

<b><i>Date of Notice:</i></b>	<b><i>06/18/2022</i></b>
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***Grant Subaward  
Notice of Funds Availability (NFA)  
First Renewal  
General Information***

<b><i>Subawardee Name:</i></b>	GuilfordWorks
<b><i>Federal Award Name:</i></b>	H-1B One Workforce Grant Program
<b><i>Grantor:</i></b>	USDOL/ETA Employment and Training Administration
<b><i>Grantee and Lead Entity:</i></b>	The Trustees of Clark University
<b><i>Federal Award Identification Number:</i></b>	HG-35914-21-60-A-25
<b><i>Federal Award Year:</i></b>	2021
<b><i>CFDA Number:</i></b>	17.268 (H-1B Job Training Grant)
<b><i>Award for Research &amp; Development (Y/N):</i></b>	No
<b><i>Action being taken:</i></b>	First renewal to original NFA ending on 06/30/2022.

***Project Information***

<b><i>Project Title:</i></b>	TechBoost
<b><i>Project covered by E.O. 12372:</i></b>	No
<b><i>Funding Opportunity Announcement (“FOA”) Number:</i></b>	FOA-ETA-20-13
<b><i>This Subaward Period Begin Date:</i></b>	July 1, 2022
<b><i>This Subaward Period End Date:</i></b>	June 30, 2023

<b><i>Subaward Renewable for Additional Periods:</i></b>	Yes
<b><i>Close Out due by:</i></b>	July 31, 2023

## ***Subaward Allocation – See Exhibit 2*** **AWARD AND SUBAWARD INFORMATION**

### **Grantee:**

Clark University is the Institute of Higher Education Grantee and Lead Entity for this Project.

### **Administrative Entity:**

Public Consulting Group LLC (“PCG”) serves as the Grant Administrative Entity (“AE”) to the Grantee. PCG will provide grant management, performance management, technical assistance, and employer engagement strategy to/for the Grantee.

### **Introduction:**

The TechBoost Project (“Project”) will increase Information Technology (“IT”) and IT-related industry sector-based credential and work-based training. This award notification provides guidance to the Local Workforce Development Board (“LWDB”) named in this NFA.

The Project has four (4) primary goals:

1. Serving one workforce - forging a public-private partnership comprised of education, workforce, employers and other stakeholders leveraging funds from existing sources to provide services,
2. Tapping new talent to fill the pipeline of in demand needs of the IT industry. New talent will be identified from youth, veterans and displaced workers currently working in Covid-19 vulnerable industries,
3. Developing a sector strategy that organizes multiple employers from the IT industry to collectively identify training and credential needs those employers use for hiring decisions, and
4. Building innovative proof of concept(s) that, if successful, can be replicated by the broader workforce system.

### **Scope of Work:**

Subject to the ‘Order of Precedence’ section of this NFA, all activities to be performed under this NFA must adhere to this NFA and the TechBoost Guidebook (“Guidebook”). The Grantee or its AE will distribute any revisions to the Guidebook.

### **Eligibility:**

Within the IT industry, this Project will serve individuals:

1. Who are eligible to work in the U.S.,
2. Who are unemployed and underemployed,
3. Age 17 and older, and
4. Not enrolled in secondary education at the time of enrollment.

Priority shall also be given to those individuals:

- Who lost their jobs due to Covid-19,
- With significant workforce barriers,
- Who don’t have the traditional qualifications to move through an IT career pathway,

- Representing a wide demographic educationally, and a wide spectrum of individuals by age, race and gender, and
- With only a high school diploma and able to participate in entry-level work experience designed to introduce them to the IT industry and prepare them for skills upgrading and employment in IT as a career choice.

Pursuant to P.L. 115-245, Division B, Title I, Section 104, funds made available under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 3224a) must only be used for training individuals and for the related activities necessary to support such training. This training must be in the occupations and industries for which employers are using H-1B visas to hire foreign workers. A comprehensive overview of the participant eligibility will be provided and further defined in the TechBoost Guidebook.

