

**U.S. DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Notice of Availability of Funds and Solicitation for Grant Applications for Indian and Native American Employment and Training Programs**

**Announcement Type:** Solicitation for Grant Applications (SGA)

**Funding Opportunity Number:** SGA/DFA PY-13-02

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

**Key Dates:** The closing date for receipt of applications under this announcement is [*insert date 30 days after date of publication of the one page notice in the Federal Register*]. Applications must be received no later than 4:00:00 p.m. Eastern Time.

**Addresses:** Mailed applications must be addressed to the U.S. Department of Labor, Employment and Training Administration, Office of Grants Management, Attention: **Sara Williams**, Grant Officer, Reference SGA/DFA PY 13-02, 200 Constitution Avenue, NW, Room N4716, Washington, DC 20210. For complete application and submission information, including online application instructions, please refer to Section IV.

**Executive Summary:**

The Employment and Training Administration (ETA), U.S. Department of Labor (the Department or DOL), announces the availability of approximately \$58 million in grant funds authorized by the Workforce Investment Act (WIA) Section 166 for the Indian and Native American Program (INAP) to fund approximately 170 grants—\$46 million to fund the Comprehensive Service Program (CSP) serving adult participants and \$12 million to fund Supplemental Youth Service Program (SYSP) serving summer youth participants. Awards under the CSP are anticipated to range from approximately \$13,000 to \$5 million. Awards for the SYSP are anticipated to range from approximately \$1,000 to \$2.6 million.

## **I. Funding Opportunity Description**

### **A. Introduction**

American Indians, Alaskan Natives, and Native Hawaiians are the most impoverished group in the United States, with acutely high unemployment rates in rural and isolated reservations and villages, and often challenged by multiple barriers to employment. One in every four (25.3 percent) Native Americans live in poverty, and these individuals are three times as likely to receive public assistance compared to the total population.<sup>1</sup> Reducing the education and employment inequality between Indian and Native Americans requires a concentrated effort to enhance education and employment opportunities, create pathways to careers and skilled employment, help Indian and Native Americans to enter and remain in the middle class, and respond to the needs of employers in the local economies. The WIA Section 166 program provides training and employment services specifically targeted to Indian and Native Americans. The WIA Section 166 program is the only Federal employment and job training

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<sup>1</sup> Census 2000 Special Report, American Indian and Alaska Native in the United States, February 2006.

program that serves American Indians, Alaskan Natives, and Native Hawaiians who reside both on and off reservations.

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 to Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, and Native Hawaiian organizations (see WIA Section 166, Public Law 105-220 as amended, codified at 29 U.S.C. 2911). The terms “Indian,” “Indian tribe,” and “tribal organization” have the meanings given such terms in subsections (d), (e), and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act ([25 U.S.C. 450b](#)).

This SGA contains the procedures by which the Department will designate grantees for Program Years (PY) 2014 and 2015<sup>2</sup> to operate Indian and Native American Employment and Training Programs under WIA Section 166 within specified geographic service areas.<sup>3</sup> Grantees must provide services to all eligible applicants and ensure equitable access to employment and training services within the geographic service area. The Department waived the previous competitive round of WIA Section 166 awards for PY 2012-2013, and has determined that no waivers of competition under WIA Section 166(c)(2) will be available for the next two-year designation cycle.

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<sup>2</sup> Grantees will be expected to commence operations of the Supplemental Youth Service Program on April 1, 2014, and the Comprehensive Service Program on July 1, 2014.

<sup>3</sup> A “geographic 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. A geographic service area, by its very nature, is not 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).

B. Program Purpose:

The purpose of the WIA Section 166 program is to support employment and training activities for Indian, Alaska Native, and Native Hawaiian individuals in order to:

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

The Department administers Indian and Native American (INA) programs to maximize the Federal commitment to support the growth and development of Native American people and communities as determined by representatives of such communities.

Congress has also directed that the WIA Section 166 program be administered 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)).

C. Program Authority

Requirements for these programs are set forth in WIA Section 166 and 20 CFR Part 668.

**II. Award Information**

A. Award Type and Amount

Funding will be provided in the form of a grant. Approximately \$58 million is expected to be made available to fund roughly 170 WIA Section 166 grants—\$46 million to fund the Comprehensive Service Program (CSP) for adults and \$12 million to fund the Supplemental Youth Service Program (SYSP).

Awards under the CSP are anticipated to range from approximately \$13,000 to \$5 million. Awards for the SYSP are anticipated to range from approximately \$1,000 to \$2.6 million. The amount of the grant awards for the CSP and SYSP programs is determined through a formula pursuant to 20 CFR 668.296 and 668.440, respectively. The final award amounts will depend on the census data for the service areas designated. Second year allocations are dependent upon the program's funding formula, the availability of funding through the FY 2015 appropriations process, and the grantee's compliance with all applicable statutory requirements, regulatory requirements, and current and future ETA guidance related to the WIA Section 166 grant program.

Applicants may review the PY 2013 funding allotment Training and Employment Guidance Letter for previous funding amounts: [http://www.doleta.gov/dinap/TEGLs/TEGL\\_36\\_12.pdf](http://www.doleta.gov/dinap/TEGLs/TEGL_36_12.pdf). Applicants may use the PY 2013 funding allotment as a basis for the amount of funding that they request. However, since the Department does not yet know the final funding amounts, these amounts are estimates only.

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Awards made under this announcement are subject to the availability of Federal funds. In the event that additional funds become available, ETA reserves the right to use such funds to select additional grantees from applications submitted in response to this solicitation.

## B. Period of Performance

The two year designation period is from PY 2014 through PY 2015. Grantees will be expected to begin operations of SYSP on or around April 1, 2014, and CSP on July 1, 2014. The performance period for all grantees will end on June 30, 2016. While the designation is for two years, funds will be provided to grantees on an annual basis. This designated period includes all necessary implementation and start-up activities.

## III. **Eligibility Information**

### A. Eligible Applicants

To be eligible for an award under WIA Section 166 and this solicitation, 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. The Federal regulations are available at: <http://www.doleta.gov/dinap/cfml/wiaregfinal.cfm>. Potential applicants are expected to thoroughly review and comply with the statute and regulations.

The types of entities 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; and/or
- State-recognized tribal organizations serving individuals eligible to participate under section 401 of the Job Training Partnership Act (JTPA).

Applicants may apply individually or in a consortium. Consortia must be comprised exclusively of eligible entities as described above and must meet the additional requirements for consortia detailed below.

### 1. Requirements for Consortia:

Each consortium member must individually meet the following conditions:

- Be in close proximity to one another, but 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.

