

**U.S. DEPARTMENT OF LABOR  
EMPLOYMENT AND TRAINING  
ADMINISTRATION (DOL/ETA)**

**NOTICE OF  
AWARD (NOA)**

Under the authority of the **29 U.S. Code Title 29, (Sections 11-16) and Consolidated Appropriations Act, FY2021, P.L. 116-20** this grant or agreement is entered into between the above named **Grantor Agency** and the following named **Awardee**, for a project entitled - **Fostering Access, Rights, and Equity (FARE) 2021**.

**Name & Address of Awardee:**  
HIGHER EDUCATION COORDINATING COMMISSION  
3225 25TH ST SE  
SALEM, OREGON 97302-1133

**Federal Award Id. No. (FAIN):** WB-36957-21-60-A-41  
**CFDA #:** 17.700- Women's Bureau  
**Amount:** \$350,000.00  
**EIN:** 371737848  
**DUNS #:** 117891496

**Accounting Code:**

1630-2021-2501652121AD20210165000721MWB000M0000MWB000MWB000-M94024-410043-DM-DEFAULT  
TASK-

**Payment Management System DOC#:** WB36957C50

The Period of Performance shall be from **September 30, 2021 thru March 31, 2023**.  
Total Government's Financial Obligation is **\$350,000.00** (unless other wise amended).

Payments will be made under the Payments Management System, and can be automatically drawn down by the awardee on an as needed basis covering a forty-eight (48) hour period.

to award new funding in accordance with FOA-WB-21-02.

In performing its responsibilities under this grant agreement, the awardee hereby certifies and assures that it will fully comply with all applicable Statute(s), and the following regulations and cost principles, including any subsequent amendments:

**Uniform Administrative Requirements, Cost Principles, and Audit Requirements:**

2 CFR Part 200; Uniform Administrative Requirements, Cost Principles, and Audit Requirements; Final Rule  
2 CFR Part 2900; DOL Exceptions to 2 CFR Part 200;

**Other Requirements (Included within this NOA):**

Condition(s) of Award (if applicable)  
Federal Award Terms, including attachments

**Contact Information**

The Federal Project Officer (FPO) assigned to this grant is Patricia Humphlett. Patricia Humphlett will serve as your first line point of contact and can be contacted via e-mail - [humphlett.patricia@dol.gov](mailto:humphlett.patricia@dol.gov). If your FPO is not available, please call your Regional Office at 415-625-7900 for assistance.

The awardee's signature below certifies full compliance with all terms and conditions as well as all applicable Statutes(s), grant regulations, guidance, and certifications.

Signature of Approving Official - **AWARDEE**

Signature of Approving Official - **DOL / ETA**

Digital Signature

**See SF-424 for Signature**  
**No Additional Signature Required**

**Charles Cox**, September 21, 2021  
GRANT Officer

# Fostering Access, Rights, and Equity (FARE) - 2021

## TERMS AND CONDITIONS

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## 1. Order of Precedence

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

- I. Fair Labor Standards Act, 29 U.S.C. §13
- II. Other applicable Federal statutes.
- III. Consolidated Appropriations Act 2021 (Public Law 116-260) dated December 27, 2020.
- IV. Implementing Regulations.
- V. Executive Orders and Presidential Memoranda.
- VI. The Office of Management and Budget (OMB) Guidance, including the Uniform Guidance at 2 CFR 200 and 2900.
- VII. The U.S. Department of Labor (DOL)/Employment and Training Administration (ETA) Directives.
- VIII. Terms and conditions of this award.

## 2. Notice of Award

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

## 3. Funding Opportunity Announcement

The Funding Opportunity Announcement (FOA) and any amendments found <https://www.grants.gov/web/grants/view-opportunity.html?oppId=334178> are hereby incorporated into this NOA. Award recipients are bound by the authorizations, restrictions, and requirements contained in the FOA. Therefore, the expenditure of grant funds by the award recipient certifies that your organization has read and will comply with all the parts that are contained in the NOA.

## 4. Administrative Law Judge Removal of Award

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

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

## 5. Federal Project Officer

The DOL/ETA Federal Project Officer (FPO) for this award is indicated on the Notice of Award.

The FPO is not authorized to change any of the terms or conditions of the award, or approve prior approval requests. Any changes to the terms or conditions or prior

approvals must be approved by the Grant Officer through the use of a formally executed award modification process.

## 6. Indirect Cost Rate and Cost Allocation Plan

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

If the DOL serves as the Federal Cognizant Agency (FCA) for the grant award recipient, then the grant recipient must work with DOL's Cost & Price Determination Division (CPDD), which has delegated authority to negotiate and issue a Negotiated Indirect Cost Rate Agreement (NICRA) or Cost Allocation Plan (CAP) on behalf of the Federal Government. More information about the DOL's CPDD is available at <https://www.dol.gov/agencies/oasam/centers-offices/office-of-the-senior-procurement-executive/cost-price-determination-division>. This website has guidelines to develop indirect cost rates, links to the applicable cost principles, and contact information. The CPDD also has Frequently Asked Questions to provide general information about the indirect cost rate approval process and due dates for provisional and final indirect cost rate proposals at <https://www.dol.gov/agencies/oasam/centers-offices/office-of-the-senior-procurement-executive/cost-price-determination-division/faq>.

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

  X A. A federally approved NICRA or federally approved CAP covering a portion of the grant period of performance is attached.

Regarding only the NICRA:

- (1) Indirect Rate approved: **see attachment E**
- (2) Type of Indirect Cost Rate: **see attachment E**
- (3) Allocation Distribution Base: **see attachment E**
- (4) Current beginning and ending period applicable to rate: **see attachment E**

Estimated Indirect Costs are shown on the SF-424A budget form.

     B. (1)          The provided NICRA or CAP approved by the FCA does not cover a portion of the period of performance, or

(2) \_\_\_\_\_ Indirect costs are being claimed on the SF-424A, however an indirect cost rate proposal or CAP has not yet been submitted

**URGENT NOTICE:** Estimated indirect costs have been specified on the SF-424A, Section B, Object Class Category “j”, however only \$*[If B is not selected, enter N/A. If B is selected, enter the de minimis rate of 10% of Modified Total Direct Costs (MTDC)]* will be released to support the indirect costs in the absence of a NICRA or CAP approved by the FCA. The remaining funds which have been awarded for Indirect Costs are restricted and may not be used for any purpose until the recipient provides a signed copy of the NICRA or CAP and receive documentation stating that the restriction is lifted by the Grant Officer. Upon receipt of the NICRA or CAP, the Grant Officer will issue a grant modification to the award to remove the restriction on those funds.

As the grant award recipient, the grant recipient must submit an indirect cost rate proposal or CAP. If the FCA for indirect costs is DOL, these documents should be submitted to the DOL’s Cost & Price Determination Division (CPDD) (see <https://www.dol.gov/agencies/oasam/centers-offices/office-of-the-senior-procurement-executive/cost-price-determination-division> ). Otherwise, they should be submitted to the grant award recipient’s FCA. Alternatively, the grant recipient may request the de minimis rate if eligible (see section D. below). In addition, the recipient must notify the FPO that the documents have been submitted to the appropriate FCA.

**If the grant recipient does not submit a NICRA proposal within 90 days of award, they will be limited to the de minimis rate of 10% of Modified Total Direct Costs (MTDC). See section D. below for more details and definitions.**

- \_\_\_\_\_ C. The grant award recipient elected to exclude indirect costs from the proposed budget. Please be aware that incurred indirect costs (such as top management salaries, financial oversight, human resources, payroll, personnel, auditing costs, accounting and legal, etc. used for the general oversight and administration of the organization) must not be classified as direct costs; these types of costs are indirect costs. Only direct costs, as defined by the applicable cost principles, will be charged. According to 2 CFR 200.412, if indirect costs are misclassified as direct costs, such costs may become disallowed through an audit.
- \_\_\_\_\_ D. The grant award recipient does not have a current negotiated (including provisional) rate and may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. A governmental department or agency unit that receives more than \$35 million in direct Federal funding must submit its indirect cost rate proposal to its cognizant agency for indirect costs and cannot request a de minimis rate. This methodology must be used consistently for all Federal grant awards until such time as the grant award recipient chooses to negotiate for an indirect cost rate, which the grant recipient

may apply to do at any time. See 2 CFR 200.414(f) for more information on use of the de minimis rate. Please be aware that incurred indirect type costs (such as top management salaries, financial oversight, human resources, payroll, personnel, auditing costs, accounting and legal, etc. used for the general oversight and administration of the organization) must not be classified as direct costs; these types of costs are recovered as part of charging the de minimis rate.