### **Co-Enrollment of Participants:**

Participants in one H-1B grant shall not be co-enrolled in any other H-1B grant program. However, co-enrollment of H-1B participants with programs funded under the Workforce Investment and Opportunity Act (“WIOA”) or other programs is encouraged, provided participants meet the eligibility requirements for both programs.

### **Service to be provided by the LWDB:**

Local Workforce Development Boards (LWDBs) will provide career development and placement services, including but not limited to:

1. Identifying allowable Project activities and services, tracking participant and employer information, data tracking guidelines and procedures, grant goals and metrics, etc.
2. Outreach and recruitment of jobseekers and employers,
3. Participant assessment, evaluation, and eligibility determination, enrollment, and tracking of grant funded activities and services,
4. Maintaining all participant and employer tracking in the designated tracking system(s) as defined in the TechBoost Guidebook,
5. Providing enrollment, training, completion, credentials earned, job placement information, leveraged funding and any other related outcomes requested and captured to the Grantee for reporting purposes, and
6. Monitoring participant and employer engagement for prospective success stories for submission to USDOL and use in promoting the Project. Provide documented success stories of participants or employers engaged in the Project.

### **Training Services:**

Funding for training will vary with each LWDB based on their Project plans and the approval of the Grantee. Plans will be negotiated and approved based on LWDB plan requests and the overall needs to meet the TechBoost Project goals. Each Subawardee may then provide training services as described in the TechBoost Guidebook.

Each Subawardee must ensure that its use of Subaward funds for training is consistent with the Funding Opportunity Announcement (FOA) specified on page 1 and with its established written policy on providing training services.

### **Supportive Services:**

Each Subawardee may provide supportive services as described in the TechBoost Guidebook:

1. to individuals who are participating in education and training activities provided through this Subaward,
2. when participants are unable to obtain such services through other programs, and

3. when such services are necessary to enable individuals to participate in education and training activities under the Subaward.

Each Subawardee may establish limits on the provision of supportive services. Each Subawardee must ensure that its use of Subaward funds on supportive services is consistent with the Funding Opportunity Announcement (FOA) Number specified on page 1 and with its established written and approved policy on providing supportive services.

**Equipment:**

Subawardees shall not use funds to purchase any equipment as defined in the Uniform Guidance at Part 2 of the Code of Federal Regulations (CFR) 200.33.

**Procurement:**

The Procurement Standards at 2 CFR 200.317-326 require all Subawardees to conduct procurement transactions in a manner that promotes practical, open and free competition.

**Finance:**

Any unspent funds as of the Subaward Period End Date will revert to the total pool to be reallocated in subsequent renewal periods among LWDBs that have met their training goals. Future funding requests from any individual LWDB may include their prior period unspent funds, but those funds may or may not be awarded.

Expenditures utilizing awarded funds must comply with the Federal Award Identification Number (FAIN) specified on page one of this NFA. Expenditures must also comply with all federal and state rules, regulations, policies, and grant conditions applicable to the grant Project described on page one of this NFA. In accordance with Federal guidelines, all costs paid by these grant funds must be necessary and reasonable. The Grantee, as the fiscal agent and Project lead entity shall, at its sole discretion, determine that expenditures are allowable and reimbursable under this Subaward, without any resulting liability to the Grantee in favor of any LWDB as a result of any such determination.

Any payment made to a LWDB and later deemed to be questioned or unallowable shall be deducted from subsequent payments to that LWDB in amounts determined by the Grantee until such time any payments deemed questioned or unallowable have been recovered by the Grantee. If the Grantee makes such deductions, it shall notify the LWDB of its decision and the reasons thereof. The Grantee also retains the right to recover funds previously paid to any LWDB after fully considering the recommendation of the Grantee's AE, its auditors, or monitors on questioned and/or disallowed costs/payments resulting from any audit, monitoring, or review.

Grant funds may be used to pay for the wages of participants in two specific work-based learning activities: (1) On-the-Job-Training (OJT); and (2) paid work experience and paid internships. Incumbent workers' salaries are not allowable costs.

