

OFFICE OF THE GOVERNOR

KAY IVEY
GOVERNOR



DEPARTMENT OF COMMERCE

GREG CANFIELD
SECRETARY OF COMMERCE

August 1, 2023

Mr. Phee Friend
Alabama Department of Commerce
Workforce Development Division
P.O. Box 304103
Montgomery, Alabama 36130-4103

Dear Mr. Friend:

This transmits Notice of Governor's Action No. 33-0, indicating State approval of the planned fiscal activities and workforce development programs outlined in the West Alabama Works! Local Workforce Development Area's (LWDA) PY2023/FY2024 Grant Agreement Package No. 33-0. This approval documents West Alabama Works! LWDA's PY2023/FY2024 funding levels, and outlines basic program services. This notice also transfers 90% from Dislocated Worker Funds to Adult Funds.

The effective date of action for the Grant Agreement Package is July 1, 2023. Contact Lisa Trammel at (334) 353-5164 with any questions regarding this information.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Canfield".

[Greg Canfield \(Jul 21, 2023 12:50 CDT\)](#)

Greg Canfield

GC:TW:lt

c: Tammy Wilkinson
Daniel Cheek
Lisa Trammel
Kivondra Rivers

WORKFORCE DEVELOPMENT DIVISION
Alabama Department of Commerce
NOTICE OF GOVERNOR'S ACTION FOR LWDA PLANS

1. Local Workforce Development Area Grantee:

Name: West Alabama Works!
 Address: Alabama Department of Commerce
401 Adams Ave
 City: Montgomery State: Alabama Zip: 36104

2. Grant Plan No.:

33-0

Directive No.:

GWID 2022-09

Grant Periods	
Adult	07/01/23 - 06/30/25
Youth	04/01/23 - 06/30/25
Dislocated Worker	07/01/23 - 06/30/25

3. Effective Date:

07/01/23

4. Summary:

NGA 33-0 indicates the State approval of the planned fiscal and programmatic activities detailed in West Alabama Works! Local Workforce Development Area Program Year 2023/ Fiscal Year 2024 Local Area Plan No. 33-0, which outlines the Local Area systems for providing eligible individuals with needed workforce products and services. This notice also transfers 90% from Dislocated Worker Funds to Adult Funds.

5. Explanation of Funding:

Source:	Rapid Response		Adult		Youth		Dislocated Worker		Total
	PY	FY	PY	FY	PY	FY	PY	FY	
Allocation 33-0	-	-	112,997.00	461,541.00	-	-	184,331.00	670,414.00	2,163,767.00
Transfer 33-0	-	-	149,308.20	543,035.70	-	-	(149,308.20)	(543,035.70)	-
Total Funds Available:	-	-	262,305.20	1,004,576.70	-	-	35,022.80	127,378.30	2,163,767.00

6. Staff Review:

Shaw Trammel Staff Date 7/13/2023

Tammy Wilkinson Date 07/14/2023

Tammy Wilkinson, Division Director, WDD

7. Division Approval:

Kivondra Rivers Kivondra Rivers, Accounting Manager, State Programs Date 07/14/2023

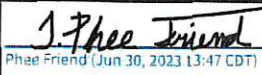



8. Department Approval:

Greg Canfield Greg Canfield, Secretary, Commerce Date 07/21/2023

Note: This document is completed by the State WIOA Office as part of the review and approval process.

