



Award# 24555DV000065-01-00

FAIN# 24555DV000065

Federal Award Date: 11/02/2023

**Recipient Information**

**1. Recipient Name**

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

**2. Congressional District of Recipient**  
02

**3. Payment System Identifier (ID)**

**4. Employer Identification Number (EIN)**  
364706134

**5. Data Universal Numbering System (DUNS)**  
968930664

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

**7. Project Director or Principal Investigator**

Ms. Keantha Moore  
Deputy Chief of One Stop and Program Support  
keantha.moore@commerce.fl.gov  
850-245-7413

**8. Authorized Official**

Ms. Caroline Womack  
Chief Financial Officer  
caroline.womack@commerce.fl.gov  
850-245-7126

**Federal Agency Information**

ETA Office of Grants Management/VETS

**9. Awarding Agency Contact Information**

Ms. Tamara Holland  
Grants Management Specialist  
holland.tamara.d@dol.gov  
202 693 3329

**10. Program Official Contact Information**

Wendy Harrison  
Director  
harrison.wendy.d@dol.gov  
615-736-5037

**Federal Award Information**

**11. Award Number**

24555DV000065-01-00

**12. Unique Federal Award Identification Number (FAIN)**

24555DV000065

**13. Statutory Authority**

Title 38, U.S.C, Chapters 41 and 42.

**14. Federal Award Project Title**

Disabled Veterans' Outreach Program (DVOP) /Local Veterans' Employment Representative (LVER)

**15. Assistance Listing Number**

17.801

**16. Assistance Listing Program Title**

Jobs for Veterans State Grants

**17. Award Action Type**

New

**18. Is the Award R&D?**

No

**Summary Federal Award Financial Information**

<b>19. Budget Period Start Date</b>	10/01/2023	<b>- End Date</b>	12/31/2025
<b>20. Total Amount of Federal Funds Obligated by this Action</b>			\$4,050,585.00
20a. Direct Cost Amount			\$3,854,085.95
20b. Indirect Cost Amount			\$196,499.05
<b>21. Authorized Carryover</b>			\$0.00
<b>22. Offset</b>			\$0.00
<b>23. Total Amount of Federal Funds Obligated this budget period</b>			\$0.00
<b>24. Total Approved Cost Sharing or Matching, where applicable</b>			\$0.00
<b>25. Total Federal and Non-Federal Approved this Budget Period</b>			\$4,050,585.00
<b>26. Period of Performance Start Date</b>	10/01/2023	<b>- End Date</b>	12/31/2025
<b>27. Total Amount of the Federal Award including Approved Cost Sharing or Matching this Period of Performance</b>			\$4,050,585.00

**28. Authorized Treatment of Program Income**

ADDITIONAL COSTS

**29. Grants Management Officer - Signature**

Ms. Kia Mason  
Grant Officer

**30. Remarks**

Due to the Continuing Appropriation Act, 2024 partial funding will be awarded at this time. The remaining funds will be awarded as appropriated funds become available.



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

<b>33. Approved Budget</b> (Excludes Direct Assistance)	
I. Financial Assistance from the Federal Awarding Agency Only	
II. Total project costs including grant funds and all other financial participation	
a. Salaries and Wages	\$0.00
b. Fringe Benefits	\$0.00
c. Total Personnel Costs	\$0.00
d. Equipment	\$0.00
e. Supplies	\$0.00
f. Travel	\$0.00
g. Construction	\$0.00
h. Other	\$3,854,085.95
i. Contractual	\$0.00
<b>j. TOTAL DIRECT COSTS</b>	<b>\$3,854,085.95</b>
<b>k. INDIRECT COSTS</b>	<b>\$196,499.05</b>
<b>l. TOTAL APPROVED BUDGET</b>	<b>\$4,050,585.00</b>
<b>m. Federal Share</b>	<b>\$4,050,585.00</b>
<b>n. Non-Federal Share</b>	<b>\$0.00</b>

**34. Accounting Classification Codes**

FY-ACCOUNT NO.	DOCUMENT NO.	ADMINISTRATIVE CODE	OBJECT CLASS	CFDA NO.	AMT ACTION FINANCIAL ASSISTANCE	APPROPRIATION
2901642424BN202401640005245NGRNT500005VET005GRNT3	DV000065SG4	VETS	410010	17.801	\$4,050,585.00	01642424BN

# AWARD ATTACHMENTS

FLORIDA DEPARTMENT OF COMMERCE

24555DV000065-01-00

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1. FY24 Award

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

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

The recipient of this Federal award must assure to fully comply with the rules and requirements specified in the award document. Program requirements may be located in the Funding Opportunity Announcement (FOA), statutes, Executive Orders, government-wide regulations, agency regulations, agency policy guidance such as Veterans Program Letters (VPL), and the terms outlined in the award document. The list below identifies the hierarchy of authority.

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

1. 38 United States Code (U.S.C.) Chapter 41.
2. Other applicable Federal statutes.
3. Consolidated Appropriations Act, 2023 (Public Law 117-328) dated December 29, 2022.
4. Implementing Regulations.
5. Executive Orders and Presidential Memoranda.
6. The Office of Management and Budget (OMB) Guidance, including the Uniform Guidance at 2 CFR (Code of Federal Regulations) parts 200 and 2900.
7. JVSG Special Grant Provisions, included as Attachment A.
8. The U.S. Department of Labor (DOL), Veterans' Employment and Training Service (VETS), or Employment and Training Administration (ETA) directives.
9. Terms and conditions of this award.

By drawing down funds, your organization as the award recipient agrees to the provisions of 2 CFR 200.521, 2 CFR 2900.20, and 2 CFR 2900.21 and is subject to having its award removed as a result of an Administrative Law Judge decision. As part of this process, the Grant Officer will provide instructions on transition and closeout to both the newly selected grant recipient and to the grant recipient whose positions is affected, or which is being removed.

### A(2.) Notice of Award

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

A(3.) SF-424, Application for Federal Assistance, and SF-424B, Assurances and Certifications

The signed SF-424, Application for Federal Assistance, has been included as an attachment to this award. The individual that signed the SF-424 on behalf of the applicant is considered the Authorized Representative of the applicant. As stated in block 21 of the SF-424 form, the signature of the Authorized Representative on the SF-424 certifies that the award recipient is in compliance with the Assurances and Certifications form SF-424B available at. The award recipient does not need to submit the SF-424B form separately.

A(4.) Grant Officer's Technical Representative (GOTR) or Program Official Contact (POC)

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

A(5.) System for Award Management

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

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

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

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



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

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

#### A(6.) Unique Entity Identifier Requirements

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

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

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

#### A(7.) Uniform Guidance Revisions

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

#### A(8.) Subawards

A *subaward* means an award provided by a *Pass-Through Entity* (PTE) to a subrecipient for the subrecipient to carry out part of a Federal award received by the PTE. It does not

include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the PTE considers a contract.

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

A(9.) Vendor/Contractor Defined

The term “contractor,” sometimes referred to as a vendor, is a dealer, distributor, merchant or other seller providing goods or services that are required to implement a Federal program (see 2 CFR 200.1). These goods or services may be for an organization’s own use or for the use of the beneficiaries of the Federal program. Additional guidance on distinguishing between a subrecipient and a contractor (vendor) is provided in 2 CFR 200.331. When procuring contractors for goods and services, DOL/ETA recipients and subrecipients must follow the procurement requirements found at 2 CFR 200.320 (except states, pursuant to 2 CFR 200.317), which calls for free and open competition.

A(10.) Technical Assistance, Resources, and Information

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

Strategies for sound grant management that include:

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

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

A(11.) Monitoring, Technical Assistance, and Additional Specific Conditions of Award

All award recipients, including states and territories managing the Unemployment Insurance programs, are subject to 2 CFR 200.208, *Specific conditions*, which indicates

that the Federal awarding agency may adjust specific award conditions as needed. A specific condition is based on an analysis of the following factors:

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

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

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

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

#### A(12.) Evaluation, Data, and Implementation

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

#### A(13.) Program Requirements

The program requirements for this award are described in 38 U.S.C, Chapters 41 and 42, and in 20 CFR Part 1001.

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

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

An award recipient that is claiming indirect costs to a Federal award must have a Negotiated Indirect Cost Rate Agreement (NICRA), Cost Allocation Plan (CAP), or elect to utilize the de minimis rate of 10% of modified total direct costs (MTDC). Indirect (facilities & administrative (F&A)) costs are costs incurred for a common or joint

purpose that benefit more than one cost objective and are not readily assignable to one cost objective without specifically benefitting effort disproportionate to the results achieved. Direct costs, by contrast, can be identified specifically with a particular cost objective, such as a Federal award, or other internally or externally funded activity that can be directly assigned to such activities relatively easily with a high degree of accuracy. Identification with the Federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect (F&A) costs.

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

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

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

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

See 2 CFR 200.414(f) for more information on use of the de minimis rate. Please be aware that incurred indirect-type costs (such as but not limited to top management salaries, financial oversight, human resources, payroll, personnel, auditing costs, accounting and legal, etc. used for the general oversight and administration of the

organization) must not be classified as direct costs; these types of costs are recovered as part of charging the de minimis rate.

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

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

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

(3) The award recipient has claimed indirect costs on the VETS-401 JVSG Budget Information Summary; however, an approved NICRA or CAP approved by the FCA was not provided and the award recipient did not elect to utilize the de minimis rate of 10% of MTDC. An approved NICRA or CAP must be submitted to the Grant Officer, or the award recipient must elect to utilize the de minimis rate of 10% of MTDC in order to charge indirect costs to the Federal award.

**URGENT NOTICE:** Estimated indirect costs have been specified on the VETS-401 form, however only the de minimis rate of 10% of MTDC will be released to support the indirect costs in the absence of a NICRA or CAP approved by the FCA.

The remaining funds which have been awarded for indirect costs are restricted and may not be used for any purpose until the recipient provides a signed copy of the NICRA or CAP. As the grant award or cooperative agreement recipient, the recipient must submit an indirect cost rate proposal or CAP to their FCA. Alternatively, the award recipient may request the de minimis rate if eligible in accordance with 2 CFR 200.414(f).

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

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

(4) The award recipient elected to exclude indirect costs from the proposed budget. F&A costs should only be classified as direct costs if they meet the conditions specified in 2 CFR 200.413(c). If indirect costs are misclassified as direct costs, per the

guidelines at 2 CFR 200.412 - 414, such costs may become disallowed through an audit or compliance review conducted by a Federal staff person. Please be aware that incurred indirect costs (such as but not limited to top management salaries, financial oversight, human resources, payroll, personnel, auditing costs, accounting and legal, etc. used for the general oversight and administration of the organization) must not be classified as direct costs; these types of costs are indirect costs. Only direct costs, as defined by the cost principles contained in the Uniform Guidance will be charged.

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

All award recipients with an approved NICRA or de minimis rate must report indirect costs on their FINAL SF-425 Federal Financial Report (FFR). If an award recipient has a NICRA and a CAP, only the indirect costs tied to the NICRA are reported on the SF-425 FFR.

