



## Notice of Award / Grant Modification

U.S. DEPARTMENT OF LABOR / VETERANS EMPLOYMENT AND TRAINING SERVICE

<b>GRANT MODIFICATION No. 0</b>		PROJECT: DVOP/LVER	
GRANT NUMBER: DV-34264-20-55-5-12	EFFECTIVE DATE: 10/01/2019	PERIOD OF PERFORMANCE START DATE: 10/01/2019	PERIOD OF PERFORMANCE END DATE: 12/31/2020
GRANTEE: FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY 107 EAST MADISON STREET MSC 120 TALLAHASSEE, FLORIDA 32399-6545		ISSUED BY: U.S. DEPARTMENT OF LABOR / VETS ETA OFFICE OF GRANTS MANAGEMENT 200 CONSTITUTION AVENUE, N.W. WASHINGTON, DC 20210	
EIN: 364706134	DUNS: 968930664	PAGE 1	

**Action:**

1.) FY20 Continuing Resolution allocation in the amount of \$2,302,886 to fund the state grant based on the annual modification request.

YEAR / CFDA PROGRAM ACCOUNT ID	CURRENT LEVEL	Mod 0 MODIFICATION	NEW LEVEL	PMS DOC #
FY 20 / 17.801 Jobs for Veterans' State Grants 20-1653-2020-2901642020BD202001640005205NGRNT500005VET005GRNT3-590911-410010-VETS-DEFAULT TASK-	\$0.00	\$2,302,886.00	\$2,302,886.00	DV34264NC0
<b>TOTAL FUND AVAILABILITY</b>	<b>\$0.00</b>	<b>\$2,302,886.00</b>	<b>\$2,302,886.00</b>	

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

Approved by

Kia Mason

Date Signed

11/18/2019

Grant Officer

mason.kia@dol.gov

Close

Print

**JVSG**  
**TERMS AND CONDITIONS**  
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## 1. Order of Precedence

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

- I. JVSG Special Grant Provisions
- II. Other applicable Federal statutes.
- III. 38 U.S.C. 4103A (a) and 4104(a)
- IV. Implementing Regulations.
- V. Executive Orders.
- VI. OMB Guidance, including the Uniform Guidance at 2 CFR 200 and 2900.
- VII. DOL-VETS Directives.
- VIII. Terms and conditions of this award.

## 2. Notice of Award

The funds that are provided under this Notice of Award must be expended according to all applicable Federal statutes, regulations and policies; the applicable approved State plan including approved modifications and amendments to the plan.

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

## 3. Grant Officer Technical Representative (GOTR)

The DOL/VETS Grant Officer Technical Representative for this award is:

Name: Bernadetta Walsh  
Telephone: 850-717-0765  
E-mail: walsh.bernadette@dol.gov

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

## 4. Indirect Cost Rate and Cost Allocation Plan

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

For a NICRA only:

- (1) Indirect Rate approved: See attached
- (2) Type of Indirect Cost Rate: See attached (i.e. Provisional/Predetermined/Fixed)
- (3) Allocation Distribution Base: See attached
- (4) Current beginning and ending period applicable to rate: See attached

Estimated Indirect Costs are shown on the VETS-401 budget form. If a new NICRA is

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

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

- \_\_\_ B. (1) \_\_\_ Latest NICRA or CAP approved by the Federal Cognizant Agency (FCA) is not current, or
- (2) \_\_\_ An indirect cost rate proposal or CAP has not been submitted for approval.

**URGENT NOTICE:** Estimated indirect costs have been specified on the VETS-401, Section B, Object Class Category "8", however only N/A will be released to support the indirect costs in the absence of a NICRA or CAP approved by the cognizant agency. The remaining funds which have been awarded for Indirect Costs are restricted and may not be used for any purpose until the recipient provides a signed copy of the NICRA or CAP and document stating that the restriction is lifted by the Grant Officer. Upon receipt of the NICRA or CAP, the Grant Officer will issue a grant modification to the award to remove the restriction on those funds.

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

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

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

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

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

## 5. Approved Budget

The award recipient's budget documents are attached in this Notice of Award. The documents are: 1) the SF-424M; and 2) the VETS-401 Budget Information Summary. As the award recipient, your organization must confirm that all costs are allowable before creating any expenses. Pursuant to 2 CFR 2900.1, the approval of the budget as awarded does not constitute prior approval of those items specified in 2 CFR 200 or your grant award as requiring prior approval. The Grant Officer is the only official with the authority to provide such approval.

## 6. Return of Funds

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

## 7. Resources and Information

Additional resources and information pertaining to the JVSG program is located on the VETS website at [https://www.dol.gov/vets/grants/state/jvsg\\_forms.htm](https://www.dol.gov/vets/grants/state/jvsg_forms.htm). In addition, <https://www.doleta.gov/grants/resources.cfm> contains information about the Uniform Guidance, general terms and conditions, indirect cost assistance, recipient training resources and other relevant information.

## **8. Cost Limitation Restrictions**

### **a. Administrative Costs**

See guidance provided in Veterans' Program Letter (VPL) 06-15 or most recent annual modification guidance.

### **b. Budget Flexibility**

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

As directed in 2 CFR 200.308(e), for programs where the Federal share is over the simplified acquisition threshold (currently \$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 percent of the total budget as last approved by the Federal awarding agency, the recipient must receive prior approval from the Grant Officer. Any changes within a specific cost category on the VETS-401 do not require a grant modification unless the change results in a cumulative transfer among direct cost categories exceeding 10% of total budget as noted above. It is recommended that your assigned GOCR review any within-line changes to your budget prior to implementation to ensure they do not require a modification. For programs where the Federal share is below the simplified acquisition threshold, recipients are not required to obtain the Grant Officer's approval when transferring funds among direct cost categories. This includes transferring direct costs to the indirect cost category contained on the VETS-401.

### **c. Consultants**

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

### **d. Travel**

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

### **e. Travel – Foreign**

Foreign travel is not allowable except with prior written approval. Prior written approval must be obtained from the Grant Officer through the process described in 2 CFR 200.407 and 2 CFR 2900.16. All travel, both domestic and Grant Officer-approved foreign travel, must comply with

the Fly America Act ( 49 USC 40118), which states in part that any air transportation, regardless of price, must be performed by, or under a code-sharing arrangement with, a US Flag air carrier if service provided by such carrier is available.

