Alabama Department of Commerce
Workforce Innovation and Opportunity Act (WIOA)
Grant Agreement

A. Plan No.: 63-0	**Modification:**		**Effective Date:** 07/01/16
B. Grant Recipient		**C. Administration Entity**	
1. Name	Jefferson County Commission	**1. Name**	
2. Organization	Community & Economic Development	**2. Organization**	
3. Address	716 Richard Arrington Jr. Blvd A430	**3. Address**	
4. City	Birmingham	**4. City**	
5. Zip	35203	**5. Zip**	
6. Contact	Frederick Hamilton	**6. Contact**	
7. Telephone	(205) 325-5761	**7. Telephone**	
8. E-Mail	hamiltonf@jccal.org	**8. E-Mail**	
D. Program/Fiscal Year Proposed Funding:	WIOA Funds $ 3,523,762.00	**E. Grant Period**	**Start:** 07/01/16 **End:** 06/30/18

II. Assurances/Certifications beginning on Page 2 are part of this Grant Agreement Form

III. LOCAL AREA SUBMISSION (Attach any comments on a separate sheet):

Name/Title	Signature	Date
Frederick Hamilton, Director **Grant Recipient**		
James A. Stephens, Commission President **Grant Recipient**		
John Beard, Chair **Local Workforce Investment Board**		
Greg Canfield **Secretary, Alabama Department of Commerce**		
Robert Bentley **Governor**		

INSTRUCTIONS FOR COMPLETING THE ALABAMA WIA GRANTEE BUDGET SUMMARY FOR ADULT, YOUTH, AND DISLOCATED WORKER LOCAL AREA PLANS (WIA 60)

LWIA Adult, Youth, and Dislocated Worker program budgeting information will be consolidated on a single WIA-60 form. Each executed WIA-60 will remain a valid budget document for the full grant period.

1. **Grant Recipient:** This should be the same as reported on the Grant Agreement Sheet; the contact person should be able to answer any questions regarding information contained in this form.

2. **Plan No:** Enter the two digit local area plan number, per the following:
   - 1st digit - year of WIA funds, e.g., 7 for 2007, 8 for 2008, etc.
   - 2nd digit - local area, e.g., 2 for AWIA, 3 for Jefferson, or 4 for Mobile.*
   - Indicate modification sequence per the following: "0" for initial plan, "A" for first modification, "B" for second modification, etc.
   - Revisions should only be used to indicate minor modifications. Revision sequence should be as follows: "1" for first minor modification, "2" for second minor modification revision, etc.

   For example, 93-0 would be the Jefferson initial PY2009 Plan, 93-A would be the first modification to the Jefferson PY2009 Plan, 93-A Rev. 1 would be the first minor modification revision to the first modification of the Jefferson PY2009 Plan.

   Directive No.: Reference Governor's Workforce Development Directive(s) used for Plan changes.

   USDOL Grant No: The USDOL Grant Number can be found on the Notice of Obligation (NOO) issued by USDOL to ADECA/WDD. Copies of all NOOs will be provided to local areas as Attachments to the Allocation GWDD.

   Yr. of Funds: Enter the PY/FY number corresponding to the year grant funds were first made available. The number should be consistent with the USDOL Notice of Obligation (NOO).

   Effective Date: This is the date the Plan, modification, or revision takes effect according to the effective date indicated within the corresponding directive. If an effective date is not provided in the directive the directive's release date should be used.

   Grant Period – Adult/D.W.: Enter the start date and end date of the Adult/D.W. funds grant period.

   Grant Period – Youth: Enter the start date and end date of the Youth funds grant period, as shown on the WIA-59 section E.

LWIA Identifying Grant Numbering Methodology

LWIA programs have four separate fund categories; Governor's Set Aside (15% or 25%), Adult, Youth, and Dislocated Worker. LWIA expenditures must be separately tracked against each grant type.

