



Request for Proposals

Workforce Innovation and Opportunity Act (WIOA) Youth Program Services in the Northern Virginia Workforce Area #11

ADVERTISED: February 14, 2020

DUE: March 31, 2020 5:00 p.m. (EST)

Pre-Proposal Conference: February 27, 2020 11 a.m. (EST)

Virginia Career Works - Northern
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Vienna, VA 22182
(703) 827-3782
www.vcwnorthern.com

The SkillSource Group, Inc. is an Equal Opportunity Employer/Program. Auxiliary aides and services are available to individuals with disabilities. TDD-VA Relay: 711.

David Hunn | EO Officer | (703) 827-3782 | david.hunn@vcwnorthern.com

The services provided through this RFP are 100% funded by the Workforce Innovation and Opportunity Act (WIOA) Title I Youth Program through the U.S. Department of Labor - Employment and Training Administration. No costs of this program are financed by non-governmental sources. The Northern Virginia Area #11 FY 2020 WIOA Title I WIOA Youth funding allocation is \$829,263.



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1.0 Introduction

The *SkillSource* Group, Inc. (SSG), the non-profit operating arm of the Virginia Career Works – Northern Region (VCWN), provides a variety of workforce and economic development services and support to Northern Virginia businesses and residents. These services include a broad range of activities which offer Northern Virginia’s workforce the skills, knowledge, and abilities needed to succeed in a growing and robust economy. SSG is issuing this Request for Proposal (RFP) to organizations qualified in delivering Workforce Innovation and Opportunity Act services to economically disadvantaged In-School and Out-of-School young adults, ages 16 through 24 in the Northern Virginia Workforce System (Area #11) in the Commonwealth of Virginia.

The Federal Workforce Innovation and Opportunity Act provides a framework of services so that eligible young adults are provided assistance in achieving academic and employment success through comprehensive services that include:

1. A variety of options for improving educational competencies and credentials.
2. A variety of options to secure job specific skills leading to or resulting in work credentials (certifications, licenses, degrees).
3. Effective connections to employers for job shadowing, part-time or full-time work during preparation for full labor force participation.
4. On-going mentoring experiences.
5. Services that support each young adult’s opportunity to participate in needed services and activities.
6. Opportunities to develop and use leadership skills.
7. Recognition of and incentives for young adults to pursue the educational, occupational and leadership goals that have been individually established.

All proposing organizations must be committed to following the regulations of the Workforce Innovation and Opportunity Act and adapting to any new policies, as released by the U.S. Department of Labor Employment and Training Administration in regards to the Workforce Innovation and Opportunity Act.

1.1 Solicitation

SSG hereby solicits proposals, using a competitive bid process, to organizations interested in delivering Workforce Innovation and Opportunity Act (WIOA) services to economically disadvantaged In-School and Out-of-School young adults, ages 16 through 24 in the Northern Virginia Workforce System (Area #11) in the Commonwealth of Virginia. This RFP does not commit the SSG to accept any proposal submitted, nor is the SSG responsible for any costs incurred by the Respondents in the preparation of responses to this RFP.

The SSG reserves the right to reject any or all proposals, to accept or reject any or all items in the proposal, to award multiple contracts, or the contract in whole or in part as is deemed to be in the best interest of the SSG. The SSG reserves the right to negotiate with any Respondent after proposals are reviewed, if such action is deemed to be in the best interest of the SSG.

1.2 RFP Release, Timeline and Questions

Beginning February 14, 2020, the RFP will be available for download from the SSG's website at www.vcwnorthern.com. If you have difficulty downloading the proposal, please contact SSG at (703) 827-3782 or at seema.jain@vcwnorthern.com.

An optional Pre-Proposal Conference will be held on February 27, 2020 at 11:00 am EST for prospective bidders to attend either in-person or by telephone. The Pre-Proposal Conference will be held in-person at the SSG Administrative Offices at 8300 Boone Boulevard, Suite 450, Vienna, VA 22182. The number to dial-in if attending by phone is (515) 604-9097, Passcode No. 151187. Please dial-in at least 5 minutes before the start of the Pre-Proposal Conference. While attendance will not be a prerequisite to submitting a proposal, Offerors who intend to submit a proposal are encouraged to attend.

Please RSVP to seema.jain@vcwnorthern.com by 5:00 pm EST on February 24, 2020.

Questions regarding this solicitation can be submitted to seema.jain@vcwnorthern.com by March 24, 2020. Responses to questions submitted to SSG or asked during the Pre-Proposal Conference will be posted on the SSG website (www.vcwnorthern.com).

Proposers will be notified of selection in May 2020. Funds will become available July 1, 2020.

Submission of Proposals

To be considered for this contract, one (1) original signed copy, five (5) signed and completed copies of the proposal must be received by the SSG offices either by mail or in-person **no later than 5:00 pm EST on March 31, 2020.** All responses should be addressed to:

The *SkillSource* Group, Inc.
Attention: David Hunn, President and CEO
8300 Boone Boulevard, Suite 450
Vienna, VA 22182

All proposals received after that date and time will not be considered and will be returned to the Respondent.