## **f. Travel – Mileage Reimbursement Rates**

Pursuant to 2 CFR 200.474(a), all award recipients must have policies and procedures in place related to travel costs; however, for reimbursement on a mileage basis, this Federal award cannot be charged more than the maximum allowable mileage reimbursement rates for Federal employees. The 2019 mileage reimbursement rates are:

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

Mileage rates must be checked annually at [www.gsa.gov/mileage](http://www.gsa.gov/mileage) to ensure compliance.

## **9. Administrative Requirements**

### **a. Assurances and Certifications**

The signed SF-424M, Application for Federal Assistance, has been included as an attachment to this grant. The individual that signed the SF-424M on behalf of the applicant is considered the Authorized Representative of the applicant. As stated in block 18 of the SF-424M form, the signature of the Authorized Representative on the SF-424M certifies that the organization is in compliance with the Assurances and Certifications form SF-424B (available at <http://apply07.grants.gov/apply/forms/sample/SF424B-V1.1.pdf>). You do not need to submit the SF-424B form separately.

### **b. Audits**

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

### **c. Changes in Micro-purchase and Simplified Acquisition Thresholds**

The Office of Management and Budget memorandum (M-18-18), issued on June 20, 2018, increased the threshold for micro-purchases under Federal financial assistance awards from \$3,500 to \$10,000 and the threshold for simplified acquisitions under Federal financial assistance awards from \$100,000 to \$250,000. Please note that these two threshold increases were effective for all Veterans' Employment and Training Service (VETS) grantees as of October 1, 2018. All VETS grantees should carefully review the above-referenced memorandum and



make any necessary updates to their financial and administrative policies, procedures and systems as a result of these threshold increases.

#### d. Closeout/Final Year Requirements

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

#### e. Equipment

Award Recipients must receive **prior approval** from the Grant Officer to purchase any equipment as defined in the Uniform Guidance at 2 CFR 200.33 (current threshold is \$5,000). Prior approval is required only when the 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 you are approved for the equipment specified in a recipient's budget or statement of work unless it is specifically approved by the Grant Officer. If not specified above, the recipient must submit a detailed list describing the purchase to the GOTR for review within 90 days of the Notice of Award date. We strongly encourage recipients to submit requests for equipment purchase as early as possible in the grant's period of performance with as many planned pieces of equipment as possible.

Recipients may not purchase equipment 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. This may not be the same as the last twelve months of the period of performance. If any approved acquisition has not occurred prior to the last funded year of performance, approval for that item(s) is rescinded.

#### f. Federal Funding Accountability and Transparency Act (FFATA)

##### 1. Reporting of first-tier subawards.

- I. *Applicability.* Unless your organization is exempt as provided in paragraph [4.] of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph [5.] of this award term).

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

- (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
  - II. The public does not have access to information on the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <https://www.sec.gov/answers/execomp.htm>.)
  - II. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph [3.a] of this award term:
    - I. To the recipient.
    - II. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.
4. Exemptions
- If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:
- a. Subawards, and
  - b. The total compensation of the five most highly compensated executives of any subrecipient.
5. Definitions.
- For purposes of this award term:
- a. *Entity* means all of the following, as defined in 2 CFR part 25:
    - I. A Governmental organization, which is a State, local government, or Indian tribe;
    - II. A foreign public entity;
    - III. A domestic or foreign nonprofit organization;
    - IV. A domestic or foreign for-profit organization;
    - V. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
  - b. *Executive* means officers, managing partners, or any other employees in management positions.
  - c. *Subaward*:
    - I. This term is used as a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
    - II. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see [2 CFR 200.330]).
    - III. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
  - d. *Subrecipient* means an entity that:
    - I. Receives a subaward from you (the recipient) under this award; and

- II. Is accountable to you for the use of the Federal funds provided by the subaward.
- e. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
  - I. *Salary and bonus.*
  - II. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
  - III. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
  - IV. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.
  - V. *Above-market earnings on deferred compensation which is not tax-qualified.*
  - VI. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

## g. Intellectual Property Rights

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

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

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

usefulness, adequacy, continued availability, or ownership. This product is copyrighted by the institution that created it.”

#### **h. Personally Identifiable Information**

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

#### **i. Pre-Award**

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

#### **j. Procurement**

The Uniform Guidance (2 CFR 200.317) require States (as defined at 2 CFR 200.90) to follow the same procurement policies and procedures it uses for non-Federal funds. The State will comply with section 200.322 Procurement of recovered *materials* and ensure that every purchase order or other contract includes any clauses required by section 200.326 Contract provisions.

#### **k. Program Income**

The Addition method as described in 2 CFR 200.307 must be used in allocating any program income generated for this grant award. Award recipients must expend all program income prior to drawing down additional funds as required at 2 CFR 200.305(b) (5) and 2 CFR 200.307(e). Any program income found remaining at the end of period of performance must be returned to the VETS. In addition, recipients must report program income on the quarterly financial report using SF-425 form.

#### **l. Publicity**

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

## m. Recipient Integrity and Performance Matters

1. If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the award recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (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 you must report. Submit the information required about each proceeding that:
  - a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
  - b. Reached its final disposition during the most recent 5-year period; and
  - c. Is one of the following:
    - I. A criminal proceeding that resulted in a conviction, as defined in paragraph 5. of this award term
    - II. A civil proceeding that resulted in a finding of fault and liability and paying a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
    - III. An administrative proceeding, as defined in paragraph 5. of this award term, that resulted in a finding of fault and liability and your payment of either monetary fine or penalty of \$5,000 or more or a reimbursement, restitution, or damages in excess of \$100,000; or
    - IV. Any other criminal, civil, or administrative proceeding if:
      - (A) It could have led to an outcome described in paragraph 2.c.I, II, or III of this award term;
      - (B) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
      - (C) The requirement in this award term to disclose information about the proceeding does not conflict with applicable laws and regulations.
3. Reporting procedures. Enter in SAM Entity Management area (formerly CCR), or any successor system, the FAPIS information that SAM requires about each proceeding described in paragraph 2. of this award term. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM (formerly CCR) because you were required to do so under Federal procurement contracts that you were awarded.
4. Reporting frequency. During any period of time when you are subject to the requirement in paragraph 1. of this award term, you must report FAPIS information through SAM no less frequently than semiannually following your initial report of any proceedings for the most

recent 5-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report.