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

The award recipient's budget documents are attached in this NOA. The documents are: 1) the SF-424, included as Attachment A; and 2) the VETS-401 JVSG Budget Information Summary, included as Attachment B. The award recipient must confirm that all costs are allowable, reasonable, necessary, and allocable before charging any expense. Pursuant to 2 CFR 2900.1, the approval of the budget as awarded does not constitute prior approval of those items specified in 2 CFR part 200 and 2 CFR part 2900 or as a part of the grant award as requiring prior approval. The Grant Officer is the only official with the authority to provide such approval.

Any changes to the budget that impact the Statement of Work (SOW, which is the approved JVSG State Plan) and agreed upon outcomes or deliverables will require a request for amendment and prior approval from the Grant Officer.

**B(4.) Budget Flexibility**

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

Any request for a budget amendment or non-competing extension of the final budget should be submitted to the Grant Officer, in writing, at least 30 days before the Period of Performance is scheduled to expire.

As directed in 2 CFR 200.308(f), for programs where the Federal share is over the Simplified Acquisition Threshold (SAT) (currently \$250,000), the transfer of funds among direct cost categories or programs, functions, and activities is restricted such that if the cumulative amount of such transfers exceeds or is expected to exceed 10% of the total budget as last approved by the Federal awarding agency, the award recipient must receive prior approval from the Grant Officer. Any changes within a specific cost category on the VETS-401 do not require a grant amendment unless the change results in a cumulative transfer among direct cost categories exceeding 10% of total budget. It is

recommended that the assigned GOTR or point of contact review any within-line changes to the award recipient's budget prior to implementation to ensure they do not require an amendment.

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

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

This award does not include a match requirement.

## **Part C: Funds Management**

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

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

C(2.) Funds - Return & Refunds

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

If there are questions regarding the return of funds, or your organization no longer has access to PMS, contact OCFO at [DBPIGrants@dol.gov](mailto:DBPIGrants@dol.gov) for further assistance.

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

D(1.) Consultants

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

D(2.) Equipment

The award recipient(s) must submit a request to purchase equipment and receive **prior approval** from the Grant Officer as defined in the Uniform Guidance at 2 CFR 200.1. A request to purchase equipment must be requested via grant amendment. Prior approval is required only when the per unit's acquisition cost is \$5,000 or more regardless of the non-Federal entity's capitalization threshold. Equipment purchases must be made in accordance with 2 CFR 200.313 or 2 CFR 200.439.

Being awarded this grant **does not** automatically mean that the equipment specified in the approved budget or SOW is approved by the Grant Officer. The recipient must submit a detailed list describing the planned purchases to the GOTR for review within 90 days of the NOA date. Recipients are strongly encouraged to submit requests to purchase equipment as early as possible in the grant's period of performance with as many planned pieces of equipment as possible.

Recipients may not purchase equipment during the last year of the period of performance or the last year of full program service delivery (not follow-up activities), whichever comes first. If any approved acquisition has not occurred prior to the last funded year of performance, approval for that item will be rescinded.

D(3.) Pre-Award Costs

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

D(4.) Program Income

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

D(5.) Supportive Services & Participant Support Costs

Supportive services and participant support costs are not authorized.

D(6.) Travel

This award waives the prior approval requirement for domestic travel as contained in 2 CFR 200.475. For domestic travel to be an allowable cost, it must be necessary, allowable, reasonable, allocable and conform to the non-Federal entity's written policies and procedures. All travel must also comply with Fly America Act (49 USC 40118), which states in part that any air transportation, regardless of price, must be performed by, or under a code-sharing arrangement with, a U.S. Flag air carrier if service provided by such carrier is available.



D(7.) Travel – Foreign

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

D(8.) Travel – Mileage Reimbursement Rates

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

D(9.) Conferences and Conference Space

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

D(10.) Hotel-Motel Fire Safety

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

D(11.) WIOA Infrastructure

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

1. WIOA, Title I programs: Adult, Dislocated Worker, and Youth formula programs, Job Corps, YouthBuild, Native American programs, National Dislocated Worker Grants (DWG), and NFJP;
2. Wagner-Peyser Act Employment Service (ES) program authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as amended by WIOA, Title III;
3. SCSEP authorized under Title V of the Older Americans Act of 1965;
4. Trade Adjustment Assistance (TAA) activities authorized under Chapter 2 of Title II of the Trade Act of 1974;

5. Unemployment Compensation (UC) programs; and
6. Jobs for Veterans State Grants (JVSG) programs authorized under Chapter 41 of Title 38, U.S.C.

With the exception of Native American programs established under WIOA, Section 166 all One-Stop partner programs, including all programs that are funded under Title I of WIOA, are required to contribute to the infrastructure costs and certain additional costs of the One-Stop delivery system in proportion to their use and relative benefits received, per 20 CFR 678.700 and 678.760. While Native American programs are not required to contribute to infrastructure costs per WIOA Section 121(h)(2)(D)(iv), they are strongly encouraged to contribute as stated in TEGE No. 17-16. The sharing and allocation of infrastructure costs between One-Stop partners is governed by WIOA Section 121(h), WIOA's implementing regulations, and the Federal Cost Principles contained in the Uniform Guidance at 2 CFR part 200 and DOL's exceptions at 2 CFR part 2900.

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

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

### E(1.) Reports

All JVSG award recipients are required to submit quarterly financial and narrative progress reports for each grant award as described in Attachment A: JVSG Special Grant Provisions and in VPL 03-22 JVSG Recurring Reports and Forms.

Per the SF-425 Federal Financial Report, if there is cash on hand for more than three business days, the Federal agency may require an explanation that explains why the drawdown was made prematurely or other reasons for excess cash.

### E(2.) Federal Funding Accountability and Transparency Act (FFATA or Transparency Act)

Applicable to grants and cooperative agreements:

- 1) Reporting of first-tier subawards.
  - a) *Applicability.* Unless the award recipient is exempt as provided in paragraph [4.] of this award term, the award recipient must report each action that equals or exceeds \$30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph [5.] of this award term).
  - b) *Where and when to report.*

- I. The Federal entity or Federal agency must report each obligating action described in paragraph [1.a.] of this award term to [FSRS.gov](http://FSRS.gov).
- II. For subaward information, the recipient must report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
- c) *What to report.* The award recipient must report the information about each obligating action that the submission instructions posted at [FSRS.gov](http://FSRS.gov) specify.

2) Exemptions.

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

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

3) Definitions.

For purposes of this award term:

- a) *Federal Agency* means a Federal agency as defined in 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).
- b) *Non-Federal Entity* means all of the following, as defined in 2 CFR part 25:
  - I. A Governmental organization, which is a State, local government, or Indian tribe;
  - II. A foreign public entity;
  - III. A domestic or foreign nonprofit organization; and
  - IV. A domestic or foreign for-profit organization.
- c) *Executive* means officers, managing partners, or any other employees in management positions.
- d) *Subaward*:
  - I. This term is used as a legal instrument to provide support for the performance of any portion of the substantive project or program for which the grant recipient received this award and that the grant recipient as the recipient award to an eligible subrecipient.
  - II. The term does not include the award recipient's payment to a contractor, as defined in 2 CFR 200.331, for property and services needed to carry out the project or program.
  - III. A subaward may be provided through any legal agreement, including an agreement that the grant recipient or a subrecipient considers a contract.
- e) *Subrecipient* means a non-Federal entity or Federal agency that:
  - I. Receives a subaward from the award recipient under this award; and
  - II. Is accountable to the grant recipient for the use of the Federal funds provided by the subaward.

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

E(3.) Integrity and Performance Matters – FAPIIS

- 1) If the total value of the currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the award recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in Paragraph 2 of this award term and condition. This is a statutory requirement under Section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by Section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.
- 2) Proceedings about which the award recipient must report. Submit the information required about each proceeding that:
  - a) Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
  - b) Reached its final disposition during the most recent 5-year period; and
  - c) Is one of the following:
    - I. A criminal proceeding that resulted in a conviction, as defined in Paragraph 5. of this award term;

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

- c. Total value of currently active grants, cooperative agreements, and procurement contracts includes —
  - I. Only the Federal share of the funding under any award with a recipient cost share or match; and
  - II. The value of all options, even if not yet exercised.

E(4.) Audits

Organization-wide or program-specific audits must be performed in accordance with Subpart F, the Audit Requirements of the Uniform Guidance. DOL award recipients that expend \$750,000 or more in a year from any Federal awards must have an audit conducted for that year in accordance with the requirements contained in 2 CFR 200.501. OMB's approved DOL exception at 2 CFR 2900.2 expands the definition of 'non-Federal entity' to include for-profit entities and foreign entities. As such, for-profit and foreign entities that are recipients/subrecipients of a DOL award must adhere to the Uniform Guidance at 2 CFR 200, including Subpart F. Audits of direct award recipients that are for-profit and foreign entities must be submitted directly to: USDOL ETA-OGM, Attn: Audit Resolution, 200 Constitution Ave NW, Room N-4716, Washington, DC 20210. All other audit reports are submitted through the Federal Audit Clearinghouse.

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

E(5.) Audit Submission Deadline Extension Related to Major Disaster Areas

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

E(6.) Closeout/Final Year Requirements

At the end of the grant period, the award recipient will be required to close the grant with the DOL. The grant award and cooperative agreement recipient will be notified approximately 15 days prior to the end of the period of performance that the closeout process will begin when the period of performance ends. See ETA's [Grant Closeout](#) webpage for further information on the closeout process. The recipient's responsibilities at closeout may be found at 2 CFR 200.344.

During the closeout process, the award recipient must be able to provide documentation for all direct and indirect costs that are incurred. For instance, if an organization is claiming indirect costs, the required documentation is a NICRA or CAP issued by the

award recipient's FCA. For those approved to utilize a de minimis rate for indirect costs, the grant agreement or cooperative agreement is sufficient documentation. Not having documentation for direct or indirect costs will result in costs being disallowed and subject to debt collection.

The only liquidation that can occur during closeout is the liquidation of accrued expenditures (NOT obligations) for goods and/or services received during the period of performance specified in this award (see 2 CFR 2900.15).

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

### F(1.) Architectural Barriers

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

### F(2.) Domestic Preferences for Procurements

As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of 2 CFR 200.322 must be included in all subawards including all contracts and purchase orders for work or products under this award.

### F(3.) Drug-Free Workplace

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

### F(4.) Flood Insurance

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

areas that are eligible for flood insurance are published in the Federal Register by Federal Emergency Management Agency (FEMA).

F(5.) Intellectual Property Rights

The Federal Government reserves a paid-up, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use for Federal purposes: the copyright in all products developed under the grant, including a subgrant or contract under the grant or subgrant; and any rights of copyright to which the award recipient, subrecipient or a contractor purchases ownership under an award (including but not limited to curricula, training models, technical assistance products, and any related materials). Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise.

Federal funds may not be used to pay any royalty or license fee for use of a copyrighted work, or the cost of acquiring by purchase a copyright in a work, where the DOL has a license or rights of free use in such work, although they may be used to pay costs for obtaining a copy which is limited to the developer/seller costs of copying and shipping.

