

Grant Modification / Notice of Award

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

GRANT MODIFICATION		No. 2	PROJECT: Dislocated Worker Grants	
GRANT NUMBER: DW-34657-20-60-A-12	EIN: 364706134	EFFECTIVE DATE: 10/01/2020	PAGE 1	
GRANTEE: STATE OF FLORIDA, DEPARTMENT OF ECONOMIC OPPORTUNITY 107 EAST MADISON STREET MSC 120 TALLAHASSEE, FLORIDA 32399-6545		ISSUED BY U.S. DEPARTMENT OF LABOR / ETA DIVISION OF FEDERAL ASSISTANCE 200 CONSTITUTION AVENUE NW - ROOM N-4716 WASHINGTON, DC 20210		

Action:

The recipient's application for additional COVID-19 Dislocated Worker Grant funding, received in full on August 26, 2020 is conditionally approved for a reduced award of \$28,394,746, with a planned participant count of 5,500 and a cost per participant not to exceed \$20,000.

Please see the revised term regarding cost per participant on page 8 of the attached grant agreement.

To conditionally re-align the budget and budget narrative in accordance with Attachment B and C of this modification.

To conditionally modify the existing statement of work according to Attachment D of this modification.

To revise Term 6 Indirect Cost Rate and Cost Allocation Plan and incorporate the Indirect Cost Rate into the grant in accordance with Attachment E of this modification.

Special Conditions of Award: See attached document

YEAR / CFDA PROGRAM ACCOUNT ID	Mod 0-1 CURRENT LEVEL	Mod 2 MODIFICATION	NEW LEVEL	PMS DOC #
PY 20 / 17.277 WIOA DIS WKRS NAT RES – EMERGENCY CORONAVIRUS <small>20 - 1630-2020-0501742022TD202001740003205DW035A0000AOWI00AOWI00-ACOVID-410023-ETA-DEFAULT TASK-</small>	\$12,000,000.00	\$0.00	\$12,000,000.00	DW34657YJ0
FY 20 / 17.277 WIOA DIS WKRS NAT RES - EMERGENCY (ADVANCE) <small>20 - 1630-2020-0501742020BD202001740003205DW093A0000AOWI00AOWI00-A90200-410023-ETA-DEFAULT TASK-</small>	\$0.00	\$28,394,746.00	\$28,394,746.00	DW34657S20
TOTAL FUND AVAILABILITY	\$12,000,000.00	\$28,394,746.00	\$40,394,746.00	

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

Approved
by

Lynn Fraga

Date Signed

09/29/2020

Grant Officer

COVID-19 DISASTER RECOVERY DISLOCATED WORKER GRANT

SPECIAL CONDITIONS OF AWARD – MOD 2

Grant Number: DW-34657-20-60-A-12

Recipient: STATE OF FLORIDA, DEPARTMENT OF ECONOMIC OPPORTUNITY

Project Title: COVID-19-FL-DISASTER RECOVERY

The recipient's application for additional COVID-19 Dislocated Worker Grant funding, received in full on August 26, 2020 is conditionally approved for a reduced award of \$28,394,746, with a planned participant count of 5,500 and a cost per participant not to exceed \$20,000.

Please see the revised term regarding cost per participant on page 8 of the attached grant agreement.

As a condition of this grant award, the recipient must address the issues identified in this document by submitting a subsequent modification request via email to the Federal Project Operator (FPO) within 30 days of the receipt of this grant award package. The modification request must incorporate all information requested below. Questions pertaining to the submission of the modification responding to these Conditions of Award must be directed to the FPO as soon as possible.

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

CONDITIONS OF AWARD

- 1) Submission of a modification request to incorporate the modification, which must include the following:
 - a. SF-424: This form must be revised as necessary, reflecting the reduced award, and other revisions required since the form was submitted with the initial application. *It must be signed by the authorized representative.*
 - b. SF-424A and accompanying Budget Information Narrative: These documents must reflect the reduced award. The Budget Narrative must reflect the enclosed Budget Narrative Instruction Sheet.

2) Budget:

- a. The Budget Narrative must include a breakout of administrative costs at both the Grantee and Project Operator level. Please see attached Budget Narrative instructions.
- b. The Budget Narrative must include the cost per participant; see page 8 of this agreement for more information.
- c. Cost of PPE, cellphones, lap tops and other supplies do not appear to be included in the budget. These costs, if charged to the grant, must be included in the supplies line item.

3) Statement of Work/Project Plan:

- a. The Grantee must submit a revised list of disaster-relief job categories, reflecting only those approved in this modification. Please see Disaster-Relief Jobs Table beginning on page 59 of the grant agreement pdf. Red font indicates jobs that are approved and not approved, as well as those categories needing clarification prior to approval. For the category requiring clarification, please indicate who the worksite employer will be for sanitization workers posted at small businesses.
- b. The Grantee has the option to proportionately adjust the number of projected participants downward, in lieu of the reduced award; however, the request must be made in the subsequent modification responding to these Special Conditions of Award.
- c. The Grantee must explain how and with what frequency the grantee will assess the evolving needs of local communities/local areas served in an effort to monitor needs that may impact the overall project.

COVID-19
Disaster Recovery National Dislocated Worker Grant
Federal Award Terms
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1. Order of Precedence

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

- I. Workforce Innovation and Opportunity Act;
- II. other applicable Federal statutes;
- III. Department of Labor Appropriations Act, 2020, P.L. 116-94 or the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136;
- IV. Implementing Regulations;
- V. Executive Orders;
- VI. OMB Circulars, including the Uniform Guidance at 2 CFR 200 and 2900;
- VII. Training and Employment Guidance Letter WIOA No. 12-19, Operational Guidance for National Dislocated Worker Grants;
- VIII. other applicable DOL-ETA Directives; and,
- IX. the terms and conditions of this award.

2. Notice of Award

The funds that are provided under this Notice of Award must be expended according to all applicable Federal statutes, regulations and policies, including those of the Workforce Innovation and Opportunity Act; the applicable approved State WIOA plan including approved modifications and amendments to the plan, and any waiver plan approved under WIOA Sec. 189(i)(3) or Workforce Flexibility (Workflex) plan approved under WIOA Sec. 190; the negotiated performance levels and policies established pursuant to the Secretary's authority under WIOA Section 116; and the applicable provisions in the appropriations act(s). The funds shall be obligated and allocated via a Notice of Award (NOA) grant modification. These obligations and expenditures may not exceed the amount awarded by the NOA modification unless otherwise modified by the ETA.

3. Funding Opportunity Announcement

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

4. Administrative Law Judge Removal of Award (WIOA)

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

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

5. Federal Project Officer

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

Name: Susan Tesone

Telephone: 404-302-5375

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

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

6. Indirect Cost Rate and Cost Allocation Plan

A. The recipient submitted an abbreviated emergency application without a budget to request disaster DWG funding. To charge indirect costs to this grant, the recipient must include in the first modification providing the full budget and plan, a current Federally approved Negotiated Indirect Cost Rate Agreement (NICRA) or current Federally approved Cost Allocation Plan (CAP).

B. A **current** Federally approved NICRA or current Federally approved CAP has been provided – copy attached.

For a NICRA only:

(1) Indirect Rate approved: 28.2888%

(2) Type of Indirect Cost Rate: Provisional

(3) Allocation Distribution Base: Total direct salaries and wages including all applicable fringe benefits.

(4) Current beginning and ending period applicable to rate: 7/1/2019 – 6/30/2021

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

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

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

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

URGENT NOTICE: Estimated indirect costs have been specified on the SF-424A, Section B, Object Class Category "j", however only \$16,910 (10% of personnel or indirect whichever is less) will be released to support the indirect costs in the absence of a NICRA or CAP approved by the cognizant agency. The remaining funds which have been awarded for Indirect Costs are restricted and may not be used for any purpose until the recipient

provides a signed copy of the NICRA or CAP and document stating that the restriction is lifted by the Grant Officer. Upon receipt of the NICRA or CAP, the Grant Officer will issue a grant modification to the award to remove the restriction on those funds.

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

- ___ D. The award recipient elected to exclude indirect costs from the proposed budget. Please be aware that incurred indirect costs (such as top management salaries, financial oversight, human resources, payroll, personnel, auditing costs, accounting and legal, etc. used for the general oversight and administration of the organization) must not be classified as direct costs; these types of costs are indirect costs. Only direct costs, as defined by the applicable cost principles, will be charged. According to 2 CFR 200.412, if indirect costs are misclassified as direct costs, such costs may become disallowed through an audit.
- ___ E. The award recipient has never received a negotiated indirect cost rate and, pursuant to the exceptions noted at 2 CFR 200.414(f) in the Cost Principles of the Uniform Guidance has elected to charge a de minimis rate of 10% of modified total direct costs (see 2 CFR 200.68 for definition of MTDC) which may be used indefinitely. Governmental departments or agencies that receive more than \$35 million in direct Federal Funding must submit an indirect cost rate proposal and cannot request a de minimis rate. This methodology must be used consistently for all Federal awards until such time as you choose to negotiate for an indirect cost rate, which you may apply to do at any time. (See 2 CFR 200.414(f) for more information on use of the de minimis rate.)

