

- b. *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.
- c. *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.
- d. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.
- e. *Above-market earnings on deferred compensation which is not tax-qualified.*
- f. 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.

c. 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)

d. Audits

Organization-wide or program-specific audits shall be performed in accordance with the Single Audit Act Amendments of 1996. Recipients that expend \$750,000 or more in a year in Federal awards shall have an audit conducted for that year in accordance with the requirements contained in 2 CFR 200.501. The provisions of 2 CFR Subpart F, Audit Requirements, will apply to audits of non-Federal entity fiscal years beginning on or after December 26, 2014. The revised audit requirements are not applicable to fiscal years beginning prior to that date.

e. Equipment

Recipients must receive **prior approval** from the DOL/ETA Grant Officer for the purchase of any equipment with a per unit acquisition cost of \$5,000 or more, and a useful life of more than one year. This includes the purchases of Automated Data Processing (ADP) equipment. Equipment purchases must be made in accordance with 2 CFR 200.313 or 2 CFR 200.439.

This grant award does not give approval for equipment specified in a recipient's budget or statement of work unless specifically approved above. If not specified above, the recipient must submit a detailed description list to the FPO for review within 90 days of the Notice of Award date. Failure to do so within 90 days may impact the approval of equipment.

Recipients may not purchase equipment in the last year of performance. If any approved acquisition has not occurred prior to the last year of performance, approval for that item(s) is rescinded.

f. Program Income

The recipient is required to utilize the addition method if any Program Income is generated throughout the duration of this award. The recipient is allowed to deduct costs incidental to generating Program Income to arrive at a Program Income. Additional information about program income is located in 2 CFR 200.307(b).

g. Pre-Award

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

h. Reports

All ETA recipients are required to submit quarterly financial and narrative progress reports for each grant award.

- A. **Quarterly Financial Reports.** All ETA recipients are required to report quarterly financial data on the ETA 9130. ETA 9130 reports are due no later than 45 calendar days after the end of each specified reporting quarter. Reporting quarter end dates are June 30, September 30, December 31, and March 31. A final financial closeout report is required to be submitted no later than 90 calendar days after the grant period of performance ends. For guidance on ETA's financial reporting, reference Training and Employment Guidance Letter (TEGL) 13-12.

ETA requires all grant recipients to submit the 9130 form electronically through an on-line reporting system. Expenditures are required to be reported on an accrual basis, cumulative from the beginning of the life of a grant, through the end of each reporting period.

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. To gain access to the online financial reporting system, a request for a password and pin must be submitted via e-mail to ETApasword.pin@dol.gov. The Financial Report Access Document, copies of the ETA 9130, and detailed reporting instructions are available at www.doleta.gov/grants/financial_reporting.cfm.

i. Managing Subawards

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 the monitoring of the subrecipient, ensuring

that the Terms and Conditions are in all subaward packages and that the subrecipient is in compliance with all applicable regulations and the terms and conditions of this award (2 CFR 200.101(b)(1)).

j. Final Year/Closeout Requirements

At the end of the grant period, the recipient will be required to close the grant with ETA. The recipient will be notified approximately 15 days prior to the end of the period of performance that the initiation of closeout will begin at the end of the grant. Information concerning the recipient's responsibilities at closeout may be found in 2 CFR 200.343.

k. 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 legislature 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.

l. Public Announcements

When issuing statements, press releases, requests for proposals, bid solicitation, and other documents describing project or programs funded in whole or in part with Federal money, all recipients receiving Federal funds, shall clearly state (1) the percentage of the total cost 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.

m. Procurement

The Uniform Administrative Requirements (2 CFR 200.317-36) require all recipient procurement transactions to be conducted in a manner to provide, to the maximum extent practical, open and free competition. If the statement of work identifies a specific entity to provide goods or services, the DOL ETA's award does not provide the justification or basis to sole-source the procurement, i.e., avoid competition.

n. 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 for the conduct of a Federal program. (2 CFR 200.23) These goods or services may be for an organization's own use or for the use of 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 contractor provided goods and services, DOL ETA recipients and subrecipients must follow the procurement requirements 2 CFR 200.319, which call for free and open competition.

o. 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 through selling products developed with grant funds, including intellectual property, these revenues are program income. 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.”

p. Creative Commons License Requirement

Pursuant to 2 CFR 2900.13, to ensure that the Federal investment of DOL funds has as broad an impact as possible and to encourage innovation in the development of new learning materials the recipient will be required to license to the public all work created with the support of this grant under a Creative Commons Attribution 4.0 (CC BY) license. Work that must be licensed under the CC BY includes both new content created with the grant funds and modifications made to pre-existing, recipient-owned content using grant funds.

