



Award# 23A60DW000022-01-00

FAIN# 23A60DW000022

Federal Award Date: 09/18/2023

Recipient Information

1. Recipient Name

FLORIDA DEPARTMENT OF COMMERCE
107 E Madison St # msc120
Tallahassee, FL 32399-6545
850-245-7126

2. Congressional District of Recipient
02

3. Payment System Identifier (ID)
XXXXXXXXXX

4. Employer Identification Number (EIN)
364706134

5. Data Universal Numbering System (DUNS)
968930664

6. Recipient's Unique Entity Identifier (UEI)
WVR6ECT1G9F8

7. Project Director or Principal Investigator
Ms. Keantha Moore
Deputy Chief of One Stop and Program Support
keantha.moore@commerce.fl.gov
850-245-7413

8. Authorized Official

Ms. Caroline Womack
Chief Financial Officer
Caroline.Womack@Commerce.FL.gov
850-245-7126

Federal Agency Information

ETA Office of Grants Management

9. Awarding Agency Contact Information

Mrs. Diane Easterling
Grants Management Specialist
Easterling.Diane@dol.gov
202-693-2625

10. Program Official Contact Information

Ms. Latanya Shani Lowery
Federal Project Officer
Employment Training Administration
lowery.latanya@dol.gov
(404) 302-5354

30. Remarks

See Remarks (continuation)

Federal Award Information

11. Award Number

23A60DW000022-01-00

12. Unique Federal Award Identification Number (FAIN)

23A60DW000022

13. Statutory Authority

Workforce Innovation and Opportunity Act (WIOA), Title I, Section 170, National Dislocated Worker Grant (NDWG)

14. Federal Award Project Title

FL - Hurricane Idalia - Disaster Recovery DWG

15. Assistance Listing Number

17.277

16. Assistance Listing Program Title

WIOA National Dislocated Worker Grants / WIA National Emergency Grant

17. Award Action Type

New

18. Is the Award R&D?

No

Summary Federal Award Financial Information

Table with 2 columns: Item Number and Amount. Includes rows for Budget Period Start Date (08/28/2023 - End Date 08/27/2025), Total Amount of Federal Funds Obligated by this Action (\$6,666,667.00), and Total Federal and Non-Federal Approved this Budget Period (\$6,666,667.00).

28. Authorized Treatment of Program Income

ADDITIONAL COSTS

29. Grants Management Officer - Signature

Ms. Jenifer McEnery
Grant Officer



Award# 23A60DW000022-01-00

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<b>Recipient Information</b>	
<b>Recipient Name</b> FLORIDA DEPARTMENT OF COMMERCE 107 E Madison St # msc120 Tallahassee, FL 32399-6545 850-245-7126	
<b>Congressional District of Recipient</b> 02	
<b>Payment Account Number and Type</b> ██████████	
<b>Employer Identification Number (EIN) Data</b> 364706134	
<b>Universal Numbering System (DUNS)</b> 968930664	
<b>Recipient's Unique Entity Identifier (UEI)</b> WVR6ECTIG9F8	
<b>31. Assistance Type</b> Discretionary Grant	
<b>32. Type of Award</b> Other	

<b>33. Approved Budget</b> (Excludes Direct Assistance)	
I. Financial Assistance from the Federal Awarding Agency Only	
II. Total project costs including grant funds and all other financial participation	
a. Salaries and Wages	\$0.00
b. Fringe Benefits	\$0.00
c. Total Personnel Costs	\$0.00
d. Equipment	\$0.00
e. Supplies	\$0.00
f. Travel	\$0.00
g. Construction	\$0.00
h. Other	\$6,666,667.00
i. Contractual	\$0.00
<b>j. TOTAL DIRECT COSTS</b>	<b>\$6,666,667.00</b>
<b>k. INDIRECT COSTS</b>	<b>\$0.00</b>
<b>l. TOTAL APPROVED BUDGET</b>	<b>\$6,666,667.00</b>
<b>m. Federal Share</b>	<b>\$6,666,667.00</b>
<b>n. Non-Federal Share</b>	<b>\$0.00</b>

**34. Accounting Classification Codes**

FY-ACCOUNT NO.	DOCUMENT NO.	ADMINISTRATIVE CODE	OBJECT CLASS	CFDA NO.	AMT ACTION FINANCIAL ASSISTANCE	APPROPRIATION
0501742324BD202301740003235DW020A0000AOWI00AOWI00	DW000022NT0	ETA	410023	17.277	\$6,666,667.00	01742324BD



Award# 23A60DW000022-01-00

FAIN# 23A60DW000022

Federal Award Date: 09/18/2023

**Remarks (Continuation)**

The application request received in full on September 5, 2023 is conditionally approved for up to \$20,000,000, with an initial award of \$6,666,667. The grant approval threshold of \$20,000,000 does not represent a current obligation of funds beyond the immediate award of \$6,666,667.

Special Conditions of Award: See Attachment 1

Grant recipients are required to submit a participant data file and certify a Quarterly Performance Report (QPR). When preparing to report for this grant award, utilize the number 23A60DW000022 for PIRL 2023 the DW00022 data element.

Notice: A review of the official grant file shows that a current Negotiated Indirect Cost Rate Agreement (NICRA)/Cost Allocation Plan (CAP) approved by your Cognizant Agency has not been provided or does not cover the project's entire period of performance. It is important that the grantee have documentation to justify the utilization of indirect costs for the whole period of performance upon completion of the grant. The failure to have this documentation will cause the closeout of the grant to be delayed and may result in disallowed costs. Please submit all NICRAs/CAPs to your assigned FPO as they are approved by your Cognizant Agency.

# AWARD ATTACHMENTS

FLORIDA DEPARTMENT OF COMMERCE

23A60DW000022-01-00

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1. Special Conditions of Award
2. Grant Agreement with Terms and Conditions

# NATIONAL DISLOCATED WORKER GRANTS (DWGs)

## SPECIAL CONDITIONS OF AWARD

Grant Number: 23A60DW000022

Recipient: Florida Department of Commerce

Project Title: FL – Hurricane Idalia – Disaster Recovery DWG

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The emergency application to request National Dislocated Worker Grant (DWG) funds, received in full on September 5, 2023, is conditionally approved for up to \$20,000,000, with an initial award of \$6,666,667. The grant approval threshold of up to \$20,000,000 does not represent a current obligation of funds beyond the immediate award of \$6,666,667. 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 assigned Federal Project Operator (FPO) within 60 business days of the receipt of this grant award package. The modification request must incorporate all information requested below. Questions pertaining to the submission of the modification responding to these Conditions of Award must be directed to the Federal Project Officer as soon as possible.

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

Please note that a submittal of revised documents does not constitute approval by the Employment and Training Administration, as 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 the fully documented modification, which must include the following:
  - a. SF-424, revised as necessary, reflecting the amount awarded to date and the approved period of performance;
  - b. SF-424A and accompanying Budget Information Narrative, reflecting amount awarded to date and the approved period of performance;
  - c. Disaster Recovery DWG\_Suggested App (located on Grants.gov (suggested)), or provide the same information in an alternative format;

**NOTICE REGARDING INDIRECT COSTS INCLUDED IN THE SUBMISSION OF THE FULL BUDGET AND PLAN:**

Indirect Costs charged to the grant must be supported by a Negotiated Indirect Cost Rate Agreement (NICRA) or Cost Allocation Plan approved by your Federal Cognizant Agency. It is important that grantees have documentation to justify the utilization of indirect costs for the whole period of performance upon completion of the grant. The failure to have this documentation will cause the closeout of the grant to be delayed and potentially have indirect costs disallowed. Please submit all NICRAs and CAPs to the FPO as they are approved by your Cognizant Agency.

# Disaster Recovery National Dislocated Worker Grant

## TERMS AND CONDITIONS

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## **Part A: General Award, System for Award Management and Uniform Guidance**

### A(1.) Compliance and the Order of Precedence

The recipient of this Federal award must assure to fully comply with the rules and requirements specified in the award document. Program requirements may be located in the Training Employment Guidance Letter (TEGL), statutes, Executive Orders, government-wide regulations, agency regulations, agency policy guidance, and the terms outlined in the award document. The list below identifies the hierarchy of authority.

The following order of precedence applies to your activities under this Federal award. In the event of any inconsistency between the terms and conditions of this Notice of Award (NOA) and other requirements, consult the below order:

1. Workforce Innovation Opportunity Act (WIOA).
2. Other applicable Federal statutes.
3. Consolidated Appropriations Act, 2023 (Public Law 117-328) dated December 29, 2022.
4. Implementing Regulations.
5. Executive Orders and Presidential Memoranda.
6. The Office of Management and Budget (OMB) Guidance, including the Uniform Guidance at 2 CFR (Code of Federal Regulations) parts 200 and 2900.
7. The U.S. Department of Labor (DOL) or Employment and Training Administration (ETA) directives.
8. Terms and conditions of this award.