5. Definitions. For purposes of this award term:

- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- b. Conviction, for purposes of this award term, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
- c. Total value of currently active grants, cooperative agreements, and procurement contracts includes —
  - I. Only the Federal share of the funding under any award with a recipient cost share or match; and
  - II. The value of all options, even if not yet exercised.

## **n. Reports**

All VETS recipients are required to submit quarterly financial and narrative progress reports for each grant award. See Attachment A: JVSG Special Grant Provisions, Section 5

## **o. Requirements for Conference and Conference Space**

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

## **p. Subawards**

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

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



## q. Supportive Services & Participant Support Costs

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

## r. System for Award Management

### 1. Requirement for System of Award Management (SAM)

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

### 2. Requirement for unique entity identifier

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

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

### 3. Definitions

For purposes of this award term:

- i. *System of Award Management (SAM)* is the Federal repository where award recipients register to do business with the U.S. government. Additional information about registration procedures may be found at the SAM Internet site (currently at <http://www.sam.gov>).
- ii. *Unique entity identifier* means the code that is unique to a registered entity in order to complete its registration on SAM.
- iii. *Entity*, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
  - a. A Governmental organization, which is a State, local government, or Indian Tribe;
  - b. A foreign public entity;
  - c. A domestic or foreign nonprofit organization;
  - d. A domestic or foreign for-profit organization; and
  - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
- iv. *Subaward*:
  - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
  - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).
  - c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.
- v. *Subrecipient* means an entity that:
  - a. Receives a subaward from you under this award; and



b. Is accountable to you for the use of the Federal funds provided by the subaward.

#### **s. SAM Registration Validation**

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

#### **t. Vendor/Contractor**

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

#### **u. Whistleblower Protection**

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

### **10. Program Requirements**

The Funding Opportunity Announcement contains the program requirements for this award.

### **11. 2020 Federal Appropriations Requirements**

#### **a. Fair Labor Standards Act Amendment for Major Disasters**

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—

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

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

“(i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians; “(ii) inspecting property damage or reviewing factual information to prepare damage estimates; “(iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims; “(iv) negotiating settlements; or “(v) making recommendations regarding litigation.

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

“(3) For purposes of this subsection—

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

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

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

## **b. Prohibition on Contracting with Corporations with Felony Criminal Convictions**

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

## **c. Prohibition on Contracting with Corporations with Unpaid Tax Liabilities**

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

#### **d. Prohibition on Providing Federal Funds to ACORN**

These funds may not be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations or successors.

#### **e. Reporting of Waste, Fraud and Abuse**

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

### **12. Public Policy**

#### **a. Architectural Barriers**

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

#### **b. Drug-Free Workplace**

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

#### **c. Executive Orders**

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

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

**13166:** As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, dated August 11, 2000, and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, recipients must take reasonable steps to ensure that LEP persons have meaningful access to programs in accordance with DOL's Policy Guidance on the

Prohibition of National Origin Discrimination as it Affects Persons with Limited English Proficiency [05/29/2003] Volume 68, Number 103, Page 32289-32305. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance and information regarding your LEP obligations, go to <http://www.lep.gov>.

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

**13788:** Pursuant to Executive Order 13788, by drawing down funds, the recipient agrees to comply with sections 8301 through 8303 of title 41, United States Code (commonly known as the "Buy American Act"). Additionally, no funds may be made available to any person or entity that has been convicted of violating the Buy American Act.

For the purposes of this award, the Buy American Act requires the recipient to use, with limited exceptions, only 1) unmanufactured items that have been mined or produced in the United States; and 2) manufactured items that have been manufactured in the United States substantially all from articles, materials, or supplies that were mined, produced, or manufactured in the United States.

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

#### **d. Flood Insurance**

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

#### **e. Hotel-Motel Fire Safety**

Pursuant to 15 U.S.C. 2225a, the recipient must ensure that all space for conferences, and, conventions or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (P.L. 101-391, as amended). Recipients may search the Hotel Motel National Master List at

<https://apps.usfa.fema.gov/hotel/> to see if a property is in compliance, or to find other information about the Act.

## **f. Prohibition on Trafficking in Persons**

### **1. Trafficking in persons.**

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

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

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

(B). Procure a commercial sex act during the period of time that the award is in effect; or

(C). Use forced labor in the performance of the award or subawards under the award.

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

(A). Is determined to have violated a prohibition in paragraph a.1 of this award term; or

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

i. Associated with performance under this award; or

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

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

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

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

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

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

*c. Provisions applicable to any recipient.*

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

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

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

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

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

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

I. "Employee" means either:

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

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

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

III. "Private entity":

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

(B). Includes:

i. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).

ii. A for-profit organization.

IV. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

## **g. Veterans' Priority Provisions**

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

## **13. Attachments**

**Attachment A: JVSG Special Grant Provisions**

**Attachment B: SF-424M**

**Attachment C: VETS-401 Budget Information Summary**

**Attachment D: Negotiated Indirect Cost Rate Agreement or Cost Allocation Plan**

## **Attachment A: JVSG Special Grant Provisions**



**SPECIAL GRANT PROVISIONS  
FOR  
JOBS FOR VETERANS  
STATE GRANT**

October 1, 2019 - December 31, 2020

**JOBS FOR VETERANS STATE GRANT  
SPECIAL GRANT PROVISIONS**

**1. SCOPE:**

A. The grantee will provide employment and training-related placement services to eligible veterans with Significant Barriers to Employment (SBE) and eligible persons in accordance with statutory and program priority through:

(1) The employment service delivery system, affiliated American Job Centers and its partners, and through coordination with other service providers.

(2) Disabled Veterans' Outreach Program (DVOP) specialists, Local Veterans' Employment Representative (LVER) staff and Consolidated DVOP/LVER staff in accordance with:

- (a) Title 38 United States Code (38 U.S.C), Chapters 41 and 42;
- (b) The Workforce Innovation and Opportunity Act (WIOA);
- (c) Title 20, Code of Federal Regulations (CFR), Part 1001 and Part 1010;
- (d) 2 CFR Part 200 and 20 CFR Part 2900, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- (e) Policy guidance and Grant Officer memorandums issued by the U.S. DOL;
- (f) An approved Jobs for Veterans Grant State Plan or approved WIOA Combined State Plan which incorporates JVSG; and
- (g) All grant documents including terms, provisions, and assurances of this grant.

B. The number of DVOP, LVER and Consolidated DVOP/LVER positions that can be supported by grant funds must:

- (1) Be separately identified; and
- (2) Represent the most efficient use of funds awarded to maximize available staff resources.