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

A. Plan No.: 33-0 Modification:		Effective Date: 07/01/23	
B. Grant Recipient		C. Administration Entity	
1. Name	<u>Alabama Department of Commerce</u>	1. Name	<u>Alabama Department of Commerce</u>
2. Organization	<u>WDD- West Alabama Works</u>	2. Organization	<u>WDD- West Alabama Works</u>
3. Address	<u>401 Adams Ave</u>	3. Address	<u>401 Adams Ave</u>
4. City	<u>Montgomery, AL</u>	4. City	<u>Montgomery, AL</u>
5. Zip	<u>36104</u>	5. Zip	<u>36104</u>
6. Contact	<u>Phee Friend</u>	6. Contact	<u>Phee Friend</u>
7. Telephone	<u>334-993-5651</u>	7. Telephone	<u>334-993-5651</u>
8. E-Mail	<u>phee.friend@commerce.alabama.gov</u>	8. E-Mail	<u>phee.friend@commerce.alabama.gov</u>
D. Program/Fiscal Year Proposed Funding:		E. Grant Period	
WIOA Funds \$ <u>2,163,767.00</u>		Start: 07/01/23 End: 06/30/25	
II. Assurances/Certifications beginning on Page 2 are part of this Grant Agreement Form			
III. LOCAL AREA SUBMISSION (Attach any comments on a separate sheet):			

Name/Title	Signature	Date
Phee Friend <small>Local Workforce Boards Manager, Governor's Local Workforce Areas Section, Alabama Department of Commerce</small>	 <small>Phee Friend (Jun 30, 2023 13:47 CDT)</small>	06/30/2023
Rolf Wrona <small>Local Workforce Development Board Chair</small>	 <small>Rolf Wrona (Jul 10, 2023 18:00 CDT)</small>	07/10/2023
Greg Canfield <small>Secretary, Alabama Department of Commerce</small>	 <small>Greg Canfield (Jul 21, 2023 12:50 CDT)</small>	07/21/2023
Kay Ivey <small>Governor</small>		07-24-2023

Grant Agreement Package

The WIOA Grant Agreement package depicts a local workforce development area's (LWDA) planned proposed performance goals, fund transfer activity, and program budgets. Please provide information for each requested item.

LWDA Adult, Youth, Dislocated Worker Performance Goals:

Please include the LWDA's negotiated goals for the measures below in the grant agreement. **If the LWDA has not negotiated goals with the State prior to the due date for the grant agreement, the LWDA should submit the goals after they are determined.**

Program:	WIOA Performance Goals:
Adult	PY23
Employment Rate 2 nd Quarter after Exit	78.0%
Employment Rate 4 th Quarter after Exit	74.8%
Median Earnings 2 nd Quarter after Exit	\$5,950
Credential Attainment within 4 Qtrs. After Exit	65.5%
Measurable Skills Gains	60.5%
Dislocated Worker	
Employment Rate 2 nd Quarter after Exit	76.80%
Employment Rate 4 th Quarter after Exit	79.90%
Median Earnings 2 nd Quarter after Exit	\$8,174
Credential Attainment within 4 Qtrs. After Exit	78.0%
Measurable Skills Gains	60.5%
Youth	
Employment Rate 2 nd Quarter after Exit	67.3%
Employment Rate 4 th Quarter after Exit	67.8%
Median Earnings 2 nd Quarter after Exit	\$2,987
Credential Attainment within 4 Qtrs. After Exit	50.00%
Measurable Skills Gains	50.00%

Note: Employer Services – This Performance Measure is currently collecting baseline data

Transfer of Funds:

A local board may transfer, if such a transfer is approved by the Governor, up to and including 100 percent of the funds allocated to the local area for Adult and Dislocated Worker between adult employment and training activities and dislocated worker employment and training activities per WIOA Section 133(b)(4) and the WIOA's Implementing Regulations at 20 CFR 683.130.

Any such LWDA funds transfer request must be submitted in the Grant Agreement document, modification, or revision, and must further be accompanied by appropriate justification, clearly indicating why the request is being made and how granting of the request will benefit local area delivery of workforce development services. At a minimum, the rationale for the transfer should address:

- The situation necessitating the transfer, including local conditions (labor market, economic, etc.) contributing to the need for this transfer request.
- How the funds transfer will impact the participant levels in both programs.
- The transfer's effect on current providers of training and other services.
- Describe the expected impact on WIOA performance outcomes for both funding streams.