3. **Program** :
   a. **Catalog of Federal Domestic Assistance (CFDA) Number**: This information is provided by WDD. No LWIA entry is necessary.
   b. **Allocation Year**: Provide the allocation year for the effected funds.
   c. **Fund Allocation/Grant Amount**: By column, enter the amount of any Governor's Set Aside (15% or 25%) funds awarded the LWIA, and the amounts of Adult, Youth, and Dislocated Worker funds granted the LWIA. Amounts entered should incorporate any additional (or reductions in) funds due to reallocations. Additional detail regarding the break down of LWIA allocation amounts is found on the WIA-55 Notice of Governor's Action accompanying the completed Grant Agreement package.
   d. **Total LWIA Funds**: This information is calculated based on the data provided in section 3c.

4. **Cost Category/ Budget**: Enter the total amount of grant funds budgeted for expenditure by cost category.

   a. **Administration Funds**: Enter, by column, the amount of any LWIA Governor Reserve, Adult, Youth, and Dislocated Worker funds reserved for administration. Enter the total of LWIA funds available for program administration expenditures. Include any additions to (or reductions in) Administration funds due to reallocations. Not more than 10 percent of Adult, Youth, and Dislocated Worker grant funds may be budgeted/expended for purposes of administration.

   b. **Program Funds**: Enter, by column, the amount of any LWIA Governor's Set Aside (15% or 25%), Adult, Youth, and Dislocated Worker, and the total of LWIA funds which may be expended for program costs. Include any additions to (or reductions in) program funds due to reallocations.

   c. **Program Fund Transfers**: By column, enter any amount of LWIA Adult Program Funds the LWIA seeks to transfer to its Dislocated Worker program and/or the amount of any LWIA Dislocated Worker Program Funds the LWIA seeks to transfer to its Adult program. For PY 2008/FY 2009, up to 100 percent of the formula allocated Adult funds and/or Dislocated Worker funds may be transferred between the two programs.

   d. **Adjusted Program Funds**: Enter, by column, the amount of available LWIA Adult and Dislocated Worker funds, and the total of LWIA funds, adjusted for any above-indicated Adult-Dislocated Worker Program Funds transfer activity.

   e. **Total Funds**: By column, enter the LWIA's available Administration and Program Governor 15%, Adult, Youth, and Dislocated Worker, and Total funds. Entries on this line must agree with corresponding entries on line 3.c.

Remarks: Provide necessary detail regarding information recorded on this and any previous PY09/FY10 WIA-60 Grantee Budget Agreement document.

State of Alabama
Alabama Office of Workforce Development
Workforce Development Division

Grantee Budget Summary

1. Grant Recipient:	Jefferson County Commission				
Address:	716 Richard Arrington Jr Blvd N Suite A-430				
Contact Person:	Keith Strother	**E-mail:**	strotherk@jccal.org		
Title:	Economic Development Manager	**Phone No.:**	205-307-6701	**Fax No.:**	205-323-7148
2. Plan No.:	63-0	**Yr. of Funds:**	PY 2015	**Effective Date:**	7/1/2016
Directive No.:	PY 2015-19	**Grant Period - Adult/D.W.:**	07/01/2016-06/30/2018		
USDOL Grant No.:	AA-26764-15-55-A-1	**Grant Period - Youth:**	04/01/2016-06/30/2018		

3. Program:		**Governor's Set Aside**	**Adult Funds**	**Youth Funds**	**Dislocated Worker Funds**	**d. Total LWIA Funds**
a.	**CFDA Number**		**17.258**	**17.259**	**17.278**	
b.	**Allocation Year**		PY2016		PY2016	
c.	**Fund Allocation/Grant Amount**		$140,942.00	$1,046,186.00	$198,652.00	**$1,385,780.00**
4.	**Cost Categories/Budget:**					
a.	**Administration Funds**		$14,094.00	$104,618.00	$19,865.00	**$138,577.00**
b.	**Program Funds**		$126,848.00	$941,568.00	$178,787.00	**$1,247,203.00**
c.	**Program Fund Transfers**		$148,988.25		-$148,988.25	
d.	**Adjusted Program Funds**		$275,836.25	$941,568.00	$29,798.75	**$1,247,203.00**
e.	**Total Funds**		**$289,930.25**	**$1,046,186.00**	**$49,663.75**	**$1,385,780.00**

Remarks:
53-0: PY2016 Allocation for Jeff Co LWIB which also includes a 75% transfer of Dislocated Worker funds to Adult PY16