C. Under 38. U.S.C. 4103A(a) and 4104(a), DVOP, LVER and Consolidated DVOP/LVER positions should be assigned as the state determines appropriate and efficient.

D. The grantee must develop and apply standards for statewide services to veterans in accordance with the respective duties for each program position as described in Veterans' Program Letter (VPL) 03-14, as amended, or the most current VPL/guidance on this subject.

## **JOBS FOR VETERANS STATE GRANT SPECIAL GRANT PROVISIONS**

E. DVOP specialists, LVER staff, and Consolidated DVOP/LVER staff are appointed, assigned, and terminated in accordance with a State's merit staffing system:

- (1) As full-time or half time employees; and
- (2) At salaries commensurate with their assigned duties.

F. Under 38 U.S.C. 4103A(a), a DVOP specialist provides intensive services (identified as "individualized career services" under the WIOA regulations at 20 CFR 678.430(b)) and facilitates placement to meet the employment needs of eligible veterans and eligible persons, prioritizing service to special disabled veterans, other disabled veterans, and other veterans in accordance with priorities determined by the Secretary of Labor (Secretary). This will be accomplished through:

(1) DVOP specialists will provide services only to eligible veterans and eligible persons who meet the definition of an individual with a Significant Barrier to Employment (SBE) as defined in VPL 03-14, as amended, or the most current VPL/guidance on the subject, and to any other categories of veterans and eligible persons set forth in VPL 03-19 and/or current VPLs/guidance on these or related subjects or as otherwise required by federal law. In providing services to these veterans and eligible persons, DVOP specialists will focus on providing individualized career services, which will be accomplished through the case management approach as taught by the National Veterans' Training Institute (NVTI) in the delivery of individualized career services.

(2) Coordination with other area service providers to assist eligible veterans and eligible persons.

G. LVER staff will fulfill their duties as described in law, regulation, and policy guidance exclusively for the benefit of all veterans and eligible persons. When employer outreach is primarily accomplished by a "business service team" or like entity, the LVER must be included as an active member of that team. Under 38 U.S.C. 4104(b), each LVER's principal duties are to:

(1) Conduct outreach to employers in the area to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups.

(a) The purpose of conducting outreach to employers in the area is to develop relationships, jobs, training, or training opportunities for veterans and eligible persons.

(b) The purpose of conducting seminars and establishing self-directed job search work groups is to ensure a greater number of eligible veterans and eligible persons have the skills needed to find employment.

## **JOBS FOR VETERANS STATE GRANT SPECIAL GRANT PROVISIONS**

(2) Facilitate employment, training, and placement services furnished to veterans in a state under the applicable state employment service delivery systems. VETS defines this facilitation duty as capacity building within the state's employment service delivery system to ensure easier access to the appropriate employment and training services for eligible job seeking veterans and eligible persons.

H. Consolidated DVOP/LVER staff perform both the prescribed legislated duties of a DVOP specialist and a LVER staff person as described in VPL 02-16 or current VPL/guidance on this subject.

I. The VOW to Hire Heroes Act of 2011 (VOW Act) amended Title 38 to specifically prohibit DVOP specialists and LVER staff from performing non-veteran related duties that detract from their ability to perform their statutory duties or roles and responsibilities related to meeting the employment needs of eligible veterans and eligible persons.

J. Additionally, Section 241 of the VOW Act requires the Secretary to conduct regular audits to ensure compliance with the statutory duties of DVOP specialists and LVERs. These audits will be conducted on a schedule developed through coordination efforts between VETS' Director for Veterans' Employment and Training (DVET) and the State Workforce Agency; or individuals responsible for the administration of the JVSG program for the state.

K. DVOP, LVER and Consolidated DVOP/LVER staff are assigned to supplement, not supplant, the duties of other staff in the employment service delivery point and do not relieve other State Agency staff of the requirement to provide priority services to veterans in all programs funded in whole or in part by the U.S. DOL (see 38 U.S.C. 4215 and 20 CFR Part 1010).

L. The National Veterans' Training Institute (NVTI) will provide specialized training for all grant-funded staff (including travel expenses and per diem). Each DVOP, LVER and Consolidated DVOP/LVER staff assigned will have eighteen months from the date of assignment to successfully complete the specialized training courses appropriate to each position provided by NVTI. DVETs will coordinate scheduling newly appointed staff through the appropriate State channels.

### **2. STATUTORY REQUIREMENTS FOR SERVICE PRIORITIES:**

A. Grantees will maintain compliance with all applicable statutory, regulatory, and grant provisions to include:

- (1) 38 U.S.C, Chapters 41 and 42, as amended;
- (2) Title 20, CFR, Chapter IX, Part 1001 and 1010 et. seq.;
- (3) Title 20, CFR, 680.650; and 20 CFR 652.100;

**JOBS FOR VETERANS STATE GRANT  
SPECIAL GRANT PROVISIONS**

(4) Title 2 CFR, Part 200; and 20 CFR Part 2900; and

(5) Special and general grant provisions, U.S. DOL policies and applicable Federal directives.

B. Grantees will, as prescribed by law and determined in regulations, ensure adherence with guidance regarding the provision of priority of services for veterans (see 38 U.S.C. 4215; 20 CFR Part 1010).

**3. GRANT AMOUNT:**

A. The total amount of funds approved for each fiscal year may be found on the *Notice of Award/ Notice of Obligation* for each approved initial annual grant award or interim modification requested.

B. The funds available to grantees each fiscal year are subject to:

(1) An approved Jobs for Veterans Grant State Plan; and

(2) Congressional action on the United States Department of Labor's (DOL) appropriation.

NOTE: All approved Fiscal Year 2014-2019 Jobs for Veterans State Grant State Plans are extended through June 30, 2020.

C. Grantees may only charge-up to the annual allocated funding amount identified in the most recently approved *Notice of Obligation/ Notice of Award*. The official *Notice of Award/ Notice of Obligation* will be approved and executed by the Grant Officer. Authorized funds may be drawn down from the Health and Human Services Payment Management System (HHS-PMS Smartlink) to meet grantees' immediate cash needs. Any costs in excess of the annual allocated funds will be borne by the grantee.