This license allows subsequent users to copy, distribute, transmit, and adapt the copyrighted Work and requires such users to attribute the Work in the manner specified by the recipient. Notice of the license shall be affixed to the Work. For general information on CC BY, please visit <http://creativecommons.org/licenses/by/4.0>.

Instructions for marking your work with CC BY can be found at http://wiki.creativecommons.org/Marking_your_work_with_a_CC_license.

Only work that is developed by the recipient in whole or in part with grant funds is required to be licensed under the CC BY license. Pre-existing copyrighted materials licensed to, or purchased by the recipient from third parties, including modifications of such materials, remains subject to the intellectual property rights the recipient receives under the terms of that particular license or purchase. In addition, works created by the recipient without grant funds do not fall under the CC BY license requirement.

The purpose of the CC BY licensing requirement is to ensure that materials developed with funds provided by this award result in work that can be freely reused and improved by others. When purchasing or licensing consumable or reusable materials, the recipient is required to respect all applicable Federal laws and regulations, including those pertaining to the copyright and accessibility provisions of the Federal Rehabilitation Act.

q. 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. Recipients will be held to the requirements in 2 CFR 200.432. Costs that do not comply with 2 CFR 200.432 will be questioned and may be disallowed.

r. Funding for Travel to and from Meetings with an Executive Branch Agency

Grant funds may not be used for the purposes of defraying the costs of a conference held by any Executive branch department, agency, board, commission, or office unless it is directly and programmatically related to the purpose for which the grant or contract was awarded.

No funds made available through DOL appropriations may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M-12-12 dated May 11, 2012. (P.L. 113-6, 3003 (c)(d)(e)).

10. Program Requirements

The Training and Employment Guidance Letter contains the requirements for this award.

11. Public Policy

a. 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.

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.

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>.

b. Veteran's Priority Provisions

38 U.S.C. 4215 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.

c. 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.

d. 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.

e. 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.

f. Hotel-Motel Fire Safety

Pursuant to 15 U.S.C. 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.

g. Prohibition on Trafficking in Persons

I. Trafficking in persons.

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

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

i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;

- ii. Procure a commercial sex act during the period of time that the award is in effect; or
 - iii. Use forced labor in the performance of the award or subawards under the award.
 - 2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity —
 - i. Is determined to have violated a 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 a 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 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 29 CFR Part 98.
- 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—
 - 1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
 - 2. 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—
 - i. Associated with performance under this award; or
 - ii. 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.*
 - 1. 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.
 - 2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
 - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
 - 3. 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:
 - 1. “Employee” means either:
 - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or

- ii. 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.
- 2. “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.
- 3. “Private entity”:
 - i. 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.
 - ii. Includes:
 - A. 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).
 - B. A for-profit organization.
- 4. “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).

h. Buy American Notice Requirement

None of the funds made available under this award 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”).

i. 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.

j. 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.

k. Prohibition on Contracting with Corporations with Unpaid Tax Liabilities

- l. 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. 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.

m. Violation of the Privacy Act

These funds cannot be used in contravention of the 5 USC 552a or regulations implementing that section.

12. Attachments

Attachment A: SF-424

Attachment B: SF-424(A)

Attachment C: Statement of Work TEGL 34-14

Attachment D: Indirect Cost Rate Agreement, if applicable

Application for Federal Assistance SF-424

* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
--	--	--

* 3. Date Received: <input type="text" value="05/20/2015"/>	4. Applicant Identifier: <input type="text"/>
--	--

5a. Federal Entity Identifier: <input type="text"/>	5b. Federal Award Identifier: <input type="text"/>
--	---

State Use Only:

6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text"/>
---	---

8. APPLICANT INFORMATION:

* a. Legal Name:

* b. Employer/Taxpayer Identification Number (EIN/TIN): <input type="text" value="36-4706134"/>	* c. Organizational DUNS: <input type="text" value="9689306640000"/>
--	---

d. Address:

* Street1:	<input type="text" value="107 East Madison Street"/>
Street2:	<input type="text" value="MSC 85 Caldwell Building"/>
* City:	<input type="text" value="Tallahassee"/>
County/Parish:	<input type="text" value="Leon"/>
* State:	<input type="text" value="FL: Florida"/>
Province:	<input type="text"/>
* Country:	<input type="text" value="USA: UNITED STATES"/>
* Zip / Postal Code:	<input type="text" value="32399-4130"/>

e. Organizational Unit:

Department Name: <input type="text" value="Dept of Economic Opportunity"/>	Division Name: <input type="text" value="Finance and Administraton"/>
---	--

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

Prefix: <input type="text" value="Mrs."/>	* First Name: <input type="text" value="Caroline"/>
Middle Name: <input type="text"/>	
* Last Name: <input type="text" value="Womack"/>	
Suffix: <input type="text"/>	
Title: <input type="text" value="Revenue Administrator"/>	

Organizational Affiliation:

* Telephone Number: <input type="text" value="(850) 245-7126"/>	Fax Number: <input type="text" value="(850) 921-3142"/>
---	---

* Email:

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:

17.281

CFDA Title:

Workforce Investment Act (WIA) Dislocated Worker National Reserve Technical Assistance and Training

*** 12. Funding Opportunity Number:**

TEGL-NO-34-14

* Title:

2014 Dislocated Worker National Reserve

13. Competition Identification Number:

TEGL-NO-34-14

Title:

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

Add Attachment

Delete Attachment

View Attachment

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

State WIOA Dislocated Worker National Reserve Activities

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="404,145.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="404,145.00"/>

*** 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:

BUDGET INFORMATION - Non-Construction Programs

OMB Number: 4040-0006
Expiration Date: 06/30/2014

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. WIOA	17.281	\$	\$	\$ 404,145.00	\$	\$ 404,145.00
2.						
3.						
4.						
5. Totals		\$	\$	\$ 404,145.00	\$	\$ 404,145.00

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
	WIOA				
a. Personnel	\$	\$	\$	\$	\$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual	404,145.00				404,145.00
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a-6h)	404,145.00				\$ 404,145.00
j. Indirect Charges					\$
k. TOTALS (sum of 6i and 6j)	\$ align="right">404,145.00	\$	\$	\$	\$ align="right">404,145.00
7. Program Income	\$	\$	\$	\$	\$

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SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e)TOTALS
8. <input type="text"/>	\$ <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" value="404,145.00"/>	\$ <input type="text" value="101,036.00"/>	\$ <input type="text" value="101,036.00"/>	\$ <input type="text" value="101,036.00"/>	\$ <input type="text" value="101,037.00"/>
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" value="404,145.00"/>	\$ <input type="text" value="101,036.00"/>	\$ <input type="text" value="101,036.00"/>	\$ <input type="text" value="101,036.00"/>	\$ <input type="text" value="101,037.00"/>

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. <input type="text"/>	\$ <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"/>	<input type="text"/>
18. <input type="text"/>	<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"/>	<input type="text"/>
20. TOTAL (sum of lines 16 - 19)	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>

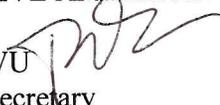
SECTION F - OTHER BUDGET INFORMATION

21. Direct Charges: <input type="text"/>	22. Indirect Charges: <input type="text"/>
23. Remarks: <input type="text"/>	

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA
	CORRESPONDENCE SYMBOL OWI
	DATE May 11, 2015

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 34-14
OPERATING GUIDANCE for the WORKFORCE INNOVATION AND
OPPORTUNITY ACT (referred to as WIOA or the Opportunity Act)

TO: STATE AND LOCAL STAKEHOLDERS IN THE WORKFORCE
INNOVATION AND OPPORTUNITY ACT
STATE WORKFORCE AGENCIES
ALL STATE WORKFORCE ADMINISTRATORS
ALL STATE WORKFORCE LIAISONS
ALL WORKFORCE INVESTMENT ACT (WIA) SECTION 166 INDIAN
AND NATIVE AMERICAN PROGRAM GRANTEEES

FROM: PORTIA WU 
Assistant Secretary

SUBJECT: Workforce Innovation and Opportunity Act Transition Authority Allotment
of Program Year (PY) 2014 Dislocated Worker National Reserve Funds for
WIOA Implementation Activities

- Purpose.** The purpose of this Training and Employment Guidance letter (TEGL) is to allot PY 2014 Dislocated Worker National Reserve funds to states, Outlying Areas, and WIA Section 166 Indian and Native American grantees specifically for WIOA implementation activities including training of front-line staff, convening boards and supporting planning, transitioning to serving out-of-school youth, and assessing and improving state information technology (IT) systems.

