

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 CONTRACT

2 32641

3 THIS CONTRACT ("Contract") is entered into, in duplicate, effective as of
4 November 7, 2011, pursuant to a minute order adopted by the City Council of the City of
5 Long Beach at its meeting held on November 15, 2011, by and between LONG BEACH
6 COMMUNITY COLLEGE DISTRICT, a public education entity with offices located at
7 4901 E. Carson Street, Long Beach, CA 90808 ("Contractor") and the CITY OF LONG
8 BEACH, a municipal corporation ("City") and administering entity for Pacific Gateway
9 Workforce Investment Network ("Pacific Gateway").

10 1. Recitals: This Contract is made with reference to the following facts
11 and objectives:

12 1.1 The City, through Pacific Gateway, submitted an application
13 ("Application") to the U.S. Department of Labor Employment and Training Administration
14 (DOL), for funds to provide education, training and job placement assistance in the
15 occupations and industries for which employers are using H-1B visas to hire foreign
16 workers, and the related activities necessary to support such training, consistent with the
17 American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) under
18 Section 414(c) as amended (29 USC 2916a), and all regulations, directives, policies,
19 procedures and amendments issued thereto and/or legislation, regulations, policies,
20 directives, and/or procedures which may replace the ACWIA; and

21 1.2 The Application was approved by DOL and an H-1B agreement has
22 been executed by and between DOL and Pacific Gateway authorizing such programs
23 and providing the funding therefore under H-1B Technical Skills Training Grants
24 agreement which has been designated as HG-22609-12-60-A-6 (the "Prime Contract");
25 and

26 1.3 Contractor desires to participate in said program and is qualified by
27 procurement for the reason of experience, preparation, organization, staffing and facilities
28 to provide services;

1 1.4 City is willing to utilize Contractor to provide training and educational
2 support to Pacific Gateway participants.

3 NOW THEREFORE, in consideration of the terms and conditions contained
4 herein, it is mutually agreed by and between the parties hereto as follows:

5 Section 1. DOCUMENT INCORPORATION.

6 The following documents are attached hereto as exhibits and incorporated
7 herein and made a part hereof by this reference as if set forth in full herein:

8 A. The Prime Contract, Exhibit "A", and any extension or continuation
9 thereof or any grant agreement which is the successor thereto which authorizes a training
10 and employment program for the economically disadvantaged, unemployed and
11 underemployed persons, and the documents incorporated therein and attachments
12 thereto, including any assurances and certifications made to the City.

13 B. Contractor's program description, statement of work performed,
14 Contractor's operation plan for participants, program conditions, standards for
15 Contractor's performance and budget under this Contract (collectively, the "Statement of
16 Work & Budget") attached hereto as Exhibit "B".

17 Contractor and City agree to be bound by all the terms, conditions and
18 provisions contained in the Prime Contract, the Application, the Statement of Work &
19 Budget (collectively, the "Contract Documents").

20 Contractor hereby agrees to assume full responsibility for the performance
21 of the operation, coordination and administration of such program pursuant to all the
22 terms and conditions of Exhibit "B" to the extent that said documents are applicable to the
23 delivery of services by Contractor hereunder; and the parties hereto agree to perform all
24 duties, obligations and tasks to be performed by each party under the Contract
25 Documents.

26 In the event there is any conflict between the provisions of this Contract and
27 the provisions of the Prime Contract, including the attachments thereto and the
28 documents incorporated therein, as presently worded or amended in the future, the

1 parties agree that the provisions of the Prime Contract shall control.

2 Contractor shall conduct training and employment activities in accordance
3 with the provisions of the Contract Documents.

4 SECTION 2. TERM.

5 The term of this Contract ("Term") shall be deemed to have commenced as
6 of November 7, 2011, and unless sooner terminated pursuant to the provisions hereof,
7 shall terminate on October 31, 2015. Either of the parties hereto shall have the right to
8 terminate this Contract in its entirety at any time during the Term for any or no reason
9 whatsoever by giving fifteen (15) days prior written notice of termination to the other
10 party. City shall have the additional right to cancel any part of this Contract at any time
11 during the Term for any reason whatsoever by giving fifteen (15) days notice of such
12 cancellation to the Contractor.

13 Notwithstanding the foregoing, the City shall have the right to terminate and
14 cancel this Contract without notice, in its sole discretion, if the actions or non-action of
15 Contractor subjects the City to liability, legal obligations or program operation obligations
16 beyond the liability and obligations under the Contract Documents. If this Contract is
17 terminated prior to the expiration of the Term, Contractor shall be reimbursed for all
18 eligible program allowable costs which have been accrued but not paid through the
19 effective date of termination. Contractor agrees to accept such amount, plus all amounts
20 previously paid, as full payment and satisfaction of all obligations of City to Contractor.

21 SECTION 3. AWARD UNDER SPECIAL CONDITIONS.

22 The City may award a contract under special conditions if it determines the
23 Contractor as "high risk" under the following categories:

24 (a) (1) A history of unsatisfactory performance, or (2) Is not financially
25 stable, or (3) Has a management system which does not meet the management
26 standards, or (4) Has not conformed to terms and conditions of previous awards, or (5) Is
27 otherwise not responsible; and if the City determines that an award will be made, special
28 conditions and/or restrictions shall correspond to the high risk condition and shall be

1 included in the award.

2 (b) Special conditions or restrictions may include: (1) Payment on a
3 reimbursement basis; (2) Withholding authority to proceed to the next phase until receipt
4 of evidence of acceptable performance within a given funding period; (3) Requiring
5 additional, more detailed financial reports; (4) Additional project monitoring; (5) Requiring
6 the Contractor to obtain technical or management assistance; or (6) Establishing
7 additional prior approvals.

8 (c) If the City decides to impose such conditions, the City will either include
9 such corrective action in the Statement of Work or notify the Contractor as early as
10 possible, in writing, of: (1) The nature of the special conditions/restrictions; (2) The
11 reason(s) for imposing them; (3) The corrective actions which must be taken before they
12 will be removed and the time allowed for completing the corrective actions and (4) The
13 method of requesting reconsideration of the conditions or restrictions imposed.

14 SECTION 4. PERFORMANCE REVIEW.

15 After each quarter during the Term, the City may conduct a review of
16 Contractor's performance by comparing the Contractor's planned performance and/or
17 contract earning levels with the actual performance and contract earning levels achieved
18 by Contractor. If the Contractor is ten percent (10%) below planned performance and/or
19 contract earning levels at the end of any quarter, the Contractor may be required to
20 implement a corrective action plan. Any such corrective action plan shall be subject to
21 review and approval by the City.

22 Underperformance at the end of the second quarter or any quarter
23 thereafter shall permit the City to unilaterally cancel this Contract or, in the alternative and
24 at the sole discretion of the City, deobligate funds from this Contract up to the amount of
25 the underexpenditures.

26 SECTION 5. CONTRACT AMOUNT AND PAYMENT.

27 The total amount which shall be payable by City to Contractor for
28 Contractor's allowable services during the Term shall not exceed Three Hundred Thirteen

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1 Thousand, Eight Hundred and Fifty Dollars (\$313,850.00).

2 The City shall, in due course, reimburse the Contractor for the actual,
3 allowable, reasonable and necessary costs and expenses incurred by Contractor in the
4 performance of this Contract which are authorized and approved by Exhibit "B" and are in
5 accordance with and pursuant to the Prime Contract, to the extent that such Prime
6 Contract is applicable to the Contractor's performance hereunder.

7 Payment to the Contractor shall be limited to the amounts specified in
8 Exhibit "B" for the categories, criteria and rates established in said Attachment. The
9 allocation of the total contract amount among the items in the Budget may vary by as
10 much as ten percent (10%) without the approval by Workforce Investment Board's
11 Executive Director ("Executive Director"). Additionally, Contractor may, with the prior
12 written approval of the Executive Director or his designee, make adjustments within and
13 among the categories of expenditures in the Budget in excess of ten percent (10%), and
14 modify the performance to be rendered hereunder as provided in Exhibit "B"; provided,
15 however, that any such adjustment in expenditures shall not result in an increase in the
16 amount of the total contract. The agent or representative of Contractor who signs as the
17 maker of checks or drafts or in any manner authorizes the disbursement of said funds or
18 expenditure of same shall be covered by a blanket fidelity or comprehensive crime bond
19 regarding the handling of said funds in an amount set out in Section 13, paragraph E of
20 this Contract.

21 Contractor shall not charge nor receive compensation under this Contract
22 for any services or expenses unless said services or expenses are directly and
23 exclusively related to the purposes of this Contract, and provided that payment is not also
24 received by Contractor from some other source for said services or expenses.

25 Disbursement of funds received from DOL shall be under the direction of
26 the City Manager or his designee and shall be in accordance with the provisions of this
27 Contract and made pursuant to the Prime Contract and any additional procedures,
28 regulations and reporting requirements which are established by the City that do not

1 conflict with applicable procedures, regulations and reporting requirements of DOL.

2 All payments to Contractor by the City will be based upon invoices and the
3 necessary supporting documents which DOL and the City may require Contractor to
4 submit. The expenditure of all funds shall be accounted for promptly and submitted with
5 the funded "Period of Availability" for the program year. Reimbursement will not be made
6 for claims generated beyond contract end date or ninety (90) days after the contract end
7 date for properly accrued expenditures. Contractor shall keep separate detailed
8 accounts for each expenditure for each component part of this project.

9 Public or private non-profit contractor revenues in excess of costs are
10 considered program income or profits in accordance with Code of Federal Regulations
11 definition of "Income" pursuant to 29 CFR 97.32(2). When authorized, program income
12 may be added to the funds committed to the grant agreement. The program income shall
13 be used for the purposes and under the conditions of the grant agreement or as
14 amended unless the Governor of the State of California requires that such income be
15 turned over to the State.

16 SECTION 6. RECORDS.

17 Records relating to the performance of this Contract shall be kept and
18 maintained by Contractor in accordance with the manner and method prescribed by
19 applicable State regulations and guidelines and City requirements, and will be current,
20 complete and available for purposes of inspection and audit during business hours as
21 deemed necessary upon request by representatives of federal, state and local agencies.

22 Contractor shall provide access to all documents and materials related to
23 this Contract and shall provide any information that the City, or its designee requires in
24 order to monitor and evaluate Contractor's performance hereunder. All such records
25 shall be maintained and accessible for a period of seven (7) years from the expiration or
26 earlier termination of this Contract.

27 SECTION 7. FINANCIAL REPORTS.

28 Contractor shall promptly distribute to the City Manager or his designee

1 copies of all correspondence including, but not limited to, financial, operational and
2 performance reports which Contractor submits to or receives from DOL. Contractor shall
3 provide such other reports, documents or information as may be requested or required by
4 the City or DOL within three (3) days of written request. Upon expiration or earlier
5 termination of this Contract, and within the time and in the manner prescribed by the City,
6 the Contractor shall perform all necessary close-out procedures required by DOL and the
7 City, including preparation of close-out reports and transmittal to the City of all documents
8 in the possession of Contractor which relate to the Conduct of the Program, within the
9 time and in the manner prescribed by the City. Final payment to the Contractor under
10 this Contract will be paid only after the City has determined that Contractor has
11 satisfactorily completed said close-out procedures.

12 If the Contractor is subject to the Single Audit Act (SAA), the Contractor
13 shall include this Contract within the scope of the SAA audit. A copy of the SAA final
14 audit report shall be delivered by Contractor to the City of Long Beach within thirty (30)
15 calendar days after its request and, in any event, no later than six (6) months after the
16 end of the then-current fiscal year of Contractor. In the event the Contractor fails to
17 comply with this requirement, the Contractor shall be liable for any costs incurred by City
18 for a substitute audit or review.

19 SECTION 8. ACCOUNTING PROCEDURES.

20 On a monthly basis, commencing on the last day of the month next
21 succeeding the Effective Date of this Contract, the Contractor will submit an invoice with
22 supporting documentation for payment based upon the cost categories in Attachment "B".
23 These invoices will be due by the tenth (10th) working day after the end of each month.
24 Contractor shall complete the monthly payment requests in the format required by the
25 City.

26 The Contractor will establish separate account numbers within its
27 accounting system to account for the expenditures and revenues of this Contract. The
28 Contractor's accounting system will be in compliance with all applicable procedures and

1 Federal and State authorities having jurisdiction over this Contract, and shall be
2 consistent with the fiscal and accounting procedures, including accruals set forth herein.
3 Without limiting the generality of the foregoing, the Contractor shall adhere to the
4 following fiscal and accounting procedures:

5 A. Maintain a bank account and perform monthly bank reconciliations.

6 1. Deposit all receipts in the bank account promptly and intact.

7 (Do not pay any expense directly out of cash receipts).

8 2. Maintain bank validated copies for every deposit slip in
9 chronological order. Each deposit slip should include sufficient detail to explain
10 the source of the funds being deposited. (This may be done by recording the
11 details on the deposit slip or by attached supporting documentation which may
12 have been received with the receipts).

13 3. Disburse all funds by check, preferably signed by two (2)
14 employees, neither of whom is the bookkeeper or the accounting clerk.

15 B. Designate specific employees to perform each of the following
16 functions:

17 1. Receipt for goods and services provided to Contractor.

18 2. Approve the purchase of goods and services for Contractor.

19 3. Approve employee time sheets.

20 4. Each above function shall be designated to a different
21 employee.

22 C. Maintain documented support for every check written which should
23 include:

24 1. Original invoice from each vendor.

25 2. Indication by signature and date of an authorized employee
26 that the goods or services were received by the Contractor. This may be done on
27 a separate receiving report, a copy of a packing slip or on the invoice itself.

28 3. Indication that the goods or services were approved for

1 purchase by an authorized individual. This should be by signature and date and
2 should appear on the invoice or on the purchase order or purchase requisition, if
3 such is used by the Contractor.

4 D. Maintain a copy of each invoice submitted to the Operations Division
5 with copies of all supporting documents.

6 E. Maintain the following records in an orderly fashion by grant period
7 or Contractor's fiscal year:

- 8 1. Bank statements and bank reconciliations.
- 9 2. Deposit slips and supports.
- 10 3. Checks and supports.
- 11 4. Time sheets or documentation to verify Contractor's labor
12 costs.
- 13 5. Cash receipts and cash disbursement journals.
- 14 6. Requests for reimbursement and supports.
- 15 7. Financial statements.

16 F. Maintain and file all required tax and personnel reports with
17 appropriate agencies.

18 G. Contractor must adhere to all audit requirements as outlined in
19 Contractor's respective OMB Circular, 29 CFR 95, and 29 CFR Part 96, and A 133, 29
20 CFR 97.26 and 29 CFR 95.26 as applicable.

21 All invoices and billings will be considered final and must be submitted
22 within forty-five (45) calendar days from the end of the Term. Resolution of disputed
23 matters must be resubmitted within fifteen (15) calendar days from date mailed to
24 Contractor. City, in its sole discretion, may elect not to pay any invoices or billings
25 submitted after the cut-off date, or if funding is no longer available.

26 SECTION 9. INDEPENDENT CONTRACTOR STATUS.

27 It is distinctly understood that in the performance of this Contract, the
28 Contractor shall at all times be considered a wholly independent contractor and that

1 Contractor's obligations to and authority from the City are solely as are preserved by this
2 Contract. Contractor expressly warrants that it will not, at any time, hold itself out or in
3 any manner represent that Contractor or any of its agents, volunteers, subscribers,
4 members, officers or employees are in any manner the officers, employees or agents of
5 the City or Pacific Gateway, an unincorporated non-profit association. Contractor shall
6 not have any authority to bind the City or Pacific Gateway at any time or for any purpose.
7 Contractor nor any of Contractor's officers, employees or agents shall have any power or
8 authority as agents or employees of the City or Pacific Gateway and shall not be entitled
9 to any of the rights, privileges or benefits of a City or Pacific Gateway employee.

10 SECTION 10. ASSIGNMENT.

11 Contractor shall not delegate its duties or assign its rights hereunder, either
12 in whole or in part, without the prior written consent of the City.

13 SECTION 11. INDEMNIFICATION AND HOLD HARMLESS.

14 No Party or any of its officers, agents, volunteers, contractors, or
15 employees shall be responsible for any damage or liability arising out of any acts or
16 omissions on the part of another Party under or in connection with any obligation under
17 this Agreement. Each Party shall indemnify, defend and hold harmless the other Party,
18 its officers, agents, volunteers, contractors, and employees from any and all liability, loss,
19 expense (including reasonable attorneys' fees and other defense cost), or claims
20 imposed for damages of any nature whatsoever, including but not limited to, bodily injury,
21 death, personal injury, or property damage arising out of any acts or omissions on the
22 part of the Party's own officers, agents, contractors, or employees under or in connection
23 with any obligation under this Agreement. This indemnity shall survive termination of this
24 Agreement.

25 SECTION 12. EMPLOYMENT TRAINING ACT CLAUSES.

26 Contractor shall administer contract within the policies and procedures
27 mandated by the Workforce Investment Act of 1998 and Pacific Gateway and agrees to
28 comply with the following contract clauses, as applicable, during the duration of the

1 contract period:

- 2 1. Compliance with requirements and/or regulations related to
- 3 patent rights, copyrights, and rights in data;
- 4 2. Maintenance of records for 7 years;
- 5 3. The Equal Employment Opportunity Act provisions;
- 6 4. The Americans with Disabilities Act of 1990;
- 7 5. The Contract Work Hours and Safety Standards Act;
- 8 6. The Clean Air Act and Environmental Protection Agency
- 9 regulations;
- 10 7. The Energy Policy Conservation Act;
- 11 8. The Bryd Anti-Lobbying Amendment;
- 12 9. Veteran's Priority Provisions;
- 13 10. Whistle Blower Protection;
- 14 11. Buy American Requirements.

15 SECTION 13. INSURANCE.

16 Concurrent with the execution of this Contract by Contractor, as a condition
17 precedent to the effectiveness of this Contract, and in partial performance of the
18 obligations of indemnity assumed by Contractor under Section 11 above, Contractor shall
19 procure and maintain during the Term at Contractor's expense:

20 A. Comprehensive General Liability in an amount not less than Two
21 Million Dollars (\$2,000,000.00) combined single limit for each occurrence or Four Million
22 Dollars (\$4,000,000.00) General Aggregate for bodily injury, personal injury and property
23 damage. The Indemnified Parties shall be covered as insureds in respect to liability
24 arising out of activities performed by or on behalf of the Contractor and coverage shall be
25 in a form acceptable to the Risk Manager of the City ("Risk Manager").

26 B. Automobile Liability in an amount not less than Five Hundred
27 Thousand Dollars (\$500,000.00) combined single limit per accident for bodily injury and
28 property damage covering owned, non-owned and hired vehicles.

1 C. Workers' Compensation as required by the Labor Code of the State
2 of California and Employers' Liability Insurance with limits of one Million Dollars
3 (\$1,000,000.00) per occurrence.

4 D. Accidental Medical, Death and Dismemberment Insurance for all
5 participants not entitled to workers' compensation benefits under the provisions of
6 Section 3700 of the Labor Code of the State of California, unless this requirement has
7 been waived in writing by the Risk Manager. Said insurance shall have limits of not less
8 than One Hundred Thousand Dollars (\$100,000.00) Accident Medical and Twenty-Five
9 Thousand Dollars (\$25,000.00) Accidental Death and Dismemberment.

10 E. Blanket Honesty or Comprehensive Crime Bond in an amount of fifty
11 percent (50%) of sums payable under this Contract, or Twenty-Five Thousand Dollars
12 (\$25,000.00), whichever is higher, to safeguard the proper handling of funds by those
13 employee's agents or representatives of the Contractor who sign as the maker of checks
14 or drafts or in any manner authorize the disbursement or expenditure of said funds.

15 Each insurance policy shall be endorsed to provide that coverage shall not
16 be cancelled by either party, reduced in amount or in limits, except after thirty (30) days
17 prior written notice has been given to the City. All such insurance shall be primary and
18 not contributing to any other insurance or self-insurance maintained by the Indemnified
19 Parties.

20 The insurance required hereunder shall be placed with carriers admitted to
21 write insurance in California, or carriers with a rating of or equivalent to A:VIII by A.M.
22 Best Company and may be subject to such self-insurance or deductible as may be
23 approved by the Risk Manager. Any Contractors which Contractor may use in the
24 performance of services under this Contract shall be required to maintain insurance in
25 accordance with the requirements here in Section 13.

26 Contractor shall furnish the City with certificates of insurance and with
27 original endorsements affecting coverage as required above. The certificates and
28 endorsements for each insurance policy shall be signed by a person authorized by that

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1 insurer to bind coverage on its behalf. Policies written on a "claims made" basis shall
2 provide for an extended reporting period of not less than One Hundred Eighty (180) days.
3 No claims made policies shall be acceptable to City unless the City Manager determines
4 that no occurrence policy is available in the market for the particular risk being insured.
5 Any modification or waiver of the insurance requirements contained in this Contract shall
6 only be made with the written approval of the Risk Manager in accordance with
7 established city policy.

8 SECTION 14. DRUG-FREE WORKPLACE.

9 Contractor shall comply with Government Code Sections 8350 et seq. and
10 29 CFR Part 98, in matters relating to providing a drug-free workplace including, but not
11 limited to, the following:

12 A. Publishing a statement notifying employees that unlawful
13 manufacture, distribution, dispensation, possession, or use of a controlled substance is
14 prohibited and specifying actions to be taken against employees for violations, as
15 required by Government Code Section 8355(a).

16 B. Establishing a Drug-Free Awareness Program as required by
17 Government Code Section 8355(b), to inform employees about all of the following:

- 18 1. The dangers of drug abuse in the workplace,
- 19 2. The person's or organization's policy of maintaining a drug-
20 free workplace;
- 21 3. Any available counseling, rehabilitation and employee
22 assistance programs, and
- 23 4. Penalties that may be imposed upon employees for drug
24 abuse violations.

25 C. Ensuring that every employee who provides services under this
26 Contract:

- 27 1. Will receive a copy of Contractor's drug-free policy statement,

28 and

1 2. Will agree to abide by the terms of Contractor's statement as
2 a condition of employment on this Contract:

3 Payments due Contractor may be subject to suspension or termination for
4 failure to carry out the requirements of Government Code Sections 8350 et seq. and 29
5 CFR Part 98, Debarment and Suspension; Drug Free Workplace. As provided in
6 Government Code Section 8357, the City shall not be required to ensure that Contractor
7 provides a drug-free workplace.