The funds that are provided under this NOA must be expended according to all applicable Federal statutes, regulations and policies, including those of the Workforce Innovation and Opportunity Act (WIOA), the applicable approved WIOA State Plan (including approved modifications and amendments to the plan), and any waiver plan approved under WIOA Section 189(i)(3) or Workforce Flexibility (Workflex) plan approved under WIOA Section 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).

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

- a. "Any organization selected and/or funded under WIOA Title I, Subtitle D, is subject to having its award removed if an Administrative Law Judge (ALJ) decision so orders. As part of this process, the Grant Officer will provide instructions on transition and closeout to both the newly selected award recipient

and to the award recipient whose positions is affected, or which is being removed.”

A(2.) Training and Employment Guidance Letter and Notice of Award

The Training and Employment Guidance Letter (TEGL) [16-21](#) and any amendments found are hereby incorporated into this NOA. Award recipients are bound by the authorizations, restrictions, and requirements contained in the TEGL. Therefore, the expenditure of funds by the award recipient certifies that your organization has read and will comply with all the parts that are contained in the NOA.

**Notice of Award** The funds provided under this Notice of Award (NOA) must be expended according to all applicable Federal statutes, regulations and policies, and the applicable provisions in the appropriations act(s). The funds shall be obligated and expended via a NOA. These obligations and expenditures may not exceed the amount awarded by the NOA unless otherwise amended by the ETA.

A(3.) Approved Statement of Work

This project’s narrative is the approved Statement of Work (SOW). It has been included as Attachment D. If there is any inconsistency between the project narrative and the program statute, appropriation, regulations, Executive Orders, Uniform Guidance, and DOL or ETA directives, the order of precedence (as described in Section A(1). above) will prevail.

A(4.) SF-424, Application for Federal Assistance, and SF-424B, Assurances and Certifications

The signed SF-424, Application for Federal Assistance, has been included as an attachment to this award. 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 award recipient is in compliance with the Assurances and Certifications form SF-424B available at [Grants.gov](#). The award recipient does not need to submit the SF-424B form separately.

A(5.) Federal Project Officer or Point of Contact (POC)

The DOL/ETA Federal Project Officer (FPO) or Point of Contact for this award is:

Name: Latanya Lowery  
Telephone: (404) 302-5354  
E-mail: [lowery.latanya@dol.gov](mailto:lowery.latanya@dol.gov)

The individual named above 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 amendment process.

#### A(6.) System for Award Management

System for Award Management (SAM) is the official Federal system that collects, validates, stores, and disseminates business information about the Federal government's trading partners in support of contract awards, grants, and electronic payment processes.

A SAM registration is required for an entity to be able to apply for Federal awards, to request amendments to existing awards, and to enable them to closeout expiring awards. See [Training and Employment Notice \(TEN\) 18-17](#) for additional guidance.

Unless the award recipient is exempt from this requirement under 2 CFR 25.110, the grant award or cooperative agreement recipient must maintain current information in the SAM. This includes information on the recipient's immediate and highest-level owner and subsidiaries, as well as on all of the recipient's predecessors that have been awarded a Federal contract or Federal financial assistance within the last three years, if applicable, until the award recipient submits the final financial report required under this Federal award or receive the final payment, whichever is later.

DOL advises award recipients and other awardees of Federal awards such as cooperative agreements registered in SAM to review their registration information, particularly their financial information and points of contact. Assistance is available by contacting the Federal Service Desk at [FSD.gov](https://www.fsd.gov). Grant award or cooperative agreement recipients should contact ETA at [ETAAccountingGrants@dol.gov](mailto:ETAAccountingGrants@dol.gov) if they find that payments have been paid to a bank account other than their registered bank account.

DOL routinely checks the validity of a grant award or cooperative agreement recipient's SAM registration and verifies that the recipient is not included on the excluded parties list before making an award or approving a modification to an existing award. Failure to have an active SAM registration can delay award recipients from receiving their initial award or requested modifications to their existing awards.

DOL further encourages award recipients to review the expiration date of their SAM registration and begin the renewal process well in advance, to ensure that their registration remains valid. If the award recipient has not logged in and updated its entity registration record within at least the past 365 days, its record will expire and go into inactive status. Timely renewal will ensure that the award recipient can continue to request and receive modifications to their existing grants, as well as apply for new funding opportunities. Further, the EIN number must remain active until the award closeout process is fully completed.

#### A(7.) Unique Entity Identifier Requirements

Effective on April 4, 2022, the DUNS Number was replaced by a new, non-proprietary identifier requested in and assigned by [SAM.gov](https://sam.gov). This new identifier is called the Unique Entity Identifier (UEI), or the Entity ID. To learn more about how to access your UEI, please visit the U.S. General Service Administration (GSA), [Unique Entity Identifier Update webpage](#).

If the grant award or cooperative agreement recipient is authorized to make subawards (see definition below in Section A (10.)) under this award, then the recipient:

1. Must notify potential subrecipients that no entity may receive a subaward from the award recipient until the entity has provided its UEI to the recipient.
2. May not make a subaward to an entity unless the entity has provided its UEI to the grant award or cooperative agreement recipient. Subrecipients are not required to obtain an active SAM registration but must obtain a UEI.

#### A(8.) Uniform Guidance Revisions

The Office of Management and Budget issued revisions to 2 CFR parts 25, 170, 183, and 200 (the Uniform Guidance) on August 13, 2020, and February 22, 2021 (technical correction). These revisions became effective November 12, 2020, except for the amendments to 2 CFR 200.216 and 200.340, which were immediately effective on August 13, 2020. The award recipient must operate in compliance with these revised regulations. Please note that the section numbering in the Uniform Guidance has changed in some instances, and this terms and conditions document has been updated accordingly.

#### A(9.) For-Profit Entities, Foreign Entities, and Profit

For-profit and foreign entities are included in the definition of Non-Federal Entity (NFE) for DOL awards, per DOL's OMB-approved exception found at 2 CFR 2900.2. These entities, along with all other recipients of Federal awards, must comply with the Uniform Guidance found at 2 CFR parts 200 and 2900. The regulation at 2 CFR 2900.2 defines Non-Federal Entity as a state, local government, Indian tribe, institution of higher education (IHE), for-profit entity, foreign public entity, foreign organization or nonprofit organization that carries out a Federal award as a recipient or subrecipient.

The recipient is prohibited from earning a profit resulting from the implementation of this cooperative agreement. As directed in 2 CFR 200.400(g), non-Federal entities may not earn or keep any profit resulting from Federal financial assistance unless explicitly authorized in the Federal award. Additionally, the provision on profit only applies to WIOA Title 1 programs at 20 CFR 683.295.

#### A(10.) Subawards

A *subaward* means an award provided by a *Pass-Through Entity* (PTE) to a subrecipient for the subrecipient to carry out part of a Federal award received by the PTE. 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 PTE 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 complies with all applicable regulations and the Terms and Conditions of this award (2 CFR 200.101(b)).

A(11.) Vendor/Contractor Defined

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 (see 2 CFR 200.1). 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 200.331. When procuring contractors for goods and services, DOL/ETA recipients and subrecipients must follow the procurement requirements found at 2 CFR 200.320 (except states, pursuant to 2 CFR 200.317), which calls for free and open competition.

A(12.) Technical Assistance, Resources, and Information

Additional resources, training, and information to assist the award recipient are located on the ETA website, [Resources webpage](#) and on the Grants Application and Management collection page on [WorkforceGPS.org](#). [SMART training](#) is a technical assistance initiative sponsored by DOL/ETA to assist its award recipients and subrecipients in improving its program/project operations through effective grants management. Please take some time to review the training modules which are focused on:

Strategies for sound grant management that include:

- M**onitoring,
- A**ccountability,
- R**isk mitigation and
- T**ransparency.

These four themes are woven throughout the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, also known as the Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900). The 508-compliant PowerPoints of the modules may be found on [WorkforceGPS.org](#) at the [Resource](#) page.

A(13.) Monitoring, Technical Assistance, and Additional Specific Conditions of Award

All award recipients, including states and territories managing the Unemployment Insurance programs, are subject to 2 CFR 200.208, *Specific conditions*, which indicates that the Federal awarding agency may adjust specific award conditions as needed. A specific condition is based on an analysis of the following factors:

1. Based on the criteria in §200.206, *Federal awarding agency review of risk posed by applicants*;
2. The applicant or recipient's history of compliance with the general or specific terms and conditions of a Federal award;
3. The applicant or recipient's ability to meet expected performance goals as described in 2 CFR 200.211; or
4. A responsibility determination of an applicant or recipient.