All grant recipients with an approved NICRA or de minimis rate must report indirect costs on their **FINAL** ETA-9130 Report. If a grant recipient has a NICRA and a CAP, only the indirect costs tied to the NICRA are reported on the ETA-9130 Report. The grant recipient may refer to Training and Employment Guidance Letter (TEGL) 20-19 and [https://www.dol.gov/sites/dolgov/files/ETA/grants/pdfs/ETA-9130\\_Financial\\_Reporting\\_Resources.pdf](https://www.dol.gov/sites/dolgov/files/ETA/grants/pdfs/ETA-9130_Financial_Reporting_Resources.pdf) for additional guidance.

## **7. Approved Statement of Work**

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

## **8. Approved Budget**

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

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

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

## **9. Return of Funds**

DOL/ETA does not accept paper checks for any type of returned funds. For active grants, all returns of funds are to be submitted electronically through the PMS operated by the U.S. Department of Health and Human Services (HHS) via the same method as a drawdown. For grants that have been cancelled or are expired (typically older than five years), incoming payments, including returns and recoveries to DOL, must be made via the Pay.gov website (<https://www.pay.gov/public/form/start/177233981>).

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

## **10. Evaluation, Data, and Implementation**

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

## **11. Cost Limitation Restrictions**

### **a. Budget Flexibility**

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

As directed in 2 CFR 200.308(e), for programs where the Federal share is over the Simplified Acquisition Threshold (SAT) (currently \$250,000), the transfer of funds among direct cost categories or programs, functions, and activities is restricted such that if the cumulative amount of such transfers exceeds or is expected to exceed 10% of the total budget as last approved by the Federal awarding agency, the recipient must receive prior approval from the Grant Officer. Any changes within a specific cost category on the SF424(a) do not require a grant modification unless the change results in a cumulative transfer among direct cost categories exceeding 10% of total budget. It is recommended that the assigned FPO review any within-line changes to the grant award recipient's budget prior to implementation to ensure they do not require a modification.

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

### **b. Consultants**

For the purposes of this grant award, the ETA's Grant Officer has determined that fees paid to a consultant who provides services under a program shall be limited to \$750.00 a day (representing an eight-hour workday). Such costs must be reasonable, allocable and allowable to the program. Any fees paid in excess of this amount cannot be paid without prior approval from the Grant Officer.

### **c. Non-Federal Share (Match or Cost Share)**

This grant award does not include a match requirement.



#### **d. Travel**

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

#### **e. Travel – Foreign**

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

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

Pursuant to 2 CFR 200.475(a), all award recipients must have policies and procedures in place related to travel costs; however, for reimbursement on a mileage basis, this Federal grant award cannot be charged more than the maximum allowable mileage reimbursement rates for Federal employees. Mileage rates must be checked annually at [www.gsa.gov/mileage](http://www.gsa.gov/mileage) to ensure compliance.

## **12. Administrative Requirements**

#### **a. SF-424, Application for Federal Assistance, and SF-424B, Assurances and Certifications**

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

#### **b. Audits**

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

Guidance at 2 CFR 200, including Subpart F. Audits of direct award recipients that are for-profit and foreign entities must be submitted directly to: USDOL ETA-OGM, Attn: Audit Resolution, 200 Constitution Ave NW, Room N4716, Washington, DC 20210. All other audit reports are submitted through the Federal Audit Clearinghouse.

#### c. Revisions to the Uniform Guidance

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

#### 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. The grant recipient will be notified approximately 15 days prior to the end of the period of performance that the closeout process will begin when the period of performance ends. See <https://www.dol.gov/agencies/eta/grants/management/closeout> for further information on the closeout process. The recipient's responsibilities at closeout may be found at 2 CFR 200.344. During the closeout process, the grant recipient must be able to provide documentation for all direct and indirect costs that are incurred. For instance, if an organization is claiming indirect costs, the required documentation is a NICRA or CAP issued by the grant recipient's FCA. For those approved to utilize a de minimis rate for indirect costs, the grant agreement is sufficient documentation. Not having documentation for direct or indirect costs will result in costs being disallowed and subject to debt collection.

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

#### e. Equipment

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

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

many planned pieces of equipment as possible.

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

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

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

- I. *Applicability.* Unless the grant award recipient is exempt as provided in paragraph [4.] of this award term, the grant recipient must report each action that equals or exceeds \$30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph [5.] of this award term).
- II. *Where and when to report.*
  - I. The Federal entity or Federal agency must report each obligating action described in paragraph [1.i.] of this award term to <https://www.fsrc.gov>.
  - II. For subaward information, the recipient must report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
- III. *What to report.* The grant award recipient must report the information about each obligating action that the submission instructions posted at <https://www.fsrc.gov> specify.

##### **2. Reporting total compensation of recipient executives for non-Federal entities.**

- I. *Applicability and what to report.* The grant award recipient must report total compensation for each of their five most highly compensated executives for the preceding completed fiscal year, if—
  - I. the total Federal funding authorized to date under this Federal award is equals or exceeds \$30,000 as defined in 2 CFR 170.320;
  - II. in the preceding fiscal year, the grant recipient received—
    - (A) 80% or more of the 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 (SEC) total compensation filings at <https://www.sec.gov/answers/execomp.htm>.)
- II. *Where and when to report.* The grant award recipient 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 the grant recipient is exempt as provided in paragraph [4.] of this award term, for each first-tier non-Federal entity subrecipient under this award, the grant award recipient 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% 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 SEC total compensation filings at <https://www.sec.gov/answers/execomp.htm>.)
  - II. *Where and when to report.* The grant award recipient 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 the grant recipient 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), the grant recipient must report any required compensation information of the subrecipient by November 30 of that year.
4. Exemptions.
- If, in the previous tax year, the grant award recipient had gross income, from all sources, under \$300,000, the grant recipient is exempt from the requirements to report:
- a. Subawards, and
  - b. The total compensation of the five most highly compensated executives of any subrecipient.

5. Definitions.

For purposes of this award term:

- a. *Federal Agency* means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).
- b. *Non-Federal Entity* means all of the following, as defined in 2 CFR part 25:
  - I. A Governmental organization, which is a State, local government, or Indian tribe;
  - II. A foreign public entity;
  - III. A domestic or foreign nonprofit organization; and
  - IV. A domestic or foreign for-profit organization.
- c. *Executive* means officers, managing partners, or any other employees in management positions.
- d. *Subaward*:
  - I. This term is used as a legal instrument to provide support for the performance of any portion of the substantive project or program for which the grant recipient received this award and that the grant recipient as the recipient award to an eligible subrecipient.
  - II. The term does not include the grant award recipient 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 the grant recipient or a subrecipient considers a contract.
- e. *Subrecipient* means a non-Federal entity or Federal agency that:
  - I. Receives a subaward from the grant award recipient under this award; and
  - II. Is accountable to the grant recipient for the use of the Federal funds provided by the subaward.
- f. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
  - I. *Salary and bonus.*
  - II. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
  - III. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
  - IV. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.
  - V. *Above-market earnings on deferred compensation which is not tax-qualified.*
  - VI. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life

insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

**g. Monitoring, Technical Assistance, and Additional Specific Conditions of Award**

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

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

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

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

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

**h. Personally Identifiable Information**

The grant award recipient(s) must recognize and safeguard Personally Identifiable Information (PII) except where disclosure is allowed by prior written approval of the Grant Officer or by court order. Award recipients must meet the requirements in TEGLE No. 39-11, *Guidance on the Handling and Protection of PII*, can be found at [http://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=7872](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7872).

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

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

### **j. Procurement**

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

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

The Uniform Guidance (2 CFR 200.317) require States (as defined at 2 CFR 200.1) to follow the same procurement policies and procedures it uses for non-Federal funds. The state must comply with 2 CFR 200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by § 200.327. The grant award recipient(s) must also follow the requirements regarding the competitive selection of One-Stop Operators at WIOA Sections 121(d) and 123.

