


PROCUREMENT ANNOUNCEMENT
WORKFORCE INNOVATION AND OPPORTUNITY ACT PROGRAMS
FOR THE COUNTIES OF ABBEVILLE, EDGEFIELD,
GREENWOOD, LAURENS, MCCORMICK, NEWBERRY AND SALUDA
SUBMITTAL DEADLINE: NOON, OCTOBER 21, 2022


You are invited to submit a Proposal to provide services for the Workforce Innovation and Opportunity Act program. Proposal must be submitted to the Upper Savannah Council of Governments by **Noon, October 21, 2022**. The Proposal must be signed by an official authorized to bind the offeror.

Questions (and requests for online access to the offerors conference) must be submitted by September 28, 2022 by noon. Accommodations for disabilities are available. An offeror's conference to discuss the services to be provided is scheduled **September 29, 2022** at 3:00 p.m. in the Upper Savannah Council of Government's Board Room.

This solicitation does not commit the Council of Governments and/or the Workforce Development Board to award a contract, to pay any costs incurred in the preparation of a Proposal, or to procure or contract for the activities, goods or services. The Council of Governments and/or the Workforce Development Board reserve the right to accept or reject any or all requests received as a result of this Procurement Announcement, to negotiate with all qualified offerors, or to cancel in part or in whole this Request if it is in the best interest of the workforce system to do so.



Taiese Kidd
Chairman
Upper Savannah
Workforce Development Board



Ann Skinner
Workforce Development Director
Upper Savannah Council of Governments

TABLE OF CONTENTS

	<u>Page</u>
Part I: General Information	3
Part II: Special Instructions and Conditions	5
Part III: Scope of Work	13
Part IV: Upper Savannah Procurement Policy	14
Part V: Evaluation Criteria	20
Attachments	21
A. Center Listing and Computer Needs	
B. SC Works Terms and Conditions	
Part VII: Response Package	Located after page 32 Page numbers restart at 1 continue to 75

PART I: GENERAL INFORMATION

A. Questions Concerning Procurement Announcement

Any questions regarding this Procurement Announcement will be accepted until **September 28, 2022 at noon**. Please forward questions in writing to:

Workforce Development Division, Attn: Procurement Announcement
Upper Savannah Council of Governments
430 Helix Road
Greenwood, South Carolina 29646
(864) 941-8050
Fax (864) 941-8090
work@uppersavannah.com

Any questions received, along with appropriate answers, will be forwarded to procurement announcement recipients and posted on www.uppersavannah.com in the workforce system section.

Upper Savannah will schedule a Zoom session/call-in number for those who wish to participate remotely. Upper Savannah cannot guarantee that callers can access the meeting remotely. To be provided the directions for attending virtually an email should be sent by noon September 28. Individuals who need an accommodation due to a disability should notify Upper Savannah the same way.

B. Key Events and Dates

- | | |
|--|----------------------------|
| 1. Procurement Announcement Issued | September 20, 2022 |
| 2. Deadline for Receipt of Questions Regarding This Announcement | September 28, 2022
NOON |
| 3. Offerors Conference
Upper Savannah Conference Room | September 29, 2022
3 PM |
| 4. Deadline for Receipt of Formal Proposal by
Upper Savannah Council of Governments | October 21, 2022
NOON |
| 5. Formal Review Process of Proposals
Begins | October 21, 2022 |
| 6. Written Notification to Successful Bidders | November 15, 2022 |

C. Delivery of Proposals

PROPOSAL ENVELOPES MUST BE MARKED: WIOA-22-01

Proposals are to be mailed to:

Upper Savannah Council of Governments
430 Helix Road
Greenwood, South Carolina 29646
Attention: Workforce Development Division

PART II: SPECIAL INSTRUCTIONS AND CONDITIONS

A. Scope of Procurement Announcement – The Upper Savannah Workforce Development Board is soliciting competitive proposals or offers to:

1. provide career and training services for eligible adults and dislocated workers (also referred to as case management);
2. provide Workforce Innovation and Opportunity Activities and follow-up services for youth (also referred to as youth case management); and
3. operate One-Stop Workforce Centers.