Additional Federal award conditions may include items such as the following:

1. Requiring payments as reimbursements rather than advance payments;
2. Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given performance period;
3. Requiring additional, more detailed financial reports;
4. Requiring additional project monitoring;
5. Requiring the non-Federal entity to obtain technical or management assistance; or
6. Establishing additional prior approvals.

Award recipients may be required to obtain technical or management assistance through an established provider/contractor that has been selected or hired by DOL/ETA that may include in-person or remote assistance.

A(14.) Evaluation, Data, and Implementation

Award recipients must cooperate during the implementation of a third-party evaluation. This means providing DOL/ETA or its authorized contractor with the appropriate data and access to program operating personnel and participants in a timely manner.

A(15.) Program Requirements

The TEGs contain the program requirements for this award.

**Part B: Indirect Costs, Budget, and Cost Share (Match)**

B(1.) Indirect Cost Rate and Cost Allocation Plan

An award recipient that is claiming indirect costs to a Federal award must have a Negotiated Indirect Cost Rate Agreement (NICRA), Cost Allocation Plan (CAP), or elect to utilize the de minimis rate of 10% of modified total direct costs (MTDC). Indirect (facilities & administrative (F&A)) costs are costs incurred for a common or joint purpose that benefit more than one cost objective and are not readily assignable to one cost objective without specifically benefitting effort disproportionate to the results achieved. Direct costs, by contrast, can be identified specifically with a particular cost objective, such as a Federal award, or other internally or externally funded activity that

can be directly assigned to such activities relatively easily with a high degree of accuracy. Identification with the Federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect (F&A) costs.

If the DOL serves as the Federal Cognizant Agency (FCA) for the award recipient, then the award recipient must work with DOL's Cost & Price Determination Division (CPDD), which has delegated authority to negotiate and issue a NICRA or CAP on behalf of the Federal Government. More information about the DOL's CPDD is available at DOL's Cost & Price Determination Division (CPDD) their [website](#) and provides guidelines to help develop indirect cost rates, links to the applicable cost principles, and contact information. The CPDD 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.

If a new NICRA is issued during the award's period of performance, it must be provided to DOL within 30 days of issuance. Funds may be re-budgeted as necessary between direct cost categories as long as they are consistent with the Budget Flexibility term within this agreement, grant requirements, and DOL regulations on prior approval. However, the total amount of the award will not be increased.

\_\_\_\_ (1) The award recipient has a federally approved NICRA or CAP covering the entirety or a portion of the grant period of performance and the NICRA or CAP is included as Attachment E. If the NICRA or CAP covers only a portion of the period of performance, a new approved NICRA or CAP will need to be provided for the remaining portion of the period of performance. Once approved, the NICRA or CAP must be submitted to your Federal Project Officer.

\_\_\_\_ (2) The award recipient has elected to use the De Minimis Rate of 10% of Modified Total Direct Costs (MTDC). To avoid a serious inequity in the distribution of indirect cost, DOL defines MTDC as all direct salaries and wages, applicable fringe benefits, materials and supplies, services, and travel up to the first \$25,000 of each subaward or subcontract (regardless of the period of performance of the subawards and subcontracts under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward or subcontract in excess of \$25,000.

See 2 CFR 200.414(f) for more information on use of the de minimis rate. Please be aware that incurred indirect-type costs (such as but not limited to 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 recovered as part of charging the de minimis rate.

To use de minimis, the award recipient must not have a current negotiated (including provisional) rate.



A governmental department or agency unit that receives more than \$35 million in direct Federal funding must submit its indirect cost rate proposal to its cognizant agency for indirect costs and cannot utilize the de minimis rate in accordance with 2 CFR 200.414(f).

De minimis may be used indefinitely. If the award recipient elects to utilize the de minimis rate, this methodology must be used consistently for all Federal awards until such time as the award recipient chooses to negotiate for an indirect cost rate, which the award recipient may apply to do at any time.

\_\_\_\_ (3) The award recipient has claimed indirect costs on the SF-424A; however, an approved NICRA or CAP approved by the FCA covering the entirety or a portion of the grant period of performance was not provided and the award recipient did not elect to utilize the de minimis rate of 10% of MTDC. An approved NICRA or CAP must be submitted to the Grant Officer, or the award recipient must elect to utilize the de minimis rate of 10% of MTDC in order to charge indirect costs to the Federal award.

**URGENT NOTICE:** Estimated indirect costs have been specified on the SF-424A Budget Information form, however only the de minimis rate of 10% of MTDC will be allowed to support the indirect costs in the absence of a NICRA or CAP approved by the FCA.

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. As the grant award or cooperative agreement recipient, the recipient must submit an indirect cost rate proposal or CAP to their FCA. Alternatively, the award recipient may request the de minimis rate if eligible in accordance with 2 CFR 200.414(f).

As the award recipient, the recipient must submit an indirect cost rate proposal or CAP. If the FCA for indirect costs is DOL, these documents should be submitted to the DOL's Cost & Price Determination Division (CPDD). Otherwise, they should be submitted to the award recipient's FCA. Alternatively, the award recipient may request the de minimis rate if eligible (see section b. above). In addition, the recipient must notify the FPO that the documents have been submitted to the appropriate FCA.

**If the award recipient does not submit a NICRA proposal within 90 days of award, they will be limited to the de minimis rate of 10% of Modified Total Direct Costs (MTDC).**

X  (4) The award recipient elected to exclude indirect costs from the proposed budget. F&A costs should only be classified as direct costs if they meet the conditions specified in 2 CFR 200.413(c). If indirect costs are misclassified as direct costs, per the guidelines at 2 CFR 200.412 - 414, such costs may become disallowed through an audit or compliance review conducted by a Federal staff person. Please be aware that incurred indirect costs (such as but not limited to 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 cost principles contained in the Uniform Guidance will be charged.

**B(2.) Indirect Cost Rate – Financial Reporting for NICRA and De Minimis**

All award recipients with an approved NICRA or de minimis rate must report indirect costs on their **FINAL** ETA-9130 Financial Report. If an award recipient has a NICRA and a CAP, only the indirect costs tied to the NICRA are reported on the FINAL ETA-9130 Financial Report. The grant recipient may refer to the [ETA-9130 Report](#) for additional guidance.

**B(3.) Budget - Approved**

The award recipient's budget documents are attached in this NOA. The documents are: 1) the SF-424, included as Attachment A; 2) the SF-424A, included as Attachment B; and 3) the Budget Narrative, included as Attachment C. The award recipient must confirm that all costs are allowable, reasonable, necessary, and allocable before charging any expense. 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 part 200 and 2 CFR part 2900 or as a part of the grant award as requiring prior approval. The Grant Officer is the only official with the authority to provide such approval.

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

If the period of performance will include multiple budget periods, subsequent budget periods are subject to the availability of funds, program authority, satisfactory performance, and compliance terms and conditions of the Federal award.

Unless otherwise authorized in a grant award or cooperative agreement or subsequent modification, recipients must expend funds with the shortest period of availability first (20 CFR 683.110).

**B(4.) Budget Flexibility**

Award 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 SOW and agreed upon outcomes or deliverables require a request for modification and approval from the Grant Officer.

Any request for a budget modification or non-competing extension of the final budget should be submitted to the Grant Officer, in writing, at least 30 days before the Period of Performance is scheduled to expire. Such requests usually are for a period of up to 12 months.

As directed in 2 CFR 200.308(f), for programs where the Federal share is over the Simplified Acquisition Threshold (SAT) (currently \$250,000), 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% of the total budget as last approved by the Federal awarding agency, the award recipient must receive prior approval from the Grant Officer. Any changes within a specific cost category on the SF-424A do not require a grant modification unless the change results in a cumulative transfer among direct cost categories exceeding 10% of total budget. It is recommended that the assigned Federal Project Officer or point of contact review any within-line changes to the award recipient's budget prior to implementation to ensure they do not require a modification.

For programs where the Federal share of the project is below the SAT of \$250,000, recipients are not required to obtain the Grant Officer's approval when transferring funds among direct cost categories.

B(5.) Non-Federal Cost Sharing or Matching

This award does not include a cost sharing or matching requirement.

## **Part C: Funds Management**

C(1.) Funds – Payment Management System (PMS)

Upon receipt of a NOA, in order to draw funds from the U.S. Department of Health and Human Services (HHS) [Payment Management System \(PMS\)](#), an active account must be established. To establish an account, award recipients must complete an SF-1199A and PMS Access form (shown as the PMS New User Access Request on the [PMS website](#)) (User Access). DOL is responsible for completing portions of the SF-1199A and submitting the completed SF-1199A to the Division of Payment Management, which operates PMS. Federal award recipients do not need to complete these forms if they already have an account with PMS.