8 SECTION 15. NON-DISCRIMINATION.

9 In connection with performance of this Contract and as refined by
10 applicable federal laws, rules and regulations, Contractor shall not discriminate in
11 employment or in the performance of this Contract on the basis of race, religion, national
12 origin, color, age, sex, sexual orientation, gender identify, AIDS, HIV status, handicap, or
13 Disability.

14 It is the policy of the City to encourage the participation of Disadvantaged,
15 Minority and Women-Owned Business Enterprises in City's procurement process, and
16 Contractor agrees to use its best efforts to carry out this policy in the award of all
17 approved subcontracts to the fullest extent consistent with the efficient performance of
18 this Contract. Contractor may rely on written representations by Contractors regarding
19 their status. Contractor shall report to City in March and in September or, in the case of
20 short-term agreements, prior to invoicing for final payment, the names of all sub-
21 consultants engaged by Contractor for this Project and information on whether or not they
22 are a Disadvantaged, Minority or Women-Owned Business Enterprise, as defined in
23 Section 8 of the Small Business Act (15 U.S.C. Sec. 637).

24 SECTION 16. CONFIDENTIALITY.

25 Contractor shall keep confidential all financial, operations, and performance
26 records relating to its performance of this Contract ("Data") and shall not disclosed the
27 Data or use the Data directly or indirectly other than in the course of services provided
28 hereunder. The obligation of confidentiality shall continue following expiration or earlier

1 termination of this Contract. In addition, Contractor shall keep confidential all information,
2 whether written or oral, or visual, obtained by any means whatsoever in the course of
3 Contractor's performance hereunder for the same period of time. Contractor shall not
4 disclose Data to any third party, nor use it for Contractor's own benefit or the benefit of
5 others without first obtaining the prior written authorization and consent of the City.

6 All Data and other information, in whatever form or medium, compiled or
7 prepared by Contractor in performing its services or furnished to Contractor by City shall
8 be the property of City and City shall have the unrestricted right to use or disseminate
9 same without payment of further compensation to Contractor. Copies of Contractor's
10 work product may be retained by Contractor for its own records.

11 SECTION 17. BREACH OF CONFIDENTIALITY.

12 Contractor shall not be liable for a breach of confidentiality with respect to
13 Data that:

- 14 (a) Contractor demonstrates Contractor knew prior to the time
15 City disclosed it; or
16 (b) Is or becomes publicly available without breach of this
17 Contract by Contractor; or
18 (c) A third party who has a right to disclose such information does
19 so to Contractor without restrictions on further disclosure; or
20 (d) Must be disclosed pursuant to subpoena, court order, state or
21 federal WIA rules and regulations, federal Department of Labor rules and
22 regulations, or the rules and regulations of any other governmental agency having
23 jurisdiction over WIA administration.

24 SECTION 18. NOTICES.

25 All notices required or given pursuant to the provisions hereof may be
26 served either by: (1) enclosing the same in a sealed envelope addressed to the party
27 intended to receive the same at the address indicated herein and deposited postage
28 prepaid, in the U.S. Postal Service as certified mail, return receipt requested, or (2)

1 personal service. Such notices shall be effective on the date personal service is effected
2 or the date of the signature on the return receipt. For the purposes hereof, the address of
3 the City and the proper party to receive any such notices on its behalf is the Executive
4 Director, Pacific Gateway, 3447 Atlantic Avenue, Long Beach, California, 90807; and the
5 Contractor's address for service of any such notices shall be Long Beach Community
6 College District, 4901 E. Carson Street, Long Beach, CA 90808, attn: Marty Alvarado,
7 Telephone (562) 938-4546, Fax No. (562) 938-4640.

8 SECTION 19. CONTRACT ADMINISTRATION.

9 The City Manager, or designee, is authorized and directed, for and on
10 behalf of the City, to administer this Contract and all related matters, and any decision of
11 the City Manager, or his designee, in connection herewith shall be final.

12 SECTION 20. CORPORATE STATUS.

13 If the Contractor is a corporation, Contractor shall, as a condition precedent
14 to the effectiveness of this Contract, submit to City proof of good standing of the
15 corporate status.

16 SECTION 21. ENTIRE AGREEMENT.

17 This document fully expresses all understandings of the parties concerning
18 all matters covered and shall constitute the total Agreement. Except for the adjustments
19 of Exhibit "B" as provided in Section 5 hereof, no addition to or alteration of the terms of
20 this Contract whether by written or oral understanding of the parties, their officers, agents
21 or employees shall be valid unless made in writing and formally adopted in the same
22 manner as this Contract.

23 SECTION 22. CAPTIONS AND ORGANIZATION.

24 The various headings and numbers herein and the grouping of the
25 provisions of this Contract into separate Sections, paragraphs and clauses are for the
26 purpose of convenience only and shall not be considered a part hereof, and shall have no
27 effect on the construction or interpretation of any part of this contract.

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1 SECTION 23. TAX REPORTING.

2 As required by federal and state law, City is obligated to and will report the
3 payment of compensation to Contractor on Form 1099-Misc. Contractor shall be solely
4 responsible for payment of all federal and state taxes resulting from payments under this
5 Agreement. Contractor shall submit Contractor's Employer Identification Number (EIN),
6 or Contractor's Social Security Number if Contractor does not have an EIN, in writing to
7 City's Accounts Payable, Department of Financial Management. Contractor
8 acknowledges and agrees that City has no obligation to pay Contractor until Contractor
9 provides one of these numbers.

10 SECTION 24. AUTHORIZATION TO EXECUTE.

11 Contractor warrants and affirms to City that any and all persons signing this
12 Contract are authorized and empowered to so sign and that the execution of this Contract
13 by such person or persons does bind Contractor to all terms, covenants and conditions of
14 this Contract.

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IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed with all the formalities required by law on the respective dates set forth opposite their signatures.

LONG BEACH COMMUNITY COLLEGE DISTRICT, a public education entity

Dated: 3/14, 2012

By [Signature]
Title VP ADMIN. SERVICES

Dated: _____, 2012

By [Signature]
Title _____

"Contractor" REF. 93158.4
Boards Approval 3/13/12

CITY OF LONG BEACH, a municipal corporation

Dated: 4.11, 2012

By [Signature] **Assistant City Manager**
City Manager
"City" **EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.**

The foregoing Contract is hereby approved as to form this 5th day of April, 2012.

ROBERT E. SHANNON, City Attorney

By [Signature]
Deputy

Exhibit A

U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION	GRANT / AGREEMENT NOTIFICATION OF AWARD/OBLIGATION
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Under the authority of the *Workforce Investment Act*, this grant or agreement is entered into between the above named *Grantor Agency* and the following named *Awardee*, for a project entitled - *H-1B Technical Skills Training Grants*.

Name & Address of Awardee:	Agreement #:	HG-22609-12-60-A-6
Pacific Gateway Workforce Investment Network	CFDA #:	17.268
3447 Atlantic Avenue	Accounting Code:	1630-2012-055152830XBD201251520010125HBN00A0000AOFAM0AOFAM0-A90310-410023-ETA-DEFAULT TASK-
LONG BEACH, CALIFORNIA	Mod Amount:	\$2,816,309.00
90807-1630	EIN:	[REDACTED]
	✓DUNS #:	078304520

The Period of Performance shall be from November 14, 2011 thru November 30, 2015.
Total Government's Financial Obligation is \$2,816,309.00 (unless otherwise amended).
Payments will be made under the Payments Management System, and can be automatically drawn down by the awardee on an as needed basis covering a forty-eight (48) hour period.



In performing its responsibilities under this grant agreement, the awardee hereby certifies and assures that it will fully comply with the following regulations and cost principles, including any subsequent amendments:

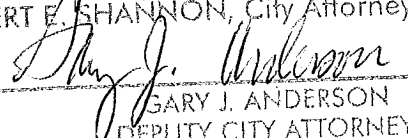
Uniform Administrative Requirements:
29 CFR Part 97, for State/Local Governments and Indian Tribes; OR
29 CFR Part 95, for Institutions of Higher Education, Hospitals and other Non-Profit Organizations and Commercial Organizations.

Cost Principles:
2 CFR 225, for State/Local Governments and Indian Tribes;
2 CFR 220, for Institutions of Higher Education; OR
2 CFR 230, for Non-Profit Organizations.
48 CFR Part 31.

Other Requirements (As Applicable):
29 CFR Part 96 and 99, Single Audit Act
29 CFR Part 93, Lobbying Certification
29 CFR Part 37, Nondiscrimination and Equal Opportunity Requirements
29 CFR Part 98, Debarment and Suspension; Drug Free Workplace
20 CFR Part 652 et al., Workforce Investment Act
Wagner-Peyser Act
Grant Award Document, Parts I through IV, and attachments.

The awardee's signature below certifies full compliance with all terms and conditions as well as the above stated grant regulations and certifications, and that this document has not been altered.

Signature of Approving Official - <i>AWARDEE</i>	Signature of Approving Official - <i>DOL / ETA</i>
 (Signature / Date) 7/19/12	
<u>PATRICK H. WEST, CITY MANAGER</u> (Type Name and Title)	B JAI JOHNSON _____ November 09, 2011 Grant Officer

APPROVED AS TO FORM
April 5, 2012
ROBERT E. SHANNON, City Attorney
By 
GARY J. ANDERSON
DEPUTY CITY ATTORNEY

Application for Federal Assistance SF-424

* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): [] * Other (Specify): []
--	--	--

* 3. Date Received: 06/02/2011	4. Applicant Identifier: []
-----------------------------------	---------------------------------

5a. Federal Entity Identifier: 95-6000733	5b. Federal Award Identifier: []
--	--------------------------------------

State Use Only:

6. Date Received by State: []	7. State Application Identifier: []
--------------------------------	--------------------------------------

8. APPLICANT INFORMATION:

* a. Legal Name: Pacific Gateway Workforce Investment Network	
* b. Employer/Taxpayer Identification Number (EIN/TIN): [REDACTED]	* c. Organizational DUNS: 5573981410000

d. Address:

* Street1: 3447 Atlantic Avenue
Street2: []
* City: Long Beach
County/Parish: []
* State: CA: California
Province: []
* Country: USA: UNITED STATES
* Zip / Postal Code: 90807-1630

e. Organizational Unit:

Department Name: Pacific Gateway WIN	Division Name: Pacific Gateway WIN
--------------------------------------	------------------------------------

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr.	* First Name: Bryan
Middle Name: []	
* Last Name: Rogers	
Suffix: []	

Title: Executive Director

Organizational Affiliation: Pacific Gateway Workforce Investment Network

* Telephone Number: 562-570-3701 Fax Number: 562-570-3704

* Email: bryan.rogers@longbeach.gov

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

Employment and Training Administration

11. Catalog of Federal Domestic Assistance Number:

17.268

CFDA Title:

H-1B Job Training Grants

* 12. Funding Opportunity Number:

SGA-DFA-PY-10-13

* Title:

H-1B Technical Skills Training Grants

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

Healthcare H-1B Visa Grant

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="2,816,309.00"/>
* b. Applicant	<input type="text" value="1,408,720.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="4,225,029.00"/>

* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372.

* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)

Yes No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative: * Date Signed:

Administrative Costs

Pursuant to 20 CFR 667.210(b), grantees are advised that there is a 10% limitation on administrative costs on funds administered under this grant. In no event may administrative costs exceed 10% of the total award amount. The cost of administration shall include those disciplines enumerated in 20 CFR 667.220(b) and (c).

Sec. 667.220 What Workforce Investment Act title I functions and activities constitute the costs of administration subject to the administrative cost limit?

(a) The costs of administration are that allocable portion of necessary and reasonable allowable costs of State and local workforce investment boards, direct recipients, including State grant recipients under subtitle B of title I and recipients of awards under subtitle D of title I, as well as local grant recipients, local grant subrecipients, local fiscal agents and one-stop operators that are associated with those specific functions identified in paragraph (b) of this section and which are not related to the direct provision of workforce investment services, including services to participants and employers. These costs can be both personnel and non-personnel and both direct and indirect.

(b) The costs of administration are the costs associated with performing the following functions:

(1) Performing the following overall general administrative functions and coordination of those functions under WIA title I:

- (i) Accounting, budgeting, financial and cash management functions;
- (ii) Procurement and purchasing functions;
- (iii) Property management functions;
- (iv) Personnel management functions;
- (v) Payroll functions;
- (vi) Coordinating the resolution of findings arising from audits, reviews, investigations and incident reports;
- (vii) Audit functions;
- (viii) General legal services functions; and
- (ix) Developing systems and procedures, including information systems, required for these administrative functions;

(2) Performing oversight and monitoring responsibilities related to WIA administrative functions;

(3) Costs of goods and services required for administrative functions of the program, including goods and services such as rental or purchase of equipment, utilities, office supplies, postage, and rental and maintenance of office space;

(4) Travel costs incurred for official business in carrying out administrative activities or the overall management of the WIA system; and

(5) Costs of information systems related to administrative functions (for example, personnel, procurement, purchasing, property management, accounting and payroll systems) including the purchase, systems development and operating costs of such systems.

(c) (1) Awards to subrecipients or vendors that are solely for the performance of administrative functions are classified as administrative costs.

(2) Personnel and related non-personnel costs of staff who perform both administrative functions specified in paragraph (b) of this section and programmatic services or activities must be allocated as administrative or program costs to the benefiting cost objectives/categories based on documented distributions of actual time worked or other equitable cost allocation methods.

(3) Specific costs charged to an overhead or indirect cost pool that can be identified directly as a program cost are to be charged as a program cost. Documentation of such charges must be maintained.

(4) Except as provided at paragraph (c) (1), all costs incurred for functions and activities of subrecipients and vendors are program costs.

(5) Costs of the following information systems including the purchase, systems development and operating (e.g., data entry) costs are charged to the program category:

- (i) Tracking or monitoring of participant and performance information;
- (ii) Employment statistics information, including job listing information, job skills information, and demand occupation information;
- (iii) Performance and program cost information on eligible providers of training services, youth activities, and appropriate education activities;
- (iv) Local area performance information; and
- (v) Information relating to supportive services and unemployment insurance claims for program participants;

(6) Continuous improvement activities are charged to administration or program category based on the purpose or nature of the activity to be improved. Documentation of such charges must be maintained.

**The Solicitation for
Grant Applications for this
competition is attached and
hereby incorporated into this
Grant Agreement.**

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Availability of Funds and Solicitation for Grant Applications for H-1B Technical Skills Training Grants

Announcement Type: Solicitation for Grant Applications (SGA)
Funding Opportunity Number: SGA/DFA PY-10-13
Catalog of Federal Domestic Assistance (CFDA) Number: 17.268

Key Dates: Applications for grant awards will be accepted immediately upon publication of this notice in the Federal Register with two closing dates of June 2, 2011 and November 17, 2011. Applications must be received no later than 4:00 p.m. Eastern Time on the closing dates. Applicants may only submit one application for each closing date, but successful applicants will only receive funding for one grant. Applicants that submit more than one application to a round of funding will be considered non-responsive, and none of their applications will be considered for funding. A pre-recorded webinar will be on-line (<http://www.workforce3one.org>) and accessible for viewing no later than May 6, 2011, and will be available for viewing anytime after that date. In addition, ETA will be hosting a live webinar at 11:00 a.m. Eastern Time on Wednesday, May 4, 2011. While a review of either of these webinars is encouraged it is not mandatory that applicants view these recordings.

Addresses: Mailed applications must be addressed to the U.S. Department of Labor, Employment and Training Administration, Division of Federal Assistance, Attention: Thomas Martin, Grant Officer, Reference SGA/DFA PY 10-13, 200 Constitution Avenue, NW, Room N4716, Washington, DC 20210. For complete application and submission information, including online application instructions, please refer to Section IV.

Summary: The Employment and Training Administration (ETA), U.S. Department of Labor (DOL or the Department), announces the availability of approximately \$240 million in funds for an H-1B Technical Skills Training Grants program. This grant program is designed to provide education, training, and job placement assistance in the occupations and industries for which employers are using H-1B visas to hire foreign workers, and the related activities necessary to support such training. H-1B technical skills training grants are financed by a user fee paid by employers to bring foreign workers into the United States under the H-1B nonimmigrant visa program. This technical skills training program was authorized under Section 414 (c) of the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA), as amended (29 USC 2916a). Grant awards will be made only to the extent that funds are available.

The Department will make awards to two types of training grants: those that provide On-the-Job Training (OJT) to all participants and those that use other training strategies. Of the awards granted through this Solicitation, at least \$150 million will be awarded to grantees that provide OJT to all participants. Between the two types of grants awarded (OJT and other training strategies), DOL intends to fund at least \$45 million to applicants proposing to provide training for occupations in the health care industry and at least \$60 million to applicants that serve long-term unemployed individuals. While this Solicitation is open, DOL anticipates that additional funding will accrue for this grant program. Such additional funding may be made available for awards during the second round of funding, depending on the quality of applications received.

Grants may be awarded to partnerships of private and public sector entities, which may include: business-related nonprofit organizations, such as trade associations; education and training providers, including community colleges and community-based organizations; and

entities involved in administering the workforce investment system established under Title I of the Workforce Investment Act of 1998 (WIA) and economic development agencies. Additional partners that reflect the character and resources of the local or regional economy are strongly encouraged.

SUPPLEMENTARY INFORMATION: This Solicitation consists of nine (9) sections:

Section I provides a description of this funding opportunity.

Section II provides award information.

Section III provides eligibility information.

Section IV provides information on the application and submission process.

Section V describes the criteria against which applications will be reviewed and explains the proposal review process.

Section VI describes award administration information.

Section VII provides agency contacts.

Section VIII provides additional resources of interest to applicants.

Section IX provides other information.

Section I. Funding Opportunity Description

A. Overview

The United States supports a very large, diverse, and innovative economy. Current economic conditions have intensified the country's need to employ practical and effective solutions to our most pressing socio-economic challenges. While the economy is showing positive signs, the recession is still playing out in many parts of the country, including an increased number of layoffs. Job creation has been slow in many urban and rural communities which also has led to prolonged unemployment. At the same time, there are still skill shortages in some industries and occupations; and this grant program creates an opportunity to address both issues.

In response to industry skill shortages in high-growth industries and occupations, Congress established the H-1B visa category for non-immigrants seeking work in high-skill or specialty occupations, imposed a user fee on employers for H-1B applications, and set annual limits on the number of H-1B visas granted. ACWIA, as amended, authorized the Department to use a portion of those fees to finance an H-1B Technical Skills Training Grant Program. This grant program is designed to provide education, training, and job placement assistance in the occupations and industries for which employers are using H-1B visas to hire foreign workers, and the related activities necessary to support such training.

The H-1B Technical Skills Training Grant Program is intended to raise the technical skill levels of American workers so they can obtain or upgrade employment in high-growth industries and occupations. Over time, these education and training programs will help businesses reduce their use of skilled foreign professionals permitted to work in the U.S. on a temporary basis under the H-1B visa program. While the occupations at H-1B skill levels are generally defined as a bachelor's degree or comparable experience, education and training conducted through this program is not limited to skill levels commensurate with 4-year undergraduate degrees, and can include the preparation of workers for employment along career pathways for a broad range of occupations and industries in which employers are using H-1B visas to hire foreign workers. H-1B Technical Skills Training Grants are not intended to address entry-level skill shortages nor may they fund programs aimed at imparting basic educational skills; however, applicants may propose courses that support technical skills development at the post-secondary level, e.g., math, science, or language courses directly related to technical skills training.

B. Targeted Industries, Occupations and Participants

Technical Skills Training Grants under this SGA will focus on high-growth industries and occupations defined in ACWIA as those that: 1) are projected to add substantial numbers of new jobs to the economy; 2) are being transformed by technology and innovation requiring new skill sets for workers; 3) are new and emerging businesses that are projected to grow; or 4) have a significant impact on the economy overall or on the growth of other industries and occupations. To meet the legislative intent of training American workers to reduce the need for foreign workers under the H-1B visa program, applicants must design their education and training programs to support industries and occupations for which employers are using H-1B visas to hire foreign workers. According to recent data, a wide range of industries may meet these criteria in local and regional areas around the country.

Applicants should review the attached list of industries and occupations that are using H-1B visas to hire foreign workers (See Attachment A). This list is not exhaustive and applicants are advised to also refer to the Foreign Labor Certification Data Center Web site (<http://www.flcdatacenter.com/CaseH1B.aspx>) for the latest database of occupations approved under H-1B petitions. For this Solicitation, ETA is particularly interested in training for occupations within the following industries: information technology, communication and broadband technology, advanced manufacturing and health care.

ETA intends to fund at least \$45 million to applicants proposing to provide training in the health care industry (including Health Information Technology). The health care industry has grown rapidly and is projected to grow in the future due to advances in medical knowledge and the increased need for medical services required by an aging population. Of the 20 fastest growing occupations, half are within the health care industry. The absence of sufficient numbers of qualified workers in this diverse sector threatens the quality and availability of medical care, and the economic stability and growth potential of local communities in rural, urban, and suburban areas. Moreover, the growing complexity of health care delivery will require workers to continuously upgrade their skills.

While grants will serve participants who may be currently employed or unemployed, the Department is particularly focused on reaching those individuals who have been unemployed the longest, and will work to ensure that at least \$60 million in grant awards goes to those applicants that focus on this population. According to the Bureau of Labor Statistics' December 2010 Employment Situation Summary, the long-term unemployed make up about 44 percent of all unemployed workers. These unemployed workers may be near or past the exhaustion of their unemployment benefits or may be discouraged from looking for work. They may need additional assistance to enhance their skills to become re-employed.

C. Training Strategies and Allowable Activities

Applicants must propose projects that provide job training and related activities that are designed to assist workers in gaining the skills and competencies needed to obtain or upgrade employment in high-growth industries and occupations, or along the career pathways for such industries and occupations. A career pathway may generally be defined as a system of career options which allows opportunities for professional growth and upward mobility. Training under this Solicitation may not be used for entry-level occupations, but should focus on occupations along the career pathways that require higher skill levels. DOL will fund two types of training programs: those that provide OJT to all participants, or those that use other promising training strategies. With each type of training strategy, there are a number of activities that applicants can include to ensure that the programs meet participants' needs. All training strategies must: 1) target skills and competencies in demand by industries and occupations for which employers are using H-1B visas to hire foreign workers (see Attachment A); 2) provide education and training for jobs currently available; and 3) whenever possible, result in an industry recognized credential. ETA encourages applicants to use program models with demonstrated success in

serving the eligible participants, especially those with strong program evaluations showing positive impacts on participants.

