

U.S. DEPARTMENT OF LABOR

Employment and Training Administration Notice of Availability of Funds and Solicitation for Grant Applications for the National Farmworker Jobs Program

Announcement Type: Initial

Funding Opportunity Number: SGA/DFA PY 12-05

Catalog of Federal Domestic Assistance (CFDA) Number: 17.264

Key Dates: The closing date for receipt of applications under this announcement is **April 2, 2013**. 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: Donna Kelly, Grant Officer, Reference SGA/DFA PY 12-05, 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 (DOL or Department) announces a grant competition for the National Farmworker Jobs Program (NFJP), authorized under section 167 of the Workforce Investment Act (WIA). NFJP provides training, employment services, and related assistance in order to increase economic opportunities for migrant and seasonal farmworkers (MSFW) and their dependents.

The Department is exercising its option under WIA to continue grant awards to NFJP grantees that have performed successfully, and hold a grant competition for service delivery areas in which the current grantee has not performed adequately. Therefore, this grant competition is only seeking applications to operate NFJP in the following service areas: California (central California service area covering Merced, Madera and Stanislaus Counties), Hawaii, Indiana, Michigan, Mississippi, New Jersey, and Puerto Rico. A total of approximately \$9.6 million is expected to be available for grants in these service areas. However, the final amount available depends upon the amount of funds appropriated for NFJP in the Fiscal Year (FY) 2013 Department of Labor Appropriations Act.

I. Funding Opportunity Description

A. Program Purpose

The agricultural industry is characterized by a large workforce with numerous job openings, chronic unemployment and underemployment due to the

cyclical nature of the work, and below average pay. MSFWs, whose livelihood is primarily derived from agricultural employment, not only experience the chronic unemployment and underemployment inherent in the industry, but also face additional, significant barriers to employment. These barriers include low levels of education, limited English proficiency, inferior housing, and few assets to sustain them through a period of retraining.

NFJP is a nationally-directed, locally-administered program of training, employment services, and related assistance that helps MSFWs and their dependents overcome these barriers. NFJP is designed to serve economically disadvantaged persons who primarily depend on employment in agricultural labor performed within the United States, including Puerto Rico, and who experience chronic unemployment or underemployment. The program is intended to assist eligible MSFWs and their dependents to prepare for and retain jobs that provide stable, year-round employment, both within and outside agriculture. Services provided through the program include WIA-defined core, intensive, and training services. Related assistance services, such as nutrition, health care, child care, and housing, are provided to help MSFWs retain or stabilize their agricultural employment or maintain enrollment in NFJP. WIA program regulations for NFJP at 20 CFR Part 669 provide a full description of all the services available through the program, as well as who is eligible to receive services under the program.

B. Program Authority

The Department is requesting grant applications from eligible applicants to operate NFJP in accordance with WIA section 167 for the 2-year grant cycle for Program Year (PY) 2013 and PY 2014 (July 1, 2013 through June 30, 2015).

C. Service Areas for Grant Competition

WIA generally requires the Department to conduct a grants competition every 2 years to select NFJP grantees. However, DOL is exercising its option under WIA section 167(c)(4)(B) to waive the biannual grant competition for those grantees determined to have performed successfully. Through a review of outcomes for the common performance measures for current grantees for PY 2011, ETA determined that the grantees operating in the following service delivery areas have not performed adequately and are ineligible for waiver: California (central California service area covering Merced, Madera and Stanislaus Counties), Hawaii, Indiana, Michigan, Mississippi, New Jersey, and Puerto Rico. Accordingly, this grant competition is only seeking applications from eligible organizations to operate NFJP in these service areas.

II. Award Information

A. Award Type and Amount

Funding will be provided in the form of a grant. Approximately \$9.6 million is expected to be available to fund grants in the service areas for which ETA is

seeking applications through this competition. However, the final amount available depends upon the amount of funds appropriated for NFJP in the FY 2013 Department of Labor Appropriations Act.

The amount of the grant award for each service area is determined through a formula. Since the final formula amounts for PY 2013 are not known at this time, for the purpose of preparing a grant application for this competition, applicants must submit a proposal and budget based on the PY 2012 formula allotment for the service area for which they are applying, as follows:

- California (central California service area covering Merced, Madera and Stanislaus Counties) – \$1,924,187
- Hawaii – \$329,860
- Indiana – \$921,778
- Michigan – \$1,396,624
- Mississippi – \$1,294,721
- New Jersey – \$694,931
- Puerto Rico – \$3,052,572

The amount of the grant awards may be adjusted based on the final funding for NFJP in the FY 2013 Department of Labor Appropriations Act.

B. Period of Performance

The period of performance is 2 years, from July 1, 2013 through June 30, 2015. This performance period includes all necessary implementation and start-up activities. Applicants must plan to fully expend grant funds during the period of performance while ensuring full transparency and accountability for all expenditures. Only in very rare circumstances will no-cost extensions to the period of performance be granted. Awards made under this announcement are subject to the availability of Federal funds.

