

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act (WIA) - Indian and Native American Employment and Training Programs; Solicitation for Grant Applications (SGA) - Final Grantee Award Procedures for Program Years (PY) 2010 and 2011

Announcement Type: New. Notice of Award Procedures for Grantees.

Funding Opportunity Number: SGA-DFA-PY-09-04

Catalog of Federal Domestic Assistance Number (CFDA): 17.265.

Key Dates: The deadline for Notice of Intent (NOI) Part A is [insert date that is 30 days after publication in the Federal Register]. Applications must be received no later than 4 p.m. Eastern time. Address: Mailed applications must be addressed to the U.S. Department of Labor, Employment and Training Administration, Division of Federal Assistance, Attention: B. Jai Johnson, Grant Officer, Reference SGA/DFA PY-09-04, 200 Constitution Avenue, N.W., Room N4716, Washington, D.C. 20210. For complete "Application and submission information," please refer to Section IV.

I. Funding Opportunity Description

Section 166 of WIA authorizes programs to serve the employment and training needs of Indian and Native American adults and youth through competitive two-year grant awards with Indian tribes, tribal organizations, Alaska Native entities, Indian - controlled organizations serving Indians, or Native Hawaiian organizations. See WIA section 166, Public Law 105-220 as amended, codified at 29 U.S.C. 2911.

This SGA contains the procedures by which the Department of Labor (DOL) will select and designate grantees for Program Years (PY) 2010 and PY

2011 (July 1, 2010 to June 30, 2012) to operate Indian and Native American Employment and Training Programs under WIA section 166 within specified “service areas.” Grantees must provide services to any eligible applicant, and ensure equitable access to employment and training services within the service area. Requirements for these programs are set forth in WIA section 166 and the implementing regulations, 20 CFR parts 667 and 668, published at 65 FR 49294, 49435 (August 11, 2000). The specific eligibility and application requirements for designation as a grantee are set forth at 20 CFR part 668, subpart B, which is attached to this SGA as Exhibit A.

Applying the statutory and regulatory requirements, DOL will select entities for WIA section 166 funding for a two-year period. Designated grantees will be funded annually during the designation period, contingent upon compliance with all grant award requirements and the availability of Federal funds. DOL waived nation-wide competition for the WIA section 166 program in PYs 2006 through 2009. DOL has decided that there will be no waivers of competition for PY 2010 and 2011.

All applicants for designation as a WIA section 166 grantee for PY 2010 and PY 2011 must submit an NOI - Part A, in accordance with this SGA if they wish to be considered for an award of WIA funds. Current grantees and potential eligible tribes participating in Public Law 102-477 Demonstration Projects also must submit a NOI, Part A, and an application in accordance with the terms of this SGA. The employment and training activities proposed in the applications for Indian, Alaska Native, and Native Hawaiian individuals must:

- (a) develop the academic, occupational, and literacy skills of such individuals;
- (b) make such individuals more competitive in the workforce; and
- (c) promote the economic and social development of Indian, Alaska Native, and Native Hawaiian communities in accordance with the goals and values of such communities.

Congress has also directed DOL to administer the WIA section 166 Program in a manner consistent with the principles of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450, et seq., and the government-to-government relationship between the Federal Government and Indian tribal governments (WIA section 166(a) (2)).

This SGA describes the information that all applicants must submit in order to be designated as a WIA section 166 grantee. Entities new to this process should be aware that being designated as a section 166 grantee, according to this SGA, will not automatically result in a grant award. Prior to making a designation determination, the Grant Officer will conduct a “responsibility review,” in accordance with 20 CFR § 667.170, (a review of the applicant’s available records to assess its overall ability to administer Federal funds), of all applicants as part of the designation process, along with a review of the applicant’s ability to administer funds, in accordance with §§ 668.220, and 668.230, to determine if applicants are capable of handling and accounting for Federal funds.

Entities that are designated as grantees must prepare and obtain DOL approval of a two-year Comprehensive Service Plan (CSP). The CSP must include a detailed strategic plan for eligible adult and youth participants. Instructions for preparation of the CSP will be issued to all designated service providers in accordance with 20 CFR part 668, subpart G.

After DOL approves a section 166 designee's CSP, DOL and the grantee will execute a grant agreement that includes the certifications and assurances required under 20 CFR 668.292. The grant agreement will reflect the amount of section 166 funds awarded in accordance with 20 CFR 668.296 and 668.440. Upon approval of the required planning documents, the funds will be released to the grantee via a Notice of Obligation.

II. Award Information

A. Amount of Funds to be Awarded

Funds available under this notice will be awarded by grant. Approximately \$53 million is available to fund the Comprehensive Service Program (Adult) and \$14 million is available for the Supplemental (Youth) Services Program .

B. Type of Assistance Instrument

As stated in Section I, DOL has not waived competition for any service areas for the PY 2010-2011 grant cycle. Therefore, challengers may compete with current grantees. The amount of WIA section 166 funds to be awarded to each INA grantee will be determined under the procedures set forth at 20 CFR 668.296 for funds under the Adult program and 20 CFR 668.440 for Youth funded programs. DOL will determine award amounts after grantees have been designated.

C. Anticipated Number of Awards

Approximately 179 grantees may be designated under this SGA.

D. Expected Amounts of Individual Awards

Funds will be distributed nationwide on the basis of the geographic service areas awarded. Awards under the CSP (Adult) are anticipated to range from approximately \$16,000 to approximately \$5.8 million. Awards for the Supplemental Youth Services Program (Youth) are anticipated to range from approximately \$1,073 to \$3.1 million. Final award amounts in each category will depend on census data and the final PY 2010 appropriation levels.