1. On-the-Job Training (OJT)

ETA intends to commit at least \$150 million to grants that employ training strategies that provide On-the-Job Training (OJT) to every participant. Incumbent worker training does not qualify for OJT and does not count toward the \$150 million set aside. This does not preclude the applicant from proposing and implementing other types of training strategies in support of OJT, however, OJT must be a component of each participant's training strategy. OJT is distinguished from other types of workplace training, including customized training, by several factors: (1) participants are hired (or employed) and earn wages from employers during training; (2) it is based on an individualized training plan that reflects the results of an individual skills assessment and an analysis of job requirements; (3) training is conducted in the work setting under the direction of one or more of the employer's supervisory personnel; and (4) the employer is paid a reimbursement to cover the extraordinary costs of the training.

OJT can bridge the divide between unemployment and employment by addressing gaps in an individual's skill level. Individuals who participated in OJT in the past have demonstrated improved labor market attachment and enhanced job tenure, as illustrated by higher rates of job placement and retention. OJT also offers participants a "learn and earn" training option, allowing individuals to learn new skills while earning a regular paycheck.

2. Other Training Strategies

Under the second type of training strategy (non-OJT) to be funded, applicants must not offer OJT to participants. Other types of training strategies include but are not limited to: classroom occupational training; contextualized learning; distance learning; and customized training, including incumbent worker training, for particular employers or groups of employers.

3. Activities that Support the Training Strategies

In implementing either type of training program, applicants may propose to use grant funds for a wide range of activities that support the direct education and training of eligible participants including but not limited to the following:

- Developing math, science or language courses at the post-secondary level that are integrated into the technical skills training;
- Costs related to accrediting employer- and/or industry-recognized credentials;
- Other costs of program development such as using subject matter experts from industry, education, and other areas to assist in curriculum design;
- Developing and implementing articulation agreements with universities and other educational partners that allow for recognition of course credits in exchange for the education and/or training provided;
- Recruitment of eligible participants;
- Initial assessment of skill levels, aptitudes, abilities, and competencies;
- Job search and placement assistance, as well as career counseling;
- Supportive services that enable individuals to participate in grant activities (see Section IV.E.7); and
- Updating or replicating existing industry-recognized curricula to support direct education and training provided through the grant.

Activities that are not directly related to the development and implementation of education, training, and other related services for high-growth industries for which employers are using H-1B visas are not allowable activities under this grant. Applicants should refer to Section VI of the SGA for a list of relevant OMB Circulars related to cost principles, administrative and other requirements that apply to this Solicitation and to Section IV.E for a discussion of costs that are not allowable under this Solicitation.

Section II. Award Information

A. Award Amount

Through this single Solicitation, ETA is making approximately \$240 million in funds available through two rounds of funding, and expects to fund 75 - 100 grants with individual grant amounts ranging from \$1 million to \$5 million. Between these two rounds of grants, DOL intends to award at least \$150 million to grantees that provide On-the-Job Training (OJT) to all participants. The remaining funding will be awarded to applicants that provide other training strategies to participants. Across the two types of grants awarded (OJT and other training strategies), DOL intends to award at least \$45 million to applicants proposing to provide training in the health care industry and \$60 million to applicants proposing to focus on the long-term unemployed. These set-asides are not mutually exclusive; in other words, applicants can propose to provide OJT in the health care industry and if successful, their funding amount will count toward both set-asides. ETA reserves the right to change these amounts depending on the quantity and quality of applications submitted under this SGA. DOL anticipates that additional funding will accrue for this grant training program between the first and second rounds of grants contained in this Solicitation. Such additional funding may be made available for awards during the second round of funding, depending on the quality of applications received. Grant awards will be made only to the extent that funds are available.

Any grant application with a proposed value greater than \$5 million will be deemed non-responsive and will not be considered.

Applicants may only submit one application for each closing date; successful applicants will only receive funding for one grant. Applicants that submit more than one application to a round of funding will be considered non-responsive, and none of their applications will be considered for funding. If an applicant is not successful when submitting an application during round one, it should note that ETA cannot ensure that applicants will receive a summary of the panel's comments on the original application before the second closing date. Therefore, if an applicant chooses to submit a second application for the later closing date, absent receipt of the summary of the panel's comments, any changes to their original proposal will be made at their own discretion.

Grants proposing the two types of training strategies (OJT and non-OJT) will be paneled separately.

B. Period of Performance

The period of grant performance will be up to 48 months from the date of execution of the grant documents. This performance period includes all necessary implementation and start-up activities. Applicants should plan to fully expend grant funds during the period of performance while ensuring full transparency and accountability for all expenditures.

Section III. Eligibility Information

A. Eligible Applicants

Grants may be awarded to a partnership of private and public sector entities as defined in ACWIA. This partnership must include at least two entities from among the following groups: 1) business-related nonprofit organizations, such as trade associations; 2) education and training providers, including community colleges and other community-based organizations; and 3) entities involved in administering the workforce investment system established under Title I of the WIA, and economic development agencies.

All applicants must clearly identify the lead organization that will serve as the grantee and have overall fiscal and administrative responsibility for the grant, as well as each member of the partnership and the required partner(s) in the required Abstract (see Section IV.B. Part III.)

The grantee organization must be the organization specified in Section 8 of the SF-424 Application Form, and will be: 1) the point of contact with DOL to receive and respond to all inquiries or communications under this SGA and any subsequent grant award; 2) the entity with authority to withdraw or draw down funds through the Department of Health and Human Services - Payment Management System (HHS-PMS); 3) responsible for submitting to DOL all deliverables under the grant, including all technical and financial reports related to the project, regardless of which consortium member performed the work; 4) the entity that may request or agree to a revision or amendment of the grant agreement or statement of work; 5) the entity with overall responsibility for carrying out the programmatic functions of the grant, as well as for the stewardship of all expenditures under the grant; and 6) the entity responsible for working with DOL to close out the grant.

For the purposes of this SGA, these partner groups are defined as:

1. Business-related Nonprofit Organizations

Business-related Nonprofit Organizations include trade or industry associations such as local Chambers of Commerce and small business federations, and labor organizations. These entities may contribute to one or more aspects of the grant activities, such as defining the program goals, identifying necessary skills and competencies, providing resources to support education and training (e.g. equipment, instructors, funding, internships, or OJT and other work-based learning activities or situations), and convening consortia of employers, particularly small businesses.

2. Education/Training Providers and Other Community-Based Organizations

For the purposes of this SGA, education and training providers are institutions of higher education as defined in Section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001). These "institutions of higher education" include public or other nonprofit educational institutions. Applicants must identify their institution type in Section 9 of the SF-424 Application for Federal Assistance. Eligible institutions must be accredited by a nationally recognized accrediting agency or association that has been recognized by the U.S. Department of Education. A database of institutions that are accredited by bodies recognized by the U.S. Department of Education can be found at <http://ope.ed.gov/accreditation/>. Applicants are strongly encouraged to check this Web site, as the Department will use this database in determining an applicant's accreditation to ensure eligibility. Generally, institutions of higher education include 2-year and 4-year colleges and universities, Historically Black Colleges and Universities, Tribal Colleges and Universities, and Hispanic-Serving Institutions, among others.

Community-based organizations are key providers of basic skills training, technical skills training, supportive services, and workforce development services in communities across the country. Community-based organizations understand the importance of leveraging resources, engaging employers to better understand their workforce needs and secure employment for their participants, and providing comprehensive supportive services in a manner that is culturally and linguistically appropriate, to the extent legally allowed, for workers and training participants.

3. The Workforce Investment System and Economic Development Agencies

Public workforce system entities are involved in administering the workforce investment system established under Title I of WIA, and include state and local Workforce Investment Boards and their One-Stop Career Center systems. These types of organizations may participate in the grant activities, such as: 1) understanding and analyzing the need for education and training in the local area including identifying targeted industries, occupations, and hiring needs, as well as populations to be served, and providing relevant sources of data including the workforce investment board's strategic plan, labor market information, and other tools or reports; 2) assessing potential participants for the grant program; 3) identifying and referring candidates for

education and training in the grant program; 4) connecting and placing participants with employers that have job openings; and, 5) collecting, tracking, and reporting participant data to ETA.

State, regional, and/or local economic development agencies work closely with employers, understand regional economic needs, and are involved in activities that help to generate and retain existing jobs, and stimulate industrial and commercial growth. The role of economic development agencies is to seek out new economic opportunities and retain their existing employer community. Economic development agencies do not create jobs, but support new and existing businesses in doing so. Economic development agencies may support the project by ensuring that there are sufficient economic development programs and incentives in place to assist the businesses in achieving their goals.

Applicants are strongly encouraged to consider integrating employment and training programs with collaborative regional economic development strategies that align with key economic development investments to ensure that workers are being prepared for growth industries in their regional economy.

B. Required Partnerships with Employer(s) or Consortia of Employers

In addition to the entities included in the partnership, applicants must also work with at least one employer or consortium of employers that is engaged in the project in one or more of the following ways: defining the program goals and activities, identifying necessary skills and competencies, providing resources to support education/training (such as equipment, instructors, funding, internships, or OJT and other work-based learning activities); providing assistance with program design, and, where appropriate, hiring qualified participants who complete grant-funded education and training programs based on real job projections.

ETA particularly encourages partnerships that include multiple employers in an industry cluster, which is a concentration of interconnected businesses, suppliers, research and development, service providers, and associated institutions in a particular field that are linked by common workforce needs. Working with multiple businesses helps ensure that training prepares workers for a range of employer needs in the target industry, making participants more employable and giving businesses a stronger employee pool.

All training approaches work best when the employment experience is closely tied to anticipated employment opportunities. Applicants proposing OJT, in particular, should consider the hiring plans of interested employers to maximize the number of participants who are hired permanently. Employers have the added incentive to participate in all phases of the training development since OJT offers a unique opportunity to offset initial training costs and assist in filling skilled positions while building organizational productivity as the participant learns the job requirements.

C. Cost Sharing or Matching

1. Match Requirement

The requirement for match is contingent on the activities proposed by the applicant. Applicants that propose incumbent worker training activities must provide resources equivalent to 50 percent of the grant award amount as matching funds. For applicants that do not include incumbent worker training activities, cost sharing or matching funds are not required as a condition for application. For applicants proposing incumbent worker activities, the 50 percent matching funds may be provided in cash or in-kind, however half of the total matching funds must be cash match.

2. Definitions and Administrative Requirements

The general administrative requirements related to cost sharing or match are found at 29 CFR 97.25 or 29 CFR 95.23. Under these requirements, cash match is defined as funds made

available to the grantee (or subgrantee) to be used specifically for project activities. The grantee has control over and disburses these funds and they are tracked and accounted for in their accounting system. Other federal resources may not be counted towards the match requirements. Examples of cash match include funds provided for grant activities by the applicant; funds the applicant receives from employers or salaries paid by employers providing the incumbent worker training; and cash funds the applicant receives from partners of the applicant including foundations, private entities or state or local governments, provided that the government resources are not comprised of any federal funds. In-kind contributions are non-cash contributions provided by the applicant or non-Federal third parties. In-kind contributions may be in the form of equipment, supplies, and other expendable property, donated time, and the value of goods and services that directly benefit and are specifically identifiable to the project program.

3. Allowable Match

To be allowable as part of match, a cost must be an allowable charge for Federal grant. Determinations of allowable costs will be made in accordance with the applicable Federal cost principles for nonprofits/education and government entities as indicated in Section VI.B.1. Additionally, grantees must follow the requirements regarding match, including definition and valuation of in-kind resources, found in 29 CFR 95.23 and 29 CFR 97.24.

4. Incumbent Worker Salaries

The portion of an incumbent worker's salary paid while the worker is participating in incumbent worker training (i.e., employee paid release time) may be counted as match under these grants. Fringe benefits and other personal benefits cannot be counted as match. For employer partners (or subrecipients), these funds may be counted as cash match. Please note that salaries paid by employers to OJT participants cannot count as match.

5. SF-424, SF-424A and the Budget Narrative

The matching funds required of applicants who are proposing incumbent worker activities must be shown on the SF-424 application and the SF-424A budget form. Please note that any cash or in-kind resources beyond the 50 percent required match should be counted as leveraged resources. Applicants must clearly make the distinction between what will be considered matching funds and what will be considered additional leveraged resources and explain leveraged resources in the budget narrative separately from the explanation of match. Do not include the leveraged funds on the SF-424 or SF-424A. Applicants who are not proposing incumbent worker activities should list no match amount on the SF-424 and SF-424A, even if they are providing leveraged resources. Details on leveraged resources can be included in the budget narrative.

For applicants proposing incumbent worker activities, the amount and nature of the match must also be clearly described in the budget narrative as discussed in Section IV.B.1. The budget narrative must include a breakdown of the match that lists the amount of the cash match; the amount of in-kind match; and the total match provided. If there is a discrepancy in the amount of funds specified on the SF-424, SF-424A or Budget Narrative, DOL will consider the amounts specified on the SF-424 as the applicant's match.

Applicants that fail to provide the required match information on the SF-424, SF-424A and in the budget narrative will be found non-responsive to this SGA and their application will not be considered for funding. There are no evaluation criteria or points associated with this match requirement or the provision of leveraged resources.

6. Fulfilling the Match Requirement

Applicants are expected to fulfill the match amount specified on the SF-424 during the grant period of performance. If the match amount specified is not met or if a portion of the matching funds are found to be unallowable costs, the amount of DOL grant funds may be decreased on a dollar-for-dollar basis. If this occurs, the grantee may be required to repay funds to DOL.

7. Reporting Match and Leveraged Resources

DOL grantees must track and report both match and leveraged resources quarterly on ETA Form 9130. Instructions and the ETA Form 9130 may be found at http://www.doleta.gov/grants/financial_reporting.cfm

D. Other Eligibility Criteria

1. Grant Recipient Training

Grant recipients are required to participate in all ETA training activities related to orientation, financial management and reporting, performance reporting, product dissemination, and other technical assistance training as appropriate during the life of the grant. These trainings may occur via conference calls, through virtual events such as webinars, and in-person meetings. Applicants should budget for at least two staff members to attend two in-person training events during the life of the grant.

2. Transparency

The Department is committed to conducting a transparent grant award process and publicizing information about program outcomes. Applicants are advised that their application and information related to its review and evaluation (whether or not the application is successful) may be made publicly available, either fully or partially. In addition, information about grant progress and results may also be made publicly available.

E. Eligible Participants

1. Participants Eligible to Receive Training

Applicants must propose projects that focus on providing education and training to unemployed and/or employed workers, however, incumbent workers are not eligible for OJT under this SGA. The Department is particularly interested in making sure that grants focus on serving long-term unemployed workers, especially those who have been unemployed the longest.

In order to be considered as an applicant focusing on this population, at least 75% of the applicant's participants should be documented as long-term unemployed. While long-term unemployed individuals are defined as those who have been unemployed for 27 weeks or more, the Department is also interested in making sure that applicants have the flexibility to serve individuals from their communities that have been unemployed the longest. Individuals who have lost their jobs during the recent recession (commencing from January 1, 2008 forward), and have exhausted unemployment benefits, or have not yet reconnected with a job that provides comparable responsibility and pay (underemployment), or who are working part-time job(s) when they want a full-time job, or who have become discouraged and have stopped looking for a job should be considered among the long-term unemployed. Applicants should consult their state's unemployment data to target individuals who have been unemployed for much longer than 27 weeks. (Data on unemployment is available at <http://ows.doleta.gov/unemploy/>)

Candidates for education and training funded through these grants should not be at the beginning of a career pathway and should have at least a high school diploma or a GED, as well as some post-secondary education and/or work experience that would allow them to enter the defined career pathway at a later point. Candidates may already have an associate's or bachelor's degree, but they do not necessarily have to possess advanced degrees to be eligible. Applicants must propose projects that serve only individuals who are at least 18 years of age and are pursuing a high-skill occupation.

2. 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 equally 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 first 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.

Section IV. Application and Submission Information

A. How to Obtain an Application Package

This SGA 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 three separate and distinct parts: (I) a cost proposal; (II) a technical proposal; and (III) attachments to the technical proposal. Applications that do not contain all of the three parts or that fail to adhere to the instructions in this section will be considered non-responsive and will not be considered for funding. It is the applicant's responsibility to ensure that the funding amount requested is consistent across all parts and sub-parts of the application.

Part I. The Cost Proposal. The Cost Proposal must include the following items:

- SF-424, "Application for Federal Assistance" (available at http://www07.grants.gov/agencies/forms_repository_information.jsp). 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. All applicants for Federal grant and funding opportunities are required to have a Data Universal Numbering System (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>.

- The SF-424A Budget Information Form (available at http://www07.grants.gov/agencies/forms_repository_information.jsp). 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. If applicants are proposing incumbent worker training, the budget narrative must include a description of the amount and nature of the match provided for incumbent worker training to support grant activities. Please note, any funds provided in excess of 50% should be listed as leveraged resources and not match. Do not include leveraged resources on the SF-424 or SF-424A. Match and leveraged resources must be described separately in the budget narrative with the applicant clearly distinguishing between what will be considered matching funds and what will be considered additional leveraged resources. The amount of match must be broken down between the amount of cash match and the amount of in-kind contributions, as well as the total match provided. Additionally, in the budget narrative the entirety of the match must be calculated as a percentage of the grant amount as outlined in Section III.C. Please see the requirements of 29 CFR 97.24 or 29 CFR 95.23 for the definition of match as well as requirements for determining the value of in-kind contributions.

- Note that the entire Federal grant amount requested (not just one year) 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; they should be discussed in the budget narrative. For applicants including incumbent worker activities, the match amount must be listed on the SF-424 and -424A or your application will be deemed non-responsive. However, for all other applicants, including OJT and other training strategies that do not use incumbent worker training, do not include an amount for match or leveraged resources 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. Applications that fail to provide an SF-424 including D-U-N-S® Number, SF-424A, and a budget narrative will be considered non-responsive and not reviewed.

- Regardless of the method of application submission, all applicants must register with the Federal Central Contractor Registry (CCR) before submitting an application. Step-by-step instructions for registering with CCR can be found at http://www.grants.gov/applicants/org_step2.jsp. An awardee must maintain an active CCR 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 CCR database after the initial registration, the applicant is required to review and update on an annual basis from the date of initial registration or subsequent updates its information in the CCR 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. Failure to register with the CCR before application submission will result in your application being found non-responsive and not being reviewed.

Part II. The Technical Proposal. The Technical Proposal must demonstrate the applicant's capability to implement the grant project in accordance with the provisions of this Solicitation. The guidelines for the content of the Technical Proposal are provided in Section V of this SGA. The Technical Proposal is limited to 20 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. Applicants should number the Technical Proposal beginning with page number 1. Applications that do not include Part II, the Technical Proposal, will be considered non-responsive and not reviewed.

Part III. Attachments to the Technical Proposal. In addition to the Technical Proposal, the applicant must submit the following attachments:

- a) The applicant must provide an Abstract, not to exceed two pages, which will serve as a summary of the grant and will be shared publicly, and which includes the following sections: 1) the project name; 2) the lead applicant, the lead applicant's Federal Tax Identification Number, and each required partner within the project (identified in Section III.A and III.B); 3) the applicant's city/state; 4) the grant's targeted high-growth industry(ies) and/or occupation(s) and the related industry and/or occupation from the H-1B visa lists 5) the funding level requested and match amount (if applicable); 6) a summary of the specific program activities (see Section I.C), including whether it is an OJT program or one using other training strategies (and if so, whether or not it includes incumbent worker training; 7) the eligible participants to be served, including whether there is a focus on long-term unemployed; and 8) public contact information where grantee wants public inquires to be addressed (may be an email, website, or phone number).
- b) Each applicant must submit one signed letter of commitment from the partners, including the required employer partner(s), as required in Section III.B of the SGA. The letter must confirm the commitment of each organization involved in the project to fulfill their responsibilities during the life of the grant as outlined in the project work plan which is part of the technical proposal (see Section IV.B.). The letter of commitment should not reiterate the activities and other details of the work plan.
- c) A graphic display of the applicant's proposed career pathway that highlights point(s) along the pathway where the skills training will occur and which reflects participants entry into and progression along the pathway (see Section V.A.2.i);
- d) The lead organization (the organization specified in Section 8 of the SF-424 Application Form) must include the unique Federal Tax Identification Number in the Abstract (Part III a)). Applications where the lead organization fails to provide the unique Federal Tax Identification Number will be considered non-responsive and those applicants will not be considered for funding.

Applications that do not include the required attachments will be considered non-responsive and will not be reviewed:

Only those attachments listed above as required attachments will be excluded from the page limit. The required attachments must be affixed as separate, clearly identified appendices to the application. Additional materials such as resumes or general letters of support or commitment will not be considered.

Applicants should not send documents separately to ETA, because documents received separately will be tracked through a different system and will not be attached to the application for review. ETA will not accept general letters of support submitted by organizations or individuals that are not partners in the proposed project and that do not directly identify the specific commitment or roles of the project partners. Support letters of this nature will not be considered in the evaluation review process.

C. Submission Date, Times, Process and Addresses

Applications for grant awards will be accepted immediately upon publication of this notice in the Federal Register with two closing dates of June 2, 2011 and November 17, 2011. Grant awards will be made based on the quality and quantity of proposals received and only to the extent that funds are available. Applicants may submit one application for each closing date, but successful applicants will only be eligible to receive funding once under this SGA.

Applicants that submit more than one application to a round of funding will be considered non-responsive, and none of their applications will be considered for funding.

Applications may be submitted electronically on <http://www.grants.gov> or in hard copy by mail or hand delivery (including overnight delivery). Hard copy applications must be received at the address below no later than 4:00 p.m. Eastern Time on the closing dates. Applications submitted on grants.gov must also be successfully submitted (as described below) no later than 4:00 p.m. Eastern Time. Applications sent by e-mail, telegram, or facsimile (FAX) will not be accepted.