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

Starting the quarter ending September 30, 2016, all grant recipients with an approved NICRA or de minimis rate must report indirect costs on their **FINAL** ETA-9130 Form.

7. Approved Statement of Work

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

8. Approved Budget

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

9. Return of Funds

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

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

10. Evaluation, Data, and Implementation

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

11. Resources and Information

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

12. Cost Limitation Restrictions

a. Administrative Costs

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

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

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

b. Cost per Participant

Recipients must track the average cost per participant throughout the project's lifecycle, and address this cost in the budget narrative when submitting modification requests for budget realignments or for additional funding. *The initial award does not constitute an approval of a cost per participant exceeding the \$20,000 threshold.* If recipients identify a need for the DWG project to exceed a cost per participant of \$20,000, a modification request seeking the prior approval of the Grant Officer is required. The modification must include a justification for the increase, as well as a realigned budget. The Grant Officer will review such requests on a case-by-case basis. Recipient's receiving Grant Officer approval to exceed the \$20,000 cost per participant threshold must not exceed their new approved limit. Should the recipient identify further need to increase the approved cost per participant threshold, an additional modification request seeking prior approval is required. Recipients receiving Grant Officer approval to increase cost per participant limits must report on this cost in their Quarterly Narrative Reports submitted through the Workforce Integrated Performance System, including an explanation regarding significant impacts to, or variances of, this particular cost.

Cost per participant equals the total award divided by the number of enrolled grant participants. This metric accounts for all proposed grant costs across total enrollments (including applicable costs for grant administration, employment and training services, disaster-relief wages and fringe benefits, supportive services, etc.). However, it is possible (and allowable) that recipients could bill more than \$20,000 to this Disaster Recovery DWG for a single participant, depending upon the work performed and the length of their disaster relief employment. Participants employed in disaster-relief jobs must be paid the higher of the Federal, state, or local minimum wage, or the comparable rates of pay for other individuals employed in similar occupations by the same employer. In accordance with WIOA Section 181(a)(1)(A), generally, participants shall be compensated at the same rates, including periodic increases, as employees who are similarly situated in comparable occupations by the same employer and who have similar training, experience, and skills, and such rates shall be in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor

Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law. Fringe benefits should be paid in accordance with the policies of the employer of record.

c. Budget Flexibility

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

As directed in 2 CFR 200.308(e), for programs where the Federal share is over the simplified acquisition threshold (currently \$150,000), the transfer of funds among direct cost categories or programs, functions and activities is restricted such that if the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by the Federal awarding agency, the recipient must receive prior approval from the Grant Officer. Any changes within a specific cost category on the SF424(a) do not require a grant modification unless the change results in a cumulative transfer among direct cost categories exceeding 10% of total budget as noted above. It is recommended that your assigned FPO review any within-line changes to your budget prior to implementation to ensure they do not require a modification. For programs where the Federal share is below the simplified acquisition threshold, recipients are not required to obtain the Grant Officer's approval when transferring funds among direct cost categories. This includes transferring direct costs to the indirect cost category contained on the SF424 (a).

d. Consultants

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

e. Travel

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

f. Travel – Foreign

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

g. Travel – Mileage Reimbursement Rates

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

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

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

h. WIOA Infrastructure

WIOA sec. 121(b)(1)(B) and 20 CFR 678.400 require the following programs to be One-Stop partners: A. WIOA title I programs: Adult, Dislocated Worker, and Youth formula programs; Job Corps; YouthBuild; Native American programs; National Farmworker Jobs Program (NFJP); B. Wagner-Peyser Act Employment Service (ES) program authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as amended by WIOA title III; C. Senior Community Service Employment Program (SCSEP) authorized under title V of the Older Americans Act of 1965; D. Trade Adjustment Assistance (TAA) activities authorized under chapter 2 of title II of the Trade Act of 1974; E. Unemployment Compensation (UC) programs; F. Jobs for Veterans State Grants (JMSG) programs authorized under chapter 41 of title 38, U.S.C.; and G. Reentry Employment Opportunities (REO) programs (formerly known as Reintegration of Ex-Offenders Program (REXO) awarded prior to January 1, 2019 which were authorized under sec. 212 of the Second Chance Act of 2007 (42 U.S.C. 17532).

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

13. Administrative Requirements

a. Assurances and Certifications

The signed SF-424, Application for Federal Assistance, has been included as an attachment to this grant. The individual that signed the SF-424 on behalf of the applicant is considered the Authorized Representative of the applicant. As stated in block 21 of the SF-424 form, the signature of the Authorized Representative on the SF-424 certifies that the organization is in

compliance with the Assurances and Certifications form SF-424B (available at <http://apply07.grants.gov/apply/forms/sample/SF424B-V1.1.pdf>). You do not need to submit the SF-424B form separately.

b. Audits

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

c. Changes in Micro-purchase and Simplified Acquisition Thresholds

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

d. Closeout/Final Year Requirements

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

e. Creative Commons Attributions License

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

work with CC BY can be found at

http://wiki.creativecommons.org/Marking_your_work_with_a_CC_license.

f. Equipment

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

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

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

g. Federal Funding Accountability and Transparency Act (FFATA)

1. Reporting of first-tier subawards.

- I. *Applicability.* Unless your organization is exempt as provided in paragraph [4.] of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph [5.] of this award term).
- II. *Where and when to report.*
 - I. You must report each obligating action described in paragraph [1.i.] of this award term to <https://www.fsr.gov>.
 - II. For subaward information, you must report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
- III. *What to report.* You must report the information about each obligating action that the submission instructions posted at <https://www.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—
 - I. the total Federal funding authorized to date under this award is \$25,000 or more;
 - II. in the preceding fiscal year, you received—
 - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

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

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

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

subrecipient.

5. Definitions.

For purposes of this award term:

- a. *Entity* means all of the following, as defined in 2 CFR part 25:
 - I. A Governmental organization, which is a State, local government, or Indian tribe;
 - II. A foreign public entity;
 - III. A domestic or foreign nonprofit organization;
 - IV. A domestic or foreign for-profit organization;
 - V. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
- b. *Executive* means officers, managing partners, or any other employees in management positions.
- c. *Subaward*:
 - I. This term is used as a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - II. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see [2 CFR 200.330]).
 - III. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
- d. *Subrecipient* means an entity that:
 - I. Receives a subaward from you (the recipient) under this award; and
 - II. Is accountable to you for the use of the Federal funds provided by the subaward.
- e. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - I. *Salary and bonus.*
 - II. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - III. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - IV. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.
 - V. *Above-market earnings on deferred compensation which is not tax-qualified.*
 - VI. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

h. Intellectual Property Rights

The Federal Government reserves a paid-up, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use for federal purposes: i) the copyright in

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

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

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

i. Intellectual Property Rights and the Bayh-Dole Act

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

j. Personally Identifiable Information

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

k. Pre-Award

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

l. Procurement

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

m. Program Income

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

n. Publicity

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

o. Recipient Integrity and Performance Matters

1. If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the award recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.
2. Proceedings about which you must report. Submit the information required about each proceeding that:

- a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from either the Federal Government;
 - b. Reached its final disposition during the most recent 5-year period; and
 - c. Is one of the following:
 - I. A criminal proceeding that resulted in a conviction, as defined in paragraph 5. of this award term
 - II. A civil proceeding that resulted in a finding of fault and liability and paying a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - III. An administrative proceeding, as defined in paragraph 5. of this award term, that resulted in a finding of fault and liability and your payment of either monetary fine or penalty of \$5,000 or more or a reimbursement, restitution, or damages in excess of \$100,000; or
 - IV. Any other criminal, civil, or administrative proceeding if:
 - (A) It could have led to an outcome described in paragraph 2.c.I, II, or III of this award term;
 - (B) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - (C) The requirement in this award term to disclose information about the proceeding does not conflict with applicable laws and regulations.
3. Reporting procedures. Enter in SAM Entity Management area (formerly CCR), or any successor system, the FAPIIS information that SAM requires about each proceeding described in paragraph 2. of this award term. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM (formerly CCR) because you were required to do so under Federal procurement contracts that you were awarded.
4. Reporting frequency. During any period of time when you are subject to the requirement in paragraph 1. of this award term, you must report FAPIIS information through SAM no less frequently than semiannually following your initial report of any proceedings for the most recent 5-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report.
5. Definitions. For purposes of this award term:
- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level. It does not include audits, site visits, corrective plans, or inspection of deliverables.
 - b. Conviction, for purposes of this award term, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
 - c. Total value of currently active grants, cooperative agreements, and procurement contracts includes —
 - I. Only the Federal share of the funding under any award with a recipient cost share or match; and
 - II. The value of all options, even if not yet exercised.