C(2.) Funds - Return & Refunds

DOL does not accept paper checks for any type of returned funds. For active grants, all return of funds are to be submitted electronically through the PMS operated by the HHS via the same method as a drawdown. For grants that have been cancelled or are expired (typically older than five years), incoming payments, including returns and recoveries to DOL, must be made via the [Pay.gov](#) website.

If there are questions regarding the return of funds, or your organization no longer has access to PMS, contact the DOL/ETA, Office of Financial Administration via email at: [ETA-ARteam@dol.gov](mailto:ETA-ARteam@dol.gov) for further assistance.

## **Part D: Costs - Limitations, Items, and Restrictions**

### D(1.) Administrative Costs

Administrative costs are defined in the WIOA at 20 CFR 683.215. Limitations on administrative costs are described at 20 CFR 683.205. Under no circumstances may the administrative costs exceed these limits. The award recipient will be monitored for compliance with the administrative cost limits throughout the grant's period of performance. Any amounts that exceed these limitations will be disallowed and subject to debt collection.

### D(2.) Consultants

For the purposes of this grant award, the Grant Officer has determined that fees paid to a consultant who provides services under a program shall be limited to \$815.00 a day (representing an eight-hour workday). Such costs must be reasonable, allocable, and allowable to the program. Any fees paid in excess of this amount cannot be paid without prior approval from the Grant Officer.

### D(3.) Equipment

The award recipient(s) must submit a request to purchase equipment and receive **prior approval** from the Grant Officer as defined in the Uniform Guidance at 2 CFR 200.1. A request to purchase equipment will be reviewed and approved in a modification to the award. Prior approval is required only when the per unit's acquisition cost is \$5,000 or more regardless of the non-Federal entity's capitalization threshold. 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 that the equipment specified in the approved budget or SOW is approved by the Grant Officer. The recipient must submit a detailed list describing the planned purchases to the FPO for review within 90 days of the NOA date. Recipients are strongly encouraged to submit requests to purchase equipment 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 during the last year of the period of performance or the last year of full program service delivery (not follow-up activities), whichever comes first. If any approved acquisition has not occurred prior to the last funded year of performance, approval for that item will be rescinded.

### D(4.) Pre-Award Costs

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

### D(5.) Program Income

The Addition method as described in 2 CFR 200.307 must be used in allocating any program income generated for this awards award. The award recipient must expend all program income prior to drawing down any additional funds as required at 2 CFR

200.305(b)(5) and 2 CFR 200.307(e). The DOL will require any program income remaining at the end of period of performance to be returned to DOL. In addition, award recipient(s) must report program income on the quarterly financial report using the applicable ETA-9130 or SF-425 reports.

D(6.) Supportive Services & Participant Support Costs

When supportive services are expressly authorized by a program statute, regulation, or TEGL, 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 and any requirements established by the applicable TEGL. Questions regarding supportive services and participant support costs should be directed to the FPO who is assigned to the award.

D(7.) Travel

This award waives the prior approval requirement for domestic travel as contained in 2 CFR 200.475. For domestic travel to be an allowable cost, it must be necessary, allowable, reasonable, allocable and conform to the non-Federal entity's 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 U.S. Flag air carrier if service provided by such carrier is available.

D(8.) Travel – Foreign

Foreign travel is not allowable except with prior written approval 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 U.S. Flag air carrier if service provided by such carrier is available.

D(9.) Travel – Mileage Reimbursement Rates

Pursuant to 2 CFR 200.475(a), all award recipients must have policies and procedures in place related to travel costs; however, for reimbursement on a mileage basis, this Federal grant award cannot be charged more than the maximum allowable mileage reimbursement rates for Federal employees. Mileage rates must be checked annually at GSA's [Privately Owned Vehicle \(POV\) Mileage Reimbursement Rates webpage](#) to ensure compliance.

D(10.) Travel – Foreign

Funds that are awarded and authorized to carry out an activity under WIOA, Subtitle B cannot be used for foreign travel.

D(11.) Conferences 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. 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.

D(12.) 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](#) to see if a property is in compliance, or to find other information about the Act.

D(13.) WIOA Infrastructure

WIOA, Section 121(b)(1)(B) and 20 CFR 678.400 require the following programs to be One-Stop partners:

1. WIOA, Title I programs: Adult, Dislocated Worker, and Youth formula programs, Job Corps, YouthBuild, Native American programs, National Dislocated Worker Grants (DWG), and NFJP;
2. 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;
3. SCSEP authorized under Title V of the Older Americans Act of 1965;
4. Trade Adjustment Assistance (TAA) activities authorized under Chapter 2 of Title II of the Trade Act of 1974;
5. Unemployment Compensation (UC) programs;
6. Jobs for Veterans State Grants (JVSG) programs authorized under Chapter 41 of Title 38, U.S.C.; and

With the exception of Native American programs established under WIOA, Section 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, per 20 CFR 678.700 and 678.760. While Native American programs are not required to contribute to infrastructure costs per WIOA Section 121(h)(2)(D)(iv), they are strongly encouraged to contribute as stated in TEG L No. 17-16. The sharing and allocation of infrastructure costs between One-Stop partners is governed by WIOA Section 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.

If not deemed a required one-stop partner, it is strongly recommended that the award recipient partner with the local WIOA one-stop delivery system in its service area(s). The one-stop system can assist with referrals, labor market information, and many other services that will directly benefit the management and performance of your grant. The one-stop system also provides access to a wide range of publicly- and privately-funded

education, employment, training, and supportive services while also providing high-quality customer service to job seekers, workers, and businesses.

## **Part E: Reporting, Audit, and Closeout**

### E(1.) Reports – Financial Reports

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

- 1) **Financial Reports.** All ETA award recipients are required to report financial data on the ETA-9130 Financial Report. 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 120 calendar days after the quarter encompassing the award end date ends, or 120 calendar days after the completion of the quarter in which all funds have been expended, whichever comes first. For additional guidance on ETA’s financial reporting, reference [ETA-9130 Financial Reporting Resources](#).

The instructions for accessing both the online financial reporting system and the HHS PMS can be found in the transmittal memo accompanying this NOA.

### E(2.) Reports – Narrative Progress Reports

- 1) **Narrative Progress Reports.** Award recipients are required to submit quarterly and final narrative reports on grant activities funded under this award. All 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) The last quarterly progress report that award recipients submit will serve as the grant’s Final Performance Report. This report should provide both ***quarterly and cumulative*** information on the award’s activities. It must summarize project activities, employment outcomes and other deliverables, and related results of the project.
  - b) The award recipient shall use any standard forms and instructions to report on training and employment outcomes and other data relating to the progress reports as provided by ETA.
  - c) The award recipient shall utilize standard reporting processes and electronic reporting systems to submit their quarterly progress reports as provided by ETA.

### E(3.) Performance Reports – Program-Specific

DWG grant recipients must submit Quarterly Performance and Quarterly Narrative Reports in accordance with [TEGL 14-18, Attachment 6](#).



- 1) [Workforce Integrated Performance System \(WIPS\)](#) is the vehicle through which DWG grant recipients must submit individual records based on the Participant Individual Record Layout (PIRL).
- 2) Grant recipients are required to use the Joint Quarterly Narrative Report Template (ETA-9179) for quarterly performance narrative reporting. Grant recipients submit the Quarterly Narrative Report using the WIPS reporting system.
- 3) Information on DWGs awarded to states must be included in that state's WIOA Annual Statewide Performance Report Narrative in accordance with the guidance.

E(4.) Federal Funding Accountability and Transparency Act (FFATA or Transparency Act)

Applicable to grants and cooperative agreements:

- 1) Reporting of first-tier subawards.
  - a) *Applicability.* Unless the award recipient is exempt as provided in paragraph [4.] of this award term, the award recipient must report each action that equals or exceeds \$30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph [5.] of this award term).
  - b) *Where and when to report.*
    - I. The Federal entity or Federal agency must report each obligating action described in paragraph [1.a.] of this award term to [FSRS.gov](#).
    - II. For subaward information, the recipient 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.)
  - c) *What to report.* The award recipient must report the information about each obligating action that the submission instructions posted at [FSRS.gov](#) specify.

2) Exemptions.

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

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

3) Definitions.

For purposes of this award term:

- a) *Federal Agency* means a Federal agency as defined in 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).
- b) *Non-Federal 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; and
  - IV. A domestic or foreign for-profit organization.