Applicants submitting proposals in hard-copy 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 provide 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>. Applications that do not meet the conditions set forth in this notice will be considered non-responsive. No exceptions to the mailing and delivery requirements set forth in this notice will be granted. 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, Division of Federal Assistance, Attention: Thomas Martin, Grant Officer, Reference SGA/DFA-PY 10-13, 200 Constitution Avenue, NW, Room N4716, Washington, D.C. 20210. Applicants are advised that mail delivery in the Washington area may be delayed due to mail decontamination procedures. Hand-delivered proposals will be received at the above address. All overnight mail 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 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 the applicant begins to write the proposal, applicants should immediately initiate and complete the "Get Registered" registration steps at http://www.grants.gov/applicants/get_registered.jsp. 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 you 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 above, applicants must have a D-U-N-S® Number and must register with the Federal Central Contractor Registry (CCR).

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 CCR - will receive an email to grant the AOR permission to submit applications on behalf of their organization. The E-Biz POC will then log in to Grants.gov and approve an applicant 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 you submit the application through Grants.gov, the name of your AOR on file will be inserted into the signature line of the application.

Applicants must register the individual who is able to make legally binding commitments for the applicant organization as the AOR; this step is often missed and it is crucial for valid submissions.

When a registered applicant submits an application with Grants.gov, an electronic time stamp is generated within the system when the application is successfully received by Grants.gov. Within two business days of application submission, Grants.gov will send the applicant two email messages to provide the status of the application's progress through the system. The first email, sent almost immediately, will contain a tracking number and will confirm receipt of the application by Grants.gov. The second email will indicate the application has either been successfully validated or has been rejected due to errors. 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 (document), .RTF (rich text), .XLS (Excel) or .PDF (portable document) format (ETA must be able to easily copy and paste information from applications into other file formats). If submitted in any other format, the applicant bears the risk that compatibility or other issues will prevent us from considering the application. ETA 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 to speak to a Customer Support Representative or email "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 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 by 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 proposal 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 OMB Circular Cost Principles, codified in the Code of Federal Regulations (CFR) and listed in Section VI.B, 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 their Federal Cognizant Agency to obtain a provisional ICR.

2. Administrative Costs

Under this Solicitation, an entity that receives a grant to carry out a project or program may not use more than 10 percent of the amount of the grant to pay administrative costs associated with the program or project. Administrative costs could be direct or indirect costs, and are defined at 20 CFR 667.220. Administrative costs do not need to be identified separately from program costs on the SF-424A Budget Information Form. However, they must be tracked through the grantee's accounting system. To claim any administrative costs that are also indirect costs, the applicant must obtain an Indirect Cost Rate Agreement from its Federal Cognizant agency, as specified above.

3. Equipment Costs

As with all costs charged to the grant, the costs of equipment must meet the standards in the applicable Federal cost principles, including that the costs are reasonable and necessary to achieve grant outcomes. While grant funds may be used to purchase equipment that is used for education and training activities provided through the proposed project, applicants are strongly encouraged to use leveraged resources to support these costs to maximize the use of their grant funds for program specific activities. Evidence of efforts to purchase equipment with non-grant funds after the receipt of the grant will be required for approval of the use of grant funds for equipment. DOL will closely review the equipment costs listed in the SF-424A and the Budget Narrative to determine their reasonableness and necessity. DOL reserves the right to negotiate or reject any equipment costs which do not meet these standards.

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: (1) the copyright in all products developed under the grant, including a subgrant or contract under the grant or subgrant; and (2) any rights of copyright to which the grantee, subgrantee or a contractor purchases ownership under an award (including but not limited to curricula, training models, technical assistance products, and any related materials). Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise. Federal funds may not be used to pay any royalty or licensing fee associated with such copyrighted material, although they may be used to pay costs for obtaining a copy which are limited to the developer/seller costs of copying and shipping. If revenues are generated through selling products developed with grant funds, including intellectual property, these revenues are program income. Program income is added to the grant and must be expended for allowable grant activities.

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

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

5. On-the-Job Training

Under this Solicitation, OJT will follow the definitions and requirements under the

Workforce Investment Act (WIA) section 101(31). Incumbent workers are not eligible for OJT under this SGA. OJT is provided under a contract with an employer in the public, private-nonprofit, or private sector. Through the OJT contract, occupational training is provided for the grant participant in exchange for the reimbursement to the employer of up to 50 percent of the wage rate to compensate for the employer's extraordinary costs of training the individual. The employer pays wages to the participant. Section 667.264 of the WIA regulations specifically prohibit grant funds from being spent on payment of wages of incumbent employees. For complete information on the specific WIA parameters for OJT, please refer to WIA regulations 20 CFR 663.700 – 663.710, as well as 20 CFR 663.730. Applicants will be required to follow the parameters for OJT included in the WIA law and regulations with the following policy exceptions:

- Eligible participants cannot be currently employed by the employer;
- Participant placements may only occur in private for-profit and non-profit sectors (i.e., the grant does *not* allow for public sector placements);
- No placement may be made in agencies providing workers on a temporary basis to employers for which the agency receives compensation from the employer;
- The period of reimbursement should be an adequate length to ensure the participant has acquired the technical skills needed for employment but no longer than 12 months. Individuals may not be co-enrolled in other ETA programs for the purpose of extending OJT beyond 12 months. Twelve months exceeds the average length of time for current WIA OJT activities, so grantees should negotiate contracts with employers that lead to transitioning participants to permanent employment as soon as possible. DOL's expectation is that grantees would establish contracts that may be longer than 12 months, however, the reimbursement for each individual that participates in OJT cannot be longer than 12 months.

Typically, the negotiated reimbursement percentage for OJT under WIA may be as high as 50 percent of the participant's hourly wage. However, for grants awarded under this Solicitation, the negotiated reimbursement percentage may be as high as 90 percent of the participant's hourly wage based on employer size: up to 90 percent of the participant's wage rate for employers with 50 or fewer employees; up to 75 percent of the participant's wage rate for employers with 51-250 employees; and up to 50 percent for employers with more than 250 employees. Grantees are also encouraged to negotiate lower rates or variable rates (such as starting at 90 and reducing the subsidy over time) where possible to ensure that the maximum number of participants is served by the project.

Finally, upon receipt of a grant, applicants must develop sound on-the-job-training (OJT) contracts. The contract process sets the ground-rules for an OJT with an employer and assists in making the determination if an employer is eligible to provide an OJT opportunity. The contract must include the federally-required elements of an OJT agreement; however, states, counties or municipalities may have additional contract requirements. Contracts also outline the terms and conditions that the employer and OJT provider agree to provide for an OJT experience. Contracts with an employer can be set up for a specific period of time but need not necessarily specify the individual trainees to whom they apply. This allows the employer to provide training to more than one trainee. If an employer only has one position or plans to limit the training experience to one employee, then a contract must also include the individual trainee's information. For these grants, contracts must provide that the employer is responsible for documenting skills gained by participants during the training period. It should also include a description of how the reimbursement level was determined. For sample templates and other resources, grantees may access ETA's on-line technical assistance related to an OJT contract at the following web address: https://ojttoolkit.workforce3one.org/page/contracts_and_mods

6. Payments to Participants

For the purposes of grants awarded under this SGA, the following will apply: Organizations may only use grant funds to pay for the wages of participants in three specific activities: paid work experience, paid internships and incumbent worker training.

i. Work Experience and Internships

Work experience and internships are defined as a planned, structured learning experience that takes place in a workplace for a limited period of time, and may be paid or unpaid. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act (FLSA), exists. For more information on the FLSA, applicants may visit <http://www.dol.gov/whd/>.

For a work experience or internship that supports training, applicants will need to describe how the work experience or internship is connected to and supports the education and training activities included in the grant. Grantees have flexibility in the design and implementation of work experience and internships, however they must meet the following parameters:

- Provide an individual with monitored or supervised work or service experience in his or her expected career field where the individual has prescribed learning goals and reflects actively on what he or she is learning throughout the experience. These learning goals can include a) academic learning, career development, and skill development, and b) the attainment of credentials in the individual's expected career field;
- Are part of structured programs where the grantee established the criteria for determining who will participate in these programs;
- Are for a set period of time;
- Relate to training provided through the grant, and help participants prepare for the employment opportunities on which the grant focuses; and
- May or may not carry an offer of regular employment upon successful completion of the internship.

ii. Incumbent Worker Salaries

For applicants that are implementing other training strategies and not implementing OJT, the following applies:

- Incumbent worker salaries paid by the employer are NOT allowable costs to be reimbursed under this grant; however, for the purposes of this grant, the amount of salary, excluding fringe benefits, paid to employees while participating in incumbent worker training may be counted as matching resources.

7. Use of Funds for Supportive Services

Under this Solicitation, supportive services for training participants will follow the definitions in WIA Sections 101(46), 134(e)(2), and 134(e)(3). They include services such as transportation, child care, dependent care, and housing that are necessary to enable an individual to participate in education and training activities funded through this grant. Under WIA Section 134(e)(3), supportive services can include needs-related payments (NRPs) that are necessary to enable individuals to participate in training activities funded through this grant. Supportive services activities may include, but are not limited to, provision of the actual supportive service (i.e. childcare); providing participants with a voucher for the service (i.e. public transportation cards or tokens); or providing a stipend directly to the participant. Applicants should note that where stipends for supportive services are provided, the stipend amount must be for costs of a specific supportive service (i.e. childcare), rather than simply based on an unidentified need.

For the purposes of this SGA, grantees, using either training strategy, may use up to 10% of grant funds to provide supportive services only to individuals who are participating in

education and training activities provided through the grant when: 1) they are unable to obtain such services through other programs, and 2) such services are necessary to enable individuals to participate in education and training activities under the grant. Grantees may establish limits on the provision of supportive services or provide their subrecipients with the authority to establish such limits, including a maximum amount of funding and maximum length of time for supportive services to be available to participants. Grantees must ensure that their use of grant funds on supportive services is consistent with their organization's established written policy on the provision of supportive services and relevant WIA regulations. Additionally, ETA encourages grantees to leverage other sources of funding for supportive services, including WIA formula funds.

8. Prohibition on Use of Funds for Economic Development

General economic development projects, including revolving loan accounts, do not meet the H-1B requirements for training and development of job opportunities in high-growth industries and occupations. Examples of general economic development that may not meet this standard include but are not limited to infrastructure investments in businesses, increases in inventory, participation in trade shows, revolving loan accounts¹, new or additional equipment used for purposes other than training activities, capital asset purchases, and other costs not specifically related to increases in actual job opportunities.

9. Sub-Grant Profit

For commercial organizations, the earning of profit is not an allowable cost item. For governmental, non-profit, and public or non-profit educational institutions, earnings above actual costs incurred are to be treated as program income. Any program income earned must be used for program purposes.

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.

Section V. Application Review Information

A. Evaluation Criteria

This section identifies and describes the criteria that will be used for each category to evaluate grant proposals. The evaluation criteria are described below:

Criterion	Points
1. Statement of Need	30
2. Program Activities and Project Management	45
3. Outcomes	25
TOTAL	100

1. Statement of Need (30 points)

H-1B technical skills training applicants must provide a clear and compelling description of the need for education and training programs in the industries and occupations for which they propose training in the State, region, or local area that will be served by the project. Applicants must demonstrate the need for the proposed project using data on the H-1B sectors and

occupations (see Attachment A) in which they propose training, Labor Market Information, consultation with local employers and industry associations, and other related information.

Points in this section will be awarded based on the extent to which applicants address the following factors:

i. Targeted Industries and Occupations (20 points)

Applicants must identify the targeted high-growth industry(ies) or occupation(s) on which the project will focus, and fully describe the current and future projected employment opportunities within the State, region, or local area to be served by the project, as well as the education and skills required for workers to meet the employment demand. Scoring under this criterion will be based on the extent to which the applicant's discussion of the following factors is clear and logical:

- Clear identification of the high-growth industry(ies) and/or occupation(s) targeted by the project. Applicants must cite evidence that the industry and/or occupation is one that employers currently seek H-1B visas for and/or is an occupation(s) along the career pathway to the occupation or in the relevant industry. Applicants must also cite evidence that the industry and/or occupation is high-growth according to one or more of the following factors: 1) projected to add substantial numbers of new jobs to the economy; 2) are being transformed by technology and innovation requiring new skill sets for workers; 3) are new and emerging businesses that are projected to grow; or 4) have a significant impact on the economy overall or on the growth of other industries and occupations;

- Clear description of the skills and/or credentials necessary for entry into or retention in the industry/occupation and a clear discussion of the education and training required to attain the competencies, and degrees/credentials required for the targeted high-growth industry or occupations;

- Clear identification of the average, current wages offered in the industry and/or occupation, based on national, state or local data;

- Clear description of the current and future workforce needed by the required employer(s) and/or employer cluster; and,

- Clear description of evidence that the local or regional employers face a gap in skills of the available workforce and in the training available to the workforce, including a description of the current and future projected demand for employment, including how that demand coincides with the proposed program. Applicants should cite the source of the current and projected demand, such as from DOL, State workforce agencies, employers, and other relevant sources.

ii. Targeted Population (10 points)

Applicants must clearly identify the workers to be targeted through the project, their characteristics and why they are targeted and the recruitment strategies that will be employed to attract sufficient number of participants to the grant program. Applicants should make every effort to target and recruit minorities and women, with the ultimate goal of increasing diversity. Scoring under this criterion will be based on the extent to which the applicant's discussion demonstrates a comprehensive understanding of the following factors:

- Clear description of the recruitment and selection process for program participants, employed and/or unemployed. If an applicant chooses to target long-term unemployed individuals, then the applicant must include a discussion about the outreach and recruitment that will occur to ensure that at least 75 percent of participants are long-term unemployed individuals;

- Clear description of the criteria to be used to assess and enroll individuals for H-1B level education and training and a discussion of the role of the employer partner(s) in the

selection, and a determination of whether the selection process might affect the diversity of the program;

- Clear description of methods that will be used to insure that a diverse and inclusive set of program participants will be recruited, identifying specific strategies of outreach to diverse populations that will be used, including the choice of the private or public partner in the proposal, particularly if the selection process might affect achieving a diverse set of program participants;

- Clear description of the prerequisites for the occupational training being proposed; the minimum educational level requirements proposed for trainees; and how these requirements position trainees to enter occupations for which H-1B visas are currently used and/or into the higher-levels of the career pathway (not entry-level); including a determination of whether the prerequisites might affect the diversity of program participants;

- Clear description of the existing diversity of the workforce, and a clear description of how the proposal will maintain or improve the diversity of the workforce; and,

- Clear description of the commitment from employers to hire workers who successfully complete the program and the anticipated wages that participants may expect to earn.

2. Program Activities and Project Management (45 points)

The applicant must provide a complete and clear explanation of the proposed training strategies, the proposed project work plan, the applicant's capacity to manage the project, and plans for project sustainability. Points for this criterion will be awarded for the following factors:

i. Description of Training Strategy (15 points)

Applicants must provide a description of the training strategy(ies) selected. Applicants must fully explain how each strategy will meet the skill needs of the targeted occupation(s)/industries, as described in the Statement of Need. Scoring under this criterion will be based on the extent to which applicants describe a training strategy which addresses the skill needs of employer(s) and the training needs of workers by discussing the following:

- Clearly identify the specific activities to be used in the proposed project, beginning with a description of the OJT or the other training strategy(ies) and how the selected project meets the requirements outlined in Section I.C;

- Clearly describe how the applicant and its required partners will develop and implement the career training program(s), and ensure that work begins immediately to deliver training and assistance with job placement to participants;

- Identify the degrees and industry-recognized credentials that will result from the training programs implemented by the project, or the specific documentation that you will gather from the employer(s) to validate the completion and attainment of the specific skills trainees obtained from training. Describe these credentials or skills in the context of how they fit the specific H-1B occupation or into those along the career pathway. The applicant must include a graphic display of the career pathway along which the skills training will occur (this will not count against the 20 page limit); and,

- Clearly explain how the proposed project will directly address the skills and training gaps identified earlier, allowing eligible participants to obtain employment or advance along the career pathway.

- Clearly explain how the proposed project will help eligible participants to obtain employment or advance along the career pathway following exit from the program, including any activities that will be customized to long-term unemployed workers. Applicants may cite related research showing that the proposed training strategies have positive employment impacts for participants, and applicants with experience providing the proposed training may cite data showing that the proposed training strategy has led to good jobs for participants.

ii. Program Activities (20 points)

The applicant must present a comprehensive description of program activities that aligns to the proposed description provided in response to Section V.A.2.i of this Solicitation. Scoring under this criterion will be based on the extent to which applicants: 1) present a coherent and comprehensive program that demonstrates the applicant's complete understanding of all responsibilities and costs required to implement each phase of the project within the timeframe of the grant; 2) include feasible timeframes for accomplishing all procurement and other necessary grant start-up activities immediately following the grant start date; 3) include specific timeframes for accomplishing the activities performed during operation; and, 4) explain how the costs in the proposed project work plan align with the proposed budget; specifically the budget narrative, and are justified as adequate and cost-effective for the resources requested.

Applicants must present either a table or a narrative that includes descriptions of the following:

- **Activities:** The applicant must identify the specific activities that will be funded through the grant, including the anticipated start date and end date for each activity to be funded. The activities should include descriptions of the steps necessary to develop the training that will take place, the specific tasks and roles of the required employer partner(s), the staff hiring process, the processes for recruiting and assessing participants, the implementation of the training activities, the provision of any supportive services, the job placement assistance that will be provided to participants, and follow-up activities.

- **Implementer(s):** For each activity, the applicant must include the name of the organization that will be responsible for implementing the activity and the specific roles and responsibilities of partners, and the expected contributions of each partner organization and how they will support meeting the project's outcomes, which will all be confirmed through the organization's signature in the letter of commitment (see Section IV.B. Part III); and,

- **Costs:** Applicants must describe how the budget dollar amount associated with each activity in the budget narrative is adequate to fund that activity. The applicant must also estimate the per-trainee cost related to each activity, including any relevant wage reimbursement.

iii. Project Management (10 points)

The applicant must fully describe its capacity to effectively manage the programmatic, fiscal, and administrative aspects of the proposed investment. In addressing this criterion, applicants should provide:

- The professional qualifications that the applicant will require of the full-time project manager and demonstrate that these qualifications are sufficient to ensure proper management, including management of partner activities;

- An organizational chart that identifies all relevant leadership, program, administrative, and advisory positions and demonstrates that the project will be implemented through a comprehensive management structure that allows for efficient and effective communication between all levels of the project and across partner organizations;

- A description of the applicant's procurement processes and procedures including a description of the accounting system being used that demonstrates that the applicant is equipped to meet Federal, State (if applicable), and other relevant procurement requirements; and,

- If the applicant has previously closed down a training program, a description of how the applicant has closed down other training programs, either federally-funded or not, including a description of how effective practices were integrated into general operations, how participants were able to access resources after the training program ended (if at all) or how the applicant secured resources to continue operations with a different funding source.

3. Outcomes (25 points)

Applicants must provide projections for all outcome categories relevant to measuring the success or impact of the project. The applicant's projected outcomes will be used as the basis for negotiating the outcome goals for the grant. Outcomes will also be compared with labor market information provided by the applicant and used in evaluating the applicant's outcome goals.

The applicant must collect participant-level data on individuals who receive education/training and other services provided through the grant. This data will be the basis for reporting against the outcomes listed below as well as additional outcomes that will be defined through reporting requirements. An applicant must collect and report participant-level data from the following categories: demographic and socioeconomic characteristics; services provided; and, outcomes achieved.

The applicant must comprehensively address each of the areas outlined below:

i. Projected Performance Outcomes (15 points)

The applicant must provide projections for the entire project and track outcomes quarterly for each of the following outcome categories for all participants served with grant funds. Applicants must present their information in a performance outcomes table (see Attachment C), that is included within the technical proposal and counts against the page limit (not the attachments to the technical proposal). The table should be formatted to include each of the following projections for each type of individual served (employed/incumbent and unemployed):

- Total participants served;
- Total participants beginning education/training activities;
- Total participants completing education/training activities;
- Total participants who complete education/training activities that receive a degree, or other type of credential;
- Total number of credentials each participant is expected to receive;
- Total participants who complete education/training activities who enter unsubsidized employment. (If serving employed or incumbent workers, this outcome is not applicable because it should be the same as the number who complete education/training activities);
 - Total participants who complete education/training activities who are placed into unsubsidized employment, who retain an employed status in the first and second quarters following initial placement (this includes incumbent workers who retained their positions after the program); and,
 - The average wage that participants will earn at placement into unsubsidized employment (this includes incumbent workers who retain their positions and get wage gains after the program).

ii. Cost per Participant and Ability to Report Outcomes (10 points)

The applicant must provide a narrative that explains how the cost per participant is impacted by the participants served and demonstrates that the applicant will be able to provide information on participants to DOL during the grant. In addressing this criterion, applicants should provide:

- A description of how the cost per participant proposed through this program aligns with similar training programs that the applicant, a partner or another organization has conducted, including how the costs may be impacted by the characteristics of participants served and the jobs for which they are being trained; and,

- A description of systems in place for tracking the participant characteristics and services provided to participants, the attainment of skills and the employment outcomes of participants throughout the life of the grant, including a description of how the applicant will collect data on employment outcomes of participants.

B. Review and Selection Process

Applications for grant awards will be accepted immediately upon publication of this notice in the Federal Register with two closing dates of June 2, 2011 and November 17, 2011. It is anticipated that review panels will convene to evaluate applications approximately 60 days after these two closing dates. Applications that focus on OJT will be reviewed separately from applications that focus on other training strategies. A technical review panel will carefully evaluate applications against the selection criteria. These criteria are based on the policy goals, priorities, and emphases set forth in this SGA. Up to 100 points may be awarded to an application, depending on the quality of the responses to the required information described in Section V.A. Applications that propose to implement OJT will be reviewed with other OJT applications, and applications that focus on other training strategies will be paneled with those proposing to implement other training strategies.

The ranked scores will serve as the primary basis for selection of applications for funding, in conjunction with other factors such as urban, rural, and geographic balance; balance across the allowable training strategies and activities under this SGA; balance across high-growth industries and occupations targeted through this SGA, including emphasis on the health care industry; emphasis on serving long-term unemployed individuals; 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 executed 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.

Section VI. Award Administration Information

A. Award Notices

All award notifications will be posted on the ETA Homepage (<http://www.doleta.gov>). Applicants selected for award will be contacted directly before the grant's execution. Non-selected applicants will be notified by mail or email and may request a written debriefing on the significant weaknesses of their proposal.