### 2. Legal Status

To be eligible to apply individually or as part of a consortium, entities must have a legal status as a government, an agency of a government, or a private non-profit corporation (i.e. incorporated under IRS Section 501(c)(3) or 501(c)(4).<sup>4</sup>

### 3. Funding Thresholds

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<sup>4</sup> Please note that organizations incorporated under Section 501(c)(4) that engage in lobbying, as discussed in Section VI.B. of the SGA are not eligible to receive Federal funds and grants.

Applicants must request geographic service areas that comply with the funding limitations based on the formula funding level associated with the area's population size (20 CFR 668.200(a)(3), 668.296(b), and 668.440(a)). 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. Current Section 166 grantees that do not meet the \$100,000 funding level are exempt from this requirement. Federally-recognized Tribes currently receiving, or applying for WIA Section 166 funds under Public Law 102-477 only need to meet a \$20,000 funding level, as long as the combined funding under Public Law 102-477 is at least \$100,000.

#### 4. Priority for Designation of Eligible Organizations

The regulations at 20 CFR 668.210 establish comparative 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 service 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.

In the event that the Indian tribe or Alaska Native entity is not designated to serve their service area, the Department will enter into arrangements to provide services with entities which the



tribes or Alaska Native entities involved approve (20 CFR 668.210(b)). If no applicant is entitled to a priority, the Department will consider applications from entities that meet the eligibility requirements described above.

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 (20 CFR 668.210(c)).

a. Service Areas for Alaska Native Entities

Through prior grant competitions, the Department 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, the Department will designate the primary Alaska Native-controlled human resource development services provider or an entity formally selected by that provider.

b. Service Areas for Oklahoma Indians

Through prior grant competitions, the Department 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 to a certain extent on the basis of tribal identification information contained in the most recent Federal Decennial Census of Population. Wherever possible, the Department will honor arrangements mutually satisfactory to grantees in adjoining or overlapping geographic service areas.

#### 5. 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 American Job Center network and is subject to the provisions relating to such partners in 20 CFR Part 662. The INA grantee and the Local Workforce Investment Board, which oversees the operation of the American Job Center(s) in a workforce investment area, must execute a Memorandum of Understanding (MOU) according to 20 CFR 668.360.

#### 6. Other Eligibility Criteria

In accordance with 29 CFR Part 98, entities that are debarred or suspended are excluded from receiving 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 the Department or any Federal agency, are ineligible to receive an award under this SGA.

## B. Cost Sharing or Matching

The WIA Section 166 program does not require grantees to share costs or provide matching funds. Please note that any other resources contributed to the project are considered leveraged resources and do not constitute cost sharing or matching funds. Cost sharing or match is not one of the application screening criteria.

## C. Other Information

### 1. Number of Notice of Intent (NOIs) To Be Submitted

Applicants must submit one NOI for each noncontiguous geographic service area for which an entity is applying.

### 2. Eligible Participants

#### a. Participants Eligible to Receive 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.

#### b. Veterans Priority for Participants

The Jobs for Veterans Act (Public Law 107-288) requires grantees to provide priority of service for 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 a service, one of whom is a veteran or eligible spouse, the veterans priority of service provisions

require that the grant recipient give the veteran or eligible spouse priority of service by first providing him or her that service. To obtain priority of service, a veteran or spouse must meet the program's eligibility requirements. Grantees must comply with the Department's guidance on veterans' priority. ETA's Training and Employment Guidance Letter (TEGL No. 10-09 (issued November 10, 2009) provides guidance on implementing priority of service for veterans and eligible spouses in all qualified job training programs funded in whole or in part by the Department. TEGL No. 10-09 is available at [http://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=2816](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2816).

#### **IV. Application and Submission Information**

##### A. How to Obtain an Application Package

This SGA, found at [www.Grants.gov](http://www.Grants.gov) and [http://www.doleta.gov/grants/find\\_grants.cfm](http://www.doleta.gov/grants/find_grants.cfm), contains all of the information and links to forms needed to apply for grant funding.

##### B. Content and Form of Application Submission

###### 1. Public Law 102-477 Tribes:

Federally recognized Tribes participating in the demonstration under Public Law 102-477 whose status has not changed need to submit only the following documents with respect to that program:

- Cover letter indicating the tribe's intentions to include the WIA Section 166 program in its grant agreement; and
- SF-424 "Application for Federal Assistance," described below.

## 2. Notice of Intent (NOI) Submission Requirements:

Every applicant for designation as a WIA Section 166 grantee for PY 2014 and PY 2015 must submit an NOI (also called “application” or “proposal”) for each noncontiguous geographic service area for which an entity is applying. The NOI must consist of three separate and distinct parts: (1) the SF-424 “Application for Federal Assistance;”(2) Planning and Development Narrative; and (3) Attachments to the Planning and Development Narrative. It is the applicant’s responsibility to ensure that the funding amount requested is consistent across all parts and sub-parts of the application.

### a. SF-424, “Application for Federal Assistance”

Applicants must complete the SF-424 “Application for Federal Assistance,” available at <http://apply07.grants.gov/apply/FormLinks?family=15>. **Applicants must submit separate SF-424s for the CSP and SYSP awards, as applicable.** The SF-424 must clearly identify the applicant and must be signed by an individual with authority to enter into a grant agreement. Upon confirmation of an award, the individual signing the SF-424 on behalf of the applicant is considered the authorized representative of the applicant. As stated in block 21 of the SF-424 form, signature of the authorized representative on the SF-424 certifies that the organization is in compliance with the Assurances and Certifications form SF-424B (available at <http://apply07.grants.gov/apply/FormLinks?family=15>). In addition, the applicant’s signature in block 21 of the SF-424 form constitutes assurance by the applicant of the following in accordance with 29 CFR 37.20:

As a condition to the award of financial assistance from the Department under Title I of WIA, the grant applicant assures that it will comply fully with the nondiscrimination and

equal opportunity provisions of the following laws: Section 188 of the Workforce Investment Act of 1998 (WIA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I—financially assisted program or activity; Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin; Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities; The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs. The grant applicant also assures that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

All applicants for Federal grant and funding opportunities are required to have a Data Universal Numbering System (DUNS) number, and must supply their DUNS Number on the SF-424. The DUNS Number is a nine-digit identification number that uniquely identifies business entities. If you do not have a DUNS Number, you can get one for free through the D&B website:

<http://fedgov.dnb.com/webform/displayHomePage.do>. As authorized under 2 CFR 25, grant recipients authorized to make subawards must be aware of the following requirements related to DUNS Numbers:

- Grantees must notify potential sub-grantees that no entity may receive a sub-award from you unless the entity has provided its DUNS number to you.
- Grantees may not make a sub-award to an entity unless the entity has provided its DUNS number to you.