WIA-60
Rev. 3/09

State of Alabama
Alabama Office of Workforce Development
Workforce Development Division

Grantee Budget Summary

1.	**Grant Recipient:**	Jefferson County Commission				
	Address:	716 Richard Arrington Jr Blvd N A430				
	Contact Person:	Keith Strother	**E-mail:**	strotherk@jccal.org		
	Title:	Economic Development Manager	**Phone No.:**	205-307-6701	**Fax No.:**	205-323-7148
2.	**Plan No.:**	63-0	**Yr. of Funds:**	FY 2017	**Effective Date:**	7/1/2016
	Directive No.:	PY 2015-19	**Grant Period - Adult/D.W.:**	07/01/2016-06/30/2018		
	USDOL Grant No.:	AA-26764-15-55-A-1				

	3. Program:	**Governor's Set Aside**	**Adult Funds**	**Youth Funds**	**Dislocated Worker Funds**	**d. Total LWIA Funds**
a.	**CFDA Number**		**17.258**	**17.259**	**17.278**	
b.	**Allocation Year**		FY2017		FY2017	
c.	**Fund Allocation/Grant Amount**		$1,079,523.00		$1,058,459.00	**$2,137,982.00**
4.	**Cost Categories/Budget:**					
a.	**Administration Funds**		$107,952.00		$105,845.00	**$213,797.00**
b.	**Program Funds**		$971,571.00		$952,614.00	**$1,924,185.00**
c.	**Program Fund Transfers**		$793,844.25		-$793,844.25	
d.	**Adjusted Program Funds**		$1,765,415.25		$158,769.75	**$1,924,185.00**
e.	**Total Funds**		**$1,873,367.25**		**$264,614.75**	**$2,137,982.00**

Remarks:
63-0: FY2017 Allocation for Jeff Co LWIB which also includes a 75% transfer of Dislocated Worker funds to Adult FY16

WIA-60
Rev. 3/09

Alabama Department of Commerce
Workforce Innovation and Opportunity Act (WIOA)
Grant Agreement Instructions

I. GRANT RECIPIENT/DESIGNEE

A. Plan No.:

Enter the two digit local area plan number, per the following:
1st digit - year of WIOA funds, e.g., 5 for 2015, 6 for 2016, etc.
2nd digit - local area, e.g., 2 for AWIOA, 3 for Jefferson, or 4 for Mobile.*

Modification:

Indicate modification sequence: "0" for initial plan, "A" for first modification, "B" for second modification, etc.

Revision:

Revisions should only be used to indicate minor modifications.** Revision sequence: "1" for first minor modification, "2" for second minor modification revision, etc.

For example, 54-0 would be the Mobile Works, Inc. initial PY2015 Plan, 54-A would be the first modification to the Mobile Works, Inc. PY2015 Plan, 54-A Rev. 1 would be the first minor modification revision to the first modification of the Mobile Works, Inc. PY2015 Plan.

Effective Date:

This is the date the Plan, modification, or revision takes effect according to the effective date indicated within the corresponding Directive. If an effective date is not provided in the Directive the Directive's release date should be used.

B. Grant Recipient:

Enter the name, organization, address, contact person, telephone, and E-mail address of the grant recipient.

C. Administrative Entity:

If different from the Grant Recipient, enter the name, organization, address, contact person, telephone number, and E-mail address of the administrative entity; otherwise, leave blank.

D. Program/Fiscal Year Proposed Funding:

Indicate the PY/FY time periods and fund origins, e.g., PY15/FY16 WIOA Funds. Enter the total amount of actual or estimated LWDA funding for the time period covered by this action. This entry should be identical to that recorded on line 3.d. (Total LWDA Funds) of the accompanying WIOA-60 form.

E. Grant Period:

Enter the start date and end date of the grant period.

II. ASSURANCES AND CERTIFICATIONS

Review the assurances and certifications beginning on page 2 of the WIOA-59; these are binding requirements on the LWDA.

III. LOCAL AREA SUBMISSION

Enter the typed name and title of each authorized signatory, as appropriate. Enter the signature of each authorized signatory beside the typed name and title.