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:

- i. Non-Profit Organizations – OMB Circular A-122 (Cost Principles), codified at 2 CFR Part 230, and 29 CFR Part 95 (Administrative Requirements)

- ii. Educational Institutions – OMB Circular A-21 (Cost Principles), codified at 2 CFR Part 220, and 29 CFR Part 95 (Administrative Requirements).
- iii. State, Local and Indian Tribal Governments – OMB Circular A-87 (Cost Principles), codified at 2 CFR Part 225, and 29 CFR Part 97 (Administrative Requirements).
- iv. Profit Making Commercial Firms – Federal Acquisition Regulation (FAR) – 48 CFR part 31 (Cost Principles), and 29 CFR Part 95 (Administrative Requirements).
- v. All Grant Recipients must comply with the applicable provisions of The Workforce Investment Act of 1998, Public Law No. 105-220, 112 Stat. 936 (codified as amended at 29 U.S.C. 2801 et seq.) and the applicable provisions of the regulations at 20 CFR 660 et seq. Note that 20 CFR part 667 (General Fiscal and Administrative Rules) includes unsuccessful applicant appeal information.
- vi. All entities must comply with 29 CFR Part 93 (New Restrictions on Lobbying), 29 CFR Part 94 (Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)), 29 CFR 95.13 and Part 98 (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).
- vii. 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.
- viii. 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.
- ix. 29 CFR Part 32—Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance.
- x. 29 CFR Part 35— Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from the Department of Labor.
- xi. 29 CFR Part 36—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.
- xii. 29 CFR Part 37 – Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998.
- xiii. 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:

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

ii. 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).

iii. Transparency Act Requirements

Applicants must ensure that it has the necessary processes and systems in place to

comply with the reporting requirements of the Federal Funding Accountability and Transparency Act of 2006 (Pub. Law 109-282, as amended by section 6202 of Pub. Law 110-252) (Transparency Act), as follows:

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

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

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

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, unless the activity is regarded as the primary work of an official partner to the application.

4. Special Program Requirements

i. Evaluation

ETA plans to set aside a small portion of H-1B fee funding for Federal provision of technical assistance and evaluation, and may arrange for or conduct an independent evaluation of the outcomes and benefits of the projects to measure the impacts of these skill training grants. By accepting grant funds, grantees agree to participate in an evaluation should they be selected to participate. Grantees must make records on participants, employers and funding available and to provide access to program operating personnel and to participants, as specified by the evaluator(s) under the direction of ETA, including after the period of operation.

C. Reporting

Grantees must agree to meet DOL reporting requirements. Quarterly financial reports, quarterly progress reports, and MIS data 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. Grantees will be required to report on post-program outcomes for all participants, as well as on post-program follow-up and tracking activities for all participants. The last quarterly progress report that grantees submit will serve as the grant's Final Performance Report. This report should provide both quarterly and cumulative information on the grant activities. It must summarize project activities, employment outcomes and other deliverables, and related results of the project, and should thoroughly document the training or labor market information approaches used by the grantee. DOL will provide grantees with formal guidance about the data and other information that is required to be collected and reported on either a regular basis or special request basis. Grantees must agree to meet DOL reporting requirements.

3. 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.

Section VII. Agency Contacts

For further information about this SGA, please contact Jeannette Flowers, Grants Management Specialist, Division of Federal Assistance, at (202) 693-3322. Applicants should e-mail all technical questions to Flowers.Jeannette@dol.gov and must specifically reference SGA/DFA PY 10-13, 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>.

Section VIII. Additional Resources of Interest to Applicants

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 information on occupations; the Occupational Information Network (O*NET) Online (<http://online.onetcenter.org>) which provides occupational competencies and career profiles; America's Service Locator (<http://www.servicelocator.org>), which provides a directory of our nation's One-Stop Career Centers; and My Skills My Future (<http://www.myskillsmyfuture.org/>), which provides career exploration options based on past jobs and tools to compare careers, find training, and search for jobs.

ETA recently unveiled a complementary, online tool called My Next Move which is aimed at providing jobseekers with information on more than 900 occupations, as well as local job openings and training opportunities in a simple, user-friendly format. My Next Move is intended to assist all job seekers and may be especially helpful for students, young adults and other workers as they explore potential careers based on their interests.

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 pathways for specific regional economies.

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

ETA has distributed an electronic guide to State and local workforce data to support analysis and informed decision making. This document is designed to provide an understanding of State and local labor market information/workforce information (LMI/WI) on various topics for a wide variety of users. To view this guide in Training and Employment Notice No. 19-10, please visit: <http://wdr.doleta.gov/directives/attach/TEN19-10.pdf>.

Section IX. Other Information

OMB Information Collection No. 1225-0086

OMB Information Collection No 1225-0086; Expires November 30, 2012.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 20 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments about the burden estimated or any other aspect of this collection of information, including suggestions for reducing this burden, to the 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 emailed 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 on May 2, 2011, in Washington, D.C. by:

Thomas Martin
Grant Officer, Employment and Training Administration

Attachment A: H-1B Visa Information

Visit the Department of Labor's Foreign Labor Certification Data Center Web site

(<http://www.flcdatcenter.com/CaseH1B.aspx>) for the latest database of occupations approved under H-1B petitions.

Top 2010 H-1B Visas by North American Industrial Classification System (NAICS) Codes, Standard Occupational Classification (SOC) Codes, SOC Occupation Titles, and Annual Median Wage

**STEM – PROFESSIONAL, SCIENTIFIC, AND TECHNICAL SERVICES
(NAICS: 54)**

SOC CODES	SOC OCCUPATION TITLES	ANNUAL MEDIAN WAGE
11-9041	Engineering Managers	117,000
15-2041	Statisticians	72,820
17-2141	Mechanical Engineers	77,020
17-2071	Electrical Engineers	83,110
17-2072	Electronics Engineers, Except Computer	89,310
17-2051	Civil Engineers	76,590
17-2041	Chemical Engineers	88,280
17-2199	Engineers, All Other	89,560
17-1011	Architects, Except Landscape and Naval	72,700
17-2031	Biomedical Engineers	78,860
17-2131	Materials Engineers	83,190
41-9031	Sales Engineers	83,190
19-1021	Biochemists and Biophysicists	82,390
19-1029	Biological Scientists, All Other	66,510
19-2031	Chemists	68,220
19-4021	Biological Technicians	38,700
19-1099	Life Scientists, All Other	63,970
19-1021	Biochemists	82,390
19-2012	Physicists	106,390
19-1022	Microbiologists	66,580
19-2032	Materials Scientists	80,300
19-3011	Economists	86,930
27-1024	Graphic Designers	43,180
27-3031	Public Relations Specialists	51,960

MANUFACTURING (NAICS: 31-33)

SOC CODES	SOC OCCUPATION TITLES	ANNUAL MEDIAN WAGE
11-1021	General and Operations Managers	92,650

11-1011	Chief Executives	160,720
11-2022	Sales Managers	96,790
11-3051	Industrial Production Managers	85,080
13-1111	Management Analysts	75,250
13-1081	Logisticians	67,960
17-2112	Industrial Engineers	75,110
27-1021	Commercial and Industrial Designers	58,060
27-1022	Fashion Designers	64,260
27-1014	Multi-Media Artists and Animators	58,250

EDUCATIONAL SERVICES (NAICS: 61)

SOC CODES	SOC OCCUPATION TITLES	ANNUAL MEDIAN WAGE
25-2031	Secondary School Teachers, Except Special and Vocational Education	52,200
25-2021	Elementary School Teachers, Except Special Education	50,510
25-1071	Health Specialties Teachers, Postsecondary	84,840
25-1124	Foreign Language and Literature Teachers, Postsecondary	56,740
25-1011	Business Teachers, Postsecondary	73,320
25-3099	Teachers and Instructors, All Other	31,540
25-1022	Mathematical Science Teachers, Postsecondary	63,640
25-1032	Engineering Teachers, Postsecondary	85,830
25-2022	Middle School Teachers, Except Special and Vocational	50,770
25-2041	Special Education Teachers, Preschool, Kindergarten	50,950

HEALTH CARE AND SOCIAL ASSISTANCE (NAICS: 62)

SOC CODES	SOC OCCUPATION TITLES	ANNUAL MEDIAN WAGE
11-9111	Medical and Health Services Managers	81,850
19-1042	Medical Scientists, Except Epidemiologists	74,590
29-1069	Physicians and Surgeons, All Other	> 166,400
29-1123	Physical Therapists	74,480
29-1051	Pharmacists	109,180
29-1063	Internists, General	> 166,400
29-2011	Medical and Clinical Laboratory Technologists	55,140
29-1122	Occupational Therapists	69,630
29-1111	Registered Nurses	63,750
29-1062	Family and General Practitioners	160,530
29-1199	Health Diagnosing and Treating Practitioners, All	65,220
29-9099	Healthcare Practitioners and Technical Workers, All Other	44,670
29-1127	Speech-Language Pathologists	65,090
29-1021	Dentists, General	142,090
29-1065	Pediatricians, General	152,240

INFORMATION (NAICS: 51)

SOC CODES	SOC OCCUPATION TITLES	ANNUAL MEDIAN WAGE
11-3021	Computer and Information Systems Managers	113,720
15-1021	Computer Programmers	70,940
15-1051	Computer Systems Analysts	77,080
15-1031	Computer Software Engineers, Applications	87,480
15-1032	Computer Software Engineers, Systems Software	93,470
15-1071	Network and Computer Systems Administrators (incl. Computer Security Specialists)	67,710
15-1061	Database Administrators	71,550
15-2031	Operations Research Analysts	70,070
15-1099	Computer Specialists, All Other (includes Software Quality Assurance Engineers and Testers; Computer Systems Engineers/Architects; Network Designers; Web Developers; and Web Administrators)	77,010
15-1081	Network Systems and Data Communications Analysts	73,250
15-1041	Computer Support Specialists	44,300
15-1011	Computer and Information Scientists, Research	101,570
15-2011	Actuaries	87,210
17-2061	Computer Hardware Engineers	98,820

FINANCE AND INSURANCE (NAICS: 52)

SOC CODES	SOC OCCUPATION TITLES	ANNUAL MEDIAN WAGE
11-3031	Financial Managers	101,190
13-2051	Financial Analysts	71,750
13-1111	Management Analysts	75,250
13-2011	Accountants and Auditors	60,340
13-1199	Business Operations Specialists, All Other	60,610
13-2041	Credit Analysts	57,470
13-2099	Financial Specialists, All Other	58,350

Attachment B: Health Care Occupations

i. Allied Health

The Affordable Care Act (ACA) defines the term "allied health professional" as meaning an individual who graduated with an allied health professions degree or certificate, and is employed as an allied health professional in a health care setting. The Association of Schools of Allied Health Professionals expands upon its definition to include a cluster of health professions that covers as many as 100 occupational titles; and employment growth is seen for medical assistants, respiratory therapists, pharmacy technicians, emergency medical technicians, and clinical lab technologists working in hospitals, home health care, medical laboratories, and ambulatory care settings.

Allied health specialties are likely to evolve over the next several years, and occupations in this complex sub-sector will continue to grow with the rest of the health care industry. Changes in the way that medical care is provided are producing substantial demand for technicians who can operate advanced medical equipment. This increasing demand will involve not only new facilities and services, but more employees needed across a wide range of occupations requiring varying levels of education and training.

In 2010, in response to public comments solicited in a 2008 Federal Register notice, the Bureau of Labor Statistics (BLS) added Community Health Workers (CHWs) to the Standard Occupational Classification (SOC) system. Community health workers, also known as "promotoras" or "promotores," assist individuals and communities to adopt healthy behaviors, particularly in areas where substantial health hazards exist. Occupational growth for community health workers is also projected as communities seek to build effective linkages with the health care system to provide health education and information, advocate for underserved individuals to receive appropriate services, and build the capacity of the community in addressing health issues.

ii. Nursing

Recent trends in the delivery of health care services increasingly rely on highly skilled nurses working with allied health professionals in supporting clinical roles. Nursing roles range from primary patient care to case management and directing complex health care systems. Career pathway programs with articulated credit agreements can ease transitions for graduates of nursing education and training programs at community colleges, and help transfer students qualify for entry-level and mid-level nursing positions.

Increasing demand for medical care, rehabilitation, nursing, and long-term care will broaden the range of healthcare occupations and require varying levels of education and training. With further education and training, Certified Nursing Assistants (CNAs), direct support professionals, home health aides, medical assistants, and personal and home care aides may advance to higher-level positions or transfer to new occupations within healthcare industry settings. Skill certifications and credentials may include licenses, certificates, and degrees from accredited nursing programs that lead to the Associate Degree of Nursing (ADN) or vocational licensure for Licensed Practical Nurses, and positions as CNAs. Career pathway programs can help individuals develop competencies that are relevant across a number of occupations enabling incumbent workers to advance from an ADN to the bachelor's degree in nursing (BSN).

iii. Health Information Technology

Health information technology (HIT) makes it possible for health care providers to better manage patient care through secure use and sharing of health information. Health IT includes the use of electronic health records (EHRs) instead of paper medical records to maintain people's health information. The Health Information Technology for Economic and Clinical Health (HITECH) Act seeks to improve American health care delivery and patient care through

an unprecedented investment in HIT. The provisions of the HITECH Act are specifically designed to offer the necessary assistance and technical support to providers, enable coordination and alignment within and among states, establish connectivity to the public health community in case of emergencies, and assure the workforce is properly trained and equipped to be meaningful users of EHRs.

The transition from traditional, paper-based medical files to EHR technologies will expand career pathways in health information management and technology. HIT jobs will be created in hospitals, physicians' offices, home healthcare and outpatient clinics, and residential care facilities. Career pathway projects can support the health information workforce by using a variety of learning strategies for individuals who want to specialize in the management of health information, as well as workers who must use HIT to perform the duties of their jobs.

Attachment C: Sample Performance Outcomes Table

Measure	Projected Performance (unemployed)	Projected Performance (employed or incumbent)
Total Participants Served		
Total Participants Beginning Education/Training Activities		
Total Participants Completing Education/Training Activities		
Total Participants Who Complete Education/Training Activities that Receive a Degree or Other Credential		
Total Number of Credentials Each Participant is Expected to Receive		
Total Number of Participants Who Complete Education/Training Activities who Enter Unsubsidized Employment		
Total Number of Participants Who Retain Unsubsidized Employment in the First and Second Quarters Following Initial Placement		
Average Wage that Participants will Earn at Placement		

DEPARTMENT OF LABOR
Employment & Training Administration
Solicitation for Grant Applications (SGA)
[SGA-DFA-PY-10-13]
Amendment One

H-1B Technical Skills Training Grants

AGENCY: Employment and Training Administration (ETA), Labor

ACTION: Notice: Amendment to SGA/DFA PY 10-13

SUMMARY: The Employment and Training Administration published a notice in the Federal Register on May 3, 2011, announcing the availability of funds and Solicitation for Grant Applications (SGA) for the H-1B Technical Skills Training Grants to be awarded through a competitive process. This amendment to the SGA changes language in Section II.D.2 and clarification. The document is hereby amended. Note that at the end of this Amendment, we have also added a clarification regarding whether incumbent workers are eligible for on-the-job-training under this SGA.

Section III.D. 2, the following text should be replaced with the new text:

Old Text – The Department is committed to conducting a transparent grant award process and publicizing information about program outcomes. Applicants are advised that their application and information related to its review and evaluation (whether or not the application is successful) may be made publicly available, either fully or partially. In addition, information about grant progress and results may also be made publicly available.

New Text – 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 this grant competition, we will publish the abstracts required by Section IV, Part IIIa, for all applications on the Department's website or similar location. Additionally, we will publish a version of the Technical Proposal required by Section IV, Part II, for all those applications that are awarded grants, on the Department's website or a similar location. No other parts of or attachments to the application will be published. The Technical Proposals and abstracts will not be published until after the grants are awarded. 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 personally identifiable information. Information is considered proprietary or confidential commercial/business information when it is not usually disclosed outside your organization and when its disclosure is likely to cause you substantial competitive harm. Personally identifiable information is 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, or 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. However, in order to ensure that confidential information is properly protected from disclosure when DOL posts the winning Technical Proposals, applicants whose technical proposals will be posted will be asked to submit a second redacted version of their Technical Proposal, with proprietary, confidential commercial/business, and personally identifiable information redacted. All non-public information about the applicant's staff should be removed as well. The Department will contact the applicants whose technical proposals will be published by letter or email, and provide further directions about how and when to submit the redacted version of the Technical Proposal. Submission of a redacted version of the Technical Proposal will constitute permission by the applicant for DOL to post that redacted version. If an applicant fails to provide a redacted version of the Technical Proposal, DOL will publish the original Technical Proposal in full, after redacting personally identifiable information. (Note that the original, unredacted version of the Technical Proposal will remain part of the complete application package, including an applicant's proprietary and confidential information and any personally identifiable information.)

Applicants are encouraged to maximize the grant application information that will be publicly disclosed, and to exercise restraint and redact only information that truly is proprietary, confidential commercial/business information, or capable of identifying a person. The redaction of entire pages or sections of the Technical Proposal 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. 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."

¹ Memorandums 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>.

The Department notes that a Federal agency cannot conduct or sponsor a collection of information unless OMB approves it under the Paperwork Reduction Act of 1995 (PRA-95). In addition, notwithstanding any other provision of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number. When the Department originally published this SGA, OMB had approved an average burden of 20 hours per grant. The Department has requested OMB to approve the additional burden imposed by this transparency provision under Control Number 1205-0086. The Department will publish a separate notice in the Federal Register announcing the result of that OMB review.

CLARIFICATION:

ETA Assistant Secretary Jane Oates stated during the live webinar that incumbent workers are eligible for on-the-job-training (OJT); however, incumbent workers are not eligible for OJT under this SGA, and the specific language of the SGA controls this question. Additional questions and answers from the webinar and from universal parties will be available at www.doleta.gov/grant/find_grants.cfm.

FOR FURTHER INFORMATION CONTACT: Jeannette Flowers, Grants Management Specialist, Division of Workforce System Federal Assistance (202) 693-3322 or flowers.jeannette@dol.gov.

Signed at Washington, D.C., this 9th day of May, 2011

Thomas Martin
Grant Officer, Employment & Training Administration

PART I

STATEMENT OF WORK

(The awardee's technical proposal is incorporated as the Statement of Work.

If there is a discrepancy between this technical proposal and any DOL guidance or cost principle, the DOL guidance or cost principle will prevail. The grantee must confirm that all costs are allowable before expenditure.)

SECTION 1: STATEMENT OF NEED

Industry Focus

The Pacific Gateway H-1B Health Sector Training Project (Project) was developed to respond to workforce needs in Southern California's healthcare industry. The needs of this diverse sector have been an ongoing focus of Pacific Gateway Workforce Investment Network (Pacific Gateway), the regional workforce agency serving the Los Angeles County cities of Long Beach, Torrance, Lomita, Signal Hill, and adjacent communities within the City of Los Angeles. In 2009, Pacific Gateway, in partnership with four other workforce investment boards, established the Healthcare Workforce Investment Network (Healthcare WINs). This initiative, developed as part of the California Workforce Association and California Endowment project, *Diversifying the Healthcare Workforce*, identified a number of opportunities, including:

- The need for healthcare professionals in California is expected to grow at a faster rate than the nation, growing by nearly 30% by 2020.
- The current workforce is aging – the average age of nurses is 50 years old and many occupations have an average age well above 50.
- California's diversity will place a premium on having healthcare professionals from a variety of ethnic, racial, cultural, and linguistic backgrounds.¹

These same factors have helped fuel a reliance on H-1B Visas to meet workforce needs in the healthcare industry, particularly in the 15 occupational categories listed by the North American Industry Classification System (NAICS) and included in Attachment A of the Solicitation.

¹ Presented by Dr. Wallace Walrod, Vice President of Economic Development and Research, Orange County Business Council. Healthcare WINs Forum, March 24, 2010.

Regional Focus

The region stretches along the Southern California coast, from Los Angeles County's South Bay cities to the coastal communities of Orange County. This populous region is home to a robust and growing health care sector that includes multiple medical centers, internationally-recognized university medical programs, and research facilities that compete for well-trained and educated healthcare professionals, nationally and abroad. In fact, this region includes three cities (Los Angeles, Long Beach, and Irvine) that ranked among the top 30 U.S cities requesting 2010 H-1B Visa workers in 2010.²

The Memorial Healthcare System is an important leader in the regional healthcare sector, and has itself requested H-1B Visas for healthcare positions. Its largest campus, home to both Long Beach Memorial Medical Center and Miller Children's Hospital Long Beach (LBMMC/MCHLB), includes the largest emergency room in the Western United States, and is the single-largest private employer in Long Beach. The entire System includes six hospitals in Los Angeles and Orange Counties and a workforce of more than 7,000.

i. Targeted Industries and Occupations

Activities are aimed at three high-growth healthcare occupations: **Registered Nurse (SOC Code 29-1111); Financial Specialist (SOC Code 23-2099); and Clinical Lab Scientist (SOC 19-1042)**. These occupations, listed among those most often associated with H-1B Visas, were selected with consideration of the following data from the DOL Bureau of Labor Statistics Occupational Outlook Handbook, 2010-11. Between 2008 and 2018:

² Source: www.myvisajobs.com

- It is expected that 581,500 new RN jobs will be created (among the largest number of new jobs for any occupation) with growth of 22%. Approximately 60% of Registered Nurse positions are in hospitals;
- Medical Record Technicians are expected to experience 20% growth; and
- Employment of clinical laboratory workers is expected to grow by 14%. Job outlook for this position is listed as “excellent.”

These occupations are also connected to anticipated shifts in the healthcare sector, regionally and nationwide. Forces shaping these changes include: changes in federal healthcare laws, Medicare, and the reimbursement process; increased focus on patient care strategies among hospitals partnering in the Project; and efforts to increase efficiency, reduce unnecessary cost. In response, the Project includes new strategies, creates new ‘rungs’ on the advancement ladder, and provides comprehensive approaches that address both skills gaps and assistance in completing educational requisites for advancement. Examples of these include:

a. Impact of new technology and innovation requiring new skills. A mandated conversion from ICD-9 to ICD-10 in medical billing will require medical coders and other professionals working along that pathway to possess far greater anatomical knowledge, as the occupation moves from one based in categorizing costs, to one that also requires interpretation of medical notes and an understanding of physiology in order to code procedures correctly. This knowledge will be requisite for all individuals hoping to advance along the financial services pathway. In addition, the ongoing shift to electronic record-keeping will require new computer fluency.