While the period of performance for NFJP grants is 2 years, funds will be provided to grantees on an annual basis. Second year allocations are dependent upon the program's funding formula and on the availability of funding through the FY 2014 appropriations process, and on the grantee's compliance with all applicable statutory requirements, regulatory requirements, and current and future ETA guidance related to NFJP, including an annual grant plan.

C. NFJP Performance Measures

The three common performance measures for ETA employment and training programs – entered employment, retention in employment, and average earnings – are used for NFJP. These measures are used to determine the effectiveness of the program overall and of individual grantees in helping MSFWs find jobs, retain those jobs, and earn wages. Guidance and

information on the common performance measures can be found at http://www.doleta.gov/performance/guidance/tools_commonmeasures.cfm.

The NFJP national goals for PY 2013 for the three measures are: entered employment – 80.5%; retention in employment – 76.5%; and six months average earnings – \$10,049. The applicant’s proposal for the operation of NFJP must reflect strategies designed to achieve these performance goals.

D. Affirm Collaboration with DOL and its Contractors

Grantees are required to include in their proposal a statement that confirms their intent to work collaboratively with the Department of Labor and its contractor on evaluation efforts related to NFJP. Note that submission of proposal constitutes agreement to this requirement.

E. Additional Requirements

NFJP is subject to the requirements in WIA section 167 and the Department’s WIA regulations for NFJP found at 20 CFR Part 669. This program is also subject to the requirements of 29 CFR Parts 93 (New Restrictions on Lobbying), 96 (Audit Requirements), 95 and 97 (Administrative Requirements), and 98 (Debarment, Suspension, and Drug-Free Workplace Requirements) and the non-discrimination regulations implementing WIA section 188 at 29 CFR Part 37, as well as DOL’s Equal Treatment regulations, found at 29 CFR Part 2, subpart D. Applicants should be familiar with these requirements and consult the WIA regulations at 20 CFR Parts 660 through 671 in developing their grant proposals. Should the WIA regulations at 20 CFR Part 669 conflict with regulations elsewhere in 20 CFR, the regulations at Part 669 will control.

III. Eligibility Information

A. Eligible Applicants

The provisions of 20 CFR Part 669.200(a), which implement WIA section 167(b), describe entities eligible to receive a grant as those that have:

- An understanding of the employment challenges facing eligible MSFWs and their dependents;
- A familiarity with the agricultural industry and the labor market needs of the geographic area to be served;
- A capacity to administer effectively a diversified program of workforce investment activities and related assistance for eligible MSFWs; and
- The capacity to work effectively as an American Job Center (AJC) (also known as a One-Stop Career Center) partner.

Entities such as state government agencies, state workforce investment boards, local government agencies, local workforce investment boards, faith-based and community-based organizations, institutions of higher learning, and

other entities are examples of organizations that could be eligible to apply for NFJP grants. Applicants do not need to be a current or prior NFJP grantee to establish eligibility to be awarded a grant under this solicitation.

B. Cost Sharing or Matching

Cost sharing or matching funds are not required for this program. Please note that any other resources contributed to the project are considered leveraged resources and do not constitute cost sharing or matching funds. More information on leveraged resources may be found in Section IV.B.2.

Applications that include any form of cost sharing or match or leveraged resources will not receive additional points as part of the evaluation process.

Cost sharing or match is not one of the application screening criteria.

C. Other Information

1. Application Screening Criteria

Applications that contain any of the following deficiencies will be found non-responsive and will not be reviewed. The deficiencies are:

- Failure to satisfy the deadline requirements referenced in Section IV.C.;
- Applications that exceed the formula allocation amount for the designated service area. The amount for each service area that applicants are required to use in preparing their application is listed in Section II.A.;
- Failure to include: SF-424 including a Data Universal Numbering System (D-U-N-S®) Number, a project budget including a SF-424A and budget narrative, a project narrative, and attachments to the project narrative referenced in Section IV.B.;
- Failure to register with the System for Award Management (SAM) and maintain an active account; and
- Failure to include the following required information as an attachment referenced in Section IV.B.:
 - Abstract;
 - Project/performance site location;
 - Indirect Cost Rate Agreement;
 - Organizational chart; and
 - Performance information, only for applicants that are not current NFJP grantees.

2. Number of Applications to be Submitted

Each applicant may submit only one proposal per service area under this announcement.

3. Eligible Participants

a) Participants Eligible to Receive Services

These funds must be used to provide services to eligible MSFWs. WIA section 167(h) defines eligible MSFWs according to their work in agricultural labor and their income. To be eligible, in part, MSFWs must, for 12 consecutive months out of the 24 months before application for the program, have been primarily employed in agricultural labor that is characterized by chronic unemployment or underemployment; or be a dependent of an eligible MSFW. An eligible MSFW's income, for the 12 consecutive months out of the 24 months prior to application for the program, must not exceed the higher of the poverty line or 70 percent of the lower living standard income level.

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 DOL 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 DOL. TEGL No. 10-09 is available at 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 and 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

Proposals submitted in response to this SGA must consist of four separate and distinct parts: (1) SF-424 "Application for Federal Assistance;" (2) Project Budget; (3) Project Narrative; and (4) Attachments to the Project 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.