- c) *Executive* means officers, managing partners, or any other employees in management positions.
- d) *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 the grant recipient received this award and that the grant recipient as the recipient award to an eligible subrecipient.
  - II. The term does not include the award recipient's payment to a contractor, as defined in 2 CFR 200.331, for property and services needed to carry out the project or program.
  - III. A subaward may be provided through any legal agreement, including an agreement that the grant recipient or a subrecipient considers a contract.
- e) *Subrecipient* means a non-Federal entity or Federal agency that:
  - I. Receives a subaward from the award recipient under this award; and
  - II. Is accountable to the grant recipient for the use of the Federal funds provided by the subaward.
- f) *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.

E(5.) Integrity and Performance Matters – FAPIIS

- 1) If the total value of the 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 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 (FAPIS)) 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 the award recipient 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 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 grant recipient 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 the grant recipient's 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 FAPIS information that SAM requires about each proceeding described in Paragraph 2 of this award term. The award recipient does not need to submit the information a second time under assistance awards that were received if the recipient already provided the information through SAM (formerly CCR) because the recipient was required to do so under Federal procurement contracts that the recipient was awarded.

- 4) Reporting frequency. During any period of time when the award recipient is subject to the requirement in Paragraph 1 of this award term, the award recipient must report FAPIIS information through SAM no less frequently than semiannually following the initial report of any proceedings for the most recent 5-year period, either to report new information about any proceeding(s) that the award recipient has not reported previously or to 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., SEC 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.

#### E(6.) Audits

Organization-wide or program-specific audits must be performed in accordance with Subpart F, the Audit Requirements of the Uniform Guidance. DOL award recipients 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 DOL exception at 2 CFR 2900.2 expands the definition of 'non-Federal entity' to include for-profit entities and foreign entities. As such, for-profit and foreign entities that are recipients/subrecipients of a DOL award must adhere to the Uniform Guidance at 2 CFR 200, including Subpart F. Audits of direct award recipients that are for-profit and foreign entities must be submitted directly to: USDOL ETA-OGM, Attn: Audit Resolution, 200 Constitution Ave NW, Room N-4716, Washington, DC 20210. All other audit reports are submitted through the Federal Audit Clearinghouse.

The Federal Audit Clearinghouse (FAC) will transition from the U.S. Census Bureau (Census) to the U.S. General Services Administration (GSA) on October 1, 2023. At that time, all submissions will need to be made through the [new FAC](#) hosted by GSA. Any draft not fully submitted to the Census FAC by October 1, 2023 may need to be completely re-started at the new GSA FAC.

E(7.) Audit Submission Deadline Extension Related to Major Disaster Areas

OMB announced on the [FAC website](#) that a six-month single audit submission extension is available to non-federal entity recipients in Puerto Rico, Alaska, Florida, South Carolina, and North Carolina that have due dates between September 18, 2022, and December 31, 2022. Although the extension is due to complications created by various weather-related events, the extension is available to all recipients in each of the states and not just those located in certain areas of the states most significantly impacted. OMB encourages recipients in less affected areas to submit their reports as soon as possible.

E(8.) Closeout/Final Year Requirements

At the end of the grant period, the award recipient will be required to close the grant with the DOL. The grant award and cooperative agreement recipient will be notified approximately 15 days prior to the end of the period of performance that the closeout process will begin when the period of performance ends. See ETA's [Grant Closeout](#) webpage for further information on the closeout process. The recipient's responsibilities at closeout may be found at 2 CFR 200.344. During the closeout process, the award recipient 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 required documentation is a NICRA or CAP issued by the award recipient's FCA. For those approved to utilize a de minimis rate for indirect costs, the grant agreement or cooperative agreement is sufficient documentation. 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 period of performance specified in this award (see 2 CFR 2900.15).

## **Part F: National Policy and Restrictions**

F(1.) 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 the U.S. General Services Administration (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.

F(2.) Domestic Preferences for Procurements

As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured

products). The requirements of 2 CFR 200.322 must be included in all subawards including all contracts and purchase orders for work or products under this award.

F(3.) Drug-Free Workplace

The Drug-Free Workplace Act of 1988, 41 U.S.C. 702 *et seq.*, and 2 CFR 182 require that all award recipients receiving awards 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.

F(4.) 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 Federal Emergency Management Agency (FEMA).

F(5.) 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: the copyright in all products developed under the grant, including a subgrant or contract under the grant or subgrant; and any rights of copyright to which the award 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 DOL 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. Program income must be used in accordance with the provisions of this grant award and 2 CFR 200.307.

The following language must be on all workforce 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 (DOL)’s Employment and Training Administration. The product was created by the recipient and does not necessarily reflect the official position of DOL. DOL 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.”

F(6.) Promoting Equitable Delivery of Government Benefits and Equal Opportunity

The Department of Labor (Labor) seeks to affirmatively advance equity, civil rights and equal opportunity in the policies, programs, and services it provides. Therefore, consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, grant award and cooperative agreement recipients must execute the terms and conditions of their award in a manner that advances equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. This extends to all award activities including, but not limited to, service delivery, selection of subrecipients and contractors, and procurement of goods and services. Government programs are designed to serve all eligible individuals. As an expectation, Labor’s award recipients should make the goods and services they provide widely available with the goal of effectively serving a diverse population of eligible individuals; fairly, justly, and impartially in administering the grant award. Award recipients are encouraged to engage in contracting and subcontracting for goods and services related to performing the terms and conditions of their grants in such a way to achieve equity.

The term “equity” means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

The term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of “equity.”

F(7.) Personally Identifiable Information

The award recipient(s) 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 [TEGL No. 39-11, Guidance on the Handling and Protection of PII](#).

F(8.)      Publicity and Lobbying/Advocacy

Publicity - Pursuant to P.L. 117-328, Division H, Title V, Section 503, the award recipient is not authorized to use any funds provided under this award—other than for normal and recognized executive–legislative relationships—for publicity or propaganda purposes, for the preparation, distribution or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video 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.

Lobbying/Advocacy - Pursuant to P.L. 117-328, Division H, Title V, Section 503, no federal funds may be used to pay the salary or expenses of any grant recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or executive order proposed or pending before the Congress or any state government, state legislature or local legislature or 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.

F(9.)      Telecommunications Prohibition

Award recipients must adhere to 2 CFR 200.216 - Prohibition on certain telecommunications and video surveillance services or equipment (effective August 13, 2020).

Grant award and cooperative agreement recipients, and subrecipients are prohibited from obligating or expending loan or grant funds to:

Procure or obtain;

Extend or renew a contract to procure or obtain; or

Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video

surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities). Including telecommunications or video surveillance services provided by such entities or using such equipment and telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained. See Public Law 115-232 (section 889) and 2 CFR 200.471 for additional information.

#### F(10.) Veterans' Priority Provisions

The Jobs for Veterans Act (Public Law 107-288) requires award 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 an award 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 award 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. Award recipients must comply with the DOL guidance on veterans' priority. ETA's [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.

#### F(11.) 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.

#### F(12.) Whistleblower Protection



All employees working for contractors, grantees/ grant recipients, subcontractors, subgrantees/ subrecipients, and recipients of cooperative agreements working on this Federal award are subject to the whistleblower rights and remedies established at 41 U.S.C. 4712. The award recipient shall inform its employees and applicable contractors and subrecipients, 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. The award recipient shall insert the substance of this clause in all subawards and contracts over the Simplified Acquisition Threshold.

F(13.) Executive Order 12928 – Historically Black Colleges and Universities and other Minority Institutions such as Hispanic-Serving Institutions and Tribal Colleges and Universities

Pursuant to Executive Order (EO) 12928, the award 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.

F(14.) Executive Order 13043 - Increasing Seat Belt Use

Pursuant to EO 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the award 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.

F(15.) Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency

As clarified by EO 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, award 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](#), 68 FR 32289 (May 29, 2003). Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Award 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 [LEP.gov](#).

F(16.) Executive Order 13513 - Federal Leadership On Reducing Text Messaging While Driving

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

F(17.) Public Law: The Build American, Buy America Act (BABAA)

The Build America, Buy America Act (“BABAA”) was enacted on November 12, 2021 as part of the Infrastructure Investment and Jobs Act (IIJA), Public Law 117-58. With the passage of the IIJA, federal financial assistance projects for infrastructure must comply with domestic content procurement preference requirements established in BABAA Section 70914. These requirements went into effect May 14, 2022. The Buy America preference requires all iron, steel, manufactured products, and construction materials used for infrastructure projects in the United States under an award to be domestically manufactured. Covered activities include the construction, alteration, maintenance, or repair of public infrastructure, including buildings and real property (See OMB Memorandum M-22-11).