### **k. Program Income**

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

### **l. Recipient Integrity and Performance Matters**

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

after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings about which the grant recipient must report. Submit the information required about each proceeding that:
  - a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
  - b. Reached its final disposition during the most recent 5-year period; and
  - c. Is one of the following:
    - i. A criminal proceeding that resulted in a conviction, as defined in Paragraph 5. of this award term;
    - ii. A civil proceeding that resulted in a finding of fault and liability and paying a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
    - iii. An administrative proceeding, as defined in Paragraph 5. of this award term, that resulted in a finding of fault and liability and grant recipient payment of either monetary fine or penalty of \$5,000 or more or a reimbursement, restitution, or damages in excess of \$100,000; or
    - iv. Any other criminal, civil, or administrative proceeding if:
      - a) It could have led to an outcome described in Paragraph 2.c.I, II, or III of this award term;
      - b) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on the grant recipient's part; and
      - c) The requirement in this award term to disclose information about the proceeding does not conflict with applicable laws and regulations.
3. Reporting procedures. Enter in SAM, Entity Management area (formerly CCR), or any successor system, the FAPIIS information that SAM requires about each proceeding described in Paragraph 2. of this award term. The grant award recipient does not need to submit the information a second time under assistance awards that were received if the recipient already provided the information through SAM (formerly CCR) because the recipient was required to do so under Federal procurement contracts that the recipient was awarded.
4. Reporting frequency. During any period of time when the grant award recipient is a subject to the requirement in paragraph 1. of this award term, the grant recipient must report FAPIIS information through SAM no less frequently than semiannually following the initial report of any proceedings for the most recent 5-year period, either to report new information about any proceeding(s) that the grant recipient has 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., SEC Administrative proceedings, Civilian Board of Contract Appeals proceedings, and



Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level. It does not include audits, site visits, corrective plans, or inspection of deliverables.

- b. Conviction, for purposes of this award term, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
- c. Total value of currently active grants, cooperative agreements, and procurement contracts includes —
  - i. Only the Federal share of the funding under any award with a recipient cost share or match; and
  - ii. The value of all options, even if not yet exercised.

### m. Reports

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

- a. **Quarterly Financial Reports.** All ETA grant award recipients are required to report financial data on the ETA-9130 Financial Report. ETA-9130 reports are due no later than 45 calendar days after the end of each specified reporting quarter. Reporting quarter end dates are March 31, June 30, September 30, and December 31. A final financial report must be submitted no later than 45 calendar days after the quarter encompassing the grant award end date ends, or 45 calendar days after the completion of the quarter in which all funds have been expended, whichever comes first. For grants awarded before November 12, 2020, a closeout ETA-9130 report must be submitted no later than 90 calendar days after the grant period of performance ends. For grants awarded after November 12, 2020, a closeout ETA-9130 report must be submitted no later than 120 calendar days after the grant period of performance ends. See 2 CFR 200.344. A closeout report will be submitted during the closeout process. For additional guidance on ETA's financial reporting, reference TEGl 20-19 and [https://www.doleta.gov/grants/pdf/ETA-9130\\_Financial\\_Reporting\\_Resources.pdf](https://www.doleta.gov/grants/pdf/ETA-9130_Financial_Reporting_Resources.pdf)

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

- b. **Quarterly Narrative Progress Reports.** Grant recipients are required to submit a narrative quarterly and final report on grant activities funded under this award. All reports are due no later than 45 calendar days after the end of each specified reporting quarter. Reporting quarter end dates are March 31, June 30, September 30, and December 31.
  - 1. The last quarterly progress report that award recipients submit will serve as the grant's Final Performance Report. This report should provide both *quarterly and cumulative* information on the grant's activities. It must summarize project activities, employment outcomes and other deliverables, and related results of the project.

2. The grant award recipient shall use any standard forms and instructions to report on training and employment outcomes and other data relating to the progress reports as provided by ETA.
3. The grant award recipient shall utilize standard reporting processes and electronic reporting systems to submit their quarterly progress reports as provided by ETA.

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

Conferences sponsored in whole or in part by the grant award recipient are allowable if the conference is necessary and reasonable for the successful performance of the Federal Award. The grant 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.

#### **o. Subawards**

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

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

#### **p. 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.

#### **q. System for Award Management (SAM)**

SAM is the official federal system that collects, validates, stores, and disseminates business information about the federal government's trading partners in support of contract awards, grants, and electronic payment processes. A SAM registration is required for an entity to be able to apply for federal grants, to request modifications to

existing grants, and to enable them to closeout expiring grants. See Training and Employment Notice (TEGL) 18-17 for additional guidance.

Unless the grant award recipient is exempt from this requirement under 2 CFR 25.110, the grant recipient must maintain current its information in the SAM. This includes information on the recipient's immediate and highest level owner and subsidiaries, as well as on all of the recipient's predecessors that have been awarded a Federal contract or Federal financial assistance within the last three years, if applicable, until the grant recipient submits the final financial report required under this Federal award or receive the final payment, whichever is later. This requires that the grant recipient review and update the information at least annually after the initial registration, and more frequently if required by changes in its information or another Federal award term.

### **1. Unique Entity Identifier Requirements**

If the grant award recipient is authorized to make subawards under this award, then the grant recipient:

- i. Must notify potential subrecipients that no entity (see definitions below) may receive a subaward from the grant award recipient until the entity has provided its unique entity identifier to the grant recipient.
- ii. May not make a subaward to an entity unless the entity has provided its Unique Entity Identifier to the grant recipient. Subrecipients are not required to obtain an active SAM registration, but must obtain a Unique Entity Identifier.

NOTE: At some point, the DUNS Number will be replaced by a new, non-proprietary identifier requested in and assigned by SAM.gov. This new identifier is being called the Unique Entity Identifier (UEI), or the Entity ID. Users should continue using the DUNS Number in UEI fields until further notice. To learn more about SAM's rollout of the UEI, please visit [gsa.gov/entityid](https://gsa.gov/entityid).

### **2. Definitions**

For purposes of this term:

- i. SAM is the Federal repository where the grant award recipients must provide information required for the conduct of business as recipients. Additional information about registration procedures may be found at the SAM website (<http://www.sam.gov>).
- ii. *Unique entity identifier* means the identifier assigned by SAM to uniquely identify business entities.
- iii. *Entity*, as it is used in this grant award term, includes all of the following, as defined at 2 CFR Part 25, Appendix A:
  - a. A non-Federal entity as defined at 2 CFR 200.1 (A State, local government, Indian Tribe, Institute of Higher Education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient);
  - b. A foreign organization;
  - c. A foreign public entity;
  - d. A domestic for-profit organization; and

e. A Federal agency.

iv. *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.

v. *Subrecipient* means:

An entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

### **3. Existing SAM Registrants**

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

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

### **4. Validation**

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

### **r. 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 (see 2 CFR 200.1). These goods or services may be for an organization's

own use or for the use of the beneficiaries of the Federal program. Additional guidance on distinguishing between a subrecipient and a contractor (vendor) is provided in 2 CFR 200.331. When procuring contractors for goods and services, DOL/ETA recipients and subrecipients, must follow the procurement requirements found at 2 CFR 200.319, except states, pursuant to 2 CFR 200.317, which calls for free and open competition.

**s. Whistleblower Protection**

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

**t. Telecommunications**

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

(a) Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to: (1) Procure or obtain; (2) Extend or renew a contract to procure or obtain; or (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

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

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

#### u. 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 grant award recipient, subrecipient or a contractor purchases ownership under an award (including but not limited to curricula, training models, technical assistance products, and any related materials). Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise.

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

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

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

***“This workforce product was funded by a grant awarded by the U.S. Department of Labor (DOL)’s Employment and Training Administration (ETA). The product was created by the recipient and does not necessarily reflect the official position of DOL/ETA. DOL/ETA 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.”***

#### **v. Open Licensing, Intellectual Property Rights, and the Bayh-Dole Act**

As required at 2 CFR 2900.13, any intellectual property developed under a discretionary Federal award process must be licensed under an open license, which allows subsequent users to copy, distribute, transmit and adapt the copyrighted work and attribute the work in the manner specified by the recipient.

All small business firms, and non-profit organizations (as defined at the link below, and including Institutions of Higher Education) must adhere to the Bayh-Dole Act, which requirements are provided at 37 CFR 401.3(a) and at <https://www.dol.gov/sites/dolgov/files/ETA/grants/pdfs/BayhDoleGrantTerm.pdf>. To summarize, these requirements describe the ownership of intellectual property rights and the government's nonexclusive, nontransferable, irrevocable, paid-up license to use any invention conceived or first actually reduced to practice in the performance of work under this grant award. These requirements are in addition to those found in the Intellectual Property Rights term above.