The fund transfer may be approved by the Governor, provided that:

- The transfer will not adversely impact the area's capacity to adequately provide appropriate services to individuals in need of such services provided by the program subject to reduced funding.
- The transfer should also not adversely impact the area's ability to achieve program performance measures established for the current or subsequent years.
- The local area will expend, at a minimum, eighty (80) percent of all funds budgeted to the receiving funding stream by the end of the program year.

If the Governor approves the Adult and Dislocated Worker Plan and any subsequent modifications, then the transfer is considered approved if adequately included on the WIOA-60 Transfers form and related budget. Please note that for accounting purposes, funds being transferred must be transferred as program funds on form WIOA-60. Please also note that while local area ten percent funds for administration are tracked by funding source, they are pooled into one fund that can be used for any administration purpose. The Governor must approve all fund transfers per 20 CFR 683.130(c).

Any local workforce development area funds transfer should observe relevant provisions of the Act and the WIOA's Final Regulations.

Budget Summary:

Each LWDA Grant Agreement Package must include a Grantee Budget Summaries (WIOA-60) showing the program year and fiscal year funds allocated for each of the funding streams, transfers between the Adult and Dislocated Worker allocations, and the net amounts available for expenditure. In addition, the budget form shows how the funds are planned for expenditure between the administrative and program categories.

Each LWDA will have one year to obligate WIOA funds and one additional year to expend the funds, subject to the first-year 80 percent obligation requirement and to any subsequent year reallocations. A modification to the Grant WIOA-60 will be necessary to depict any increase or decrease in LWDA allocation (net) amounts resulting from such fund reallocations. A modification to the Grant WIOA-60 will also be required to document any Governor's Incentive/Capacity Building funds awarded the LWDA.

Using the allocations for WIOA Adult, Youth, and Dislocated Worker programs, which can be found in the annual allocation directive upon receipt of funding amounts from the USDOL/ETA and allocation by the State Office, complete one (1) Grantee Budget Summary (WIOA-60) Form for program year funds and one (1) Grantee Budget Summary (WIOA-60) Form for fiscal year funds, depicting LWDA Adult/Dislocated Worker/Youth funding for the grant period, and attach it to the Grant Agreement Package. These WIOA-60 budget documents will be a part of the Grant Agreement Package until budgeted funds have been fully expended.

Note that it is not necessary for local areas to obtain the respective chief local elected official and LWDA Chair signatures when submitting a minor modification to their Grant Agreement Package. The minor modification cannot contain a new request to transfer the Adult and Dislocated Worker funds. When completing a minor modification, a third page may be attached to the original WIOA-59 WIOA Grant Agreement Summary. This additional page will indicate the revised WIOA-59 Part A proposed funding and carry the signature of the local area Grant Recipient representative. Upon State approval of the minor modification, this same page will be countersigned by the Division Director, Workforce Development Division, and attached to the signed WIOA Grant Agreement accompanying the originally submitted local area Grant Agreement Package.

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

Note: The definition of a “minor” modification is 1) A reduction or an increase in overall local area program year/fiscal year funding amount of \$50,000 or less, 2) any changes to previously approved program year/fiscal year performance goal measures of less than five percent, or 3) the addition/deletion of up to two planned program year/fiscal year participant activities.

Forms and Instructions:

The following forms and instructions are to be used in the preparation of LWDA Grant Agreement Package:

Adult	Dislocated Worker	Youth
X	X	X
X	X	X
X	X	X

Form Title/Number

Grant Agreement Sheet (WIOA-59)

Grantee Budget Summary (WIOA-60)

Grantee Transfer Justification (WIOA-60 Transfers) – submit only if transfer

Notice of Governor’s Action (WIOA-55)/

Notice of Action (WIOA-55A)

(Plan Approval Documents – for WDD Use Only)

The Workforce Development Division will furnish each LWDA an electronic copy of each form suitable for use in their Grant Agreement submissions. Forms may be requested by contacting Lisa Trammel, Workforce Development Division, at lisa.trammel@commerce.alabama.gov.