F(18.) Salary and Bonus Limitations

Pursuant to P.L. 117-328, Division H, Title I, Section 105, award 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](https://www.opm.gov) website. The salary and bonus limitation does not apply to contractors (vendors) providing goods and services as defined in 2 CFR 200.331. 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 DOL programs. See [TEGL 5-06](#) for further clarification.

F(19.) Harassment Prohibited

The grant recipient and any subrecipients are prohibited from engaging in harassment of an individual based on race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, based on citizenship status or participation in any WIOA Title I-financially assisted program or activity. Harassing conduct of this type is a violation of the nondiscrimination provisions of WIOA and of 29 CFR Part 38.

- i. Unwelcome sexual advances, requests for sexual favors, or offensive remarks about a person's race, color, religion, sex, national origin, age, disability, political affiliation or belief, or citizenship or participation, and other unwelcome verbal or physical conduct based on one or more of these protected categories constitutes unlawful harassment on that basis(es) when:
- ii. Submission to such conduct is made either explicitly or implicitly a term or condition of accessing the aid, benefit, service, or training of, or employment in the administration of or in connection with, any WIOA title I-financially assisted program or activity; or
- iii. Submission to, or rejection of, such conduct by an individual is used as the basis for limiting that individual's access to any aid, benefit, service, training, or employment from, or employment in the administration of or in connection with, any WIOA Title I-financially assisted program or activity; or
- iv. Such conduct has the purpose or effect of unreasonably interfering with an individual's participation in a WIOA Title I-financially assisted program or activity creating an intimidating, hostile or offensive program environment.
- v. Harassment because of sex includes harassment based on gender identity or sexual orientation; harassment based on failure to comport with sex stereotypes; and harassment based on pregnancy, childbirth, and related medical conditions. Sex-based harassment may include harassment that is not sexual in nature but that is because of sex or where one sex is targeted for the harassment.

#### F(20.) Intellectual Property, Open Licensing Rights, and the Bayh-Dole Act

As required at 2 CFR 2900.13, any intellectual property developed under a discretionary Federal award process must be licensed under an open 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.

All small business firms, and non-profit organizations (as defined in the link below, and including Institutions of Higher Education) must adhere to the Bayh-Dole Act, which requirements are provided at 37 CFR 401.3(a) and at [Bayh-Dole Act Required ETA Grant Term](#). 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 award. These requirements are in addition to those found in the Intellectual Property Rights term above.

#### F(21.) Procurement

The Procurement Standards found in the Uniform Guidance at 2 CFR 200.318-327 require all award recipients and subrecipients to conduct procurement transactions in a manner that promote practical, open, and free competition. The award recipient's description in the SOW of a specific entity that will provide goods or services does not constitute approval or justification of sole-source procurement from this entity.

The Uniform Guidance (at 2 CFR 200.317) requires States (as defined in 2 CFR 200.1) to follow the same procurement policies and procedures it uses for non-Federal funds. The State must comply with 2 CFR 200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by 2 CFR 200.327.

## **Part G: National Prohibitions and Other Restrictions**

### G(1.) Contracting with Corporations with Felony Criminal Convictions Prohibited

The award 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.

### G(2.) Contracting with Corporations with Unpaid Tax Liabilities Prohibited

The award 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(3.) Trafficking in Persons Prohibited

1) This part establishes a government-wide award term for grants and cooperative agreements to implement the requirement in regard to Trafficking in persons.

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

I. The award recipient, the award recipient's 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 grant award is in effect; or

(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. DOL as the Federal awarding agency may unilaterally terminate this award, without penalty, if the award recipient or a subrecipient that is a private entity —

(A). Is determined to have violated a prohibition in paragraph a) I. 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) I. 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.* DOL 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(I) of this grant 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(I) of this grant 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. The award recipient must inform DOL immediately of any information the award recipient receives from any source alleging a violation of a prohibition in paragraph a.1 of this grant award term.
  - II. DOL’s right to terminate unilaterally that is described in paragraph a.II 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 DOL under this grant award.
  - III. The award recipient must include the requirements of paragraph a) I. of this award term in any subaward the award recipient make to a private entity.
- d. *Definitions.* For purposes of this award term:
  - I. “Employee” means either:
    - (A). An individual employed by the grant award recipient 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 grant award and not compensated by the grant recipient 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(4.) Health Benefits Coverage for Contraceptives

Federal funds may not be used to enter in to 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 Health Plans, 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.

G(5.) Health Benefits Coverage for Abortions Restricted

Pursuant to P.L. 117-328, Division H, 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 grant 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.

G(6.) Fair Labor Standards Act Amendment for Major Disasters

Pursuant to P.L. 117-328, Division H, 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 Worked 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—

(B) 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;

(C) 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% 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.”

G(7.) Blocking Pornography Required

Pursuant to P.L. 117-328, Division H, 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.

G(8.) Privacy Act

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

G(9.) Procuring Goods Obtained Through Child Labor Prohibited

Pursuant to P.L. 117-328, Division H, Title I, Section 103, no Federal 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 29, 2022. DOL has identified these goods and services at ILAB's [List of Products Produced by Forced or Indentured Child Labor](#) webpage.

G(10.) Promotion of Drug Legalization Restricted

Pursuant to P.L. 117-328, Division H, 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.

G(11.) Public Communications – Certain Information Requirement

Pursuant to P.L. 117-328, Division H, 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 term are separate from those in 2 CFR Part 200 and, when applicable, both must be complied with.



G(12.) Purchase of Sterile Needles or Syringes Restricted

Pursuant to P.L. 117-328, Division H, Title V, Section 526, no Federal funds shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug. This limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.

G(13.) Restrictions Against the Creation or Research of Embryos

Pursuant to P.L. 117-328, Division H, Title V, Section 508, no Federal funds shall be used for (1) the creation of a human embryo or embryos for research purposes; or (2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)). For purposes of this section, the term “human embryo or embryos” includes any organism, not protected as a human subjected under 45 CFR 46 as of December 29, 2022, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

**Part H: Attachments**

H(1.) Attachment A: SF-424

H(2.) Attachment B: SF-424A

H(3.) Attachment C: Budget Narrative

H(4.) Attachment D: Statement of Work

H(5.) Attachment E: Indirect Cost Cost Rate and Cost Allocation Plan

## **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 checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
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* 3. Date Received: <input type="text" value="09/01/2023"/>	4. Applicant Identifier: <input type="text"/>
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5a. Federal Entity Identifier: <input type="text"/>	5b. Federal Award Identifier: <input type="text"/>
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**State Use Only:**

6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text" value="Choose State..."/>
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**8. APPLICANT INFORMATION:**

* a. Legal Name: <input type="text" value="Florida Department of Commerce"/>	
* b. Employer/Taxpayer Identification Number (EIN/TIN): <input type="text" value="36-4706134"/>	* c. UEI: <input type="text" value="WVR6ECT1G9F8"/>

**d. Address:**

* Street1:	<input type="text" value="107 E. Madison St."/>
Street2:	<input type="text" value="MSC 120"/>
* City:	<input type="text" value="Tallahassee"/>
County/Parish:	<input type="text"/>
* State:	<input type="text" value="FL: Florida"/>
Province:	<input type="text"/>
* Country:	<input type="text" value="USA: UNITED STATES"/>
* Zip / Postal Code:	<input type="text" value="32399-6545"/>

**e. Organizational Unit:**

Department Name: <input type="text" value="Florida Department of Commerce"/>	Division Name: <input type="text"/>
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**f. Name and contact information of person to be contacted on matters involving this application:**

Prefix: <input type="text" value="Ms."/>	* First Name: <input type="text" value="Keantha"/>
Middle Name: <input type="text"/>	
* Last Name: <input type="text" value="Moore"/>	
Suffix: <input type="text"/>	

Title: <input type="text" value="Deputy Chief of One Stop and Program Support"/>
--

Organizational Affiliation: <input type="text" value="Florida Department of Commerce"/>
--

* Telephone Number: <input type="text" value="(850) 245-7413"/>	Fax Number: <input type="text"/>
---	----------------------------------

* Email: <input type="text" value="keantha.moore@commerce.fl.gov"/>
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**Application for Federal Assistance SF-424**

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

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

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

Employment and Training Administration

**11. Catalog of Federal Domestic Assistance Number:**

17.277

CFDA Title:

WIOA National Dislocated Worker Grants / WIA National Emergency Grants

**\* 12. Funding Opportunity Number:**

ETA-TEGL-16-21

\* Title:

Updated National Dislocated Worker Grant Program Guidance

**13. Competition Identification Number:**

ETA-TEGL-16-21

Title:

Updated National Dislocated Worker Program

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

Add Attachment

Delete Attachment

View Attachment

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

FL-Disaster-Hurricane Idalia

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

**Application for Federal Assistance SF-424**

**16. Congressional Districts Of:**

\* a. Applicant

\* b. Program/Project

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

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**

\* a. Start Date:

\* b. End Date:

**18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="20,000,000.00"/>
* 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="20,000,000.00"/>

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

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372.