#### **w. Domestic Preferences for Procurements**

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

### **13. Program Requirements**

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

### **14. FY 2021 Federal Appropriations Requirements**

#### **a. Requirement to Provide Certain Information in Public Communications**

Pursuant to P.L. 116-260, Division H, Title V, Section 505, when issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all non-Federal entities receiving Federal funds shall clearly state:

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

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



## b. Fair Labor Standards Act Amendment for Major Disasters

Pursuant to P.L. 116-260, Division H, Title I, Section 108, the Fair Labor Standards Act of 1938 (FLSA) will apply as if the following language was added to Section 7 (the Maximum Hours Worked Section). This language specifically relates to occurrences of a major disaster (as declared or designated by the state or federal government) and are applied for a period of two years afterwards. The language is as follows:

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

(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% 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.”



**c. 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.

**d. Privacy Act**

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

**e. Prohibition on Contracting with Corporations with Felony Criminal Convictions**

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

**f. Prohibition on Contracting with Corporations with Unpaid Tax Liabilities**

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

**g. Prohibition on Procuring Goods Obtained Through Child Labor**

Pursuant to P.L. 116-260, Division H, Title I, Section 103, no funds may be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries identified by the DOL prior to December 20, 2019. DOL has identified these goods and services here: <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-products>.

**h. Prohibition on Providing Federal Funds to Association of Community Organizations for Reform Now (ACORN)**

Pursuant to P.L. 116-260, Division H, Title V, Section 521, these funds may not be provided to the ACORN, or any of its affiliates, subsidiaries, allied organizations or successors.

**i. Reporting of Waste, Fraud and Abuse**

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

**j. Requirement for Blocking Pornography**

Pursuant to P.L. 116-260, Division H, Title V, Section 520, no Federal funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

**k. Restriction on Health Benefits Coverage for Abortions**

Pursuant to P.L. 116-260, Division H, Title V, Section 506 and 507, Federal funds may not be expended for health benefits coverage that includes coverage of abortions, except when the pregnancy is the result of rape or incest, or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself that would, as certified by a physician, place the women in danger of death unless an abortion is performed. This restriction does not prohibit any non-Federal entity from providing health benefits coverage for abortions when all funds for that specific benefit do not come from a Federal source. Additionally, no funds made available through this grant award may be provided to a State or local government if such government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

**l. Restriction on Lobbying/Advocacy**

Pursuant to P.L. 116-260, Division H, Title V, Section 503, no federal funds may be used to pay the salary or expenses of any grant recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or executive order proposed or pending before the Congress or any state government, state legislature or local legislature or legislative body, other than for normal and recognized executive–legislative relationships or participation by an agency or officer of a state, local or tribal government in policymaking and administrative processes within the executive branch of that government.

**m. Publicity**

Pursuant to P.L. 116-260, Division H, Title V, Section 503, the grant award recipient is not authorized to use any funds provided under this grant award—other than for normal and recognized executive–legislative relationships—for publicity or propaganda purposes, for the preparation, distribution or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation, designed to support or defeat legislation pending before the Congress or any state or local

legislature or legislative body, except in presentation to the Congress or any state or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any state or local government, except in presentation to the executive branch of any state or local government itself.

**n. Restriction on the Promotion of Drug Legalization**

Pursuant to P.L. 116-260, Division H, Title V, Section 509, no Federal funds shall be used for any activity that promotes the legalization of any drug or other substance included in Schedule I of the schedules of controlled substances established under Section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications or where there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

**o. Restriction on Purchase of Sterile Needles or Syringes**

Pursuant to P.L. 116-260, Division H, Title V, Section 527, no Federal funds shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug.

**p. Salary and Bonus Limitations**

Pursuant to P.L. 116-260, Division H, Title I, Section 105, recipients and subrecipients shall not use funds to pay the salary and bonuses of an individual, either as direct costs or as indirect costs, at a rate in excess of Executive Level II. The Executive Level II salary may change yearly and is located on the OPM.gov website (<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>). The salary and bonus limitation does not apply to contractors (vendors) providing goods and services as defined in 2 CFR 200.331. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including ETA programs. See TEGL 5-06 for further clarification, available at [http://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=2262](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2262).

## **15. 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 the U.S. General Services Administration (GSA) (see 36 CFR 1191, Appendixes C and D) set forth requirements to make facilities accessible to, and usable by, the physically handicapped and include minimum design standards. All new facilities designed or constructed with grant support must comply with these requirements.

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

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

**13166:** As clarified by EO 13166, Improving Access to Services for Persons with Limited English Proficiency, dated August 11, 2000, and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, 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, pages 32289-32305. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. The grant award recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance and information regarding your LEP obligations, go to <http://www.lep.gov>.

**13513:** Pursuant to EO 13513, Federal Leadership On Reducing Text Messaging While Driving, dated October 1, 2009, the grant award recipients and subrecipients are encouraged to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or government-owned vehicles (GOV), or while driving privately-owned vehicles (POV) when on official Government business or when performing any work for or on behalf of the Government. Recipients and subrecipients

are also encouraged to conduct initiatives of the type described in section 3(a) of this order.

**14005:** Pursuant to EO 14005, Ensuring the Future Is Made in All of America by All of America's Workers, the grant award recipient agrees to comply with all applicable Made in America Laws (as defined in the EO), including the Buy American Act at 41 USC sections 8301-8305. For the purposes of this award, the grant recipient is required to maximize the use of goods, products, and materials produced in, and services offered in, the United States, in accordance with the Made in America Laws. No funds may be made available to any person or entity (including as a contractor or subrecipient of the grant recipient) that has been found to be in violation of any Made in America Laws.

“Made in America Laws” means all statutes, regulations, rules, and Executive Orders relating to Federal financial assistance awards or Federal procurement, including those that refer to “Buy America” or “Buy American,” that require, or provide a preference for, the purchase or acquisition of goods, products, or materials produced in the United States, including iron, steel, and manufactured goods offered in the United States. Made in America Laws include laws requiring domestic preference for maritime transport, including the Merchant Marine Act of 1920 (Public Law 66-261), also known as the Jones Act.

#### **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. The grant recipient as the recipient, the grantee’s employees, subrecipients under this award, and subrecipients' employees may not—

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

II. DOL/ETA as the Federal awarding agency may unilaterally terminate this grant award, without penalty, if the grant recipient 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.* DOL/ETA as the Federal awarding agency may unilaterally terminate this grant 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 grant award term; or
- II. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this grant award term through conduct that is either—
  - (A). Associated with performance under this award; or
  - (B). Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 29 CFR Part 98.

c. *Provisions applicable to any recipient.*

- I. The grant award recipient must inform DOL/ETA immediately of any information the grant recipient receive from any source alleging a violation of a prohibition in paragraph a.1 of this grant award term.
- II. DOL/ETA 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 DOL/ETA under this grant award.

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

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

I. “Employee” means either:

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

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

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

III. “Private entity”:

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

(B). Includes:

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

ii. A for-profit organization.

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

#### **g. Veterans’ Priority Provisions**

The Jobs for Veterans Act (Public Law 107-288) requires grant award recipients to provide priority service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by the DOL. The regulations implementing this priority of service can be found at 20 CFR Part 1010. In circumstances where a grant award recipient must choose between two qualified candidates for a service, one of whom is a veteran or eligible spouse, the veterans priority of service provisions require that the grant award recipient give the veteran or eligible spouse priority of service by first providing him or her that service. To obtain priority of service, a veteran or spouse must meet the



program's eligibility requirements. Recipients must comply with the DOL guidance on veterans' priority. ETA's TEGL No. 10-09 (issued November 10, 2009) provides guidance on implementing priority of service for veterans and eligible spouses in all qualified job training programs funded in whole or in part by DOL. TEGL No. 10-09 is available at [http://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=2816](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2816).