* Note: This digit has been modified to coincide with standard Local Area numbering references.

** Note that it is not necessary for local areas to obtain the respective chief local elected official and LWDA Chair signatures when submitting a minor modification to their Grant Agreement Package. Rather, a third form, WIOA-59 A, may be attached to the original WIOA-59 WIOA Grant Agreement Summary. The WIOA-59 A Form will indicate the revised WIOA-59 Part E proposed funding and carry the signature of the local area Grant Recipient representative. Upon State approval of the minor modification, the WIOA-59 A Form will be countersigned by the Division Manager, Workforce Development Division and attached to the signed WIOA Grant Agreement accompanying the originally submitted local area Grant Agreement Package.

The approved local area Grant Agreement Package minor modification will be transmitted back to the local area under a Notice of Action, signed by the Division Manager, Workforce Development Division. The Notice of Action will summarize local area WIOA funding obligation authority.

Alabama Department of Commerce
Workforce Innovation and Opportunity Act (WIOA)
Grant Agreement Minor Modification

Minor Modification*, Revised Funding, Goal Revision:

F. Program/Fiscal Year Proposed Funding:
WIOA Funds $

Grant Recipient _____ Date _____

Division Director _____ Date _____
Workforce Development Division

* Note: A minor modification would typically encompass any actions or series of local area actions with a collective impact upon local area obligation authority of $50,000, or less. Approval authority for minor modifications to local area's approved Workforce Innovation and Opportunity Act Grant Agreement Packages are delegated to the Division Director, Workforce Development Division.

Alabama Department of Commerce
Workforce Innovation and Opportunity Act (WIOA)
Grant Agreement

Assurances and Certifications

1. Applicable Authority:

Funds provided under this agreement must be expended in accordance with all applicable federal statutes, regulations and guidance, including those of the Workforce Innovation and Opportunity Act as presently in effect and as may become effective during the terms of this Agreement.

2. Administration Limitation:

Local areas are limited to spending no more than 10 percent of their annual allocation on administrative costs. Flexibility is provided to States and local areas in the statute by allowing administrative funds from the three formula funding streams awarded under subtitle B to be pooled and used together for administrative costs for any of the three programs, at the State and locals' discretion.

3. Veterans Priority Provisions:

This program, funded by the U.S. Department of Labor is subject to the provisions of the "Jobs for Veterans Act" (JVA), Public Law 107-288 (38 USC 4215), as implemented by 20 CFR Part 1010. The JVA provides priority of service to veterans and spouses of eligible veterans for the receipt of employment, training, and placement services. Agreement by a program operator to implement priority of service is a condition of receipt of DOL funds. The Planning Guidance (either the Stand-Alone Planning Guidance at 73 FR 72853 (December 1, 2008)) or the Unified Planning Guidance at 73 FR 73730 (December 3, 2008) requires states to describe the policies and strategies in place to ensure, pursuant to the Jobs for Veterans Act and the regulations, that priority of service is provided to veterans (and certain spouses) who otherwise meet the eligibility requirements for all employment and training programs funded in whole or in part by the U.S. Department of Labor. In addition, the states are required to provide assurances that they will comply with the Veterans' Priority of Service Provisions established by the Jobs for Veterans Act (38 USC 4215) and TEGL 10-09 (issued November 10, 2009). TEGL 10-09 is available at http://wr.doleta.gov/directives/corr_doc.cfm?DOCN=2816.

4. Salary and Bonus Limitations:

In compliance with Pub. L. 111-117 (Division D, sec. 107), none of the funds appropriated in the Act under the heading 'Employment and Training' shall 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 shall not apply to vendors providing goods and services as defined in the Uniform Guidance. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative costs-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment & Training Administration programs. See Training and Employment Guidance Letter number 5-06 for further clarification.

5. Intellectual Property Rights

The Federal Government reserves a paid-up, nonexclusive and irrevocable licenses 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 work, or the cost of acquiring by purchase a copyright in a work, although they may be used to pay costs for obtaining a copy which is limited to the developer/seller costs of copying and shipping. If revenues are generated 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 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.

