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

**Uniform Administrative Requirements:**

- 2 CFR Part 200
- 2 CFR Part 2900

1. **ORDER OF PRECEDENCE**
   The terms and conditions of this subgrant agreement and other requirements have the following order of precedence if there is any conflict in what they require: (1) applicable program authorization; (2) applicable appropriations; (3) other applicable federal statutes and their implementing regulations; (4) terms and conditions of award; (5) Arkansas statutes; (6) Arkansas Department of Workforce Services (ADWS) policies and procedures.

2. **GRANT FUNDS**
   This subgrant agreement applies to funds appropriated for Program Year (PY) 2016 for WIOA Title I state formula-funded Youth, Adult, and Dislocated Worker programs.

3. **GRANT PERIOD**
   This period of availability of funds is effective April 1, 2016 for Youth funds (July 1, 2016 for Adult and Dislocated Worker funds) through June 30, 2018.

4. **ELECTRONIC FUND TRANSfers**
   Payments shall be made to the subgrantee through the Arkansas Department of Workforce Services (ADWS) Arkansas Workforce Information System (AWIS).

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

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

7. **VETERAN’S PRIORITY PROVISIONS**
   The Jobs for Veterans Act (Public Law 107-288) requires subrecipients to provide priority of service to veterans and spouses of certain veterans in any job training program directly funded, in whole or in part, by the United States Department of Labor (DOL). The regulations implementing this priority of service can be found at 20 CFR Part 1010. In circumstances where a subrecipient 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 subrecipient give the veteran or eligible spouse that service first. To obtain priority of service, a veteran or spouse must meet the program’s eligibility requirements. Subrecipients must comply with DOL guidance on veterans’ priority. ETA's Training and Employment Guidance Letter
(TEGL) No. 10-09, dated 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://www.ows.doleta.gov/dmstree/tegl/tegl2k9/tegl_10-09.pdf

8. **SALARY AND BONUS LIMITATIONS**

Under Public Law 113-235, Section 105, none of the funds appropriated under the heading "Employment and Training" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. The Executive Level II salary may change yearly and is located on the OPM.gov website https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2016/executive-senior-level

The salary and bonus limitation does not apply to contractors providing goods and services as defined in 2 CFR 200.330. States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the state, the compensation levels for comparable state or local government employees, and the size of the organizations that administer the federal programs involved, including Employment and Training Administration programs. See Training and Employment Guidance Letter No. 5-06 for further clarification at http://www.ows.doleta.gov/dmstree/tegl/tegl2k6/tegl_05-06.pdf

9. **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 recipient, subrecipient 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 license fee for use of a copyrighted work, or the cost of acquiring by purchase a copyright in a work, where the Department has license or rights of free use in such work. If revenues are generated through selling products developed with grant funds, including intellectual property, these revenues are program income. Program income is added to the grant and must be expended for allowable grant activities. If applicable, the following needs to be on all products developed in whole or in part with grant funds

“*This workforce product was funded by a grant awarded by the U.S. Department of Labor’s Employment and Training Administration to the Arkansas Department of Workforce Services. The product was created by the subrecipient and does not necessarily reflect the official position of the U.S. Department of Labor or the Arkansas Department of Workforce Services. The Department of Labor and the Department of Workforce Services make no guarantees, warranties, or assurances of any kind, expressed or implied, with respect to such information, including any information on linked sites and material 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.*”

10. **Transparency Act:**

11. PERSONALLY IDENTIFIABLE INFORMATION
   Subrecipients must recognize and safeguard personally identifiable information (PII) except where disclosure is allowed by prior written approval of the Grant Officer or by court order. Subrecipients must meet the requirements in Training and Employment Guidance Letter (TEGL) 39-11, Guidance on Handling and Protection of Personally Identifiable Information (PII), located at http://wdr.doleta.gov/directives/attach/TEGL/TEGL_39_11_Acc.pdf

12. ACCESS TO RECORDS
   As the pass-through entity and duly authorized representative of the federal awarding agency, ADWS must have the right of access to any documents, papers, or other records of the subrecipient so as to monitor the activities to ensure the subaward is used for authorized purposes, in compliance with federal statutes, regulations, and terms and conditions of the subaward; and that subaward performance goals are achieved.

13. VIOLATION OF PRIVACY ACT
   These funds cannot be used in contravention of 5 USC 552a or regulations implementing that section.

14. AUDITS
   Organization-wide or program-specific audits shall be performed in accordance with the Single Audit Act Amendments of 1996. Subrecipients that expend $750,000 or more in a year in federal awards shall have an audit conducted for that year in accordance with the requirements contained in 2 CFR 200.

15. PROGRAM INCOME
   The subrecipient is required to utilize the addition method if any program income is generated throughout the duration of this subgrant/subagreement. The recipient 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)].

16. REPORTING
   All ADWS subrecipients are required to submit financial and narrative progress reports as applicable for each subgrant award.

   A. Monthly Financial Reports: All ADWS subrecipients are required to submit monthly financial reports within fifteen (15) calendar days after the end of the report month unless otherwise instructed or approved by ADWS. Expenditures are required to be reported on an accrual basis, cumulative from the beginning of the life of subgrant, through the end of each reporting period.

   B. Final Year/Closeout Requirements: At the end of the grant period, the subrecipient will be required to close the subgrant with ADWS. The subrecipient will be notified approximately fifteen (15) calendar days prior to the end of the period of performance that the initiation of closeout will begin at the end of the subgrant. Information concerning the subrecipient’s responsibilities at closeout may be found at 2 CFR 200.343.