- b. *New and emerging occupations and business models.*** The Memorial Healthcare System has developed three new positions to address skills gaps and support new patient care models that align with its mission of high-quality care and fiscal efficacy. A revised Patient Care Assistant (PCA) non-entry level position was first introduced in 2009 to give care that was in-line with the acuity of patients, and was introduced with a classification and pay (\$15.12 average beginning wage and full benefits) above that of Certified Nursing Assistants, Home Health Aides and Nurses Aides. Building on the effectiveness of this model, partner hospitals have developed two advancement opportunities along the RN pathway that respond to changes in the field and the hospitals' institutional goals. Patient Care Home Health Facilitator (PCHF) will help discharge elderly patients, coordinate home care services with family members, teach patients how to use home medical equipment, and complete an initial home safety assessment. Changes to Medicare reimbursement are the catalyst for a new position, Advanced Directive Liaison (ADL), that will educate seniors in the community about the need to for Medical Directives/POLST, and help facilitate their completion, thereby reducing cost for unwanted medical procedures burdened by elderly patients, their families, and the hospital. These positions are advancement opportunities along the RN pathway, and will equip individuals with the requisite skills, cultural literacy, and patient-centered behaviors required to become exemplary Registered Nurses within the Memorial Healthcare System.
- c. *Impact on the Healthcare Industry.*** Not coincidentally, the strategies outlined in this proposal are designed to serve as models of training that addresses emerging sector-

wide issues. The Project will serve as a replicable model of how to utilize workforce and community college partners to help unemployed healthcare workers find employment in new and existing positions, and effectively advance current workers into target occupations, all the while meeting institutional goals for patient care.

Targeted H-1B Occupations and Pathways

The Project outlines *new* and *strengthened* pathways to three of the healthcare sector’s fastest-growing occupations.

❖ **Registered Nurse Pathways**

Registered Nurses are one of a few occupations that have carried special designation to fill unmet needs at hospitals and medical centers. There are five occupations along the RN career pathway that have been selected for inclusion in the Project. Project strategies will *strengthen these existing pathways so that qualified health care workers can re-enter the healthcare field and advance more quickly, and concurrently complete requisite education.*

Position	National Mean Hourly Wage	Partner Hospitals’ Mean Hourly Wage
Registered Nurse (RN)	\$32.56	\$43.61

↑ Occupations along Pathway

Position	National Mean Hourly Wage	Partner Hospitals’ Mean Hourly Wage
Patient Care Assistant	n/a	\$16.99
Patient Care Home Facilitator	New Position	\$20.00
Emergency Dept. Technician	\$16.01	\$18.74
Advanced Directive Liaison	New Position	\$20.00
Sterilization Technician	\$20.31	\$18.06

More than 2,000 Registered Nurses are employed within the Memorial Healthcare System; collectively these hospitals hire 130 new nurses annually. Long Beach Memorial Hospital/Miller Children’s Hospital Long Beach provides a unique setting for the RN Pathway

activities, as the hospitals serve as the clinical site for the highly-respected, accelerated-format California State University, Long Beach (CSULB) Bachelor of Science in Nursing Program (Trimester BSN). Sixty percent of graduates are employed at Long Beach Memorial Medical Center/Miller Children’s Hospital after graduation. This partnership has created an environment where learning is highly supported, and where hospital leadership is engaged in building an educated, diversified workforce. In total, the project will train 651 individuals to obtain employment and advance along the RN pathway. Min. Educ. Level: BSN

❖ **Financial Specialist in Health Care Pathway**

Changes in healthcare law, billing procedures, reimbursement processes; and the continued move to electronic record systems have had significant impact in the healthcare sector. These changes have brought new attention to occupations along the Financial Systems pathway, particularly as hospitals prepare for conversion to the October 2013 mandated ICD-10 coding system in insurance processing, reimbursement, and statistical data gathering. With a striking 62% of current medical coders age 50 and above, these required skills gains will likely add to the anticipated number of retirees in this pathway. Across the 4-year grant period, partnering employers expect to hire 30 new Reimbursement Specialist II coders and train 100 employees; advancing them from Specialist I to Specialist II occupations, or in other higher-tier occupations along the Financial Systems career ladder. Min. Education: Associates Degree.

Position	National Mean Hourly Wage	Partner Hospitals’ Mean Hourly Wage
Financial Specialist	\$32.17	

Position	National Wage	Partner Hospitals’ Mean Hourly Wage
Reimbursement Specialist II	\$14.79	\$31.42

❖ **Clinical Lab Scientist Pathway**

The Clinical Lab Scientist supervises complex medical tests and consults with physicians to ensure the information and testing is done and reported accurately. This individual must be knowledgeable in all areas of lab science and pathology, and must be able to supervise multiple disciplines such as hematology, blood-banking and epidemiology. Employment as a Clinical Lab Scientist within the Memorial Healthcare System requires American Society of Clinical Pathology (ASCP) Certification. The science requires extreme accuracy and a high level of knowledge in all scientific areas. California faces an acute shortage of Clinical Lab Scientists. There are only a handful of academic institutions in the state offering a major in Clinical Laboratory Science/Medical Technology. The top three schools graduated 34 students in 2009, and only a portion of those chose to enter the field as a Clinical Lab Scientist. California State University, Dominguez Hills is the site of the second-largest program, located only 15 miles from LBMMC/MCHLB, providing the Project special access to qualified individuals. The Project will strengthen and extend current efforts to train Clinical Lab Scientists by providing professionals a formal, stipend-based clinical rotation tied to a work contract. Through this effort, **12 new Clinical Lab Scientists** will be recruited, trained and provided positions at LBMMC/MCHLB. Min. Educ. Level: Bachelor of Science.

Position	National Mean Hourly Wage	Partner Hospitals' Mean Hourly Wage
Clinical Lab Scientist	\$38.17	\$38.19

ii. **Targeted Population**

The Project will serve two participant groups: **unemployed job seekers**, including the long-term unemployed; and **incumbent workers** currently employed at one of the six hospitals within the Memorial Healthcare System.

Unemployed participants will be recruited from the regional One-Stop System. Pacific Gateway operates three One-Stop Centers located in its service area, encompassing the cities of Long Beach, Torrance, Lomita, Signal Hill and adjacent areas within the City of Los Angeles – an area home to 844,416 residents. Pacific Gateway serves more than 7,500 unemployed individuals across all industries each year. Pacific Gateway provides employment services to unemployed and dislocated workers through a variety of programs, including Transitional Subsidized Employment, O-J-T, and customized training. In 2010, Pacific Gateway connected more than 2,500 unemployed individuals with jobs, 2,000 of which were permanent jobs.

Throughout the current economic recession, the City of Long Beach has endured an unemployment rate higher than that of both the County and State, finally falling below 13% (12.9%) in April 2011 for the first time since mid-2009. The State and County unemployment rate for April 2011 was 11.9% and 12.1%, respectively.³

The incumbent workforce is diverse in ethnicity and age. Of the 5,287 workers on the LBMMC/MCHLB campus, the majority are evenly distributed within the ages of 25 – 60. The largest age group is 25-30, followed by 36-40, and only about 7% is over the age of 60. The ethnic diversity of LBMMC/MCHLB is representative of the region's diversity. This is due, in part, to LBMMC/MCHLB's location at the center of one of the most ethnically diverse cities in the nation, and to an increasingly diverse population of nursing students who complete six trimesters of their education on campus and transition into the LBMMC/MCHLB workforce.

³ California Employment Development Department, Labor Market Information Division. May 2011.

Recruitment and Selection Process

Pacific Gateway Employment Specialists are skilled at identifying and recruiting suitable candidates for the variety of workforce programs the organization offers. Building on the close working relationship already established with the Memorial System, Pacific Gateway will identify unemployed individuals in the healthcare sector for inclusion in this project, with particular emphasis on serving those who have been unemployed the longest and who have previous experience in related occupations within the healthcare field. Employment Specialists will draw from the more than 10,000 individuals who access Pacific Gateway employment services each year. Every participant will be interviewed by a One-Stop Employment Specialist, and again by the Project Manager to discuss the training and employment opportunity and assess the participant’s suitability. Those selected for participation will complete work readiness activities and meet with hospital workforce personnel for an individual interview before selection into Project activities.

Requirements for Unemployed Participants. All participants must: pass a background check; complete assigned workforce readiness activities, program orientations, and other activities.

Requirements for Incumbent Participants. Incumbent workers must be in good standing and have worked in their current position for at minimum one year. Training will be offered to those individuals interested in advancing along the identified pathway.

TABLE 1.0: Participant Numbers and Type

Training Base	611 Participants	
	Unemployed Participants	Incumbent Participants
Emergency Department Technician	0	100
Sterilization Technician Certification	60	100

Patient Care Assistant Training	261	0
Patient Care Home Facilitator Training	0	50
Advanced Directive Liaison Training	0	50
Participants Advanced along RN Pathway (Subtotal)	351	300

Career Pathway 2: Financial Specialist

130 Participants

Training Base	Unemployed Participants	Incumbent Participants
Reimbursement Specialist II	30	100
Participants Advanced along Financial Specialist Pathway (Subtotal)	30	100

Career Pathway 3: Lab Scientist

12 Participants

Training Base	Unemployed Participants	Incumbent Participants
Clinical Lab Scientist	12	0
Participants Advanced along Lab Scientist Pathway (Subtotal)	12	0

There are 793 participants (total) to be served by the proposed program. Of this total, 393 participants are individuals obtaining training and certification to obtain employment, and 400 are incumbent workers obtaining training and certification to advance along an H-1B impacted career pathway.

Commitment to Hire and Advance Workers Completing Training

LBMHC/MCHLB and the Memorial Healthcare System have been key workforce partners of Pacific Gateway. This relationship has included consistent collaboration on various workforce initiatives over more than a decade. Most recently, this has included customized training for 62 Patient Care Assistants from 2009 to the present. Through this partnership, LBMHC/MCHLB has offered employment to every participant who successfully completed the training. The Project's commitment of employment and placement is based on this track record. Pacific Gateway has worked closely with Memorial's workforce leadership to develop realistic workforce projections so that every successful participant is connected with an offer of employment within the Memorial system. Expansion of the Memorial System, advanced in part with the purchase of Community Hospital of Long Beach in 2010 and other anticipated

acquisitions and expansion plans, has provided a unique opportunity to increase the workforce; those plans are reflected in the this proposal.

SECTION 2: PROGRAM ACTIVITIES AND PROJECT MANAGEMENT

i. Description of Training Strategies

The goal of the Pacific Gateway H-1B Health Sector Training Project is to provide unemployed and incumbent healthcare workers with the requisite training and support needed to **obtain employment or advance along three key pathways:** Registered Nurse (BSN); Financial Specialist; and Clinical Lab Scientist. Each of these pathways possesses distinct skill levels, experience, and educational requirements. Pathway Strategies aim to: (a) provide occupational training to obtain employment or advance; (b) provide supplementary education to build skills sets or knowledge; (c) support academic progress; and (d) provide follow-up services to ensure participants are advancing along the pathway.

The following realities were kept in mind in developing Project strategies:

- In today's economic climate, workers looking to advance do so by building their skill level and completing educational requirements concurrently.
- Serious cuts to counseling at local community colleges has made academic counseling difficult to access; effective, pathway-based academic support should be tied to the specific pathway, and be provided in conjunction with occupational training;
- Unemployed workers need employment as immediately as possible. Accelerated training program connected to committed employment opportunities help accomplish this, and provide a base for advancement along an indentified pathway.

- Many unemployed workers have some college and work experience, but the lack of a formal degree makes leaves them economically vulnerable. Effort should be made to assess their educational status and develop individualized plans for advancement.

Pathway Strategy 1: Registered Nurse

Unemployed Participants

Participants seeking re-entry into the healthcare field with an interest in pursuing or completing their Associate Degree in Nursing or Bachelor of Science in Nursing will be provided:

1. Occupational Training in **Patient Care Assistant (PCA) Program or Sterilization Technician Training and Certification (SDT)**. PCA participants will complete a 6-week, 240-hour training program that includes classroom and clinical instruction, and equips participants with the requisite skills to provide high-quality care to patients in all areas of the hospital. Training will be provided by LBMMC/MCHLB instructors and offered on-site. SDT participants will complete a 472-hour certification program provided by Los Angeles Harbor College at the hospital campus. Content will include patient care concepts, equipment and instrumentation, sterilization techniques, and other requisite skills. Job placement is anticipated to occur within 1 month of successful completion of training and/or certification.
2. Dedicated academic counseling will be offered by Long Beach City College to each participant on an annual basis to help participants plan and complete requisite educational requirements for advancement along the RN pathway.
3. For one year after placement, the Project Coordinator will work with hospital workforce development staff to ensure retention through one-on-one 'check-ins', access to

supportive services, development of employee improvement plans (when necessary) and continued communication to keep participants engaged in advancing along the pathway.

Incumbent Workers

Incumbent workers in three occupations will be provided with training and certification to advance along the RN pathway and increase their earnings.

RN Advancement Pathway A: Emergency Department Technicians requiring Phlebotomist Certification to advance. 100 incumbent workers will complete an accelerated, on-site course and certification, covering physiology and anatomy, infection control, blood collection and other content areas. This course will be provided through Long Beach City College. Upon completing the course, incumbent workers will receive an average increase in pay of \$2/hour. Academic counseling will be made available to individuals who need assistance in academic planning toward a BSN degree.

RN Advancement Pathway B: Patient Care Assistants advanced to Patient Care Home Facilitators (PCHF) or Advanced Directive Liaison (ADL). 100 incumbent PCAs will complete one of two training programs that will advance them along the RN pathway and increase their earnings. 50 PCHF participants will complete a customized course offered by LBMCC/MCHLB equipping them with the requisite skills to assist patients through discharge and re-acclimation to the home environment, including the use of home medical equipment, medications, and safety home assessments. 50 ADL participants will complete a tailored Long Beach City College course focusing on public speaking, communication and language skills, and other content areas, as well as a 20-hour, on-site training by LBMCC/MCHLB nursing and case management staff to build participants'

knowledge of the advanced directive processes, issues in working with the elderly, and other technical areas of content. Academic counseling will be made available for assistance in completing requirements toward a BSN degree.

RN Advancement Pathway C: Sterilization Department Technicians requiring Certification in order to advance. Participants will complete the 472-hour certification program provided by Los Angeles Harbor College at the hospital campus, enabling to advance along the career pathway and increase their earnings. Participants will be offered academic counseling to help create and follow an educational pathway toward their BSN degree.

Annual RN Pathway Sessions. During each year of the grant period, Long Beach City College (LBCC), LBMMC/MCHLB, and Pacific Gateway will collaborate in hosting open sessions for program participants in the RN Pathway. These accessible events will allow program cohorts to re-group and receive information about open positions along the RN career pathway, hear from RNs who advanced through the pathway, learn about scholarships and academic support available to them, schedule individual academic advising appointments with LBCC academic counselors, and connect with hospital leadership to remain engaged, supported and advancing along the RN pathway.

Pathway Strategy 2: Financial Specialist

Unemployed and Incumbent Workers

Participants will complete a customized course developed by LBMMC/MCHLB and their healthcare consultant team ELIPSe, and taught on-site by Los Angeles Harbor Community

College. In addition to this course focusing on medical billing and coding under the new ICD-10 System, participants will complete an accelerated anatomy and physiology course taught on the hospital site by the Long Beach School for Adults (LBSA). Incumbent workers will increase their earnings and advance along the pathway toward Financial Specialist. Academic advising will be available to assist participants in identifying additional course work to address gaps in knowledge or pursue educational goals.

Pathway Strategy 3: Clinical Lab Scientist

To address the distinct and acute needs in this occupation, LBMCC/MCHLB will develop a new training and contract employment program in which Clinical Laboratory Science/Medical Technology degree candidates are identified and recruited *before* their final year of school. 12 participants will be recruited to complete a year-long clinical rotation, studying under four current Lab Scientists of distinct disciplines, and successfully completing certification from the American Society of Clinical Pathologists. Participants will be provided with a monthly stipend of \$1,000 (\$12,000 total) in return for an agreement to work at the hospital for a minimum of two years. The goal of this strategy is to encourage more qualified candidates to become Clinical Lab Scientists and remain in the region by offering them an enhanced stipend (current Clinical Lab Scientist rotations are \$500/month) and a confirmed employment opportunity.

Degrees and Credentials. Three certifications are included in Project activities.

Table 2.2: Credentials and Certifications

Training	Certification/Credential
Phlebotomist Certification	Certified Phlebotomy Technician, California Board of Laboratory Sciences
Sterilization Department Technician	Certified Sterilization Technician, California Board of Laboratory Sciences
Clinical Lab Scientist	Clinical Laboratory Scientist, American Society of Clinical Pathologist (ASCP)

LBMHC/MCHLB, Pacific Gateway and the Project education partners are able to begin activities immediately, in accordance with the schedule of activities in the following section.

ii. Program Activities

Program Activities will be implemented according to the following calendar of activities, and by the following training providers.

Table 2.3: Calendar of Activities (by Program Year)

Shaded areas represent the provision of training and activities to participant cohorts, typically in groups of 12 -20.

	YR1		YR2		YR3		YR 4	
Patient Care Asst.	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded
EDTs	Shaded	Shaded	Shaded	Shaded	Shaded	White	Shaded	White
SDTs	Shaded	Shaded	Shaded	Shaded	Shaded	White	Shaded	White
Reimburs. Spec.	White	White	Shaded	Shaded	Shaded	Shaded	Shaded	White
Advan. Dir. Lia.	White	White	Shaded	Shaded	Shaded	Shaded	Shaded	White
Clinical Lab Sci.	Shaded	Shaded	Shaded	Shaded	Shaded	White	Shaded	White

Table 2.4: Training Providers/Implementers

Training/Education	Description	Provider
Phlebotomist Certification	80-hour course culminating in an industry-recognized certification	Long Beach City College
Sterilization Technician Certification	472-hour course culminating in an industry-recognized certification	Los Angeles Harbor College
Patient Care Assistant Training	6-week Customized training for PCAs	LBMMMC/MCHLB
Patient Care Home Facilitator Training	Customized training for PCHF's	LBMMMC/MCHLB
Advanced Directive Liaison (ADL) Training	Customized training for PCAs	LBMMMC/MCHLB
Customized ADL Communications Course	Accelerated course on communication and technical skills required for ADLs	Long Beach City College
Medical Billing/Reimbursement Spec. Training	Customized training for Reimbursement Specialist II	Los Angeles Harbor College
Basic Anatomy and Physiology	Course for Reimbursement Specialists training or ICD-10 conversion	Long Beach School for Adults
Clinical Lab Scientist Work Experience	12-month clinical rotation with stipend and certification	LBMMMC/MCHLB

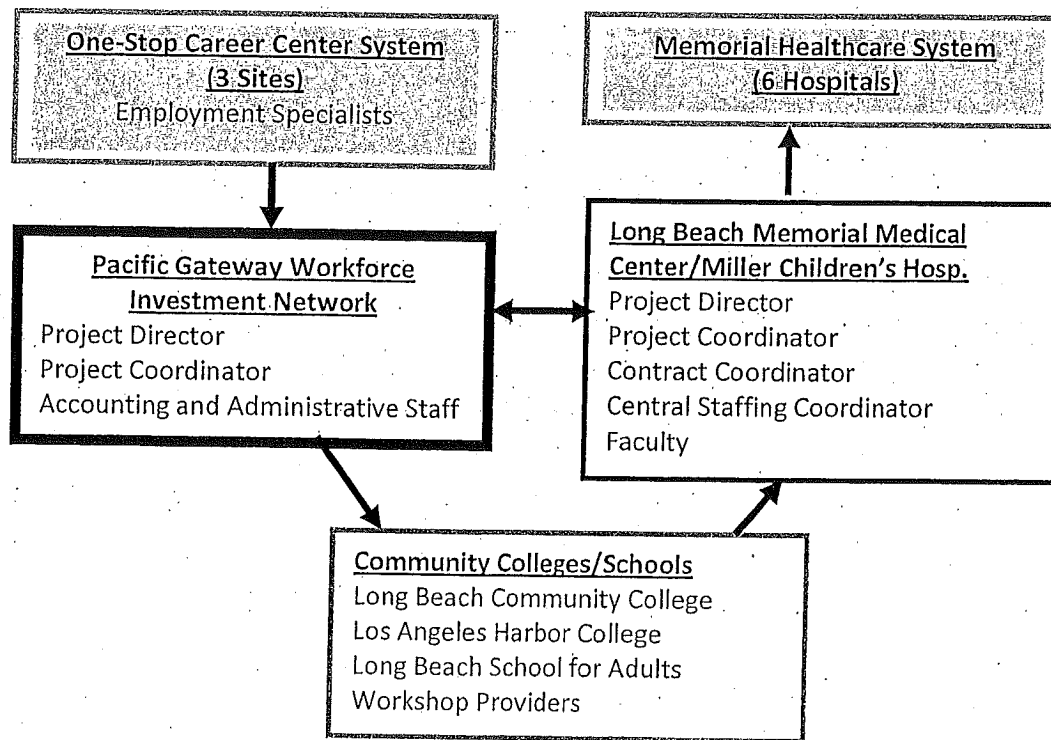
iii. Project Management

The Project will be overseen by Cherie Gomez, Pacific Gateway's Director of Programs, and Alice Pitts, who will serve as a full-time Project Coordinator dedicated to the activities proposed herein. Cherie Gomez also serves as the One-Stop Center Manager, and oversees all program operations and sectoral initiatives for the organization. Ms. Gomez will be responsible for providing direction and oversight of the project. Ms. Gomez possesses a Bachelor of Vocational Education degree in and 14 years experience in workforce development, including six years experience coordinating, implementing, and managing the daily operations and activities of multiple One-Stop Career Centers. Alice Pitts has more than twenty years of

experience in workforce development and healthcare, and coordinates all current partnership activities with LBMMC/MCHLB.

