

DEPARTMENT OF LABOR

Office of the Secretary

**“Building the Capacity of the Afghan Labor Ministry to Increase
Knowledge of
the Labor Code and Basic Worker Rights”**

INSERT DATE OF PUBLICATION

Agency: Bureau of International Labor Affairs, Department of Labor.

Announcement Type: New. Notice of Availability of Funds and Solicitation for Cooperative Agreement Applications

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Key Dates: The closing date for receipt of applications is **INSERT DATE 30– 45 DAYS**

AFTER PUBLICATION via **Grants.gov**.

Executive Summary: This notice contains all of the information and forms needed to apply for grant funding. The U.S. Department of Labor, Bureau of International Labor Affairs, announces the availability of funds to be granted by cooperative agreement to a qualifying organization.

The Department will award up to U.S. \$500,000 through a cooperative agreement to a qualifying organization to work with the Afghanistan Ministry of Labor, Social Affairs, Martyrs and Disabled to build their capacity to increase knowledge of the labor code and internationally-recognized core labor principles among the judiciary and the public. Applicants should have experience working in a tripartite (*i.e.*, with government, employers and/or employer organizations, and workers and/or worker organizations). Partnerships between more than one

organization are also eligible and encouraged, particularly with qualified Afghan organizations in order to build local capacity. In such a case, a lead organization must be identified.

I. Funding Opportunity Description

The U.S. Department of Labor (USDOL), Bureau of International Labor Affairs (ILAB), announces the availability of funds in the amount of \$500,000 to be awarded by Cooperative Agreement (hereinafter referred to as “grant” or “Cooperative Agreement”) to a qualifying organization for the purpose of building the capacity of the Afghan Ministry of Labor, Social Affairs, Martyrs and Disabled (hereinafter referred to as “Labor Ministry”) to increase knowledge of the labor code and internationally-recognized core labor principles among the judiciary and the public. ILAB is authorized to award and administer this program by the Department of Labor Appropriations Act, 2008, P. L. No. 110-161, 121 Stat. 1844 (2007). The cooperative agreement awarded under this initiative will be managed by ILAB’s Office of Trade and Labor Affairs. The duration of the project funded by this solicitation is one to four years. The start date of program activities will be negotiated upon award of the cooperative agreement, but will be no later than September 30, 2008.

Statement of Work

USDOL is seeking qualified organizations that will implement a project, in cooperation with USDOL, to build the capacity of the Labor Ministry to increase knowledge of the labor code and internationally-recognized core labor principles among the judiciary and the public. Specific project objectives are identified in Section I. Applicants should submit proposals that demonstrate the organization’s capabilities to implement a project in accordance with the Statement of Work and the selection criteria. USDOL encourages Applicants to be creative in

proposing innovative and cost-effective interventions that will produce a demonstrable and sustainable impact.

A. Background and Problem Statement

In 2006, the Government of Afghanistan drafted a new Afghanistan Labor Law and has subsequently passed three of its 42 regulations:

- Regulations governing the employment of foreign workers in Afghanistan.
- Regulations relating to Afghan workers employed in foreign countries.
- Regulations governing the pensions for both public and private sector employees.

While the labor code has not yet been passed into law in its entirety, it is provisionally in effect under a stop-gap Presidential decree. The remaining provisions have been drafted and are expected to be passed into law by the end of 2009.

The Labor Ministry does not yet possess the capacity to implement all of the regulations contained within the labor code. Enforcement of the code is also a challenge. Judges are not yet fully aware of the provisions of the Afghanistan Labor Law, which has put the Labor Ministry into a difficult enforcement role during several recent cases alleging violations of the labor code and child labor laws. There is also a need to raise awareness among the general public, including workers and workers' representatives, and employers and employers' representatives, of internationally-recognized core labor principles and their rights and responsibilities under the new labor code.

B. Target Population

The direct beneficiary of this grant is the Ministry of Labor, Social Affairs, Martyrs, and Disabled (MoLSAMD) in Afghanistan, focusing particularly on the department(s) responsible

for drafting, disseminating, implementing, and enforcing labor laws. Indirect beneficiaries shall include members of the judiciary, employers and employers' representatives, and workers and workers' representatives who receive information and education about the Afghanistan Labor Law and internationally-recognized core labor principles from the Labor Ministry.

C. Objectives

The Grantee(s) must implement, in cooperation with USDOL, a project whose overarching objective is to increase compliance with internationally-recognized core labor principles, defined as :

- Freedom of association and the effective recognition of the right to collective bargaining.
- The elimination of forced or compulsory labor.
- The abolition of child labor.
- The elimination of discrimination in respect of employment and occupation.

The Intermediate Objective is increased knowledge and awareness of internationally-recognized core labor principles and the Afghanistan Labor Law among judges, workers, and employers.

D. Relationship to USDOL Program Strategy

By contributing to an increase in compliance with internationally-recognized core labor principles, the proposed project supports achievement of USDOL's Government Performance and Results Act (GPRA) goal (2k), to "promote internationally recognized workers rights and labor standards, including those related to the elimination of exploitative child labor, in the global community." Activities with regard to the elimination of child labor are being funded separately through USDOL's Office of Child Labor, Forced Labor, and Human Trafficking. The Grantee(s) is not expected to develop strategies specific to child labor; however, it is expected to coordinate with USDOL's child labor projects, where applicable.

E. Type of Work to Be Performed/Activities

Applicants are responsible for developing a strategy to successfully achieve the objectives listed in Section I.C. and addressing the problem(s) identified in the Background and Problem Statement, including developing and implementing the major tasks and activities to be accomplished as part of that strategy, tracking and reporting on progress in achieving the stated objectives, and providing any necessary services. The project strategy(s) should consider the diverse needs and environment of the country.

In order to ensure achievement of these project objectives and the most effective use of the Labor Ministry's time, the Grantee(s) must first coordinate with the U.S. Government (USG) and other projects in the region to avoid any duplication of efforts and ensure input from Labor Ministry on project design. In addition, the Grantee(s) must consult with key local stakeholders to further develop the project strategy and work plan. This strategy must be implemented with local stakeholder guidance.

Illustrative activities include the following:

- Evaluating Afghan labor laws for compliance with internationally-recognized core labor principles and providing recommendations for any labor law reforms, as appropriate.
- Assisting the Labor Ministry to develop and implement an information dissemination strategy to educate workers and workers' representatives and employers and employers' representatives on internationally-recognized core labor principles and their rights and responsibilities under the labor code.