D. Grantees must obligate all awarded funding before December 31<sup>st</sup> following each Federal Fiscal Year (FY) and liquidate all obligations by the following March 31<sup>st</sup> (unless specified otherwise in the annual appropriation). When grantees anticipate having funds available after September 30<sup>th</sup>, grantees will provide a fifth quarter projected spending plan by August 15<sup>th</sup> through their respective DVET for approval by their RAVET.

E. Grantees may choose to return unobligated funds. Returned funds will not affect the execution of the JVSG formula in the following year.

F. Funding amounts designated for Incentive Awards may be distributed only as described in the Grant Officer approved State Plan or modification. Grantees must adhere to the approved plan. Any unspent incentive award funding that remains will be deobligated during the grant close out of the applicable fiscal year and will not be available for other purposes including fifth quarter spending.

## **JOBS FOR VETERANS STATE GRANT SPECIAL GRANT PROVISIONS**

### **4. PAYMENTS UNDER THE GRANT:**

A. Approved funds will be transferred to the State's financial institution using the State's SMARTLINK system through HHS/PMS; and,

B. Grantees will provide quarterly financial reports as indicated in the most recent VPL/guidance on this subject and in Section 5 below.

### **5. REPORTING REQUIREMENTS:**

As per Title 20, CFR Section 658.601(a)(7)(iv) each State Administrator authorized to enter into this grant agreement must ensure to the maximum extent feasible: (1) the accuracy of data entered by the State Agency into required management information systems; and (2) the establishment and maintenance of a data validation system that accurately reflects the accomplished activities and provides actual expenditure data, in accordance with Office of Management and Budget (OMB) Circulars and applicable regulations to include Title 20 CFR, Sections 1001.122(b), 1001.140 and 1010.320.

A. Reports and correspondence must be identified by Grantee, applicable Federal grant number assigned, fiscal year, and date prepared. All reports must be prepared and submitted in the manner, with the frequency and by due dates prescribed by the Grant Officer or in the applicable directive from VETS.

B. As a condition of accepting funding, Grantees must produce: 1) quarterly and final fiscal reports; 2) quarterly activity and performance reports; and 3) quarterly staff utilization reports as prescribed in the most current VPL on the subject.

(1) Grantees will be accountable for negotiated performance outcomes for veterans served by both the Public Labor Exchange and grant-funded staff in accordance with the most recent VPL/guidance on this or a related subject.

(2) Fiscal reports will be submitted within 30 days of the end of each of the four Federal fiscal year quarters. Grantees will submit fiscal reports for the fifth quarter if any fiscal year funds are carried into the next fiscal year (when VETS' Federal appropriation allows grant funds to be obligated in the first quarter of the following fiscal year).

(i) **Final Fiscal Report:** The final fiscal report is submitted with a transmittal memorandum to the GOTR no later than 30 days after the end of the quarter in which all obligations are liquidated but in all circumstances, no later than January 30<sup>th</sup> of the following fiscal year. Fiscal reports will include a SF-425, Federal Financial Report complete with a grant number that will be entered into the E-Grants system.

(ii) **Closeout Report:** Per 2 CFR 200.344 "Closeout" (b), "Unless the Federal awarding agency or pass-through entity authorizes an extension, a non-Federal entity

## **JOBS FOR VETERANS STATE GRANT SPECIAL GRANT PROVISIONS**

must liquidate all obligations incurred under the Federal award **not later than 90 calendar days after the end date of the period of performance** as specified in the terms and conditions of the Federal award.” Therefore unless the DOL VETS, Grant Officer has granted an extension, all obligated funds must be liquidated within the 90 day liquidation period (also known as “closeout” period). Grantees are not permitted to liquidate any cost that was not either obligated or an expenditure during the grant period of performance.

(3) Performance and narrative progress reports will be submitted at the end of each Federal fiscal year quarter in the manner prescribed in the policy by the Department.

(4) The State Agency Administrator or a designated person must attest to the accuracy and completeness of the Quarterly Report in a signed Technical Performance Narrative.

(5) The Manager's Report on Services to Veterans regarding:

- (i) the quality and character of each American Job Center’s (AJC’s) services provided to veterans;
- (ii) the extent to which veterans are receiving priority of service from all staff funded through U.S. DOL grants will be submitted by each AJC’s office manager to the GOTR; and
- (iii) whether or not a LVER is assigned to that AJC, as negotiated in accordance with policy guidance issued by VETS.

(6) A narrative fifth quarter projected spending plan identifying the fifth quarter carry-over amount is submitted with each state’s third quarter financial report when any DVOP and/or LVER funds are anticipated to remain following the end of the fourth FY quarter, and an Annual Incentive Awards Summary Report is submitted with each state’s fourth quarter Technical Performance Narrative.

C. Failure to comply with the above reporting requirements and/or other statutory or regulatory requirements may result in sanctions described at Title 20, CFR, Part 658, Subpart H or 20 CFR Part 1001.

### **6. GRANT MODIFICATIONS**

The Grant Officer approves, signs, and modifies these grants and can authorize changes in scope (staff utilization and funding levels), cost and grant conditions. Modification requests should be submitted as described in VPL 04-18 or the most recent guidance related to this subject.

### **7. GRANT MANAGEMENT AND MONITORING:**

A. The grantee, in accordance with 20 CFR 1001.121, will provide adequate and appropriate facilities and administrative support for VETS staff assigned to that state as a condition of receiving grant funds. Adequate and appropriate facilities and administrative support is

## **JOBS FOR VETERANS STATE GRANT SPECIAL GRANT PROVISIONS**

considered space, furniture, telephone, equipment and supplies that would be made available to State employees of equal status in terms of position level rather than compensation.

B. VETS is required by law to "monitor and supervise on a continuing basis the distribution and use of funds provided for use in the States..." (38 U.S.C. 4102A(b)(6)).

C. Each DVET or their designee serves as the GOTR. The GOTR is authorized to:

- (1) Review narrative reports and records;
- (2) Monitor the progress of the grant, including the use of staff and grant funds;
- (3) Negotiate remedial/corrective action regarding potential compliance issues;
- (4) Communicate directly with DVOP specialists and LVER staff, when necessary, as negotiated with State officials;
- (5) Recommend approval or disapproval of technical matters not involving a change in the scope, cost or conditions of the Jobs for Veterans Grant; and
- (6) Have access to all applicable hard copy or automated reports and records and make recommendations to the Grant Officer on all grant matters and requests.

D. Requests for additional funds may be approved only if like amounts are available or from funds returned by or identified for reallocation from other grantees.