6. Transparency Act:

Federal Funding Accountability and Transparency Act of 2006 Pub. L. 109-282 as amended by section 6202 of Pub. L. 110-252 ("FFATA"). Grantees must ensure that they have the necessary processes and systems in place to comply with the reporting requirements of FFATA. See Training and Employment Guidance Letter (TEGL) No. 11-10 (issued November 15, 2010) *http://wdr.doleta.gov/directives/attach/TEGL/TEGL11-10acc.pdf*.

7. Personally Identifiable Information:

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

8. Violation of the Privacy Act:

These funds cannot be used in contravention of the 5 USC 552a or regulations implementing that section.

9. Executive Orders:

12928:

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

13043:

Pursuant to Executive Order **13043** (April 16, 1997), increasing the Use of Seat Belts in the United States, recipients are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating vehicles, whether organizationally owned or rented or personally owned.

13513:

Pursuant to Executive Order **13513,** Text Messaging While Driving by Government Contractors, Subcontractors, and Recipients and Subrecipients. Contractors, subcontractors, and recipients and subrecipients are encouraged to adopt and enforce policies that ban text messaging while driving company-owned or –rented vehicles or Government-owned, Government-leased, or Government-rented vehicles, or while driving privately-owned vehicles when on official Government business or when performing any work for or on behalf of the Government, and to conduct initiatives of the type described in section 3(a) of the Executive Order.

13166:

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

13333:

Pursuant to Executive Order **13333,** This agreement may be terminated without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor engages in "(i) severe forms of trafficking in persons; (ii) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect; (iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement; (22 U.S.C. § 7104(g)) or (iv) acts that directly support or advance trafficking in persons."

10. Buy American Notice Requirement:

It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under the Workforce Innovation and Opportunity Act should be American made. See WIOA Section 502 – Buy American Requirements. (Sections 8301 of Title 41, United States Code)

11. Special Requirement for Conferences and Conference Space:

Conferences sponsored in whole or in part by the recipient of Federal awards are allowable if the conference is necessary and reasonable for the successful performance of the Federal Award. Recipients are urged to use discretion and judgement to ensure that all conference costs charged to the grant are appropriate and allowable. For more information on the requirements and allowability of costs associated with conferences, refer to 2 CFR 200.432.

12. Health Benefit Coverage:

The recipient must ensure that the use of these funds for health benefits coverage complies with *506 and 507 of Division G of Public Law 113-235, the Consolidated and Further Continuing Appropriations Act, 2015.*

13. Flood Insurance:

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

14. Architectural Barriers:

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

15. Drug-Free Workplace:

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

16. Hotel-Motel Fire Safety:

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

17. Prohibition on Contracting with Coporations with Felony Criminal Convictions:

The recipient is prohibited from entering into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

18. Prohibition on Contracting with Inverted Domestic Corporations:

No funds made available under a Federal Act may be used for any contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity. Waivers to this regulation may be granted by the Secretary of Labor if the Secretary determines that the waiver is required in the interest of national security.

19. Prohibition on Contracting with Corporations with Unpaid Tax Liabilities:
The recipient may not enter a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

20. Prohibition of Providing Federal Funds to ACORN:
These funds may not be provided to the Association of Community Organizations for Reform now (ACORN), or any of its affiliates, subsidiaries, allied organizations or successors.

21. Profit
Pursuant to 2 CFR 200.400(g), non-Federal entities may not earn or keep any profit resulting from Federal financial assistance, except as authorized by WIOA Section 121(d) for One-Stop operators (American Job Centers) or service providers which are for-profit entities.

22. Contracts:
LWDBs must ensure that these requirements as well as any state and local requirements are included in all contracts with WIOA Grant funds.

(A) Contracts for more than the simplified acquisition threshold currently set at $150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of $10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60–1.3 must include the equal opportunity clause provided under 41 CFR 60–1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964–1965 Comp., p. 39), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141–3148). When required by Federal program legislation, all prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141–3144, and 3146–3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701–3708). Where applicable, all contracts awarded by the non-Federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401–7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251–1387), as amended—Contracts and subgrants of amounts in excess of $150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251–1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6201).

(I) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), "Debarment and Suspension." The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(J) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award of $100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(K) § 200.322 Procurement of recovered materials. A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.