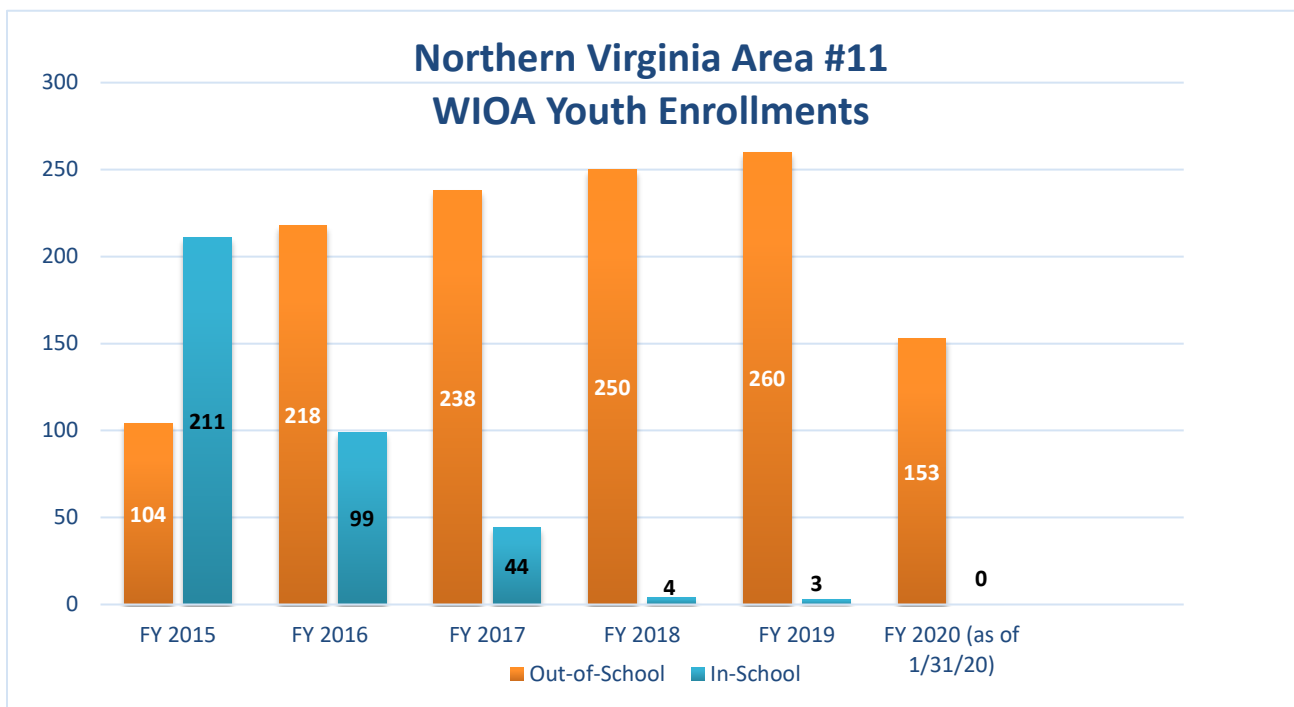
2.0 Background

Virginia Career Works - Northern (VCWN) is one of the largest local workforce areas, based on population, in the Commonwealth of Virginia, serving over two million residents and tens of thousands of businesses in Fairfax, Loudoun, and Prince William counties, and the cities of Fairfax, Falls Church, Manassas and Manassas Park. VCWN and its non-profit fiscal agent, the *SkillSource* Group, Inc. (SSG), have been established to oversee operations of American Job Centers, or Virginia Career Works Centers, and the Workforce System throughout Northern Virginia. The Centers were developed to bring together employment and training services that work with all people in one place and make it easier for job seekers and employers to use these services. Businesses can utilize the Virginia Career Works Centers for recruiting, hiring and

retaining an outstanding workforce. In FY 2019, Virginia Career Works - Northern Centers were visited by nearly 49,000 adults seeking to enter the workforce or to upgrade their skills for a better job.

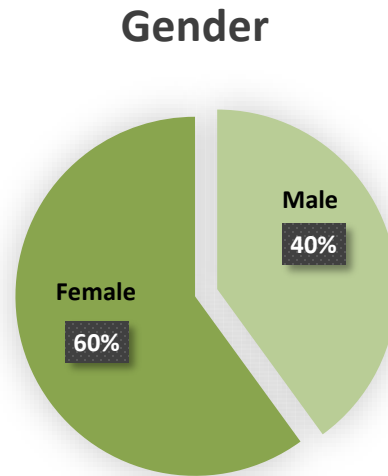
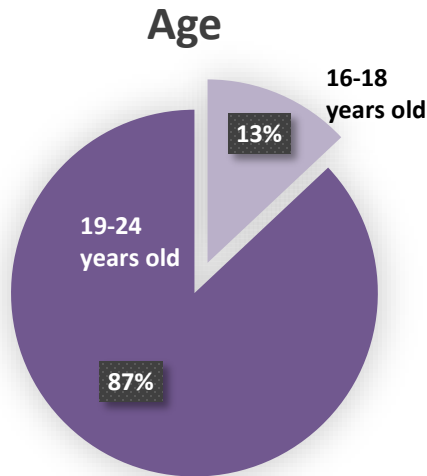
On July 22, 2014, President Barack Obama signed the Workforce Innovation and Opportunity Act (WIOA) into law ([WIOA Public Law 113-128](#)). The law provides guidance to local workforce development boards on their responsibility in meeting workforce challenges including designing a system that will provide opportunities for young adults and youth to be prepared with skills for the current and future labor market. With the youth population, the law emphasizes the need to connect young adults and youth with existing services, education, and employment that will lead to meaningful careers. SSG reserves the right to at any time, modify or adjust eligibility requirements, priorities of service or scope of services based on new policies under the Workforce Innovation and Opportunity Act upon notification from the U.S. Department of Labor Employment and Training Administration. At such time, all contracts will be modified to reflect the new policies.

The Northern Virginia WIOA Youth program is in the top 3-5 largest WIOA Youth programs in the Commonwealth.

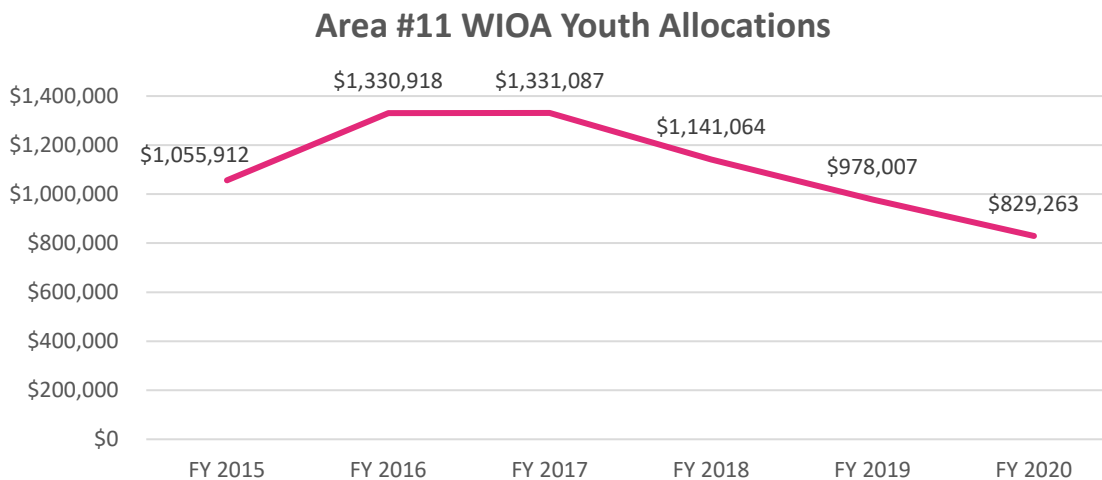


Area #11 has set a priority on Out-of-School Young Adults in its WIOA Youth Program. Currently, 100% of participants in the Northern Virginia Workforce Area's WIOA Youth Program are Out-of-School young adults. Nearly 80% of all WIOA Youth program participants are Basic Skills Deficient and nearly 54% have a documented disability.

The *SkillSource* Group, Inc.
WIOA Youth Program Services in the Northern Virginia Workforce Area #11
February 2020



Since FY 2018, the Area #11 WIOA Youth funding allocations have steadily decreased. The FY 2020 WIOA Youth allocation for Area #11 is \$829,263.



Click on the following links to view current eligibility requirements for the Workforce Innovation and Opportunity Act (WIOA) Youth programs.

[Training and Employment Guidance Letter \(TEGL\) No. 21-16](#)

Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance

[Training and Employment Guidance Letter \(TEGL\) No. 08-15](#)

Second Title 1 WIOA Youth Program Transition Guidance

[Training and Employment Guidance Letter \(TEGL\) No. 23-14](#)

Workforce Innovation and Opportunity Act (WIOA) Youth Program Transition

[Virginia Workforce Letter 15-02](#)

WIOA Eligibility Guidelines

3.0 RFP Response Format

3.1 Instructions

Respondent(s) must complete and submit a two-part proposal consisting of a Technical Proposal and a Business Proposal.

All proposals should clearly demonstrate the Respondent's qualifications and ability to provide the WIOA Youth Program services. **The Technical Proposal should be no longer than twenty (20) pages (double-spaced), excluding Cover Page, Table of Contents, Executive Summary, Business Proposal and Attachments.** Brief proposals are welcomed.