E. Fiscal year funds cannot be obligated by the grantor agency to grantees after September 30<sup>th</sup>; therefore, to be considered for approval, all requests for additional funding must be submitted to the respective DVET by the close of business of the second Friday in August or the date specified in the most recent VPL/guidance on this subject.

F. An inventory of Automated Data processing equipment (defined by OMB as supplies unless the initial cost exceeded \$5,000 per unit) purchased with grant funds must be maintained by the Grantee with a copy provided to the appropriate GOTR. The inventory must identify the following information:

- (1) Equipment locations, number of units and staff use;
- (2) Brand name, model, serial number, equipment specifications; and
- (3) Actual unit costs (including maintenance and connectivity).

G. The Grant Officer will only approve requests for additional funds to procure personal computers, which have internet connectivity, and for which staff training in their use has been or will be provided.



## **JOBS FOR VETERANS STATE GRANT SPECIAL GRANT PROVISIONS**

H. Adherence to the guidelines for the replacement or disposition of obsolete automated data processing equipment provided at 2 CFR 200.439 is required.

### **7. INFORMATION ACCESS:**

Access to all hard copy or automated grant reports, grantee records relative to the provision of employment, education and training-related services to veterans, transitioning service members, their spouses, and other eligible persons must be provided to the Grant Officer, the GOTR and/or the GOTR's designee (see JVSG Grant Management and Monitoring).

### **8. PRINTING AND DUPLICATING**

The grantee must comply with the requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, including the regulation at 2 CFR 200.461. The term "duplicating" as used herein means material produced on single unit duplicating equipment not larger than 11 x 17 inches and which have a maximum image of 10 3/4 x 14 1/4 inches using direct image plates not requiring the use of negatives. The term "printing" as used herein will be construed to include and apply to the processes of composition, plate making, presswork, binding, and microform.

Under this grant agreement, the grantee may duplicate up to a maximum of 5,000 copies of one page or 25,000 copies in the aggregate of multiple pages. Additional copies require GOTR approval prior to duplicating printing.

Direct use of grant funds for public relations materials for advertising or marketing the State Governor or offices of the State Agency is prohibited to the extent described in 2 CFR 200.421.

Nothing in this clause will preclude the procurement of writing, editing, preparation of manuscript copy, or the preparation of related illustrative material.

### **9. AMENDMENTS:**

The Grant Officer, in consultation with the Assistant Secretary of Labor for Veterans' Employment and Training has the right to amend these provisions with due notice to grantees of at least 45 days.

## **Attachment B: SF-424M**

JVSG Formula Grants - Mod Workflow - Completed

FY 2020 - MOD 0 - Region 3 Atlanta - FL

VPL	VETS 401	VETS 501	SF-424 M	Funding Staff Summary	Document Uploads	Validate	DM	Workflow
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OMB Number: 4040-0002  
Expiration Date: 01/31/2019

APPLICATION FOR FEDERAL ASSISTANCE SF-424 - MANDATORY		
<b>1.a. Type of Submission:</b> <input checked="" type="radio"/> Application <input type="radio"/> Plan <input type="radio"/> Funding Request <input type="radio"/> Other Other (Specify Type of Submission): <input type="text"/>	<b>1.b. Frequency:</b> <input checked="" type="radio"/> Annual <input type="radio"/> Quarterly <input type="radio"/> Other Other (Specify Frequency): <input type="text"/>	<b>1.d. Version:</b> <input checked="" type="radio"/> Initial <input type="radio"/> Resubmission <input type="radio"/> Revision <input type="radio"/> Update <b>2. Date Received:</b> <input type="text" value="08/02/2019"/> <b>3. Applicant Identifier:</b> <input type="text"/> <b>4a. Federal Entity Identifier:</b> <input type="text"/> <b>4b. Federal Award Identifier:</b> <input type="text"/>
<b>1.c. Consolidate Application/Plan/Funding Request?</b> <input type="radio"/> Yes <input checked="" type="radio"/> No Explanation (Consolidated Request Explanation) <input type="text"/>		<b>STATE USE ONLY:</b> <b>5. Date Received by State:</b> <input type="text"/> <b>6. State Application Identifier:</b> <input type="text"/>
<b>7. APPLICANT INFORMATION:</b>		
<b>a. Legal Name:</b> <input type="text" value="Florida Department of Economic Opportunity"/>		
<b>b. Employer/Taxpayer Identification Number (EIN/TIN):</b> <input type="text" value="36-4706134"/>		<b>c. Organizational DUNS:</b> <input type="text" value="9689306640000"/>
<b>d. Address:</b>		
<b>Street1:</b> <input type="text" value="107 East Madison Street"/>		<b>Street2:</b> <input type="text" value="MSC 120"/>
<b>City:</b> <input type="text" value="Tallahassee"/>		<b>County / Parish:</b> <input type="text" value="Leon"/>
<b>State:</b> <input type="text" value="FLORIDA"/>		<b>Province:</b> <input type="text"/>
<b>Country:</b> <input type="text" value="UNITED STATES"/>		<b>Zip / Postal Code:</b> <input type="text" value="32399-6545"/>
<b>e. Organizational Unit:</b>		
<b>Department Name:</b> <input type="text"/>		<b>Division Name:</b> <input type="text"/>

Florida Department of Economic Opportunity		Bureau of Financial Management	
f. Name and contact information of person to be contacted on matters involving this submission:			
Prefix: Mrs. <input type="text" value="Caroline"/>		First Name: <input type="text" value="Caroline"/>	
Last Name: <input type="text" value="Womack"/>		Middle Name: <input type="text" value="B."/>	
Title: <input type="text" value="Chief, Bureau of Financial Management"/>		Suffix: <input type="text" value="Select Suffix"/>	
Organizational Affiliation: <input type="text"/>			
Telephone Number: <input type="text" value="850-245-7126"/>		Fax Number: <input type="text"/>	
Email: <input type="text" value="caroline.womack@deo.myflorida.com"/>			
<b>APPLICATION FOR FEDERAL ASSISTANCE SF-424 - MANDATORY</b>			
8a. TYPE OF APPLICANT: <input type="text" value="State Government"/>			
Other (Specify Application Type): <input type="text"/>			
b. Additional Description: <input type="text"/>			
9. Name of Federal Agency: <input type="text" value="United States Department of Labor, VETS"/>			
10. Catalog of Federal Domestic Assistance Number:			
<input type="checkbox"/> Chief Evaluation Office (CEO) <input checked="" type="checkbox"/> Disabled Veterans' Outreach Program (DVOP) <input type="checkbox"/> Veterans' Employment Program <input type="checkbox"/> Uniformed Services Employment and Reemployment Rights <input checked="" type="checkbox"/> Local Veterans' Employment Representative Program (LVER) <input type="checkbox"/> Homeless Veterans Reintegration Project <input type="checkbox"/> Veteran's Preference in Federal Employment <input type="checkbox"/> Transition Assistance Program			
11. Descriptive Title of Applicant's Project: <input type="text" value="Jobs for Veterans State Grant Program"/>			
12. Areas Affected by Funding: <input type="text" value="State of Florida"/>			
13. CONGRESSIONAL DISTRICTS OF:			
a. Applicant: <input type="text" value="FI-002"/>		b. Program/Project: <input type="text" value="All"/>	

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

Browse...