- a) OJT funds may be used to reimburse a portion of the trainee's wages based on the size of the employer. OJT is available only for unemployed and underemployed individuals. Incumbent workers are not eligible for OJT and grantees are prohibited from spending grant funds on payment of wages of incumbent workers. Cost limitations will be included and defined in the Guidebook.
- b) Work experience and internships are defined as planned, structured learning experience that takes place in a workplace for a limited period and must be paid. Labor standards apply where an employee/employer relationship, as defined by the Fair Labor Standards Act (FLSA), exists. Additional

requirements and/or limitations will be further defined in the Guidebook.

Please note that incurred indirect costs (such as top management salaries spent on organization-wide activities, overall financial oversight, human resources, payroll services, auditing costs, accounting and legal, etc.) used for the general oversight and administration of the organization must not be classified as direct costs; these types of costs are indirect costs. Audit disallowances may occur if indirect costs are misclassified as direct costs. Indirect costs must be charged at the LWDB's approved federally recognized indirect cost rate with adequate backup for fiscal monitoring provided. If the LWDB does not have a negotiated indirect cost rate, the Grantee will negotiate a rate with the LWDB. LWDBs are allowed to elect to use the cost allocation method to account for indirect costs in accordance with 2 CFR 200.405(d), if they do not have an approved federally recognized and negotiated indirect cost rate.

Funds are to be drawn after they are expended so that costs are covered without the LWDBs maintaining material amounts of Subaward funds on hand. Costs will be reimbursed to each LWDB in 30 days upon receipt of an approved invoice to Clark/PCG that includes the following information:

- LWDB name and contact information,
- Date of the invoice,
- The words: H-1B One Workforce Grant Project, and
- The type and dollar amount of funds being requested for reimbursement with sufficient documentation to support the request.

Invoices should be sent via email to: FinanceGrants@pcgus.com.

LWDB agrees that payments under this NFA are contingent upon the Grantee, as the Lead Entity, receiving sufficient funds from the USDOL/ETA to make any payment. Therefore, no assurances of any kind of continued or full funding are given by the Grantee and each LWDB expressly undertakes its obligations under this NFA at its own risk without any resulting liability by or on behalf of the Grantee and its members, directors, officers, agents, trustees, employees, administrative entity, or subcontractors.

The expenditures for training and support services available to each LWDB will be paid by the LWDB and reimbursed by the Grantee as described in the TechBoost Guidebook. TechBoost training funds are meant to supplement LWDB existing training funds, as needed. Grant funded training expenditures may not exceed an average of \$5,000 per participant. Grant funded support services expenditures may not exceed an average of \$100 per participant. Procedures for payments and other financial transactions will be documented in the TechBoost Guidebook.

### **Financial Reporting:**

All LWDBs are required to provide quarterly financial reports to the Grantee within 20 calendar days of the end of each quarter. These reports will include the following information with proper backup documentation:

- Total NFA Award
- Total NFA Expenditures to Date
- Total NFA Accrued Expenditures to Date

### **Participant Reporting, Project Reporting, and Performance Measures:**

See Exhibit 1 and the Guidebook.

### **Leveraged Resources**

This Project does not require cost sharing or matching funds. Instead, USDOL/ETA considers any resources

contributed to the Project beyond the funds provided by USDOL/ETA as leveraged resources. The USDOL/ETA requires leveraged funds equal to at least 25 percent of the total requested amount of the grant award to supplement grant activities. LWDBs must count and document as leveraged resources any cash or in-kind commitments. Leveraged resources can come from a variety of sources, including, but not limited to, businesses, industry associations, labor organizations, community-based organizations, education and training providers, and/or federal, state, and local government programs.

**Consultants:**

For the purposes of this Subaward, any fees paid to a consultant who provides services under this Subaward shall be limited to \$710 per day (representing an eight-hour workday). Any fees paid in excess of this amount cannot be paid without prior approval from the Grantee.