Applicants must register with the System for Award Management (SAM) before submitting an application. Instructions for registering with SAM can be found at <https://sam.gov>. An awardee must maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration. To remain registered in the SAM database after the initial registration, the applicant is required to review and update the registration at least every 12 months from the date of initial registration or subsequently update its information in the SAM database to ensure it is current, accurate and complete. For purposes of this paragraph, the applicant is the entity that meets the eligibility criteria and has the legal authority to apply and to receive the award.

b. Planning and Development Narrative (Narrative)

The Narrative must demonstrate the applicant's capability to implement the grant project in accordance with the provisions of this solicitation. The Narrative is limited to 20 double-spaced single-sided 8.5 x 11 inch pages with 12 point text font and 1 inch margins. Applicants must number the Narrative beginning with page number 1. The Narrative must include:

- A specific description of the geographic area for which the entity requests designation, by State(s), counties, reservation(s), subparts, or combinations thereof;
- A brief summary of the employment and training or human resource development programs serving Native Americans that the entity currently operates or has operated within the previous two-year period. The summary should identify the funding source, contact person, and phone number for the program(s);
- A description of the planning process used by the entity, including the involvement of the governing body and local employers; and
- Evidence to establish the entity's ability to administer funds under 20 CFR 668.220 through 668.230. This summary must include:
  - A statement that the organization is in compliance with the Department's debt management procedures;
  - A statement that fraud or criminal activity has not been found in the organization, or a brief description of the circumstance where fraud or criminal activity has been found and a description of the resolution, corrective action, and current status;
  - A narrative demonstrating that the entity has or can acquire the necessary program and management personnel to safeguard Federal funds and effectively deliver program services that support the purposes of WIA; and
  - If not otherwise provided, a narrative demonstrating that the entity has successfully carried out or has the ability to successfully carry out activities that will strengthen the ability of the individuals served to obtain or retain unsubsidized employment. The narrative should include the past two-year history of publicly funded



grants/contracts administered including identification of the fund source and a contact person.

c. Attachments:

All attachments must be clearly labeled as Attachments. Only those attachments listed below will be excluded from the page limit. Additional materials such as resumés or general letters of support must not be included. Applicants must submit their NOI in one package because documents received separately will be tracked separately and will not be attached to the application for review. Save all files with descriptive file names of 50 characters or less and be sure to only use standard characters in file names: A-Z, a-z, 0-9, and underscore (\_). File names may not include special characters (e.g. &, -, \*, %, /, #), periods (.), blank spaces or accent marks, and must be unique (i.e., no other attachment may have the same file name). An underscore (example: my\_Attached\_File.pdf) may be used to separate a file name.

Applicants must submit the following attachments:

- (1) Abstract: All applicants must submit an up to two-page abstract summarizing the proposed project, including, but not limited to, the scope of the project and proposed outcomes. The proposed project must include the applicant's name, project title, a description of the area to be served, and the funding level requested. The Abstract is limited to two-page double-spaced single sided 8.5x11 inch pages with 12 point text font and 1 inch margins. If using grants.gov for submission, this document must be attached under the Mandatory Other Attachment section and labeled "Abstract."
- (2) A cover letter informing ETA of the organization's interest in applying for WIA section 166 funds, signed by an authorized signatory official, or a Tribal resolution;

- (3) Documentation of the applicant's legal status as described in 20 CFR 668.200(a)(1), including articles of incorporation for non-profit organizations or consortium agreements (if applicable). See Section III.A through C above; and
- (4) Indirect Cost Rate Agreement: If the applicant is requesting indirect charges, attach the most recent Indirect Cost Rate Agreement approved by the applicant's cognizant Federal agency. (For more information, see Section IV.B.2. and Section IV.E.2.)

### C. Submission Date, Times, Process and Addresses

The closing date for receipt of NOI is ***[insert date 30 days after date of publication of the one page notice in the Federal Register]*** The NOI must be submitted either electronically on <http://www.grants.gov>; in hard copy by mail; or in hard copy by hand delivery (**including overnight delivery**). Hard copy NOIs must be received at the address below no later than 4:00:00 p.m. Eastern Time on the closing date. Applications submitted on [grants.gov](http://www.grants.gov) must also be successfully submitted (as described below) no later than 4:00:00 p.m. Eastern Time on the closing date. Applicants are cautioned that NOIs should be submitted before the deadline to ensure that the risk of late receipt of the application is minimized. NOIs sent by e-mail, telegram, or facsimile (FAX) will not be accepted.

Applicants submitting NOIs in hard copy by mail or overnight delivery must submit an original signed application (including the SF-424) and one (1) "copy-ready" version free of bindings, staples or protruding tabs to ease in the reproduction of the proposal by the Department.

Applicants submitting proposals in hard copy are also required to include with the hard copy submission an identical electronic copy of the proposal on compact disc (CD). If discrepancies

between the hard copy submission and CD copy are identified, the application on the CD will be considered the official applicant submission for evaluation purposes. Failure to provide identical applications in hardcopy and CD format may have an impact on the overall evaluation.

If an NOI is physically submitted by both hard copy and through <http://www.grants.gov>, a letter must accompany the hard-copy application stating which application to review. If no letter accompanies the hard copy, we will review the copy submitted through <http://www.grants.gov>.

No exceptions to the mailing and delivery requirements set forth in this notice will be granted. Further, documents submitted separately from the application, before or after the deadline, will not be accepted as part of the application.

Mailed NOIs must be addressed to the U.S. Department of Labor, Employment and Training Administration, Office of Grants Management, Attention: Sara Williams, Grant Officer, Reference SGA/DFA PY 13-02, 200 Constitution Avenue, NW, Room N4716, Washington, DC 20210.

Applicants are advised that mail delivery in the Washington DC area may be delayed due to mail decontamination procedures. Hand-delivered NOIs will be received at the above address. All overnight delivery submissions will be considered to be hand-delivered and must be received at the designated place by the specified closing date and time.

NOIs that are submitted through Grants.gov must be successfully submitted at <http://www.grants.gov> no later than 4:00:00 p.m. Eastern Time on the closing date and then subsequently 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. Note that validation does not mean that your application has been accepted as complete. Rather, grants.gov only verifies that certain parts of the application have been submitted.

The Department strongly recommends that before applicants begin to write the application, they should immediately initiate and complete the “Get Registered” registration steps at <http://www.grants.gov/web/grants/applicants/organization-registration.html>. Applicants should read through the registration process carefully before registering. These steps may take as much as four weeks to complete, and this time should be factored into plans for timely electronic submission in order to avoid unexpected delays that could result in the rejection of an application. The site also contains registration checklists to help applicants walk through the process. The Department strongly recommends that applicants download the “Organization Registration Checklist” at <http://www.grants.gov/documents/19/18243/OrganizationRegChecklist.pdf/fc7e7c18-2497-4b08-8d9b-bfac399947a3> and prepare the information requested before beginning the registration process. Reviewing and assembling required information before beginning the registration process will alleviate last minute searches for required information and save time.