WIOA was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes titles I and II of the Workforce Investment Act of 1998, and amends the Wagner-Peyser Act and the Rehabilitation Act of 1973. In general, the Act takes effect on July 1, 2015, the first full program year after enactment, unless otherwise noted.

The Departments of Labor and Education are working to publish a set of regulations implementing WIOA. On April 9th, the Federal Register posted five Notices of Proposed Rulemaking (NPRMs) implementing the Opportunity Act on its Web site for public inspection, <https://www.federalregister.gov/public-inspection>, which offers a preview of documents scheduled to publish soon in the Federal Register. The NPRMs were formally

RESCISSIONS None	EXPIRATION DATE June 30, 2018
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published in the Federal Register on April 16th. Comments should be submitted in accordance with the process outlined in the NPRMs, including by visiting <http://www.regulations.gov>. The comment period will be open for 60 days, and will close on June 15, 2015.

In order to continue implementation prior to the final rule, a series of WIOA Operating Guidance documents that provide the needed implementation information will be issued in the form of Training and Employment Guidance Letters (TEGLs). These Operating Guidance documents on WIOA will inform the workforce system how to begin the important planning and reorganization necessary to comply with new WIOA statutory requirements for the upcoming Program Year (PY) 2015 (beginning July 1, 2015). The Operating Guidance TEGLs will provide a framework for program activities until the regulations are finalized. This TEGL is one in the ongoing series of Guidance.

2. **References.** See Attachment I.
3. **Background.** The Department recognizes that there are significant costs associated with successful implementation of WIOA. As state and local Workforce Boards operationalize the Act, strong partnership and collaboration among those Boards and program partners are critical to maximize impact and effectively manage resources. States and Local Areas must be strategic in aligning and investing a variety of resources. We encourage each state to identify and assess all available resources and target them where they will most impact success.

As discussed in TEGL No. 12-14, WIOA authorizes states to use up to two percent of PY 2014 formula resources to conduct activities for implementation of WIOA (WIOA Section 503(g)(2)). This two percent limit likely represents less funding than most states will need to conduct critical implementation activities. While this two percent limit does not apply to WIA Section 166 Indian and Native American Program grantees, the costs spent on transition activities for these grantees must be reasonable, allowable, and allocable to authorized program activities. The Department has considered several alternatives for making additional resources available to states for WIOA implementation activities with the goal of increasing the resources available to states for WIOA implementation activities while minimizing potential negative impacts on service delivery.

WIOA Section 503 (a)-(b) provides the Secretary of Labor with the authority to take such actions as the Secretary determines to be appropriate to provide for the orderly transition from the Workforce Investment Act of 1998 to any provision of WIOA Title I. Similarly, WIOA Section 503(d) allows the Secretary to take appropriate actions to transition to the Wagner-Peyser Act, as amended by WIOA. In TEGL No. 26-14, the Department applied this transition authority to provide flexibility in the use of Rapid Response funds for WIOA transitional activities.

The Secretary of Labor is using this transition authority to allot certain PY 2014 Dislocated Worker National Reserve funds to states to support WIOA implementation activities, including training of front-line staff, convening boards and supporting planning, transitioning to serving out-of-school youth, and assessing and improving state IT systems. Under WIA 132(a)(2)(A) and

WIOA 132(a)(2)(A) (related to the Dislocated Worker National Reserve) and WIA 170(b)(1) and WIOA 168(b)(1) (related to dislocated worker technical assistance), the Secretary may reserve up to five percent of Dislocated Worker National Reserve funds for technical assistance to states in delivering Dislocated Worker program services. However, Consolidated and Further Continuing Appropriations Act 2015 (Public Law 113-235) provides authority to reserve up to 10 percent of the PY 2014 Dislocated Worker National Reserve funds for technical assistance and WIOA transition activities. Of the PY 2014 Dislocated Worker National Reserve funds, ETA is making up to \$11.5 million available by formula to states and WIA Section 166 Indian and Native American Program grantees. ETA does not plan to make a second distribution in PY 2015.