E. Average Amount of Funding Per Award

For PY 2009, the average Adult program grant amount was \$296,764, and the average Supplemental Youth Services grant amount was \$102,170. We expect that average funding for the PY 2010 awards will not differ significantly from these amounts.

F. Anticipated Start Dates and Periods of Performance for New Award

Grantees will be expected to commence operations of the Supplemental Youth Service Program on April 1, 2010, and the Adult program on July 1, 2010. The performance period for all grantees will be from July 1, 2010 to June 30, 2012.

III. Eligibility Information

A. Definitions used to identify eligible applicants.

DOL will use the following definitions and special designation situations in determining eligibility and designating Section 166 service providers:

1. Native American-, Native Hawaiian- or Native Alaskan-Controlled Organization:

A Native American, Native Hawaiian, or Native Alaskan-controlled organization is defined as any organization with a governing body, where more than 50 percent of the governing board members are Native Americans, Indians, Native Hawaiians, or Native Alaskans. Such an organization can be a tribal government, Native Alaska entity, Native Hawaiian entity, consortium, or public or private nonprofit agency. For the purpose of this SGA, the governing board must have decision-making authority for the WIA Section 166 program.

2. Consortium:

A consortium or its members must meet the requirements of 20 CFR 668.200(a), as follows: (1) have a legal status as a government or as an agency of a

government, private non-profit corporation; (2) have the ability to administer INA program funds; (3) meet the funding thresholds.

Consortium members must also:

- Be in close proximity to one another, but they may operate in more than one State;
- Have an administrative unit legally authorized to run the program and to commit the other members to contracts, grants, and other legally binding agreements; and
- Be jointly and individually responsible for the actions and obligations of the consortium, including debts.

3. Service Area

Service Area is defined as the geographic area, described as states, counties, or reservations, or parts or combinations thereof, for which a Section 166 designation is made. (Unlike prior years, a service area cannot be defined in terms of a specific population to be served.) The formal designation letter issued by the Grant Officer will notify the applicant about the geographic service area for which it has been designated. Grantees must ensure that all eligible population members within the geographic service area have equitable access to employment and training services. See 20 CFR 668.650(a).

4. Service Areas for Alaska Native Entities

Through prior grant competitions, DOL has established geographic service areas for Alaska Native employment and training grantees based on the following: (a) The boundaries of the regions defined in the Alaska Native Claims Settlement Act; (b) the boundaries of major sub-regional areas where the primary provider of human resource development-related services is an Indian Reorganization Act (IRA) - recognized tribal council; and (c) the boundaries of

the one Federal reservation in Alaska. These service areas may be modified as a result of the current grant competition. Within these established or revised geographic service areas, DOL will designate the primary Alaska Native-controlled human resource development services provider or an entity formally selected by that provider. In the past, these entities have been regional nonprofit corporations, IRA - recognized tribal councils, and the tribal government of the Metlakatla Indian Community.

5. Service Areas for Oklahoma Indians

Through prior grant competitions, DOL has established geographic service areas for Indian employment and training programs in Oklahoma, which have generally been county-wide areas. These service areas may be modified as a result of the current grant competition. In cases in which a significant portion of the land area of an individual county lies within the traditional jurisdiction(s) of more than one tribal government, the service area has been subdivided on the basis of tribal identification information contained in the most recent Federal Decennial Census of Population. Wherever possible, DOL will honor arrangements mutually satisfactory to grantees in adjoining or overlapping geographic service areas. Where such mutually satisfactory arrangements cannot be made, DOL will designate and assign service areas to Native American grantees in a manner that is consistent with WIA and that will preserve continuity of services and prevent undue fragmentation of the programs.

B. Eligible Applicants

To be eligible for designation as a section 166 grantee in a geographic service area, an entity must meet all eligibility requirements of WIA section 166 and 20 CFR 668.200, as well as the application and designation requirements found at 20 CFR part 668, subpart B (see Exhibit A attached).

Applicants are expected to review and must comply with the statute and regulations. Eligible entities must have a legal status as a government, an agency of a government, a private non-profit corporation (i.e., incorporated under IRS Section 501(c) (3) or 501(c) (4) (except for section 501(c)(4) organizations that engage in lobbying, as provided in section VI.B.1) , or a consortium that satisfies the requirements of 20 CFR 668.200(a), (b), and (c)(6)).

Organizations that are potentially eligible to apply for WIA Section 166 funds under this solicitation are:

- Federally recognized Indian Tribes;
- Tribal organizations as defined in 25 U.S.C. 450b;
- Alaskan Native-controlled organizations representing regional or village areas, as defined in the Alaska Native Claims Settlement Act;
- Native Hawaiian-controlled entities;
- Native American-controlled organizations serving Indians (see definition of Native American-controlled organizations below);
- State-recognized tribal organizations serving individuals who were eligible to participate under the section 401 of the Job Training Partnership Act as of August 6, 1998;
- Consortia of eligible entities each of which individually meets the criteria for eligibility to apply for a grant (see definition of a consortium below).

See WIA sections 166(b)(1), (c)(1), and (d)(2)(B); 20 CFR 668.200.

Community and faith-based organizations are eligible to apply for section 166 grants in accordance with WIA section 166(c) and 20 CFR 668.200(c) and (d) if they are Native American-, Alaska Native-, or Native Hawaiian-controlled.