It is expected that one contractor will be selected who will provide all three services. The successful offeror will provide services in all seven counties. There are portions of the three contracts which can be subcontracted.

B. Applicable Act and Regulations

The Workforce Innovation and Opportunity Act of 2014, Public Law 113-128, authorizes local workforce programs. The Act and the Final Regulations (20 CFR Parts 676, 677 and 678) can be found online at: <https://www.doleta.gov/wioa/>. Financial requirements are listed in the Uniform Guidance (2 CFR 200).

This procurement document also references local policies. Please note: under no circumstance do local policies supersede federal or state laws, regulations and executive orders. Below is a list of the most commonly referenced:

- i. 29 CFR Part 17, dated 7/1/91 (Executive Order 12372) and any amendments thereto;
- ii. 35 CFR 32874, et seq. (1973) or any replacements and subsequent revisions or amendments thereof;
- iii. 2 CFR 200 Uniform administrative requirements, cost principles, and audit requirements for federal awards;
- iv. 48 CFR Part 31 (applies to commercial organizations);
- v. Section 504 of the Rehabilitation Act of 1973, as amended;
- vi. Section 508 of the Rehabilitation Act of 1973, as amended;
- vii. Age Discrimination Act of 1975, as amended;
- viii. Title IX of the Education Amendments of 1972, as amended;
- ix. Title II Subpart A of the Americans with Disabilities Act of 1990, as amended;
- x. x Title VI of the Civil Rights Act of 1964, as amended;
- xi. Title VII, Civil Rights Act of 1964, as amended, Section 2000e-16, employment by Federal Government;
- xii. Equal Pay Act of 1963, as amended;
- xiii. Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations (29 CFR Part 38), as amended;
- xiv. Executive Order 13160 Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs;

- xv. Executive Order 13145 to Prohibit Discrimination in Federal Employment Based on Genetic Information;
- xvi. Executive Order 13166 Improving Access to Services for Persons with Limited English Proficiency;
- xvii. Executive Order 11478 Equal Employment Opportunity in the Federal Government;
- xviii. ADA Amendments of 2008

Upon award of a contract under provisions of this RFP, the entity, to whom the award is made, must comply with the laws of South Carolina, which require such entity to be authorized and/or licensed to do business in the State. The proposer agrees to subject itself and agency to the jurisdiction and process of the courts of the State of South Carolina as to all matters and disputes arising or to arise under any contract and the performance thereof, including any questions as to the liability for taxes, license or fees levied by the State.

C. Eligible Proposers

Any governmental, nonprofit, or private for-profit organization may apply. Funding will not be provided to organizations who are debarred or suspended from Federal assistance programs (2 CFR 300.318(h)).

D. Amendments

If it becomes necessary to revise any part of the RFP, all amendments will be provided in writing to all bidders. VERBAL COMMENTS OR DISCUSSION RELATIVE TO THIS SOLICITATION CANNOT ADD, DELETE OR MODIFY ANY WRITTEN PROVISION. ANY ALTERATION MUST BE IN THE FORM OF A WRITTEN AMENDMENT TO ALL OFFERORS. Any amendments will be posted under the original solicitation at www.upperscworks.com. To be notified directly of any changes, organizations can request notifications by sending an email, titled "RFP Interest" to work@uppersavannah.com.

E. Number of Proposals to be Submitted under Seal

Each bidder is to submit an **original and seven (7) copies of their proposals** under seal. (For a total of eight (8) sets). Each copy of the proposal, including documentation, should be bound or clipped together where practical. Additional materials such as videos and promotional booklets will not be reviewed. The bidder is required to have typed or written on the envelope "Request for Proposal WIOA 22-01 Submitted by: _____"

Name of Business or Organization

Offerors whose package is found to be responsive will be contacted by Upper Savannah and asked to submit their response to the scope of work questions as a Word document and their budget as an Excel document. The electronic copies will be due by October 24, 2022, and may be used to make side-by-side comparisons of

proposals. Upper Savannah cannot accept any electronic copies of proposals before the submission deadline.