4. **Allowable Activities.** These transition funds must be used for the following priority WIOA-implementation activities. Although these funds are from the Dislocated Worker National Reserve, states may use the funds for any of the WIOA transition activities described below to serve all workers:
- a. Training front-line staff, particularly on career counseling and methods to implement a customer-centered service delivery design in American Job Centers.
 - b. Convening boards and supporting planning, which may include:
 - i. Conducting strategic planning efforts, including convening relevant program and stakeholders for discussions and meetings;
 - ii. Addressing costs associated with the renegotiating of One-Stop MOUs and resource sharing agreements; and
 - iii. Planning with regard to co-location with Wagner-Peyser (which may include costs for terminating leases or expanding space). These funds may not be used for capital improvements.
 - c. Transitioning to expending 75% of Youth funds on services for out-of-school youth, including increasing supportive services for out-of-school youth, and expending at least 20% of local Youth funds on work experience.
 - d. Assessing or improving state Information Technology systems, which may include:
 - i. Upgrading and revising state management information systems to include: collection of new data elements specified in WIOA; building integrated or bridged systems to facilitate WIOA implementation; updating data infrastructure to provide integration with financial and accounting systems; and creating common methods and forms to create an integrated intake mechanism for WIOA core programs (i.e. Adults, Dislocated Workers, Youth, Wagner-Peyser, Adult and Family Literacy Act, and Rehabilitation Act of 1973).
 - ii. Supporting the building of state-based wage matching infrastructure to enable and/or streamline WIOA performance reporting, including Eligible Training Provider performance reporting.
 - iii. Preparing a methodology to collect Eligible Training Provider (ETP) data and create mandated ETP reports
 - iv. Assessing and reengineering of case management systems, to include common intake/registration; and

- v. Assessing management information systems, including ability to integrate performance accountability information and fiscal systems across core and other programs. Although specific data elements may not be completely known, states could begin a procurement process for information technology enhancements including procurement of necessary software and/or hardware.

5. **Allotment Formula:** In order to guarantee that each state has a minimum level of funding for WIOA transition activities, the Department is using a formula for allotting these funds.

- a. \$1 million of \$11.5 million PY 2014 Dislocated Worker National Reserve funds is set aside for WIA Section 166 Indian and Native American Program grantees, distributed by each grantee's relative share of their PY 2015 grant amounts.
- b. The remaining \$10.5 million is distributed to the states and Outlying Areas using the following method.
 - (i) Each state will receive a base allotment of \$100,000 and each outlying area will receive a base allotment of \$25,000.
 - (ii) The remaining funds will be distributed based on each state or outlying area's relative share of the number of unemployed individuals in the state or outlying area compared to the total unemployed individuals in all states and outlying areas.
- c. The relative share calculations are based on the following unemployment data.
 - (i) The data used for each state is the 12 month average number of unemployed individuals in FY 2014.
 - (ii) The data used for each outlying area is the 2010 Census data except for Palau which used 2005 Census data.

6. **Action Requested.** To achieve greater efficiency and as part of ETA's ongoing effort to streamline the mandatory grant award process, all states, Outlying Areas, and WIA Section 166 Indian and Native American grantees are required to submit an electronically signed copy of an SF-424, Application for Federal Assistance, and a SF-424A, grant budget, through Grants.gov (OMB 4040-0004). Any state that does not wish to receive these funds must notify its Federal Project Officer by May 20, 2015.

An electronically submitted SF-424 and SF-424A through Grants.gov constitutes an official signed document and must reflect the amount allotted. The closing date for receipt of the SF-424 and SF-424A is May 20, 2015. The ETA will award the Dislocated Worker National Reserve funds in June 2015.

The SF-424 must reflect the exact amount of the designated state allotment in item #18, Estimated Funding. Item #11 must include the Catalog of Federal Domestic Assistance Number for the applicable Funding Opportunity, 17.281.

To submit the required SF-424s, states must follow the "Apply for Grants" link on Grants.gov, and download the links for the grant application package. States should **not** follow the "Find Grants" link, as these are formula grants, not competitive funding opportunities.