1. 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>). 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 shall be 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>). The SF-424B is not required to be submitted with the application.

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 Part 37.20: As a condition to the award of financial assistance from the Department of Labor 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 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 D-U-N-S® number, and must supply their D-U-N-S® Number on the SF-424. The D-U-N-S® Number is a nine-digit identification number that uniquely identifies business entities. If you do not have a D-U-N-S® Number, you can get one for free through the D&B website: <http://fedgov.dnb.com/webform/displayHomePage.do>. As authorized under 29 CFR Part 25, grant recipients authorized to make subawards must be aware of the following requirements related to DUNS Numbers:

1. 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.

2. Grantees may not make a sub-award to an entity unless the entity has provided its DUNS number to you.

Applicants must register with 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 updates 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.

2. Project Budget

Applicants must complete the SF-424A Budget Information Form (available at <http://apply07.grants.gov/apply/FormLinks?family=15>). In preparing the Budget Information Form, the applicant must provide a concise narrative explanation to support the budget request, explained in detail below.

Budget Narrative: The budget narrative must provide a description of costs associated with each line item on the SF-424A.

Use the following guidance for preparing the budget narrative:

Personnel – List all staff positions by title. Give the annual salary of each person, the percentage of each person’s time devoted to the project, the amount of each person’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. See Section IV.E.3. for more information on the distinction between sub-contractor (vendor) and sub-recipient.

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. DOL 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 DOL 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.B.4. and Section IV.E.1. for more information.

Note that the entire Federal grant amount requested must be included on the SF-424 and SF-424A and budget narrative. No leveraged resources should be shown on the SF-424 and SF-424A. The 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.

3. Project Narrative

The Project Narrative must demonstrate the applicant's capability to implement the grant project in accordance with the provisions of this solicitation. It provides a comprehensive framework and description of all aspects of the proposed project. It must be succinct, self-explanatory, and well organized so that reviewers can understand the proposed project.

The Project Narrative is limited to 30 double-spaced single-sided 8.5 x 11 inch pages with 12 point text font and 1 inch margins. Any materials beyond the specified page limit will not be read or considered in the application review process. Applicants must number the Project Narrative beginning with page number 1.

4. Attachments to the Project Narrative

In addition to the Project Narrative, the applicant must submit 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 application in one package because documents received separately will be tracked separately and will not be attached to the application for review. Applicants are now limited to using the following characters in all attachment file names. Valid file names may only include the following UTF-8 characters:

A-Z, a-z, 0-9, underscore (_), hyphen (-), space, period.

Attachments:

- a) **Abstract:** All applicants must submit an up to 2-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 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." Please note that applicants will be held to outcomes provided and failure to meet those outcomes may have a significant impact on future grants with ETA.
- b) **Project/Performance Site Location(s) Form:** All applicants must submit a Project/Performance Site Location(s) Form (available at <http://apply07.grants.gov/apply/FormLinks?family=15>). If using grants.gov for submission, this form must be attached under the required forms section. Please note that this is a standard form used for many programs and has a check box for applying as an individual. Disregard this box on the form as individuals are not eligible to apply for this solicitation.
- c) **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.1.)
- d) **Organizational Chart:** Applicants must attach an organizational chart that identifies all the positions that would be funded, in full or in part, by the NFJP grant award and identifies the expected time commitment of each position to NFJP.
- e) **Past Performance Information:** Applicants that are not current NFJP grantees must attach information, in no more than 10 pages, on past performance as outlined in Section V.A.5. (This attachment is not required for applicants that currently have a NFJP grant award).
- f) **Statement to Participate in Evaluation:** Applicants must include a statement that confirms their intent to work collaboratively with the Department of Labor and its contractor on evaluation efforts related to NFJP. This cooperation will include complying with evaluation requirements of the DOL, as well as the third-party contractors secured by

DOL. Grantees may be required to submit program and participant data, and, in accordance with proper handling of Personally Identifiable Information (PII), share this data with DOL contractors upon request.

C. Submission Date, Times, Process and Addresses

The closing date for receipt of applications under this announcement is **April 2, 2013**. Applications must be submitted either electronically on <http://www.grants.gov> or in hard copy by mail or in hard copy by hand delivery (including overnight delivery). Hard copy applications 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 applications should be submitted before the deadline to ensure that the risk of late receipt of the application is minimized. Applications sent by e-mail, telegram, or facsimile (FAX) will not be accepted.

Applicants submitting proposals 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 DOL. Applicants submitting proposals in hard copy are also required to include in 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 application 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 applications must be addressed to the U.S. Department of Labor, Employment and Training Administration, Office of Grants Management, Attention: Donna Kelly, Grant Officer, Reference SGA/DFA PY 12-05, 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 proposals 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.

Applications 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.

The Department strongly recommends that before applicants begin to write the proposal, they should immediately initiate and complete the “Get Registered” registration steps at http://www.grants.gov/applicants/get_registered.jsp. 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 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/assets/Organization Steps Complete Registration.pdf> 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.1., applicants must have a D-U-N-S® 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 D-U-N-S® 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/applicants/org_step3.jsp.