If revenues are generated by selling products developed with grant funds, including intellectual property, these revenues are considered as program income. Program income must be used in accordance with the provisions of this grant award and 2 CFR 200.307.

The following language must be on all workforce products developed in whole or in part with grant funds:

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

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

The Department of Labor (Labor) seeks to affirmatively advance equity, civil rights and equal opportunity in the policies, programs, and services it provides. Therefore, consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, grant award and cooperative agreement recipients must execute the terms and conditions of their award in a manner that advances equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. This extends to all award activities including, but not limited to, service



delivery, selection of subrecipients and contractors, and procurement of goods and services. Government programs are designed to serve all eligible individuals. As an expectation, Labor’s award recipients should make the goods and services they provide widely available with the goal of effectively serving a diverse population of eligible individuals; fairly, justly, and impartially in administering the grant award. Award recipients are encouraged to engage in contracting and subcontracting for goods and services related to performing the terms and conditions of their grants in such a way to achieve equity.

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

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

#### F(7.) Personally Identifiable Information

The award recipient(s) must recognize and safeguard Personally Identifiable Information (PII) except where disclosure is allowed by prior written approval of the Grant Officer or by court order. Award recipients must meet the requirements in [TEGL No. 39-11, Guidance on the Handling and Protection of PII](#).

#### F(8.) Publicity and Lobbying/Advocacy

Publicity - Pursuant to P.L. 117-328, Division H, Title V, Section 503, the award recipient is not authorized to use any funds provided under this award—other than for normal and recognized executive–legislative relationships—for publicity or propaganda purposes, for the preparation, distribution or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation, designed to support or defeat legislation pending before the Congress or any state or local legislature or legislative body, except in presentation to the Congress or any state or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any state or local government, except in presentation to the executive branch of any state or local government itself.

Lobbying/Advocacy - Pursuant to P.L. 117-328, Division H, Title V, Section 503, no Federal funds may be used to pay the salary or expenses of any grant recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of

legislation, appropriations, regulation, administrative action, or executive order proposed or pending before the Congress or any state government, state legislature or local legislature or legislative body, other than for normal and recognized executive–legislative relationships or participation by an agency or officer of a state, local or tribal government in policymaking and administrative processes within the executive branch of that government.

F(9.) Telecommunications Prohibition

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

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

Procure or obtain;

Extend or renew a contract to procure or obtain; or

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

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

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

F(10.) Veterans' Priority Provisions

The Jobs for Veterans Act (Public Law 107-288) requires award recipients to provide priority service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by the DOL. The regulations implementing this priority of service can be found at 20 CFR Part 1010. In circumstances where an award recipient must choose between two qualified candidates for a service, one of whom is a veteran or eligible spouse, the veterans' priority of service provisions require that the award recipient give the veteran or eligible spouse priority of service by first providing him or her that service. To obtain priority of service, a veteran or spouse must meet the program's eligibility requirements. Award recipients must comply with the DOL guidance on veterans' priority. VETS' [VPL 07-09](#) (issued November 10, 2009) provides guidance on implementing priority of service for veterans and eligible spouses in all qualified job training programs funded in whole or in part by DOL.

F(11.) Waste, Fraud and Abuse

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

F(12.) Whistleblower Protection

All employees working for contractors, grantees/ grant recipients, subcontractors, subgrantees/ subrecipients, and recipients of cooperative agreements working on this Federal award are subject to the whistleblower rights and remedies established at 41 U.S.C. 4712. The award recipient shall inform its employees and applicable contractors and subrecipients, in writing, in the predominant language of the workforce, of employee whistleblower rights and protections under 41 U.S.C. 4712, as described in section 3.908 of the Federal Acquisition Regulation. The award recipient shall insert the substance of this clause in all subawards and contracts over the Simplified Acquisition Threshold.

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

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

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

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

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

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

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

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

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

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

F(18.) Salary and Bonus Limitations

Pursuant to P.L. 117-328, Division H, Title I, Section 105, award recipients and subrecipients shall not use funds to pay the salary and bonuses of an individual, either as direct costs or as indirect costs, at a rate in excess of Executive Level II. The Executive Level II salary may change yearly and is located on the [OPM.gov](https://www.opm.gov) website. The salary and bonus limitation does not apply to contractors (vendors) providing goods and services as defined in 2 CFR 200.331. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including DOL programs. See [TEGL 5-06](#) for further clarification.

F(19.) Harassment Prohibited

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

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

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

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

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

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

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

### G(3.) Trafficking in Persons Prohibited

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

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

I. The award recipient, the award recipient's employees, subrecipients under this award, and subrecipients' employees may not—

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

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

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

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

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

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

i. Associated with performance under this award; or

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

- b. *Provision applicable to a recipient other than a private entity.* DOL as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—
  - I. Is determined to have violated an applicable prohibition in paragraph a(I) of this grant award term; or
  - II. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a(I) of this grant award term through conduct that is either—
    - (A). Associated with performance under this award; or
    - (B). Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 29 CFR Part 98.
- c. *Provisions applicable to any recipient.*
  - I. The award recipient must inform DOL immediately of any information the award recipient receives from any source alleging a violation of a prohibition in paragraph a.1 of this grant award term.
  - II. DOL’s right to terminate unilaterally that is described in paragraph a.II or b of this section:
    - (A). Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
    - (B). Is in addition to all other remedies for noncompliance that are available to DOL under this grant award.
  - III. The award recipient must include the requirements of paragraph a) I. of this award term in any subaward the award recipient make to a private entity.
- d. *Definitions.* For purposes of this award term:
  - I. “Employee” means either:
    - (A). An individual employed by the grant award recipient or a subrecipient who is engaged in the performance of the project or program under this award; or
    - (B). Another person engaged in the performance of the project or program under this grant award and not compensated by the grant recipient including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
  - II. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
  - III. “Private entity”:

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

(B). Includes:

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

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

#### G(4.) Health Benefits Coverage for Contraceptives

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

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

#### G(5.) Health Benefits Coverage for Abortions Restricted

Pursuant to P.L. 117-328, Division H, Title V, Section 506 and 507, Federal funds may not be expended for health benefits coverage that includes coverage of abortions, except when the pregnancy is the result of rape or incest, or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself that would, as certified by a physician, place the women in danger of death unless an abortion is performed. This restriction does not prohibit any non-Federal entity from providing health benefits coverage for abortions when all funds for that specific benefit do not come from a Federal source. Additionally, no funds made available through this grant award may be provided to a State or local government if such government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

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

Pursuant to P.L. 117-328, Division H, Title I, Section 108, the Fair Labor Standards Act of 1938 (FLSA) will apply as if the following language was added to Section 7 (the Maximum Hours Worked Section). This language specifically relates to occurrences of a



major disaster (as declared or designated by the state or Federal government) and are applied for a period of two years afterwards. The language is as follows:

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

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

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

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

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

(3) For purposes of this subsection—

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

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

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

G(7.) Blocking Pornography Required

Pursuant to P.L. 117-328, Division H, Title V, Section 520, no Federal funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

G(8.) Privacy Act

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

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

Pursuant to P.L. 117-328, Division H, Title I, Section 103, no Federal funds may be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries identified by the DOL prior to December 29, 2022. DOL has identified these goods and services at ILAB's [List of Products Produced by Forced or Indentured Child Labor](#) webpage.

G(10.) Promotion of Drug Legalization Restricted

Pursuant to P.L. 117-328, Division H, Title V, Section 509, no Federal funds shall be used for any activity that promotes the legalization of any drug or other substance included in Schedule I of the schedules of controlled substances established under Section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications or where there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that Federally sponsored clinical trials are being conducted to determine therapeutic advantage.

G(11.) Public Communications – Certain Information Requirement

Pursuant to P.L. 117-328, Division H, Title V, Section 505, when issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all non-Federal entities receiving Federal funds shall clearly state:

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

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

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

Pursuant to P.L. 117-328, Division H, Title V, Section 526, no Federal funds shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal

drug. This limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.

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

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

### **Part H: Attachments**

- H(1.) Attachment A: JVSG Special Grant Provisions
- H(2.) Attachment B: SF-424 Application for Federal Assistance
- H(3.) Attachment C: VETS-401 JVSG Budget Information Summary
- H(4.) Attachment D: JVSG State Plan
- H(5.) Attachment E: Indirect Cost Rate and Cost Allocation Plan

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

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

Revised October 2023

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

**I. SCOPE**

- A. Award recipients will provide employment and training-related placement services to eligible veterans 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 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 (U.S.C.) Chapters 41 and 42;
    - (b) The Workforce Innovation and Opportunity Act (WIOA);
    - (c) Title 20 Code of Federal Regulations (C.F.R.) Part 1001 and Part 1010;
    - (d) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200 and Part 2900);
    - (e) Policy guidance and Grant Officer memorandums issued by the U.S. Department of Labor (DOL);
    - (f) An approved Jobs for Veterans State Grants (JVSG) State Plan or approved WIOA Combined State Plan that incorporates JVSG; and
    - (g) All grant documents including terms, provisions, and assurances of this grant.
- B. Award recipients must separately identify the number of DVOP, LVER, and Consolidated DVOP/LVER positions they can fully support with JVSG funds.
- C. Recipients must assign DVOP, LVER, and Consolidated DVOP/LVER positions as they determine appropriate and efficient to achieve the goals specified in 38 U.S.C. §§ 4103A(a) and 4104(a) and to maximize available staff resources.
- D. Recipients 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.
- E. Recipients must appoint, assign, and terminate DVOP specialists, LVER staff, and Consolidated DVOP/LVER staff in accordance with the recipient's hiring practices:

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- 1) As full-time or part-time employees; and
  - 2) At salaries commensurate with their assigned duties.
- F. Under 38 U.S.C. §§ 4103A(c) and 4104(d), part-time DVOP specialists and LVER staff perform duties on a half-time basis. Staff performing duties for less than 50 percent of the time in a given period may not be charged to the grant.
- G. Under 38 U.S.C. § 4103A(a), a DVOP specialist provides intensive services (identified as “individualized career services” under the WIOA regulations at 20 C.F.R. § 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). Recipients must accomplish this as follows:
- 1) Ensure DVOP specialists 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 eligible populations 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 eligible veterans and eligible persons, DVOP specialists must focus on providing individualized career services, accomplished through the case management approach in accordance with VPL 02-21 and as taught by the National Veterans’ Training Institute (NVTI) in the delivery of individualized career services.
  - 2) Ensure DVOPs coordinate with other area service providers to assist eligible veterans and eligible persons.
- H. Recipients must ensure LVER staff fulfill their duties as described in law, regulation, and policy guidance exclusively for the benefit of veterans and other 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 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 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 veterans and eligible persons have the skills needed to find employment.