- Assisting the Labor Ministry develop and implement a training program for members of the judiciary responsible for enforcing labor laws on internationally-recognized core labor principles and the provisions of the new labor code.

F. Expected Outcomes/Project Outputs

Applicants are expected to describe in their technical proposal: a) the strategy that they will adopt to achieve these outcomes within the stated timeframe and available USDOL funds; and b) the indicators and system of data collection they will use to measure the achievement of the objectives.

Expected Outcomes/Project Outputs may include the following:

- Increased number of workers and employers who are aware of internationally-recognized core labor principles and their rights and responsibilities under the Afghanistan Labor Law.
- Increased number of judges and/or other members of the judiciary who are aware of internationally-recognized core labor principles and the provisions of the Afghanistan Labor Law.
- Increased harmonization of rulings, judgments, and enforcement actions by judges and Labor Ministry officials with the Afghanistan Labor Law.
- Evaluation of Afghan labor laws, assessing compliance with internationally-recognized core labor principles, including recommendations for any labor law reforms, as appropriate.
- Increased competency of Labor Ministry staff responsible for drafting, disseminating, implementing, and enforcing labor laws.
- Establishment of training program for judges on internationally-recognized core labor principles and the new labor code.

- Establishment of awareness-raising program for workers and employers on internationally-recognized core labor principles and the new labor code.

In developing the strategy, Applicants should take into consideration the following issues:

- Past and existing technical assistance that the Labor Ministry has received in the area of improving labor standards and the need to ensure that any effort builds on and complements previous and current work without duplication.
- Coordinating with similar, existing initiatives being funded and implemented by other donors.
- The need to sustain project improvements, including strategies to ensure that institutions and individuals retain the practices and knowledge provided by the project.
- The need to engage key project stakeholders, including the Labor Ministry, local community organizations, workers and/or worker organizations, and employers and/or employer organizations in the design and implementation of the project strategy.

G. Conditions Precedent

In their technical proposal, Applicants are requested to list proposed partners or sub-award organizations, the merits of those organizations, their specific duties, and their relationship with the different stakeholders. Partner organizations that were not included in the proposal must be approved by USDOL before being authorized to provide any technical assistance to the project country. Sub-contracts awarded after a Cooperative Agreement is signed, and not proposed in the application, must be awarded through a formal competitive bidding process, unless prior written approval is obtained by USDOL. See Section IV.E.2 for further information on sub-awards.

II. Award Information/Type of Assistance instrument: Cooperative Agreement

USDOL's involvement in project implementation and oversight is outlined in Section VII.3. The duration of the project(s) funded by this solicitation is one to four years. The start date of program activities will be negotiated upon awarding of the Cooperative Agreement, but will be no later than September 30, 2008. A total of up to USD \$500,000 will be awarded under this solicitation.

Eligibility Information

A. Eligible Applicants

Any international organization, including commercial, educational, or non-profit organization(s), is eligible for this grant. The applicant(s) should have experience effectively implementing projects in the relevant technical field(s) and working with foreign national government ministries, regional and local government entities, employers and employer organizations, workers and labor organizations, and non-governmental and community-based organizations. Neutral, non-religious criteria that neither favor nor disfavor religion will be employed in the selection of Cooperative Agreement recipients. Applications from foreign government and quasi-government agencies will not be considered. An Applicant must demonstrate a country presence, independently or through a relationship with another organization(s) with country presence, which gives it the ability to initiate program activities upon award of the Cooperative Agreement. *See* Section V.

In accordance with 29 CFR Part 98, entities that are debarred or suspended from receiving federal contracts or grants are excluded from Federal financial assistance and are ineligible to receive funding under this solicitation.

B. Cost Sharing or Matching Funds

This solicitation does not require Applicants to share costs or provide matching funds. However, the leveraging of resources and in-kind contributions is strongly encouraged and is a rating factor worth up to five (5) additional points (see Section V). Applicants who propose matching funds, in-kind contributions, and other forms of cost sharing must indicate their estimated dollar value in the Standard Form (SF) 424 and SF 424A submitted as part of the application. Grantees should note that they will be responsible for reporting on these funds quarterly in financial reports (SF 269s) and are liable for meeting the full amount of these costs during the life of the Cooperative Agreement.

C. Dun and Bradstreet Number

Applicants must include their Dun and Bradstreet Number (DUNS) in the organizational unit section of Block 8 of the SF 424. DUNS is an acronym which stands for “Data Universal Numbering System,” and DUNS numbers are unique nine-digit numbers used to identify businesses. To obtain a DUNS number free of charge, call 1-866-705-5711 or access the following site: <http://www.dnb.com/us/>. **Grants.gov** does not allow for applications to be submitted without a valid DUNS number. Applicants without a current DUNS number are encouraged to begin the process of obtaining a DUNS number as soon as possible in order to avoid delays which could result in the inability to submit an application on **Grants.gov** and/or rejection of an application.

Requests for exemption from the DUNS number requirement must be made to the Office of Management and Budget (OMB), Office of Federal Financial Management at 202-395-3993. Unless an Applicant provides evidence of an OMB exemption from the DUNS number requirement, the application must have the Applicant's unexpired DUNS number entered on the SF 424. Applications that do not provide a current DUNS number will be rejected in **Grants.gov** and will not be evaluated.

After receiving a DUNS number, Applicants must also register as a vendor with the Central Contractor Registration through the following Web site: <http://www.ccr.gov> or by phone at 1-888-227-2423. Central Contractor Registration (CCR) should become active within 24 hours of completion. For any questions regarding registration, please contact the CCR Assistance Center at 1-888-227-2423.

After registration, Applicants will receive a confirmation number. The Point of Contact listed by the organization will receive a Trader Partnership Identification Number (TPIN) via mail. The TPIN is, and should remain, a confidential password.

III. Instructions to Offeror

A. Application Package

This solicitation contains all of the necessary information and forms needed to apply for Cooperative Agreement funding. Applications must be submitted to USDOL electronically at www.Grants.Gov.

B. Content and Form of Application Submission

The application must consist of two (2) separate parts. Part I of the application, the cost proposal, must contain the SF 424, "Application for Federal Assistance", sections A-F of the Budget Information Form SF 424A, a copy of the Applicant's most recent audit report, indirect cost information, and the EEO survey. These forms are available at <http://www.whitehouse.gov/omb/grants>. Part II must contain a technical proposal, including an outputs-based budget, that demonstrates capabilities in accordance with the statement of work (Section I) and the selection criteria (Section V). The application must include the name, address, telephone and fax numbers, and e-mail address (if applicable) of a key contact person at the Applicant's organization in case questions should arise. All Applicants are requested to complete the Survey on Ensuring Equal Opportunity for Applicants (OMB No. 1890-0014).