This leadership will be partnered with LBMMC/MCHLB leadership and coordination, led by Susan Crockett, Director of Clinical Workforce Development at the hospital sites. Susan Crockett will oversee all training, educational and clinical activities, with the support of a fully dedicated Clinical Project Director who will coordinate training with partnering colleges, schedule facilities for use, help coordinate staffing and training cycles, and work with college partners to provide students with their respective certifications.

Table 2.5: Project Management and Activity among Partners



SECTION 3: OUTCOMES

The Project aims to fill current and projected workforce need in three targeted occupations by upgrading the skills and certifications of incumbent workers so that they may advance along a pathway, and provide unemployed healthcare workers the opportunity to re-enter the workforce into a quality job, and advance upward along a career pathway. The benchmark outcomes for participants are detailed below.

Table 3.1: Performance Outcomes

Measure	Project Performance for Unemployed Participants	Projected Performance for Incumbent Workers
Total Participants Served	393	400
Total Participants Beginning Education/Training Activities	393	400
Total Participants Who Complete/Education/Training Activities	335 (85% of those enrolled)	380 (95% of those enrolled)
Total Participants Who Complete/Education/Training Activities that Receive a Degree or Other Credential	58 (80% of only those enrolled in certification programs)	190 (95% of only those enrolled in certification programs)
Total Number of Credentials Each Participant is Expected to Receive	1	1
Total Number of Participants who Complete Education/Training Activities who Enter Unsubsidized Employment	318	n/a
Total Number of Participants Who Retain Unsubsidized Employment in the First and Second Quarters Following Initial Placement	286 (90% of those placed)	380 (90% of those placed)
Average Wage that Participants will earn at Placement	Range varies significantly: \$15.12 - \$35.01/hr. Plus full benefits	Range varies significantly: \$17.50 - \$20.00/hr. Plus full benefits

Data collection, tracking and reporting to DOL. The performance measures listed above are some of the data to be collected during the grant period and reported out on a quarterly basis. Progress toward meeting program objectives will be evaluated and monitored by the Project director in collaboration with the Pacific Gateway MIS coordinator Dawn Swann, who possesses nearly ten years of experience in data management and program eligibility. In addition, per policy, project outcomes will be monitored and evaluated annually to ensure compliance with fiscal and program requirements. Achievement of each measurable outcome will be reviewed during these scheduled monitoring reviews, and compliance will be verified via individual participant file reviews and requirements of the statement of work. Data will be entered into the Virtual One Stop (VOS) case management system, which will help produce a monthly report to identify accomplishments to date, challenges and possible solutions, and any other additional information related to program status. Demographic data, including income status, will be collected at eligibility sessions when applicants complete the electronic program application.

Appropriateness of Costs. Costs of training are appropriate and far less than comparable training and certification offered by local, for-profit healthcare trade schools. Costs were kept at appropriate levels by accessing programs at local community colleges and developing partnership in which training is provided on-site (further reducing operational expenses, transportation costs, and supportive services). The total Project Budget is \$2,635,000, with \$1,317,500 requested in grant funds from DOL. This results in a cost-per-participant of \$3,322, and a total of \$1,661 requested from DOL for each participant.

PROJECT ABSTRACT

Project Name: Pacific Gateway H-1B Health Sector Training Project (Project)

Lead Applicant: Pacific Gateway Workforce Investment Network,
Administered by the City of Long Beach, CA

Federal Tax I.D. Number: [REDACTED]

City, State: Long Beach, California

Education Partners: Long Beach Community College, Los Angeles Harbor College

Employer: Long Beach Memorial Medical Center, Miller Children's Hospital
Long Beach; Memorial Healthcare System (6 hospitals, total)

The Pacific Gateway H-1B Health Sector Training Project was developed in partnership with Long Beach, California's largest private employer, Long Beach Memorial Medical Center, and the Memorial Healthcare System. The Project aims to provide training and educational support for 793 individuals in the healthcare industry. Of this number, 393 participants will be unemployed individuals, with an emphasis on the long-term unemployed, and 400 will be incumbent workers who will receive training to advance along one of three career pathways. Project activities focus on employment and training activities in advancement toward three key, H-1B Visa impacted occupations: Registered Nurse (SOC Code 29-1111); Financial Specialist (SOC Code 23-2099); and Clinical Lab Scientist (SOC 19-1042).

Tailored pathway strategies have been developed to address opportunities along each strategy, including incumbent worker training, customized training and a stipend work experience program. Together, these activities, coupled with academic advisement to help participants complete educational prerequisites, will help meet industry needs, and thus alleviate the need for H-1B Visa workers.

The Project will have a tremendous economic impact on a community long plagued by high unemployment and poor economic health. Employer partner Memorial Healthcare System has helped developed the attached proposal, and has identified **393 new positions** over the 4-year grant period that will be filled by unemployed individuals in the Long Beach area.

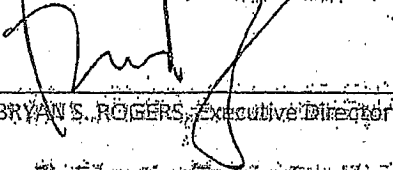
May 31, 2013

H-1B Grant - Submitted by Pacific Gateway Workforce Investment Network
LETTER OF COMMITMENT AMONG PROJECT PARTNERS

The following organizations agree to collaborate on the implementation of the H-1B Grant, submitted to the Department of Labor by the Pacific Gateway Workforce Investment Network. The purpose of the project is to meet employers' current and projected workforce needs in occupations most often associated with H-1B Visa requests in the health care sector, including Registered Nurse, Lab Scientist, Physical, Occupational and Speech Therapists, and Financial Specialist. The proposed activities will occur throughout the 4-year grant period as described in the attached proposal.

1) Workforce Partner and Lead Applicant

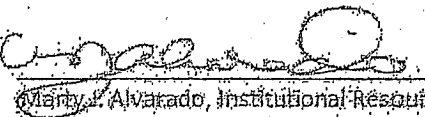
Pacific Gateway Workforce Investment Network (Pacific Gateway) will serve as the lead organization and have overall fiscal and administrative responsibility for the grant. Pacific Gateway will serve as the point of contact and will be responsible for submitting all technical and financial reports to DOL.


BRYAN S. ROGERS, Executive Director


2) Educational Training Providers

Pacific Gateway will partner with the following Community Colleges to provide training and certification to unemployed and incumbent worker participants.

Long Beach City College will provide: (a) academic counseling to participants in the RN Pathway; (b) Phlebotomy training culminating in an industry-recognized certificate; (c) training in Communications required for occupations within the RN Pathway, and agree to work collaboratively to coordinate the provision of training and services to support the proposed project.

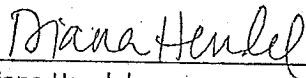

Marty A. Varado, Institutional Resource Development Director

Los Angeles Harbor College will provide: (a) Sterilization Technician training culminating in an industry-recognized certificate; (b) instruction in medical billing; and agree to work collaboratively to coordinate the provision of training and services to support the proposed project.


Marvin Martinez, President

3) Employer Partner

The following hospital has been central in developing the proposed project by identifying current and projected need, providing contextual information about the regional healthcare sector and other important information about the career pathways described in the attached proposal. In addition to partnering on the implementation of proposed training and services (including serving as a clinical site, identifying instructors, and coordinating the delivery of instruction), LBMMC/MCHLB anticipates (a) providing advancement opportunity to incumbent workers along the prescribed career pathway, and (b) hiring program participants who have successfully completed the training as described in accordance with the performance goals described in the attached proposal. The anticipated wages for participants completing training and training schedules have been developed in partnership with the employer listed below, and are aligned with workforce projections developed by each hospital.

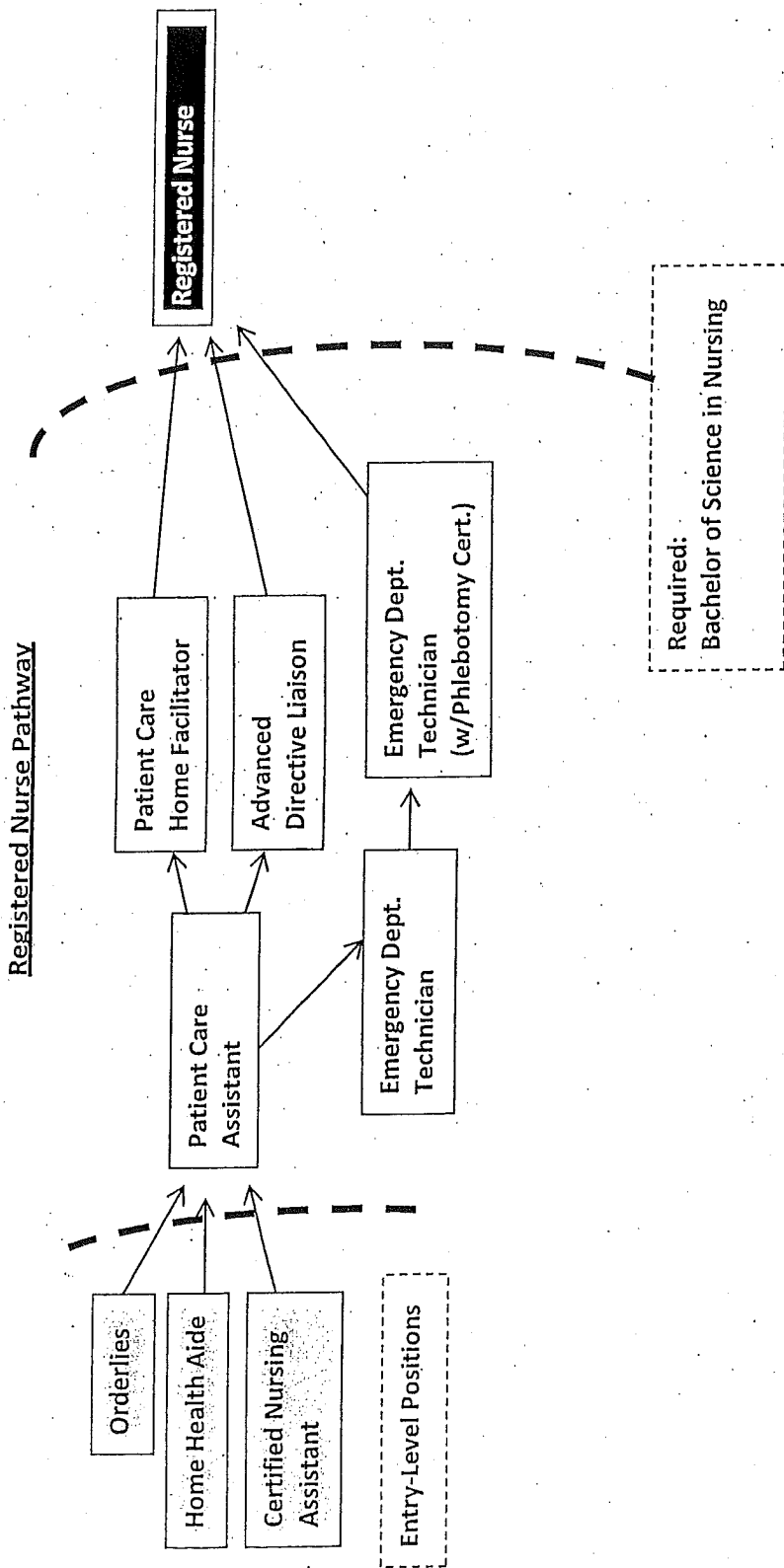


Diana Hendel

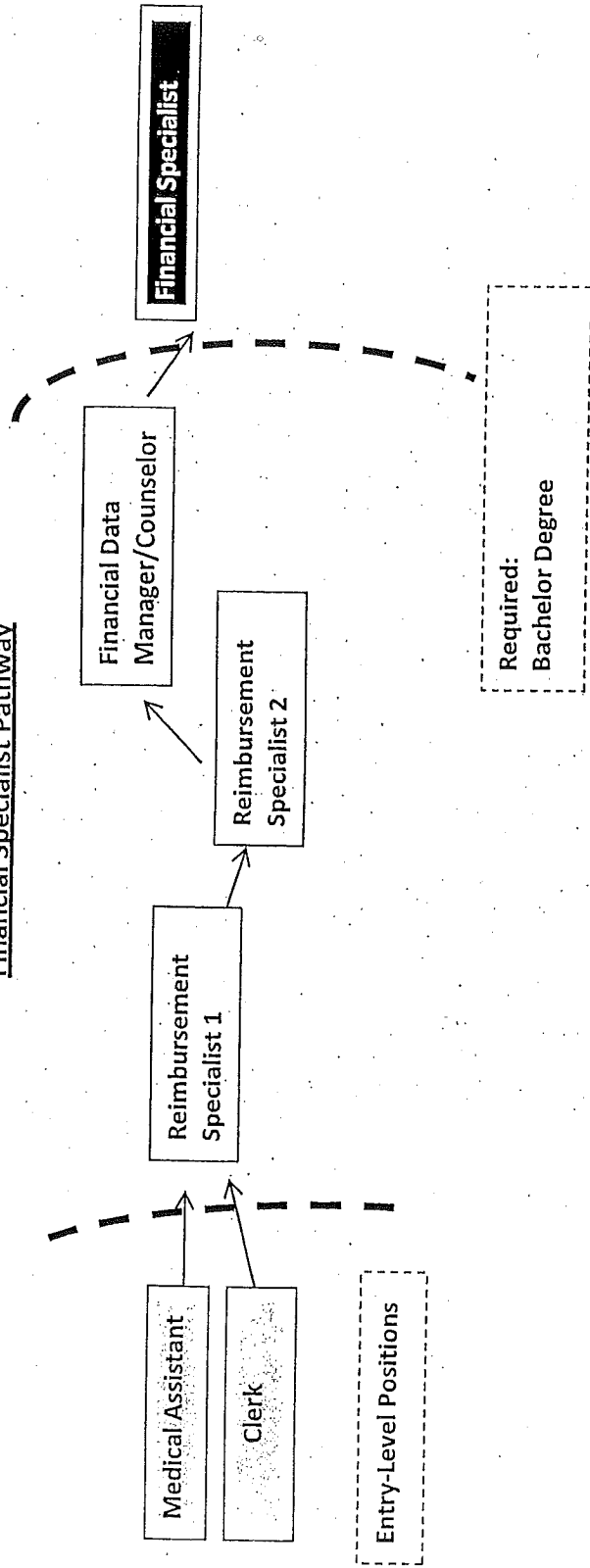
Chief Executive Officer

Long Beach Memorial Medical Center/Miller Children's Hospital Long Beach
Long Beach, California

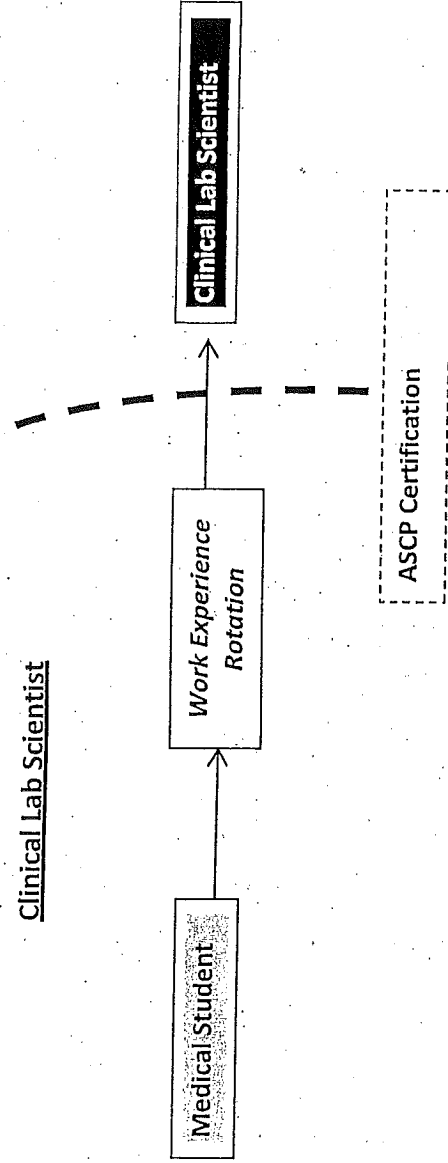
Attachment: Graphic Display of Career Pathway



Financial Specialist Pathway



Clinical Lab Scientist



PART II

BUDGET INFORMATION

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 4040-0006
Expiration Date 07/30/2010

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. N/A	17.268	\$ 2,816,309.00	\$ 1,408,720.00	\$	\$	\$ 4,225,029.00
2.						
3.						
4.						
5. Totals		\$ 2,816,309.00	\$ 1,408,720.00	\$	\$	\$ 4,225,029.00

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SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$ 437,158.00	\$ 0.00	\$	\$	\$ 437,158.00
b. Fringe Benefits	244,809.00	0.00			244,809.00
c. Travel	0.00	0.00			
d. Equipment	0.00	0.00			
e. Supplies	0.00	0.00			
f. Contractual	1,991,130.00	1,408,719.00			3,399,849.00
g. Construction	0.00	0.00			
h. Other	143,213.00	0.00			143,213.00
i. Total Direct Charges (sum of 6a-6h)	2,816,310.00	1,408,719.00			4,225,029.00
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	\$ 2,816,310.00	\$ 1,408,719.00	\$	\$	\$ 4,225,029.00
7. Program Income	\$ 0.00	\$ 0.00	\$	\$	\$

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SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	\$	\$	\$	\$
9.				
10.				
11.				
12. TOTAL (sum of lines 8-11)	\$	\$	\$	\$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year			
	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$	\$	\$	\$
14. Non-Federal	\$	\$	\$	\$
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	\$	\$	\$	\$
17.				
18.				
19.				
20. TOTAL (sum of lines 16 - 19)	\$	\$	\$	\$

SECTION F - OTHER BUDGET INFORMATION

21. Direct Charges:	
22. Indirect Charges:	
23. Remarks:	

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**H1B Visa Grant - Long Beach Memorial Hospital Customized Training
Budget Details - 48 month Program**

07/01/11 - 06/30/15

Cost Category	# of Positions	Annual Salary	48 months	% Time	PGWIN	Match	Total
Project Analyst (Erick Serrato)	1	73,902.68	48	0.10	29,561.07	-	29,561
Project Manager (Cherie Gomez)	1	83,233.89	45	0.05	15,606.35	-	
Project Coordinator(Alice Pittis)	1	67,300.00	48	1.00	269,200	-	269,200
Employment Specialist (Rachel Kersey)	1	63,244.33	48	0.25	63,244	-	
Job Developer (Salvador Barajas)	1	60,179.32	48	0.20	48,143	-	48,143
			48		-	-	-
			48		-	-	-
			48		-	-	-
Accounting Clerk (Marian Young)	1	46,198.72	48	0.02	3,696	-	3,696
Accountant (Gary Stoppelmoor)	1	78,323.00	48	0.02	7,707	-	7,707
Total Salary					437,158		437,158
Fringe Benefits					244,809		244,809
Total Salary and Fringe					681,966		681,966
Operating Costs					143,213		143,213
Total Project Costs					825,179		825,179

Pacific Gateway Workforce Investment Network
 Contracted Services Budget

Long Beach Memorial/Miller Children's Hospital

Contracted Personnel	Annual Salary	48 Months	% Time	Benefits (39%)	Total
Pathway Staffing Coordinator	40,000	160,000	1	62,400	222,400
Project Training Coordinator	65,000	260,000	1	101,400	361,400
Contracted Training	Cost Per Participant	Participants			Total
Clinical Lab Stipend	12,000	12			144,000
Patient Care Assistant	1,680	261			438,480
Advance Dir. Liaison	1,680	50			84,000
Patient Care Home Facil.	1,680	50			84,000
				TOTAL	1,334,280

Los Angeles Harbor Community College

Contracted Training	Cost Per Participant	Participants		Total
Sterilization Technician	2,000	160		320,000
Medical Billing	1,000	130		130,000
Other				Total
Administrative Services				10,000
Certification Costs	250	160		40,000
Student Services				20,000
			TOTAL	520,000

Long Beach City College

Contracted Training	Cost Per Participant	Participants		Total
Phlebotomy	659	100		65,900
Advance Dir. Lia- Communications	473	150		70,950
Other				Total
Certification	210	100		21,000
Academic Counseling	390	400		156,000
			TOTAL	136,850

TOTAL 1,991,130

Pacific Gateway Workforce Investment Network
Contracted Services Budget

Long Beach Memorial/Miller Children's Hospital

Personnel	Annual Salary	48 Months	Benefits (9%)	Subtotal	Portion	Total
Susan Crockett, Dir. WFDev.	105,000	420,000	163,800	583,800	0.2	116,760
Judy Fix, CNO	143,000	572,000	223,080	795,080	0.1	79,508
Marcia Livingston, Patient Sim. Mgr	68,000	272,000	106,080	378,080	0.1	37,808
Shiela Swanson, Contract Dir.	87,000	348,000	135,720	483,720	0.2	96,744
Other:	Cost Per Participant	Participants		Total		
Clinical Lab Stipend	500	12		6,000		
Incumbent Wages (see below)				535,950		
			TOTAL	1,408,720		

Incumbent Wage Calculation

Position	Hours	Wage Avg.	Workers	Total
PCA	30	15.75	100	47,250
Emerg. Dept. Techn.	80	17.25	100	138,000
Sterilization Techs	166	16.5	100	273,900
Medical Billers (Reimbur. Spclst)	30	25.6	100	76,800
				535,950

PART III

ASSURANCES/CERTIFICATIONS

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0400), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

(1) Has the legal authority to apply for Federal Assistance, and the Institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

(2) Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

(3) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

(4) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

(5) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

(6) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

(7) Will comply, or has already complied, with the requirements of

Titles II and III of the Uniform Relocation Assistance and Real

Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

(8) Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

(9) Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a-7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), regarding labor standards for federally assisted construction subagreements.

(10) Will comply, if applicable, with Flood Insurance Purchase Requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

(11) Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

(12) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the National Wild and Scenic Rivers System.

(13) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a.1 et seq.).

(14) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

(15) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L.) 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

(16) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead based paint

in construction or rehabilitation of residence structures.

(17) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organization."