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- 2) Facilitate employment, training, and placement services furnished to veterans in a state under the applicable state employment service delivery systems. Veterans' Employment and Training Service (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.
- I. Consolidated DVOP/LVER staff must perform both the prescribed legislated duties of a DVOP specialist and a LVER staff person in accordance with [VPL 01-20](#) or the current VPL/guidance on this subject.
- J. In accordance with 38 U.S.C. §§ 4103A(d)(1) and 4104(e)(1), full-time DVOP specialists and LVER staff may only perform, respectively, duties related to meeting the employment needs of eligible veterans or duties related to the employment, training, and placement services of veterans under 38 U.S.C. Chapter 41. They shall not perform duties that detract from their ability to perform their statutory duties or roles and responsibilities related to meeting the employment needs of eligible veterans or eligible persons.
- K. Additionally, 38 U.S.C. §§ 4103A(d)(2) and 4104(e)(2) require the Secretary to conduct regular audits to ensure award recipients are in compliance with the statutorily prescribed duties for DVOP specialists, LVERs, and Consolidated DVOP/LVER staff. These audits are 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.
- L. Recipients must assign DVOP, LVER, and Consolidated DVOP/LVER staff to supplement, not supplant, the duties of other staff in the employment service delivery point and may 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 C.F.R. Part 1010).
- M. The NVTI will provide specialized training for all grant-funded staff (including travel expenses and per diem). In accordance with 38 U.S.C. § 4102A(c)(8)(A), recipients must ensure that each employee hired to perform the duties of a DVOP specialist, LVER, or Consolidated DVOP/LVER position satisfactorily completes the appropriate training provided by NVTI within 18 months of the date of their assignment. Charges to the grant for such staff employed more than 18 cumulative months in the position without completing all required training may be disallowed.

**II. STATUTORY REQUIREMENTS FOR SERVICE PRIORITIES**

- A. Recipients must maintain compliance with all applicable statutory, regulatory, and grant provisions to include:
- 1) Title 38 U.S.C. Chapters 41 and 42, as amended;



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- 2) Title 20 C.F.R. Chapter IX Part 1001 and § 1010 et. seq.;
  - 3) Title 20 C.F.R. §§ 680.650 and 652.100;
  - 4) Title 2 C.F.R. Part 200 and Part 2900; and
  - 5) Terms and conditions, special grant provisions, U.S. DOL policies, and applicable federal directives.
- B. Recipients must, 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 and 20 C.F.R. Part 1010).

**III. GRANT AMOUNT**

- A. The total amount of funds approved for each fiscal year may be found on the Notice of Award (NOA) for each approved initial annual grant award or amendment.
- B. The funds available to recipients each fiscal year are subject to:
- 1) An approved Jobs for Veterans State Grants State Plan;
  - 2) An approved application package for annual funding; and
  - 3) Congressional action on the U.S. DOL's appropriation.
- C. Recipients may only charge up to the annual allocated funding amount identified in the most recently approved NOA. The official NOA 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 the project's immediate cash needs. Any costs in excess of the annual allocated funds will be borne by the recipient.
- D. Recipients may not obligate any awarded funding after the end of the period of performance (PoP) specified on the NOA.
- E. Recipients may request to return unobligated funds at any time throughout the fiscal year in which the award was made. 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 most recently approved State Plan. Recipients must adhere to the approved plan. Any incentive award funding that is not obligated within the first year of the PoP must remain unspent. VETS may place a minimum account balance threshold to ensure that it is not spent for other purposes, including carry-over spending. It will be deobligated during grant closeout.

## JOBS FOR VETERANS STATE GRANTS SPECIAL GRANT PROVISIONS

### IV. PAYMENTS UNDER THE GRANT

- A. Approved funds will be transferred to the award recipient's financial institution using the State's Smartlink system through HHS-PMS.
- B. Recipients will provide quarterly financial reports as indicated in the most recent VPL/guidance on this subject and in Section V: Reporting Requirements below.
- C. Except for the expenditure of incentive award funding, recipients must obligate or expend funds on a first-in, first-out basis, charging to the grant award with the shortest period of availability first.

### V. REPORTING REQUIREMENTS

- A. Each administrator authorized to enter into this grant agreement must ensure to the maximum extent feasible the accuracy of performance data entered by the award recipient into Department-required management information systems.
- B. Recipients must include their name, organization, applicable federal grant number, fiscal year, and date prepared on all reports and correspondence. They must prepare and submit reports in accordance with the most recent VETS policy on the subject.
- C. As a condition of accepting funding, the grant recipient must produce: 1) quarterly and final fiscal reports and 2) quarterly activity and performance reports as prescribed in the most current VPL/guidance on the subject.
  - 1) The grant recipient will be accountable for performance outcomes for veterans served by grant-funded staff in accordance with the most recent guidance on this subject.
  - 2) The grant recipient must submit fiscal reports consisting of the SF-425 Federal Financial Report (FFR) and the VETS-402 Expenditure Detail Report (EDR) by the 30<sup>th</sup> day after the end of each federal fiscal year quarter. FFRs are submitted quarterly through the entire PoP, and EDRs are submitted until the end of the PoP is reached, or until all available funds have been expended, whichever is first. "Available funds" are funds that are allowable, and thus excludes incentive award funds that were not obligated by the end of the first fiscal year (September 30) of the PoP (see Section III.F.). In addition:
    - (a) **Accrual Basis of Accounting:** Recipients must base all reported financial data on the accrual basis of accounting and report such data cumulatively by fiscal year of appropriation through the entire PoP. Recipients are not required to convert their accounting system if it is not on an accrual basis. In these instances, recipients must develop and report accrual information through best estimates based on an analysis of the documentation on hand.

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- (b) **Final Fiscal Report:** Recipients with an approved Negotiated Indirect Cost Rate Agreement must report and complete each field in item 11 of the final SF-425 FFR if indirect costs were charged to the award during the PoP. Recipients with an approved Cost Allocation Plan must enter a note in the Remarks section of the final FFR to include the total amount of indirect costs charged to the award during the PoP.
- (c) **Closeout Report:**
- i. *Liquidation.* Per 2 C.F.R. § 200.344 “Closeout” (b), “Unless the Federal awarding agency or pass-through entity authorizes an extension, a non-Federal entity must liquidate all obligations incurred under the Federal award not later than 120 calendar days after the end date of the PoP as specified in the terms and conditions of the Federal award.” Therefore, unless the DOL VETS Grant Officer has granted an extension, recipients must liquidate all obligated funds within the 120-day liquidation period (also known as “closeout” period). Per 2 C.F.R. § 2900.15, “the only liquidation that can occur during closeout is the liquidation of accrued expenditures (NOT financial obligations) for goods and/or services received during the grant period.”
  - ii. *Final FFR.* Recipients must submit any amendments to the final quarterly SF-425 FFR no later than 120 days after the PoP end date.
  - iii. *Closeout package.* DOL will contact the authorized representative and the point of contact, identified in the latest SF-424, of the grant within 15 days of the end of the PoP with instructions for submitting the remainder of the closeout report.
- (d) **Overlapping awards:** A new grant award is made to states every fiscal year. Recipients must file a separate quarterly financial report for each separate grant award until the end of the PoP. Since the PoP for each year’s award covers up to three years, this means that recipients may need to submit up to three financial reports per quarter.
- 3) Recipients must submit performance and narrative progress reports within 45 days of the end of each federal fiscal year quarter in the manner prescribed by the Department. The recipient’s Agency Administrator or a designated person must attest to the accuracy and completeness of the quarterly report in a signed Technical Performance Narrative. An electronic or typed signature is acceptable.
  - 4) The award recipient must submit a Manager’s Report on Services to Veterans in accordance with 38 U.S.C. § 4104(f) and the latest VPL on this subject.
  - 5) The award recipient must submit a stand-alone Incentive Award Report with the fourth quarter report in accordance with the most recent guidance on this subject.

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

- D. Failure to comply with the above reporting requirements and/or other statutory or regulatory requirements may result in one or more of the remedies for noncompliance specified in 2 C.F.R. § 200.339 or the actions described at 20 C.F.R. Part 658 Subpart H or 20 C.F.R. Part 1001.

**VI. GRANT AMENDMENT**

The Grant Officer approves, signs, and modifies JVSG awards and can authorize changes in scope, budget, cost, period of performance, and grant conditions to the extent authorized by law. To request grant amendments, recipients must access GrantSolutions to submit an SF-424 and transmittal letter, both signed by the authorized representative, along with any other documentation as described in the most recent guidance related to this subject.

Recipients may modify State Plans in accordance with VPL 01-22 or the most current VPL/guidance on this subject and must request such modifications separately from any other type of grant amendment request.

**VII. GRANT MANAGEMENT AND MONITORING**

- A. The recipient, in accordance with 20 C.F.R. § 1001.121, must 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 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. In accordance with 38 U.S.C. § 4102A(b)(6), VETS will “monitor and supervise on a continuing basis the distribution and use of funds provided for use in the States...”
- C. Each DVET or their designee serves as the Grant Officer’s Technical Representative (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 JVSG-funded 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 State 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.

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

- D. VETS will approve requests for additional funds only if like amounts are available or if funds returned by other award recipients.
- E. VETS cannot obligate fiscal year funds after September 30; therefore, to be considered for approval, recipients must submit all requests for additional funding or deobligation of funding to their respective DVET by the close of business on the second Friday in August.

**VIII. INFORMATION ACCESS**

Access to all hard copy or automated grant reports, recipient 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 Grant Management and Monitoring) upon request.

**IX. PRINTING AND DUPLICATING**

- A. The recipient must comply with the requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, including the regulation at 2 C.F.R. § 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.
- B. Direct use of grant funds for public relations materials for advertising or marketing must adhere to 2 C.F.R. § 200.421. Costs incurred for marketing the State Governor or offices of the State Agency are unallowable and may not be charged to the federal award.
- C. Nothing in this section will preclude the procurement of writing, editing, preparation of manuscript copy, or the preparation of related illustrative material. As described in 2 C.F.R. § 200.405(d), however, costs for program outreach materials must be allocated appropriately between funding sources.

**X. AMENDMENTS**

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

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

Application for Federal Assistance SF-424

Version 04

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

* 3. Date Received:	4. Applicant Identifier:
<input type="text" value="08/09/2023"/>	<input type="text"/>

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

State Use Only:

6. Date Received by State:	7. State Application Identifier:
<input type="text" value="08/04/2023"/>	<input type="text"/>

8. APPLICANT INFORMATION:

\* a. Legal Name:

* b. Employer/Taxpayer Identification Number (EIN/TIN):	* c. UEI:
<input type="text" value="364706134"/>	<input type="text" value="WVR6ECT1G9F8"/>

d. Address:

\* Street1:

Street2:

\* City:

County:

\* State:

Province:

\* Country:

\* Zip / Postal Code:

e. Organizational Unit:

Department Name:

Division Name:

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

Prefix:  \* First Name:

Middle Name:

\* Last Name:

Suffix:

Title:

Organizational Affiliation:

\* Telephone Number:  Fax Number:

\* Email:

**Application for Federal Assistance SF-424**

Version 04

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

State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

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

DOL-Veterans Employment and Training Service (VETS)

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

17.801

CFDA Title:

Jobs for Veterans State Grants

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

5-DV-24-001

\* Title:

Jobs for Veterans State Grants - FY 2024

**13. Competition Identification Number:**

5-DV-24-001-107455

Title:

Jobs for Veterans State Grants - FY 2024

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

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

Disabled Veterans' Outreach Program (DVOP) /Local Veterans' Employment Representative (LVER)

Attach supporting documents as specified in agency instructions.