p. Reports

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

1. Quarterly Financial Reports.

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

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

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

2. Quarterly Performance Reports.

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

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

b. Reporting System

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

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

- i. Visit the following website: <https://www.doleta.gov/performance/wips/>

- ii. Select “WIPS Technical Assistance Request”
- iii. Select “DWG” from the program drop-down menu
- iv. Enter the DWG grant number the report request is for
- v. Complete all required fields of the WIPS Technical Assistance Request template
- vi. Under “Description” request a new user account
- vii. Click “Submit”

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

c. Required Reports

The required reports for all DWG grantees are:

- i. Quarterly Performance Report (ETA 9173) – The DWG Quarterly Performance Report (QPR) is generated from grantee’s submission of individual participant record files. Grantees must certify a 9173 QPR each quarter. This report captures participant characteristics, services, and outcomes according to the Participant Individual Record Layout (PIRL) layout:
https://doleta.gov/performance/pfdocs/ETA_9172_DOL_PIRL_1.18.81.pdf

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

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

3. Project Implementation Plan.

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

q. Requirements for Conference and Conference Space

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

r. Subawards

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

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

s. Supportive Services & Participant Support Costs

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

t. System for Award Management

1. Requirement for System of Award Management (SAM)

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

2. Requirement for unique entity identifier

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

- i. Must notify potential subrecipients that no entity (*see definition in paragraph [3] of this award term*) may receive a subaward from you unless the entity has provided its unique

entity identifier to you.

ii. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

3. Definitions

For purposes of this award term:

i. *System of Award Management (SAM)* is the Federal repository where award recipients register to do business with the U.S. government. Additional information about registration procedures may be found at the SAM Internet site (currently at <http://www.sam.gov>).

ii. *Unique entity identifier* means the code that is unique to a registered entity in order to complete its registration on SAM. \iii. *Entity*, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:

- a. A Governmental organization, which is a State, local government, or Indian Tribe;
- b. A foreign public entity;
- c. A domestic or foreign nonprofit organization;
- d. A domestic or foreign for-profit organization; and
- e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

iv. *Subaward*:

a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).

c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

v. *Subrecipient* means an entity that:

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

u. SAM Registration Validation

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

v. Vendor/Contractor

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

w. Whistleblower Protection

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

14. Program Requirements

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

a. Coordination with Federal Agencies

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

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

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

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

b. Eligibility

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

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

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

Limitations on Duration of Participation -- Participants in disaster-relief positions may be employed for a maximum of 12 months or 2,080 hours, whichever is longer. Grantees may submit a modification request to extend the period of employment for existing participants for up to an additional 12 months, and this modification request must justify the reason for extending participants' disaster-relief employment, as required by 20 C.F.R. 687.180(b)(1) If there remains humanitarian or clean-up needs after participants reach the limits on employment duration, the state should attempt to employ new eligible individuals to continue the work at hand rather than continue the employment or re-employment of participants that have reached 12 months or 2,080 hours of disaster-relief employment.

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

c. Participant Compensation

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

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

d. Employment Conditions

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

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

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

e. Worksite Selection and Work on Private Property

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

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

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

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

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

f. Fish and Wildlife Service (FWS)

In order to ensure compliance with the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA) and to protect valuable habitats and endangered species, all disaster projects where participants will be entering or impacting natural areas must ensure that activities are not negatively affecting endangered species or their habitats. NEPA and ESA require NDWG projects to either affirm to FWS that there are no endangered species or habitats within the project area, or to consult with FWS to mitigate negative impacts where there are endangered species or

protected habitats before beginning any work in those areas. For more information, contact a local FWS field office (www.fws.gov/offices/).

15. Fiscal Year 2020 Federal Appropriations Requirements

a. Fair Labor Standards Act Amendment for Major Disasters

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

“(s)(1) The provisions of this section [maximum hours worked] shall not apply for a period of 2 years after the occurrence of a major disaster to any employee—

“(A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts;

“(B) who receives from such employer on average weekly compensation of not less than \$591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and “(C) whose duties include any of the following:

“(i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians; “(ii) inspecting property damage or reviewing factual information to prepare damage estimates;

“(iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims;

“(iv) negotiating settlements; or

“(v) making recommendations regarding litigation.

“(2) The exemption in this subsection shall not affect the exemption provided by section 13(a)(1) [of the FLSA].

“(3) For purposes of this subsection—

“(A) the term ‘major disaster’ means any disaster or catastrophe declared or designated by any State or Federal agency or department;

“(B) the term ‘employee employed to adjust or evaluate claims resulting from or relating to such major disaster’ means an individual who timely secured or secures a license required by applicable law to engage in and perform the activities described in clauses (i) through (v) of paragraph (1)(C) relating to a major disaster, and is employed by an employer that maintains worker compensation insurance coverage or protection for its employees, if required by applicable law, and withholds applicable Federal, State, and local income and payroll taxes from the wages, salaries and any benefits of such employees; and

“(C) the term ‘affiliate’ means a company that, by reason of ownership or control of 25 percent or more of the outstanding shares of any class of voting securities of one or more companies, directly or indirectly, controls, is controlled by, or is under common control with, another company.”

b. Health Benefits Coverage for Contraceptives

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

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

c. Participant Minimum Age

Pursuant to P.L. 116-94, Division A, Title I, Section 104, funds made available under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 3224a) must only be used for training individuals and for the related activities necessary to support such training. This training must be in the occupations and industries for which employers are using H-1B visas to hire foreign workers, and it must be provided only to individuals who are older than 16 years of age and who are not currently enrolled in a school within a local educational agency.

d. Privacy Act

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

e. Prohibition on Contracting with Corporations with Felony Criminal Convictions

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

f. Prohibition on Contracting with Corporations with Unpaid Tax Liabilities

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

g. Prohibition on Procuring Goods Obtained Through Child Labor

Pursuant to P.L. 116-94, Division A, Title I, Section 103, no funds may be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in

whole or in part, by forced or indentured child labor in industries and host countries identified by the DOL prior to December 20, 2019. DOL has identified these goods and services here: <http://www.dol.gov/ilab/reports/child-labor/list-of-products>.

h. Prohibition on Providing Federal Funds to ACORN

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

i. Reporting of Waste, Fraud and Abuse

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

j. Requirement for Blocking Pornography

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

k. Requirement to Provide Certain Information in Public Communications

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

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

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

l. Restriction on Health Benefits Coverage for Abortions

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

individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

m. Restriction on Lobbying/Advocacy

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

n. Restriction on the Promotion of Drug Legalization

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

o. Restriction on Purchase of Sterile Needles or Syringes

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

p. Salary and Bonus Limitations

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

16. Public Policy

a. Architectural Barriers

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

All new facilities designed or constructed with grant support must comply with these requirements.

b. Drug-Free Workplace

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

c. Executive Orders

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

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

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

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

13788: Pursuant to Executive Order 13788, by drawing down funds, the recipient agrees to comply with sections 8301 through 8303 of title 41, United States Code (commonly known as the "Buy American Act"). Additionally, no funds may be made available to any person or entity that has been convicted of violating the Buy American Act. For the purposes of this award, the Buy American Act requires the recipient to use, with limited exceptions, only 1) unmanufactured items that have been mined or produced in the United States; and 2)

manufactured items that have been manufactured in the United States substantially all from articles, materials, or supplies that were mined, produced, or manufactured in the United States. These requirements do not apply to 1) items for use outside of the United States, 2) items that are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality; and 3) manufactured items procured under any contract with an award value that is equal to or less than the micro-purchase threshold (currently \$10,000). In order to claim an exception to these requirements under 1 or 2 above, the recipient must get prior approval from the Grant Officer. Prior approval is not needed for purchases under the micro-purchase threshold.

d. Flood Insurance

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

e. Hotel-Motel Fire Safety

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

f. Prohibition on Trafficking in Persons

1. Trafficking in persons.

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

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

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

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

- (A). Is determined to have violated a prohibition in paragraph a.1 of this award term; or
- (B). Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—
 - i. Associated with performance under this award; or
 - ii. Imputed to you or the subrecipient using the standards and

due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 CFR Part 2998.

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

I. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or

II. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—

(A). Associated with performance under this award; or

(B). Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 29 CFR Part 98.

c. *Provisions applicable to any recipient.*

I. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.

II. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:

(A). Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and

(B). Is in addition to all other remedies for noncompliance that are available to us under this award.

III. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

d. *Definitions.* For purposes of this award term:

I. “Employee” means either:

(A). An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or

(B). Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

II. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

III. “Private entity”:

(A). Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.