(18) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

*SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL (Use of grant funds certifies acceptance of these assurances)	*TITLE
*APPLICANT ORGANIZATION	*DATE SUBMITTED (Use of grant funds certifies acceptance of these assurances)

Lobbying Certification (29 CFR Part 93)

Instructions for Completion of SF-LLL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal Action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number, grant announcement number, the contract, grant, or loan award number, the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10.
 - (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.
 - (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

DISCLOSURE OF LOBBYING ACTIVITIES
 Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
 (see reverse for public burden disclosure)

N/A

1. Type of Federal Action: a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	2. Status of Federal Action: a. bid/offer/application b. initial award c. post-award	3. Report Type: a. initial filing b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: ___ Prime ___ Subawardee Tier _____, if known: Congressional District, if known: _____	5. If Reporting Entity in No.4 is Subawardee, Enter Name and Address of Prime. Congressional District, if known: _____	
6. Federal Department/Agency: _____	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
8. Federal Action Number, if known: _____	9. Award Amount, if known: \$ _____	
10. a. Name and Address of Lobbying Entity (if individual, last name, first name, MI): (Attach Continuation Sheet(s) SF-LLL-A, if necessary)	b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI): (Attach Continuation Sheet(s) SF-LLL-A, if necessary)	
11. Amount of Payment (check all that apply): ___ actual ___ planned \$ _____ 12. Form of Payment (check all that apply): ___ a. cash ___ b. in-kind; specify: nature _____ value _____	13. Type of Payment (check all that apply) ___ a. retainer ___ b. one-time fee ___ c. commission ___ d. contingent fee ___ e. deferred ___ f. other, specify: _____	
14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in item 11: (attach Continuation Sheet(s) SF-LLL-A, if necessary)		
15. Continuation Sheet(s) SF-LLL-A attached: ___ YES ___ NO		
16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.		Signature Print Name: Title: Telephone Number: _____ Date: _____

A/4

DISCLOSURE OF LOBBYING ACTIVITIES

(Continuation Sheet)

Reporting Entity:

Page ____ Page

PART IV

SPECIAL CLAUSES AND CONDITIONS

Should there be any inconsistency between these Clauses/Conditions and the Awardee's proposal, these Clauses/Conditions shall govern.

PART IV - SPECIAL CLAUSES

Clause #1:- BUDGET LINE ITEM FLEXIBILITY

Flexibility is allowed within the grant budget (*except wages, salaries and fringe benefits, and indirect cost rates*), provided no *single line item* is increased or decreased by more than **20%**. Changes in excess of 20% and any changes in wages, salaries and fringe benefits, and indirect cost rates **MUST** receive prior written approval from the Grant Officer.

Any changes in mix or match within the wages and salaries line **do not** require a grant modification. However, your assigned DOL Federal Project Officer (FPO) must review these changes prior to implementing these changes. Failure to obtain such prior written approval may result in cost disallowance.

Clause #2: - INDIRECT COST RATE AND COST ALLOCATION PLAN

This clause is applicable to all awardees receiving funds from multiple sources. Organizations receiving funds from only one source do not need an approved indirect cost rate (ICR) or cost allocation plan (CAP).

Mark the appropriate clause for your organization and fill in the blanks, as appropriate:

___ A. A current approved CAP or ICR agreement dated _____ has been provided and approved by _____
(Federal Cognizant agency - *Copy Attached*).

Regarding only the ICR agreement,

- a) Indirect Rate approved _____%
- b) Type of Indirect Cost Rate (Provisional/Predetermined/Fixed) See attached ICR agreement
- c) Allocation Base See attached ICR agreement
- d) Current period applicable to rate See attached ICR agreement

___ B. No CAP or ICR agreement has been approved by a Federal Agency.

Note:

Regarding "B", a pro rata share of the indirect costs specified on the 424A, Section B, Object Class Category, "J", has been approved for the first **90 days** of the grant period. This is based on the fact that your organization has not established an ICR agreement or approved CAP.

Within this 90-day period, you must submit an acceptable indirect cost proposal or CAP to your Federal cognizant agency¹ to obtain a provisional indirect rate or a CAP approval. ***Failure on your part to submit an indirect cost proposal within this 90 day period means that you shall not receive further reimbursement for your indirect costs.***

If DOL is your Federal cognizant agency, proposals shall be sent to the appropriate office in the DOL's Division of Cost Determination (see detailed list attached).

¹ Providing preponderance of Federal funds to the organization.

Ceiling Indirect Amounts (applicable to A or B above):

An Indirect Cost ceiling in the amount of \$____, as specified on the 424A, Section B, Object Class Category, "j", has been applied under this agreement based on the grantee's budget or written documentation received.

The total amount of DOL's financial obligation under this award **will not be** increased to reimburse awardee organizations for higher negotiated indirect cost rates than those rates or amounts identified in this clause.

Note:

A ceiling amount does not exclude your organization from the responsibility of submitting an indirect cost rate for approval.

Division of Cost Determination
List of Addresses and Telephone Numbers

As of March 2010

National Office address and contact information: 200 Constitution Avenue, N.W., S-1510

Washington, D.C. 20210
(P) 202-693-4100
(F) 202-693-4099

Chief: Victor M. Lopez
E-mail address: lopez.victor@dol.gov
(P) 202-693-4106

<u>Cost Negotiators</u>	<u>E-mail Address</u>	<u>Location/Region</u>	<u>Address</u>	<u>Phone/FAX</u>
1 Damon Tomchick	tomchick.damon@dol.gov	D.C.	Same as National Office	(P) 202-693-4105 (F) 202-693-4099
2 Casey Carros	carros.casimer@dol.gov	D.C.	Same as National Office	(P) 202-693-4107 (F) 202-693-4099
3 Margie Merced	merced.margie@dol.gov	D.C.	Same as National Office	(P) 202-693-4104 (F) 202-693-4099
4 Stephen Cosminski	cosminski.stephen@dol.gov	Philadelphia	125 Oak Drive Sellersville, PA 18960	(P) 215-257-8712 (F) 215-257-8994
5 Ronald Goolsby	goolsby.ronald@dol.gov	Chicago	230 South Dearborn St. Room 1016 Chicago, IL 60604-1505	(P) 312-886-5247 (F) 312-353-0704
6 Carol McKone	mckone.carol@dol.gov	Dallas	P.O. Box 821067 Ft. Worth, TX 76182	(P) 817-281-1503 (F) 817-281-1530
7 Arthur Campbell	campbell.arthur@dol.gov	Seattle	P.O. Box 3433 Renton, WA 98056	(P) 425-271-3848 (F) 425-271-5295

* Cost Negotiators are generally responsible for organizations located in their regions, as follows:

Washington D.C. staff – Washington, D.C. metro area and Atlanta region (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee).

Philadelphia region: Connecticut, Maine, Massachusetts, New Hampshire, Vermont, Rhode Island, New York, New Jersey, Pennsylvania, Puerto Rico, Delaware, Maryland, Virginia, West Virginia, Virgin Islands.

Chicago region: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, North Dakota, South Dakota, Nebraska, Ohio, and Wisconsin.

Dallas region: Arkansas, Louisiana, Kentucky, Oklahoma, Texas, Colorado, Nevada, Arizona, Wyoming, and New Mexico.

Seattle region: Alaska, Idaho, Oregon, Washington, Montana, Utah, California, & Hawaii.

THIS GRANT IS SUBJECT TO:

2 CFR Part 170

Appendix A to Part 170--Award Term

I. Reporting Subawards and Executive Compensation.

a. Reporting of first-tier subawards.

1. Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. Where and when to report.

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting Total Compensation of Recipient Executives.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if--

i. the total Federal funding authorized to date under this award

is \$25,000 or more;

ii. in the preceding fiscal year, you received--

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration profile at <http://www.ccr.gov>.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if--

i. in the subrecipient's preceding fiscal year, the subrecipient received--

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards, and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:

i. A governmental organization, which is a State, local government, or Indian tribe;

ii. A foreign public entity;

iii. A domestic or foreign nonprofit organization;

iv. A domestic or foreign for-profit organization;

v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. Executive means officers, managing partners, or any other employees in management positions.

3. Subaward:

i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ---- .210 of the attachment to OMB Circular A-

133, "Audits of States, Local Governments, and Non-Profit Organizations").

iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. Subrecipient means an entity that:

i. Receives a subaward from you (the recipient) under this award; and

ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

i. Salary and bonus.

ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.

v. Above-market earnings on deferred compensation which is not tax-qualified.

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

THIS GRANT IS SUBJECT TO:

2 CFR Subtitle A, Chapter I and Part 25

Appendix A to Part 25--Award Term

I. Central Contractor Registration and Universal Identifier Requirements

A. Requirement for Central Contractor Registration (CCR)

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for Data Universal Numbering System (DUNS) Numbers

If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.

2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

C. Definitions.

For purposes of this award term:

1. Central Contractor Registration (CCR) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the CCR Internet site (currently at <http://www.ccr.gov>).
2. Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).
3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
 - a. A Governmental organization, which is a State, local government, or Indian Tribe;
 - b. A foreign public entity;
 - c. A domestic or foreign nonprofit organization;
 - d. A domestic or foreign for-profit organization; and
 - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
4. Subaward:
 - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ----.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
 - c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.
5. Subrecipient means an entity that:
 - a. Receives a subaward from you under this award; and
 - b. Is accountable to you for the use of the Federal funds provided by the subaward.

iv. Safeguarding Data Including Personally Identifiable Information

Applicant's submitting proposals in response to this SGA must recognize that confidentiality of sensitive data is of paramount importance to the Department of Labor and must be observed except where disclosure is allowed by the prior written approval of the Grant Officer or by court order. By submitting a proposal, Grantees are assuring that all data exchanges conducted through or during the course of performance of this grant will be conducted in a manner consistent with applicable Federal law. 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. Grantees shall not extract information from data supplied by DOL/ETA for any purpose not stated in the SGA.
2. Grantees shall retain data received from DOL/ETA only for the period of time required to utilize 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 permanent deletion of electronic data.
3. Grantees shall ensure that any information used during the performance of this Grant has been obtained and is being transmitted in conformity with applicable Federal and state laws governing the confidentiality of information. Information transmitted to DOL/ETA containing sensitive information including personally identifiable information (PII) must be encrypted using National Institute of Standards and Technology (NIST) Federal Information Processing Standards (FIPS) 140-2 validated products. The encrypted information must be encrypted in a form that would allow the receiver of the information to decrypt the information without installing additional software or tools.
4. Access to any information created by DOL/ETA shall 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 outlined in this SGA.
5. Grantee employees and other personnel who will have access to sensitive/confidential/proprietary/private data shall be advised of the confidential nature of the information, the safeguards required to protect the information, and the civil and criminal sanctions for noncompliance with such safeguards that are contained in Federal and state laws.
6. Prior to being able to have access to confidential data, Grantee employees and other personnel shall execute a standard document acknowledging 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 further acknowledge that all data obtained through DOL/ETA 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 DOL/ETA. Accessing, processing, and storing of DOL/ETA 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 DOL/ETA.
8. All data shall 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 FIPS 140-2 validated products. In addition, wage data may only be accessed from secure locations.
9. Data obtained by the Grantee through a request shall not be disclosed to third parties except as permitted by the Grant Officer.
10. Grantees shall permit ETA to make onsite inspections during regular business hours for the purpose of conducting audits and/or to conduct other investigations to assure that the Grantee is complying with the confidentiality requirements described above. In accordance with this responsibility, Grantees shall make records applicable to this Agreement available to authorized persons for the purpose of inspection, review, and/or audit.
11. Grantees shall take the steps necessary to ensure the privacy of all PII obtained from participants and/or other individuals and to protect such information from disclosure to unauthorized individuals. Grantees shall maintain such PII in accordance with the DOL/ETA standards for information security provided herein, including any updates to such standards provided to the Grantee by DOL/ETA. Grantees shall report immediately to the DOL ETA Information Security Officer (ISO) any suspected or confirmed breaches or compromise of PII obtained from participants and/or other individuals.

PART IV - SPECIAL CONDITIONS

1. Federal Project Officer: The DOL/ETA Federal Project Officer (FPO) for this grant/agreement is:

Name: Diane Walton
Address: San Francisco Regional Office
95th 7th Street – Suite 17-300
San Francisco, California 94103
Telephone: 415-625-7924
E-mail: Walton.Diane@dol.gov

The FPO is not authorized to change any of the terms or conditions of the grant/agreement. Such changes, if any, will be accomplished by the Grant Officer by the use of a properly executed grant/agreement modification.

2. Equipment: Awardees must receive **prior approval** from the DOL/ETA **Grant Officer** for the purchase and/or lease of any equipment with a **per unit acquisition cost of \$5,000 or more, and a useful life of more than one year**. This includes the purchases of ADP equipment. The grant award does not give approval for equipment even if it is specified in a grantee's statement of work unless specifically approved in the grant award execution letter by the Grant Officer. If not, the awardee must submit a detailed description list to the FPO for review within 30 days of the grant/agreement award date. Failure to do so will necessitate the need for approval of equipment purchase on an individual basis.
3. Program Income: The awardee is authorized to utilize the addition method if any **Program Income** is generated throughout the duration of this grant/ agreement. The awardee is allowed to deduct costs incidental to generating Program Income to arrive at a net Program Income [29 CFR Part 95.24(c)]; or [29 CFR Part 97.25(c)(g)(2)].
4. Pre-Award: The awardee hereby agrees that all costs incurred by the awardee prior to the start date specified in the grant agreement issued by the Department are **incurred at the awardee's own expense**.
5. Reports: All ETA grantees are required to submit quarterly financial and narrative progress reports for each grant award.
 - A. **Quarterly Financial Reports**. Pursuant to Training and Employment Notice (TEN) 12-07, all ETA grantees are required to report quarterly financial data on the ETA 9130, no later than 45 days after the end of each reporting quarter. Reporting quarter end dates are June 30, September 30, December 31, and March 31.
 1. The previously used Standard Form 269 is no longer accepted by ETA. The ETA on-line reporting system has been modified to accommodate the ETA 9130 required data elements which includes a new Federal cash section. Expenditures are required to be reported on an accrual basis, cumulative from the beginning of the life of a grant, through the end of each reporting period.

2. The instructions for accessing both the on-line financial reporting system and the HHS Payment Management System can be found in the transmittal memo accompanying this grant award document. Copies of the ETA 9130 and detailed reporting instructions are available at www.doleta.gov/grants.

B. **Quarterly Narrative Progress Reports.** Grantees are required to submit a brief narrative quarterly and final report to the designated Federal Project Officer (FPO) on grant activities funded under this agreement. All reports become due no later than 45 days after the end of each reporting quarter. Reporting quarter end dates are June 30, September 30, December 31, and March 31.

1. The last quarterly progress report that grantees submit will serve as the grant's Final Performance Report. This report should provide both **quarterly and cumulative** information on the grant's activities. It must summarize project activities, employment outcomes and other deliverables, and related results of the project.
 2. The awardee shall use any standard forms and instructions to report on training and employment outcomes and other data relating to the progress reports as provided by ETA.
 3. The awardee shall utilize standard reporting processes and electronic reporting systems to submit their quarterly progress reports as provided by ETA.
6. **Consults:** *Consultant* fees paid under this grant/agreement shall be limited to \$585 per day without additional DOL Grant Officer approval.
 7. **Rebates:** The awardee agrees to advise the Grant Officer, in writing, of any *forthcoming* income resulting from lease/rental rebates or other rebates, interest, credits or any other monies or financial benefits to be received directly or indirectly as a result of or generated by these award dollars. Appropriate action must be taken to ensure that the Government is reimbursed proportionally from such income.
 8. **Publicity:** No funds provided under this grant shall be used for publicity or propaganda purposes, for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself. Nor shall grant funds be used to pay the salary or expenses of any grant or agreement awardee or agent acting for such awardee, related to any activity designed to influence legislation or appropriations pending before the Congress.
 9. **Public Announcements:** When issuing statements, press releases, requests for proposals, bid solicitation, and other documents describing project or programs funded in whole or in part with Federal money, *all awardees* receiving Federal funds, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

10. Executive Order 12928: In compliance with Executive Order 12928, the Grantee is strongly encouraged to provide subcontracting/ subgranting opportunities to Historically Black Colleges and Universities and other Minority Institutions such as Hispanic Serving Institutions and Tribal Colleges and Universities; and to Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals.
11. Procurement: Except as specifically provided, DOL/ETA acceptance of a proposal and an award of federal funds to sponsor any program(s) **does not** provide a waiver of any grant requirements and/or procedures. For example, the OMB circulars require an entity's procurement procedures must require that **all procurement transactions** shall be conducted, as practical, to provide open and free competition. If a proposal identifies a specific entity to provide the services, the DOL/ETA's award **does not** provide the justification or basis to sole-source the procurement, i.e., avoid competition.
12. Veteran's Priority Provisions: The Jobs for Veterans Act (Public Law 107-288) requires grantees to provide priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by DOL. The regulations implementing this priority of service can be found at 20 CFR part 1010. In circumstances where a grant recipient must choose between two qualified candidates for 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.
13. Audits: The awardee agrees to comply with the required financial and compliance audits in accordance with the Single Audit Act of 1984.
14. Salary and Bonus Limitations: Under Public Law 109-234 and Public Law 111-8, Section 111, none of the funds appropriated in Public Law 111-5 or prior Acts under the heading "Employment and Training" that are available for expenditure on or after June 15, 2006, shall be used by a recipient or sub-recipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. These limitations also apply to grants funded under this SGA. The salary and bonus limitation does not apply to vendors providing goods and services as defined in OMB Circular A-133. See Training and Employment Guidance Letter number 5-06 for further clarification: http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2262.
15. Intellectual Property Rights. The Federal Government reserves a paid-up, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use for federal purposes: i) the copyright in all products developed under the grant, including a subgrant or contract under the grant or subgrant; and ii) any rights of copyright to which the grantee, subgrantee or a contractor purchases ownership under an award (including but not limited to curricula, training models, technical assistance products, and any related materials). Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise. Federal funds may not be used to pay any royalty or licensing fee associated with such copyrighted

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

If applicable, the following needs to be on all products developed in whole or in part with grant funds:

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

16. Evaluation, Data, and Implementation: The grantee agrees to cooperate with the U.S. Department of Labor (USDOL) in the conduct of a third-party evaluation, including providing to USDOL or its authorized contractor appropriate data and access to program operating personnel and participants in a timely manner.
17. ACORN Prohibition: Section 511 of the Consolidated Appropriations Act, 2010 (P.L. 111-117, Division E) ("CAA"), requires that no direct or indirect funding from the Consolidated Appropriations Act may be provided to the Association of Community Organizations for Reform Now ("ACORN") or any of its subsidiaries through Federal grantees or contractors. DOL is required to take steps so that no Federal funds from the Consolidated Appropriations Act, 2010, are awarded or obligated by DOL grantees or contractors to ACORN or its subsidiaries as subgrantees, subcontractors, or other subrecipients. This prohibition applies not only to a direct recipient of Federal funds, but also to a subrecipient (e.g., a subcontractor, subgrantee, or contractor of a grantee).

In the near future, ETA will issue Training and Employment Guidance Letter ("TEGL") number 8-09 change 1, to provide detailed guidance concerning this prohibition. The TEGL will be on ETA's website at <http://wdr.doleta.gov/directives>. If you have any additional questions, please contact your Grant Officer.

18. Additional Provisions: In performing its responsibilities under this grant agreement, the awardee hereby certifies and assures that it will fully comply with the following Provisions of the Workforce Investment Act (WIA) codified at:
 - 20 CFR 667.200, Administrative Rules, Costs and Limitations
 - 20 CFR 667.260, Prohibition on Real Property
 - 20 CFR 667.300, Reporting Requirements
 - 20 CFR 667.410, Oversight Roles and Responsibilities
 - 20 CFR 667.500 & 667.510, Resolution
 - 20 CFR 667.700, Procedure to Impose Sanctions
 - 29 CFR Part 37, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998 (WIA)

Signing this award agreement, or the expenditure of grant funds, certifies that your organization has read and will comply with all parts of this grant agreement.

Exhibit B
Statement of Work
H-1B Health Sector Training Project

VENDOR: Long Beach Community College District
4901 E. Carson St.
Long Beach, CA 90808
(Hereinafter referred to as "LBCCD")

CONTRACT TERM: November 7, 2011 – October 31, 2015

CONTRACT AMOUNT: Not to Exceed \$313,850

NUMBER SERVED: Approx. 400 Participants

FUNDING SOURCE: Department of Labor – H-1B Visa Funds

Administered by the City of Long Beach, Pacific Gateway supports the workforce needs of the residents and businesses, through its one-stop career centers. Long Beach Community College District (LBCCD) shall administer the program services described herein on behalf of Pacific Gateway.

I. PROGRAM SUMMARY:

The Health Sector Training Project with LBCCD will provide the following:

- Incumbent Worker Training (150 Participants)
 - Advanced Directive Liaisons = 50 participants
 - Phlebotomy = 100 participants
- Certification (100 Participants-Phlebotomy)
- Academic Counseling (400 Participants)

II. FUNDING:

LBCCD shall be paid an amount not to exceed \$313,850. These funds will be reimbursed according to the Project Budget on item VIII below. Funds available in support of this agreement are made possible through the Department of Labor under the H-1B Visa Funds.

III. TRAINING OUTCOMES:

LBCCD must provide list of participants who attended training, including those who obtained certificates.

IV. PROGRAM MANAGEMENT:

Pacific Gateway will review LBCCD's performance after each cohort to ensure that program goals are met. If LBCCD cannot fulfill the obligations of this contract, Pacific Gateway's designated Program Manager must be notified in writing immediately.

V. INVOICING PROCEDURES:

Invoices should be submitted on a monthly basis to Pacific Gateway, 3447 Atlantic Avenue, Long Beach CA 90807, Attention: Mildred Mota. Supporting documentation, such as attendance sheets, must accompany all invoices.

VI. CONTINUATION OF CONTRACT:

Continuation of this contract is contingent upon the satisfactory achievement of the standards and goals of this agreement as determined by Pacific Gateway and/or availability of H-1B funds from the Department of Labor.

VII. LETTER OF MODIFICATION:

All requests for contract modifications must be in writing and include detailed justification for such modifications. Pacific Gateway may initiate a letter of modification at any time during the contractual term with written concurrence from LBCCD.

VIII. PROJECT BUDGET:

Contracted Training	Cost per Participant	# of Participants	Total
Phlebotomy	\$795	100	\$79,500
Adv Dir Liaison	\$473	50	\$23,650
Other			
Academic Counseling	\$356	400	\$142,400
Total			\$245,550