7. **Reporting.** To ensure that ETA is able to assess the use of these funds, the collection of accurate, quality data is a critical component of financial accountability. To satisfy statutory and regulatory recordkeeping and reporting requirements, on a quarterly basis, states must submit the ETA 9130, U.S. DOL ETA Quarterly Financial Status Report (OMB 1205-0461). Federal Project Officers will review financial status reports and program activities as part of their regular monitoring activities.
8. **Paperwork Reduction Act (PRA) Statement.** According to PRA, no persons are required to respond to a collection of information unless such collection displays a valid OMB Control Number. The Department notes that a Federal agency may not conduct or sponsor a collection of information, nor is the public required to respond to a collection of information, unless the Office of Management and Budget (OMB) under the PRA approves it and it displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB Control Number (44 U.S.C. 3512). The currently valid OMB Control Number for this collection is OMB 1205-0461 for the ETA 9130 and OMB 4040-0004 for the SF-424 and SF-424A.
9. **Inquiries.** Please direct any questions about WIOA implementation and these funds to the appropriate ETA Federal Project Officer in the National or Regional Office, as appropriate.
10. **Attachments.**
 - I. References
 - II. Allotments for WIA Section 166 Indian and Native American Program Grantees
 - III. Allotments for States

WIOA Operating Guidance TEGL References

- WIOA (Pub. L. 113-128) Title I
- TEGL No. 19-14, *Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act of 2014*
- WIA (Pub. L. 105-220), Title I
- WIOA statutorily-required implementation dates, at <http://www.doleta.gov/wioa/pdf/WIOA-Key-Implementation-Dates.pdf>
- TEGL No. 12-14, *Allowable Uses and Funding Limits of Workforce Investment Act (WIA) Program Year (PY) 2014 funds for Workforce Innovation and Opportunity Act (WIOA) Transitional Activities*
- TEGL No. 23-14, *Workforce Innovation and Opportunity Act (WIOA) Youth Program Transition*
- TEGL No. 26-14, *Workforce Innovation and Opportunity Act Transition Authority for Flexible Use of Rapid Response Funds*
- TEGL No. 27-14, *Workforce Innovation and Opportunity Act Transition Authority for Immediate Implementation of Governance Provisions*
- Consolidated Appropriations Act, 2014 (Pub. L. 113-76)
- Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235)

**U. S. Department of Labor
Employment and Training Administration
WIA Title I Sec. 166 Comprehensive Services for Native Americans
PY 2014 DW TAT Funds for WIOA Implementation**

Grantee CID	Grant Type	Seq#	State	Grantee	Total
Grantee Total					\$1,000,000
12	1	2	AK	Kenaitze Indian Tribe	992
1	2	1	AL	Inter-Tribal Council of Alabama	6,604
2	3	1	AL	Poarch Band of Creek Indians	2,117
34	4	5	AR	American Indian Center of Arkansas, Inc.	7,306
19	5	4	AZ	American Indian Association of Tucson	7,752
20	6	4	AZ	Colorado River Indian Tribes	1,419
21	7	4	AZ	Gila River Indian Community	11,701
23	8	4	AZ	Hopi Tribal Council	4,983
22	9	4	AZ	Hualapai Tribe	747
24	10	4	AZ	Inter Tribal Council of Arizona, Inc.	1,828
25	11	4	AZ	Native Americans for Community Action	4,531
26	12	4	AZ	Navajo Nation	139,751
27	13	4	AZ	Pasqua Yaqui Tribe	2,304
28	14	4	AZ	Phoenix Indian Center, Inc.	28,176
29	15	4	AZ	Quechan Indian Tribe	770
30	16	4	AZ	Salt River Pima-Maricopa Indian Council	1,941
31	17	4	AZ	San Carlos Apache Tribe	8,837
33	18	4	AZ	White Mountain Apache Tribe	10,409
35	19	6	CA	California Indian Manpower Consortium, Inc.	76,378
36	20	6	CA	Candelaria American Indian Council	7,354
202	21	6	CA	Southern California American Indian Resource Center, INC	7,708
38	22	6	CA	Northern CA Indian Development Council, Inc.	6,863
39	23	6	CA	Southern CA Indian Center, Inc.	37,659
40	24	6	CA	Tule River Tribal Council	2,810
41	25	6	CA	United Indian Nations, Inc.	10,115
42	26	6	CA	Ya-Ka-Ama Indian Education & Development	1,435
43	27	8	CO	Denver Indian Center	14,249
44	28	8	CO	Southern Ute Indian Tribe	859
45	29	8	CO	Ute Mountain Ute Indian Tribe	1,979
47	30	12	FL	Florida Governor's Council on Indian Affairs	26,181
48	31	12	FL	Miccosukee Corporation	2,726
50	32	15	HI	Alu Like, Inc.	30,176
4	33	18	IN	American Indian Center of Indiana, Inc.	5,391
54	34	20	KS	United Tribes of Kansas and S.E. Nebraska	4,573
55	35	22	LA	Inter-Tribal Council of Louisiana, Inc.	11,088
58	36	25	MA	Mashpee-Wampahoag Indian Tribal Council, Inc.	1,322
59	37	25	MA	North American Indian Center of Boston, Inc.	4,787
56	38	23	ME	Penobscot Nation	4,297