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

Assurances and Certifications

1. Applicable Authority:

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

2. Administration Limitation:

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

3. Veterans Priority Provisions:

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

4. Salary and Bonus Limitations:

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

5. Intellectual Property Rights

The Federal Government reserves a paid-up, nonexclusive and irrevocable licenses to reproduce, publish or otherwise use, and to authorize others to use for federal purposes: i) the copyright in all products developed under the grant, including a subgrant or contract under the grant or subgrant; and ii) any rights of copyright to which the grantee, subgrantee or a contractor purchases ownership under an award (including but not limited to curricula, training models, technical assistance products, and any related materials). Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise. Federal funds may not be used to pay any royalty or licensing fee associated with such copyrighted work, or the cost of acquiring by purchase a copyright in a work, although they may be used to pay costs for obtaining a copy which is limited to the developer/seller costs of copying and shipping. If revenues are generated through selling products developed with grant funds, including intellectual property, these revenues are program income. Program income is added to the grant and must be expended for allowable grant activities. If applicable, the following needs to be on all products developed in whole or in part with grant funds:

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

6. Transparency Act:

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

7. Personally Identifiable Information:

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

8. Violation of the Privacy Act:

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

9. Executive Orders:

12928:

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

13043:

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

13513:

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

13166:

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

13333:

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

10. WIOA Title I Grant Applicant’s Written Nondiscrimination Assurance (29 CFR §38.25):

As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance: (A) Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I financially assisted program or activity; (B) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin; (C) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities; (D) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and (E) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs. (ii) The grant applicant also assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant’s operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance. (2) The assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of WIOA is made available, whether it is explicitly incorporated in such document and whether there is a written agreement between the Department and the recipient, between the Department and the Governor, between the Governor and the recipient, or between recipients. The assurance also may be incorporated in such grants, cooperative agreements, contracts, or other arrangements by reference.

11. Buy American Notice Requirement:

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

12. Special Requirement for Conferences and Conference Space:

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

13. Health Benefit Coverage:

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

14. Flood Insurance:

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

15. Architectural Barriers:

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

16. Drug-Free Workplace:

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

17. Hotel-Motel Fire Safety:

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

18. Prohibition on Contracting with Corporations with Felony Criminal Convictions:

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

19. Prohibition on Contracting with Inverted Domestic Corporations:

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

20. Prohibition on Contracting with Corporations with Unpaid Tax Liabilities:

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

21. Prohibition of Providing Federal Funds to ACORN:

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

22. Profit

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

22. Contracts:

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

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

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

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

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141–3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141–3144, and 3146–3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal

entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

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

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

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

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

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

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

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

State of Alabama
Workforce Development Division

Grantee Budget Summary

1. Grant Recipient: West Alabama Works				
Address:	401 Adams Ave, Montgomery, AL 36104			
Contact Person:	Phee Friend			
Title:	Local Area Boards Manager			
E-mail:	Phee.Friend@commerce.alabama.gov			
DUNS No:	110368243			
Phone No.:	(334) 993-5651			
Fax No.:	(334) 242-5624			
Yr. of Funds:	PY23			
Effective Date:	7/1/2023			
Directive No.:	GWID 2022-09			
Grant Period - Adult/D.W.:	07/01/2023 - 06/30/2025			
USDOL Grant No.:	AA-38514-22-55-A-1			
Grant Period - Youth:	04/01/2023 - 06/30/2025			
3. Program:	Governor's Set Aside			
a. CFDA Number	Adult Funds	Youth Funds	Dislocated Worker Funds	d. Total LWDA Funds
b. Allocation Year	17.258	17.259	17.278	
	PY23	PY23	PY23	
c. Fund Allocation/Grant Amount	112,997.00	734,484.00	184,331.00	\$1,031,812.00
4. Cost Categories/Budget:				
a. Administration Funds	11,299.00	73,448.00	18,433.00	\$103,180.00
b. Program Funds	101,698.00	661,036.00	165,898.00	\$928,632.00
c. Program Fund Transfers	149,308.20		-149,308.20	
d. Adjusted Program Funds	251,006.20	661,036.00	16,589.80	\$928,632.00
e. Total Funds	\$262,305.20	\$734,484.00	\$35,022.80	\$1,031,812.00
Remarks:				
Grant Agreement for PY23 initial allocation Dislocated Worker to Adult transfer is 90% of Program Funds (Allocation - 10%) June 2023 Per GWID 2022-09				