3.2 Formatting Requirements

In order to simplify the review process and obtain the maximum degree of comparison, each Technical Proposal shall be organized as follows:

- Font size: 12 point
- Font style: Times New Roman
- Line spacing: Double-spaced
- Margins: One-inch margins on all sides
- Pages: Single sided
- Page number: Centered at the bottom of each page
- Language: English
- Other: Proposals should not be placed in binders or folders; use one staple or binder clip in the upper left hand corner to secure all pages. Each section should be clearly marked.

3.3 Proposal Guidelines

- **Cover Page** – Includes name, address, phone number, and contact information for the Authorized Representative of the Respondent or company, and if a corporation, when and where incorporated as well as appropriate Federal, State and County Tax ID numbers.
- **Table of Contents** – Includes a table of contents that identifies the material in the proposal by section and page number.
- **Executive Summary** – Includes an executive summary that provides a brief overview of the proposal not to exceed one (1) single-spaced page.

The Technical Proposal shall include the following:

- **Proposer Qualifications** – A description of the organization and staff experience in delivering workforce programs, particularly for young adults, and the services requested. The Offeror should include any past experience implementing WIOA Youth programs. Include resumes of key staff in the Attachments and clearly identify how they will contribute to the provision of services, including their relationship to the contracting organization (full-time, part-time, consultant) and amount of time to be devoted to the project. Describe initial and ongoing training that is provided to staff to ensure at a

minimum an understanding of WIOA legislation, case management tactics, VCWN policies and procedures, customer service, and other internal processes. The Offeror should provide a list of references familiar with the Offeror's past work.

- **Service Area Operations** – Qualified offerors must have the capacity to design, deliver and continuously improve workforce programs for young adults within the seven (7) jurisdictions that comprise the Northern Virginia Workforce Area #11. Offerors are asked to identify the location(s) of its proposed service delivery sites/facilities and provide a description of these site/facilities, including how it will operate within the network of the seven (7) Virginia Career Works Centers. Offerors must demonstrate an understanding of the need for services in the selected jurisdiction, and of the local partners, population, and geographical diversity of the region. It is the intent of the SSG to select offerors that have the ability and capacity to deliver services throughout the entire Northern Virginia Workforce Area #11. If an Offeror proposes to deliver services in selected sites and not in a comprehensive manner, the Offeror must show why that is advantageous to the SSG, the Northern Virginia Workforce Area #11, and the general public to be served by the Offeror.
- **Service Delivery Strategies** – Qualified offerors must submit a proposal that identifies the service delivery strategy for both In-School young adults (ages 14-21) and Out-of-School young adults (ages 16-24). Offerors should provide examples of current or proposed recruitment and retention strategies to attract both populations, particularly Out-of-School young adults, throughout the region.

Offerors must demonstrate the ability to provide long-term comprehensive services to eligible young adults through a collaborative approach with multiple partners (local and State agencies) that provide access to all of the WIOA required program elements for young adults.

Offerors must provide a proposed work plan or strategy for accomplishing each of the tasks identified in Section 4, Scope of Services. Offerors should demonstrate an awareness of the difficulties in the completion of the work and a plan for surmounting them. Offerors should also describe how they intend to track data and measure performance in order to meet the WIOA Performance Benchmarks. SSG is particularly seeking Offerors to identify innovative and proven strategies that emphasize assisting young adults in obtaining Industry Recognized Credentials and placing them into work-based learning opportunities.

- **Collaboration** – Qualified offerors should include at least three (3) employers or employer associations with which they have prior experience working with. Offerors are expected to link extensively with employers, as well as with existing programs and resources in the community, in collaboration with SSG and VCWN.
- **Attachments** – Offerors can attach any other pertinent materials related to their services, such as examples of outreach materials, letters of support, list of references, and any best practices. Attachments are excluded from the 20-page limit.

The Business Proposal shall include the following (excluded from 20-page limit):

- The Business Proposal shall contain the justification for the cost of the services. It shall also contain data adequate to establish the reasonableness of the proposed costs. Delineate personnel costs, travel, supplies, equipment, youth jobseeker training, support services or other expenses, as appropriate, by In-School and Out-of-School Youth. Offerors will be evaluated on their ability to offer high quality services while keeping costs reasonable for the services provided. Offerors should also describe the financial systems in place to operate the programs listed in the RFP and the internal controls present to ensure all costs are allowable and expenditures are tracked for reporting purposes. Offerors will maintain a financial management and accounting system that is sufficient for the accurate and timely accounting and reporting of all financial transactions under the contract.

Federal WIOA legislation mandates that at least 75% of WIOA Youth Program funding must be spent on Out-of-School Youth each year; however, in the spring of 2019, the Commonwealth of Virginia submitted a waiver request to lower the rate to 50%, which was approved by the U.S. Department of Labor on June 24, 2019 ([Virginia Workforce Letter No. 19-08](#)).

A minimum of 20% of WIOA Youth Program funds must be spent on youth work experiences, including summer and year-round employment opportunities, pre-apprenticeship, internships and job shadowing, and on-the-job training. This 20% minimum expenditure level applies for the total of all youth activities spending for both In- and Out-of-School Youth and may include costs for youth stipends, as well as work experience program staffing and management costs ([Virginia Workforce Letter No. 19-07](#)).

Offerors must factor the above WIOA Youth spending mandates into their Business Proposal. The type of contract will be cost reimbursement. All proposers must have enough available resources to operate the proposed program, if funded, during start-up and during the time in which invoices are being processed for payment and until such time payment is received.

4.0 Scope of Services to be Provided by Respondent(s)

4.1 Offerors are requested to submit a proposal that describes, in detail, how their proposed program will provide each of the following activities:

- Delivery and evaluation of the **fourteen (14) program elements** to both In-School and Out-of-School Youth, as required by the Workforce Innovation and Opportunity Act:

1) Tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential. This could consist of high school graduation, receipt of the

GED or of the secondary school certificate of completion, instruction leading to post-secondary prerequisites and industry-recognized credentials.

2) Alternative secondary school services or dropout recovery services. Young adults who are out of school, but still of school age or in school and not progressing satisfactorily in the traditional classroom or through the traditional college bound or vocational curriculum may be returned to school in alternative education programs already in place in the school district, or may be connected to Alternative Adult Education programs as a means to strengthen needed math, reading, technology and communication skills to reach the employment goal, pursue post-secondary education or participate in an alternative education program provided by the Offeror. Such services are expected to lead to attainment of a GED for non-high school completers or to a high school diploma for those in school or returning to traditional school.

3) Paid and unpaid work experiences with an academic and occupational education component. Paid and unpaid work experiences, including internships and job shadowing, should be offered year-round and may be linked to academic and occupational learning or as a stand-alone work experience activity if part of a continuum of services to the young adult. This training can also be delivered through apprenticeships, subsidized work experiences and on-the-job training (OJT), as appropriate, in order to ensure that the youth achieve the employment goal included in the individual service strategy. These work experiences are to provide young adults with practical exposure to the working world and its requirements and opportunities for career exploration and skills development.

The selected Offeror(s) will be expected to operate the annual summer Educating Youth through Employment (EYE) Program, which recruits, screens and matches young adults with professional opportunities in the private sector and other area businesses. Participants are required to attend intensive training workshops before and during their work experiences, which will also be administered by the Offeror.