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 e-mail to grant the AOR permission to submit applications on behalf of the 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/applicants/org_step5.jsp, or to track AOR status visit: http://www.grants.gov/applicants/org_step6.jsp.

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 e-mail messages to provide the status of the application's progress through the system. The first e-mail, sent almost immediately, will contain a tracking number and will confirm receipt of the application by Grants.gov. The second e-mail 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/applicants/resources.jsp>.

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.

To receive updated information about critical issues, new tips for users and other time sensitive updates as information is available, applicants may subscribe to “Grants.gov Updates” at
http://www.grants.gov/applicants/email_subscription_signup.jsp.

If applicants encounter a problem with Grants.gov and do not find an answer in any of the other resources, call 1-800-518-4726 or 606-545-5035 to speak to a Customer Support Representative or e-mail “support@grants.gov”. The Contact Center is open 24 hours a day, seven days a week. It is closed on Federal holidays.

Late Applications: For applications submitted on Grants.gov, only applications that have been successfully submitted no later than 4:00:00 p.m. Eastern Time on the closing date and then successfully validated will be considered. 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. 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 Federal Cognizant 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 its Federal Cognizant Agency to obtain a provisional ICR. (See Section IV.B.4. for more information on ICR Agreement submission requirements.)

2. 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 Part 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 ICR Agreement from its Federal Cognizant Agency, as specified above.

3. 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). See Public Laws 112-74 (Division F, Title I, section 105), 112-10 (Division B, Title I) and 111-117 (Division D, Title I, section 107) and TEGL No. 5-06 for further clarification: http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2262.

4. Intellectual Property Rights

The Federal Government reserves a paid-up, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use for Federal purposes: i) the copyright in all products developed under the grant, including a subgrant or contract under the grant or subgrant; and ii) any rights of copyright to which the grantee, subgrantee or a contractor purchases ownership under an award (including, but not limited to, curricula, training models, technical assistance products, and any related materials). Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise. 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

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

V. Application Review Information

A. Criteria

Procedures for assessing the technical merit of applications have been instituted to provide for an objective review of applications and to assist the applicant in understanding the standards against which each application will be judged. The evaluation criteria are based on the information required in the application as described in Section I. and Section IV.B. The evaluation criteria are described below:

Criterion	Points
1. Understanding of Economic Conditions and MSFW Population	15
2. Strategic Partnerships and Collaboration	15
A. American Job Center Partner Capacity	(8)
B. Other Strategic Partnerships	(7)
3. Administrative Capacity	15
A. Financial, Program Management, and Reporting Systems	(8)
B. Staff Capacity	(7)
4. Program Design	40
A. Program Operations and Service Delivery	(20)
B. Outreach Activities to MSFWs	(10)
C. Developing Employment Opportunities	(10)
5. Performance	15
A. Entered Employment	(5)
B. Retention in Employment	(5)
C. Average Earnings	(5)
Total	100

1. Understanding of Economic Conditions and MSFW Population (15 points)

Applicants must demonstrate understanding of the employment challenges facing MSFWs and their dependents, and knowledge of the agricultural industry and labor market needs of the intended service area. The analysis must include relevant data for the service area, which can come from DOL’s Bureau of Labor Statistics, state economic and labor market information, the National Agricultural Workers Survey, or other surveys, reports or studies.

For the proposed service area, applicants must describe the socio-economic characteristics of the intended MSFW service population; the barriers to employment facing MSFWs; and the characteristics of the agricultural industry. Applicants must also describe the economic conditions and employment outlook of the service area, including identification of the growth or high-demand industries or occupations targeted by the applicant for employment opportunities for MSFWs. Applicants must explain how the economic conditions of the service area, the labor market outlook, and the characteristics of the eligible service population impact the employment prospects of eligible MSFWs seeking employment.

Scoring for this criterion will be based on the extent to which the applicant fully describes the socio-economic characteristics, employment barriers, and the agricultural industry; describes the economic conditions of the service area and clearly identifies the targeted industries and occupations; and presents supporting data.

2. Strategic Partnerships and Collaboration (15 points)

A. American Job Center Partner Capacity (8 points)

Applicants must demonstrate their capacity to work effectively as a partner in the AJC system. Applicants must describe their experience, if any, in working with the AJC system in the service area or elsewhere, including the role the applicant played in the system, how the applicant coordinated with other AJC partners, and how the applicant collaborated with other programs to deliver services to participants and share costs. Applicants must also describe any successes achieved and challenges confronted through their partnerships and collaborations.

If the applicant has not previously worked with the AJC system, the applicant must demonstrate its capacity to do so by describing its experience in working as part of a system or collaborative that entails coordination across multiple programs. Such applicants must describe their role in the system or collaborative, how the applicant coordinated with other partners, and how the applicant collaborated with other programs to deliver services to participants and share costs. Applicants must also describe any successes achieved and challenges confronted through their partnerships and collaborations.

To determine the applicant's capacity to work as a partner in the AJC system, scoring on this criterion will be based on the extent to which the applicant documents experience of effective partnerships and collaborations within the AJC system or within another system or collaborative that entails coordination across multiple programs.