61	39	26	MI	Inter-Tribal Council of Michigan, Inc.	2,120
62	40	26	MI	MI Indian Employment and Training Services, I	6,811
179	41	26	MI	North American Indian Association of Detroit	3,138
63	42	26	MI	Potawatomi Indian Nation	1,367
64	43	26	MI	Sault Ste. Marie Tribe of Chippewa Indians	3,761
65	44	26	MI	Southeastern Michigan Indians. Inc.	1,679
201	45	26	MI	Little Traverse Bay Band of Odawa	3,130
66	46	27	MN	American Indian OIC	5,865
67	47	27	MN	Bois Forte R.B.C.	448
68	48	27	MN	Fond Du Lac R.B.C.	4,375
71	49	27	MN	Minneapolis American Indian Center	7,785
69	50	27	MN	Leech Lake R.B.C.	3,374
75	51	29	MO	American Indian Council	16,260
74	52	28	MS	Mississippi Band of Choctaw Indians	6,614
78	53	30	MT	B.C. of the Chippewa Cree Tribe	3,110
80	54	30	MT	Crow Indian Tribe	3,626
82	55	30	MT	Montana United Indian Association	7,559
83	56	30	MT	Northern Cheyenne Tribe	4,713
110	57	37	NC	Cumberland County Association for Indian People	1,433
111	58	37	NC	Eastern Band of Cherokee Indians	2,567
112	59	37	NC	Guilford Native American Association	1,727
113	60	37	NC	Haliwa-Saponi Tribe, Inc.	1,345
114	61	37	NC	Lumbee Regional Development Association	26,276
116	63	37	NC	North Carolina Commission of Indian Affairs	6,554
121	64	38	ND	Turtle Mountain Band of Chippewa Indians	6,784
119	65	38	ND	United Tribes Technical College	5,310
84	66	31	NE	Indian Center, Inc.	6,234
85	67	31	NE	Omaha Tribe of Nebraska	1,746
91	68	35	NM	Alamo Navajo School Board	1,964
93	69	35	NM	Eight Northern Indian Pueblo Council	902
94	70	35	NM	Five Sandoval Indian Pueblos, Inc.	3,376
95	71	35	NM	Jicarilla Apache Tribe	1,361
96	72	35	NM	Mescalero Apache Tribe	1,932
97	73	35	NM	National Indian Youth Council	35,273
98	74	35	NM	Pueblo of Acoma	3,001
92	75	35	NM	Pueblo of Isleta	879
102	76	35	NM	Ramah Navajo School Board, Inc.	1,985
103	77	35	NM	Santa Clara Indian Pueblo	715
104	78	35	NM	Santo Domingo Tribe	2,207
87	79	32	NV	Inter-Tribal Council of Nevada	6,237
88	80	32	NV	Las Vegas Indian Center, Inc.	4,210
107	82	36	NY	Native Am. Comm. Services of Erie & Niagara Co	3,509
106	83	36	NY	Native American Cultural Center, Inc.	4,580
108	84	36	NY	St. Regis Mohawk Tribe	3,065
122	85	39	OH	North America Indian Cultural Centers	11,636
123	86	40	OK	Absentee Shawnee Tribe of Oklahoma	516