(B). Includes:

i. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one

- included in the definition of Indian tribe at 2 CFR 175.25(b).
- ii. A for-profit organization.
- IV. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

g. Veterans’ Priority Provisions

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

17. Attachments

Attachment A: SF-424

Attachment B: SF-424A

Attachment C: Budget Narrative

Attachment D: Statement of Work

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

Attachment A: SF-424

Application for Federal Assistance SF-424

* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Revision	* If Revision, select appropriate letter(s): BD: Decrease Award, Decrease Duration * Other (Specify):
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* 3. Date Received: 04/15/2020	4. Applicant Identifier:
--	-------------------------------------

5a. Federal Entity Identifier: 	5b. Federal Award Identifier:
---	--

State Use Only:

6. Date Received by State: 	7. State Application Identifier:
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8. APPLICANT INFORMATION:

*** a. Legal Name:** Florida Department of Economic Opportunity

* b. Employer/Taxpayer Identification Number (EIN/TIN): 36-4706134	* c. Organizational DUNS: 9689306640000
--	---

d. Address:

*** Street1:** 107 E. Madison St.
Street2: MSC 120
*** City:** Tallahassee
County/Parish: Leon
*** State:** FL: Florida
Province:
*** Country:** USA: UNITED STATES
*** Zip / Postal Code:** 32399-6545

e. Organizational Unit:

Department Name: 	Division Name:
-----------------------------	---------------------------

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

Prefix: *** First Name:** Isabelle
Middle Name:
*** Last Name:** Potts
Suffix:

Title: Supervisor, Program Development and Researc

Organizational Affiliation:

*** Telephone Number:** 850-921-3148 **Fax Number:**

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

Application for Federal Assistance SF-424

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

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

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

U.S. Department of Labor/ETA

11. Catalog of Federal Domestic Assistance Number:

17.277

CFDA Title:

Workforce Innovation Opportunity Act (WIOA) National Dislocated Worker Grants (DWG)

*** 12. Funding Opportunity Number:**

N/A

* Title:

N/A

13. Competition Identification Number:

Title:

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

Add Attachment

Delete Attachment

View Attachment

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

FL - Disaster - Covid 19

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.

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="95,513,960.00"/>
* 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="95,513,960.00"/>

*** 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

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

** I AGREE

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

Authorized Representative:

Prefix: * First Name:
Middle Name:
* Last Name:
Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative:

* Date Signed:

Attachment B: SF-424A

BUDGET INFORMATION - Non-Construction Programs

OMB Number: 4040-0006
Expiration Date: 01/31/2019

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. GRANTEE ADMINISTRATIVE	17.277	\$	\$	\$ 185,042.00	\$	\$ 185,042.00
2. GRANTEE TOTAL OPERATIONS	17.277			95,328,918.00		95,328,918.00
3.						
4.						
5. Totals		\$	\$	\$ 95,513,960.00	\$	\$ 95,513,960.00

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1) GRANTEE ADMINISTRATIVE	(2) GRANTEE TOTAL OPERATIONS	(3)	(4)	
a. Personnel	\$ <input type="text"/>	\$ 169,096.00	\$ <input type="text"/>	\$ <input type="text"/>	\$ 169,096.00
b. Fringe Benefits	<input type="text"/>	64,257.00	<input type="text"/>	<input type="text"/>	64,257.00
c. Travel	<input type="text"/>	41,750.00	<input type="text"/>	<input type="text"/>	41,750.00
d. Equipment	<input type="text"/>	0.00	<input type="text"/>	<input type="text"/>	
e. Supplies	<input type="text"/>	8,710.00	<input type="text"/>	<input type="text"/>	8,710.00
f. Contractual	<input type="text"/>	95,021,999.00	<input type="text"/>	<input type="text"/>	95,021,999.00
g. Construction	<input type="text"/>	0.00	<input type="text"/>	<input type="text"/>	
h. Other	<input type="text"/>	23,106.00	<input type="text"/>	<input type="text"/>	23,106.00
i. Total Direct Charges (sum of 6a-6h)	<input type="text"/>	95,328,918.00	<input type="text"/>	<input type="text"/>	\$ 95,328,918.00
j. Indirect Charges	185,042.00	<input type="text"/>	<input type="text"/>	<input type="text"/>	\$ 185,042.00
k. TOTALS (sum of 6i and 6j)	\$ 185,042.00	\$ 95,328,918.00	\$ <input type="text"/>	\$ <input type="text"/>	\$ 95,513,960.00
7. Program Income	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>

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SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program		(b) Applicant	(c) State	(d) Other Sources	(e)TOTALS
8.	Grantee Administrative	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
9.	Grantee Total Operations	<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"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
14. Non-Federal	\$ <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
15. TOTAL (sum of lines 13 and 14)	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>

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

(a) Grant Program		FUTURE FUNDING PERIODS (YEARS)			
		(b)First	(c) Second	(d) Third	(e) Fourth
16.	Grantee Administrative	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
17.	Grantee Total Operations	<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"/>	

Attachment C: Budget Narrative

GRANTEE LEVEL - FULL MODIFICATION/FULL LEVEL

Personnel	Annual Salary	FTE %	Years	Total
Government Operations Consultant III	53,800.00	100.0%	2.00	107,600
Senior Management Analyst Supervisor	69,000.00	40.0%	2.00	55,200
Senior Management Analyst Supervisor				
Government Operations Consultant II Monitor	52,475.00	6.0%	2.00	6,296
Total Personnel				169,096
	Total Personnel Cost During Period			
Fringe Benefits			Fringe Rate	Total
Government Operations Consultant III	107,600.00		38%	40,888
Senior Management Analyst Supervisor	55,200.00		38%	20,977
Senior Management Analyst Supervisor				
Government Operations Consultant II Monitor	6,296.00		38%	2,392
Total Fringe benefits @ 38% personnel (FICA, WC, Retirement, Health)				64,257
Travel 25 trips for 4 Staff members @ \$665 per trip (4 travelers in state, two hotel nights at \$125 per traveler, meals and per diem at \$140 per traveler, rental car, tolls, and gas at \$110 per trip)				41,750
Staff Supplies \$4,355 per year - General Office consumables and Supplies				8,710
Shared Costs				
Shared Agency Overhead Costs (Rent, cost pool allocations for utilities and internet, data processing)				18,106
Risk Management Insurance (Made up of automobile insurance, general liability insurance, workers compensation insurance, and civil rights insurance. The charge is based on amount of FTEs accruing grant time and is not included in the Indirect Rate.)				5,000
Total Shared Costs				23,106
Contractual - Program Operator Expenses				
Temporary Jobs 4,200 @ \$10,401.72	4,200	\$10,401.72		43,687,218
Fringe benefits @ 10%				4,368,722
Subcontract: Staffing Agency Fee/Workers Comp @ 25% of temp job wages & benefits				12,013,985
Career Services 2,500 @ \$300 (includes participants that are enrolled in a temp job, training, and/or career services only)	2,500	\$300		750,000
Training not including OJT 1,300 @ \$5,000	1,300	\$5,000		6,500,000
OJT 575 participants @ \$5,000	575	\$5,000		2,875,000
Supportive services - 3,000 participants @ \$299	3,000	\$299		897,000
24 Case managers and 12 supervisors for two years	\$50,000	100%		2,400,000
Fringe benefits @ 24%				576,000
Staff Travel 72 program staff x \$120/week x 104 weeks				898,560
Staff supplies 72 program staff x \$20/week x 104 weeks				149,760
Pooled Career Center Costs (non-admin) @ 15% of direct project operator costs)				11,267,390
Admin Costs @ 10%				8,638,364
Total Contractual				95,021,999
Indirect Rate 65.6860% of Total Personnel + fringe benefits				
(166,096+63,118)*79.2972%=\$181,760				185,042
TOTAL GRANT				95,513,960

Attachment D: Statement of Work

Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

August 25, 2020

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

Dear Ms. Tesone,

Please accept the State of Florida's revised application request for an additional \$83,513,960 for the COVID-19 Dislocated Worker Grant (DW-34657-20-60-A-12) for a total award of \$95,513,960.

This modification makes changes to planned activities from our previous modifications. The additional funds will continue to support current participants as well as allow the enrollment of additional eligible participants into temporary jobs and training activities. With the additional funds, we expect to reach a level of service of 4,200 participants in temporary jobs and 1,875 in Training for a total of 5,500.

Updated Forms 424 and 424A, Budget Narrative, Full Application Worksheet and Indirect Rate Approval Letter are being submitted.

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

Thank you for your prompt consideration.