Funding **Thresholds**: Applicants seeking to provide services in a geographic service area for the first time must request one or more geographic

service areas in competition that contain an eligible population of sufficient size to result in a funding level of at least \$100,000 under the combined adult and youth funding formulas. See [§ 668.200\(a\)\(3\)](#). Current section 166 grantees that do not meet the \$100,000 **threshold** are exempt from this requirement. Federally-recognized tribes currently receiving, or applying for WIA § 166 funds under [Public Law 102-477](#) only need to meet a \$20,000 **threshold**, as long as the combined funding under [Public Law 102-477](#) is at least \$100,000. Attachment C provides funding estimates for the geographic areas in competition.

C. Other eligibility criteria

1. Additional key requirements.

Additional key requirements include the following: Applicants must be determined to be capable of handling and accounting for Federal grant money. See 20 CFR 667.170 668.200(a)(2), 668.220, and 668.230. Requested geographic service areas must comply with eligibility restrictions based on the formula funding level associated with the population size. See 20 CFR 668.200(a) (3), 668.296(b), and 668.440(a).

2. Priorities

The regulations establish priorities for designation among eligible entities. A federally recognized Indian tribe, band, or group on its reservation (including former reservation areas in Oklahoma), and Alaska Native entities defined in the Alaska Native Claims Settlement Act (ANCSA) (or consortia that include a tribe or an ANCSA entity) will receive priority over any other organization for

designation as the service provider for the geographic area over which the entity has legal jurisdiction, provided that the entity has the capability to administer the program and also meets all eligibility and regulatory requirements. See 20 CFR 668.210(a). If the Grant Officer decides not to designate Indian Tribes or Alaska Native entities to serve their service areas, the Grant Officer will enter into arrangements to provide services with entities which the tribes or Alaska Native entities involved approve. See 20 CFR 668.210(b). In geographic areas not served by Indian tribes or Alaska Native entities, entities with a Native American-controlled governing body and which are representative of the Native American Community or communities involved will have priority for designation. See 20 CFR 668.210(c).

C. Cost Sharing or Matching

The WIA section 166 program does not require grantees to share costs or provide matching funds.

D. Debarred, Suspended, Convicted, Defaulting Entities

In accordance with 29 CFR part 98, entities that are debarred or suspended are excluded from Federal financial assistance and are ineligible to receive a WIA section 166 grant. Additionally, entities that have been convicted of a violation of 18 U.S.C. 665 and/or 666, or that are in default of any debt repayment agreement signed with DOL or any Federal agency, are ineligible to receive an award under this SGA.

E. Recipients of Services

All recipients of adult and youth services under WIA section 166 must meet the eligibility requirements of 20 CFR 668.300 and 668.430, respectively.

F. Veterans Priority

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

G. Allowable Activities

Allowable activities are those listed in 20 CFR 668.340. See 20 CFR 668.350 for restrictions on allowable activities. Additional requirements for providing youth services can be found at 20 CFR 668.450.

H. Required Partner

In those local workforce investment areas where an INA grantee conducts field operations or provides substantial services, the INA grantee is a required partner in the local One-Stop delivery system and is subject to the provisions relating to such partners in 20 CFR part 662. The INA grantee and the Local Board which oversees the operation of the One-Stop Center(s) in a workforce

investment area also must execute a Memorandum of Understanding (MOU). See 20 CFR 668.360.

IV. Application and Submission Information

A. Application Package

This SGA, together with the attached excerpt of regulations (20 CFR part 668, subpart B), includes all information needed to apply for designation as a WIA section 166 service provider.

B. Content and Form of Application Submission

Every applicant for designation as a WIA section 166 grantee for PY 2010 and PY 2011, except as noted elsewhere in this section, must submit a signed original and two copies of an "NOI - Part A" containing the information listed below. Incumbent federally recognized tribes participating in the demonstration under Public Law 102-477 whose status has not changed need only to submit a completed Standard Form (SF) 424 (Application for Federal Assistance). The SF-424, the Budget Information Form (SF-424A), and budget narratives all must be signed by an authorized signatory official for the applicant. The authorized official must be authorized to bind the grantee to the grant agreement. Note that, for each noncontiguous geographic service area for which an entity is applying, a separate NOI - Part A must be submitted.

1. Notice of Intent – Part A Requirements

Each NOI – Part A must include the following:

(1) A cover letter and, if necessary, another document (for example, a tribal resolution), signed by an authorized signatory official, that requests designation and provides the information listed below or indicates that it accompanies the cover letter.

- (2) (i) A completed SF-424, "Application for Federal Assistance," signed by the authorized signatory official. See Exhibit B.
- (ii) Since October 1, 2003, all applicants for Federal grant and funding opportunities have been required to have a Dun and Bradstreet (D.U.N.S.) number. See the Office of Management and Budget (OMB) Notice of Final Policy Issuance, 68 FR 38402 (June 27, 2003). Applicants for WIA section 166 designation must supply their D.U.N.S. number in item 5 of the SF-424. See Exhibit B. Where a consortium is formed to apply for designation, the consortium must obtain a D.U.N.S. number. If the award will be made to the lead entity in the consortium, then the D.U.N.S. number for that lead entity must be used. The D.U.N.S. number is a nine-digit identification number that uniquely identifies business entities. Obtaining a D.U.N.S. number is easy and there is no charge. To obtain a D.U.N.S. number, access the following Web site: <http://www.dunandbradstreet.com> or call 1-866-705-5711. Requests for exemption from the D.U.N.S. number requirement must be made to OMB.
- (iii) A completed SF-424A "Budget Information Form" signed by the authorized signatory official. See Exhibit C. Separate budget information instruction forms for Adult and Youth funding, as applicable, must be completed.
- (iv) Identification and documentation of the applicant's legal status as described in 20 CFR 668.200(a)(1)), including copies of articles of incorporation for nonprofit corporations or consortium agreement (if applicable).
- (v) A specific description of the geographic area being applied for by state(s), counties, reservation(s), subparts, or combinations thereof.
- (vi) Evidence to establish an entity's ability to administer funds under 20 CFR 668.220 through 668.230.