F. Required Signature

All proposals must have an original copy signed by a representative of the bidder authorized to commit to the provisions of this proposal. Unsigned proposals will be rejected.

G. Agreement Types

Note: The awards will be considered subgrantee agreements under the Workforce Innovation and Opportunity Grant. The term "contract" is used in some places in the Request for Proposal and subsequent statement of work does not change the relationship.

The Workforce Development Board utilizes the following two types of subgrantee agreements/contracts:

1. Funded public and private non-profit entities will be offered Cost Reimbursement Contracts.
2. Funded private for-profit entities will be offered either a Performance Based Contract or a Cost Reimbursement Contract which has the possibility of profit. Profit charged to the proposals by private for-profit entities must be fair and reasonable. The proposer(s) profit plan will be reviewed in conjunction with the requirement of federal and state laws and regulations.

The Upper Savannah WDB requires that the profit margin not exceed **8%** and will be paid on a quarterly basis **if** performance is met in accordance with the approved profit plan. The earning of a profit may not be based on pass through costs such as tuition, supportive services or fixed costs, which do not directly achieve a performance goal. Additional information is located at 2 CFR 200.323 and 48 CFR 15.404-4.

To be eligible for profit for the operator contract, the awardee will have to meet 7 of the 11 bold quarterly benchmarks proposed in the operator page of the Outcomes section in the response package. To be eligible for profit in the Adult/Dislocation and Youth contracts the first year, the awardee will have to meet or exceed their proposed benchmarks for two of the following five criteria: # of newly enrolled, # of active clients, # of clients in training, average cost per employment at exit, average cost per credential reported in quarter. After the first year, the awardee will have to meet or exceed three of the five criteria. Profit will be awarded for the CAREER DWG at the conclusion of the program. The provider will be eligible for profit if 80% of proposed OJT slots are filled and OJT expenditure is at 75% of planned.

H. Contract Administration and Negotiation

The Upper Savannah Council of Governments will administer contracts awarded through this Announcement by the Workforce Development Board. The Council of Governments may require applicants selected by the Board to participate in cost negotiations and/or other revisions to their proposals prior to contract finalization. In addition, contract amounts may be adjusted based on allocation figures.

I. Administrative Fiscal Capabilities

Prior to the award of a contract to a selected organization, the administrative entity may conduct a pre-award survey of the bidders' training and/or technical, administrative and fiscal capabilities. Any discrepancies found will be brought to the attention of the Workforce Development Board prior to any contract finalization.

Proposers should have a cash reserve or an alternative source of cash flow. It should be noted that there may be a lag between a contractor's request for payment and the payment. Contractors should have the capacity to continue operations if there is a delay of up to a month for the reimbursement.

J. Documents Required of Selected Bidders

Before contract negotiations are finalized, applicants will be required to provide the following information to the Council of Governments. The information below is not to be submitted with your proposal.

1. List of Current Board Members of Governing Body
2. Current Fiscal Statement and Copy of Last Audit
3. Copy of Indirect Cost Plan (if applicable)
4. Grievance Procedures
5. Bonding Agreement
6. Staff, Personnel and Travel Policies
7. Staff Job Descriptions
8. Charter and By-Laws of Organization
9. Evidence of Signatory Authority
10. Banking Arrangement

K. Indirect Costs

All offerors who include indirect costs as part of their application budget must have an approved indirect cost plan. If an offeror does not have an indirect cost rate, the organization may qualify to be covered through the De Minimis Rate of 10% of Modified Total Direct Costs as described in the OMB Unified Guidance, 2 CRF Part 200.

L. Time Frame

Budgets for WIOA services are to be for costs incurred between December 1, 2023 and June 30, 2024, subject to funding availability.

M. Presentations

Offers will be ranked by the executive committee according to published criteria. The committee's score will account for 85% of the final score. The top two offerors will be invited to make presentations to the Upper Savannah Workforce Development Board November 14, 2022. The board presentation will focus on the offeror's implementation plan. It is anticipated the presentation will be 20 minutes and a rubric will establish the criteria for awarding up to 15 points towards the final score.