Caroline Womack, Chief
Bureau of Financial Management

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

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

**COVID-19
DISASTER RECOVERY NATIONAL DISLOCATED WORKER GRANT (DWG)
SUGGESTED FULL APPLICATION WORKSHEET**

Grant Recipient Name: FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)	
Project Name: Disaster-FL-COVID-19	
Grant Number: DW-34657-20-60-A-12	
Are all quarterly reports up to date? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Check applicable requests made in this modification request:	
<input checked="" type="checkbox"/> Full Application	<input type="checkbox"/> Budget Realignment
<input type="checkbox"/> Statement of Work Change	<input checked="" type="checkbox"/> Response to Outstanding Terms and Conditions
<input checked="" type="checkbox"/> Incorporate Negotiated Indirect Cost Rate Agreement (NICRA) or Cost Allocation Plan (CAP)	<input type="checkbox"/> Period of Performance Change Requesting an extension to: (insert date)
<input type="checkbox"/> Change of Address or Authorized Representative Information	<input type="checkbox"/> Equipment Purchase
<input type="checkbox"/> Other:	<input checked="" type="checkbox"/> Request for Additional Funding

Enrollment Summary – Update for Disaster-Relief Employment			
	Initial Projection	For Modifications	
		Enrolled to Date	Projected New Enrollments
Number of Participants in Disaster-Relief Employment <i>Only</i>	3,000	91	2,909
Number of Participants in Career and Training Services <i>Only</i>	1,300	150	1,150
Number of Participants in <i>Both</i> Disaster-Relief Employment <i>and</i> Career and Training Services	1,200	72	1,128
Participant Totals	5,500	313	5,187

Eligible Participants – Individuals receiving services through a Disaster Recovery DWG must meet one of the following criteria. Select all that apply:
<input checked="" type="checkbox"/> Temporarily or permanently laid off as a consequence of the disaster
<input checked="" type="checkbox"/> A dislocated worker
<input checked="" type="checkbox"/> A long-term unemployed worker
<input checked="" type="checkbox"/> A self-employed individual who became unemployed or significantly under-employed as a result of the disaster or emergency

Geographic Area to Be Served: List the counties/parishes to be served by this project. Also indicate additions/deletions since the submittal of the initial application, and why the change was made.
All 67 counties in Florida

Community Needs Assessment:

Summarize the impact of COVID-19 in the proposed service area.

Identify new information determined since submission of the emergency application.

Identify the specific needs to be addressed in the proposed service area.

Describe how these needs were identified and how they will be monitored throughout the grant period.

Explain how the disaster-relief employment will address the specific needs stated above.

Impact of COVID-19 on Florida

Due to the COVID-19 public health emergency and the efforts to contain it, the national unemployment rate more than tripled from 3.3 percent in June 2019 to 10.4 percent in June 2020. The state's number of individuals unemployed increased by 701,000 simultaneously with an increase of 530,000 individuals reported as "not in the workforce" for a net job loss effect of close to over 1.23 million positions (12% of the state's workforce) in June 2020 (as compared to June 2019). The significant increase in individuals "not in the workforce" may be due to workers being furloughed with an anticipated return date, lack of adequate jobs to apply for, and the availability of unemployment assistance temporarily without the required job search activities.

Leisure and Hospitality industries were hardest hit as indicated by surveys completed by Florida businesses. The survey indicated that over half of the layoffs reported occurred in businesses identifying themselves as Food & Dining, Entertainment, Transportation and Retail Merchants. Of those, 20 percent of the reported layoffs were described as permanent. In the same vein, Worker Adjustment and Retraining Notification (WARN) Notices received by DEO thru June indicate that of the 131,000 employees alerted since the start of the COVID-19 pandemic 80% of affected employees and 51% of the 961 businesses reporting job losses occurred in restaurants, hotels, and tourism. The business surveys report a total estimated cost of damage from the pandemic at \$2.1 trillion.

The effect on state and local government will be devastating as Florida's economy is highly dependent on tourism. Much of the tax base comes from sales taxes and other fees that are replenished by visitors to the state. As a result, local governments around the state are re-evaluating their current and future budgets and already making cuts to respond to the loss of tax revenues.

The state is still seeing a steady growth of Florida residents testing positive for COVID-19. While the more severe health consequences are felt by those over the age of 54, the largest number (66%) of those testing positive are working-age adults (25 to 64). This indicates a continued impact to the workforce in general and the affected industries in particular.

Specific Needs

The community needs are similar around the state:

- Gathering, moving, storing and distributing food and other necessary supplies. Food production, transportation, warehousing, and distribution have been disrupted by the closing of restaurants and convention facilities in the state, as well as the loss of volunteers due to social distancing. 35% of the civilian workforce is unemployed and without pay related to CV-19. Over 2.5 million missing meals due to employment disruption. Food distribution networks (Feeding America/Feeding Florida) have experienced a 60% loss of volunteers. Homebound individuals cannot access needed food and supplies because they cannot go to the grocery store. 80% of Meals on Wheels program have seen doubling of demand, underlying an acute need for elderly receiving shopping assistance for food & other essentials. Additional need for meal preparation and distribution for high-risk/quarantined individuals, as well as for those essential workers in public health/public safety. Food service activities for institutions such as prisons where there is a temporary loss of staff as well as inmate labor due the high number of staff & inmates with COVID-19 (over 5,000 in the state). Planned number of workers: **765**.
- Sheltering of homeless and others required to quarantine away from home. Residents of homeless shelters have been moved out of shelters and spread out throughout the community, while receiving same level of service. At the same time, facilities helping the homeless have been losing (or cutting back on) volunteers to provide services due to concerns about COVID-19 and the need for social distancing. Case managers for homeless population, including interim housing to maintain social distancing. Planned number of workers: **75**.
- Providing sanitation, and implementing safe practices at agencies that serve the public, including testing sites, hospitals & clinics, social service agencies, and state and local governmental offices. Testing centers need workers to implement and enforce safety protocols, gather necessary data, and maintain sanitary standards. There are 247 recognized testing sites in the state. 349 hospitals and hundreds of county health offices around the state are facing harsh financial pressure, with an estimated \$202 billion in losses to the industry nationally. Planned number of workers: **1,049**.
- Providing sanitation and implementing safe practices at outward-facing small businesses. Small businesses cannot open until buildings are sanitized. Number of businesses thus affected are not available. However, it is recognized that small businesses are at higher risk of not being able to recover from the pandemic. Local workforce development boards work with their local chambers of commerce and other organizations to assess the need for these services for outward-facing businesses, such as restaurants, bars, fitness centers, convenience stores, small independent grocers, etc. These entities have incurred such severe financial losses that they cannot expend additional funding for the level of sanitization needed to make their patrons safe. Planned number of workers: **510**.
- Contact tracing. Contact tracing required to halt spread of CV-19. Estimated need for contact tracers by the National Association of County and City Health Officials: 6,443. Florida currently has 2,300, according to the Florida Health Department. These positions, funded by the state, are housed in county health departments. However, the potential exists

for the need to hire more.Planned number of workers: **495**.

- Providing case management/support to individuals who are affected by the pandemic to assist their receiving needed services, and related recordkeeping. Call centers (211 agencies) are experiencing a 100% increase in calls from individuals suffering anxiety or depression as a result of confinement or job loss. This increase also manifests at mental health clinics. The state is providing public assistance to an additional 1.1 million Floridians since the start of the pandemic. Local governmental service divisions have case backlogs due to temporary closures and are still short-staffed due to need for quarantine and social distancing. LWDBs have worked with their local agencies to determine the level of need to provide needed services to their constituents, in spite of the slowdown due to illness and quarantine requirements. Planned number of workers: **710**.
- Providing educational assistance to low-income and students with barriers, such as disability/learning disability, whose ability to access “normal” educational opportunities are impeded by the pandemic. A significant number of students will not be returning to in-person classes at least at the start of the 2020-2021 school year (In Leon County, 40% will remain out of the classroom). Also, as seen in several localities, if there is a rise of COVID-19 cases in a school, in-person classes may be suspended. While affluent families can afford to make that decision and have the means to ensure that their children stay on top of their studies, many parents do not have the resources to support their children's studies when they are home-bound. School districts and existing youth programs, such as the Boys and Girls Club and the Urban League are seeking to provide tutors to assist low-income and struggling students who have to engage in virtual school. This may take place through virtual and/or pod teaching so that small numbers of students may be involved and get the necessary level of support to succeed in their studies. Similarly, due to the pandemic, Out-of-school youth are deprived of work experience opportunities, as many worksite are unavailable due to the pandemic. Planned number of workers: **596**.

Grant funds will be used to fund wages and benefits for the identified positions, as well as supportive services for temporary disaster-relief workers. The funds may not be used to provide actual benefits to clients served by the temporary disaster-relief workers.

Service priorities include: placing laid-off workers into income-earning jobs and retooling laid-off workers whose industries are anticipated to take a long time to recover (or may not fully recover). Security guards, senior care, landscaping, online banking services, call centers, contact tracers and other medical service employment are seeing an increased demand, as well as manufacturing positions. While commercial construction is slowing down, there is an ongoing need for residential construction to deal with the damage caused by Hurricanes Irma and Michael. The need for telework in the financial and education sectors has emerged due to the pandemic. A strong, national broadband network will be needed to supply this increased demand for telework employees. Such a network will facilitate employment beyond large metro areas and into rural areas. As federal and state leaders envision the expansion of the broadband network into remote areas, utility line service positions will be created. LWDBs are uniquely positioned to identify just-in-time trends in the local workforce demand. They will identify new and ongoing needs for training/retooling/upskilling dislocated workers within their areas and access appropriate training to meet those needs.