#### **h. Promoting Equitable Delivery of Government Benefits and Equal Opportunity**

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

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

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

#### **i. Harassment Prohibited**

The grant recipient and any subrecipients are prohibited from engaging in harassment of an individual based on race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, based on citizenship status or participation in any WIOA Title I-financially assisted program or



activity. Harassing conduct of this type is a violation of the nondiscrimination provisions of WIOA and of 29 CFR Part 38.

a) Unwelcome sexual advances, requests for sexual favors, or offensive remarks about a person's race, color, religion, sex, national origin, age, disability, political affiliation or belief, or citizenship or participation, and other unwelcome verbal or physical conduct based on one or more of these protected categories constitutes unlawful harassment on that basis when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of accessing the aid, benefit, service, or training of, or employment in the administration of or in connection with, any WIOA Title I-financially assisted program or activity;

(2) Submission to, or rejection of, such conduct by an individual is used as the basis for limiting that individual's access to any aid, benefit, service, training, or employment from, or employment in the administration of or in connection with, any WIOA Title I-financially assisted program or activity; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's participation in a WIOA Title I-financially assisted program or activity creating an intimidating, hostile or offensive program environment.

b) Harassment because of sex includes harassment based on gender identity or sexual orientation; harassment based on failure to comport with sex stereotypes; and harassment based on pregnancy, childbirth, and related medical conditions. Sex-based harassment may include harassment that is not sexual in nature but that is because of sex or where one sex is targeted for the harassment.

## 16. Technical Assistance, Resources, and Information

Additional resources, training, and information to assist the grant award recipient are located on the ETA website at <https://www.dol.gov/agencies/eta/grants/resources> and on the Grants Application and Management collection page on WorkforceGPS.org at <https://grantsapplicationandmanagement.workforcegps.org/>. **SMART** training is a technical assistance initiative sponsored by DOL-ETA to assist its grant recipients and subrecipients in improving its program/project operations through effective grants management. Please take some time to review the training modules which are focused on:

Strategies for sound grant management that include:

**M**onitoring,

**A**ccountability,

**R**isk mitigation and

**T**ransparency.

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

## **17. Attachments**

**Attachment A: SF-424**

**Attachment B: SF-424A**

**Attachment C: Budget Narrative**

**Attachment D: Statement of Work**

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

## **Attachment A: SF-424**

**Application for Federal Assistance SF-424**

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

* 3. Date Received: <input type="text" value="07/14/2021"/>	4. Applicant Identifier: <input type="text"/>
--	--

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

**State Use Only:**

6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text"/>
---	---

**8. APPLICANT INFORMATION:**

\* a. Legal Name:

* b. Employer/Taxpayer Identification Number (EIN/TIN): <input type="text" value="37-1737848"/>	* c. Organizational DUNS: <input type="text" value="1178914960000"/>
--	---

**d. Address:**

* Street1:	<input type="text" value="3225 25th St SE"/>
Street2:	<input type="text"/>
* City:	<input type="text" value="Salem"/>
County/Parish:	<input type="text"/>
* State:	<input type="text" value="OR: Oregon"/>
Province:	<input type="text"/>
* Country:	<input type="text" value="USA: UNITED STATES"/>
* Zip / Postal Code:	<input type="text" value="97302-1133"/>

**e. Organizational Unit:**

Department Name: <input type="text" value="Office of Workforce Investment"/>	Division Name: <input type="text"/>
---	--

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

Prefix: <input type="text" value="Mrs."/>	* First Name: <input type="text" value="Debra"/>
Middle Name: <input type="text"/>	
* Last Name: <input type="text" value="Welter"/>	
Suffix: <input type="text"/>	

Title:

Organizational Affiliation:

* Telephone Number: <input type="text" value="1-971-345-1135"/>	Fax Number: <input type="text"/>
---	----------------------------------

\* Email:

**Application for Federal Assistance SF-424**

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

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

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

Womens Bureau

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

17.700

CFDA Title:

Women's Bureau

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

FOA-WB-21-02

\* Title:

Fostering Access, Rights, and Equity (FARE)

**13. Competition Identification Number:**

Title:

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

Add Attachment

Delete Attachment

View Attachment

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

Build on the success of a current language access hotline project begun in response to the COVID-19 pandemic. It has served a higher proportion of underserved, marginalized, and women of color.

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

**Application for Federal Assistance SF-424**

**16. Congressional Districts Of:**

\* a. Applicant

\* b. Program/Project

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

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**

\* a. Start Date:

\* b. End Date:

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

* a. Federal	<input type="text" value="350,000.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="350,000.00"/>

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

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

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

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

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

Yes  No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

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

\*\* I AGREE

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

**Authorized Representative:**

Prefix:  \* First Name:

Middle Name:

\* Last Name:

Suffix:

\* Title:

\* Telephone Number:  Fax Number:

\* Email:

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

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



**BUDGET INFORMATION - Non-Construction Programs**

OMB Number: 4040-0006  
Expiration Date: 02/28/2022

**SECTION A - BUDGET SUMMARY**

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Language Assist line for Unemployment	17.700	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text" value="350,000.00"/>	\$ <input type="text"/>	\$ <input type="text" value="350,000.00"/>
2.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
3.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
4.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>5. Totals</b>		\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text" value="350,000.00"/>	\$ <input type="text"/>	\$ <input type="text" value="350,000.00"/>

**SECTION B - BUDGET CATEGORIES**

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
	Language Assist line for Unemployment	N/A			
<b>a. Personnel</b>	\$	3,281.04	\$	\$	\$ 3,281.04
<b>b. Fringe Benefits</b>		1,195.96			1,195.96
<b>c. Travel</b>		0.00			0.00
<b>d. Equipment</b>		0.00			0.00
<b>e. Supplies</b>		0.00			0.00
<b>f. Contractual</b>		344,026.00			344,026.00
<b>g. Construction</b>		0.00			0.00
<b>h. Other</b>		0.00			0.00
<b>i. Total Direct Charges (sum of 6a-6h)</b>		348,503.00			\$ 348,503.00
<b>j. Indirect Charges</b>		1,497.00			\$ 1,497.00
<b>k. TOTALS (sum of 6i and 6j)</b>	\$	350,000.00	\$	\$	\$ 350,000.00
<b>7. Program Income</b>	\$	0.00	\$	\$	\$ 0.00

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**SECTION C - NON-FEDERAL RESOURCES**

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e)TOTALS
8. Language Assist line for Unemployment	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
9. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
10. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
11. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>12. TOTAL (sum of lines 8-11)</b>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>

**SECTION D - FORECASTED CASH NEEDS**

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ <input type="text" value="350,000.00"/>	\$ <input type="text" value="87,500.00"/>	\$ <input type="text" value="87,500.00"/>	\$ <input type="text" value="87,500.00"/>	\$ <input type="text" value="87,500.00"/>
14. Non-Federal	\$ <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>15. TOTAL (sum of lines 13 and 14)</b>	\$ <input type="text" value="350,000.00"/>	\$ <input type="text" value="87,500.00"/>	\$ <input type="text" value="87,500.00"/>	\$ <input type="text" value="87,500.00"/>	\$ <input type="text" value="87,500.00"/>

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

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b)First	(c) Second	(d) Third	(e) Fourth
16. Language Assist line for Unemployment	\$ <input type="text" value="350,000.00"/>	\$ <input type="text" value="0.00"/>	\$ <input type="text" value="0.00"/>	\$ <input type="text" value="0.00"/>
17. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
18. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
19. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>20. TOTAL (sum of lines 16 - 19)</b>	\$ <input type="text" value="350,000.00"/>	\$ <input type="text" value="0.00"/>	\$ <input type="text" value="0.00"/>	\$ <input type="text" value="0.00"/>

**SECTION F - OTHER BUDGET INFORMATION**

21. Direct Charges: <input type="text" value="\$4,477 project mgmt with the rest as the subaward."/>	22. Indirect Charges: <input type="text" value="Provisional rate of 33.45%"/>
23. Remarks: <input type="text" value="Provisional rate letter will be in the attachments."/>	

## **Attachment C: Budget Narrative**

**Oregon Higher Education Coordinating Commission  
Fostering Access, Rights, and Equity (FARE) grant  
Budget Narrative**

**FARE Total: \$350,000**

Personnel	\$3,281.04
Fringe Benefits	\$1,195.96
Travel	
Equipment	
Supplies	
Contractual	\$344,026
Construction	
Other	
Indirect Charges	\$1,497

**Personnel and Benefits:**

Total Cost: \$4,477

Position Title	Purpose	FTE	Length of Work	Monthly Salary	Monthly Benefits	Total Cost for 18 Months
Program Analyst 3	Conducts project management activities in overseeing the subaward.	3.5% of 1	18 Months	\$182.28	\$66.45	\$4,477

*Fringe Benefits are based on the sum of the following expenses: Employment Relations Board rate of \$1.65 per FTE per month; PERS (retirement) at 22.49% of salary; FICA at 7.65% of salary; Workers Compensation at \$2.44 per FTE per month; and Flexible Benefits (medical, dental, vision).*

The Higher Education Coordination Commission (HECC) will have Program Analyst 3 (PA3) for 18 months that will conduct grant management activities and ensure grant deliverables are being met. This position will spend approximately 3.50% of their time monthly for 18 months.