At least 20% of allocated funds should be spent on Summer Employment and/or Paid and Unpaid Work Experience activities.

All competencies gained and work are to be fully documented and incorporated in competency checklists and learning plans to show the link between the two activities and the employment goal from the service strategy. Successful Offerors are to provide insurance and other necessary protections for the young adults. Adherence to the Virginia Child Labor Laws and work permits for any 14 or 15 year old involved in paid work experience in the public or private sectors are required.

Offerors will be responsible for the development and execution of formal worksite agreements with employers that participate in paid and unpaid work experiences, OJTs, job shadowing and internship activities. This agreement will stipulate the roles and responsibilities of each party and identify the duties and expectations for the job or activity to be provided, as well as, the terms, conditions, stipulations, and assurances related to the

relationship. All such relationships will include supervisors and participant orientations prior to start.

4) Occupational skills training, with a focus on recognized postsecondary credentials and in-demand occupations. This could consist of high school graduation, receipt of the GED or of the secondary school certificate of completion and industry-recognized credentials.

5) Leadership development opportunities. Opportunities that include community service and peer-centered activities that encourage personal responsibility, exposure to post-secondary educational opportunities, life skills training, and other positive social behaviors during non-school hours must be made available. Offerors must ensure that such opportunities are readily available and negotiate such opportunities based on the needs of the individual young adult for personal development. The individual service strategy must show the leadership development activity(s) and the expected outcome.

6) Supportive services. Successful Offerors must either provide or arrange to have provided the services that allow the young adult full participation in the activities included in the service strategy and to achieve the employment and education goals included in the service strategy. The support services may include gas cards, purchase of equipment or clothing, and other supports to allow full participation.

7) Adult mentoring. These programs may be provided and available to any young adult requiring the support and involvement of a responsible, caring adult. Mentoring must be provided during the period of the young adult's involvement in WIOA services and after termination from all WIOA services for a total of not less than 12 months.

8) Follow-up services for at least 12 months after program completion. Follow-up services are required for a period of not less than 12 months for all young adults after completion of participation in all services detailed in the individual service strategy. Follow-up services may include a return to WIOA Career Services through the One Stop Centers or through mentoring and other non-training services.

9) Comprehensive guidance and counseling. These program elements may include drug and alcohol abuse counseling. All young adults receive on-going counseling and case management while participating in WIOA services. Successful Offerors must ensure documentation of the counseling and guidance activities in the records of the young adult through case notes, appointments and other notations.

10) Integrated education and training for a specific occupation or cluster. Offerors will be expected to conduct an objective assessment for the purpose of identifying appropriate services and career pathways for participants that will be built into the Individual Employment Plans for enrolled young adults that identify the specific career pathways to attain the young adult's career objectives.

11) Financial literacy education. Workshops and information on financial literacy and management should be provided to enrolled young adults on topics such as setting financial goals, paying for postsecondary education, and how to make informed financial decisions.

12) Entrepreneurial skills training. Entrepreneurship should be included as an occupational option when developing a young adult's career plan, and entrepreneurial education should be offered to young adults interested in starting their own businesses. Training should help young adults develop an understanding of what it means to be an entrepreneur in order to help them decide whether to pursue entrepreneurship as a career.

13) Services that provide labor market information about in-demand industry sectors and occupations. Offerors should have knowledge of regional labor market information (LMI) resources, including O*NET and www.virginiaworks.com. Other LMI resources should be noted in the proposal.

14) Postsecondary preparation and transition activities. Offerors should provide a plan of how they will contribute to the development of supported career pathways for young adults who need more intensive assistance in navigating the transitions to postsecondary education or attaining occupational training, industry-recognized certifications, and obtaining meaningful employment.

4.2 Outreach and Recruitment for In-School and Out-of-School Young Adults

The Offeror should outline how they will develop and implement a viable outreach and recruitment strategy, particularly for Out-of-School young adults, to result in the enrollment levels identified in the Offeror's proposal. Outreach is expected to be conducted across the entire Workforce Area #11 region, and to multiple target populations, including those outlined in the Eligibility Determination section below, to ensure equal access to the WIOA Youth Program.

4.3 Process for Eligibility Determination

The Offeror will be responsible for the determination, verification and documentation of WIOA eligibility for program participants, maintenance of a formal participant eligibility file and related quality assurance activities. In order to participate in a program funded under this RFP, In-School and Out-of-School Youth must meet the eligibility requirements.

Out-of-School Youth Eligibility Criteria:

- A. Age 16 to 24 and not attending school
- B. Fall within one or more of the following categories:
 - 1. Individual with a disability
 - 2. School dropout
 - 3. Not attended school for at least the most recent complete school year calendar quarter.
 - 4. A high school graduate who is: basic skills deficient; or an English language learner.
 - 5. Offender
 - 6. Homeless, runaway, or foster child
 - 7. Pregnant or parenting

8. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment

In-School Youth Eligibility Criteria:

- A. Age 16 to 21 and attending school
- B. Low-income individual
- C. Fall within one or more of the following categories:
 - 1. Individual with a disability
 - 2. Basic skills deficient
 - 3. English language learner
 - 4. Offender
 - 5. Homeless, runaway, or foster child
 - 6. Pregnant or parenting
 - 7. An individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

In addition to the criteria listed above, all young adults applying for services must meet these additional programmatic requirements:

- 1) Must have complied with the requirements of the Military Selective Service Act by providing documentation to demonstrate compliance with those requirements; and
- 2) Be lawfully eligible to work in the United States.

Up to five (5) percent of young adult participants served may be individuals who do not meet the income criterion for eligible young adults ([Virginia Workforce Letter No. 16-12](#)). These young adults must meet the same eligibility requirements for other young adults listed above, with the following additions:

- 1. Are one or more grade levels below the grade level appropriate to the individual's age, as determined by the appropriate test or school system;
- 2. Face serious barriers to employment. This would include, but not be limited to young adults with disabilities, young adults who are considered at risk due to family situations such as a family history of domestic violence, child abuse, substance abuse or whose siblings are offenders or school drop-outs and young adults for whom English is their second language.

4.4 Assessments to identify skills, competencies and service needs of young adults

At a minimum, assessments should include:

- a) Occupational skills
- b) Prior work experience
- c) Interests
- d) Aptitudes
- e) Support service needs
- f) Developmental needs

Offerors are asked to identify how the results of the assessment will be used to design an individual service strategy that assists a young adult to develop the skills required to gain competence in those skills, reenter an educational setting, remain in a current educational environment, and complete postsecondary education or to identify and obtain employment. SSG currently requires that the CareerScope be used for assessing occupational skills, interests, and aptitudes and the TABE assessment be used to assess basic skills. Assessment instruments appropriate to the population are to be used. Based on the results of the assessment, a determination will be made as to which of the defined fourteen (14) program elements will be needed by the assessed youth. Proposing organizations are responsible for entering into written agreements and establishing viable linkages with community organizations. Young adults are not required to receive all fourteen (14) program elements, just the ones that are needed. In addition to the above, the proposing organization will also be responsible for the administration and evaluation of appropriate pre- and post-tests in order to measure actual performance outcomes for participants, as appropriate to the activity.