2. *Notice of Intent--Part B Requirements (Applicable to competitions only)*

If two or more eligible entities file an NOI-Part A and satisfy the initial review described in section IV(C), and they have applied to provide section 166

services for all or part of the same geographic service area or for overlapping service areas and no applicant is entitled to priority designation under 20 CFR 668.210, or the applicants have identical priorities, then a competitive selection will be made following the procedures in this section. When competitive selection is necessary, the Grant Officer will, notify each applicant of all competing NOIs no later than 45 days after publication of this SGA in the Federal Register and invite the competing applicants to submit the supplemental NOI-Part B and any additional information that the applicant determines is appropriate. To be considered, the Part B information and any additional information must be received by the Grant Officer or be postmarked, in accordance with the directions in section IV (D), within 20 days of the date of the Grant Officer's notification letter.

An applicant whose initial NOI submission addressed the requirements for both Part A and Part B does not need to submit a separate Part B. Exclusive of charts, graphs, or letters of support, Part B must not exceed 50 pages of double-spaced, single-sided 8.5" inch x 11 inch pages with 12 point text font, and one-inch margins. Applicants subject to the NOI-Part B requirements must also submit 3 copy ready copies of Part B.

C. Submission Dates and Times.

These directions apply to both NOI-Part A and NOI-Part B, unless otherwise specified.

The closing date for receipt of applications (NOI - Part A) under this announcement is [insert date that is 30 days after publication in the Federal Register.] Mailed applications must be received at the address below no later than 4 p.m. Eastern Time, and online applications must be successfully submitted at grants.gov before the same deadline. Applications sent by e-mail, telegram, or facsimile (FAX) will not be accepted. Applications that do not meet the conditions set forth in this notice will be considered non-responsive. No

exceptions to the mailing and delivery requirements set forth in this notice will be granted.

Mailed applications must be addressed to the U.S. Department of Labor, Employment and Training Administration, Division of Federal Assistance, Attention: B. Jai Johnson, Grant Officer, Reference SGA/DFA- PY 09-04, 200 Constitution Avenue, NW, Room N4716, Washington, DC 20210. Applicants are advised that mail delivery in the Washington area may be delayed due to mail decontamination procedures. Hand-delivered proposals will be accepted at the above address. All applications submitted through professional overnight delivery service will be considered to be hand-delivered and must be received at the designated place by the specified closing date and time.

Applicants may apply online through Grants.gov (www.grants.gov) While not mandatory, DOL encourages the submission of applications through professional overnight delivery service.

NOI-Part A applications that are submitted through Grants.gov must be successfully submitted at <http://www.grants.gov> no later than 4 p.m. Eastern Time, [insert date that is 30 days after publication in the Federal Register.] NOI-Part A and Part B applications must also be validated by Grants.gov. The submission and validation process is described in more detail below. The process can be complicated and time-consuming. Applicants are strongly advised to initiate the process as soon as possible and to plan for time to resolve technical problems if necessary.

It is strongly recommended that before the applicant begins to write the proposal, applicants should immediately initiate and complete the "Get Registered" registration steps at http://www.grants.gov/applicants/get_registered.jsp. These steps may take multiple days or weeks to complete, and this time should be factored into plans for electronic submission in order to avoid unexpected delays that could result in the rejection of an application. It is strongly recommended that applicants use

the “Organization Registration Checklist” at http://www.grants.gov/assets/Organization_Steps_Complete_Registration.pdf to ensure the registration process is complete.

Within two business days of application submission, Grants.gov will send the applicant two email messages to provide the status of application progress through the system. The first email, almost immediate, will confirm receipt of the application by Grants.gov. The second email will indicate the application has either been successfully validated or has been rejected due to errors. Only applications that have been successfully submitted and successfully validated will be considered. It is the sole responsibility of the applicant to ensure a timely submission, therefore sufficient time should be allotted for submission (two business days), and if applicable, subsequent time to address errors and receive validation upon resubmission (an additional two business days for each ensuing submission). It is important to note that if sufficient time is not allotted and a rejection notice is received after the due date and time, the application will not be considered. Applications received by Grants.gov after the established due date and time will be considered late and will not be considered.

To ensure consideration, the components of the application must be saved as either .doc, .xls or .pdf files. If submitted in any other format, the applicant bears the risk that compatibility or other issues will prevent our ability to consider the application. ETA will attempt to open the document but will not take any additional measures in the event of issues with opening. In such cases, the non-conforming application will not be considered for funding.

We strongly advise applicants to use the tools and documents, including FAQs that are available on the “Applicant Resources” page at http://www.grants.gov/applicants/app_help_reso.jsp#faqs. To receive updated information about critical issues, new tips for users and other time sensitive updates as information is available, applicants may subscribe to

“Grants.gov Updates” at

http://www.grants.gov/applicants/email_subscription_signup.jsp.

If applicants encounter a problem with Grants.gov and do not find an answer in any of the other resources, call 1-800-518-4726 to speak to a Customer Support Representative or email “support@grants.gov”.