Upload Data File

## 14. Funding Period:

a. Start Date:

10/01/2019

b. End Date:

09/30/2019

## 15. ESTIMATED FUNDING:

a. Federal (\$):

\$11,461,809.00

b. Match (\$):

## 16. IS SUBMISSION TO REVIEW BY STATE UNDER EXECUTIVE ORDER 12372 PROCESS?

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

**APPLICATION FOR FEDERAL ASSISTANCE SF-424 - MANDATORY**

## 17. Is The Applicant Delinquent On Any Federal Debt?

Yes  No 

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

\*\* I Agree 

\*\* This 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:

Mrs. 

First Name:

Caroline 

Middle Name:

B. 

Last Name:

Womack 

Suffix:

Select Suffix 

Title:

Chief, Bureau of Financial Management 

Organizational Affiliation:

Telephone Number:

850-245-7126 

Fax Number:

Email:	<input type="text" value="caroline.womack@deo.myflorida.com"/>
Signature of Authorized Representative:	<input type="text" value="Caroline B. Womack"/>
Date Signed:	<input type="text"/>
Attach supporting documents as specified in agency instructions.	<input type="text"/> <input type="button" value="Browse..."/> <input type="button" value="Upload Data File"/>

**Instructions for Application for Federal Assistance (SF-424)**

This is a standard form required for use as a cover sheet for submission of pre-applications and applications and related information under discretionary programs. Some of the items are required and some are optional at the discretion of the applicant or the federal agency (agency). Required fields on the form are identified with an asterisk (\*) and are also specified as "Required" in the instructions below. In addition to these instructions, applicants must consult agency instructions to determine other specific requirements.

Item	Field Name	Information
1.	Type of Submission:	(Required) Select one type of submission in accordance with agency instructions. <ul style="list-style-type: none"> <li>• Pre-application</li> <li>• Application</li> <li>• Changed/Corrected Application - Check if this submission is to change or correct a previously submitted application. Unless requested by the agency, applicants may not use this form to submit changes after the closing date.</li> </ul>
2.	Type of Submission:	(Required) Select one type of application in accordance with agency instructions. <ul style="list-style-type: none"> <li>• New - An application that is being submitted to an agency for the first time.</li> <li>• Continuation - An extension for an additional funding/budget period for a project with a projected completion date. This can include renewals.</li> <li>• Revision - Any change in the federal government's financial obligation or contingent liability from an existing obligation. If a revision, enter the appropriate letter(s). More than one may be selected. If "Other" is selected, please specify in text box provided.</li> </ul> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration E. Other (specify)
3.	Date Received:	Leave this field blank. This date will be assigned by the Federal agency.
4.	Applicant Identifier:	Enter the entity identifier assigned by the Federal agency, if any, or the applicant's control number if applicable.
5a.	Federal Entity Identifier:	Enter the number assigned to your organization by the federal agency, if any.
5b.	Federal Award Identifier:	For new applications leave blank. For a continuation or revision to an existing award, enter the previously assigned federal award identifier number. If a changed/corrected application, enter the federal identifier in accordance with agency instructions.
6.	Date Received by State:	Leave this field blank. This date will be assigned by the state, if applicable.
7.	State Application Identifier:	Leave this field blank. This identifier will be assigned by the state, if applicable.
8.	Applicant Information:	Enter the following in accordance with agency instructions:
	a. Legal Name:	(Required) Enter the legal name of applicant that will undertake the assistance activity. This is the organization that has registered with the Central Contractor Registry (CCR). Information on registering with CCR may be obtained by visiting <a href="http://www.Grants.gov">www.Grants.gov</a> .
	b. Employer/Taxpayer Number (EIN/TIN):	(Required) Enter the employer or taxpayer identification number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444.
	c. Organizational DUNS:	(Required) Enter the organization's DUNS or DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting <a href="http://www.Grants.gov">www.Grants.gov</a> .

## **Attachment C: VETS-401 Budget Information Summary**

JVSG Formula Grants - Mod Workflow - Completed

FY 2020 - MOD 0 - Region 3 Atlanta - FL

VPL **VETS 401** VETS 501 SF-424 M Funding Staff Summary Document Uploads Validate DM Workflow



**JOBS FOR VETERANS STATE GRANTS (JVSG)  
BUDGET INFORMATION SUMMARY**

OMB Control Number 1293-0009  
Expiration Date: 5/31/2019

SECTION A - GRANTEE IDENTIFICATION INFORMATION

Grant Number: State: FLORIDA Date Prepared: 08/07/2019

SECTION B - BUDGET SUMMARY BY CATEGORY  
U.S. DEPARTMENT OF LABOR FUNDS

Object Class Categories	DVOP Activities	Consolidated DVOP/LVER Activities	LVER Activities	Incentive Awards	Total JVSG
1. Personnel	\$3,177,372.00	\$105,214.00	\$1,999,679.00		\$5,282,265.00
2. Fringe Benefits	\$1,054,046.00	\$33,518.00	\$611,209.00		\$1,698,773.00
3. Travel	\$7,500.00	\$0.00	\$35,000.00		\$42,500.00
4. Equipment	\$0.00	\$0.00	\$0.00		\$0.00
5. Supplies.	\$10,000.00	\$0.00	\$8,000.00		\$18,000.00
6. Other	\$2,139,209.00	\$74,702.00	\$1,452,310.00		\$3,666,221.00
7. Total Direct Costs (Lines 1-6)	\$6,388,127.00	\$213,434.00	\$4,106,198.00	\$114,618.00	\$10,822,377.00
8. Indirect Costs	\$372,761.00	\$10,752.00	\$255,919.00		\$639,432.00
9. Total Program Costs (Lines 7 + 8)	\$6,760,888.00	\$224,186.00	\$4,362,117.00	\$114,618.00	\$11,461,809.00