B. Other Strategic Partnerships (7 points)

Applicants must demonstrate their ability to partner with organizations, other than the AJC system, that work with MSFWs in the service area. Applicants must describe the key educational institutions; state and/or local government agencies; faith-based and other community-based organizations; and/or other organizations and programs that serve the MSFW population in the service area, including federally-funded programs such as migrant health or migrant education programs. The applicant must also describe the applicant's experience, if any, in collaborating with these key institutions, programs, agencies and organizations to serve MSFWs in the service area. Applicants, particularly those who do not currently serve MSFWs in the service area, must explain how they will partner with these institutions, programs, agencies, and organizations under the grant award in order to provide support and increase employment opportunities for MSFWs and their dependents.

To determine the applicant's ability to forge and maintain partnerships (other than the AJC system), scoring on this criterion will be based on the extent to

which the applicant provides a thorough description of the key strategic partners in the service area; documents experience in working with these partners to serve MSFWs; and provides a thorough explanation of how the applicant will work with these strategic partners under the grant award.

3. Administrative Capacity (15 points)

Applicants must demonstrate their capacity to effectively manage the programmatic, fiscal, and administrative aspects of the NFJP grant.

A. Financial, Program Management, and Reporting Systems (8 points)

Applicants must demonstrate that the financial, program management, and reporting systems that will be used to operate NFJP will ensure fiscal and program integrity and generate reliable reports and data. In describing these systems, applicants must specify what staff will manage those systems, what the staff's responsibilities will be, and what training will be available to enhance staff skills in the operation of the systems described.

- Applicants must establish that they have a system which will ensure correct eligibility determinations and prevent enrollment of ineligible participants. Applicants must also demonstrate that their participant tracking and reporting systems will enable the requisite data validation procedures to be carried out, as described in TEGs No. 3-03, Change 1, Change 2, and Change 3, and TEG No. 28-11.
- Applicants must establish that they have a system that will perform the recordkeeping and tracking necessary to provide reliable information on participant characteristics, services received, and outcomes (including common performance measures) required in quarterly reports and individual participant records.
- Applicants must demonstrate the capacity to provide case management, as well as the electronic tools to be utilized (e.g. personal computer, software, Internet access, e-mail accounts) to implement a client-centered case management system.
- Applicants must describe a fiscal management reporting system that is sufficient to prepare financial reports and to trace funds to adequate levels of expenditures to ensure lawful spending. The system must have the capacity to track spending by program, to ensure that, for those organizations with funding from more than one Federal program, expenditures are allocated to the appropriate program. The system must also be able to track program income generated through activities funded by NFJP grants, and show the link between program income and those additional participants and/or services funded through program income. Applicants must describe their capacity to manage related assistance services and to account for expenditures related to those services.

Scoring on this criterion will be based on the extent to which the applicant provides a clear and thorough description of all the financial, program

management, and reporting systems described above, including staff responsibilities and training opportunities, and demonstrates that these systems will result in reliable data and efficient and well-managed program administration.

B. Staff Capacity (7 points)

Applicants must demonstrate that their organization has the staff capacity to effectively operate the program. Applicants must describe their organizational structure and the proposed staffing pattern to administer the NFJP grant award. Applicants must also include an organizational chart as an attachment that identifies all the positions that would be funded, in whole or in part, by the NFJP grant, and identifies the expected time commitment of each position to NFJP. Applicants must also describe the professional qualifications that the applicant would require of key positions, including, but not limited to, the executive director, program manager(s), MIS and financial system manager/staff, case managers, and outreach workers.

Scoring on this criterion will be based on the extent to which the applicant provides a clear and thorough description of the designated roles, staffing plan, and required qualifications of key positions, and demonstrates that these are sufficient to ensure proper and effective grant implementation, program management, and delivery of services.

4. Program Design (40 points)

Applicants must demonstrate a comprehensive program design that reflects an understanding of the economic conditions and MSFW population of the service delivery area identified in evaluation criteria #1, incorporates the strategic partnerships described in evaluation criteria #2, and is designed to meet the program's national performance targets for entered employment, retention in employment, and average earnings.

A. Program Operations and Service Delivery (20 points)

Applicants must describe how they will operate the program and provide services to MSFWs in the service area. This description must include:

- The service area to be covered by the plan, including the number and location of eligible MSFWs and their dependents to be served and a breakdown of projected number of participants to be offered core, intensive, training, and related assistance services.
- The strategies for providing core, intensive, and training services and how those services will be delivered in conjunction with the AJC system. WIA sections 134 and 167(b) and the implementing regulations at 20 CFR Parts 669.340, 669.350, 669.370, and 669.410 provide definitions of these services.
- The related assistance services needed by MSFWs and their dependents, and the strategy for providing those services, including the agencies or organizations with which the applicant will collaborate

with in providing these services. The WIA regulations at 20 CFR Parts 669.110, 669.430, and 669.440 provide a description of related assistance.