To be considered *responsive* to this solicitation, Part II of the application (the technical proposal) must not exceed **45** single-sided (8-1/2" x 11" or A4), double-spaced, 12-point font, typed pages. Major sections and sub-sections of the application should be divided and clearly identified and all pages must be numbered. Applicants must address the project objectives identified in the Statement of Work in Section I. Any applications that do not conform to these standards will be deemed non-responsive to this solicitation and will not be evaluated. The application must include a table of contents and an abstract summarizing the application in not more than two (2) pages. Standard forms, attachments, project budget, Curriculum Vitae, exhibits, letters of support, audit attachments and the abstract are *not* counted towards the page limit.

Suggested Outline for Technical Proposal

This outline is provided as a guideline. Applicants may elect a format of their choosing, subject to the requirements of this announcement.

- i. Executive Summary
- ii. Program Description
- iii. Goal and Objectives
- iv. Background
- v. Technical Approach and Implementation Timetable (Proposed Intervention)
- vi. Staffing Pattern and Project Management Organizational Chart
- vii. Leveraging of non-Federal Resources
- viii. Outputs-based Budget
- ix. Attachments:
 - Summaries of Past Performance
 - Curricula Vitae of key personnel and signed letters of commitment to the project

Successful proposals submitted in response to this SGA will be incorporated into the text of the grant with the selected Applicant(s).

USDOL will screen all applications to determine whether all required elements are present and clearly identified, including the cost proposal, technical proposal, recent audits, partnership agreements where applicable, past performance, Curricula Vitae of key personnel, and personnel agreements.

C. Submission Dates, Times, and Address

1. Application Deadline: Applications must be submitted via www.Grants.gov, and must be received by **Grants.gov** no later than 11:59 p.m. EST on **XXXXXXXX**, 2008.

Applications sent by mail or other delivery services, e-mail, telegram, or facsimile (FAX) will not be accepted. Applications that are not received by the deadline will not be considered. It is

strongly recommended that Applicants immediately initiate and complete the “Get Registered” registration steps at http://www.grants.gov/Applicants/get_registered.jsp. These steps may take multiple days to complete, and this time should be factored into plans for electronic submission in order to avoid facing unexpected delays that could result in the rejection of an application. It is also recommended that Applicants consult the **Grants.gov** Web site’s Frequently Asked Questions and Applicant User Guide, which are available at <http://www.grants.gov/help/faq.jsp>, and http://www.grants.gov/assets/UserGuide_Applicant.pdf respectively .

2. For Further Information Contact: Any questions about this solicitation for grant applications (SGA 08-XX) should be directed to Lisa Harvey at harvey.lisa@dol.gov or at 202-693-4592 (this is not a toll-free number). Technical questions must be emailed to harvey.lisa@dol.gov and will be taken up to 10 days prior to the closing date for receipt of applications. If an Applicant is having difficulty electronically assembling their grant application on **Grants.gov**, the Applicant may contact Troy Hargrove at (202) 693-4584 for assistance. In order to ensure timely filing, the request for assistance must be made at least one week prior to the application deadline date. If an Applicant has problems downloading the application package from **Grants.gov** or software compatibility questions, contact **Grants.gov** Customer Support at 1-800- 518-4726 or support@Grants.gov.

3. Signature: A person with authority to bind the Applicant must sign the application and forms. Applications submitted electronically through **Grants.gov** do not need to be signed manually; the form will automatically affix an electronic signature for the authorized person identified.

4. Applying Online: Applicants must save the attachments as a .doc, .pdf, .txt or xls file type. Applications will be transmitted to **Grants.gov** through Pure Edge Viewer.

5. Eligibility: The Applicant must attach their application for DUNS number, if an approved number has not been received by the time they file their application with USDOL.

Applications that do not contain all of the required elements will not be considered.

D. Intergovernmental Review

This funding opportunity is not subject to Executive Order 12372, “Intergovernmental Review of Federal Programs.”

E. Funding Restrictions, Unallowable Activities, and Specific Prohibitions

USDOL would like to highlight the following restrictions, unallowable activities, and specific prohibitions, as identified in OMB Circular A-122, 29 CFR Part 95, 29 CFR Part 98, and other USDOL policy, relevant to this project. If any Grantee has questions about these or other restrictions, please e-mail Lisa Harvey at harvey.lisa@dol.gov. Questions must be received 10 days prior to the closing date for receipt of applications.

1. Pre-award Costs: Pre-award costs are not reimbursable.

2. Sub-awards to Organizations, Groups, and/or persons.

The funding for this USDOL/ILAB program does not include authority for subgrants. Therefore, the Grantee may not subgrant any of the funds obligated under the cooperative agreement.

Subgranting may not be included in the budget as a line item or in the text of the application.

However, subcontracting may be included as a budget line item. Subcontracts must be awarded in accordance with 29 CFR 95.40-48 and are subject to audit, in accordance with the

requirements of 29 CFR 95.26(d). Subcontracts awarded after the cooperative agreement is signed, and not proposed in the application, must be awarded through a formal competitive

bidding process.

The determination of whether a Grantee's relationship with a subawardee would constitute a subgrant or subcontract is determined primarily with reference to an agreement's general purpose, programmatic functions, and responsibilities given to the subawardee. These three elements should be closely examined, together with the usual characteristics (terms and performance standards, scope of work, etc.). In case of doubt, consultations are expected to be held between USDOL and the Grantee with a view to ensuring proper determination of the particular agreement. *See* related references in this section on Grantee and subcontractor prohibitions related to Prostitution, Inherently Religious Activities, and Terrorism. In addition, the debarment and suspension rule, as outlined in 29 CFR 95.13 and 29 CFR Part 98, applies to all subcontracts issued under the cooperative agreement. Grantees are responsible for ensuring that all subcontractors are eligible for participation in Federal assistance programs. More detailed information on subcontracts may be requested by USDOL during the Best and Final Offer (BAFO) process.

3. Lobbying or Fund-raising the U.S. Government with Federal Funds

No activity, including awareness raising and advocacy activities, may include fund-raising for, or lobbying of U.S. Federal, State or Local Governments (*see* OMB Circular A-122).