126	87	40	OK Cheyenne-Arapaho Tribes	3,580
130	88	40	OK Comanche Tribe of Oklahoma	3,496
133	89	40	OK Four Tribes Consortium of Oklahoma	2,207
134	90	40	OK Inter-Tribal Council of N.E. Oklahoma	1,695
135	91	40	OK Kiowa Tribe of Oklahoma	2,907
137	92	40	OK OTOE-Missouria Tribe of Oklahoma	749
139	93	40	OK Ponca Tribe of Oklahoma	1,870
140	94	40	OK Seminole Nation of Oklahoma	2,281
181	95	40	OK Tonkawa Tribe of Oklahoma	1,427
141	96	40	OK United Urban Indian Council, Inc.	8,327
182	97	40	OK Wyandotte Tribe of Oklahoma	2,491
144	98	41	OR Confederated Tribes of Warm Springs	2,930
145	99	41	OR Organization of Forgotten Americans	6,786
146	100	42	PA Council of Three Rivers	21,413
147	101	44	RI Rhode Island Indian Council	39,851
148	102	45	SC South Carolina Indian Development Council, Inc.	5,623
150	103	46	SD Lower Brule Sioux Tribe	1,292
151	104	46	SD Oglala Sioux Tribe	15,222
154	105	46	SD United Sioux Tribe Development Corp.	12,977
180	106	46	SD Yankton Sioux Tribe	2,483
200	107	47	TN Native American Indian Association, Inc.	5,313
155	108	48	TX Alabama-Coushatta Indian Tribal Council	20,177
156	109	48	TX Dallas Inter-Tribal Center	8,901
157	110	48	TX Ysleta del Sur Pueblo	14,939
158	111	49	UT Indian Training & Education Center	8,183
159	112	49	UT Ute Indian Tribe	2,721
161	113	51	VA Mattaponi Pamunkey Monacan Consortium	5,781
160	114	50	VT Abenaki Self-Help Association/ NH Ind. Council.	1,861
162	115	53	WA American Indian Community Center	9,280
199	117	53	WA United Indians for All Tribes Foundation	6,570
169	118	53	WA Western WA Indian Empl. and Trng Pgm.	17,520
184	119	53	WA Confederated Tribes & Bands of the Yakama Nation	4,649
164	120	53	WA Limmi Indian Business Council	2,570
171	121	55	WI Lac Courte Oreilles Tribal Governing Board	1,961
172	122	55	WI Lac Du Flambeau Band of Lake Superior Chippewa	971
175	123	55	WI Oneida Tribe of Indians of WI, Inc.	3,788
174	124	55	WI Spotted Eagle, Inc.	5,005
177	125	55	WI Wisconsin Indian Consortium	1,964
185	126	56	WY Northern Arapaho Business Council	5,062

**U. S. Department of Labor
Employment and Training Administration
PY 2014 DW TAT Funds for WIOA Implementation**

State	
Total	\$10,500,000
Alabama	170,885
Alaska	112,075
Arizona	210,263
Arkansas	145,015
California	837,591
Colorado	180,553
Connecticut	165,245
Delaware	113,974
Dist of Columbia	114,336
Florida	404,145
Georgia	280,224
Hawaii	114,852
Idaho	119,926
Illinois	358,710
Indiana	199,270
Iowa	137,728
Kansas	136,684
Kentucky	178,001
Louisiana	156,291
Maine	121,205
Maryland	193,832
Massachusetts	211,216
Michigan	284,032
Minnesota	169,064
Mississippi	149,740
Missouri	197,939
Montana	112,930
Nebraska	118,773
Nevada	156,846
New Hampshire	117,393
New Jersey	258,025
New Mexico	131,357
New York	425,291
North Carolina	257,384
North Dakota	105,543
Ohio	279,300
Oklahoma	144,938
Oregon	168,417
Pennsylvania	297,203
Puerto Rico	184,009
Rhode Island	123,619
South Carolina	167,141
South Dakota	108,269
Tennessee	209,294
Texas	458,940
Utah	127,726
Vermont	106,908
Virginia	213,020
Washington	207,986
West Virginia	125,143
Wisconsin	192,135
Wyoming	106,711
State Total	10,367,097
American Samoa	25,850
Guam	27,887
Northern Marianas	26,577
Palau	25,215
Virgin Islands	27,374
Outlying Areas Total	132,903