As described earlier in Section IV.B.2., applicants must have a DUNS Number and must register with the System for Award Management (SAM).

The next step in the registration process is creating a username and password with Grants.gov to become an Authorized Organizational Representative (AOR). AORs will need to know the DUNS Number of the organization for which they will be submitting applications to complete this process. To read more detailed instructions for creating a profile on Grants.gov visit:

<http://www.grants.gov/web/grants/applicants/organization-registration/step-3-username-password.html>.

After creating a profile on Grants.gov, the E-Biz point of Contact (E-Biz POC) - a representative from your organization who is the contact listed for SAM – will receive an email to grant the AOR permission to submit applications on behalf of their organization. The E-Biz POC will then log in to Grants.gov and approve an individual as the AOR, thereby giving him or her permission to submit applications. To learn more about AOR Authorization visit:

<http://www.grants.gov/web/grants/applicants/organization-registration/step-4-aor-authorization.html> or to track AOR status visit:

<http://www.grants.gov/web/grants/applicants/organization-registration/step-5-track-aor-status.html>.

An application submitted through Grants.gov constitutes a submission as an electronically signed application. The registration and account creation with Grants.gov, with E-Biz POC approval, establishes an AOR. When an application is submitted through Grants.gov, the name of the

AOR on file will be inserted into the signature line of the application. Applicants must register the individual who is able to make legally binding commitments for the applicant organization as the AOR; this step is often missed and it is crucial for valid submissions.

When a registered applicant submits an application with Grants.gov, an electronic time stamp is generated within the system when the application is successfully received by Grants.gov. Within two business days of application submission, Grants.gov will send the applicant two email messages to provide the status of the application's progress through the system. The first email, sent almost immediately, will contain a tracking number and 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. Grants.gov will reject applications if the applicant's registration in SAM is expired. Only applications that have been successfully submitted by the deadline and subsequently successfully validated will be considered. It is the sole responsibility of the applicant to ensure a timely submission. While it is not required that an application be successfully validated before the deadline for submission, it is prudent to reserve time before the deadline in case it is necessary to resubmit an application that has not been successfully validated. Therefore, sufficient time should be allotted for submission (two business days) and, if applicable, additional 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.

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

We strongly advise applicants to use the various tools and documents, including FAQs, which are available on the “Applicant Resources” page at <http://www.grants.gov/web/grants/applicants/applicant-resources.html> .

ETA encourages new prospective applicants to view the online tutorial, “Grant Applications 101: A Plain English Guide to ETA Competitive Grants,” available through Workforce3One at: [http://www.workforce3one.org/page/grants\\_toolkit](http://www.workforce3one.org/page/grants_toolkit).

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/web/grants/manage-subscriptions.html>.

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 or 606-545-5035 to speak to a Customer Support Representative or email <http://www.grants.gov/documents/19/18249/CustomerServiceProcess.pdf/35f168e0-49ea-426f-be2b-5b772178326d>.

The Contact Center is open 24 hours a day, seven days a week. It is closed on Federal holidays.

**Late Applications:** Applicants take a significant risk by waiting to the last day to submit through Grants.gov.

Any hard copy application received after the exact date and time specified for receipt at the office designated 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 not later than one working day before the date specified for receipt of applications. “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 these instructions will be a basis for a determination that the application was not filed timely and will not be considered. 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.

D. Intergovernmental Review



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

#### E. Funding Restrictions

All proposed project costs must be necessary and reasonable and in accordance with Federal guidelines. Determinations of allowable costs will be made in accordance with the applicable Federal cost principles.

Disallowed costs are those charges to a grant that the grantor agency or its representative determines not to be allowed in accordance with the applicable Federal cost principles or other conditions contained in the grant. Applicants, whether successful or not, will not be entitled to reimbursement of pre-award costs.

##### 1. 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.

##### 2. Indirect Costs

As specified in Office of Management and Budget (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. An indirect cost rate (ICR) is required when an organization operates under more than one grant or other activity, whether Federally-assisted or not. Organizations must use the ICR supplied by the Cognizant Federal Agency. If an

organization requires a new ICR or has a pending ICR, the Grant Officer will award a temporary billing rate for 90 days until a provisional rate can be issued. This rate is based on the fact that an organization has not established an ICR agreement. Within this 90 day period, the organization must submit an acceptable indirect cost proposal to their Cognizant Federal Agency to obtain a provisional ICR. (See Section IV.B. for more information on ICR Agreement submission requirements.)

### 3. Administrative Costs

Under this SGA, an entity that receives a grant to carry out a project or program may not use more than 15 percent of the amount of the grant to pay administrative costs associated with the program or project. Administrative costs could be direct or indirect costs, and are defined at 20 CFR 667.220. Administrative costs do not need to be identified separately from program costs on the SF-424A Budget Information Form. However, they must be 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, as specified above.

### 4. Salary and Bonus Limitations

None of the grant funds may be used by a recipient or subrecipient 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. This 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). Public Laws 113-46, Division A, Sections 101(a)(6) and 103; 113-6 (Division F, Title I, sections 1101(a)(4), 1102),

112-74 (Division F, Title I, section 105), and Public Laws 113-76, Division H, Sections 105(a) (6) and 103; 113-6 (Division F, Title I, sections 1101(a)(4), 1102), 112-74 (Division F, Title I, section 105), ,and Training and Employment Guidance Letter number 5-06 for further clarification: [http://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=2262](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2262).

## 5. Intellectual Property Rights

The Federal Government reserves a paid-up, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use for Federal purposes: 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. The grantee may not use Federal funds to pay any royalty or license fee for use of a copyrighted work, or the cost of acquiring by purchase a copyright in a work, where the Department has a license or rights of free use in such work. 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, the following needs to be on all products developed in whole or in part with grant funds: “This workforce product was funded by a grant awarded by the U.S. Department of Labor’s Employment and Training Administration. The product was created by the grantee and

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

#### F. Other Submission Requirements

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

### V. **Application Review Process**

#### A. Review of NOI Submission

The Department will conduct an initial review of all NOI submissions for WIA Section 166 designation for compliance with the statute, regulations, and this SGA. The Grant Officer will evaluate the applicant’s ability to administer funds as specified at 20 CFR 668.220 and 668.230.

Applicants that fail to demonstrate their ability to administer funds per 20 CFR 668.220 and 668.230 may not be designated or may receive a conditional award pending corrective action(s).