COOPERATIVE AGREEMENT APPLICANTS CLASSIFIED UNDER THE INTERNAL REVENUE CODE AS A 501(c)(4) ENTITY (*see* 26 U.S.C. 501(c)(4)), MAY NOT ENGAGE IN LOBBYING ACTIVITIES. According to the Lobbying Disclosure Act of 1995, as codified at 2 U.S.C. 1611, an organization, as described in Section 501(c)(4) of the Internal Revenue Code of 1986, that engages in lobbying activities directed toward the USG will not be eligible for the receipt of Federal funds constituting an award, grant, Cooperative Agreement, or loan.

4. Funds to Host Country Governments

USDOL funds awarded under this solicitation are not intended to duplicate or substitute for host-country government efforts or resources. Therefore, in general, Grantees may not provide any of the funds obligated under the Cooperative Agreement to foreign government entities, ministries, officials, or political parties.

5. Prostitution

The U.S. Government is opposed to prostitution and related activities, which are inherently harmful and dehumanizing, and contribute to the phenomenon of trafficking in persons. U.S. non-governmental organizations, and their subawardees, cannot use USG funds to lobby for, promote or advocate the legalization or regulation of prostitution as a legitimate form of work. Foreign non-governmental organizations, and their subawardees, that receive USG funds cannot lobby for, promote or advocate the legalization or regulation of prostitution as a legitimate form of work; this includes organizations receiving both general and trafficking-related grants. It is the responsibility of the primary Grantee to ensure its subawardees meet these criteria. Also, applicants will be required to adhere to the requirements at 2CFR part 175, relating to trafficking in persons, which will be inserted into the cooperative agreement.

6. Inherently Religious Activities

The USG is generally prohibited from providing direct financial assistance for inherently religious activities. Federal funds provided under a USDOL-awarded Cooperative Agreement may not be used for religious instruction, worship, prayer, proselytizing or other inherently religious activities. Neutral, non-religious criteria that neither favor nor disfavor religion must be employed by the Grantee in the selection of subawardees. This provision must be included in all subawards issued under the Cooperative Agreement.

7. Terrorism

Applicants are reminded that U.S. Executive Orders and U.S. law prohibit transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of Grantees to ensure compliance with these Executive Orders and laws. Applicants and Grantees subsequently awarded funding by USDOL under this solicitation must check the following Web sites to assess available information on parties that are excluded from receiving Federal financial and nonfinancial assistance and benefits, pursuant to the provisions of 31 U.S.C. 6101, note, E.O. 12549, E.O. 12689, 48 CFR 9.404:

<http://www.epls.gov/> and <http://www.treas.gov/offices/enforcement/ofac/sdn/t11sdn.pdf>.

This provision must be included in all subawards issued under the Cooperative Agreement.

IV. Evaluation Criteria for Award

The criteria below will serve as the basis upon which submitted applications will be evaluated.

Technical aspects of the application will constitute 100 points of the total evaluation. Up to five (5) additional points will be given for leveraging non-Federal resources.

Technical Approach - 55 points

The Applicant will be evaluated on the thorough and accurate assessment of the implementing environment and the problems that exist and clear identification of the specific problem(s) the Applicant proposes to address. This requires a demonstrated familiarity with the major issues related to the components being addressed (*e.g.*, reform and enforcement of labor laws, capacity of the Labor Ministry to implement training and awareness raising activities for the judiciary, employers, and workers on internationally-recognized core labor principles and/or the labor code), key problems and/or needs in the relevant country/area, the specific problem(s) and/or need(s) that will be addressed by this project(s), and relevant constraints. **(5 points)**

The Applicant will be evaluated on the clear identification and description of the specific strategy(s) the Applicant proposes to use, extent to which the proposed strategies specifically and directly address the identified problem(s), effectiveness, and attainability of project objectives by the end of the grant period. Proposals should include work plans that are practical, manageable, and can achieve project results. The Applicant must include an implementation plan that lists a schedule of activities and list of deliverables that would be completed by the Grantee each quarter for the duration of the project. The Applicant should include estimated targets for the number of beneficiaries the project will impact, including any baseline data against which the targets may be measured, if such data is available. The Applicant should also include a sustainability plan outlining clearly how the project objectives and activities will be sustained when the project has been completed. *See Annex 1 for a sample sustainability matrix. (25 points)*

The Applicant will be evaluated on their monitoring and evaluation plan for measuring project performance that includes challenging but realistic targets and measurable, verifiable project indicators that measure achievement of project objectives and performance in project implementation. The plan should show how the information and data will be collected and what systems will be put in place for self-assessment, monitoring, and continuous improvement. Applicants should include a process for project evaluation, using an independent evaluation method for mid-term and final evaluations. **(10 points)**

The Applicant will be evaluated on their approach to expending funds in the most cost-effective method possible in order to achieve the project objectives. As part of the technical proposal, the Applicant should submit an Outputs-based Budget, a sample of which is provided in Annex 2.

The Applicant should refer to its submitted budget in explaining how the budgeted funds will be utilized cost-effectively. The Applicant will be evaluated based on the clear identification of all project costs and efficient and effective allocation of funding. The project budget should clearly demonstrate that the total amount and distribution of funds is sufficient to cover the cost of all major project activities and deliverables identified by the Applicant in its proposal, management of the project, monitoring and evaluation, financial audits, report preparation, ensuring compliance with procurement and property standards, and project close-out. The distribution of funds should maximize the provision of goods and/or services to project beneficiaries. In their budget, Applicants must provide a breakdown of the total administrative costs into direct administrative costs and indirect administrative costs. Higher ratings may be given to Applicants with low administrative costs and with a budget breakdown that provides a larger amount of resources to project activities. The Grant Officer reserves the right to negotiate administrative cost levels prior to award. All projected costs should be reported, as they will become part of the Cooperative Agreement upon award. Indirect cost charges should be based on allowable, allocable, and reasonable costs based on the applicable cost principles included in OMB Circular A-122 and Indirect Charges Instructions included in Annex 3. This section will be evaluated in accordance with applicable Federal laws and regulations. The budget must comply with Federal cost principles (which can be found in the applicable OMB Circulars listed in Section VII.2.C.).