N. Price Not Determinative

The Workforce Development Board reserves the right to select such bidders which it deems appropriate and is not bound to accept any proposal based on price alone, further reserving the right to reject any and all proposals if it is deemed to be in the Workforce Innovation and Opportunity Act Program's best interest.

O. Prohibition of Gratuities

Amended Section 8-13-420 of the 1976 Code of Laws of South Carolina states: "Whoever gives or offers to any public official or public employee any compensation including a promise of future employment to influence his action, vote, opinion or judgment as a public official or public employee or such public official solicits or accepts such compensation to influence his action, vote, opinion or judgment shall be subject to the punishment as provided by 16-9-210 and 16-9-220."

P. Option to Extend

Based on funding availability, the Workforce Development Board may extend a contract if it appears to be in the best interest of the workforce system and is agreeable with the contractor. The original contract and modification will not exceed three and a half (3.5) years.

To be considered for extension the provider will have to meet 7 of the 11 bold quarterly benchmarks proposed in the operator page of the Outcomes section in the response package and meet at least nine of the following fifteen benchmarks proposed in the Outcomes section of the application. Benchmarks may be prorated to accommodate budget changes.

	Adult	Dislocated Worker	Youth
# of newly enrolled clients			
# of active clients			
# Clients in training			
Average cost per employment at exit			
Average cost per credential claimed			

The provider must submit all quarterly board reports on time to be eligible for extension.

If the Upper Savannah area is sanctioned by the state workforce board for performance, compliance or if the area loses SC Works certification, the agreement will not be extended and may be terminated early.

Q. Pre-Award Estimates

Prior to announcing the award, pre-award estimates were made based on historical costs and the requirements set in the announcement.

The Upper Savannah Workforce Development Board anticipates available funding of the amounts shown below for each Workforce Innovation and Opportunity Act program. The Workforce Investment Board reserves the right to adjust amounts up or down depending on the proposals submitted. The area may receive additional dislocated worker funding. Also, the area has a grant for dislocated workers which runs through August 18, 2023.*

Below are estimates to conduct the services listed in the Scope of Work Section for an eighteen (18) month contract.

Adult	\$ 651,000
Dislocated Worker	\$ 415,000
Youth	\$ 375,000
One-Stop Operator	\$ 200,000
CAREER DWG	\$ 400,000*
Total	\$ 2,041,000

The Board plans on selecting one provider to provide all of the services for the seven-county area. Also Upper Savannah may receive additional funding through the state workforce board or as a result of obtaining a grant. The provider may be given additional funding that will be considered a modification to the grants awarded above.

R. Fixed Price/Performance Based Proposals

Offerors submitting fixed price/performance-based proposals must complete a line-item budget and a proposed payment schedule. Failure to include both may result in the proposal being declared non-responsive. The line-item budget must show anticipated actual cost and must include profit when applicable. All fixed price contracts will be negotiated based upon the offeror's proposed performance levels.

S. Audit/Monitoring Exceptions

No contract will be finalized with approved offerors who have outstanding audit or monitoring exceptions unless the administrative entity determines that a resolution is immediately forthcoming. Funding under this Procurement Announcement may be decreased by an amount equal to cost disallowed as a result of any prior financial and compliance audit, monitoring, or otherwise.

T. Equal Opportunity

As a federally funded program, Equal Opportunity requirements apply. If the proposal is funded, the contractor cannot discriminate against any employee or participant because of race, color, age, sex, religion, disability, political affiliation, or national origin.

U. Freedom of Information Act

A Proposal received by Upper Savannah is considered a public document under provisions of the South Carolina Freedom of Information Act (FOIA) unless it contains information that may clearly be considered excepted and excluded from disclosure according to State statute. All information that is to be considered confidential and/or proprietary must clearly be identified, and each page containing confidential and/or proprietary information, in whole or in part, must be marked as CONFIDENTIAL, in bold font of at least 12-point type, in the upper right hand corner of the page. Upper Savannah reserves the right to determine whether this information should be exempt from disclosure and no legal action may be brought against the Council of Governments for its determination in this regard.