**Application for Federal Assistance SF-424**

Version 04

**16. Congressional Districts Of:**

\* a. Applicant

\* b. Program/Project:

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

**17. Proposed Project:**

\* a. Start Date:

\* b. End Date:

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

* a. Federal	<input type="text" value="11062722"/>
* b. Applicant	<input type="text" value="0"/>
* c. State	<input type="text" value="0"/>
* d. Local	<input type="text" value="0"/>
* e. Other	<input type="text" value="0"/>
* f. Program Income	<input type="text" value="0"/>
* g. TOTAL	<input type="text" value="11062722"/>

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

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

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

Yes  No

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

**\*\* I AGREE**

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

**Authorized Representative:**

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

\* Title:

\* Telephone Number:  Fax Number:

\* Email:

\* Signature of Authorized Representative:  \* Date Signed:

**Application for Federal Assistance SF-424**

Version 04

**\* Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

## **Attachment C: VETS-401**

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

**SECTION A - GRANTEE INFORMATION**

**1. Grant Number:** \_\_\_\_\_ **2. State:** FL **3. Date Prepared:** 08/04/2023

**SECTION B - BUDGET SUMMARY BY ACTIVITY**

	1. DVOP Staff Activities	2. Consolidated DV/LV Activities	3. LVER Staff Activities	4. Incentive Award Activities	5. Mgmt & Admin Costs	6. Totals
a. Personnel Salaries	\$2,172,914	\$407,976	\$1,680,419	\$0	\$446,998	\$4,708,307
b. Fringe Benefits	\$1,112,488	\$208,875	\$860,341	\$0	\$228,854	\$2,410,558
c. Travel	\$13,142	\$2,468	\$10,164		\$2,704	\$28,478
d. Equipment	\$0	\$0	\$0		\$0	\$0
e. Supplies	\$4,044	\$760	\$3,128		\$832	\$8,764
f. Other	\$1,574,608	\$303,667	\$1,171,420	\$110,627	\$209,557	\$3,369,879
<b>g. Total Direct Charges</b>	<b>\$4,877,196</b>	<b>\$923,746</b>	<b>\$3,725,472</b>	<b>\$110,627</b>	<b>\$888,945</b>	<b>\$10,525,986</b>
h. Indirect Charges	\$177,267	\$25,254	\$183,388		\$150,827	\$536,736
<b>i. Total Charges (Lines g + h)</b>	<b>\$5,054,463</b>	<b>\$949,000</b>	<b>\$3,908,860</b>	<b>\$110,627</b>	<b>\$1,039,772</b>	<b>\$11,062,722</b>

**SECTION C - FORECAST FEDERAL FUNDING NEEDS**

	1. DVOP Staff Activities	2. Consolidated DV/LV Activities	3. LVER Staff Activities	4. Incentive Award Activities	5. Mgmt & Admin Costs	6. Totals
Quarter 1	\$1,010,892	\$189,800	\$781,772	\$0	\$207,955	\$2,190,419
Quarter 2	\$1,263,616	\$237,250	\$977,215	\$0	\$259,943	\$2,738,024
Quarter 3	\$1,263,616	\$237,250	\$977,215	\$0	\$259,943	\$2,738,024
Quarter 4	\$1,516,339	\$284,700	\$1,172,658	\$110,627	\$311,931	\$3,396,255
<b>Total Cost</b>	<b>\$5,054,463</b>	<b>\$949,000</b>	<b>\$3,908,860</b>	<b>\$110,627</b>	<b>\$1,039,772</b>	<b>\$11,062,722</b>

**SECTION D - GRANT-FUNDED STAFF & METRICS**

	1. DVOP Staff Activities	2. Consolidated DV/LV Activities	3. LVER Staff Activities	4. Incentive Award Activities	5. Mgmt & Admin Costs	6. Totals
a. Number of Funded FTE	80.0	13	48.0			141.0
b. Cost Per Position	\$63,181	\$73,000	\$81,435			\$77,674
c. Salaries & Benefits Percentage	65.00%	65.00%	65.00%			58.83%

**Public Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1293-0009. The time required to complete this information collection is 1.5 hours per response, including the time to review instructions, search existing data sources, gather the data needed, and complete and review the information collection. The obligation to respond is required to obtain or retain a benefit (38 U.S.C. 2021 and 2023). If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Labor, Veterans' Employment and Training Service, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

## **Attachment D: JVSG State Plan**

**FLORIDA'S JOBS FOR VETERANS'**  
**STATE GRANT**  
**STATE PLAN MODIFICATION**  
**FY 2020-2023**

## **JOBS FOR VETERANS' STATE GRANT**

The Jobs for Veterans' State Grant (JVSG) is a mandatory, formula-based grant that supports the hiring of dedicated staff to provide individualized career and training-related services to eligible veterans and eligible spouses (persons) with Significant Barriers to Employment (SBE), and assists employers with filling their workforce needs with job-seeking eligible veterans and eligible persons. The JVSG is funded annually in accordance with 38 United States Code (U.S.C.) 4102A § (c)(2)(B) and operates on a fiscal year (FY) basis. JVSG performance metrics are collected and reported quarterly (using four rolling quarters), via the ETA-9173 Report, on a program year (PY) basis. Currently, JVSG operates on a three-year (PY 2020-2023), multi-year grant award cycle modified and funded annually.

In accordance with 38 U.S.C. § 4102A(b)(5) and § 4102A(c), the Assistant Secretary for Veterans' Employment and Training (ASVET) makes grant funds available for use in each state to support Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representatives (LVER) staff. As a condition to receive funding, 38 U.S.C. § 4102A(c)(2) requires states to submit a grant application that contains a State Plan narrative describing how the state intends to provide employment, training and job placement services to eligible veterans and other eligible persons under the JVSG.

## **EMPLOYMENT OUTLOOK FOR VETERANS**

Florida has the third largest population of veterans in the nation with more than 1.4 million veterans (8.2 percent of the state's adult population) according to the 2019 population survey conducted by the United States (U.S.) Census Bureau. According to the U.S. Bureau of Labor Statistics, veterans comprise 5.9 percent of Florida's 2020 annual average of employed civilian labor force.

The post 9/11 GI Bill, Veteran Readiness & Employment Program (Chapter 31), and the Transition Assistance Program, provide veterans additional opportunities, which improves and enhances the accreditation process for recently separated veterans in a variety of career fields. In addition, fees are waived for military personnel and their spouses for more than 20 professions such as health profession licenses. These waivers amount to thousands of dollars in savings for individual veterans. Proposed state legislative action to permit the use of military training/schooling in lieu of in-state instruction would also, if enacted, enhance these benefits.

The inherent skills veterans develop during their military service, including leadership, a strong work ethic, teamwork, integrity, problem solving, technical skills, loyalty and a desire to succeed, make them desirable to employers of any industry.

Nationally, veteran unemployment rates (non-seasonally adjusted) have trended lower than that of civilians. In 2022, the national veteran unemployment rate for veterans was 3.1 percent. The employment outlook for Florida's veterans is expected to be above that of their civilian counterparts.

### **(A) HOW THE STATE INTENDS TO PROVIDE EMPLOYMENT, TRAINING AND JOB PLACEMENT SERVICES TO VETERANS AND ELIGIBLE PERSONS UNDER THE JVSG PROGRAM**

Florida's workforce system is led by the CareerSource Florida Board of Directors, the state workforce development board, comprised of business and government leaders charged with guiding workforce development for the state of Florida. Collectively, the CareerSource Florida Board of Directors provides policy direction for talent development programs administered and overseen by the Florida Department of Economic Opportunity (DEO), the designated state workforce agency responsible for workforce policy implementation and the state's administrative and fiscal entity for workforce development programs and funds, including JVSG. DEO provides services through the state's 24 Local Workforce Development Boards

(LWDBs) and their network of local career centers. DEO partners with CareerSource Florida and the state's 24 LWDBs to strengthen Florida's business climate by supporting employers and helping Floridians gain employment, remain employed, and advance in their careers.

Florida's JVSG program creates opportunities for all eligible veterans and eligible persons to obtain meaningful and successful careers through provision of resources and expertise that maximize employment opportunities and protect eligible veterans' employment rights. Services provided by DVOP specialists include, but are not limited to, comprehensive assessments, development of an Individual Employment Plan (IEP), career counseling, and referrals to eligible veteran and community organizations as needed. LVER staff are fully integrated members of the LWDB's Business Services Team (BST). LVER staff promote the hiring of veterans to employers, employer associations, and business groups; facilitate employer training; plan and participate in career fairs; and conduct job development contacts on behalf of veterans with employers.

Veterans determined to need occupational skills training or access to apprenticeship opportunities to enhance their marketability for employment will be referred to partners in the Workforce Innovation and Opportunity Act (WIOA) program and/or the Florida Department of Education, respectively. Veterans determined to be job ready will be referred to the BST to ensure they are promoted within the business community as available for immediate job placement.

## **CAREER CENTERS**

Florida's career centers, operated by the LWDBs, are designed to deliver and provide access to services for employers seeking qualified workers as well as training for new and existing employees and all job seekers. Services are available to Florida's veterans and businesses through local career centers in areas strategically located throughout the state. All of Florida's career centers are easily identified using the CareerSource Florida network brand and the identifier "A proud partner of the American Job Center network."

Florida's comprehensive career centers provide expanded services and access to WIOA core and required partner programs either through colocation of partners or linkages to partner services. Programs and services available to veterans in comprehensive career centers include, but are not limited to:

- WIOA Adult, Youth and Dislocated Worker;
- Wagner-Peyser Act Employment Service;
- Trade Adjustment Assistance;
- National Dislocated Worker Grant;
- Senior Community Service Employment Program;
- Indian and Native American Programs;
- Migrant and Seasonal Farmworker;
- Reintegration of Ex-Offenders;
- National Registered Apprenticeship Programs; and,
- Reemployment Services and Eligibility Assessment.

While these programs and services are universally accessible to all eligible job seekers, veterans and covered persons who meet the program eligibility requirements receive priority of service.

Understand that throughout this document, the use of the term "veteran" is an encompassing term that includes all eligible populations.



## **IDENTIFYING VETERAN STATUS**

Career center operators must enable veterans and covered persons to identify as covered persons at the point of entry to the system or program, so that they may take full advantage of priority of service. To ensure that veterans and covered persons have the opportunity to self-identify, banners and posters are posted around the career center along with clear signage on the respective LWDB's webpage. Once identified, career center operators ensure that covered persons are made aware of:

- Priority of service entitlement;
- The full array of employment training and placement services available; and,
- Applicable eligibility requirements for programs and services.

## **VERIFYING VETERAN STATUS**

To receive priority of service or individualized career services, customers may self-attest their veteran or eligible person status. It is neither necessary, nor appropriate, for any staff to require verification of the status of a veteran or covered persons at the point of entry for priority of service or individualized career services from JVSG staff.

The only services that require eligibility verification are those cases where a decision is made to commit funding to a covered person over another non-covered person. For all other purposes, covered persons should be enrolled and provided immediate priority before providing verification as a covered person. To receive priority for training services under WIOA veteran status must be verified. This can be done by reviewing the original or a photocopy of the veteran's Certificate of Release or Discharge from Active Duty, which is commonly known as the DD-214 Form. A LWDB director or a designee may also approve verification from another official source.