Applicants are encouraged to discuss the possibility of exemption from customs and Value Added Tax (VAT) with government officials during the preparation of an application for this Cooperative Agreement. While USDOL encourages host governments to not apply customs or VAT taxes to USDOL-funded programs, some host governments may nevertheless choose to assess such taxes. USDOL may not be able to provide assistance in this regard. Applicants should take into account such costs in budget preparation. If major costs are omitted, a Grantee may not be allowed to include them later. **(15 points)**

Institutional Qualifications/Past Performance – 30 points

Prior experience of all organizations, including: prime and sub-awardees, in designing and implementing activities in developing countries, especially in Afghanistan, related to labor law reform and enforcement issues and training and awareness-raising for the judiciary, employers and workers on internationally-recognized core labor principles. The Applicant must include information as an attachment (that will *not* count towards the page limit) about previous and current grants, contracts or cooperative agreements, including: a) the organization for which the work was done; b) a contact person in that organization with his/her current phone number; c) the dollar value of the grant, contract, or cooperative agreement for the project(s); d) the time frame and professional effort, either directly by key personnel, by consultants, or under contractual arrangements involved in the project(s); e) a brief summary of the work performed; and f) a brief summary of accomplishments. Applicants must also address their organization's country presence; ability to work directly with government and NGOs, including local and community-based organizations. Applicants may submit supporting documentation (which will not count toward the page limit) with their application demonstrating country presence and/or outreach to host government ministries and non-governmental organizations in the country.

USDOL encourages the use of existing expertise from the recipient country in order to reduce costs and further develop local capacity. The proposal should propose specific organizations to carry out the project work at the community level. Local organizations will be rated on their technical ability to effectively carry out the proposed work, their experience working with the project beneficiaries and stakeholders in target communities, and ability to implement activities in a timely fashion. **(20 points)**

Applicants will be evaluated on their ability to provide evidence that the organization has a sound financial system in place. If the Applicant is a U.S.-based, non-profit organization already subject to the single audit requirements, the Applicant's most recent single audit, as submitted to the Federal Audit Clearinghouse, must accompany the application as an attachment. In addition, applications must show that they have complied with report submission timeframes established in OMB Circular A-133. If an Applicant is not in compliance with the requirements for completing their single audit, the application will be considered unresponsive and will be rejected. If the Applicant is a for-profit or foreign-based organization, a copy of its most current independent financial audit must accompany the application as an attachment. Applicants should also submit a copy of the most recent single audit report for all proposed U.S.-based, non-profit partners and subawardees that are subject to the Single Audit Act. If the proposed partner(s) is a for-profit or foreign-based organization, a copy of its most current independent financial audit should accompany the application as an attachment. If the audit submitted by the Applicant reflects any adverse opinions, the application may not be further considered by the technical review panel and may be rejected. USDOL reserves the right to ask further questions on any audit report submitted as part of an application. USDOL also reserves the right to place special

conditions on Grantees if concerns are raised in their audit reports. In order to expedite the screening of applications and to ensure that the appropriate audits are attached to the proposals, the Applicant must provide a cover sheet to the audit attachments listing all proposed partners and subawardees. These attachments will not count toward the application page limit. **(10 points)**

Experience of Personnel/Management plan– 15 points

Applicant will be evaluated on the qualifications of key personnel. Applicant must demonstrate that key personnel has prior experience directly related to the proposed work, including technical and language qualifications, professional competence, relevant academic background, and demonstrated experience. All key personnel must allocate 100 percent of their time to the project. Key personnel positions must not be combined. Proposed key personnel candidates must sign letters of agreement to serve on the project and indicate their availability to commence work within 30 calendar days of the Cooperative Agreement award. Applicants must submit a Curriculum Vitae for each key personnel proposed, which includes the individual's current employment status and previous work experience, including position title, duties performed, salary history covering their last 10 years of employment, dates in position, employing organizations, and educational background. Duties must be clearly defined in terms of role performed (*i.e.*, manager, team leader, consultant). Curriculum Vitae must be included as attachments, which do not count against the page limitation. Management and professional technical staff members comprising the Applicant's proposed team must be individuals who have prior experience with organizations working in similar efforts, and who are fully qualified to perform the work specified in the Scope of Work. **(10 points)**

Successful performance of the proposed work depends heavily on the management of the project. Accordingly, in its evaluation of each application, USDOL will place emphasis on the Applicant's management approach involved in accomplishing the assigned tasks. This section of the application must include sufficient information to judge management and staffing plans. Where subawards or outside assistance are proposed, organizational lines of authority and responsibility should be clearly delineated to ensure responsiveness to the needs of USDOL. **(5 points)**

Leveraging of Grant Funding – 5 points

USDOL will award up to five (5) additional rating points to applications that include non-Federal resources that significantly expand the size and scope of project-related activities or will help continue the project after USDOL funding ends. To be eligible for the additional points, the Applicant must list the resource(s), the nature, and possible activities anticipated and any partnerships, linkages, or coordination of activities, cooperative funding, etc., including the specific value of such contributions.

V. Application Review Information

USDOL will screen all applications to determine whether all required elements are present and clearly identifiable, including the technical proposal, cost proposal, recent audits, partnership agreements where applicable, the Curricula Vitae of key personnel, and personnel agreements. A Technical Panel will objectively rate each complete application against the criteria described in this announcement. The panel recommendations to the Grant Officer are advisory in nature. The Grant Officer may elect to select one or more Grantees on the basis of the initial proposal submission, or the Grant Officer may establish a competitive or technically acceptable range for the purpose of selecting qualified Applicants. If deemed appropriate, following the Grant

Officer's call for the preparation and receipt of final revisions of proposals, the evaluation process described above will be repeated to consider such revisions. The Grant Officer will make a final selection determination based on what is most advantageous to the USG, considering factors such as panel findings based on the criteria listed below and the best value to the government, cost, and other factors. The Grant Officer's determination for award under this SGA is final.

NOTE: Selection of a Grantee does not constitute approval of the grant application as submitted. Before the actual grant is awarded, USDOL may enter into negotiations about such items as program components, funding levels, and administrative systems to support grant implementation. If the negotiations do not result in an acceptable submission, the Grant Officer reserves the right to terminate the negotiation and decline to fund the application.

VI. Award Administration Information

1. Award Notices

The Grant Officer will notify Applicants of designation results as follows:

Designation Letter: The designation letter signed by the Grant Officer will serve as official notice of an organization's designation. The designation letter will be accompanied by a Cooperative Agreement and ILAB's Management Procedures and Guidelines (MPG).

Non Designation Letter: Any organization not designated will be notified formally of the non-designation and given the basic reasons for the determination. Notification of designation by a person or entity other than the Grant Officer is not valid.

2. Administrative and National Policy Requirements

A. General

Grantees are subject to applicable U.S. Federal laws (including provisions of appropriations law) and regulations, Executive Orders, applicable OMB Circulars, and USDOL policies. If, during project implementation a Grantee is found in violation of U.S. laws and regulations, the terms of the Cooperative Agreement awarded under this solicitation may be modified by USDOL, costs may be disallowed and recovered, the Cooperative Agreement may be terminated, and USDOL may take other action permitted by law. Determinations of allowable costs will be made in accordance with the applicable U.S. Federal cost principles.