D. Late Applications

For applications submitted on Grants.gov, only applications that have been successfully submitted no later 4 p.m. Eastern Time on the closing date and then successfully validated will be considered. Any application received after the date and time specified in this notice will not be considered, unless it is received before awards are made, it was properly addressed, and it was: (a) sent by U.S. Postal Service mail, postmarked not later than the fifth calendar day before the date specified for receipt of applications (e.g., an application required to be received by the 20th of the month must be postmarked by the 15th of that month); or (b) sent by professional overnight delivery service to the addressee and received at the designated place by the specified closing date and time. “Postmarked” means a printed, stamped or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable, without further action, as having been supplied or affixed on the date of mailing by an employee of the U.S. Postal Service.

Therefore, applicants should request the postal clerk to place a legible hand cancellation “bull’s eye” postmark on both the receipt and the package. Failure to adhere to the instructions will be a basis for a determination that the application was filed late. Evidence of timely submission by a professional overnight delivery service must be demonstrated by equally reliable evidence created by the delivery service provider indicating the time and place of receipt.

E. Intergovernmental Review

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

F. Funding Restrictions

Determinations of allowable costs will be made in accordance with the applicable Federal cost principles, e.g., OMB Circulars A-87 for tribal governments, A-122 for private non-profits, and A-21 for educational institutions. See 20 CFR 668.840. The WIA cost rules at 20 CFR 667.200 to 667.220, and the administrative requirements at 20 CFR Part 668, subpart H also apply.

Construction (as opposed to maintenance and/or repair) costs are generally not allowed under WIA, except in specific circumstances specified at 20 CFR 667.260. Certain pre-award costs may be allowable with specific advance approval of the Grant Officer in accordance with OMB Circular A-87 or A-122.

1. Indirect Costs

As specified in OMB Circular Cost Principles, indirect costs are those that have been incurred for common or joint objectives and cannot be readily identified with a particular final cost objective. In order to use grant funds for indirect costs incurred, the applicant must obtain an Indirect Cost Rate Agreement with its cognizant Federal agency either before or shortly after grant award.

2. Administrative Costs

Administrative costs could be direct or indirect costs, and are defined at 20 CFR 667.220. Under 20 CFR 668.825 and 667.210(b) and this SGA, limits on administrative costs will be negotiated with the grantee and identified in the grant award document. In no event may these costs exceed 15 percent of the amount of the grant. Administrative

costs do not need to be identified separately from program costs on the SF 424A Budget Information Form. However, they must be discussed in the budget narrative and tracked through the grantee's accounting system. To claim any administrative costs that are also indirect costs, the applicant must obtain an Indirect Cost Rate Agreement from its cognizant Federal agency.

3. Salary and Bonus Limitations:

Under Public Law 109-234, none of the funds appropriated in Public Law 109-149 or prior Acts under the heading "Employment and Training Administration" that are available for expenditure on or after June 15, 2006, shall be used by a recipient or sub-recipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. Public Laws 111-8 and 111-117 contain the same limitations with respect to funds appropriated under each of those laws. These limitations also apply to grants funded under this SGA. The salary and bonus limitation does not apply to vendors providing goods and services as defined in OMB Circular A-133 (codified at 29 CFR Parts 96 and 99). See Training and Employment Guidance Letter number 5-06 for further clarification: http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2262.

4. 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 grantee, subgrantee 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 licensing fee associated with such copyrighted material, although they may be used to pay costs for obtaining a copy. Those costs are limited to the developer/seller costs of copying and shipping. If revenues are generated through selling products developed with grant funds, including intellectual property, these revenues are program income. Program income is added to the grant and must be expended for allowable grant activities.

If applicable, grantees must include the following language on all products developed in whole or in part with grant funds:

“This workforce solution was funded by a grant awarded by the U.S. Department of Labor’s Employment and Training Administration. The solution was created by the grantee and does not necessarily reflect the official position of the U.S. Department of Labor. The Department of Labor makes no guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership. This solution is copyrighted by the institution that created it. Internal use by an organization and/or personal use by an individual for non-commercial purposes is permissible. All other uses require the prior authorization of the copyright owner.”

G. Other Submission Requirements

Withdrawal of Applications:

Applications may be withdrawn by written notice to the Grant Officer at any time before an award is made.

H. Addresses

Send a signed original and two copies of the NOI - Part A to Ms. B. Jai Johnson, Grant Officer, U.S. Department of Labor, Employment and Training Administration, Division of Federal Assistance, 200 Constitution Avenue, NW, Room N-4716, Washington, DC 20210. For further information on this SGA, please contact Ms. Johnson.

I. For Further Information Contact

To confirm DOL's receipt of your submission, contact Ms. Serena Boyd, Grants Management Specialist, U. S. Department of Labor, Office of Grants and Contract Management, telephone number (202) 693-3338 (this is not a toll-free number). ADD E-MAIL ADDRESS

V. Application Rating Criteria

1. The following review criteria, totaling 100 points, apply only to those applicants who are subject to the NOI - Part B requirements as described in Part VI D of this SGA. The criteria listed below will be considered in evaluating these applicants' capability to provide services and their ability to produce the best outcomes for the individuals residing in proposed geographic service area.

1. Status as an Indian tribe, Alaska Native entity, Indian-controlled organizations serving Indians, or Native Hawaiian organization; consortia of eligible entities; or State-recognized tribe. - 5 points

By statute, priority for designation will be given to federally recognized Indian tribe, band, or group on its reservation (including former reservation areas in Oklahoma), and Alaska Native entities defined in the Alaska Native Claims Settlement Act (ANCSA) (or consortia that include a tribe or an ANCSA

entity). Tribal consortiums and State-recognized tribes also have designation priority.