## **PROMOTING THE HIRING OF VETERANS**

The advantage of hiring veterans is a topic that needs to be presented to employers on a consistent basis. The BST will provide an effective conduit to businesses to promote why hiring veterans is a sound and wise investment. LVER staff will educate employers on programs that incentivize hiring veterans such as the Hire Veterans Medallion Program (HVMP), Work Opportunity Tax Credit (WOTC), and Federal Bonding Program. Federal contractors and subcontractors are also targeted as companies that can benefit from hiring veterans and are informed of their responsibilities under the Office of Federal Contract and Compliance Programs (OFCCP) and Vietnam Era Veterans Readjustment Assistance Act (VEVRAA) guidelines.

LWDBs, in coordination with DEO's Office of Communications and External Affairs, provide valuable information about promoting veterans within a variety of venues including job fair participation, Chamber of Commerce meetings, Society of Human Resource Managers (SHRM) meetings, employer visits, public radio/television media promotional activities, and departmental brochures. Employers are also informed about the assistance available to them at career centers, such as the ability to conduct individualized hiring fairs and notification of job opportunities to potential candidates.

### **(B) THE DUTIES ASSIGNED TO DVOP SPECIALISTS AND LVER STAFF BY THE STATE; SPECIFICALLY IMPLEMENTING DVOP AND LVER DUTIES OR ROLES AND RESPONSIBILITIES AS OUTLINED IN 38 U.S.C. § 4103A AND 4104. THESE DUTIES MUST BE CONSISTENT WITH CURRENT GUIDANCE**

DEO has determined that the deliberate assignment of JVSG-funded staff to LWDBs is paramount to the success of the program. Integration of JVSG-funded staff in career centers is accomplished by utilizing established procedures for serving eligible veterans and other eligible persons with SBEs and combining them with the new state administrative policies and processes that will support functional alignment within

the career center. All partners will work together to support a seamless, customer-driven system.

DEO fills vacant JVSG-funded staff positions at the recommendation of the LWDBs and the State Veteran Program Coordinator (SVPC). All veterans who meet the published requirements are offered an opportunity to interview for open positions. Provisions under the JVSG require the state to fill these positions with eligible veterans and give preference to those with disabilities as defined in Title 38 U.S.C., with priority given to special disabled, disabled and others who are eligible. All Florida JVSG-funded staff are designated as full-time.

## **DISABLED VETERAN OUTREACH PROGRAM (DVOP) SPECIALISTS**

DVOP specialists are assigned to career centers for the purpose of providing individualized career services to eligible veterans and eligible persons through the case management process. DVOP specialists will be made available to eligible veterans who have been identified as having an SBE and require additional enhanced services through case management consistent with Veterans' Program Letters (VPLs): 03-14, 03-14 Change 1, 03-14 Change 2, and 03-19. Through integration within career centers, DVOP specialists will provide individualized career services under a coordinated case management strategy to SBE veterans who have been identified by career center partner staff.

Service delivery starts at the initial point of entry into the career center where the first person the veteran encounters will be a non-JVSG staff member trained in all aspects of the career center and services available to the veteran. This staff member will conduct an initial assessment using a questionnaire that has been developed in accordance with federal guidance to determine the level and type of service(s) needed. If the staff member decides during the initial assessment that the level of service precludes the need to see a DVOP specialist, the veteran will be referred to the next available non-JVSG staff member for assistance. If the eligible veteran, or other eligible person, is deemed to have a SBE and has a need for enhanced services, the covered person will be referred to a DVOP specialist for assistance. Upon referral, the DVOP specialist must provide the following elements of the case management framework:

- Conduct an in-depth assessment of individualized needs;
- Develop a documented IEP; and,
- Conduct consistent contacts.

These three activities form the core of an effective case management plan under which most individualized career services will be delivered. These services may include:

- Providing vocational guidance and counseling as required, such as; skills assessment, career planning, communications skills, interviewing skills, punctuality, personal maintenance skills and professional conduct.
- Coordination of supportive services by:
  - Providing technical assistance to community-based organizations regarding employment and training services to eligible veterans; and
  - Developing relationships with Veteran Service Officers (VSO) and consulting with other representatives of federal, state, and local programs to provide additional services.
- Job referral for specific employment opportunities.
- Referral to training with federal partners and other state agencies.

DVOP specialists will conduct outreach activities with the intent of locating eligible veterans with SBEs and providing them with appropriate individualized career services. DVOP specialists must seek out potential veteran clients at locations such as:

- Department of Veteran Affairs (VA) facilities;

- Veteran Readiness and Employment (VR&E) offices;
- Regional medical centers;
- VA-sponsored veteran centers;
- HVRP partner offices;
- Homeless shelters;
- Incarcerated Veterans Transition Program (IVTP) offices;
- Civic and service organizations;
- LWDB partners;
- State Vocational Rehabilitation Agencies; and,
- Other service providers as deemed to be a probable location for eligible veterans with SBEs.

Florida will continually collect, monitor and assess the performance data of services provided to ensure that the roles and responsibilities of DVOP specialists are adhered to and adjust the administration of the program, as needed. This is accomplished through the Veterans Quarterly Manager's Reports (VQMRs), along with onsite office validations completed by the State Veterans Program Office.

## **VETERAN READINESS AND EMPLOYMENT PROGRAM**

The Veteran Readiness and Employment (VR&E) Program, administered by the U.S. Department of Veterans Affairs (VA), assists veterans with service-connected disabilities by helping them prepare for, find, and keep suitable employment. Florida's DVOP specialists will establish contact with these veterans and assists in any way possible to ensure positive outcomes are achieved by VR&E participants. Although nationally there has been a pause in the process in which VR&E program graduates are referred to the JVSG-funded staff for job search assistance and other workforce development services, Florida will continue its efforts to engage VR&E program graduates to ensure their continued access to JVSG-funded services.

## **INTENSIVE SERVICES COORDINATOR (ISC)**

Three DVOP specialists will be designated as DEO Intensive Service Coordinators (ISCs). One of the ISC's will be assigned as the lead ISC. The lead ISC will be responsible for compiling the Chapter 31 report (formerly known as the 201 report). Once compiled, the ISC will send the report to the SVPC 28 days after the end of each quarter.

The ISCs function as liaisons between the veteran, Employment Counselors, Vocational Readiness Counselors (VRCs), and the local career centers. VR&E program participants who have completed training and are deemed job ready are referred to the ISCs through the [FLVRE@DEO.MyFlorida.com](mailto:FLVRE@DEO.MyFlorida.com) email inbox. These veterans will be referred to a Veteran Program Manager (VPM) or designated Chapter 31 contact at one of the 24 LWDBs. A DVOP specialist will then be assigned to the respective VR&E participant for the provision of individualized career services through the case management process and offered access to applicable career center services.

## **LOCAL VETERANS' EMPLOYMENT REPRESENTATIVE (LVER) STAFF**

LVER staff are assigned to career centers to facilitate employment, training, and placement services to ensure easier access to the appropriate employment and training services for job seeking veterans. LVER staff will be placed throughout the state to reach out to employers and promote the benefits of hiring veterans. LVER staff advocate for all veterans served by career centers with business, industry, and other community-based organizations by participating in activities such as:

- Planning and participating in job and career fairs;

- Conducting employer outreach;
- Coordinating with unions, apprenticeship programs and business to promote and secure employment and training program for veterans;
- Informing federal contractors of the process to recruit qualified veterans;
- Promoting credentialing and licensing opportunities for veterans; and,
- Coordinating and participating with other business outreach efforts.

LVER staff will actively advocate for employment and training opportunities with business, industry, and community-based organizations on behalf of veterans consistent with VPL 03-14, Changes 1 and 2, and VPL 03-19. LVER staff will be assigned duties that promote to employers, employer associations, and business groups the advantages of hiring veterans and will be fully integrated with the BST within the career center to conduct outreach activities to these entities. As part of these assigned duties, LVER staff will:

- In conjunction with employers, conduct job searches and workshops and establish job search groups to facilitate the use of the State’s labor exchange and case management system ([Employ Florida](#)) to enhance their employee search activities.
- Form effective relationships with the business community and trade unions to enhance the availability of employment and training opportunities for veterans.
  - Encourage businesses to hire veterans and to provide On-the-Job Training (OJT) and apprenticeship programs geared to the veteran community.
  - Maintain current labor market information on trends and adjust strategies accordingly.
  - Work with training providers and credentialing bodies to promote opportunities for veterans.
  - Encourage employers in professions requiring licensure or certification to develop OJT and/or apprenticeship programs for veterans.
  - Promote the participation of veterans in programs leading to certification or licensure.
  - Advocate with training providers and credentialing agencies for recognition of equivalent military training.
- Plan and participate in job fairs to provide employment opportunities for veterans. LVER staff will facilitate this by:
  - Initiating contact and developing relationships with employers, community leaders, labor unions, veterans’ organizations, and training program representatives to develop their commitment to providing employment and training opportunities for veterans.
  - Maintaining current information regarding a full range of employment and training options available to veterans.
- Work with federal contractors to inform them of the process they can use to recruit and hire veterans within Employ Florida and discuss their responsibilities under the OFCCP and VEVRAA final rule to attain the appropriate percentage of veteran hires.

The result of LVER staff outreach to employers and the community will be an increased awareness of the benefits of hiring veterans and the capabilities of veterans. LVER staff will also promote the HVMP. The Honoring Investments in Recruiting and Employing American Military Veterans (HIRE Vets) Medallion Award is the only federal-level veterans' employment award program that recognizes a company or organization's commitment to veteran hiring, retention, and professional development.

## **EMPLOYER RELATIONS**

LVER staff will establish and maintain regular contact with employers to maximize the development of employment and training opportunities for the veteran community. This will be accomplished through the following:

- Development of an employer contact plan designed to encourage the employment of veterans using business and community organizations such as the Chamber of Commerce, human resource groups, and others as determined to be beneficial in the facilitation of hiring veterans. This can be accomplished by:
  - Personal visits
  - Phone calls
  - Email contacts
- Internet connections or other means deemed effective.
- Monitoring federal contractor job listings and encouraging the hiring of veterans by federal contractors.
- Coordinating activities with DVOP specialists, along with other career center staff and partners to promote veteran job seekers who have been deemed job ready to employers looking to match the specific skill sets of individuals to their needs.
- Advocating veterans as a category of job seekers who have highly transferable skills and experience. This can be accomplished by encouraging employers to develop apprenticeship programs to increase the employment opportunities for veterans.

### **CAPACITY BUILDING OF OTHER SERVICE PROVIDERS**

It is essential that LVER staff assist other workforce development providers in increasing their ability to recognize and respond to the employment and training needs of veterans. This will be accomplished through training career center staff and service delivery system partners to enhance their knowledge of veterans' employment and training issues by:

- Providing technical assistance to LWDB staff and managers.
- Encouraging participation by raising the awareness of veterans in employment and training programs.