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

Yes  No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, 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**

## **Attachment C: Budget Narrative**

## **Attachment D: Statement of Work**



August 31, 2023

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

**Re: Florida's Hurricane Idalia Disaster Recovery Dislocated Worker Grant Emergency Application**

Dear Ms. Lowery,

The Florida Department of Commerce (FloridaCommerce) is submitting an emergency application for a Disaster Recovery Dislocated Worker Grant (DWG) to respond to the damage caused by Hurricane Idalia.

Hurricane Idalia made landfall in the Northeastern Gulf Coast of Florida on August 30, 2023, as a Category 3 hurricane. The storm brought high winds, storm surges and flooding along the Western Peninsula and through the northern part of the Peninsula. Governor DeSantis issued three executive orders (13-172, 23-174 and 23-175) declaring a state of emergency in response to Hurricane Idalia. The Federal Emergency Management Agency (FEMA) issued Declaration FEMA-EM-3596-FL, approving 46 Florida counties for public assistance.

Significant damage has happened in the areas in the direct path of the causing destruction of buildings and homes, infrastructure failures (water, sewage, electricity) and displacements due to loss of housing. Areas south of the landfall site have suffered and are anticipating additional storm surges along the coast.

To immediately address recovery needs, FloridaCommerce is requesting a two-year, \$20 million Disaster Recovery DWG to begin providing temporary disaster-relief employment to eligible participants in cleanup/restoration activities and humanitarian assistance to those affected by the storm.

If you have any questions or need further information, please contact me at 850-245-7126 or [Caroline.Womack@Commerce.FL.gov](mailto:Caroline.Womack@Commerce.FL.gov).

Sincerely,



Caroline Womack  
Chief Financial Officer

Enclosures

# NATIONAL DISLOCATED WORKER GRANT (DWG)

## SUGGESTED GRANT APPLICATION FOR DISASTER RECOVERY

### SECTION 1. Application for Federal Assistance SF-424

Complete the SF-424, version 4.0, provided on Grants.gov and submit as part of the application package. (Reference [TEGL 16-21](#), Attachment I, Section 6: How to Apply, pages 24-25)

The Application for Federal Assistance SF-424 form, version 4.0, is located on [GRANTS.gov](#).

Applicant information provided on the SF-424 must match with the SAM registration, including the Applicant Legal Name, Address, nine-digit zip code, employer identification number (EIN), and UEI.

### SECTION 2. Statement of Work – General Information

**A. Contact Information** – Provide the information requested below to reflect the information provided on the SF-424.

**i. Legal Name of Grant Applicant (SF-424, line 8.a)**

Florida Department of Commerce

**ii. Authorized Representative (SF-424, line 21)**

Name	Caroline Womack	Phone	850-245-7126
Title	Chief Financial Officer	Email	Caroline.Womack@Commerce.FL.gov

**iii. Other Project Point of Contact (SF-424, line 8f)**

Name	Keantha B. Moore	Phone	850-245-7413
Title	Deputy Chief, Bureau of One-Stop and Program Support	Email	Keantha.Moore@Commerce.FL.gov

**iv. Type of Applicant (Reference [TEGL 16-21](#), Attachment I, page 4)**

- State  
 Outlying area  
 Indian tribal governments as defined by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(6))

**B. Qualifying Event** – Select the box(es) below to indicate the eligible qualifying event(s) applicable to the application. Provide the emergency declaration information requested.

(Reference [TEGL 16-21](#), Attachment I, page 3)

<input checked="" type="checkbox"/> <b>i. FEMA Emergency/Major Disaster</b>	FEMA Declaration No.	EM-3596-FL DR-4734-FL
<input type="checkbox"/> <b>ii. Federal Agency/ Executive Emergency/ Major Disaster of National Significance</b>	Federal Agency Declaration	

<input type="checkbox"/> <b>iii. Relocation of Individuals from Disaster Area</b>	Originating Disaster Area	
	Originating FEMA or Agency Declaration	

**iv. Attestation for Qualifying Event** – Select the boxes below to confirm understanding of and compliance with specified requirements.

A copy of the relevant declaration of the qualifying event is attached to this application.

Documentation is available to demonstrate a potential loss of at least 50 jobs within the disaster area or relocation of a substantial number of individuals from an affected disaster area.

**C. Federal Funding Request** – Provide the total funding request for the period of performance. The total funding request must reflect the total federal funding request amount listed on the SF-424, line 18a, and the budget (SF-424A) and budget narrative. *Note that ETA generally awards in one-third increments of the requested funding amount, with an overall ceiling equal to the total funding request.* (Reference [TEGL 16-21](#), Attachment I, page 18)

<b>i. Total Federal Funding Request Amount (SF-424, line 18a)</b>	<b>\$ 20,000,000</b>
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**D. Period of Performance (POP)** – The period of performance for DWG funds begins at the project start date and continues through the project end date, as specified in the grant award. The requested period of performance does not exceed 24 months from the project start date. The start date is generally the date of the award. (Reference [TEGL 16-21](#), Attachment I, page 19)

**i. Project Start Date** – Check **one** of the following two options:

<input type="checkbox"/> Date of Award	<input checked="" type="checkbox"/> Request for Earlier Start Date of: 08/28/2023
--	---

**If an Earlier Start Date is requested, provide justification for this requested date here:**

We are requesting the start date as the date of the FEMA Disaster Declaration (August 28, 2023) for the deployment of resources as soon as possible, allowing project operators to acquire and train adequate staff.

**ii. Project End Date for Quarter Ending** - Check **one** of the following two options:

<input type="checkbox"/> <b>12 months</b> from Project Start Date	<input checked="" type="checkbox"/> <b>24 months</b> from Project Start Date
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**E. Planned Participants** – Provide the number of participants planned for the total funding request and period of performance. Approved planned participant totals may not be decreased after approval of the full application. (Reference [TEGL 16-21](#), Attachment I, page 26, Participant Enrollments)

<b>i. Total Number of Planned Participants:</b>	<b>500</b>
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**ii. Attestation for Eligible Participants** - Select the box below to confirm that the applicant will only enroll eligible participants as listed below:

Eligible participants are limited to:

1. Individuals temporarily or permanently laid off as a consequence of the emergency or disaster.
2. A dislocated worker as defined in the Workforce Innovation and Opportunity Act (WIOA) Section 3(15), including displaced homemakers as defined in WIOA Section 3(16).
3. Long-term unemployed individuals.
4. Self-employed individuals who became unemployed or significantly underemployed as a result of the emergency or disaster.

**SECTION 3. Statement of Work – Abstract**

**A. Office of Management and Budget (OMB) Requirements** – All grant awards require a synopsis that summarizes the planned ETA-funded project. Descriptions should be brief (2-3 sentences) and focus on the priority elements for each item below.

**i. Summary of Project Purpose** – State the primary purpose of the project, what occurred, and why grant funding is needed.

The Florida Department of Commerce (FloridaCommerce) is requesting a Disaster Recovery Dislocated Worker Grant to provide areas impacted by Hurricane Idalia with immediate assistance with:

- Cleanup and restoration on public properties including debris and tree or stump removal; clean-up of ditches and drainage areas; clearing and restoration of roadways.
- Clean-up of businesses to remove health and safety hazards to the greater community or alleviate the economic impact of the disaster.
- Debris removal and restoration in and around homes or other structures to remove health and safety hazards and return these properties to a habitable level or operational status, with priority given to the elderly, individuals with disabilities, and low-income individuals.
- Humanitarian assistance to help individuals affected by the storm by providing staff for evacuation shelters, storage and distribution of food and necessary supplies, and to help access resources and assistance from governmental and other agencies.

**ii. Specific Project Activities to be Performed** – Identify the project activities that will be performed.

- Temporary disaster relief employment in cleanup and restoration, as well as humanitarian assistance, such as staffing of shelters, assistance with food and supplies storage and distribution, assistance to individuals accessing disaster-recovery resources (including business owners), and support to service agencies with a significant workload increase due to the disaster.
- Career and training services to prepare individuals who need assistance in obtaining self-sufficient unsubsidized employment. These activities will be focused on demand occupations in affected areas, such as construction, healthcare, manufacturing, information technology and cybersecurity, and logistics and transportation, to assist job seekers achieve the skills needed by local employers.
- Supportive services to include, for example, childcare, transportation, and safety supplies such as steel-toed boots, work gloves, and hard hats.
- For certain cleanup and restoration activities on public properties, rental of heavy equipment, such as backhoes, dump trucks, and stump grinders.