Applicants will be evaluated on:

The evidence that establishes the applicant's qualifications as an eligible entity (such as the submission of a tribal resolution or evidence of its status as a Native American-, Native Hawaiian-, or Native Alaskan-controlled organization).

2. Understanding of the Unique Problems of Eligible Indian, Alaska Native, Native Hawaiian Adults and Youth - 30 Points.

Understanding the employment, training, and educational barriers encountered by the requested service population requires knowledge of the economy, infrastructure, and culture unique to that population. Therefore, applicants must describe the economic factors facing the geographic service area they propose to serve. Applicants should also discuss the employment outlook for the area, including such factors as the number of Indians and Native Americans in the requested service area, as well as the corresponding poverty rate, unemployment rate, graduation rate, jobs available in the area, including high-growth jobs. Applicants must describe the socio-economic characteristics and conditions faced by eligible Indian, Alaska Native, and Native Hawaiians, and their families, in the proposed geographic service area.

3. Previous experience successfully operating an employment and training program for serving Indians, Alaskan Natives, or Hawaiian Natives - ? points.

Applicants should provide examples of previous experience operating employment and training programs, along with a description of outcomes. Examples of operating a program in any service area will be relevant in the scoring process.

- Any experience the organization has successfully operating an employment and training program for serving Indians, Alaskan Natives, or Hawaiian-Natives;
- Any experience the organization has successfully operating any type of program that serves Indians, Alaskan Natives, or Hawaiian Natives;
- Any experience the organization has had operating grants from other Federal or non-Federal sources, and the capability to administer multiple funding streams;
- Any experience the organization has successfully operating and employment and training program.

4 Demonstrated capability to successfully operate an employment and training program established for and serving Indians, Alaskan Natives, or Hawaiian Natives -? Points

Applicants must demonstrate that they have the capability to successfully operate an employment and training program. Include a description of outcomes. Examples of operating a program in any service area will be relevant in the scoring process.

Applicants must also address:

- The organizational structure and experience that enables the applicant to manage an employment and training program designed to address the barriers to employment, and special needs of Indian, Alaskan Native, and Native Hawaiian adults and youth;
- The experience, responsibilities, and qualifications of the applicant's staff, ;
- Any experience the organization has had operating grants from other Federal or non-Federal sources;
- The applicant's ability to serve a maximum number of eligible participants, and,

- The applicant's capability to begin program operation in the proposed geographic service area by July 1, 2010.

5) Administrative capacity to successfully operate an employment and training program for serving Indians, Alaskan Natives, or Hawaiian Natives - ? Points

Applicants must demonstrate that they have adequate and sustainable management information, performance management, case management accounting, and program and fiscal reporting systems in place to ensure program and fiscal integrity. Because the WIA section 166 program has eligibility requirements for participation in the program, the applicant must also describe an eligibility determination and verification system that will enable the applicant to make correct eligibility determinations. In addition, all ETA-funded job training programs, including the WIA section 166 program, are required to submit program and financial reports. Therefore, the applicant must demonstrate the capability to collect data, and to ensure that the data collected and reports submitted are accurate. Applicants must also describe their system in support of program integrity, such as the management and security of participant records. Fiscal integrity of federal funding is also imperative; thus, applicants must describe a system that tracks funds and expenditures to ensure that funds are spent lawfully. The system must have the capacity to track spending by program, to ensure that, for those organizations with funding from more than one federal program, expenditures are posted against the appropriate program. Applicants must describe their capacity to manage the supportive services and account for expenditures related to these services. The applicant must also demonstrate its capacity to provide case management as well as the electronic tools to be used (personal computer, internet access, and email accounts) to implement client-centered, case management systems.

Applicants must also address:

- . The applicant's capability to administer multiple funding streams;

- . The fiscal controls in place in the organization for auditing, and the applicant's accountability procedures;
- . The applicant's capability to collect and manage data, in a way that allows consistent, accurate, and timely reporting.

6 Strategic Plan ADD MORE DETAIL ABOUT WHAT ETA WANTS RE STRATEGIC PLANNING, AND FOR PROVIDING THE MIX OF SERVICES .

Integrated Service Strategy: Linkages with Indian and non-Indian, Alaska Native, and Native Hawaiian and non-Native American employment and training resources within the community, including, but not limited to, Workforce Investment Boards, One-Stop Career Centers (as applicable), Youth Councils, educational, or Veteran Organizations, to eliminate duplication of service. - 30 Points

WIA section 166 grantees must work with tribal economic development programs, the workforce investment system, One-Stop-Career Center System, educators, veteran organizations, youth councils, and other strategic partners in order to maximize career and education opportunities for the service population. WIA section 166 grantees must also effectively leverage resources, and identify new strategies to ensure that Indians, Alaska Natives, and Native Hawaiians adults and youth develop the skills necessary to increase their earnings and to compete in the labor market. Therefore, applicants must describe in detail their strategies for providing the mix of services and activities offered to the intended service population.

A balanced mix emphasizes employment and training activities, recognizing the importance of related assistance services, and includes service delivery strategies that focus on appropriate educational approaches, such as career guidance, and GED preparation. Therefore, the applicant must describe

partnerships with tribal economic development programs, the workforce investment system, One-Stop Career Center, educators, including the Department of Education or Tribal Colleges, veteran organizations, youth councils or other key stakeholders in the proposed geographic service area.