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 competition for a particular geographic service area. In addition, applicants may be required to address actions

taken to correct deficiencies identified by the Department, including specific timeframes for completion. If an organization has no prior grant history with the Department, or if the Grant Officer has concerns about the organization's financial or grant management systems, the Grant Officer may conditionally designate an organization pending an onsite review and/or a six-month assessment of program progress. An organization's 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.

#### B. Competitive Selection Procedures

Competitive selection procedures will be conducted if two or more eligible entities:

- Submit an NOI and satisfy the NOI submission review described above;
- Have applied to provide WIA 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 or the applicants have identical priorities under 20 CFR 668.210.

In circumstances where a competitive evaluation is required, each applicant will be notified by Grant Officer of all the competing NOIs, and have an opportunity to submit additional information addressing the requirements of 20 CFR 668.240(c) or such other information as the

applicant determines appropriate. This notification will also provide additional information about the technical review process.

If a competitive evaluation is required, the Grant Officer will use a formal, technical panel review process, and require competing applicants to address specific evaluation criteria. The criteria will be based on the policy goals, priorities, and emphases set forth in this SGA. The technical review panel will include individuals with knowledge of or expertise in programs dealing with Indians and Native Americans who will carefully evaluate applications (the NOI and the supplemental evaluation criteria) against the selection criteria. Up to 100 points may be awarded to an applicant, depending on the quality of the responses provided.

The final scores (which may include the mathematical normalization of review panels) will serve as the primary basis for selection of applications for funding. The panel results are advisory in nature and not binding on the Grant Officer. The Grant Officer reserves the right to make selections based solely on the final scores or to take into consideration other relevant factors when applicable, such as the applicants' financial capability, operational capability, and responsibility. See subsection C below. The Grant Officer will select the entity that demonstrates the ability to produce the best outcomes for its customers, based on all available evidence.

#### C. Additional Application Review Procedures all Potential Awardees

Before making an award, the Grant Office will conduct a responsibility review of potential awardees in accordance with 20 CFR Part 667.170, i.e. a review of the entity's available records

to assess its overall ability to administer Federal funds. Any potential awardee determined to be “not responsible” as a result of the responsibility review process will not be selected as potential grantee.

The Grant Officer will confer with the Department’s Division of Indian and Native American Program (DINAP), other offices within ETA, and the Department’s Office of the Inspector General. Notwithstanding, the Grant Office may consider any information that comes to his/her attention, and is not precluded from requesting or considering additional information. The Grant Officer makes the final determination on all Section 166 designees and of the geographic service areas for which designations are made. The Grant Officer will consider all 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 geographic service areas for which no entity submitted a complete NOI, or if the applicant(s) for the geographic service area was found unable to administer funds or was determined be “not responsible” as described above, the Grant Officer is not required to designate a service provider or she may designate an entity based on demonstrated capability to provide the best services to the client population, and who is willing to serve the area. See 20 CFR 668.250(b)(4).

If there are no entities meeting the requirements for designation in a particular area, or willing to serve that area, the Department will not allocate funds for that service area. The funds allocated

to that area will be equally distributed to all WIA Section 166 grantees. Undesignated areas may be restored during a subsequent designation cycle (20 CFR 668.294).

The government may elect to award the grant(s) with or without discussions with the applicant. Should a grant be awarded without discussions, the award will be based on the applicant's signature on the SF-424, including electronic signature via E-Authentication on <http://www.grants.gov>, which constitutes a binding offer by the applicant. Once the Grant Officer designates an applicant but before the grantee begins drawing down funds from the Payment Management System, the applicant may elect to decline the designation. The applicant must notify the Grant Officer in writing of their decision to decline the designation within fourteen (14) days of designation.

## **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. Non-selected applicants will be notified by mail or email and may request a written debriefing on the significant weaknesses of their proposal.

The Grant Officer will notify the applicants of designation results as follows:

1. 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 the



Department 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)). As discussed below, all designated entities will be required to submit a two-year Comprehensive Service Program (CSP) Plan.

2. **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 is not valid.
3. **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. An organization's failure to satisfy such conditions may result in a withdrawal of designation.
4. **Appeal rights.** 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 its 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.
5. **Comprehensive Service Program Plan Required.** Selection of an organization as a Section

166 grantee does not automatically result in a grant award. Entities that are designated as grantees must prepare and obtain DOL approval of a two-year CSP, following instructions to be provided by the Department. See 20 CFR 668, Subpart G. The CSP must include a detailed strategic plan for eligible adult and youth participants. The requirement to prepare a plan does not apply to Public Law 102-477 demonstration grants.

6. After DOL approves a Section 166 designee's CSP, DOL and the designated entity will execute a Notice of Obligation 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. Applicants must fully expend grants during the period of performance while ensuring full transparency and accountability for all expenditures.

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 negotiations and decline to fund the application. The Department reserves the right to not fund any application related to this SGA.

## B. Administrative and National Policy Requirements

### 1. Administrative Program Requirements

All grantees will be subject to all applicable Federal laws, regulations, and the applicable OMB Circulars. The grant(s) awarded under this SGA will be subject to the following administrative standards and provisions:

a. Non-Profit Organizations – 29 CFR Part 95 (Administrative Requirements) and OMB Circular A-122 (Cost Principles). (See [http://www.whitehouse.gov/omb/grants\\_circulars](http://www.whitehouse.gov/omb/grants_circulars)).

b. Educational Institutions – 29 CFR Part 95 (Administrative Requirements) and OMB Circular A-21 (Cost Principles). (See [http://whitehouse.gov/omb/grants\\_circulars](http://whitehouse.gov/omb/grants_circulars)).

c. State, Local and Indian Tribal Governments – 29 CFR Part 97 (Administrative Requirements) and OMB Circular A-87 (Cost Principles). (See [http://ww.whitehouse.gov/omb/grants\\_circulars](http://ww.whitehouse.gov/omb/grants_circulars)).

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

e. All Grant Recipients must comply with the applicable provisions of the Workforce Investment Act of 1998, Public Law No. 105-220, 112 Stat. 936 (codified as amended at 29 U.S.C. 2801 et seq.) and the applicable provisions of the regulations at 20 CFR 660 et seq. Note that 20 CFR Part 667 (General Fiscal and Administrative Rules) includes unsuccessful applicant appeal information.

f. All entities must comply with 29 CFR Part 93 (New Restrictions on Lobbying), 29 CFR Part 94 (Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)), 29 CFR 95.13 and Part 98 (Government wide Debarment and Suspension, and drug-free workplace requirements), and, where applicable, 29 CFR Part 96 (Audit Requirements for Grants, Contracts, and Other Agreements) and 29 CFR Part 99 (Audits of States, Local Governments and Non-Profit Organizations).

g. 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.

h. 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.

i. 29 CFR Part 32—Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance.

j. 29 CFR Part 35— Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from the Department of Labor.

k. 29 CFR Part 36—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.

l. 29 CFR Part 37 – Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998.

m. 29 CFR Parts 29 and 30—Labor Standards for the Registration of Apprenticeship Programs, and Equal Employment Opportunity in Apprenticeship and Training, as applicable.