- The strategy to address a participant's needs as identified through an objective assessment and an Individual Employment Plan (IEP), including the process for determining what intensive and training services will be provided. The WIA regulations at 20 CFR Parts 669.380 and 669.400 provide information on objective assessments and IEPs.
- The training services to be provided, including the process used to determine a participant's enrollment in training services, the criteria for determining when a participant will be placed in training, and the method for delivering the training. In describing the training services, applicants must include a description of the educational approaches (e.g. remediation, contextualized learning that combines basic skills with specific occupational knowledge, post-secondary education, credential attainment, entrepreneurial training) to be used to assist participants in obtaining the skills that lead to employment in higher-paying, more stable employment.
- How the applicant proposes to promote co-enrollment of participants in WIA-funded programs and/or other programs.

Scoring on this criterion will be based on the extent to which the applicant presents a coherent and comprehensive plan of service delivery, addresses the required elements in the bulleted list above, and demonstrates that the service strategy will result in improved employment opportunities and outcomes for MSFWs in the service area.

B. Outreach Activities to MSFWs (10 points)

Applicants must describe their strategies for outreach and recruitment of MSFWs. Applicants must describe the strategies to be employed to effectively find and recruit eligible participants, including a description of the field office structure for the organization and how it optimizes outreach and recruitment of new participants. The strategy must describe how the applicant would partner with other agencies and organizations, such as faith-based and other community-based organizations, state agricultural programs, AJC partner programs, and other MSFW-serving organizations, to conduct outreach and recruitment.

Scoring on this criterion will be based on the extent to which the applicant presents a coherent and comprehensive outreach strategy for MSFWs and explains how the outreach strategies to potential participants, including the use of partnerships, will effectively serve the target population in the service area.

C. Developing Employment Opportunities (10 points)

Applicants must demonstrate a clear and comprehensive strategy for developing employment opportunities for MSFWs, specifically in the targeted industries and occupations identified by the applicant in the evaluation criteria in Section V.A.1., through outreach to employers and job development, strategic partnerships, and training strategies. Applicants must describe:

- Their strategies for outreach and recruitment of employers. Applicants must describe the employers with whom the applicant currently works and describe how those relationships lead to employment opportunities for farmworkers or other populations with significant barriers to employment. Applicants must also describe their plan for outreach and recruitment of new employers and the job development and placement strategies to be used, including how placement opportunities from new employers will be secured.
- Any initiatives in the service area, through the local AJC system, community colleges, local businesses or other strategic partners, that the applicant is currently collaborating with, or will collaborate with, to increase employment opportunities for MSFWs.
- How their training strategies will prepare MSFW participants with the skills needed to obtain employment in the targeted industries and occupations, including obtaining any necessary industry-recognized credentials, certifications, or degrees.

To determine if the applicant has demonstrated a clear and comprehensive strategy for developing employment opportunities for participants, particularly in the targeted industries and occupations, scoring on this criterion will be based on the extent to which the applicant demonstrates that relationships with current employers have led to good job opportunities; outreach and job development strategies to new employers will result in more employer partners and improved job placement opportunities for participants; existing collaboration, or plans to collaborate, with other initiatives in the service area will increase employment opportunities; and training strategies will result in the skills and credentials needed for participants to secure employment.

5. Performance (15 points)

Applicants must demonstrate their effectiveness in helping participants enter employment, retain that employment, and earn wages. Scoring on this criterion will be based on past performance in administering a NFJP grant, in the case of current NFJP grantees, or in administering a comparable program, in the case of all other applicants. Comparable programs are those that provide comprehensive employment and training services to farmworkers or other populations with significant barriers to employment. Examples of comparable programs include, but are not limited to, programs for farmworkers, older workers, low-income/low-skill adult workers, ex-offenders, or individuals with disabilities.

Current grantees (whether applying for their current service area or a different service area) do not need to submit any performance data. ETA will use grantees' actual outcomes for the common performance measures (entered employment, retention in employment, and average earnings) based on the Workforce Investment Act Standardized Participant Record (WIASPR) data submitted by grantees.

All other applicants must describe the comparable program for which they are submitting data, including the types of service provided and the population served, and provide data on entered employment, retention, and average earnings outcomes for the common performance measures or similar performance measures. This information is to be provided in an attachment that is no longer than 10 pages. Information on the common measures can be found at http://www.doleta.gov/performance/guidance/tools_commonmeasures.cfm.

A. Entered Employment (5 points)

Scoring on this criterion will be based on the applicant's past performance in placing participants into unsubsidized employment.

Current Grantees Only. Do not submit any data. Current grantees will be scored based on their common measure entered employment rate.

All Other Applicants Only. All other applicants must describe in detail the program they operated which placed participants with significant barriers to employment into unsubsidized employment. Such applicants will be scored based on their actual performance on the common measure entered employment rate or a similar measure. This description must include the following data:

- Number of participants that were placed in unsubsidized employment.
- The actual performance on the common measure entered employment rate or a similar measure. If a similar measure is used, applicants must describe how the entered employment rate was calculated, including the definition of the measure and the numerator and denominator. Applicants should also provide a citation or link for the program's performance for Grant Officer verification.