W. Transitional Costs

It is anticipated the selected offeror will start serving clients January 1, 2023. Upper Savannah will agree to pay salaries and travel costs for the incoming project director and/or SC Works operator starting December 1, 2023. Upper Savannah will review and approve purchases needed to have staff computers and cell phones (if applicable) prior to January 1, 2023.

The Board will also consider investing up to \$20,000 in transitional costs (in addition to the estimate in pre-award estimate "Q") to move the maintenance of computer systems to a new provider or for the existing provider to prepare to go paperless. The IT

transition costs must be included in One-Stop Operator budget and budget narrative and identified as transition costs.

The Upper Savannah Workforce Development Board reserves the right to pay an outgoing service provider one month after the new agreements starts if transitional assistance is needed.

PART IV: SCOPE OF WORK

RESOURCES AVAILABLE TO CONTRACTORS

The Upper Savannah area has space available for WIOA staff in Greenwood and the surrounding six counties. It has a separate budget to pay space utilization costs for WIOA service providers located within SC Works Centers. SC Works centers may change if alternate arrangements are found which better meet the needs of customers and partners. **Do not include costs for rent, utilities, desk phone, or internet access for staff located in SC Works Centers in the proposed budget.**

General office supplies for SC Works Center resource rooms will be procured and cost shared and not included in the budget.

Attachment "B" lists center locations and what is provided at each center. Some centers are not open five days a week due to arrangements with property owners or host agencies.

RESPONSIBILITY FOR CARRYOVER CLIENTS

The Contractor selected from this announcement will assume responsibility for clients enrolled who have not exited by January 1, 2023, as well as those who have exited but are in follow-up. The number of potential carryovers will be provided at the September 29 offerors conference.

CONSIDERATION OF MATCHING FUNDS/IN-KIND SERVICES

A match of 1% of the operator portion of the budget is required with the amount going up by a percentage each year. In-kind matches must be documented to be counted.

To ensure that all offerors understand the expectations of the Upper Savannah Workforce Development Board, a draft statement of work is included in the response packet.

Source of Funding (Stephens Amendment statement) - 100% of the funding in this Request for Proposal (\$2,041,000) is federal from the Workforce Innovation and Opportunity Act originating with the Department of Labor. The program operator is expected to raise 1% of the operation contract yielding a total federal share of 99.9%. The funding comes from current and future year allocations and may change.

PART V: UPPER SAVANNAH PROCUREMENT POLICY

Upper Savannah Council of Governments Workforce Development Division Procurement Policy

I. COMPETITIVE SEALED PROPOSALS

Contracts will be awarded by competitive sealed proposals (except as noted in Policy).

A. Procurement Announcement Preparation

The Procurement Announcement will be used to initiate a competitive procurement for training or services. The Procurement Announcement may include the following:

1. Cover Letter - The cover letter will specify the:
 - a. date of issue;
 - b. announcement official number;
 - c. submittal deadline date, time and location;
 - d. title and description of request; and
 - e. other relevant information.
2. Table of Contents - This shows the location of each part in the package.
3. General Information - This part details general information such as:
 - a. Offerors Conference;
 - b. key events and dates; and
 - c. delivery of proposals.
4. Special Instructions and Conditions - This part is designed to inform the offeror of: 1) what information should be submitted with the proposal, 2) any special conditions related to the competitive application process itself, and 3) any requirements related to the Procurement Announcement.
5. Scope of Work - This part provides the definition of the type of program work required, a description of the activity, major work elements and general/programmatic/performance/cost specifications. Detailed requirements for this proposal are listed in the response package.
6. Evaluation Criteria – All of the evaluation factors are considered. The evaluation is limited to the factors.

7. Response Package - This part contains the documents to be completed by the offeror in response to the Request for Proposal.