B. Audits

After award, Grantees must submit an annual independent audit regardless of grant amount.

- i. For U.S. based non-profit organizations expending \$500,000 or more in a year in Federal awards: a “single” or “program specific” audit conducted under the provisions of OMB Circular A-133 is required.
- ii. For all other organizations (including foreign-based and private for-profit grantees): an audit conducted in accordance with the U.S. Government Accountability Office’s (GAO) “*Government Auditing Standards*” is required. The audit must address the following:
 - (a) Compliance with the USDOL’s regulations and the provisions of the Cooperative Agreement; and
 - (b) Reliability of the organization’s financial and performance reports.

Costs for audits or attestation engagements should be included in the cost proposal as direct or indirect costs, whichever is appropriate.

Please Note: USDOL generally allows the costs to be allocated based on the following (applicable to U.S. based agencies only): 1) A-133 “single audit” costs as part of the indirect cost

rate/pool for organizations with more than one Federal source of funding. Organizations with only one Federal source could charge the A-133 single audit cost as direct costs; 2) A-133 “compliance supplement” costs – as direct costs for Federal sources only through a cost allocation methodology approved by the Federal cognizant agency; or 3) A-133 program specific audits as direct costs. Any deviations from the above must be explained and justified in the application.

C. Administrative Standards and Provisions

The Cooperative Agreements awarded under this solicitation are subject to the following administrative standards and provisions, and any other applicable standards that come into effect during the term of the Cooperative Agreement, if applicable to a particular Grantee:

- i. 29 CFR Part 2 Subpart D – Equal Treatment in Department of Labor Programs for Religious Organizations; Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries.
- ii. 29 CFR Part 31 - Nondiscrimination in Federally Assisted Programs of the Department of Labor-- Effectuation of Title VI of the Civil Rights Act of 1964.
- iii. 29 CFR Part 32 - Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.
- iv. 29 CFR Part 33 - Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Labor.
- v. 29 CFR Part 35 – Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from the Department of Labor.
- vi. 29 CFR Part 36 – Federal Standards for Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.

- vii. 29 CFR Part 93 – New Restrictions on Lobbying.
- viii. 29 CFR Part 95 – Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-Profit Organizations, and with Commercial Organizations, Foreign Governments, Organizations Under the Jurisdiction of Foreign Governments and International Organizations.
- ix. 29 CFR Part 96 – Federal Standards for Audit of Federally Funded Grants, Contracts and Agreements.
- x. 29 CFR Part 98 – Federal Standards for Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants).
- xi. 29 CFR Part 99 – Federal Standards for Audits of States, Local Governments, and NonProfit Organizations.

D. Key Personnel

As noted in Section V, the Applicant must list all key personnel candidates. After the Cooperative Agreement has been awarded and throughout the life of the project, the Grantee agrees to inform the Grant Officer's Technical Representative (GOTR) whenever it appears impossible for key personnel to continue work on the project as planned. The Grantee must nominate, through the submission of a formal project revision, new personnel; however, the Grantee must obtain approval from the Grant Officer before all changes to key personnel are formalized. If the Grant Officer is unable to approve the key personnel change, she or he reserves the right to terminate the Cooperative Agreement or disallow costs.

E. Encumbrance of Grant Funds

Grant funds may not be encumbered/obligated by the Grantee(s) before or after the period of performance. Encumbrances/obligations outstanding as of the end of the grant period may be liquidated (paid out) after the end of the grant period. Such encumbrances/obligations may involve only commitments for which a need existed during the grant period and which are supported by approved contracts, purchase orders, requisitions, invoices, bills, or other evidence of liability consistent with the Grantee's purchasing procedures and incurred within the grant period. All encumbrances/ obligations incurred during the grant period must be liquidated within 90 days after the end of the grant period, unless USDOL authorizes an extension.

F. Acknowledgement on Printed Materials

In all circumstances, the following must be displayed on printed materials: "Preparation of this item was funded by the United States Department of Labor under Grant No. [insert the appropriate grant number]." 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 Grantees receiving Federal funds must clearly state:

- The percentage of the total costs of the program or project, which will be financed with Federal money;
- The dollar amount of Federal funds for the project or program; and
- The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.
- All documents should include the following notice: "This document does not necessarily reflect the views or policies of the U.S. Department of Labor, nor does

mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.”

G. Use of the USDOL Logo

In consultation with ILAB, the Grantee(s) may acknowledge USDOL’s role in the following way:

- The USDOL logo may be applied to USDOL-funded material prepared for world-wide distribution, including posters, videos, pamphlets, research documents, national survey results, impact evaluations, best practice reports, and other publications of public interest. The Grantee(s) must consult with USDOL on whether the logo may be used on any such items prior to final draft or final preparation for distribution. In no event shall the USDOL logo be placed on any item until USDOL has given the Grantee written permission to use the logo on the item.

H. Privacy and Freedom of Information

Any information submitted in response to this solicitation is subject to the provisions of the Privacy Act and the Freedom of Information Act, as appropriate.

I. Site Visits

USDOL, through its authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If USDOL makes any site visit on the premises of the Grantee or a subawardee(s) under this grant, the Grantee must provide and must require its subawardee(s) to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All site visits and evaluations will be performed so as not to unduly delay the implementation of the project.

3. Reporting and Deliverables

Guidance on USDOL procedures and management requirements will be provided to Grantees in a Management Procedure Guideline (MPG) with the Cooperative Agreement. Unless otherwise indicated, a Grantee must submit copies of all required reports and deliverables to USDOL by the specified due dates. Exact timeframes for the completion of deliverables will be addressed in the Cooperative Agreement and the MPG. Specific deliverables are outlined below.

A. Required Deliverables

Following the award of the grant, the Grantee(s) must collaborate with USDOL/ILAB to develop and/or finalize the following:

- Project Document (including a project budget) that will set the technical parameters and provide guidance to the project. It should include all information and be prepared according to the standardized format outlined by USDOL. While the Applicant's original proposal will serve as the basis of the Project Document, USDOL has found it advantageous to visit the field and reach consensus on the project strategy with host country counterparts in order to further inform the project design. USDOL must receive a draft of the Project Document 45 days after returning from travel to the relevant area(s). The Project Document must be finalized no later than 30 days after receipt of USDOL comments on the draft.
- Work Plan identifying major project activities, deadlines for their completion, and person(s) responsible for completing these activities (within 60 days after the Project Document is finalized).