**Indirect**

Total Cost: \$1,497

HECC has a 33.45% negotiated indirect cost rate. The indirect amount is based off of the MTDC for HECC only as WSI will be a subaward. Indirect costs will cover the cost of accounting and financial reporting as well as the costs of executing the subaward.

$\$4,477 \text{ MTDC} \times 33.45\% = \$1,497$

**Contractual**

Total Cost: \$344,026

**Contract**

***Worksystems Inc.***

Total Cost: 344,026

Budget Category & Line Item Description	Year 1	Line Total	Category Total
<b>a. Personnel</b>			<b>\$15,300</b>
<b>Project Manager:</b> .18 FTE for grant management. Includes contracting, monitoring, reporting, management and implementation of outreach and phone line services. At \$85,000/year.	\$15,300	\$15,300	
<b>b. Fringe</b>			<b>\$5,142</b>
<b>Fringe:</b> WSI calculates fringe at 33.61%, including 8.46% FICA; 2.01% State UI; 0.25% Worker's Compensation Insurance; 16.31% Medical/Dental/Life Insurance; 6.02% Pension; 0.56% Other.	\$5,142	\$5,142	
<b>c. Travel</b>			<b>\$0</b>
<b>d. Equipment</b>			<b>\$0</b>
<b>e. Supplies</b>			<b>\$0</b>
<b>f. Contractual</b>			<b>\$293,700</b>
<b>Bilingual UI Support Phone Line Contracts:</b> Services include supporting non-native English speakers in filing for UI benefits, facilitating connections to State UI staff, and registration in the State labor exchange system (iMatchSkills). Estimated costs include: 8.1 FTE for 3 months at \$60,000 annual salary/fringe (\$121,500 total), \$12,150 indirect (10% of direct costs for staff).	\$133,650	\$133,650	
<b>UI Outreach and Information Contracts:</b> services include outreach to women of color for dissemination of UI information and connections to State UI staff. Outreach contracts will also connect the target demographic to American Job Center employment and training services and support system registration for services. Estimated costs include: 2.5 FTE/year for 9 months at \$77,600 annual salary/fringe (\$145,500 total), \$14,550 indirect (10% of direct costs for staff).	\$160,050	\$160,050	
<b>g. Construction</b>			<b>\$0</b>
<b>h. Other</b>			<b>\$2,000</b>
<b>Ring Central phone system costs:</b> estimated costs include multi-line phone system accounts, local taxes and fees.	\$2,000	\$2,000	
<b>i. Indirect</b>			<b>\$27,884</b>
<b>Indirect:</b> WSI's indirect rate is being included here at 8.82%. Worksystems has a letter in hand from their DOL ICR cost negotiator indicating this will be our new rate for 2021-2022.	\$27,884	\$27,884	
	<b>Total:</b>		<b>TOTAL:</b>
	<b>\$344,026</b>		<b>\$344,026</b>

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

**Oregon Higher Education Coordinating Commission Fostering Access, Rights, and Equity  
(FARE) Grant Project Narrative**

**a) Statement of Need:**

- i. The focus area will be Unemployment Insurance. The proposed geographic area will be throughout the entire state of Oregon, with an expectation that most customers will be located in the Portland metro area based on current demographics of the customers served through the language access hotline project that FARE funds would support.
- ii. The acute onset and depth of the pandemic recession was unlike anything seen previously in Oregon. What was a healthy economy lost one out of seven jobs in two months' time. The impacts were not evenly distributed, with in-person, service-based sectors experiencing significantly higher rates of job loss. Leisure and hospitality in particular employed more women, more of Oregon's young workers, and more Black, Indigenous, and workers from communities of color than Oregon's economy overall. Other hard-hit sectors also tended to have more women and more low-wage workers. These are the Oregonians who experienced disparate impacts of the pandemic recession in 2020. Some of the hardest-hit workers by the pandemic recession are among the same demographic groups – particularly Black, Native American, and younger workers – who took the longest to experience the labor market benefits of the last expansion. The workers disparately impacted due to pandemic-related job losses may also be more likely to need assistance getting back on the job.<sup>1</sup>

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<sup>1</sup> <https://www.qualityinfo.org/-/disparate-impacts-of-the-pandemic-recession-in-oregon>



iii. The grant will build on the success of a current language access hotline project begun in response to high number of workers filing unemployment claims related to the COVID-19 pandemic. As high call volume presented a barrier to claimants who needed language assistance through the Oregon Employment Department's (OED's) standard hotlines, the language access hotline assists as a backup for those claimants in filing their initial and weekly unemployment claims and has served a high proportion of women of color. OED is the state agency that administers unemployment benefits on behalf of the Department of Labor. The language access hotline was created through an interagency agreement between the Higher Education Coordinating Commission (HECC) and OED, as well as a partnership with Worksystems, Inc. (WSI), a Local Workforce Investment Board. The interagency agreement is currently funded at \$49,500/month. Most of the FARE funds received to extend the hotline project will go to WSI to support the hotline project staff and increased community outreach regarding unemployment benefits.

**b) Organizational Capacity**

i. The hotline has already demonstrated great success in reaching women of color to increase access to unemployment benefits, and FARE funds would build on that success. From its creation in June 2020 through June 2021, the hotline has served over 12,500 workers needing language assistance, 47% of whom have been women of color (see Language access hotline log 6 21 21 for full data). The Oregon workforce is estimated at only 11.5% women of color which demonstrates the equitable impact of this project. As this project is scheduled to end on September 30, 2021, our proposal is to use FARE funds to both extend the hotline end date and

- increase community outreach regarding the hotline, with an expected outcome of assisting additional women of color in the workforce in understanding and accessing public services and benefits related to unemployment insurance.
- ii. HECC is the lead applicant and will act as the grant administrator. HECC will coordinate all program and fiscal reporting, conduct all procurements, monitor sub-recipients, conduct project management and ensure all deliverables are met. HECC has experience in administering federal grants including Workforce Innovation Opportunity Act (WIOA) and various discretionary grants.
  - iii. HECC administers and monitors the funding for WSI. OED trains and updates the hotline staff so they are able to assist callers in understanding basic unemployment insurance eligibility and filing initial and weekly unemployment claims. OED also provides a subject matter expert to assist the hotline staff in communicating eligibility information to callers. Hotline staff can also assist in connecting callers with unemployment claims staff at OED if they have questions about their claim. To staff the hotline and conduct outreach about the hotline, WSI has enlisted trusted messengers and community-based partners. Their community-based partners who staff the hotline are Human Solutions, Immigrant and Refugee Community Organization, Mount Hood Community College, Oregon Human Development Corporation, Portland Community College, and SE Works. All hotline staff are bilingual at a minimum, and they also have access to two different interpretation lines if they need additional assistance in helping customers in their requested

language. WSI also provides project management expertise to support the hotline team.

**c) Project Design**

- i. HECC will be able to immediately use FARE funds for this project, as the funds will extend the existing hotline project that is already showing success in reaching women of color. The hotline is slated to end on September 30, 2021, but can be seamlessly extended if additional funds are received.
- ii. Activities
  - Outreach activities: the hotline has received widespread community use since it began in June 2020, as is documented through the attached call log (see Language access hotline log 6 21 21 for full data). It has been shared through the networks of the 6 community-based partners who staff the hotline and are trusted messengers with deep ties to women-dominated, low-paid sectors of the workforce. They can connect through community networks such as churches, job centers, social media, and listservs.
  - Through this grant we will expand outreach activities to women of color by supporting 2.5 FTE outreach staff in the WSI network of over 30 community-based organizations and contracted workforce service providers. Outreach staff will connect women of color to resources and information for unemployment insurance. They will also support individuals in registering with local American Job Centers for employment and training services and

other supportive services such as childcare, rent assistance and transportation assistance.

- Dissemination activities: In addition to the outreach activities listed above, the hotline will continue to be shared by HECC and OED with their state and local partners. The hotline is also explained in 15 languages throughout OED's unemployment benefits site <https://unemployment.oregon.gov/>.
- The hotline has served over 12,500 workers from June 2020 through June 2021, 47% of whom are women of color. We expect this trend to continue if the hotline is extended through FARE funds. The hotline staff is comprised of women and men who have now been trained as benefits navigators and help spread the word in their communities to ensure women access their rights and benefits.