4.5 Development of Individual Service Strategies and ongoing case management

Offerors will be responsible for the development and documentation of an Individual Service Strategy (ISS) for each participant based on the results of the assessment. This document will identify the participant's short and long term goals, specific plan of activities and services to attain the goals, identification of any applicable barriers and resolutions and required supportive services. The ISS is to be periodically reviewed with the participant and adjusted, as warranted, and is to be developed within thirty (30) days of the date of program enrollment and reviewed every sixty (60) days thereafter. Offerors will be expected to maintain a formal participant eligibility file and will be subject to periodic case file monitoring reviews.

The offeror will be responsible for maintaining participant enrollment and service activity and outcome records, and documenting and verifying applicable performance metrics. The offeror also will be responsible for directly entering such information into the Virginia Workforce Connection (VaWC) case management system on a regular and ongoing basis. The offeror should describe the development and management of quality control processes to ensure continuous improvement, including, but not limited to, internal monitoring of performance tracking and compliance with Federal and State guidelines. Comprehensive program reports will be provided to SSG on a monthly basis.

4.6 Follow-Up

The successful offeror is expected to provide services to young adults through the completion of the participant's service plan, which includes the minimum 12 months of follow-up services.

4.7 Capacity to support the Northern Virginia One-Stop system approach to the delivery of services and how young adults will be connected to utilize and benefit from the services available at each Virginia Career Works Center.

In the interest of establishing a seamless delivery of services, outreach and recruitment functions associated with the delivery of any proposed WIOA Youth Program activities must be coordinated and may be co-located out of the Virginia Career Works - Northern Centers.

4.8 Pay-for-Performance Strategy

The Federal WIOA legislation includes provisions regarding Pay for Performance (P4P) strategies, which allows local workforce development boards to focus on longer-term strategies for improving outcomes through a focus on evidence-based interventions and outcomes-based payments. In July 2017, the *SkillSource* Group, Inc. and Virginia Career Works - Northern, in collaboration with its WIOA Youth Program Operator, launched the first WIOA P4P project, called Northern Virginia Team Independence (NVTI), with the goal to increase the number of justice-involved and foster care youth enrolled in the WIOA Youth Program. The P4P contracting strategy resulted in significant increases of adjudicated and foster care young adults in the Area #11 WIOA Youth Program.

The Offeror should provide details regarding any experience with Pay-for-Performance, and their willingness to take part in future Pay-for-Performance contracting with the WIOA Youth Program.

4.9 Proposed Outcomes

Offerors must include a chart similar to the one provided below that identifies the numbers to be served, placed into employment, and cost per participant for both In-School and Out-of-School young adults.

Program	Estimated Number to be Served	Estimated Number to be Placed	Estimated Cost per participant
In-School Youth			
Out-of-School Youth			

Under WIOA, there are five (5) performance measures for the WIOA Youth program. The proposer must be able to meet or exceed all performance measures. The current PY 2019 performance levels negotiated with the Virginia Community College System (VCCS) can be found below. Past performance for the Northern Virginia WIOA Youth Program can be located in Attachment B.

Workforce Area #11 Youth Performance Measures – VCCS Approved Levels PY 2019

WIOA Youth Performance Measure	Negotiated Level
Employment 2nd Quarter after Exit	66.00%
Employment 4th Quarter after Exit	62.80%
Median Earnings 2nd Quarter after Exit	Baseline
Credential Attainment within 1 year	70.00%
Measurable Skills Gain	Baseline

5.0 Insurance

5.1 The Contractor will be responsible for its work and every part thereof, and for all materials, tools, equipment, appliances, and property of any and all description used in connection therewith whether owned by the contractor or by the SSG. The contractor assumes all risks of direct and indirect damage or injury to any person or property wherever located, resulting from any action, omission, commission or operation under the contract, or in connection in any way whatsoever with the contracted work.

5.2 The Contractor shall, during the continuance of all work under the Contract provide the following:

- a. Maintain statutory Worker's Compensation and Employer's Liability insurance in limits of not less than \$100,000 to protect the Contractor from any liability or damages for any injuries (including death and disability) to any and all of its employees, volunteers, or subcontractors, including any and all liability or damage which may arise by virtue of any statute or law in force within the Commonwealth of Virginia, or which may be hereinafter enacted.
- b. The Contractor agrees to maintain Comprehensive General Liability insurance in the amount of \$1,000,000 per occurrence, to protect the contractor, its subcontractors, and the interest of the VCWN/SSG, against any and all injuries to third parties, including bodily injury and personal injury, wherever located, resulting from any action or operation under the contract or in connection with contracted work. The General Liability insurance shall also include the Broad Form Property Damage endorsement, in addition to coverage's for explosion, collapse, and underground hazards, where required.
- c. The Contractor agrees to maintain owned, non-owned, and hired Automobile Liability insurance, in the amount of \$1,000,000 per occurrence, including property damage, covering all owned, non-owned borrowed, leased, or rented vehicles operated by the Contractor. In addition, all mobile equipment used by the Contractor in connection with the contracted work will be insured under either a standard Automobile Liability policy, or a Comprehensive General Liability policy.
- d. The Contractor agrees to maintain insurance in the amount of \$1,000,000 to cover each individual staff.
- e. The Contractor agrees to maintain liability insurance in the amount of \$1,000,000 to cover its operations.
- f. Liability insurance may be arranged by General Liability and Automobile Liability policies for the full limits required, or by a combination of underlying Liability policies for lesser limits with the remaining limits provided by an Excess or Umbrella Liability policy.
- g. The Contractor agrees to provide insurance issued by companies admitted within the Commonwealth of Virginia, with the Best's Key Rating of at least A: VI.
- h. The only exceptions to this are insurers of the London Syndicate and other recognized British and European insurers who are not rated by Best Guide.

Hold-harmless and Indemnification: Contractor shall indemnify, keep and save harmless the SSG/VCWN, its agents, officials, employees and volunteers against claims of injuries, death, damage to property, patent claims, suits, liabilities, judgments, costs and expenses which may otherwise accrue against

the SSG/VCWN in consequence of the granting of a contract or which may otherwise result therefore, if it shall be determined that the act was caused through negligence or error, or omission of the Contractor or his or her employees, or that of the subcontractor or his or her employees, if any; and the Contractor shall, at his or her own expense, appear, defend, and pay all charges of attorneys and all costs and other expenses arising therefore or incurred in conjunction therewith; and if any judgment shall be rendered against the SSG/VCWN in any such action, the Contractor shall, at his or her own expense, satisfy and discharge the same. Contractor expressly understands and agrees that any performance bond or insurance protection required by this contract, or otherwise provided by the Contractor, shall in no way limit the responsibility to indemnify, keep and save harmless and defend the SSG/VCWN as herein provided.

The Contractor will provide an original, signed Certificate of Insurance and such endorsements as prescribed herein, and shall have it filed with the VCWN/SSG before any work is started.

- i. If the Contractor delivers services from a County or VCWN/SSG-leased facility, the Contractor is required to carry personal property insurance on all equipment installed and maintained on the premises.

5.3 No change, cancellation, or non-renewal shall be made in any insurance coverage without a forty-five day written notice to the SSG. The Contractor shall furnish a new certificate prior to any change or cancellation date. The failure of the Contractor to deliver a new and valid certificate will result in suspension of all payments until the new certificate is furnished.