State of Alabama
Workforce Development Division

Grantee Justification for Transfer of Funds

The situation necessitating the transfer, including local conditions (labor market, economic, etc.) contributing to the need for this transfer request:

A much smaller allocation in Adult funding versus Dislocated Worker funding and expectation that 55% of PY 23 WIOA participants in the area being Adult versus 10% Dislocated Worker

How will the funds transfer impact the participant levels in both programs?

The transfer will better allow the local area to serve the anticipated WIOA participants in PY 23

How will the transfer affect current providers of training and other services?

The transfer will allow current providers of training and other services to better maintain enrollment level despite a reduction in allocation levels

Describe the expected impact the transfer will have on WIOA performance outcomes for both funding streams:

The transfer will allow better utilization of funds to serve the projected target population comprised primarily of Adults without skill sets needed/demanded in the current job market

State of Alabama
Workforce Development Division
Grantee Budget Summary

1. Grant Recipient: West Alabama Works	
Address: 401 Adams Ave, Montgomery, AL 36104	
Contact Person: Phee Friend	E-mail: Phee.Friend@commerce.alabama.gov
Title: Local Area Boards Manager	DUNS No: 110368243
	Phone No.: (334) 993-5651 Fax No.: (334) 242-5855
Plan No.: 33-0	Yr. of Funds: FY 24 Effective Date: 7/1/2023
Directive No.: GWID 2022-09	Grant Period - Adult/D.W.: 10/01/2023 - 6/30/2025
USDOL Grant No.: AA-38514-22-55-A-1	Grant Period - Youth:
3. Program:	
	Governor's Set Aside
a. CFDA Number	Adult Funds
	Youth Funds
b. Allocation Year	Dislocated Worker Funds
	FY24
c. Fund Allocation/Grant Amount	d. Total LWDA Funds
	FY24
	670,414.00
4. Cost Categories/Budget:	\$1,131,955.00
a. Administration Funds	67,041.00
b. Program Funds	603,373.00
c. Program Fund Transfers	-543,035.70
d. Adjusted Program Funds	60,337.30
e. Total Funds	\$127,378.30
Remarks:	
Grant Agreement for FY24 initial allocation Dislocated Worker to Adult transfer is 90% of Program Funds (Allocation - 10%) June 2023 Per GWID 2022-09	

State of Alabama
Workforce Development Division

Grantee Justification for Transfer of Funds

The situation necessitating the transfer, including local conditions (labor market, economic, etc.) contributing to the need for this transfer request:

A much smaller allocation in Adult funding versus Dislocated Worker funding and expectation that 55% of PY 23 WIOA participants in the area being Adult versus 10% Dislocated Worker

How will the funds transfer impact the participant levels in both programs?

The transfer will better allow the local area to serve the anticipated WIOA participants in PY 23

How will the transfer affect current providers of training and other services?

The transfer will allow current providers of training and other services to better maintain enrollment level despite a reduction in allocation levels

Describe the expected impact the transfer will have on WIOA performance outcomes for both funding streams:

The transfer will allow better utilization of funds to serve the projected target population comprised primarily of Adults without skill sets needed/demanded in the current job market