Such applicants must specify the source of the data, the method(s) used to document a positive outcome (e.g., follow-up with participants or employers, pay stubs, wage records), the year(s) the data cover(s), and whether the data were filed with the project's funder.

B. Retention in Employment (5 points)

Scoring on this criterion will be based on the applicant's past performance in participants retaining unsubsidized employment.

Current Grantees Only. Do not submit any data. Current grantees will be scored based on their common measure retention in employment rate.

All Other Applicants Only. All other applicants must describe the program they implemented for which participants with significant barriers to employment retained unsubsidized employment. Such applicants will be scored based on their actual performance on the common measure retention in employment rate or a similar measure. This description must include the following data:

- Number of participants that retained unsubsidized employment.
- The actual performance on the common measure retention in employment rate or a similar measure. If a similar measure is used, applicants must describe how the retention rate was calculated, including the definition of the measure and the numerator and denominator. Applicants should also provide a citation or link for the program's performance for Grant Officer verification.

Such applicants must specify the source of the data, the method(s) used to document a positive outcome (e.g., follow-up with participants or employers, pay stubs, wage records), the year(s) the data cover(s), and whether the data were field with the project's funder.

C. Average Earnings (5 points)

Scoring on this criterion will be based on the applicant's performance as measured in terms of average earnings by participants who have been placed in unsubsidized employment.

Current Grantees Only. Do not submit any data. Current grantees will be scored based on their common measure average earnings.

All Other Applicants Only. All other applicants must describe the program for participants with significant barriers for which the applicant is providing data on wages earned. Such applicants will be scored based on their actual performance on the common measure average earnings or a similar measure. This description must include the following data:

- The actual performance on the common measure average earnings or a similar measure. If a similar measure is used, applicants must describe how the average earnings was calculated, including the definition of the measure and the numerator and denominator. Applicants should also provide a citation or link for the program's performance for Grant Officer verification.

Such applicants must specify the source of the data, the method(s) used to document a positive outcome (e.g., follow-up with participants or employers, pay stubs, wage records), the year(s) the data cover(s), and whether the data were field with the project's funder.

B. Review and Selection Process

Applications for grants under this solicitation will be accepted after the publication of this announcement and until the specified time on the closing date. A technical review panel will carefully evaluate applications against the selection criteria. These criteria are based on the policy goals and priorities set forth in this SGA. Up to 100 points may be awarded to an applicant, depending on the quality of the responses to the required information described in Section V.A. The ranked scores (which may include the mathematical normalization of review panel scores) will serve as the primary basis for selection of applications for funding, in conjunction with other factors such as the availability of funds and which proposals are most advantageous to the government. The panel results are advisory in nature and not binding on the Grant Officer. The Grant Officer may consider any information that comes to his/her attention. 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.

Before making an award, the Grant Officer will conduct a "responsibility review" in accordance with 20 CFR Part 667.170 (a review of the entity's available records to assess its overall ability to administer Federal funds) of potential awardees. Any potential awardee determined to be "not responsible" by the responsibility review process will not be selected as potential grantee.

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 e-mail and may request a written debriefing on the significant weaknesses of their proposal.

Selection of an organization as a grantee does not constitute approval of the grant application as submitted. Before the actual grant is awarded, ETA may enter into negotiations about such items as program components, staffing and funding levels, and administrative systems in place to support grant implementation. If the negotiations do not result in a mutually acceptable submission, the Grant Officer reserves the right to terminate the negotiations and decline to fund the application. DOL 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 – OMB Circular A–122 (Cost Principles), relocated to 2 CFR Part 230, and 29 CFR Part 95 (Administrative Requirements).
- b. Educational Institutions – OMB Circular A–21 (Cost Principles), relocated to 2 CFR Part 220, and 29 CFR Part 95 (Administrative Requirements).
- c. State, Local and Indian Tribal Governments – OMB Circular A–87 (Cost Principles), relocated to 2 CFR Part 225, and 29 CFR Part 97 (Administrative Requirements).
- 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 Part 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 Part 95.13 and Part 98 (Governmentwide 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 sub-paragraphs 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

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 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, applicants 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. 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.
2. 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 this TEGL 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.
3. 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.
4. 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.
5. 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.

6. 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.
7. Grantees must not extract information from data supplied by ETA for any purpose not stated in the grant agreement.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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 not less than three years from the time of final grant close-out.

3. Other Administrative Standards and Provisions

Except as specifically provided in this SGA, DOL/ETA's acceptance of a proposal and an award of Federal funds to sponsor any programs(s) does not provide a waiver of any grant requirements and/or procedures. For example, the OMB Circulars require that an entity's procurement procedures must

ensure that all procurement transactions are conducted, as much as practical, to provide open and free competition. If a proposal identifies a specific entity to provide services, the DOL's award does not provide the justification or basis to sole source the procurement, i.e., avoid competition

4. Special Program Requirements

a. Evaluation

DOL may require that the grantee participate in evaluation efforts related to NFJP. The grantee shall cooperate as a condition of award. This cooperation will include complying with evaluation requirements of DOL, as well as the third-party contractors procured by DOL. Grantees may be required to submit program and participant data and, in accordance with the proper handling of PII, share this data with DOL contractors upon request. Note that submission of a proposal constitutes agreement with this requirement.

b. Performance Goals

Please note that applicants will be held to the performance goals established for the program and failure to meet those goals may result in technical assistance or other intervention by ETA, and may also have a significant impact on decisions regarding future grants with ETA.

c. Reporting

Grantees must agree to meet DOL reporting requirements. Quarterly financial reports, quarterly progress reports, and annual planning reports must be submitted by the grantee electronically. The grantee is 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. Grantees must use DOL's Online Electronic Reporting System and information and instructions will be provided to grantees.