17. EQUIPMENT
   Subrecipients must receive prior approval from ADWS for the purchase 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 purchase of Automatic Data Processing (ADP) equipment. Equipment purchases must be made in accordance with 2 CFR 200.313 or 2 CFR 200.439.
This subgrant award does not give approval for equipment specified in a subrecipient’s budget or statement of work unless specifically approved in the subgrant award by ADWS. To obtain approval, the subrecipient, must submit a detailed equipment purchase list with descriptions to ADWS for review.

Subrecipients may not purchase equipment in the last year of performance. If any approved acquisition has not occurred prior to the last year of performance, approval for that item is rescinded

18. PROCUREMENT

According to the Federal Uniform Administrative Requirements at 2 CFR §200.317, non-federal entities, including subrecipients of a state, must follow sections §200.318, General Procurement Standards, through §200.326, Contract Provisions. In addition, subrecipients must comply with the State of Arkansas Procurement Laws and Rules. In instances where the state and federal rules differ, the more restrictive regulation shall apply. All procurement transactions must be conducted in a manner providing full and open competition. If the statement of work identifies a specific entity to provide goods or services, the ADWS subaward does not provide justification or basis to sole-source the procurement, i.e. avoid competition, unless allowed by the federal grant.

19. PERFORMANCE OUTCOMES AND MEASURES

ADWS will negotiate performance outcomes and measures with the subgrantee at a later date. The subgrantee agrees to collect, maintain, and report performance and outcome data as required by ADWS and to require such collection, maintenance and reporting of performance data from all its subrecipients.

20. TECHNICAL ASSISTANCE

The subgrantee agrees to participate in all required technical assistance (TA) activities and to require such participation from all its subrecipients. Reasonable travel and other costs associated with participation in such TA activities are an allowable cost of the subgrant.

21. FUNDING FOR TRAVEL

Travel costs must be in accordance with federal, state or organizationally approved travel policy. Grant funds may be used to pay for travel expenses related to operation of the project. The current federal travel policy and per diem rate information is available at the GSA Web site http://www.gsa.gov.

22. EXECUTIVE ORDERS

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

13043: Pursuant to Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, recipients are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles.

13513: Pursuant to Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, dated October 1, 2009, recipients and subrecipients are encouraged to adopt and enforce policies that ban text messaging while driving company owned or rented vehicles or GOV, or while driving POV when on official Government business or when performing any work for or on behalf of the Government. Recipients and subrecipients are also encouraged to conduct initiatives of the type
described in section 3(a) of this order.

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

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

23. BUY AMERICAN NOTICE REQUIREMENT
   None of the funds made available under Titles I or II of the Workforce Innovation and Opportunity Act (Public Law 113-128) or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) may be expended by an entity unless the entity agrees that in expending the funds it will comply with sections 8301 through 8303 of Title 41, United States Code (commonly known as the "Buy American Act").

24. REQUIREMENTS FOR CONFERENCE AND CONFERENCE SPACE
   Conferences sponsored in whole or in part by the subrecipient of federal awards are allowable if the conference is necessary and reasonable for the successful performance of the federal award. Subrecipients are urged to use discretion and judgment to ensure that all conference costs charged to the grant are appropriate and allowable. For more information on the requirements and allowability of costs associated with conferences, refer to 2 CFR 200.432.

25. HEALTH BENEFIT COVERAGE:
   The subrecipient must ensure that the use of these funds for health benefits coverage complies with 506 and 507 of Division G of Public Law 113-235, the Consolidated Appropriations Act, 2016.

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

27. ARCHITECTURAL BARRIERS
   The Architectural Barriers Act of 1968, 42 U.S.C. 4151 et seq., as amended, the Federal Property Management Regulations (see 41 CFR 102-76), and the Uniform Federal Accessibility Standards issued by GSA (see 36 CFR
28. **DRUG-FREE WORKPLACE**

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

29. **HOTEL-MOTEL FIRE SAFETY**

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

30. **PROHIBITION ON CONTRACTING WITH CORPORATIONS WITH FELONY CRIMINAL CONVICTIONS**

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

31. **PROHIBITION ON CONTRACTING WITH INVERTED DOMESTIC CORPORATIONS**

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

32. **PROHIBITION ON CONTRACTING WITH CORPORATIONS WITH UNPAID TAX LIABILITIES**

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

33. **PROHIBITION ON PROVIDING FEDERAL FUNDS TO ACORN**

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

34. **PROFIT**

Pursuant to 2 CFR 200.400(g), non-federal entities may not earn or keep any profit resulting from federal financial assistance, except as authorized by WIOA Section 12(l(d) for One-Stop operators (American Job Centers) or service providers which are for-profit entities.
35. ASSURANCES – NON-CONSTRUCTION PROGRAMS

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, religion, sex, 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 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; (e) 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 provide 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 USC §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 State 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 Wide and Scenic River 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.


(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. §§1231 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

(18) Will comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (pub. L. 94-163, 89 Stat. 871).


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

Signatory Information: By signing below, the subgrantee agrees to the terms and conditions of this subgrant agreement, including all applicable assurances and certifications, on behalf of their agency indicated below. In addition, the subgrantee’s expenditure of any funds properly granted hereunder constitutes acceptance of the award, including any new or additional terms and conditions as may be attached hereto.

Authorized Signature for Subgrantee

________________________________________
Typed Name and Title

________________________________________
Organization Name

________________________________________
Signature

________________________________________
Date