Need Determination & Monitoring

DEO is the lead agency for Function 18 of the state’s Comprehensive Emergency Management Plan—Business, Industry, and Economic Stabilization. DEO continues to work with partner agencies responsible for social services and healthcare emergency functions to determine ongoing needs for temporary disaster-relief activities around the state and communicates such needs to Local Workforce Development Boards (LWDB) in affected areas. LWDBs are engaged with their local emergency management agencies, local businesses, and service agencies to assess the specific needs and priorities to help their communities recover from the public health emergency.

The determination of need for a particular temporary job is based on answering two questions: 1) What is the disaster-relief work that needs to be done through funded temporary positions? 2) Why are grant funds needed for these positions? A list of temporary positions is provided in the table on the following page.

LWDBs are instructed that such questions need to be answered periodically to ensure that temporary disaster-relief worksites continue to meet the requirements of the grant and the disaster-recovery needs of the community. LWDBs submit quarterly worksite reports to DEO that are reviewed to determine the suitability of worksites and temporary disaster-relief positions.

Training Needs:

Workers from the hospitality, retail, and transportation fields have been hit particularly hard by this public health emergency. It is predicted that some of them will not be able to return to their previous occupations, while others will see their hours reduced. These future long-term unemployed/ underemployed workers will need retraining for opportunities in other fields. Some of the fields already identified include: medical, information technology, construction, manufacturing, education, financial. DEO and state educational and workforce partners, as well as LWDBs work with industry associations, and economic development agencies to identify short, medium and long-term talent needs. As new demand is identified by local employers, LWDBs will

develop training protocols to provide job-ready candidates, using a blend of short-term occupational skills training, degree-seeking opportunities, and work-based training.

Displaced workers without a high-school diploma or GED are at a disadvantage in obtaining self-sufficient employment. In some areas, there is also a need for English as a second language. Grant funds are available to provide basic skills, English as a second language, and GED preparation courses.

Monitoring/Oversight Plan for Worksites

Describe internal controls in place for tracking and monitoring project activities, including worksites and worksite employers, to ensure compliance with federal requirements and grant terms.

All participants placed in a temporary disaster-relief jobs are recorded in the state’s management information system—Employ Florida. DEO and LWDBs are thus able to track project activities, including the O*Net codes for temporary disaster-relief positions. DEO program management and staff receive weekly reports of grant activities. Program staff also work with their counterparts in financial management to review grant expenditures monthly and combine participant information and financial information in dashboards that are presented to management monthly.

Administrative Policy 100 – Work-Based Training sets out the monitoring requirements for work-based activities both by DEO and by LWDBs to ensure compliance with federal and state laws.

LWDBs will put in place a monitoring plan for work-based activities (temporary disaster-relief employment or other work-based training allowed under the Workforce Innovation and Opportunity Act) that involves regular site visits or call-ins when site visits are not feasible or advisable. Each worksite will receive at least one such visit per quarter. Interviews of supervisors and workers will take place to ensure that assigned workers are in place, that the work conducted is consistent with the worksite agreement (for temporary disaster-relief employment, the work is for disaster-recovery activities only) and to determine whether any correction or change needs to be made to the agreement or the assignment. Additionally, LWDBs will ensure that established payroll mechanisms are adequate to track cumulative hours worked and that they do not exceed 2,080 hours.

LWDBs will submit a quarterly report on their worksite monitoring activities to DEO. DEO will conduct remote spot checks on selected worksites. The result of the spot checks will be documented and provided to affected LWDBs.

The state’s annual programmatic monitoring activities will include a review of participating LWDBs’ worksite monitoring plan and activities, in addition to participant file reviews (with related documents, such as worksite agreements).

Proposed Employment and Training Services <i>(For grant recipient completion)</i>				
Statement of Need		Project Activities	Requirements to Carry Out Employment and Training Services	Partners/Service Providers
Needs: Identify career and training needs resulting from the disaster that the project proposes to address.	Area Where Need Exists: within the project’s proposed service area.	Employment and Training Services to Address Need: Identify career and training services to address the stated need. Include credentials and length of time needed to complete training. Training must be completed within the grant period.	Employment and Training Resources and Supplies: Identify the resources required to carry out the career and training services, such as support technology, subscriptions, and internet access.	Partners/WIOA Service Providers/Contracted Services: Identify community partners, WIOA service providers, and other contracted services the recipient will use to implement required activities.
Workers from the hospitality, retail, and transportation fields have been hit particularly hard by this public health emergency. It is predicted that some of them will not be able to return to their previous occupations, while others will see their hours reduced. These future long-term unemployed/ underemployed workers will need retraining for opportunities in other fields. Some of the fields already identified include: medical, information technology, construction, manufacturing, education, financial.	All LWDBs	Training needs will include: occupational skills training provided through Individual Training Accounts, On-the-Job Training, Registered Apprenticeships, and/or Customized Training. Career services will include, but not be limited to, any or all of the following: objective assessment, employability development plan, various job readiness and job search activities, and other career services, as well as work experiences and/or temporary jobs. Other skill upgrades, such as computer skills may also be provided.	Traditional supportive services may be required (e.g., child care, transportation,), as well as the provision of technology, subscriptions and Internet access, books, tools, supplies, uniforms, occupational safety training. Cell phones and laptops may be required to allow participants to participate in training and career services remotely.	LWDBs as project operators and providers of services, eligible training providers (public and private post-secondary and technical educational institutions, Registered Apprenticeship sponsors and providers of Related Training Instruction, pre-Apprenticeship providers, work-based training providers.
LWDBs work with industry associations, economic development agencies, and local employers to identify short, medium and long-term talent need in their areas. As new demand is identified, LWDBs will develop training protocols to provide job-ready candidates.	All LWDBs	Same as above.	Same as above.	Same as above.

<p>Displaced workers without a high-school diploma or GED are at a disadvantage in obtaining self-sufficient employment. In some areas, there is also a need for English as a second language</p>	<p>All LWDBs</p>	<p>English as a second language, remediation and GED prep may be offered in combination with training, temporary disaster-relief employment, or as a stand-alone activity, as determined by individual assessments</p>	<p>Same as above.</p>	<p>LWDBs as project operators, post-secondary institutions, adult education providers.</p>
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Career, Training, and Supportive Services

Briefly explain why existing formula funds are not sufficient to fund proposed career, training and supportive services.

The Dislocated Worker funds received by the state are based on a formula that was devised for “ordinary” times (pre-COVID-19) when labor force figures were robust. Now, however, as discussed in the Community Need Assessment portion of this application, Florida experienced a strong labor disruption due to COVID-19, as it impacted major industries in the state. The net impact of the pandemic on the labor force in Florida in April 2020, as compared to April 2019 was an increase in the number of the unemployed and those not in the labor force of over 17% of the working-age population (a total impact of over 1.75 million individuals). Similarly, initial claims ranged from 20,000 to 30,000 for the year preceding the onset of the pandemic to over 300,000 in March 2020, over 600,000 in April 2020, and over 1 million in May 2020.

For PY2018 DEO received a total of \$53,879,224 in Dislocated Worker funds. As of May 31, 2020, \$39,167,019 has been drawn.

DWG Performance

DWG performance accountability is outlined in Training and Employment Guidance Letter (TEGL) 14-18, Attachment 6. The DWG program applies performance measures as described in Workforce Innovation and Opportunity Act (WIOA) Section 116. These include the following:

- Planned Employment Rate (2nd Quarter after Exit) 79%
- Planned Employment Rate (4th Quarter after Exit) 73%
- Planned Median Earnings \$3,200
- Planned Credential Rate 75.5%
- Planned Measurable Skill Gains Rate 45.5%

Are the planned performance goals for this project the same as the applicable negotiated goals for the Dislocated Worker program? Yes or No? YES.

If the above goals are lower than the negotiated goals, please explain why: N/A.