### **CONSOLIDATED POSITIONS**

The SVPC assigns Consolidated Position (CP) staff to select areas of the state in accordance with Administrative Policy 112: Jobs for Veterans' State Grant Staffing Requirements. The assignment of CP staff is determined through consultation the respective LWDBs and the U.S. Department of Labor (USDOL) Veterans' Employment and Training Service (VETS) State Director. LWDBs will be assigned CP staff when it is established that the assignment of a CP staff person will:

- Promote a more efficient administration of services to veterans with an emphasis on services to disabled veterans.
- Have no hindrance on the provision of services to veterans and employers.
- Maximize the effectiveness of the JVSG program within the career center and local area.

CP staff perform both the role of LVER staff and DVOP specialists. CP staff attend all mandated National Veterans Training Institute (NVTI) training for both LVER staff and DVOP specialists within 18 months of appointment. The SVPC monitors the activities of CP staff throughout the state on a quarterly basis to ensure the positions are being utilized to promote a more efficient administration of services to veterans and employers.

### **STATE VETERANS' PROGRAM COORDINATOR**

One LVER staff position will be designated as the SVPC. The SVPC will ensure that DEO's Bureau of Human Resource Management is aware of the JVSG program's unique funding stream and will keep all

vacancies filled by veterans, as well as non-veterans when appropriate, within the 60-day period in accordance with Title 38 U.S.C. and outlined in VPL 07-19: Jobs for Veterans State Grant Recurring Report Requirements.

To maintain accurate tracking and reporting of all JVSG-funded positions across all 24 LWDBs, DEO has developed a statewide standardized tracking mechanism (501 report) that monitors new hires, vacancies, and changes in staffing.

The SVPC ensures that all JVSG-funded staff attend the mandated training offered by NVTI located in Dallas, Texas and administered by Management Concepts, Inc. This training must be completed within 18 months of their position start date as a LVER staff, DVOP specialist or CP staff.

Additionally, SVPC is also responsible for managing the five Regional Veterans Program Coordinators (RVPCs), and three ISCs.

### **REGIONAL VETERANS' PROGRAM COORDINATOR**

Five LVER staff will be designated as RVPCs, to assist the SVPC with monitoring and training all 24 LWDBs. The RVPCs are responsible for collecting, monitoring and assessing the performance data of services provided to ensure that the roles and responsibilities of the JVSG staff are adhered to as per federal guidelines. This is accomplished through VQMRs and routine state monitoring.

The RVPCs also assist with the development, revision, and implementation of administrative policies for the JVSG program. RVPCs conduct one-on-one virtual and on-site training, site audit visits, and continuous program support for all 24 LWDBs.

### **(C) THE MANNER IN WHICH DVOP SPECIALISTS AND LVER STAFF ARE INTEGRATED INTO THE STATE'S EMPLOYMENT SERVICE DELIVERY SYSTEM OR ONE-STOP DELIVERY SYSTEM or AMERICAN JOB CENTER**

#### **DVOP AND LVER INTEGRATION**

DVOP specialists and LVER staff are fully integrated into career centers to form a comprehensive team that provides services to eligible veterans that address their employment and training needs. All career centers (except for those located in extremely rural locations) have assigned JVSG staff allocated according to veteran population and the needs of the community. DVOP specialists are assigned to areas with the highest concentration of veterans, including disabled, homeless, and veterans with SBEs. LVER staff assignments are based on the employer population and the probabilities of economic growth in their areas. Placement of veteran staff is under constant review by the SVPC to determine if changes in staffing are warranted.

DVOP specialists are integrated into career centers' eligible veteran referral process. DVOP specialists collaborate with career center partners to assist eligible veterans and eligible persons by providing appropriate referrals and supportive services. DVOP specialists also participate in career center workshops and community-sponsored events organized by community-based organizations and veteran resource groups to promote the JVSG program.

In addition, DVOP specialists work closely with VA/VR&E Program and USDOL VETS partners to provide services to eligible veterans who are receiving funding from the VA/VR&E Program to gain the skills and training needed to enter the workforce. DVOP specialists assigned to the role of ISCs facilitate this process.

DVOP specialists also collaborate with the HVRP grant programs, along with local shelters, food banks, and community and faith-based organizations, to connect veterans with employers and support systems. Formerly incarcerated veterans also receive DVOP specialist provided individualized career services and support to help them integrate back into society as valued members of the community.

LVER staff market veterans to local labor markets and businesses through presentations that highlight the advantages of hiring veterans and by creating job development contacts. LVERs coordinate with career center partners to promote employer participation in veteran focused job fairs, hiring events and stand downs. This collaboration serves to connect employers and job-ready veterans made available through the efforts of the career center, to include the DVOP specialists. In addition, LVERs work with all career center staff and partners to identify and build capacity to increase resources for all veterans.

## **SERVICE PROVIDERS**

DVOP specialists are assigned to career centers where a full range of workforce programs are accessible to eligible veteran job seekers. In addition to the partners located within the career center (National Council on Aging, Florida Department of Education Division of Vocational Rehabilitation, etc.), the DVOP specialist is also tasked with developing relationships with other agencies that provide services to veterans. These may include, but are not limited to:

- HVRPs.
- Supportive Services of Veterans and Families.
- Other organizations dedicated to providing employment and training services to veterans.

DVOP specialists will actively seek to establish partnerships in providing services to veterans with other state and federal agencies, County Veteran Service Officers (CVSOs), and community service organizations. LVER staff will perform outreach to businesses, training providers, and any other entities with the ability to positively impact the employability of Veterans.

## **IN-DEMAND CAREERS**

LVER staff will work with local industry leaders to identify employment opportunities and the requisite skill sets needed for in-demand careers for their area and develop opportunities for training through programs such as OJT grants, WIOA, and other locally available programs. Additionally, LVER staff will coordinate with state educational facilities to promote training programs for in-demand jobs.

## **PUBLIC OUTREACH TO VETERANS CONCERNING EMPLOYMENT AND TRAINING OPPORTUNITIES**

In addition to the efforts of the DVOP specialist and LVER staff, BST members will promote the available services, including employment and job training opportunities, to veterans through the variety of forums in which they are involved. These can include job fairs, Chamber of Commerce meetings, (SHRM)meetings, employer visits, public radio, television spots, and departmental brochures.

## **(D) THE INCENTIVE AWARD PROGRAM IMPLEMENTED USING A 1% GRANT ALLOCATION SET ASIDE FOR THIS PURPOSE, AS APPLICABLE**

### **VETERANS PERFORMANCE INCENTIVE AWARD**

Per Title 38, U.S.C. Section 4102A(c)(7), one percent of the states' JVSG allocation is designated for the purposes of performance incentive awards for eligible employees and employment service offices. The incentive awards program was established to encourage the improvement and modernization of

employment, training, and placement services for veterans, and recognize eligible employees and employment service offices for excellence in the provision of such services, or for having made demonstrable improvements in the provision of services to veterans.

### **1. Indicate the total percentage of funds designated for performance incentive awards**

In accordance with VETS guidance, Florida's JVSG program designates one percent of the initial grant allocation for use as performance incentive awards.

### **2. Address the objectives to be achieved through the state's incentive awards program**

The incentive awards are intended to encourage the improvement of employment, training, and placement services for veterans and recognize workforce development partners for excellence or demonstrated improvements in the provision of services to veterans.

### **3. Describe the planned selection and award process**

LWDBs will be asked to submit written nominations and include information that demonstrates exemplary services to veterans. The nomination and selection will be completed during the fourth quarter of the FY. Award recipients will be selected by a review committee that is inclusive of the full spectrum of USDOL employment and training-related programs and non-federal partners. This committee will review nominations and select winners based upon the general criteria of productivity and veterans' advocacy efforts. This criterion will take into consideration both objective and subjective data including outstanding outreach on behalf of veterans who have barriers to employment, promotion of employment opportunities, program improvement, and positive feedback.

### **4. Describe the planned disbursement of incentive award funds**

Award nominations will be organized into three size categories (small, medium, and large) based upon the LWDB staff size. DEO will administer and distribute incentive award cash funds representing the total amount of designated funding to the winners in each category as identified by the review committee. Awards will be provided to winning LWDBs in each of the size categories as an office award. Per state legislation, cash awards will not be distributed to individuals. Incentive award funds are equal to one percent of the initial JVSG grant allocation each FY and will be split equally amongst each category's winner. Fiscal years' funds will be obligated and awarded prior to September 30 each year.

**(E) THE POPULATIONS OF VETERANS TO BE SERVED, INCLUDING ANY ADDITIONAL POPULATIONS DESIGNATED BY THE SECRETARY AS ELIGIBLE FOR SERVICES, AND ANY ADDITIONAL POPULATIONS SPECIFICALLY TARGETED BY THE STATE WORKFORCE AGENCY FOR SERVICES FROM ONE-STOP DELIVERY SYSTEM PARTNERS (E.G., NATIVE AMERICAN VETERANS; VETERANS IN REMOTE RURAL COUNTIES OR PARISHES)**

The Secretary of USDOL, through the ASVET, has identified certain categories of veterans most in need of individualized career services to mitigate their barriers to employment. Within these categories, certain populations of veterans must be targeted for services.

An eligible veteran or eligible person is determined to have a SBE if they attest to belonging to at least one of the criteria below:

- A special disabled or disabled veteran, as those terms are defined in 38 U.S.C § 4211(1) and (3); Special disabled and disabled veterans are those:



- who are entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans' Affairs; or,
- were discharged or released from active duty because of a service-connected disability
- A homeless person, as defined in Sections 103(a) and (b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. I 1302(a), which considers homeless to be any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.
- A recently separated service member, as defined in 38 U.S.C § 4211(6), who has been unemployed for 27 or more weeks in the previous 12 months
- An offender, as defined by WIOA Section 3 (38), who is currently incarcerated or who has been released from incarceration
- A veteran lacking a high school diploma or equivalent certificate; or
- A low-income individual (as defined by WIOA Section 3 (36))
- Veterans ages 18 to 24
- Vietnam-era veterans

In annual appropriation bills since the Consolidated Appropriations Act of 2014, Congress authorized JVSG grants to support services as described in VPL 03-19 to:

- Eligible transitioning members of the Armed Forces who have been identified as in need of individualized career services, per guidance issued through the most current VPL;
- Members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities (MTF) or warrior transition units (WTU); and
- The spouses or other family caregivers of such wounded, ill, or injured members.

Note: Veterans with an SBE, or labeled in a specified category, will have access to all appropriate career center services and are not limited to receiving services exclusively from DVOP specialists.

DVOP specialists are required to take an active role in seeking out and assisting these targeted groups by networking with other local, state, and federal government agencies. DVOP specialists develop partnerships with veteran service organizations, community service organizations, LWDB partners, faith-based organizations, and any other entities that are dedicated to serving veterans in need.

DEO acknowledges that homeless veterans are not likely to seek workforce services on their own and that initiative is to be taken by DVOP specialists to go where these veterans can be located. In locations where there is access to organizations such as USDOL/Veterans Employment and Training Service (VETS) HVRP grantees, VA facilities, WTUs, MTFs, etc., direct partnerships have been established where the DVOP specialist will regularly visit the facility to provide services as needed.