5.4 Precaution shall be exercised at all times for the protection of persons (including employees) and property.

5.5 VCWN/SSG, its employees and officers shall be named as an additional insured in the Automobile, General Liability and Professional Liability policies and it shall be stated on the Insurance Certificate with the provision that this coverage is primary to all other coverage the VCWN/SSG may possess.

5.6 If an “ACORD” Insurance Certificate form is used by the Contractor’s Insurance agent, the words, “endeavor to” and “... but failure to mail such notice shall impose no obligation or liability of any kind upon the company” in the “Cancellation” paragraph of the form shall be deleted.

6.0 Monitoring

6.1 SSG staff will institute monitoring activities as are reasonably needed to ensure that this contract is performed in accordance with its provisions.

7.0 News Releases by Contractors

7.1 The SSG does not endorse the products or services of a contractor. News releases concerning any resultant contract from this solicitation will not be made by a contractor without the prior written approval of the SSG.

8.0 Access to and Inspection of Work

8.1 SSG staff shall, at all reasonable times, have access to the work being performed under this agreement, wherever it may be in progress or preparation.

9.0 Equal Opportunity and Non-Discrimination

Equal Opportunity: Section 188 of the Workforce Innovation and Opportunity Act of 1998 (WIOA) prohibits discrimination against all individuals in the United States on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship or participation in any WIOA Title I-financially assisted program or activity. Prohibitions against discrimination are made on the basis of the following:

1. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color, and national origin, which includes discrimination affecting persons with limited English proficiency;
2. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
3. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
4. And Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in education programs.

If applicable, the grantee will be expected to provide an explanation of the client's rights and protections under 29 CFR Part 38. The grantee will also provide a copy of Virginia's Equal Opportunity Notice (English or Spanish version) to the client and maintain a copy in the client file.

The grantee shall comply with Section 188 of the Workforce Innovation and Opportunity Act, and Title VI of the Civil Rights Act as noted above, as well as guidance regarding services and access for persons with limited English proficiency, to the extent they apply to the subject matter of this contract. Specific guidance is provided at Part IV, Department of Labor Federal Register/Volume 68, No. 103, issued Thursday, May 29, 2003, and Department of Health and Human Services Federal Register/Volume 65, No. 169, August 30, 2000 and Department of Health and Human Services Federal Register Volume 68, Number 153, August 8, 2003.

10.0 Evaluation Process

10.1 A Review Panel assembled by the SSG will evaluate proposals as described in the following table:

Criterion	Weighted %
Cover page (1 page limit)	0%

Table of Contents (1 page limit)	0%
Executive Summary (1 page limit)	0%
Overall quality of the Technical Proposal	40%
Experience of the Respondent in Providing WIOA Youth Program Services	25%
Reasonableness of Business Proposal	35%

10.2 Upon receipt of the Technical and Business proposals, the Review Panel will evaluate the responses and rank the Respondent(s). SSG reserves the right to waive any informalities and to reject all proposals in whole or in part.

11.0 Contract Award and Details

11.1 The period of this contract shall be from July 1, 2020 through June 30, 2021. This contract may be renewed, upon agreement of both parties, for an additional four (4) one-year renewals.

11.2 The subsequent contract will be a contract based on a comprehensive program proposal, including personnel and operating costs. Subsequent year contracts will be negotiated based on available WIOA Youth Program funding allocations from the U.S. Department of Labor and the Virginia Community College System. Any additional work will be discussed in the future and price will be negotiated at that time.

11.3 Payments will be made by the SSG to the Contractor after acceptance of a properly completed invoice. Reimbursement requests should be separated by In-School and Out-of-School Youth expenses, must include documentation that the expense has already occurred and provide supporting documentation before reimbursements will be honored. The Invoices should be sent via email to david.hunn@vcwnorthern.com no later than 15 days after the last day of the month that services took place. Payment will be made by SSG within 30 days of receipt of completed invoices from the Contractor.

12.0 Addenda to this Request for Proposal

The SSG may, at any time, by written order, require changes in the services to be performed by the Respondent. If it becomes necessary to revise any part of this RFP, an addendum will be posted on the SSG's website (www.vcwnorthern.com). Any clarification, including responses to questions, will also be posted on the SSG website.

13.0 Right to Cancel

The SSG reserves the right to delay, amend, reissue, or cancel all or any part of this RFP at any time without prior notice. The SSG also reserves the right to modify the RFP process and timeline as deemed necessary.

14.0 Attachments

The following attachments are included in this RFP:

- **Attachment A** **Map of Virginia Career Works - Northern Centers**
- **Attachment B** **Summary of Area #11 WIOA Youth Program Performance**
- **Attachment C** **PY 2019 Federal Award Terms and Conditions**

Attachment A - Map of Virginia Career Works - Northern Centers



Attachment B - Summary of Past Area #11 WIOA Youth Program Performance

PY 2018 Annual		
LWDA 11		
WIOA Youth	Negotiated Level	Actual Performance
Employment 2nd Quarter after Exit	66.00%	69.90%
Employment 4th Quarter after Exit	62.80%	68.90%
Median Earnings 2nd Quarter after Exit	Baseline	\$3,617.00
Credential Attainment within 1 year	70.00%	73.70%
Measurable Skills Gain	Baseline	75.60%

PY 2017 Annual		
LWDA 11		
WIOA Youth	Negotiated Level	Actual Performance
Employment 2nd Quarter after Exit	63.00%	65.2%
Employment 4th Quarter after Exit	60.00%	75.7%
Median Earnings 2nd Quarter after Exit	Baseline	\$2,836.00
Credential Attainment within 1 year	68.00%	83.3%
Measurable Skills Gain	Baseline	28.6%

Workforce Innovation and Opportunity Act (WIOA) Programs Adult/Dislocated Worker/Youth – PY 2019/FY 2020 Federal Award Terms

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1. Order of Precedence

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

- I. Workforce Innovation and Opportunity Act (WIOA) Adult, Dislocated Worker and Youth Activities Program Allotments for Program Year (PY) 2019, as transmitted via Training and Employment Guidance Letter (TEGL) No. 16-18.
- II. Other applicable Federal statutes.
- III. Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2019 (P.L. 115-245).
- IV. Implementing Regulations.
- V. Executive Orders.
- VI. OMB Circulars, including the Uniform Guidance at 2 CFR 200 and 2900.
- VII. DOL-ETA Directives.
- VIII. Terms and conditions of this award.

2. Notice of Award

a. Formula awards (WIOA)

The funds that are provided under this Notice of Award must be expended according to all applicable Federal statutes, regulations and policies, including those of the Workforce Innovation and Opportunity Act; the applicable approved State WIOA plan including approved modifications and amendments to the plan, and any waiver plan approved under WIOA Sec. 189(i)(3) or Workforce Flexibility (Workflex) plan approved under WIOA Sec. 190; the negotiated performance levels and policies established pursuant to the Secretary's authority under WIOA Section 116; and the applicable provisions in the appropriations act(s).