**Travel:**

This Subaward waives the prior approval requirement for domestic travel as contained in 2 CFR 200.474. For domestic travel to be an allowable cost, it must be necessary, reasonable, allocable and conform to the non-Federal entities written policies and procedures. All travel must also comply with the Fly America Act (49 USC 40118), which states in part that any air transportation, regardless of price, must be performed by, or under a code-sharing arrangement with, a US Flag air carrier if service provided by such a carrier is available.

Foreign travel is not allowable except with the prior written approval from the Grantee.

**Order of Precedence:**

In the event of any inconsistency between the terms and conditions of this NFA and other requirements, the following order of precedence shall apply:

1. Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA), as amended (codified at 29 U.S.C 3224a).
2. Other applicable Federal statutes.
3. Consolidated Appropriations Act, 2021 (Public Law 116-260) dated December 27, 2020.
4. Implementing Regulations.
5. Executive Orders and Presidential Memoranda.
6. Office of Management and Budget (OMB) Circulars, including the Uniform Guidance at 2 CFR 200 and 2900.
7. Department of Labor, Employment and Training Administration (DOL-ETA) Directives.
8. Terms and conditions of this NFA.
9. Terms and conditions of the FOA.
10. Terms and conditions of the Guidebook.

**Other Applicable Federal Statutes, Regulations, and Documents:**

As applicable, each recipient LWDB agrees that use of Subaward funds must comply with the following:

Uniform Administrative Requirements, Cost Principles, and Audit Requirements:

- 2 CFR Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements; Final Rule
- 2 CFR Part 2900; DOL Exceptions to 2 CFR Part 200

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;
- 20 CFR, Part 652 et al., Workforce Investment Act;
- The Drug-Free Workplace Act of 1988, 41 U.S.C. 702 et seq., and 2 CFR 182;
- The Jobs for Veterans Act (Public Law 107-288);
- Wagner-Peyser Act;
- Executive Orders 12928, 13043, 13166, 13513, and 13788;
- TEGL 39-11 - Federal Laws and Policies Related to Data Privacy, Security and Protecting Personally Identifiable and Sensitive Information, as applicable;
- USDOL/ETA Grant Award Document; and
- The Guidebook.

#### **Publicity:**

No funds provided under this Subaward 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 or any state or local legislature or legislative body, except in presentation to the Congress or any state or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any state or local government, except in presentation to the executive branch of any state or local government itself. Nor shall Subaward funds be used to pay the salary or expenses of any Subawardee or agent acting for such Subawardee, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive Order proposed or pending before the Congress, or any state government, state legislature, or local legislature body other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a state, local, or tribal government in policy making and administrative processes within the executive branch of that government.

#### **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 this Subaward; and ii) any rights of copyright to which the Subawardee purchases ownership under this Subaward (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 of Labor has a license or rights of free use in such 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 by selling products developed with Subaward funds, including intellectual property, these revenues are considered as program income. Therefore, program income must be used in accordance with the provisions of this NFA and 2 CFR 200.307. If applicable, the following needs to be on all products developed in whole or in part with Subaward 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 recipient 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.”**

**Intellectual Property Rights and the Bayh-Dole Act:**

All small business firms, and non-profit organizations (including Institutes of Higher Education) must adhere to the Bayh Dole Act, which requirements are provided at 37 CFR 401.3(a) and at <https://doleta.gov/grants/pdf/BayhDoleGrantTerm.pdf>. To summarize, these requirements describe the ownership of Intellectual Property rights and the government’s nonexclusive, non-transferable, irrevocable, paid-up license to use any invention conceived or first actually reduced to practice in the performance of work under this grant. These requirements are in addition to those found in the Intellectual Property Rights term provided in this NFA.