#### **d) Expected Outputs and Outcomes**

- Although it is difficult to estimate how many women will learn about unemployment benefits through this project, as some women will file on their own without calling the hotline, we can estimate that over 450 women will call the hotline each month to receive assistance with their unemployment claim.
- Information will be disseminated in a wide variety of formats, making it difficult to provide an estimate. The audience will be immigrants, refugees, and other communities in Oregon needing language assistance, with a focus on lower-income and women-dominated areas.

- Over 450 women each month will experience positive impacts by learning more about unemployment insurance benefits eligibility through the hotline. Of these, approximately 430 will be women of color.
- HECC and OED have already developed best practices as a result of the current hotline, including in how we communicate with the public, provide proactive services in a higher number of languages, and in providing additional options for contact OED when language assistance is needed. We expect to continue learning and developing additional best practices as the hotline continues.
- Systemic change has already been created through the feedback provided by the hotline staff who are directly serving women of color, such as feedback on outreach strategies, communication methods, and translation review.

e) Project Sustainability

- i. OED has a work group specifically focused on outreach to workers needing language assistance that has been building a knowledge base through community-based listening sessions. OED will share lessons learned with HECC and both agencies will continue receiving feedback from WSI to inform longer-term outreach efforts.
- ii. The hotline staff encourage callers to enroll in other employment services, which assists them in staying in touch with participants beyond the hotline interactions.



KATE BROWN  
Governor

July 13, 2021

Karen Humelbaugh, Director, Office of Workforce Investments  
Higher Education Coordinating Commission  
3225 25<sup>th</sup> St. SE  
Salem, OR 97302

Dear Mrs. Humelbaugh,

I'm writing to express my full support of the proposal from the Higher Education Coordinating Commission (HECC) for funding under the Fostering Access, Rights, and Equity (FARE) Grant opportunity. HECC's proposal to use FARE funding to expand outreach and access to unemployment benefits for Oregonian workers in need of language assistance is in alignment with our [State of Oregon Equity Framework in COVID-19 Response and Recovery](#), which guides state agencies in making equity the center of how Oregon shares resources and moves towards economic recovery in relation to COVID-19.

As we celebrate our recent reopening and continue building a safe and strong Oregon, I am committed to putting our historically-underserved communities at the forefront of our recovery plan. Due to systemic disparities that existed before COVID-19, Black, Indigenous, Latino, Latina, Latinx, Asian, Pacific Islander, and Tribal Oregonians have disproportionately felt the health and economic impacts of the pandemic. Our state government must take proactive and anti-racist measures to build a more just and equitable Oregon, and HECC has demonstrated that the language access hotline that the FARE funds will support is currently serving a customer base that is 47% women of color—a great success in our efforts to establish equitable state services. FARE funding will enable the continuation of this hotline as we continue reopening and assist historically underrepresented women in accessing critical unemployment insurance and jobseeker services.

I am also in full support of the Oregon Employment Department (OED) serving as a critical and primary partner in HECC's project. Together, these agencies bring extensive experience in administering adult training programs, managing grants, and providing subject matter expertise on Unemployment Insurance benefits.

I am pleased to offer my support for your application to the Department of Labor Women's Bureau, and thank you for your work on behalf of Oregonians.

Sincerely,

Governor Kate Brown

KB:jb



July 12, 2021

**Our Mission:**  
To coordinate a regional workforce system that supports individual prosperity and business competitiveness.

**Executive Board**

**James Paulson**  
Chair  
Owner  
JMPDX LLC

**Travis Stovall**  
Vice-Chair  
Executive Director  
eRep

**Ted Wheeler**  
Mayor, City of Portland

**Susheela Jayapal**  
Multnomah County  
Commissioner

**Roy Rogers**  
Washington County  
Commissioner

**David Fortney**  
Workforce Development  
Planner/Manager  
PGE

**Caryn Lilley**  
Controller/HR Director  
KGW Media Group

**Pam Treece**  
Executive Director  
Westside Economic  
Alliance

**Bob Tackett**  
Executive  
Secretary/Treasurer  
NW Oregon Labor Council

Karen Humelbaugh, Director, Office of Workforce Investments  
Higher Education Coordinating Commission  
3225 25<sup>th</sup> St. SE  
Salem, OR 97302

Dear Mrs. Humelbaugh,

I'm writing this letter to commit our support of Oregon's proposal for funding under the Fostering Access, Rights, and Equity (FARE) grant.

Worksystems is a 501(c)3 non-profit organization that pursues and invests resources to improve the quality of the workforce in the City of Portland, Multnomah and Washington Counties. We develop policies and design workforce development programs and services delivered through a network of local partners to help people get the skills, training and education they need to go to work or to advance in their careers. Our partners include employers, labor groups, government, community colleges, high schools, community-based and economic development organizations.

Our mission is to coordinate a regional workforce system that supports individual prosperity and business competitiveness. We ensure that the public workforce system serves business by developing qualified employees and giving current and future workers the skills and support they need to successfully engage, advance, and succeed in the labor market.

Since June 2020, Worksystems has partnered with the Higher Education Coordinating Commission and the Oregon Employment Department to staff a language access hotline for workers needing language assistance in order to file unemployment claims. We are proud to have served over 12,500 workers through this hotline, almost half of whom have been women of color. If FARE funds are approved, we are fully in support of continuing this hotline (currently scheduled to end on September 30, 2021) through December 31, 2021.

Worksystems can commit to the following deliverables:

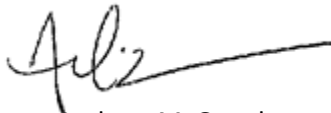
- Provide staff (bilingual at a minimum) for the language access hotline services through a network of community-based partners as follows: Human Solutions and the Immigrant and Refugee Community Organization.
- Provide hotline services during the following days and times FROM October 1, 2021 through December 31, 2021:
  - Monday - Friday 9:00 am to 5:00 pm PST
- Provide all workspaces (if not remote) and equipment for hotline staff
- Provide reports including caller language, claim type, and demographics data

1618 SW 1<sup>st</sup> Ave., Suite  
450  
Portland, OR 97201  
www.worksystems.org

- Conduct ongoing community outreach about the hotline and American Job Center services, with a focus on low-income and women-dominated worker communities through our network of Community Based Organization workforce service providers.

Through this hotline, we have already assisted many women, particularly women of color, in learning about and filing for unemployment benefits. This safety net has provided critical support to women and families during the COVID-19 emergency, and our hotline helps overcome language and other barriers related to accessing public services. We hope to be able to continue this vital work and further support Oregon's economic recovery.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew McGough", with a long horizontal stroke extending to the right.

Andrew McGough  
Executive Director  
Worksystems

[amcgough@worksystems.org](mailto:amcgough@worksystems.org)





# Oregon

Kate Brown, Governor

## Employment Department

875 Union St. NE

Salem, Oregon 97311

503-947-1394

TTY-TDD 711

[www.Employment.Oregon.gov](http://www.Employment.Oregon.gov)



July 12, 2021

Karen Humelbaugh, Director, Office of  
Workforce Investments  
Higher Education Coordinating Commission  
3225 25<sup>th</sup> St. SE  
Salem, OR 97302

Dear Mrs. Humelbaugh,

The Oregon Employment Department (OED) is in full support of the Higher Education Coordinating Commission (HECC) application for funding through the Fostering Access, Rights, and Equity (FARE) Grant opportunity. We are also committed to being a primary partner in carrying out the proposed use of FARE funds, which will assist in increasing access to unemployment benefits for women of color (among other communities).

If approved, FARE funds will enable us to extend our existing partnership with HECC and Worksystems, Inc. that created a language access hotline to assist claimants in filing for unemployment benefits. As the state agency that administers unemployment benefits in Oregon on behalf of the Department of Labor, OED already provides free language assistance through our regular unemployment insurance hotlines. However, due to high claim and call volume throughout the COVID-19 pandemic and economic recovery, we partnered to create this secondary hotline to assist English as a Second Language and Limited English Proficient callers in receiving more targeted and equitable access to these benefits. In the last 13 months, this hotline has served over 12,500 workers in a wide variety of languages, and 47% of these workers have been women of color. By using FARE funds to continue staffing this hotline, we will increase equitable access to the unemployment benefits that support workers, particularly workers who are women of color, who are unemployed through no fault of their own.