## 2. Other Legal Requirements:

### a. Religious Activities

The Department notes that the Religious Freedom Restoration Act (RFRA), 42 U.S.C. Section 2000bb, applies to all Federal law and its implementation. If an applicant 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 a faith-based organization is awarded a grant, the organization will be provided with information on how to request such an exemption.

b. Lobbying or Fundraising the U.S. Government with Federal Funds

In accordance with Section 18 of the Lobbying Disclosure Act of 1995 (Public Law 104-65) (2 U.S.C. 1611), 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. No activity, including awareness-raising and advocacy activities, may include fundraising for, or lobbying of, U.S. Federal, State or Local Governments (see OMB Circular A-122).

c. Transparency Act Requirements

Applicants must ensure that they have the necessary processes and systems in place to comply with the reporting requirements of the Federal Funding Accountability and Transparency Act of 2006 (Pub. Law 109-282, as amended by section 6202 of Pub. Law 110-252) (Transparency Act), as follows:

- All applicants, except for those excepted from the Transparency Act under subparagraphs 1, 2, and 3 below, must ensure that they have the necessary processes and systems in place to comply with the subaward and executive total compensation reporting requirements of the Transparency Act, should they receive funding.
- Upon award, applicants will receive detailed information on the reporting requirements of the Transparency Act, as described in 2 CFR Part 170, Appendix A, which can be found at the following website: <http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>

The following types of awards are not subject to the Federal Funding Accountability and Transparency Act:

- (1) Federal awards to individuals who apply for or receive Federal awards as natural persons (i.e., unrelated to any business or non-profit organization he or she may own or operate in his or her name);
- (2) Federal awards to entities that had a gross income, from all sources, of less than \$300,000 in the entities' previous tax year; and
- (3) Federal awards, if the required reporting would disclose classified information.

d. Safeguarding Data Including Personally Identifiable Information (PII)

Applicants submitting proposals in response to this SGA must recognize that confidentiality of PII and other sensitive data is of paramount importance to the Department of Labor and must be observed except where disclosure is allowed by the prior written approval of the Grant Officer or by court order. By submitting a proposal, Grantees are assuring that all data exchanges conducted through or during the course of performance of this grant will be conducted in a manner consistent with applicable Federal law and TEGL NO. 39-11 (issued June 28, 2012). All such activity conducted by ETA and/or Grantee/s will be performed in a manner consistent with applicable state and Federal laws.

By submitting a grant proposal, the applicant agrees to take all necessary steps to protect such confidentiality by complying with the following provisions that are applicable in governing their handling of confidential information:

1. You must ensure that PII and sensitive data developed, obtained, or otherwise associated with DOL/ETA funded grants is securely transmitted.

2. To ensure that such PII is not transmitted to unauthorized users, all PII and other sensitive data transmitted via e-mail or stored on CDs, DVDs, thumb drives, etc., must be encrypted using a Federal Information Processing Standards (FIPS) 140-2 compliant and National Institute of Standards and Technology (NIST) validated cryptographic module. Grantees must not e-mail unencrypted sensitive PII to any entity, including ETA or contractors.
3. Grantees must take the steps necessary to ensure the privacy of all PII obtained from participants and/or other individuals and to protect such information from unauthorized disclosure. Grantees must maintain such PII in accordance with the ETA standards for information security described in TEGL NO. 39-11 and any updates to such standards provided to the grantee by ETA. Grantees who wish to obtain more information on data security should contact their Federal Project Officer.
4. Grantees shall ensure that any PII used during the performance of their grant has been obtained in conformity with applicable Federal and state laws governing the confidentiality of information.
5. Grantees further acknowledge that all PII data obtained through their ETA grant shall be stored in an area that is physically safe from access by unauthorized persons at all times and the data will be processed using grantee issued equipment, managed information technology (IT) services, and designated locations approved by ETA. Accessing, processing, and storing of ETA grant PII data on personally owned equipment, at off-site locations e.g., employee's home, and non-grantee managed IT services, e.g., Yahoo mail, is strictly prohibited unless approved by ETA.

6. Grantee employees and other personnel who will have access to sensitive/confidential/proprietary/private data must be advised of the confidential nature of the information, the safeguards required to protect the information, and that there are civil and criminal sanctions for noncompliance with such safeguards that are contained in Federal and state laws.
7. Grantees must have their policies and procedures in place under which grantee employees and other personnel, before being granted access to PII, acknowledge their understanding of the confidential nature of the data and the safeguards with which they must comply in their handling of such data as well as the fact that they may be liable to civil and criminal sanctions for improper disclosure.
8. Grantees must not extract information from data supplied by ETA for any purpose not stated in the grant agreement.
9. Access to any PII created by the ETA grant must be restricted to only those employees of the grant recipient who need it in their official capacity to perform duties in connection with the scope of work in the grant agreement.
10. All PII data must be processed in a manner that will protect the confidentiality of the records/documents and is designed to prevent unauthorized persons from retrieving such records by computer, remote terminal or any other means. Data may be downloaded to, or maintained on, mobile or portable devices only if the data are encrypted using NIST validated software products based on FIPS 140-2 encryption. In addition, wage data may only be accessed from secure locations.
11. PII data obtained by the grantee through a request from ETA must not be disclosed to anyone but the individual requestor except as permitted by the Grant Officer.



12. Grantees must permit ETA to make onsite inspections during regular business hours for the purpose of conducting audits and/or conducting other investigations to assure that the grantee is complying with the confidentiality requirements described above. In accordance with this responsibility, grantees must make records applicable to this Agreement available to authorized persons for the purpose of inspection, review, and/or audit.
13. Grantees must retain data received from ETA only for the period of time required to use it for assessment and other purposes, or to satisfy applicable Federal records retention requirements, if any. Thereafter, the grantee agrees that all data will be destroyed, including the degaussing of magnetic tape files and deletion of electronic data.

#### e. Record Retention

Applicants must be prepared to follow Federal guidelines on record retention, which require grantees to maintain all records pertaining to grant activities for a period of at least three years from the time of final grant close-out. See 29 CFR 95.53 and 29 CFR 97.42 for more specific information, including information about the start of the record retention period for awards that are continued, or renewed quarterly, annually, or at other intervals, and when the records must be retained for more than three years.