The applicant must also describe how these partnerships will strengthen Indian, Native Alaskan, or Native Hawaiian adults' and youths' ability to obtain or retain employment, access educational opportunities, or employment opportunity in high demand and/or high growth sectors.

Applicants must discuss any involvement they have had with local employers within the geographic service area, and efforts that have been made to link unemployed Indians and Native Americans with employers.

Applicants must also address:

- The partnerships they have developed or initiated and the degree to which each partner plays a committed role in providing employment and training, educational, or veteran services to Indian, Alaska Native, and Native Hawaiians in the proposed geographic service area;
- Its plan for interaction and communication between key partners and the capability to manage partnerships;
- The applicant's connections with educational institutions or Tribal colleges, veteran organizations, or social service programs in the proposed geographic service area;
- The applicant's experience working with the workforce systems and One-Stop Career Centers in the proposed geographic service area; and
- The services currently offered to eligible veterans and spouses, as well as a detailed plan on how the applicant intends to implement veteran and spousal priority of service in their proposed geographic service area.

2. Review Process for All Applications

DOL's INA Program, with the concurrence of the Grant Officer, will conduct an initial review of all submissions for Section 166 designation for compliance with the statute, regulations, and this SGA. The initial review will consider the timeliness and completeness of the submission, applicant eligibility, eligibility of the requested service area, population size, and priorities, as described in section III B 2, herein. The review will also consider the applicant's ability to administer funds as specified at 20 CFR 668.220 and 668.230. Applicants that do not satisfy these conditions will not be funded.

The Grant Officer may require additional or clarifying information or action, including a site visit, before designating applicants and/or before determining whether to conduct a competition for a particular geographic service area. In addition, applicants may be required to address actions taken to correct deficiencies identified by the DOL, including specific timeframes for completion.

Organizations with no prior grant history with DOL, or about whom there are financial or grant management concerns, may be conditionally designated pending an onsite review and/or a six-month assessment of program progress. Failure to satisfy such conditions may result in a withdrawal of designation. The Grant Officer is not required to adhere to the geographical service area requested in an NOI. The Grant Officer may make the designation applicable to all of the area requested or, if acceptable to the applicant, a portion of the area requested or more than the area requested.

3. Competitive Selection Procedures:

Where competitive evaluation is required, the Grant Officer will use a formal panel review process to score the information submitted with the complete NOI (Part A and B), using the criteria listed in Section V (1). The review panel will include individuals with knowledge of or expertise in programs dealing with Indians and Native Americans. The purpose of the panel

is to review and evaluate an organization's potential, based on its application (including the supplemental information required in Part B), to provide services to a specific Native American community, to rate the proposals in accordance with the rating criteria described in Section V(1), and to make recommendations to the Grant Officer.

It is DOL's policy that no information affecting the panel review process will be solicited or accepted after the deadlines for receipt of applications set in this SGA. All submitted information must be in writing. This policy does not preclude the Grant Officer from requesting or considering additional information independent of the panel review process.

During the review, the panel will not give weight to undocumented assertions. Any information must be supported by adequate and verifiable documentation, e.g., supporting references must contain the name of the contact person, an address, and telephone number. Panel ratings and recommendations are advisory to the Grant Officer.

The Grant Officer will make the final determination of section 166 designees and of the geographic service area for which each designation is made. In accordance with 20 CFR 668.250(b) (4), the Grant Officer will select the entity that demonstrates the ability to produce the best outcomes for its customers, based on all available evidence. In addition to considering the review panel's rating, the Grant Officer will consider input from DOL's Indian and Native American Program, other offices within ETA, and the DOL Office of the Inspector General, and any other available information regarding applicants' financial capability, operational capability, and responsibility in order to make funding determinations that are most advantageous to the government. The Grant Officer need not designate an entity for every geographic area (see 20 CFR 668.294). If there are service areas for which no entity submitted a complete NOI, the Grant Officer may either designate no service provider or may designate an

entity based on demonstrated capability to provide the best services to the client population.

4. *Anticipated Announcement and Designation*

If possible, designation decisions will be made by March 30, 2010.

VI. Award Administration Information

A. Award Notices

All award notifications will be posted on the ETA Homepage (<http://www.doleta.gov>). Applicants selected for award will be contacted directly before the grant's execution and non-selected applicants will be notified by mail. The Grant Officer will notify section 166 applicants of designation results as follows:

(i) Designation Letter. The designation letter signed by the Grant Officer will serve as official notice of an organization's designation. The designation letter will include the geographic service area for which the designation is made. Upon receipt of the designation letter, designated entities must ensure and provide evidence to DOL that a system is in place to afford all members of the eligible population within their service area an equitable opportunity to receive employment and training activities and services. See 29 CFR 668.260(b).

(ii) Conditional Designation Letter. Conditional designations will include identification of the geographic service area, the nature of the conditions, actions required for the designee to achieve full designation status, and the timeframe in which such actions must be accomplished.

(iii) Non-Designation Letter. Any organization not designated, in whole or in part, for a requested geographic service area will be notified formally, in writing, of the non-designation and provided the reasons for the determination.

Notification by a person or entity other than the Grant Officer that an organization has been designated is not valid.

An applicant for WIA section 166 designation that is not awarded such designation, in whole or in part, may be afforded the opportunity to appeal non-designation as provided at 20 CFR 668.270 and 20 CFR part 667, subpart H. Information about termination of designation can be found at 20 CFR 668.290.