We are also eager to assist in HECC's proposal to expand outreach and increase community awareness of unemployment insurance benefits for women unemployed through no fault of their own, particularly given the disparate impact of the COVID-19 pandemic on women and many workers of color. Promoting racial and gender equity aligns with our vision of an Oregon where meaningful work enables the state's diverse people and businesses to realize their full potential, creating prosperity in every community.

If HECC is approved for this grant, the Oregon Employment Department can commit to the following deliverables:



# Oregon

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- Provide OED staff subject matter experts in unemployment insurance for those Worksystems, Inc. staff on the language access hotline and conducting community outreach.
- Regularly communicate unemployment insurance updates to HECC and Worksystems, Inc.
- Communicate the availability of the language access hotline services through our multilingual website at <https://unemployment.oregon.gov/> and through Babel/ multilingual notices sent to our unemployment insurance claimants.
- Share the language access hotline information with our state agency and American Job Center networks, particularly those connected with English as a Second Language and Limited English Proficient community members and women experiencing other barriers to access.

Thank you for the opportunity to share OED's support for HECC's FARE Grant application, and we hope to be able to continue this critical partnership.

Thank you,

Jeannine Beatrice

Jeannine Beatrice  
Deputy Director  
Oregon Employment Department

Signature:   
Jeannine Beatrice (Jul 12, 2021 15:00 PDT)

Email: [Jeannine.BEATRICE@oregon.gov](mailto:Jeannine.BEATRICE@oregon.gov)

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

**NEGOTIATED INDIRECT COST RATE AGREEMENT**

**NON-FEDERAL ENTITY:**  
Oregon Higher Education Coordinating  
Commission  
3225 25th Street SE  
Salem, OR 97302

**EIN:** 37-1737848

**DATE:** 6/30/2021  
**FILE REFERENCE:** This  
replaces the agreement dated  
2/16/2021

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

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

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**SECTION I: RATES**

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<u>TYPE</u>	<u>APPROVAL</u>	<u>FROM</u>	<u>TO</u>	<u>RATE</u>	<u>BASE</u>	<u>LOCATION</u>	<u>APPLICABLE TO</u>
Indirect	Final	07/01/2019	06/30/2020	33.45%	MTDC-1	Loc-1	AP-2
Indirect	Provisional	07/01/2020	06/30/2021	43.74%	MTDC-1	Loc-1	AP-2
Indirect	Provisional	07/01/2021	06/30/2022	33.45%	MTDC-1	Loc-1	AP-2
Indirect	Final	07/01/2019	06/30/2020	20.28%	MTDC-1	Loc-1	AP-3
Indirect	Provisional	07/01/2020	06/30/2021	20.36%	MTDC-1	Loc-1	AP-3
Indirect	Provisional	07/01/2021	06/30/2022	20.28%	MTDC-1	Loc-1	AP-3

**(SEE SPECIAL REMARKS)**

**BASE(S):**

MTDC-1: Total direct costs excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each sub-award in excess of \$25,000.

**APPLICABLE TO:**

AP-2: All programs except the U.S. Department of Education programs that require a restricted rate per 34 CFR 75.563 and 34 CFR 76.563.

AP-3: The U.S. Department of Education (ED) programs that require a restricted rate per 34 CFR 75.563 and 34 CFR 76.563. This rate review and approval was performed by ED's Indirect Cost Division.

**LOCATION:**

Loc-1: All

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

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

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## **SECTION II: GENERAL**

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### **A. LIMITATIONS:**

Use of the rate(s) contained in the Agreement is subject to all statutory or administrative limitations and is applicable to a given Federal award or contract only to the extent that funds are available. Acceptance of the rate(s) agreed to herein is predicated upon the following conditions:

1. No costs other than those incurred by the non-Federal entity or contractor were included in its indirect cost pool as finally accepted and that such incurred costs are legal obligations of the non-Federal entity and allowable under the governing cost principles.
2. The same costs that have been treated as indirect costs have not been claimed as direct costs.
3. Similar types of costs have been accorded consistent treatment.
4. The information provided by the non-Federal entity or contractor which was used as a basis for acceptance of the rate(s) agreed to herein is not subsequently found to be materially inaccurate by the Federal government. In such situations, the rate(s) may be subject to renegotiation at the discretion of the Federal government.
5. The rates cited in this Agreement are subject to audit.
6. Indirect costs charged to Federal grants/contracts by means other than the rate(s) cited in this Agreement should be adjusted to the applicable rate(s) cited herein and be applied to the appropriate base to identify the proper amount of indirect costs allocable to the program.
7. Contracts/grants providing for ceilings as to the indirect cost rate(s) or amount(s) which are indicated in Section I above, will be subject to the ceilings stipulated in the contract or grant agreements. The ceiling rate or the rate(s) cited in this Agreement, whichever is lower, will be used to determine the maximum allowable indirect cost on the contract or grant agreement.
8. Administrative costs consist of all Direct and Indirect costs associated with the management of a non-Federal entity's programs. Non-Federal entities should refer to their contracts/grants terms and specific program legislation for the applicable definition of Administrative Costs and any related limitations.

### **B. ACCOUNTING CHANGES:**

This agreement is based on the accounting system purported by the non-Federal entity or contractor to be in effect during the Agreement period. Changes to the method of accounting for costs which affect the amount of reimbursement resulting from the use of this Agreement require prior approval from the Cost &

Price Determination Division (CPDD). Such changes include, but are not limited to changes in the charging of a particular type of cost from indirect to direct. Failure to obtain approval may result in cost disallowances.

**C. NOTIFICATION TO FEDERAL AGENCIES:**

A copy of this document is to be provided by the non-Federal entity or contractor to other Federal funding sources as a means of notifying them of the Agreement contained herein.

**D. DEFINITION OF RATES:**

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

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

**E. SPECIAL REMARKS:**

1. Provisional/Final Rate approval and impact to closeout adjustments:

When seeking initial reimbursement of indirect costs using the provisional/final rate methodology, a provisional proposal must be submitted within 90 days of receiving a Federal award (financial assistance, grants, cooperative agreements, and cost reimbursable contracts) that requires accounting for actual costs incurred. The non-Federal entity or contractor must submit an indirect cost rate proposal within six (6) months after the end of their fiscal year to establish a final rate.

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

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

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

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

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

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

§200.344 Post-closeout adjustments and continuing responsibilities

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

- (1) The right of the Federal awarding agency or pass-through entity to disallow costs and recover funds on the basis of a later audit or other review. The Federal awarding agency or pass-through entity must make any cost disallowance determination and notify the non-Federal entity within the record retention period.
- (2) The obligation of the non-Federal entity to return any funds due as a result of later refunds, corrections, or other transactions including final indirect cost rate adjustments.

§200.345 Collection of amounts due

- (a) Any funds paid to the non-Federal entity in excess of the amount to which the non-Federal entity is finally determined to be entitled under the terms of the Federal award constitute a debt to the Federal Government.
  - (b) Except where otherwise provided by statutes or regulations, the Federal awarding agency will charge interest on an overdue debt in accordance with the Federal Claims Collection Standards (31 CFR parts 900 through 999). The date from which interest is computed is not extended by litigation or the filing of any form of appeal.
2. Fringe benefits include the following: Social Security, Workers Compensation Insurance, Mass Transit, Health Insurance, and Retirement.
  3. Equipment is defined as tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition. The capitalization threshold for equipment is \$5,000.
  4. The indirect salaries approved as part of the Rate/CAP in Section I comply with the applicable ETA TEGL 5-06 and /or Job Corps salary and bonus restrictions.

ACCEPTANCE

**BY THE NON-FEDERAL ENTITY:**

Oregon Higher Education Coordinating  
Commission  
3225 25th Street SE  
Salem, OR 97302

\_\_\_\_\_  
(Non-Federal Entity)

\_\_\_\_\_  
(Signature)

Ben Cannon

\_\_\_\_\_  
(Name)

Executive Director

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

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

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

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(U.S. Federal Government Agency)

**VICTOR LOPEZ** Digitally signed by VICTOR LOPEZ  
Date: 2021.06.30 16:34:00 -04'00'

\_\_\_\_\_  
(Signature)

Victor M. López

\_\_\_\_\_  
(Name)

Chief, Cost & Price Determination Division

\_\_\_\_\_  
(Title)

6/30/2021

\_\_\_\_\_  
(Date)

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