- Project Indicators, including indicators that support ILAB’s GPRA goals: “Improve living standards and conditions of work for workers” (within 90 days of finalizing the Project Document).
- Performance Monitoring Plan (PMP) to establish the data needed to measure achievement of project indicators and the methods for collection and reporting. It should include all information and be prepared according to the standardized format outlined by USDOL (within 90 days of finalizing the Project Document).
- Mid-term and Final Evaluations to assess achievement of the project objectives. The mid-term evaluation shall be an internal evaluation conducted by qualified, independent staff from the implementing organization(s) and/or stakeholder organizations while the final evaluation shall be an external evaluation conducted by an independent, outside organization.

B. Required Reporting

The Grantee(s) must submit financial reports on a quarterly basis. Reporting periods end on the last day of the fiscal quarter (December 31, March 31, June 30, or September 30) from the date the grant was signed. The Grantee(s) must submit a SF 269A, *Financial Status Report*, electronically to USDOL through the E-Grants system to report the status of the funds, at the project level, during the grant period. A final SF 269A must be submitted no later than 90 days following completion of the grant period. If the Grantee(s) uses the U.S. Department of Health and Human Services Payment Management System (HHS PMS), it shall also send USDOL copies of the PSC 272 that it submits to HHS, on the same schedule. Otherwise, the Grantee(s) must submit SF 272, *Federal Cash Transactions Report*, on the same schedule as the SF 269A.

Financial reports are due within 30 days of the end of the reporting period (*i.e.*, by April 30, July 30, October 30, and January 30).

Technical Reporting Requirements

After signing the Cooperative Agreement, the Grantee(s) must submit progress reports to USDOL/ILAB at the end of each fiscal quarter. The first reporting period ends on the last day of the fiscal quarter (December 31, March 31, June 30, or September 30) from the date the grant was signed. Each progress report must be accompanied by at least one anecdote illustrating examples of project successes. Between reporting dates, the Grantee(s) must also immediately inform USDOL/ILAB of significant developments and/or problems affecting the organizations' ability to accomplish work. The Grantee(s) must submit progress reports according to the standardized format used by USDOL/ILAB.

VII. Agency Contacts

All inquiries regarding this solicitation should be directed to: Ms. Lisa Harvey, U.S. Department of Labor, Procurement Services Center, 200 Constitution Ave, N.W., Room N-5416, Washington DC 20210; telephone (202) 693-4570 (this is not a toll-free number) or e-mail:

harvey.lisa@dol.gov.

VIII. Other Information

OMB Information Collection No. 1205-0458
Expires: September 30, 2009

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 20 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimated or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, the OMB Desk

Officer for ILAB, 200 Constitution Avenue, N.W., Washington, DC 20210. Please do not return the completed application to the OMB. Send it to the sponsoring agency as specified in this solicitation. This information is being collected for the purpose of awarding a grant. The information collected through this “Solicitation for Grant Applications” will be used by the Department of Labor to ensure that grants are awarded to the applicants best suited to perform the functions of the grant. Submission of this information is required in order for the applicant to be considered for award of this grant. Unless otherwise specifically noted in this announcement, information submitted in the respondent’s application is not considered to be confidential.

REVIEW DRAFT

ANNEX 1

Sustainability Matrix for Project _____				
Date initially prepared			Date of this version	
<i>Project Component</i>	<i>Conditions for Sustainability</i>	<i>Further action by institutions and partners involved</i>	<i>Process for monitoring progress on the sustainability elements</i>	<i>Status on the sustainability elements</i>

REVIEW DRAFT

ANNEX 2: OUTPUT-BASED BUDGET SAMPLE

	notes	Unit Costs	YR 1		YR 2		TOTAL
			Units	Fed\$	units	Fed\$	
I. DIRECT LABOR							
A.. Int'l Field Staff Salaries and Benefits							
Project Director							
Fringe Benefit							
Allowances	a						
	b						
	c etc						
B. Home Office Salary and Fringe Benefits							
Project Coordinator and Salary and FB oversight Team							
Fringe Benefits							
C. Local Technical Staff							
Project director							
Mediation Specialist							
M and E Specialist							
Security							
Fringe Benefits							
D. Allowance for local Staff							
E. Short Term Consultants							
1. Local							
TOTAL SALARIES							
II. EQUIPMENT							
A. Laptops							
B. Desktop Computer							
C. Printer							
D. Photocopier							
K. Office Furniture							
TOTAL EQUIPMENT							
III. OFFICE EXPENSES							
A. Translation							
B. Internet							
C. Computer maintenance							
D. Rent							
C. Communication							
F. Office Utilities							
G. Supplies							
H. Copying							
K Wire Transfers							
TOTAL OFFICE EXPENSES							
IV. GENERAL TRAVEL AND PER DIEM							

<ul style="list-style-type: none"> A. Airfares B. Ground Travel C. Per Diem D. Misc <p>TOTAL GENERAL TRAVEL</p>			
<p>OUTPUT BUDGETS</p>			
<p>V. OUTPUT 1 MOL ADR Centers</p> <ul style="list-style-type: none"> A. <ul style="list-style-type: none"> refurbish centers IT equipment furniture B. Training <ul style="list-style-type: none"> Salaries Mediation trainer Salary Assistant Salary C. Training for mediators <ul style="list-style-type: none"> training materials venue rental D. Per Diem Travel <ul style="list-style-type: none"> M & E visit Trainer travel regional mediators travel <p>TOTAL OUTPUT 1</p>			
<p>VI. OUTPUT 2: ENTERPRISE ADR TRAINING</p> <ul style="list-style-type: none"> A. Salaries <ul style="list-style-type: none"> Labor relations expert Trainer B. Travel per diem <ul style="list-style-type: none"> 1. travel to workplaces 2. trip to headquarters C. Trainings <ul style="list-style-type: none"> venue rental material production <p>TOTAL OUTPUT 2</p>			
<p>VII. OUTPUT 3: WORKER TRAINING</p> <ul style="list-style-type: none"> A. Salaries <ul style="list-style-type: none"> Trainer B. Travel per diem <ul style="list-style-type: none"> 1. participant travel 2. trainer travel C. Trainings <ul style="list-style-type: none"> venue rental material production 			
<p>VIII. OUTPUT 4: PUBLIC</p>			

<p>AWARENESS</p> <p>A. Awareness material development (for trainers, staff)</p> <p>B. National Conferences</p> <ol style="list-style-type: none"> 1. launch 2. sustainability <p>C. Development of information tool kits</p> <p>D. Quarterly Awareness Workshop for National Leaders</p> <ol style="list-style-type: none"> 1. venue rental 2. training material <p>D. Travel and per diem</p> <p>A. Trainings</p> <p>B. launch</p> <p>C. sustainability</p> <p>E. Sub contractors</p> <ol style="list-style-type: none"> 1. event organizer <p>TOTAL OUTPUT 4</p>			
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REVIEW DRAFT

ANNEX 3:

INDIRECT CHARGES

This clause is applicable to all entities (non-profit, for-profit organizations, and State and local organizations, etc.) receiving Federal cost reimbursable grants or contracts.