### 3. Other Administrative Standards and Provisions

Except as specifically provided in this SGA, the Department'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 NOI identifies a specific entity to provide goods or services, the Department's award does not provide the justification or basis to sole source the procurement, i.e., avoid competition.

#### 4. Special Program Requirements

##### a. Evaluation

Grantees are required to work collaboratively with the Department of Labor and its contractor on evaluation efforts related to the WIA Section 166 grant program. Note that submission of NOI constitutes agreement to this requirement.

##### b. Performance Goals

Pursuant to 20 CFR 668.620, indicators of performance measures and levels of performance in use for the INA program will be those indicators and standards proposed in individual grantee plans and approved by the Department, in accordance with guidelines developed in consultation with grantees under WIA section 166(h)(2)(A). Reporting requirements for CSP include the Common Measures, i.e. Entered Employment Rate, Employment Retention Rate, and Six Months Average Earnings. For SYSP, grantees report Educational Attainment for Dropouts and Attainment of Two or More Goals. Grantees' annual performance is measured against these measures.

Please note that grantees will be held to outcomes provided and failure to meet those outcomes may result in technical assistance or other intervention by the Department, and may also have a significant impact on decisions about future grants with the Department.

### c. Reporting

Applicants must agree to meet the Department's reporting requirements. Quarterly financial reports, quarterly progress reports, and MIS data must be submitted by the grantee electronically.

Grantees are required to provide the reports and documents listed below:

#### 1. Quarterly Financial Reports

A Quarterly Financial Status Report (ETA 9130) is required until such time as all funds have been expended or the grant period has expired. Quarterly reports are due 45 days after the end of each calendar year quarter. On the final Financial Status Report, grantees must include subgrant amounts so that the Department can calculate final indirect costs, if applicable. Grantees must use the Department's Online Electronic Reporting System and information and instructions will be provided to grantees.

#### 2. Quarterly Performance Reports

Grantees must submit a quarterly progress report within 45 days after the end of each calendar year quarter. The report must include quarterly information on grant activities, performance goals, and milestones. The last quarterly progress report that grantees submit will serve as the grant's Final Performance Report. This report must provide both quarterly and cumulative information on the grant activities. It must summarize project activities, employment outcomes and other deliverables, and related results of the project, and must thoroughly document the training or labor market information approaches used by the grantee. The Department will provide grantees with formal guidance about the data and other information that is required to be collected and reported on either a regular basis or special request basis.

d. Submission of CSP and SYSP Performance Reports

WIA Section 166 grantees are required to submit performance reports to comply with the record keeping and reporting requirements of CSP and SYSP. Reports are required on a semi-annual and annual basis. For additional information about the CSP Report (ETA 9084), visit

[http://www.doleta.gov/DINAP/pdf/ETA9084\\_General\\_Reporting\\_Instructions\\_2013\\_OMB\\_final.pdf](http://www.doleta.gov/DINAP/pdf/ETA9084_General_Reporting_Instructions_2013_OMB_final.pdf). For more information about SYSP Report (ETA 9085), visit <http://www.doleta.gov/DINAP/cfml/SupplementYouthServRep.cfm>.

e. Submission of Budget Information

Applicants designated as WIA Section 166 grantees, must submit the Budget Information documents identified below for CSP and SYSP funding allotments within 30 days of designation. Successful applicants will also be required to submit the Budget Information for each subsequent annual CSP and SYSP funding allotment. Applicants must submit separate SF-424As and budget narratives for the CSP and SYSP funding awards, as applicable. The Budget Information includes the following:

- a. SF-424A Budget Information Form (available at <http://apply07.grants.gov/apply/FormLinks?family=15>).
- b. Budget narrative, which provides a description of costs associated with each line item on the SF-424A. In preparing the Budget Information Form, the applicant must provide a concise narrative explanation to support the budget request, explained in detail below.

Personnel – List all staff positions by title (both current and proposed). Give the annual salary of each position, the percentage of each position’s time devoted to the project, the amount of each position’s salary funded by the grant and the total personnel cost for the period of performance.

Fringe Benefits – Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, FICA, retirement, etc.

Travel – Specify the purpose, mileage, per diem, estimated number of in-state and out-of-state trips and other costs for each type of travel.

Equipment – Identify each item of equipment to be purchased which has an estimated acquisition cost of \$5,000 or more per unit and a useful lifetime of more than one year. List the quantity and unit cost per item. Items with a unit cost of less than \$5,000 are supplies.

Supplies – Supplies include all tangible personal property other than “equipment.” The detailed budget should identify categories of supplies (e.g. office supplies). List the quantity and unit cost per item.

Contractual – Identify each proposed contract and specify its purpose and estimated cost. If applicable, identify any sub-recipient agreements, including purpose and estimated costs.

Construction – Construction costs are not allowed and this line must be left as zero.

Minor alterations to adjust an existing space for grant activities (such as a classroom alteration) may be allowable. The Department does not consider this as construction and the costs must be shown on other appropriate lines such as Contractual.

Other – List each item in sufficient detail for the Department to determine whether the costs are reasonable or allowable. List any item, such as stipends or incentives, not covered elsewhere here.

Indirect Charges – If indirect charges are included in the budget, include the approved indirect cost rate with a copy of the Indirect Cost Rate Agreement, a description of the base used to calculate indirect costs and total cost of the base, and the total indirect charges requested. See Section IV.E.2 for more information.

Note that the entire Federal grant amount requested must be included. No leveraged resources should be shown on the SF-424A. The requested federal grant amount listed on the SF-424, SF-424A, and budget narrative must be the same. Please note, the funding amount included on the SF-424 will be considered the official funding amount requested if any inconsistencies are found.

## **VII. Agency Contacts**

For further information about this SGA, please contact Serena Boyd, Grants Management Specialist, Office of Grants Management, at (202) 693-3338. Applicants should e-mail all technical questions to [boyd.serena@dol.gov](mailto:boyd.serena@dol.gov) and must specifically reference SGA/DFA PY 13-02, 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. Additional Resources of Interest to Applicants**

A pre-recorded Prospective Applicant Webinar will be available on-line at XXXX after February XX, 2014. While a review of this webinar is encouraged, it is not mandatory.

### **IX. Other Information**

#### **A. Transparency**

DOL is committed to conducting a transparent grant award process and publicizing information about program outcomes. Posting grant applications on public websites is a means of promoting and sharing innovative ideas. For all applications in this grant competition, we will publish the Abstracts required by Section IV. B., and selected information from the SF-424 on the Department's public website or similarly publicly accessible location. Additionally, we will publish a version of the Planning and Development Narrative required by Section IV, and any additional information submitted as a result of the Competitive Selection Procedures required by Section V.B., for all those applications that are awarded grants, on the Department's website or a similar location. No other attachments to the application will be published. The information will not be published until after the grants are announced. In addition, information about grant progress and results may also be made publicly available.