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

3. Federal Project Officer

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

Name: Michael Toops

Telephone: 215-861-5127

E-mail: Toops.Michael.E@dol.gov

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

4. Return of Funds

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

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

5. Evaluation, Data, and Implementation

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

6. Resources and Information

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

7. Cost Limitation Restrictions

a. Administrative Costs

Under the Workforce Innovation and Opportunity Act, administrative costs are defined and discussed in 20 CFR 683.215. States receiving WIOA formula funds are limited to spending no more than 5 percent of their annual allotment on administrative costs. Local areas are limited to spending no more than 10 percent of their annual allocation on administrative costs. Flexibility is provided to states and local areas in the statute by allowing administrative funds from the three formula funding streams awarded under subtitle B to be pooled and used together for administrative costs for any of the three programs, at the State and locals' discretion

b. Consultants

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

c. Travel

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

d. Travel – Foreign

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

e. Travel – Mileage Reimbursement Rates

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

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

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

f. WIOA Infrastructure

WIOA sec. 121(b)(1)(B) and 20 CFR 678.400 require the following programs to be One-Stop partners: A. WIOA title I programs: Adult, Dislocated Worker, and Youth formula programs; Job Corps; YouthBuild; Native American programs; National Farmworker Jobs Program (NFJP); B. Wagner-Peyser Act Employment Service (ES) program authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as amended by WIOA title III; C. Senior Community Service Employment Program (SCSEP) authorized under title V of the Older Americans Act of 1965; D. Trade Adjustment Assistance (TAA) activities authorized under chapter 2 of title II of the Trade Act of 1974; E. Unemployment Compensation (UC) programs; F. Jobs for Veterans State Grants (JVSF) programs authorized under chapter 41 of title 38, U.S.C.; and G. Reentry Employment Opportunities (REO) programs (formerly known as Reintegration of Ex-Offenders Program (RExO) authorized under sec. 212 of the Second Chance Act of 2007 (42 U.S.C. 17532) and WIOA sec. 169.

With the exception of Native American programs established under WIOA sec. 166, all One-Stop partner programs including all programs that are funded under title I of WIOA are required to contribute to the infrastructure costs and certain additional costs of the One-Stop delivery system in proportion to their use and relative benefits received as required in 20 CFR 678.700 and 678.760. While Native American programs are not required to contribute to infrastructure costs per WIOA 121(h)(2)(D)(iv), they are strongly encouraged to contribute as stated in TEGL 17-16. The sharing and allocation of infrastructure costs between One-Stop partners is governed by WIOA sec. 121(h), WIOA's implementing regulations, and the Federal Cost

Principles contained in the Uniform Guidance at 2 CFR part 200 and DOL's exceptions at 2 CFR part 2900. The Federal Cost Principles state that a partner's contribution is an allowable, reasonable, necessary, and allocable cost to the program and is consistent with other legal requirements.

8. Administrative Requirements

a. Assurances and Certifications

The signed SF-424, Application for Federal Assistance, has been included as an attachment to this grant. The individual that signed the SF-424 on behalf of the applicant is considered the Authorized Representative of the applicant. As stated in block 21 of the SF-424 form, the signature of the Authorized Representative on the SF-424 certifies that the organization is in compliance with the Assurances and Certifications form SF-424B (available at <http://apply07.grants.gov/apply/forms/sample/SF424B-V1.1.pdf>). **You do not need to submit the SF-424B form separately.**

b. Audits

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

c. Changes in Micro-purchase and Simplified Acquisition Thresholds

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

d. Closeout/Final Year Requirements

At the end of the grant period, the award recipient will be required to close the grant with the ETA. As the award recipient, your organization will be notified approximately 15 days prior to the end of the period of performance that the closeout process will begin once the grant ends. The information concerning the recipient's responsibilities at closeout may be found at 2 CFR 200.343. During the closeout process, the grantee must be able to provide documentation for all direct and indirect costs that are incurred. For instance, if an organization is claiming indirect costs, the documentation that is required is a Negotiated Indirect Cost Rate Agreement or Cost Allocation Plan issued by the grantee's Federal cognizant agency. Documentation for those approved to utilize a de minimis rate for indirect costs is demonstrated through the grant

agreement. Not having documentation for direct or indirect costs will result in costs being disallowed and subject to debt collection. The only liquidation that can occur during closeout is the liquidation of accrued expenditures (NOT obligations) for goods and/or services received during the grant period (2 CFR 2900.15).

e. Equipment

The requirement that grant recipients obtain prior approval from the Federal Grantor agency for all purchases of equipment (as described in 2 CFR 200.439) is waived in accordance with 2 CFR 200.308(c)(4) and 20 CFR Part 683.200, and approval authority is delegated to the Governor for programs funded under sec. 127 or sec. 132 of WIOA or under the Wagner-Peyser Act. Notwithstanding this waiver, the Grantor reserves the right to reimpose the requirement of prior approval by the Grantor, after providing advance notice to the State (Grantee).

f. Federal Funding Accountability and Transparency Act (FFATA)

1. Reporting of first-tier subawards.

- I. *Applicability.* Unless your organization is exempt as provided in paragraph [4.] of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph [5.] of this award term).
- II. *Where and when to report.*
 - I. You must report each obligating action described in paragraph [1.i.] of this award term to <https://www.fsrs.gov>.
 - II. For subaward information, you must report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
- III. *What to report.* You must report the information about each obligating action that the submission instructions posted at <https://www.fsrs.gov> specify.

2. Reporting Total Compensation of Recipient Executives.

- I. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—
 - I. the total Federal funding authorized to date under this award is \$25,000 or more;
 - II. in the preceding fiscal year, you received—
 - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
- III. The public does not have access to information on the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to

the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <https://www.sec.gov/answers/excomp.htm>.)

- II. *Where and when to report.* You must report executive total compensation described in paragraph [2.a.] of this award term:
 - a. As part of your registration profile at <http://www.sam.gov>.
 - b. By the end of the month following the month in which this award is made, and annually thereafter.
3. Reporting of Total Compensation of Subrecipient Executives.
 - I. *Applicability and what to report.* Unless you are exempt as provided in paragraph [4.] of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—
 - I. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - II. The public does not have access to information on the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <https://www.sec.gov/answers/execomp.htm>.)
 - II. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph [3.a] of this award term:
 - I. To the recipient.
 - II. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.
4. Exemptions
If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:
 - a. Subawards, and
 - b. The total compensation of the five most highly compensated executives of any subrecipient.
5. Definitions.
For purposes of this award term:
 - a. *Entity* means all of the following, as defined in 2 CFR part 25:
 - I. A Governmental organization, which is a State, local government, or Indian tribe;

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

g. Intellectual Property Rights

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

otherwise. Federal funds may not be used to pay any royalty or license fee for use of a copyrighted work, or the cost of acquiring by purchase a copyright in a work, where the Department has a license or rights of free use in such work, although they may be used to pay costs for obtaining a copy which is limited to the developer/seller costs of copying and shipping. If revenues are generated by selling products developed with grant funds, including intellectual property, these revenues are considered as program income. Therefore, program income must be used in accordance with the provisions of this grant award and 2 CFR 200.307.