**Enrollment and Expenditure
Worksheet for Disaster-Relief
Employment**

**COMPLETE BLUE COLUMNS ONLY IF REQUESTING
INCREMENTAL OR SUPPLEMENTAL FUNDING**

Participant Breakdown by Services	Initial Planned Enrollment Numbers	Initial Planned Expenditures	Actual Data as of Modification Submission Date		New Projections if Supplemental/Incremental Funds Awarded	
			Actual Enrollments as of Modification Submission	Actual Expenditures as of Modification Submission	New Projected Enrollments	New Projected Expenditures
Participant Disaster-Relief Employment Wages	4,200	43,687,218	163	316,313.82	4,037	43,370,904.18
Participant Fringe Benefits (does not include temp agency fee)	4,200	4,368,722	163	18,715.80	4,037	4,350,006.20
Staffing Agency Fee	4,200	12,013,985	163	Not reported. Included in other categories.	4,037	12,013,985.00
Project Management and Oversight (includes project management & oversight and Local Administration for those in career services & training only in addition to those in Temp. Jobs)	4,200 (+1,200 in career services & training only)	23,930,075	163	539,505.89	4,037	23,390,569.11
TOTALS:		\$84,000,000	163	874,535.51	4,037	83,125,464.49

Participant Breakdown by Services	Revised Planned Enrollments based on Reduced Award	Revised Planned Expenditures based on Reduced Award
Participant Disaster-Relief Employment Wages	530	5,167,494
Participant Fringe Benefits (does not include temp agency fee)	530	516,749
Staffing Agency Fee	530	1,421,061
Project Management and Oversight (includes project management & oversight and Local Administration for those in career services & training only in addition to those in Temp. Jobs)	530 (+those in career services & training only)	4,029,562
	TOTAL	11,134,866

Enrollment and Expenditure Worksheet for Employment and Training Services

COMPLETE BLUE COLUMNS ONLY IF REQUESTING INCREMENTAL OR SUPPLEMENTAL FUNDING

Participant Breakdown by Services	Initial Planned Enrollment Numbers	Initial Planned Expenditures	Actual Data as of Modification Submission Date		New Projections if Supplemental/Incremental Funds Awarded	
			Actual Enrollments as of Modification Submission	Actual Expenditures as of Modification Submission	New Projected Enrollments	New Projected Expenditures
Career Services	2,500	750,000	222	117,047.90	2,397	750,000
Training Services, excluding On-the-Job Training (OJT)	1,300	6,500,000	12	0	1,300	6,500,000
OJT Only	575	2,875,000	0	0	575	2,875,000
Supportive Services (includes supportive services to Temp. Jobs only in addition to those in career services & training)	3,000	897,000	87	1,719.53	2,975	778,232.57
Needs-Related Payments	0	0	0	0	0	0
TOTALS:		11,022,000	222	118,767.43	2,500	10,903,232.57

Participant Breakdown by Services	Revised Planned Enrollments based on Reduced Award	Revised Planned Expenditures based on Reduced Award
Career Services	250	75,000
Training Services, excluding On-the-Job Training (OJT)	100	450,000
OJT Only	25	112,500
Supportive Services (includes supportive services to Temp. Jobs only in addition to those in career services & training)	377	112,723
Needs-Related Payments	0	0
TOTAL	250	750,223

PROJECT NARRATIVE: OVERALL PROJECT MANAGEMENT

Provide an explanation of the procedures you will use to identify funds not being utilized in accordance with the project plan:

The Grantee monitors grant activities frequently (at least weekly at the start of the grant and no less than monthly once grant operations are well underway). LWDBs receive cash draws weekly and grant expenditures are reported monthly by subrecipients. The Bureau of Financial Management and Bureau of One-Stop and Program Support meet to compare expenditures to grant activities. If grant funds are not being used in accordance with the project plan, funds may be de-obligated and reallocated. Additionally, any funds misspent would be repaid by the subrecipient.

Explain your plan for developing and implementing corrective action, where required, to ensure adherence to the project goals:

Planned monitoring and oversight activities are carried out in accordance with DEO's monitoring plan.

The purpose of programmatic monitoring reviews is to assess whether the LWDBs are complying with applicable laws, regulations, state plans, and all contract and agreement terms in administering their workforce programs. As such, DEO, in consultation with CareerSource Florida (the state workforce development board) annually develops and implements a process for monitoring the LWDBs and for follow-up of findings that require corrective action.

Financial monitoring of LWDBs is conducted annually to ensure compliance with federal and state requirements.

Proposed Disaster-Relief Jobs
(For grant recipient completion)

Statement of Need		Project Activities	Requirements to Carry Out Disaster-Relief Positions	Partners
<p>Needs: Identify each need resulting from the disaster that the project proposes to address.</p>	<p>Areas Where Need Exists: Identify where this need exists within the project’s proposed service area.</p>	<p>Disaster-Relief Jobs to Address Need: Identify the general types of disaster-relief work to address the stated need. Disaster-relief positions may address cleanup resulting from the impact of the disaster event, along with the humanitarian assistance needs created by the disaster.</p>	<p>Training or Supplies Needed for Disaster-Relief Positions: Identify the resources required to carry out the disaster-relief positions. Include training needs, supplies, supportive services, etc.</p>	<p>Partners Involved with Establishing the Disaster-Relief Positions: Identify the entities involved with establishing the positions, such as project operators, worksite employers, establishments where disaster-relief employment will take place, etc. NOTE: In all cases, Local Workforce Development Boards (LWDB) will be involved as project operators. In some situations, LWDBs may use staffing agencies as employers of record. Entities listed below will be worksite employers.</p>

Some of the proposed Disaster Relief Employment positions requested appear to be outside the scope of grant activities allowable under TEGL 12-19.

The Grantee may place eligible participants in Disaster Relief Employment positions as approved in the table below.

No participants may be placed in positions that have not been approved. Please consult your Federal Project Officer if you have questions.

The Grantee may place eligible participants in Disaster Relief Employment positions as approved in the table below .

<p>Food services. Food production, transportation, warehousing, and distribution have been disrupted by the closing of restaurants and convention facilities in the state, as well as the loss of volunteers due to social distancing. 35% of the civilian workforce is unemployed and without pay related to CV-19. Over 2.5 million missing meals due to employment disruption. Food distribution networks (Feeding America/Feeding Florida) have experienced a 60% loss of volunteers.</p>	<p>All LWDBs APPROVED</p>	<p>Temporary disaster-relief workers will collect and transport food from producers, wholesalers and other distributors to food bank and other charitable facilities; warehouse (store, inventory) food products; distribute food products to local governmental and community-based service agencies; and distribute food to individuals within the communities.</p>	<p>Training in food handling, resource management, occupational safety skills, commercial drivers' license, PPE, cell phones, laptops/tablets.</p>	<p>Local governmental and private community-based service organizations.</p>
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<p>Food services. Homebound individuals cannot access needed food and supplies because they cannot go to the grocery store. 80% of Meals on Wheels program have seen doubling of demand, underlying an acute need for elderly receiving shopping assistance for food & other essentials. Additional need for meal preparation and distribution for high-risk/quarantined individuals, as well as for those essential workers in public health/public safety.</p>	<p>All LWDBs APPROVED</p>	<p>Personal shoppers and delivery drivers to shop, package, and deliver groceries and other supplies to homebound community members, and run errands as needed for homebound individuals.</p>	<p>Training in food safety, sanitization, and COVID- 19 symptoms/prevention, PPE, transportation.</p>	<p>Community-based stores and food banks will partner to make goods available online for home shoppers.</p>
<p>Food service activities for institutions such as prisons where there is a temporary loss of staff as well as inmate labor due to COVID-19.</p>	<p>All LWDBs NOT APPROVED</p>	<p>Temporary food workers will provide food service activities until the institution is able to use its own staff and inmates to handle the workload. Sanitary assistance may also be provided. (over 5,000 in the state)</p>	<p>Training in food safety, sanitization, and COVID- 19 symptoms/prevention, PPE, state food handling certification.</p>	<p>Local and state penal facilities.</p>
<p>Food services. Meal preparation & distribution for individuals identified as high-risk or quarantined due to COVID-19.</p>	<p>All LWDBs APPROVED</p>	<p>Temporary food workers will prepare meals, package, and distribute prepared meal for home-bound or quarantined individuals.</p>	<p>Training in food safety, sanitization, and COVID-19 symptoms/prevention, PPE, transportation.</p>	<p>Local governmental and private community-based service organizations.</p>

<p>Contact tracing required to halt spread of CV-19. Estimated need for contact tracers by the National Association of County and City Health Officials: 6,443. Florida currently has 2,300, according to the Florida Health Department. These positions, funded by the state, are housed in county health departments. However, the potential exists for the need to hire more.</p>	<p>All LWDBs APPROVED</p>	<p>Contact tracers will facilitate contact identification, contact listing, and contact follow-up.</p>	<p>Cell phones, laptops/tablets, occupational training, interpreters. These positions should be remote but may require occasional site visits.</p>	<p>Local health departments, hospitals.</p>
<p>Cleanup and sanitation at testing centers which need workers to implement and enforce safety protocols, gather necessary data, and maintain sanitary standards. There are 247 recognized testing sites in the state.</p>	<p>All LWDBs APPROVED</p>	<p>Temporary disaster-relief workers will enforce safety protocols and patient flow, gather and record data from patients, and sanitize testing facilities.</p>	<p>Personal protection equipment (PPE), occupational safety training.</p>	<p>Public testing sites.</p>
<p>Cleanup and sanitation at medical facilities which need workers to implement and enforce safety protocols, gather necessary data, and maintain sanitary standards. There are 349 hospitals and hundreds of county health offices around the state</p>	<p>All LWDBs APPROVED</p>	<p>Temporary disaster-relief workers will enforce safety protocols and patient flow, gather and record data from patients, and sanitize facilities.</p>	<p>PPE, occupational safety training, medical assistance training.</p>	<p>Local health departments, hospitals.</p>