2. Quarterly Performance Reports

The grantee must submit a quarterly progress report within 45 days after the end of each calendar year quarter. The report must include quarterly information regarding grant activities, performance goals, and milestones. The last quarterly progress report that grantees submit will serve as the grant's Final Performance Report. Currently, the quarterly performance report for NFJP grantees is the Program Status Summary (PPS) (ETA 9095). A copy of the PPS and instructions is available at: <http://www.doleta.gov/MSFW/html/govtform.cfm>. The report is submitted via ETA's grantee on-line reporting system at www.eta-reports.doleta.gov.

Grantees are also required to submit quarterly individual records as part of WIASPR. WIASPR contains information on participant demographics, services received, and outcomes. Instructions and specifications for WIASPR are available at: <http://www.doleta.gov/MSFW/html/govtform.cfm>.

3. Annual Planning Summary Reports

NFJP grantees are required annually to submit two planning summary reports – the Budget Information Summary (BIS) (ETA 9093) and the Program Planning Summary (PPS) (ETA 9094). The BIS and PPS collect information on planned spending and participant levels for the program year. A copy of these reports and their instructions is available at:

<http://www.doleta.gov/MSFW/html/govtform.cfm>. These reports are submitted via ETA's grantee on-line reporting system at

www.eta-reports.doleta.gov. Organizations selected for a grant award under this solicitation are required to submit the BIS and PPS within 30 days of the award.

VII. Agency Contacts

For further information about this SGA, please contact Serena Boyd, Grants Management Specialist, Division of Workforce System Federal Assistance, at (202) 693-3338. Applicants should e-mail all technical questions to boyd.serena@dol.gov and must specifically reference SGA/DFA PY 12-05, and along with question(s), include a contact name, fax and phone number. This announcement is being made available on the ETA Web site at <http://www.doleta.gov/grants> and at <http://www.grants.gov>.

VIII. Other Information

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.4., and selected information from the SF-424 for all applications on the Department's public website or similar publicly accessible location. Additionally, we will publish a version of the Project Narrative required by Section IV.B.3. 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 Project Narratives and Abstracts will not be published until after the grants are announced. In addition, information about grant progress and results may also be made publicly available.

DOL recognizes that grant applications sometimes contain information that an applicant may consider proprietary or business confidential information, or may contain 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.¹

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, DOL 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 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.

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

The Department will contact the applicants whose Project Narratives will be published by letter or e-mail, and provide further directions about how and when to submit the redacted version of the Project Narrative. Submission of a redacted version of the Project Narrative will constitute permission by the applicant for DOL to make the redacted version publicly available. We will also assume that by submitting the redacted version of the

¹ 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>.

Project Narrative, 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 Project Narrative. If an applicant fails to provide a redacted version of the Project Narrative within 45 days of DOL's request, DOL will publish the original Project Narrative in full, after redacting only PII. (Note that the original, unredacted version of the Project Narrative 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 Project Narrative is not appropriate, and will not be allowed, unless the entire portion merits such protection. Should a dispute arise about whether redactions are appropriate, DOL will follow the procedures outlined in the Department's Freedom of Information Act (FOIA) regulations (29 CFR Part 70).

Redacted information in grant applications will be protected by DOL 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, the procedures in DOL'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>), which provides national and state career, training, job openings information and tools for jobseekers; the Occupational Information Network (O*NET) Online (<http://online.onetcenter.org>), which provides occupational descriptions; and America's Service Locator (<http://www.servicelocator.org>), which provides a directory of our nation's American Job Centers (also known as 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 16 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 16 career cluster areas can be found by accessing: www.careerclusters.org.

D. Workforce3One Resources

1. Workforce3One (www.workforce3one.org) is an e-learning, knowledge sharing webspace that offers workforce professionals, employers, economic development, and education professionals a dynamic network featuring innovative workforce solutions. Workforce3One features online learning events, resource information, and tools to help organizations learn how to develop strategies that enable individuals and businesses to be successful in the 21st century economy.

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.

E. Transition Responsibilities

If an organization selected for a grant award through this solicitation does not receive a subsequent NFJP grant award, then that grantee is required to provide participant information to the new grantee selected for that service area. This requirement is intended to ensure that MSFWs participating in NFJP at the end of a grant award period continue to receive services through the program and disruption to services is minimized.

IX. 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 applicant best suited to perform the functions of the grant. Submission of this information is required in order for the applicant to be considered for award of this grant.

Signed February 7, 2013 in Washington, D.C. by:
Donna Kelly,
Grant Officer, Employment and Training Administration