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

B. Administrative and National Policy Requirements Rules;

1. *Administrative Program Requirements*

All grantees will be subject to all applicable Federal laws, including WIA section 166, (codified as amended at 29 U.S.C. § 2801 et seq.) (“WIA”); its implementing regulations, including 20 CFR Part 668; and the applicable OMB Circulars.

The grant(s) awarded under this SGA will be subject to the following administrative standards and provisions:

- i. Non-Profit Organizations – OMB Circulars A-122 (Cost Principles) and 29 CFR part 95 (Administrative Requirements).
- ii. Educational Institutions – OMB Circulars A-21 (Cost Principles) and 29 CFR part 95 (Administrative Requirements).
- iii. State and Local Governments – OMB Circulars A-87 (Cost Principles)

and 29 CFR part 97 (Administrative Requirements).

iv. Profit Making Commercial Firms – Federal Acquisition Regulation (FAR) – 48 CFR part 31 (Cost Principles), and 29 CFR part 95 (Administrative Requirements).

v. All entities must comply with 29 CFR parts 93 and 98, and, where applicable, 29 CFR parts 96 and 99.

vi. 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.

vii. 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.

viii. 29 CFR part 32 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

ix. 29 CFR part 33 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Labor.

x. 29 CFR part 35 – Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from the Department of Labor.

xi. 29 CFR part 36 – Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.

The following administrative standards and provisions may be applicable:

i. Sections of WIA in addition to section 166 and 20 CFR part 667 (General Fiscal and Administrative Rules);

ii. 29 CFR part 29 & 30 – Apprenticeship & Equal Employment Opportunity in Apprenticeship and Training;

iii. 29 CFR part 37 – Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998:

- The Religious Freedom Restoration Act (RFRA), 42 U.S.C. sec. 2000bb, applies to all Federal law and its implementation. If your organization is

a faith-based organization that makes hiring decisions on the basis of religious belief, it may be entitled to receive Federal financial assistance under Title I of the Workforce Investment Act and maintain that hiring practice even though Section 188 of the Workforce Investment Act contains a general ban on religious discrimination in employment. If you are awarded a grant, you will be provided with information on how to request such an exemption.

iv. Ensuring the Health and Safety of Participants Under WIA Section 181(b)(4) -- Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees are equally applicable to working conditions of participants engaged in training and other activities. Applicants that are awarded grants through this SGA are reminded that these health and safety standards apply to participants in these grants. See WIA section 181(b)(4).

In accordance with WIA Section 195(6) and 20 CFR 668.630(f), programs funded under this SGA must not involve political activities. Additionally, in accordance with Section 18 of the Lobbying Disclosure Act of 1995 (Pub. L. 104-65) (2 U.S.C. 1611), 20 CFR 668.630(g) and 29 CFR part 93, non-profit entities incorporated under Internal Revenue Service Code section 501(c) (4) that engage in lobbying activities are not eligible to receive Federal funds and grants.

Except as specifically provided in this SGA, ETA's acceptance of a proposal and an award of Federal funds to sponsor any programs(s) does not provide a waiver of any grant requirements and/or procedures. For example, the OMB Circulars require that an entity's procurement procedures must ensure that all procurement transactions are conducted, as much as practical, to provide open and free competition. If a proposal identifies a specific entity to provide services, the ETA's award does not provide the justification or basis to sole source the procurement, i.e., avoid competition, unless the activity is regarded as the primary work of a partner named in the application.

3. Reporting

WIA section 166 grantees will be required to submit reports on financial expenditures, program participation, and participant outcomes on no more than a quarterly basis. Grantees are required to file reports electronically. Reporting requirements include OMB Common Measures and will include evaluation of the Grantee's annual performance against those Common Measures. Current reporting requirements for Section 166 grants are found at 20 CFR part 668, subparts D and F.

VII. Agency Contacts

For further information regarding this SGA, please contact Serena Boyd, Grants Management Specialist, Division of Federal Assistance, at (202) 693-3338 (this is not a toll-free number). Applicants should e-mail all technical questions to boyd.serena@dol.gov and must specifically reference SGA-DFA-PY 09-04, and along with question(s), include a contact name, fax and phone number.

This announcement is being made available on the ETA Web site at <http://www.doleta.gov/grants> and at <http://www.grants.gov>.

VIII. Other Information

Potential applicants may obtain further information on the WIA Section 166 Program for employment and training of Native Americans through the Web site for DOL's INAP programs: <http://www.doleta.gov/dinap>. Any information submitted in response to this SGA will be subject to the provisions of the Privacy Act and the Freedom of Information Act, as appropriate. The DOL is not obligated to make any awards as a result of this SGA, and only the Grant Officer can bind the DOL to the provision of funds under WIA Section 166.

Unless specifically provided in the grant agreement, DOL's acceptance of a proposal and/or award of Federal funds does not waive any grant requirements and/or procedures.

X. OMB Information Collection

OMB Information Collection No. 1225-0086

Expires November 30, 2012

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 about the burden estimated or any other aspect of this collection of information, including suggestions for reducing this burden, to the OMB Desk Officer for ETA, Department of Labor, in the Office of Management and Budget, Room 10235, Washington, DC 20503. 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 SGA will be used by DOL to ensure that grants are awarded to the applicant 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, the information submitted by grant applicants is not considered to be confidential, and will be available to the public. Applications filed in response to this SGA may be posted on the Department's website.

Signed at Washington, DC, this day of , 2010

B. Jai Johnson

Grant Officer

Billing Code 4510-FN-P