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

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

h. Pay for Performance Contract Strategies

Pay for Performance (PFP) contract strategies seek to maximize the likelihood that the Federal government pays only for services that are demonstrably effective, and secures performance results at a lower cost. The Workforce Innovation and Opportunity Act (WIOA) has authorized PFP as a discretionary activity in WIOA Title I Adult, Dislocated Worker, and Youth programs:

WIOA, Public Law No. 113-128, enacted July 22, 2015, available at <https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf>, Sections 3(47); 116(d)(2)(K), which references 116(b)(2)(A); 116(d)(6)(D); 116(h); 128(b); 133(b); 129(c)(2); 134(a)(3)(A)(xiv), which references 134(d)(1)(A)(iii); 134(c)(3) and 134(c)(3)(G)(ii)(VI) specifically; and 189(g)(2)(D)

A state may request no more than 10 percent of the total local adult and dislocated worker allocations be reserved and used on the implementation of WIOA PFP contract strategies for adult training services described in sec. 134(c)(3) of WIOA. No more than 10 percent of the local youth allocation can be reserved and used on the implementation of WIOA PFP contract strategies for youth training services and other activities described in sec. 129(c)(2) of WIOA. Section 189(g)(2)(D) of WIOA authorizes funds used for WIOA PFP contract strategies are available until expended.

A forthcoming Training and Employment Guidance Letter (TEGL) will provide information and procedural requirements on the implementation of PFP Contract Strategies using the WIOA formula funding streams. After the PFP TEGL is published, this grant will be modified to incorporate the PFP Federal Award Terms, which would become effective when a state has received approval of a grant modification request to implement PFP.

i. Personally Identifiable Information

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

j. Pre-Award

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

k. Procurement

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

l. Program Income

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

m. Publicity

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

n. Recipient Integrity and Performance Matters

1. If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the award recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.
2. Proceedings about which you must report. Submit the information required about each proceeding that:
 - a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
 - b. Reached its final disposition during the most recent 5-year period; and
 - c. Is one of the following:
 - I. A criminal proceeding that resulted in a conviction, as defined in paragraph 5. of this award term
 - II. A civil proceeding that resulted in a finding of fault and liability and paying a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - III. An administrative proceeding, as defined in paragraph 5. of this award term, that resulted in a finding of fault and liability and your payment of either monetary fine or penalty of \$5,000 or more or a reimbursement, restitution, or damages in excess of \$100,000; or
 - IV. Any other criminal, civil, or administrative proceeding if:
 - (A) It could have led to an outcome described in paragraph 2.c.I, II, or III of this award term;
 - (B) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - (C) The requirement in this award term to disclose information about the proceeding does not conflict with applicable laws and regulations.
3. Reporting procedures. Enter in SAM Entity Management area (formerly CCR), or any successor system, the FAPIS information that SAM requires about each proceeding described in paragraph 2. of this award term. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM (formerly CCR) because you were required to do so under Federal procurement contracts that you were awarded.
4. Reporting frequency. During any period of time when you are subject to the requirement in paragraph 1. of this award term, you must report FAPIS information through SAM no less frequently than semiannually following your initial report of any proceedings for the most

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

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

o. Reports

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

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

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

p. Requirements for Conference and Conference Space

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

q. Subawards

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

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

r. Supportive Services & Participant Support Costs

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

s. System for Award Management

1. Requirement for System of Award Management (SAM)

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

2. Requirement for unique entity identifier

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

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

3. Definitions

For purposes of this award term:

- i. *System of Award Management (SAM)* is the Federal repository where award recipients register to do business with the U.S. government. Additional information about registration procedures may be found at the SAM Internet site (currently at <http://www.sam.gov>).
- ii. *Unique entity identifier* means the code that is unique to a registered entity in order to complete its registration on SAM.
- iii. *Entity*, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
 - a. A Governmental organization, which is a State, local government, or Indian Tribe;
 - b. A foreign public entity;
 - c. A domestic or foreign nonprofit organization;

- d. A domestic or foreign for-profit organization; and
- e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

iv. *Subaward*:

- a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).
- c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

v. *Subrecipient* means an entity that:

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

t. SAM Registration Validation

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

u. Vendor/Contractor

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

9. Program Requirements

The Training and Employment Guidance Letter (TEGL) No. 16-18 outlines the program requirements for this award.

10. 2019 Federal Appropriations Requirements

Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriatons Act, 2019 (P.L. 115-245)

a. Fair Labor Standards Act Amendment for Major Disasters

The Fair Labor Standards Act of 1938 (“FLSA”) will apply as if the following language was added to section 7 (the “Maximum Hours Worked” section). This language specifically relates to occurrences of a major disaster (as declared or designated by the State or Federal government) and are applied for a period of two years afterwards. The language is as follows:

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

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

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

“(C) whose duties include any of the following:

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

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

“(iv) negotiating settlements; or

“(v) making recommendations regarding litigation.

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

“(3) For purposes of this subsection—

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

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

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

b. Health Benefits Coverage for Contraceptives

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

In implementing this section, any plan that enters into or renews a contract may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individuals’ religious

beliefs or moral convictions. Nothing in this term shall be construed to require coverage of abortion or abortion related services.

c. Privacy Act

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

d. Prohibition on Contracting with Corporations with Felony Criminal Convictions

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

e. Prohibition on Contracting with Corporations with Unpaid Tax Liabilities

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

f. Prohibition on Procuring Goods Obtained Through Child Labor

No funds may be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries identified by the DOL prior to December 18, 2015. DOL has identified these goods and services here: <http://www.dol.gov/ilab/reports/child-labor/list-of-products/index-country.htm>.

g. Prohibition on Providing Federal Funds to ACORN

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

h. Reporting of Waste, Fraud and Abuse

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

i. Requirement for Blocking Pornography

No Federal funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

j. Requirement to Provide Certain Information in Public Communications

When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all non-Federal entities receiving Federal funds shall clearly state:

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

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

k. Restriction on Health Benefits Coverage for Abortions

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

l. Restriction on Lobbying/Advocacy

No federal funds may be used by a grant recipient, other than for normal and recognized executive-legislative relationships, to engage in lobbying or advocacy activities (including publicity or propaganda purposes or for the preparation of any publication or electronic communication) designed to support or defeat the enactment of federal, state, or local legislation, regulation, appropriations, order, or other administrative action, except in presentation to Congress or a State or local legislature itself or for participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

m. Restriction on the Promotion of Drug Legalization

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.

n. Restriction on Purchase of Sterile Needles or Syringes

No Federal funds shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug.

o. Salary and Bonus Limitations

Recipients and subrecipients shall not use funds to pay the salary and bonuses of an individual, either as direct costs or as indirect costs, at a rate in excess of Executive Level II. The Executive Level II salary may change yearly and is located on the OPM.gov website (<http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2016/executive-senior-level>). The salary and bonus limitation does not apply to contractors (vendors) providing goods and services as defined in 2 CFR 200.330. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs. See Training and Employment Guidance Letter No. 5-06 for further clarification, available at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2262

11. Public Policy

a. Architectural Barriers

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

b. Drug-Free Workplace

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

c. Executive Orders

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

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

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

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

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

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

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

d. Flood Insurance

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

e. Hotel-Motel Fire Safety

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

f. Prohibition on Trafficking in Persons

1. Trafficking in persons.

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

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

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

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

- (A). Is determined to have violated a prohibition in paragraph a.1 of this award term; or
- (B). Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—
 - i. Associated with performance under this award; or
 - ii. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 CFR Part 2998.

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

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

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

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

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

c. Provisions applicable to any recipient.

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

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

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

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

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

d. Definitions. For purposes of this award term:

I. “Employee” means either:

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

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

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

III. “Private entity”:

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

(B). Includes:

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

ii. A for-profit organization.

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

g. Veterans' Priority Provisions

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

12. Attachments