<p>Cleanup and sanitation to collect PPE improperly discarded that poses a danger to the community.</p>	<p>All LWDBs APPROVED</p>	<p>Cleanup crews will be set up to patrol areas where PPE are improperly disposed of (e.g., parks, beaches) & dispose of such items following proper sanitary protocols</p>	<p>Training in sanitization, infectious diseases, and COVID- 19 symptoms/prevention. Sanitation supplies, gloves, face masks, disinfectants, foggers, protective gear, smartphone w/thermometer sensor/app, and COVID-19 testing kits.</p>	<p>Local, state, and federal government (with public properties).</p>
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<p>Cleanup and sanitation at governmental facilities and social service agencies which require additional staff to enforce safety protocols, traffic flow and sanitize common areas. The state has hundreds of these agencies that are set up to provide services to Floridians, including Local Workforce Development Boards, Courts, County offices, City utilities, Department of Children and Families (administer SNAP and TANF), and other agencies that help applicants receive public/humanitarian assistance. All of these systems--unemployment compensation/pandemic unemployment assistance, SNAP and TANF have seen increases that top one million new cases. Efforts made by these agencies to be open to foot traffic requires sound sanitizing and social distancing procedures be in place and enforced. None of these agencies have a budget for such expenses.</p>	<p>All LWDBs</p> <p>APPROVED</p>	<p>Security personnel will enforce social distancing and traffic flow; sanitary personnel (cleaners) will disinfect common areas.</p>	<p>Training in communication, security, occupational safety skills, sanitization, infectious diseases, and COVID-19 symptoms prevention</p> <p>PPE, sanitation supplies, gloves, face masks, disinfectants, foggers, protective gear, smartphone w/thermometer sensor/app, and COVID-19 testing kits.</p>	<p>Local governmental and private community-based service organizations, including LWDBs.</p>
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<p>Cleanup and sanitation of small businesses which cannot (remain) open until buildings are sanitized. Number of businesses thus affected are not available. However, it is recognized that small businesses are at higher risk of not being able to recover from the pandemic. Local workforce development boards work with their local chambers of commerce and other organizations to assess the need for these services for outward-facing businesses, such as restaurants, bars, fitness centers, convenience stores, small independent grocers, etc. These entities have incurred such severe financial losses that they cannot expend additional funding for the level of sanitization needed to make their patrons safe.</p>	<p>All LWDBs</p> <p>MORE INFORMATION NEEDED NOT APPROVED AT THIS TIME</p>	<p>Cleaners to sanitize small businesses.</p> <p>Health advisors to inspect and provide technical assistance to small businesses on compliance with CDC guidelines and the Governor’s executive orders for opening and operating safely.</p>	<p>Training in sanitization, infectious diseases, and COVID- 19 symptoms/prevention. PPE, sanitation supplies, gloves, face masks, disinfectants, foggers, protective gear, smartphone w/thermometer sensor/app, and COVID-19 testing kits.</p>	<p>Small businesses that deal with the public</p> <p>Local government.</p>
<p>Public support. Call centers (211 agencies) are experiencing a 100% increase in calls from individuals suffering anxiety or depression as a result of confinement or job loss. This increase also manifests at mental health clinics.</p>	<p>All LWDBs</p> <p>APPROVED</p>	<p>Peer counselors and resource coordinators will be placed remotely to work with call centers, local workforce centers, and community centers to provide peer-to-peer counseling and help connect individuals with proper resources. Peer-to-peer counselors will help callers develop personal plans to support their mental and physical health as well as their critical resource needs.</p>	<p>Training in peer-to-peer counseling, virtual counseling, unemployment insurance, community resources, and planning. These positions may be remote.</p>	<p>Local health departments, mental health clinics, and community-based service agencies.</p>

<p>Public support. Service advocates/case managers/eligibility specialists needed to ensure citizens receive appropriate services during the pandemic (to include home visits) to vulnerable populations due to increase caseload due to COVID-19. The state is providing public assistance to 1.1 million Floridians since the start of the pandemic.</p>	<p>All LWDBs APPROVED</p>	<p>Disaster-relief case managers will contact at-risk members of the community to assess their needs during the public health emergency (on-site and/or remotely), determine customers’ eligibility for services, receive and process applications for service, and provide and/or connect those eligible for services to appropriate resources.</p>	<p>Training in communication, case management and occupational safety skills, PPE, cell phones, laptops/tablets.</p>	<p>Local governmental and private community-based service organizations, including LWDBs.</p>
<p>Sheltering. Residents of homeless shelters have been moved out of shelters and spread out throughout the community, while receiving same level of service. At the same time, facilities helping the homeless have been losing (or cutting back on) volunteers to provide services due to concerns about COVID-19 and the need for social distancing. Case managers for homeless population, including interim housing to maintain social distancing.</p>	<p>All LWDBs APPROVED FOR INTERIM HOUSING ASSISTANCE AND SOCIAL DISTANCING NOT APPROVED FOR “OTHER CASE MANAGEMENT SERVICES”</p>	<p>Disaster-relief housing case managers will work with homeless members of their communities to help them maintain social distancing and will provide other case-management services.</p>	<p>Training in communication, case management and occupational safety skills, PPE, cell phones, laptops/tablets</p>	<p>Local governmental and private community-based service organizations</p>
<p>Public support. For the functions, listed above, record-keeping assistance is needed to track the flow of customers, assessed needs, client eligibility, provision of services & referrals, and follow-up.</p>	<p>All LWDBs APPROVED FOR COVID-19 HUMANITARIAN SERVICES ONLY</p>	<p>Temporary disaster-relief workers will track information about needs and services provided to individuals affected by COVID-19 and its economic impact.</p>	<p>Microsoft Office applications.</p>	<p>Local governmental and private community-based service organizations, including LWDBs.</p>

<p>Public support. Local governmental service divisions have case backlogs due to temporary closures and are still short-staffed due to need for quarantine and social distancing. The courts have been particularly affected.</p>	<p>All LWDBs NOT APPROVED</p>	<p>Temporary disaster-relief workers will process case files to process backlogged cases, thereby providing relief to constituents requiring services from the agencies.</p>	<p>Office skills training, PPE.</p>	<p>Local governmental organizations.</p>
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<p>Education. A significant number of students will not be returning to in-person classes at least at the start of the 2020-2021 school year (In Leon County, 40% will remain out of the classroom). Also, as seen in several localities, if there is a rise of COVID-19 cases in a school, in-person classes may be suspended. While affluent families can afford to make that decision and have the means to ensure that their children stay on top of their studies, many parents do not have the resources to support their children's studies when they are home-bound. School districts and existing youth programs, such as the Boys and Girls Club and the Urban League are seeking to provide tutors to assist low-income and struggling students who have to engage in virtual school. This may take place through virtual and/or pod teaching so that small numbers of students may be involved and get the necessary level of support to succeed in their studies.</p>	<p>All LWDBs</p>	<p>Temporary disaster-relief workers will provide tutoring through online/pod methods during and/or after school hours to low-income and struggling students to help them keep up with their school assignments while not able to attend school in person.</p>	<p>Cell phones, laptops/tablets.</p>	<p>School districts, private community-based service agencies.</p>
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<p>Education. Low-income youth with barriers to employment are unable to engage in previously scheduled summer youth employment activities that include work experiences because host sites are not available this summer due to COVID-19. These youth need a real work environment with supervised activities and the exposure to remain engaged during the summer months.</p>	<p>LWDB 12 (at present)</p>	<p>Disaster-relief program instructors/supervisors will work with eligible youth to provide the summer youth employment and work through remote instruction, work assignments, and work product. These positions were not budgeted for in the summer youth project because of the in-kind oversight, supervision, and mentoring offered by summer youth worksite supervisors under non-COVID-19 circumstances.</p>	<p>Cell phones, laptops/tablets.</p>	<p>LWDB as worksite.</p>
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Attachment E:
Negotiated Indirect Cost Rate Agreement
(If applicable)

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

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

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

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

SECTION I: RATES

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

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

***BASE**

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

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

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

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

SECTION II: GENERAL

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

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

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

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

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

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

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

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

§200.344 Post-closeout adjustments and continuing responsibilities

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

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

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

§200.345 Collection of amounts due

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

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

E. SPECIAL REMARKS:

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

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

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

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

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

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

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

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

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

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

ACCEPTANCE

BY THE ORGANIZATION:

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

(Grantee/Contractor)



(Signature)

Damon Steffens

(Name)

Chief Financial Officer

(Title)

10/3/19

(Date)

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

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

(Government Agency)



(Signature)

FOR
Victor M. Lopez

(Name)

Director, Office of Cost Determination

(Title)

September 27, 2019

(Date)

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