**(F) HOW THE STATE IMPLEMENTS AND MONITORS THE ADMINISTRATION OF AND PRIORITY OF SERVICE TO COVERED PERSONS**

Per VPL 01-22, a response to this section is not required.

**(G) HOW THE STATE PROVIDES OR INTENDS TO PROVIDE AND MEASURE, THROUGH BOTH THE DVOP AND ONE-STOP DELIVERY SYSTEM STAFF**

**1. Job and job training individualized career services**

Per VPL 01-22, a response to this section is not required.

**2. Employment placement services**

Per VPL 01-22, a response to this section is not required.

**3. Job-driven training and subsequent placement service program for eligible veterans and eligible persons.**

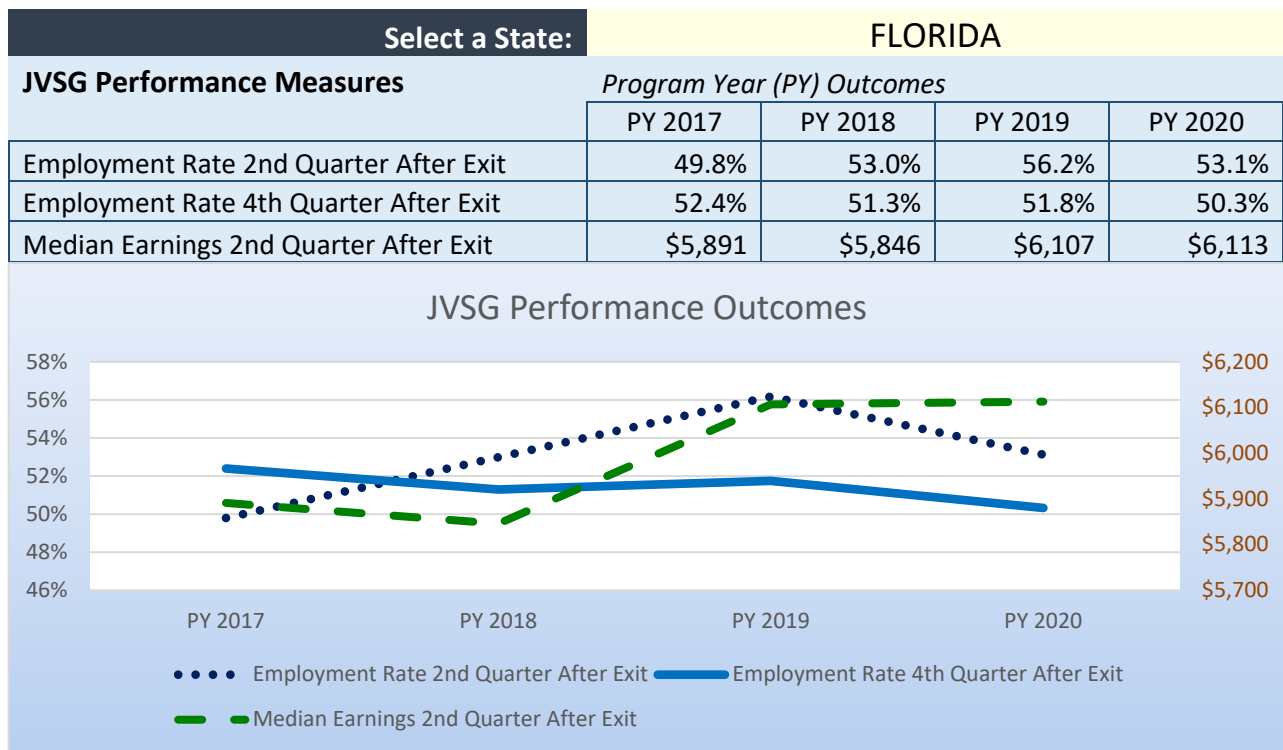
Per VPL 01-22, a response to this section is not required.

**(H) The hire date along with mandatory training completion dates for all DVOP specialists and LVER staff.**

Per VPL 01-22, a response to this section is not required

**(I) Such additional information as the Secretary may require.**

**JVSG PERFORMANCE MEASURES**



JVSG Performance Measures PY 22-23	
	PY 2022-23
Employment Rate 2nd Quarter After Exit	51.00%
Employment Rate 4th Quarter After Exit	49.0%
Median Earnings 2nd Quarter After Exit	\$5,750

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

**NEGOTIATED INDIRECT COST RATE AGREEMENT (NICRA)**

**NON-FEDERAL ENTITY**

Florida Department of Economic  
Opportunity  
Caldwell Building  
107 E. Madison Street  
Tallahassee, FL 32399

**EIN:** 36-4706134

**DATE:** 1/24/2023

**FILE REFERENCE:** This  
replaces the agreement dated  
11/3/2021

The indirect cost rate(s) contained in this Agreement are for use on grants, contracts, and other agreements with the Federal Government. This Agreement was negotiated by **Florida Department of Economic Opportunity** (non-Federal entity) and the **U.S. Department of Labor** in accordance with the authority contained in the Federal Acquisition Regulation (FAR) for commercial entities, or Title 2 of the Code of Federal Regulations, Part 200 for nonprofit and state/local entities. This Agreement is subject to the limitations in Section II, A, below.

When applicable, the rates presented in this Agreement may only be applied to: (1) cost-reimbursement contracts and (2) actual costs for materials in time-and-materials (T&M) contracts. Any indirect rates for labor costs in T&M, labor-hour and fixed-price contracts must be negotiated with the Contracting Officer during pre-award in accordance with FAR Part 15.404-1(c).

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**SECTION I: RATES**

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<u>TYPE</u>	<u>APPROVAL</u>	<u>FROM</u>	<u>TO</u>	<u>RATE</u>	<u>BASE</u>	<u>LOCATION</u>	<u>APPLY TO</u>
Indirect	Final	07/01/2021	06/30/2022	28.99%	SW-1	Loc-1	AP-2
Indirect	Final	07/01/2021	06/30/2022	39.99%	SW-1	Loc-1	AP-3
Indirect	Final	07/01/2021	06/30/2022	5.22%	SW-1	Loc-1	AP-4
Indirect	Provisional	07/01/2022	06/30/2023	32.23%	SW-1	Loc-1	AP-2
Indirect	Provisional	07/01/2022	06/30/2023	45.55%	SW-1	Loc-1	AP-3
Indirect	Provisional	07/01/2022	06/30/2023	6.19%	SW-1	Loc-1	AP-4
Indirect	Provisional	07/01/2023	06/30/2024	32.23%	SW-1	Loc-1	AP-2
Indirect	Provisional	07/01/2023	06/30/2024	45.55%	SW-1	Loc-1	AP-3
Indirect	Provisional	07/01/2023	06/30/2024	6.19%	SW-1	Loc-1	AP-4

(SEE SPECIAL REMARKS)

**BASE**

SW-1: Total direct salaries and wages including vacation, holiday, sick pay, other paid absences, and all applicable fringe benefits.

**LOCATION**

Loc-1: All Locations

**APPLY TO**

AP-2: DEO In-House Programs

Loc-1: All Locations

AP-3: DEO Oversight

Loc-1: All Locations

AP-4: Workforce Jointly-Managed Programs

**TREATMENT OF FRINGE BENEFITS:** Fringe benefits are specifically identified to each employee and/or are charged individually as direct or indirect cost (as applicable). See Special Remarks section of this Agreement for more details.

**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 are not made for the cost of these paid absences.

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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. 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. The same costs that have been treated as indirect costs have not been claimed as direct costs.
3. Similar types of costs have been accorded consistent treatment.
4. 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.
6. Indirect costs charged to Federal grants/contracts by means other than the rate(s) cited in this Agreement should be adjusted to the applicable rate(s) cited herein and be applied to the appropriate base to identify the proper amount of indirect costs allocable to the program.
7. Contracts/grants providing for ceilings as to the indirect cost rate(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.
8. Administrative costs consist of all Direct and Indirect costs associated with the management of a non-Federal entity's programs. Non-Federal entities should refer to their contracts/grants terms and specific program legislation for the applicable definition of Administrative Costs and any related limitations.

## **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 from the Cost & Price Determination Division (CPDD). Such changes include, but are not limited to 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 (original, and revised (if applicable)) 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. DEFINITION OF RATES**

1. Final rate means an indirect cost rate applicable to a specified past period which is based on the actual costs of the period. A final rate is not subject to adjustment.
2. Provisional rate or billing rate means a temporary indirect cost rate applicable to a specified period which is used for funding, interim reimbursement, and reporting indirect costs on Federal awards pending the establishment of a final rate for the period.
3. Predetermined rate means an indirect cost rate, applicable to a specified current or future period, usually the organization's fiscal year. The rate is based on an estimate of the costs to be incurred during the period. A predetermined rate is not subject to adjustment.
4. Fixed rate means an indirect cost rate which has the same characteristics as a predetermined rate, except that the difference between the estimated costs and the actual costs of the period covered by the rate is carried forward as an adjustment to the rate computation of a subsequent period.

The Special Remarks section of this agreement may include a carry forward amount(s) for the applicable fiscal year(s).

5. G&A rate – If published in Section I, it is the acronym for “General and Administrative” type of indirect expenses. G&A means any management, financial, and other expense which is incurred by, or allocated to, a business unit and which is for the general management and administration of the business unit as a whole.

## **E. SPECIAL REMARKS**

1. Provisional/Final Rate approval and impact to closeout adjustments:  
When seeking initial reimbursement of indirect costs using the provisional/final rate methodology, a provisional proposal must be submitted within 90 days of receiving a Federal award (financial assistance, grants, cooperative agreements, and cost reimbursable contracts) that requires accounting 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 an 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.

2. Fringe benefits include the following: Retirement, Social Security, Group Health Insurance, Life Insurance, Senior Management Disability Insurance, and Pre-Tax Benefits.
3. Equipment is defined as tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition. The capitalization threshold for equipment is \$5,000.
4. The indirect salaries approved as part of the Rate/CAP in Section I comply with the applicable ETA TEGL 5-06 and/or Job Corps salary and bonus restrictions.

**ACCEPTANCE**

**BY THE NON-FEDERAL ENTITY**

Florida Department of Economic Opportunity  
Caldwell Building  
107 E. Madison Street  
Tallahassee, FL 32399

(Non-Federal Entity)

*Allyce Moriak*

(Signature)

Allyce Moriak

(Name)

Chief Financial Officer

(Title)

*1/24/2023*

(Date)

**BY THE COGNIZANT AGENCY FOR  
INDIRECT COSTS, ON BEHALF OF THE  
U.S. FEDERAL GOVERNMENT**

U.S. Department of Labor  
Cost & Price Determination Division  
200 Constitution Ave., N.W., S-1510  
Washington, DC 20210

(U.S. Federal Government Agency)

*D.L. Tomchick*

(Signature)

*for*

Victor M. López

(Name)

Chief, Cost & Price Determination Division

(Title)

*1/24/2023*

(Date)

Negotiated By: Damon Tomchick  
Office Phone: (240) 475-2786  
Email: tomchick.damon@dol.gov