**Creative Commons Attributions License:**

As required at 2 CFR 2900.13, any intellectual property developed under this Subaward must be licensed under a Creative Commons Attribution 4.0 (“CC BY”) license, which allows subsequent users to copy, distribute, transmit and adapt the copyrighted work and attribute the work in the manner specified by the Subawardee. For general information on CC BY, please visit: <http://creativecommons.org/licenses/by/4.0>. The instructions for marking your work with CC BY can be found at: [http://wiki.creativecommons.org/Marking\\_your\\_work\\_with\\_a\\_CC\\_license](http://wiki.creativecommons.org/Marking_your_work_with_a_CC_license).

**Closeout Procedures:**

Subawards must be closed out and all obligations liquidated by the close out date indicated under Project Information. Only liquidated expenditures resulting from obligations incurred during the Subaward period are allowable.

**Termination:**

Either party may terminate this agreement for cause or convenience upon 30 days written notice to the other party.

**Questions:**

Financial questions should be addressed to: Finance Manager via email at: FinanceGrants@pcgus.com.

**Signatures:**

Accepted and agreed to by and on behalf of the LWDB participating in the TechBoost Project:

LWDB Name: GuilfordWorks WDB

Authorized Signature: Chris Rivera Date: 5/25/2022

Printed Name: Chris Rivera

Title: Executive Director

**Clark University**

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_



## EXHIBIT 1

### ONE WORKFORCE EMPLOYMENT AND TRAINING PERFORMANCE OUTCOMES

<b>A. H-1B PERFORMANCE OUTCOME MEASURES</b>	
<b>Performance Outcomes</b>	<b>Targets</b>
<b>Total participants served (cumulative 4-year total)</b> The total number of unique participants served during the grant period of performance	800
<b>Total participants enrolled in education/training activities (cumulative 4-year total)</b> The total number of unique participants enrolled in education/training activities Total participants enrolled in education/training activities should not exceed total participants served.	800
<b>Total participants who complete education/training activities (cumulative 4-year total)</b> Total participants who complete education/training activities should not exceed total participants enrolled in education/ training activities.	680
<b>Total participants who complete education/training activities and receive a degree, or other type of credential</b> Total participants that complete education/training activities and receive a degree, or other type of credential should not exceed total participants who complete education/training activities.	640
<b>Total number of unemployed and underemployed participants who complete education/training activities and obtain employment</b> This measure includes unemployed and underemployed workers. Incumbent workers should not be included in this outcome.	550
<b>Total number of incumbent worker participants who complete training activities and that advance into a new position</b> This includes incumbent workers who advanced into a new position with their current employer or a new employer following the completion of a training program. Incumbent workers who do not advance into a new position (i.e., who retained their existing position) following the completion of a training program should not be included in this outcome.	25

<b>B. WIOA PRIMARY INDICATORS OF PERFORMANCE</b>	
<b>Measure</b>	<b>Rate (Total 4-year period)</b>
Employment Rate- 2 <sup>nd</sup> Quarter After Exit	75%
Employment Rate – 4 <sup>th</sup> Quarter After Exit	75%

**EXHIBIT 2**  
**Subaward Allocation - 7/1/2022 - 6/30/2023**

<b>Subawardee Name</b>	<b>State</b>	<b>Authorized Rep</b>	<b>Admin Funds</b>	<b>Training Funds</b>	<b>Support Services Funds</b>	<b>Total NFA Award</b>
GuilfordWorks	NC	Chris Rivera	\$30,000	\$150,000	\$3,000	\$183,000

It is agreed that funding payments under this NFA are contingent upon the Grantee receiving sufficient funds from the USDOL/ETA to make payment. Thus, no assurances of any kind of continued or full funding are given by the Grantee and the Subawardee expressly undertakes its obligations under this NFA at its own risk without any resulting liability by or on behalf of the Grantee and its members, directors, officers, agents, or subcontractors.

The expenditures for training and support services available to each Subawardee will be paid by the Subawardee and reimbursed by the Grantee. TechBoost training and support service funds are meant to supplement existing Subawardee funds. Grant funded training expenditures may not exceed an average of \$5,000 per participant, and support services expenditures may not exceed an average of \$100 per participant. Procedures for payments and other financial transactions will be documented in the TechBoost Guidebook.