Indirect cost charges should be based on allowable, allocable, and reasonable costs based on the applicable cost principles¹. It is important to highlight the submission requirements of indirect cost proposals. As an example, OMB Circular A-122, Attachment A, Section E. 2. Negotiation and Approval of Indirect Rates, states:

- *A non-profit organization which has not previously established an indirect cost rate with a Federal agency **shall** submit its initial indirect cost proposal immediately after the organization is advised that an award will be made and, in no event, later than three months after the effective date of the award.*
- *Organizations that have previously established indirect cost rates **must** submit a new indirect cost proposal to the cognizant agency² within six months after the close of each fiscal year.*

Negotiated Indirect Cost Rate Agreements (NICRAs) are used to support indirect cost claims. These documents should be current at the time of the award (See statement on “Adequate NICRAs” further below). The final rates in the NICRAs are used for “close-out” purposes.

Regarding allocable costs, attachment A of the Circular, also states:

- *Any cost allocable to a particular award or other cost objective under these principles **may not be shifted** to other Federal awards to overcome funding deficiencies, or to avoid restrictions imposed by law or by the terms of the award.*

1 OMB Circular A-122 for non-profit organizations or OMB Circular A-87 for State and local organizations available at: <http://www.whitehouse.gov/omb/circulars/index.html>; Federal Acquisition Regulations, Part 31.2 for for-profit organizations available at <http://www.arnet.gov/far/>.

2 Federal agency providing the preponderance of direct Federal funds.

In light of the above requirements, mark the appropriate clause below (A, B, or C) for the organization and fill in the blanks, as appropriate:

_____ A. A current approved cost allocation plan (CAP) or NICRA has been provided and approved - *Copy Attached*).

Note: Future NICRAs, showing provisional/final rates for each applicable fiscal year, must be submitted to the GO and GOTR for the entire grant period.

_____ B. No CAP or NICRA has been approved by the Federal Cognizant Agency.

Note: A “Temporary Billing Rate”, not exceeding 90 days, may be negotiated by the Grant/Contract Officer. Future billings of indirect costs, however, should be based on approved NICRAs.

Within this 90-day period, the organization must submit an acceptable indirect cost proposal or CAP to their Federal cognizant agency to obtain a provisional indirect rate or an approved CAP. ***Failure of the organization to submit an indirect cost proposal or CAP within this 90 day period means that it shall not receive further (if applicable) reimbursement for indirect costs.***

The 90 days are provided to:

1. allow the entity to bill indirect costs during this time (subject to future adjustments),
2. Provide the entity enough time to prepare the initial provisional indirect cost rate proposal to be submitted to the Federal cognizant agency.

In light of the above, a temporary billing rate of (N/A or %) _____% has been approved by _____ (grant/contracting officer at the Departmental agency; example: ETA, OASAM, etc.) for the first **90 days** of the grant/contract period. This rate is based on the fact that the organization has not established a NICRA or approved CAP.

DOL – Federal Cognizant Agency

If DOL is the Federal cognizant agency, please contact Victor M. Lopez, Chief, Division of Cost Determination (DCD) at 202-693-4106. DCD’s main phone number is 202-693-4100. For more information, visit DCD’s website available at: <http://www.dol.gov/oasam/programs/boc/costdeterminationguide/main.htm>.

_____ C. No indirect costs are claimed in the proposed budget.

Notes: As stated previously,

- Any cost allocable to a particular award or other cost objective under these principles may not be shifted to other Federal awards to
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overcome funding deficiencies, or to avoid restrictions imposed by law or by the terms of the award.

In light of the above statement, a “Certificate of Direct Costs” must be completed in support of future claims of direct costs (see attached).

Adequate NICRAs

Some federal agencies issue indirect cost rate agreements that are effective “**until amended.**” These rate agreements will not be accepted by the grant officer if the last negotiated fiscal year shown in the agreement is more than one year past the date of the DOL award.

For example, a provisional rate approved for FYE 12/31/03 “until amended” will not be accepted for any DOL award issued after 12/31/04. This statement is based on the federal cost principles (see footnote 1 above) that require organizations to submit a final indirect cost proposal to the Federal cognizant agency no later than six months after the entity’s fiscal year ends.

Following the example above, by 6/30/04 the organization should have submitted a new indirect rate proposal to its federal cognizant agency for review and negotiation.

CERTIFICATE OF DIRECT COSTS

The following must be filled in for organizations that are not proposing any indirect costs.

This is to certify that:

1. All costs budgeted and to be claimed under this proposal supporting the period _____, through _____ are allowable in accordance with the requirements of grants/contracts to which they apply and with the Federal cost principles; i.e., (please check those applicable cost principles):

- _____ OMB Circular A-87, Cost Principles for State, Local and Federally recognized Indian Tribal Governments.
- _____ OMB Circular A-122, Cost Principles for Non-Profit Organizations
- _____ Federal Acquisition Regulation (FAR), Subpart 31.2, Cost Principles for Commercial Organizations.

2. Claimed costs do not include any costs which are unallowable under applicable Federal cost principles. For example:

Advertising, contributions and donations, bad debts, entertainment costs, fines and penalties, general government expenses, and defense of fraud proceedings;

3. The requirements standards on lobbying costs for non-profit (A-122) and commercial (FAR) organizations have been complied with and,
4. All costs included in the proposal are properly allocable to U.S. Department of Labor grants/contracts on the basis of a beneficial or casual relationship between the expenses incurred and the agreements to which they are allocated in accordance with applicable Federal cost principles.

Subject to the provisions of the Program Fraud Civil Remedies Act of 1986, (31 USC 3801 et seq.), and the Department of Labor's implementing regulations, (29 CFR Part 22), the False Claims Act (18 USC 287 and 31 USC 3729); and the False Statements Act (18 USC 1001), I declare to the best of my knowledge the foregoing is true and correct.

Grantee/Contractor: _____

Signature: _____

Name of Authorized Official: _____

Title: _____

Date: _____

REVIEW DRAFT