The Department recognizes that grant applications (including the additional information submitted as a result of the Competitive Selection Procedures) sometimes contain information that an applicant may consider proprietary or business confidential information, or may contain personally identifiable information (PII). Proprietary or business confidential information is information that is not usually disclosed outside your organization and disclosing this information is likely to cause you substantial competitive harm.

PII is any information that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records, and any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.<sup>5</sup>

Abstracts will be published in the form originally submitted, without any redactions. Applicants should not include any proprietary or confidential business information or PII in this summary. In the event that an applicant submits proprietary or confidential business information or PII, the Department is not liable for the posting of this information contained in the Abstract. The submission of the grant application constitutes a waiver of the applicant's objection to the posting of any proprietary or confidential business information contained in the Abstract. Additionally, the applicant is responsible for obtaining all authorizations from relevant parties for publishing all PII contained within the Abstract. In the event the abstract contains proprietary or confidential business information or PII, the applicant is presumed to have obtained all

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<sup>5</sup> OMB Memorandum 07-16 and 06-19. GAO Report 08-536, *Privacy: Alternatives Exist for Enhancing Protection of Personally Identifiable Information*, May 2008, <http://www.gao.gov/new.items/d08536.pdf>.



necessary authorizations to provide this information and may be liable for any improper release of this information.

By submission of this grant application, the applicant agrees to indemnify and hold harmless the United States, the U.S. Department of Labor, its officers, employees, and agents against any liability or for any loss or damages arising from this application. By such submission of this grant application, the applicant further acknowledges having the authority to execute this release of liability.

For all successful applications in this grant competition, we will publish the following on the Department's public website or similarly publicly accessible location:

1. The Abstract required by Section IV. B.;
2. Selected information from the SF-424 required by Section IV;
3. A version of the Planning and Development Narrative required by Section IV; and
4. Any additional information submitted as a result of the Competitive Selection Procedures required by Section V.B.

(Document #s 3 and 4 are referred to below as "documents.")

In order to ensure that proprietary or confidential business information or PII is properly protected from disclosure when the Department posts the winning documents, applicants whose documents will be posted will be asked to submit a second redacted version of the documents with any proprietary, confidential commercial/business, and PII redacted. All non-public information about the applicant's and consortium members' staff (if applicable) should be removed as well.

The Department will contact the applicants whose documents will be published by letter or email, and provide further directions about how and when to submit the redacted version of the documents. Submission of a redacted version of the documents will constitute permission by the applicant for the Department to make the redacted version publicly available. We will also assume that by submitting the redacted version of the documents, the applicant has obtained the agreement to the applicant's decision about what material to redact of all persons and entities whose proprietary, confidential business information or PII is contained in the documents. If an applicant fails to provide a redacted version of the documents within 45 days of DOL's request, DOL will publish the original version of the documents in full, after redacting only PII. (Note that the original, unredacted version of the documents will remain part of the complete application package, including an applicant's proprietary and confidential business information and any PII.)

Applicants are encouraged to maximize the grant application information that will be publicly disclosed, and to exercise restraint and redact only information that clearly is proprietary, confidential commercial/business information, or PII. The redaction of entire pages or sections of the documents is not appropriate, and will not be allowed, unless the entire portion merits such protection. Should a dispute arise about whether redactions are appropriate, the Department will follow the procedures outlined in the Department's Freedom of Information Act (FOIA) regulations (29 CFR Part 70).

Redacted information in grant applications (including additional information submitted as a result of the Competitive Selection Procedures) will be protected by the Department from public disclosure in accordance with Federal law, including the Trade Secrets Act (18 U.S.C. § 1905), FOIA, and the Privacy Act (5 U.S.C. § 552a). If DOL receives a FOIA request for your application, including additional information submitted as a result of the Competitive Selection Procedures, the procedures in the Department’s FOIA regulations for responding to requests for commercial/business information submitted to the government will be followed, as well as all FOIA exemptions and procedures. See 29 CFR § 70.26. Consequently, it is possible that application of FOIA rules may result in release of information in response to a FOIA request that an applicant redacted in its “redacted copy.”

#### B. Web-Based Resources

DOL maintains a number of web-based resources that may be of assistance to applicants. For example, the CareerOneStop portal (<http://www.careeronestop.org>) provides national and state career information on occupations; the Occupational Information Network (O\*NET) Online (<http://online.onetcenter.org>) provides occupational competency profiles; and America's Service Locator (<http://www.servicelocator.org>) provides a directory of our nation's One-Stop Career Centers.

#### C. Industry Competency Models and Career Clusters

ETA supports an Industry Competency Model Initiative to promote an understanding of the skill sets and competencies that are essential to an educated and skilled workforce. A competency model is a collection of competencies that, taken together, define successful performance in a

particular work setting. Competency models serve as a starting point for the design and implementation of workforce and talent development programs. To learn about the industry-validated models visit the Competency Model Clearinghouse (CMC) at <http://www.careeronestop.org/CompetencyModel>. The CMC site also provides tools to build or customize industry models, as well as tools to build career ladders and career lattices for specific regional economies.

Career Clusters and Industry Competency Models both identify foundational and technical competencies, but their efforts are not duplicative. The Career Clusters link to specific career pathways in sixteen career cluster areas and place greater emphasis on elements needed for curriculum performance objectives; measurement criteria; scope and sequence of courses in a program of study; and development of assessments. Information about the sixteen career cluster areas can be found by accessing: [www.careerclusters.org](http://www.careerclusters.org).

#### D. Workforce3One Resources

1. ETA encourages applicants to view the information gathered through the conference calls with Federal agency partners, industry stakeholders, educators, and local practitioners. The information on resources identified can be found on Workforce3One.org at:

<http://www.workforce3one.org/view/2001008333909172195/info>.

2. ETA encourages applicants to view the online tutorial, “Grant Applications 101: A Plain English Guide to ETA Competitive Grants,” available through Workforce3One at:

[http://www.workforce3one.org/page/grants\\_toolkit](http://www.workforce3one.org/page/grants_toolkit).

**X. OMB Information Collection**

OMB Information Collection No 1225-0086, Expires January 31, 2016. 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 U.S. Department of Labor, to the attention of the Departmental Clearance Officer, 200 Constitution Avenue NW, Room N1301, Washington, DC 20210. Comments may also be e-mailed to DOL\_PRA\_PUBLIC@dol.gov. PLEASE DO NOT RETURN THE COMPLETED APPLICATION TO THIS ADDRESS. 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 a grant.

Signed XXXXX, in Washington, D.C. by:

Sara Gallagher Williams

Grant Officer, Employment and Training Administration