**iii. Deliverables or Expected Outcomes** – Identify the expected deliverables and outcomes that will occur because of this project.

Anticipated number of enrollments: 500

Anticipated number of participants placed in temporary disaster relief employment: 450  
Anticipated number of participants enrolled in training and/or work-based learning activities: 50  
For individuals enrolled in career services and/or training, FloridaCommerce expects to meet the WIOA negotiated performance outcomes.

**iv. Priority Participant Beneficiaries** – Identify those individuals or populations of eligible participants who will be prioritized for participation, including individuals from historically marginalized or underserved communities. Describe why these participants are prioritized for the proposed project.

Priority will be given to the following populations:

- Workers (including self-employed individuals) dislocated due to Hurricane Idalia.
- Residents of low-income neighborhoods significantly affected by the storm who meet the grant eligibility criteria.
- Individuals who are dislocated workers as defined in section 3(15) of WIOA.
- Individuals who are long-term unemployed (unemployed for six of the previous 13 weeks).

**v. Subrecipients and Subrecipient Activities** – Identify all subrecipient entities that will receive grant funds through a subaward to carry out the project. Briefly describe the project activities the subrecipients will carry out. A subaward may be provided through any form of legal agreement, including a contract, and must be accounted for in the budget narrative.  
**(Reference [TEGL 16-21](#), Attachment I, pages 23 - 24)**

**Local Workforce Development Boards (LWDBs) that may receive the funding:**

LWDB 3, CareerSource Chipola (Calhoun and Liberty Counties)

LWDB 4, CareerSource Gulf Coast (Bay, Gulf and Franklin Counties)

LWDB 5, CareerSource Capital Region (Leon, Gadsden and Wakulla Counties)

LWDB 6, CareerSource North Florida (Madison, Suwannee, Taylor, Hamilton, Jefferson and Lafayette Counties)

LWDB 7, CareerSource Florida Crown (Gilchrist, Columbia, Dixie, and Union Counties)

LWDB 8, CareerSource Northeast Florida (Baker, Clay, Duval, Nassau, Putnam, and St. Johns Counties)

LWDB 9, CareerSource North Central (Alachua and Bradford Counties)

LWDB 10, CareerSource (Citrus, Levy, Marion Counties)

LWDB 14, CareerSource Pinellas

LWDB 15, CareerSource Tampa Bay (Hillsborough County)

LWDB 16, CareerSource Pasco Hernando

**Functions:**

- Assistance in the development of a Project Implementation Plan.
- Coordination with local recovery agencies to determine local needs.
- Development of worksites/worksites agreements for disaster-recovery employment based on identified needs.
- Outreach and recruitment of potential participants.
- Participant eligibility determination and provision of grant services.
- Placement of eligible participants in disaster-recovery employment.
- Grant management to include oversight of disaster-recovery worksites and payroll, program and financial reporting, etc.
- Participation in coordination/technical assistance calls with FloridaCommerce staff.



**B. Abbreviated Project Summary** – Provide a brief synopsis of the project that demonstrates allowable activities in accordance with TEGL 16-21. (Reference [TEGL 16-21](#), Attachment I, pages 3 – 12)

**i. Proposed Project Service Area** – List the counties/parishes, cities, or communities to be served by the proposed project in the space below. Note that the service area must not include areas that are not covered by the qualifying disaster declaration.

Alachua, Baker, Bay, Bradford, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Hillsborough, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Marion, Nassau, Pasco, Pinellas, Putnam, St. Johns, Suwannee, Taylor, Union, and Wakulla counties, as listed in FEMA Disaster Declaration EM-3596-FL.

**ii. Impact of the Declared Disaster on the Proposed Service Area** – Provide a brief (no more than 250 words) description of the declared disaster’s impact on the proposed project service area. Include information demonstrating the projected level of job loss in the disaster area.

Hurricane Idalia landed in the Northeastern Gulf Coast of Florida as a Category 3 Hurricane. Reports indicate severe damage to homes, other structures, and public lands in the northern part of the Florida Peninsula. Additionally, areas alongside the Gulf Coast, some previously affected by Hurricane Ian, have experienced storm surges and flooding. Later storm surges, some up to 11 feet, flooded the entire coastline along the Western Peninsula. All areas in the path of the storm have experienced fallen trees, downed power lines, and loss of power. As response teams are able to go into the most severely affected areas, the nature and extent of the damage will become clearer.

The affected areas need assistance immediately, and for the foreseeable future, with debris removal, water damage clean-up, clean-up of ditches and drainage areas, clean-up of public and private properties, tree and stump removal, and clearing of roadways. Additionally, there is an urgent need for humanitarian assistance to address immediate, basic needs for those displaced by the storm as well as provide help in navigating the various public and private resources that may be available to individuals and businesses affected by the storm. As with other disasters, mental health assistance will also be needed.

News reports from multiple areas demonstrate the destruction of businesses which will result in the dislocation of numerous workers.

**iii. Urgent Disaster-Related Needs to be Immediately Addressed** – Provide a brief description (no more than 250 words) of the immediate community needs resulting from the disaster and the project activities and enrollments that will occur to address these needs.

#### **LWDB 3**

1. Disaster-Recovery Team Member
2. Disaster-Recovery Crisis Team Member
3. Disaster Recovery Relief Navigator
4. Disaster Recovery Specialist

#### **LWDB 4**

1. Disaster-Recovery Team Member
2. Disaster-Recovery Crisis Team Member
3. Disaster Recovery Relief Navigator
4. Disaster Recovery Specialist

#### **LWDB 5**

1. Disaster-Recovery Team Member
2. Disaster-Recovery Crisis Team Member
3. Disaster Recovery Relief Navigator
4. Disaster Recovery Specialist

**LWDB 6**

1. Disaster-Recovery Team Member
2. Disaster-Recovery Crisis Team Member
3. Disaster Recovery Relief Navigator
4. Disaster Recovery Specialist

**LWDB 7**

1. Disaster-Recovery Team Member
2. Disaster-Recovery Crisis Team Member
3. Disaster Recovery Relief Navigator
4. Disaster Recovery Specialist

**LWDB 8**

1. Disaster-Recovery Team Member
2. Disaster-Recovery Crisis Team Member
3. Disaster-Recovery Relief Navigator
4. Disaster-Recovery Specialist

**LWDB 9**

1. Disaster-Recovery Team Member
2. Disaster-Recovery Crisis Team Member
3. Disaster-Recovery Relief Navigator
4. Disaster-Recovery Specialist

**LWDB 10**

1. Disaster-Recovery Team Member
2. Disaster-Recovery Crisis Team Member
3. Disaster-Recovery Relief Navigator
4. Disaster-Recovery Specialist

**LWDB 14**

1. Disaster-Recovery Team Member
2. Disaster-Recovery Crisis Team Member
3. Disaster-Recovery Relief Navigator
4. Disaster-Recovery Specialist

**LWDB 15**

1. Disaster-Recovery Team Member
2. Disaster-Recovery Crisis Team Member
3. Disaster-Recovery Relief Navigator
4. Disaster-Recovery Specialist

**LWDB 16**

1. Disaster-Recovery Team Member
2. Disaster-Recovery Crisis Team Member
3. Disaster-Recovery Relief Navigator
4. Disaster-Recovery Specialist

**iv. Abbreviated Justification for and list of Immediate Disaster-Relief Employment Jobs** – In order to begin work prior to submission of the full application, provide a list of positions/job titles and a brief position description on the job responsibilities that will address the immediate community needs resulting from the disaster as described above. The position description should also briefly describe how these positions were identified.

<b>Job Title</b>	<b>Position Description</b>
1. Disaster-Recovery Team Member	Cleanup and recovery efforts including demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and debris in the disaster impacted area, including coordination and liaison with recovery entities (e.g., local government, FEMA).
2. Disaster-Recovery Crisis Team Member	Provision of crisis and trauma resources, activities, and counseling to community residence impacted by the disaster.
3. Disaster-Recovery Relief Navigator	Provision of humanitarian assistance, including but not limited to, distribution of food, water, basic needs, health and safety, and employment and training resources, as well as assistance to community residents and business owners impacted by the disaster to access resources (i.e. personal identifying information recovery, Disaster Unemployment Assistance, FEMA, Small Business Administration, and other related resources), including coordination and liaison with recovery entities.
4. Disaster-Recovery Specialist	Identification of and guidance to community residents impacted by the disaster to access resources from community partners to recover pre-disaster employment status, distribute health and safety information, and provide basic needs, including coordination and liaison with recovery entities (e.g., local government, FEMA).



**Attachment E:**  
**Negotiated Indirect Cost Rate Agreement**