SECTION C - FORECAST FEDERAL FUNDING NEEDS

Program Activity	(1) 1 <sup>st</sup> Quarter	(2) 2 <sup>nd</sup> Quarter	(3) 3 <sup>rd</sup> Quarter	(4) 4 <sup>th</sup> Quarter	(5) Total
a. DVOP Activities	\$1,334,985.00	\$1,690,222.00	\$1,690,222.00	\$2,045,459.00	\$6,760,888.00
b. Consolidated DVOP/LVER Activities	\$44,266.00	\$56,047.00	\$56,047.00	\$67,826.00	\$224,186.00
c. LVER Activities	\$861,332.00	\$1,090,529.00	\$1,090,529.00	\$1,319,727.00	\$4,362,117.00
d. Incentive Awards	\$0.00	\$0.00	\$0.00	\$114,618.00	\$114,618.00
e. Total Funds	\$2,240,583.00	\$2,836,798.00	\$2,836,798.00	\$3,547,630.00	\$11,461,809.00

VETS-401  
(Revised 01/2016)

VETS-401 - Jobs for Veterans State Grant Budget Information Summary Instructions  
Form Use:



**Attachment D:**  
**Negotiated Indirect Cost Rate Agreement or**  
**Cost Allocation Plan**  
(If applicable)

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

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

**DATE:** April 29, 2019  
**FILE REF:** This replaces  
the agreement dated  
September 24, 2018

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

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**SECTION I: RATES**

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<u>TYPE</u>	<u>EFFECTIVE PERIOD</u>		<u>RATE*</u>	<u>LOCATION</u>	<u>APPLICABLE TO</u>
	<u>FROM</u>	<u>TO</u>			
Final	7/1/16	6/30/17	11.4965% (a)	All	UC
Final	7/1/16	6/30/17	.5394% (b)	All	HCP
Final	7/1/16	6/30/17	.2909% (b)	All	WIA
Final	7/1/16	6/30/17	.8095% (b)	All	WTS/FSET
Final	7/1/16	6/30/17	12.6448% (a)	All	OP
Final	7/1/17	6/30/18	11.8606% (a)	All	UC
Final	7/1/17	6/30/18	.7909% (b)	All	HCP
Final	7/1/17	6/30/18	.3526% (b)	All	WIA
Final	7/1/17	6/30/18	.8320% (b)	All	WTS/FSET
Final	7/1/17	6/30/18	12.8647% (a)	All	OP
Provisional	7/1/18	6/30/20	24.6305% (a)	All	WIHP
Provisional	7/1/18	6/30/20	65.6860% (a)	All	WBSP
Provisional	7/1/18	6/30/20	7.7504% (a)	All	WJMP
Provisional	7/1/18	6/30/20	60.7735% (a)	All	CDP
Provisional	7/1/18	6/30/20	73.9124% (a)	All	SBDP
Provisional	7/1/18	6/30/20	34.9684% (a)	All	FSP

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

**\*BASE**

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

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

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

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

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## SECTION II: GENERAL

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

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

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

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

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

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

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

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

§200.344 Post-closeout adjustments and continuing responsibilities

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

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

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

§200.345 Collection of amounts due

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

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

**E. SPECIAL REMARKS:**

1. Indirect costs charged to Federal grants/contracts by means other than the rate(s) cited in the Agreement should be adjusted to the applicable rate cited herein and be applied to the appropriate base to identify the proper amount of indirect costs allocable to the program.
2. Contracts/grants providing for ceilings as to the indirect cost rates(s) or amount(s) which are indicated in Section I above, will be subject to the ceilings stipulated in the contract or grant agreements. The ceiling rate or the rate(s) cited in this Agreement, whichever is lower, will be used to determine the maximum allowable indirect cost on the contract or grant agreement.
3. The indirect cost pool for 2018 final rates in Section I above consists of allowable, allocable expenses of the following:

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

The indirect cost pool for 2019 and 2020 provisional rates consists of all of the above except for Terminal Leave.

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

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

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

UC = Unemployment Compensation Programs

HCP = Housing & Community Programs

WIA = Workforce Investment Act Programs

WTS/FSET = Welfare Transition Programs & Food Stamp Employment and Training

OP = Other Programs (all agency programs not included in another rate entity)

And for the 2019 & 2020 provisional rates:

WIHP = Workforce In House Program

WBSP = Workforce Board Services Program

WJMP = Workforce Jointly Managed Program

CDP = Community Development Program

SBDP = Strategic Business Development Program

FSP = Facilities Services Program

\*\*\* Intentionally Left Blank \*\*\*

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

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

**ACCEPTANCE**

**BY THE ORGANIZATION:**

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

(Grantee/Contractor)



(Signature)

Damon Steffens

(Name)

Chief Financial Officer

(Title)

4-30-19

(Date)

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

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

(Government Agency)



(Signature)

FOR  
Victor M. Lopez

(Name)

Director, Office of Cost Determination

(Title)

April 29, 2019

(Date)

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




## CERTIFICATE OF INDIRECT COSTS

This is to certify that I have reviewed the indirect cost rate proposal submitted herewith and to the best of my knowledge and belief:

- (1) All costs included in this proposal dated April 2019 to establish provisional indirect costs rates for July 1, 2018 through June 30, 2020 are allowable in accordance with the requirements of the federal award(s) to which they apply and the provisions of Title 2 CFR Part 200. Unallowable costs have been adjusted for in allocating costs as indicated in the indirect cost proposal.
  
- (2) All costs included in this proposal are properly allocable to federal awards on the basis of a beneficial or causal relationship between the expenses incurred and the agreements to which they are allocated in accordance with applicable requirements. Further, the same costs that have been treated as indirect costs have not been claimed as direct costs. Similar types of costs have been accounted for consistently and the federal government will be notified of any accounting changes that would affect the predetermined rate.

I declare that the foregoing is true and correct.

Governmental Unit:	<u>Florida Department of Economic Opportunity</u>
Signature:	<u></u>
Name of Official:	<u>Damon Steffens</u>
Title:	<u>Chief Financial Officer</u>
Date of Execution:	<u>4-30-19</u>