C. Announcement Release

All Procurement Announcements shall be released by the Upper Savannah Workforce Development Board and its staff. All offeror's responses and questions will be made directly to the Upper Savannah Workforce Development Board staff. Any additional information will be forwarded to all Procurement Announcement recipients by Upper Savannah staff and will be posted online.

D. Receipt and Safeguarding of Proposals

All proposals (including modifications) received by Upper Savannah prior to time of opening shall be kept secured and unopened. If an Announcement is canceled, the proposal shall be returned to the offeror. Necessary precautions shall be taken to ensure the security of the offer.

E. Proposal Opening

Proposals will be opened by Upper Savannah Workforce Development Board staff in the presence of one or more witnesses. A tabulation of those offering a proposal shall be made public record. Contents of competing offerors shall not be disclosed during the process of negotiation. Except as otherwise provided by law, information furnished by an offeror shall not be disclosed without written consent of the offeror. Following the proposal opening by the Upper Savannah Workforce Development Board staff, the proposal and any accompanying data shall be distributed to members of the appropriate Upper Savannah Workforce Development Board Review Committee.

F. Proposal Acceptance

Proposals received within the specified time shall be accepted unconditionally without alteration or correction.

G. Proposal Review

The Upper Savannah Workforce Development staff will review each proposal to verify that it is a responsive offer based on the request for proposal. Any proposal that is determined to be non-responsive will be so noted and will not be forwarded to the Review Committee.

Proposals may be determined nonresponsive for the following reasons:

1. Identifying information not supplied
2. Proposal not signed by someone with authority to bind the offeror
3. Upper Savannah could not reach at least two of four references (Upper Savannah will notify offeror of bounced back email so another attempt can be made.)
4. Offeror on the federal debarment list
5. Assurances such as the lobbying and debarment form not included
6. Financial information not completed

7. Budget incomplete or does not add up
8. Items in the Response Package's Scope of Work section omitted
9. There is material misrepresentation regarding the offeror's history, performance, financial status or legal status.

The decision to declare a proposal nonresponsive is final and cannot be appealed. If staff utilizes reason #9, staff will contact the offeror, cite the misrepresentation and give the offeror two working days to offer an explanation. If the explanation is not satisfactory, the proposal will be declared nonresponsive.

Upper Savannah will distribute responsive proposals to the Review Committee and will schedule the date, time and place for the proposal evaluation.

H. Composition of Request for Proposal Evaluation Panel

The Request for Proposal Evaluation Panel will consist of members of the Executive Committee of the Upper Savannah Workforce Development Board. If a member of the Executive Committee has a conflict of interest, the Workforce Board Chairman may appoint an ad hoc replacement.

I. Proposal Evaluation

The Announcement shall set forth the evaluation criteria to be used. No criteria may be used in the evaluation that is not set forth in the Procurement Announcement.

All applications must be reviewed, evaluated and scored. One evaluation/review sheet is to be completed for each application as follows:

1. Enter the name of the applicant.
2. Listed beside each factor of the evaluation criteria is a maximum number of points available. Score each factor based upon your review by entering points earned (from 0 up to maximum available) in the space indicated.
3. Enter the total number of points earned.
4. Enter your signature and the date.

The offer with the highest score will be selected. In the event two or more offerors are tied, the award shall be resolved by the proposal which has the highest score on the financial criteria.

At times it may be difficult to assemble all seven members simultaneously. Multiple separate score sessions may be scheduled. If more than one session is scheduled, the same process will be used in each. There will be at least two staff present at each session. When the evaluation is completed and a decision has been made, all evaluation data from the meeting shall be turned over to Upper

Savannah staff. To be funded, a proposal must have an average score of at least 63 points out of 85.

- J. The two top scoring proposals will be given an opportunity to make a presentation to the Upper Savannah Workforce Development Board. A total of 15 points will be awarded by the board according to a rubric.
- K. The proposal with the highest number of points will be selected.
- L. The Upper Savannah Workforce Development Board offers an appeal process for offerors, who assert that federal, state or local laws, rules or procedures were violated. In the event the Executive Committee of the Board finds that procurement was not administered properly, they will issue another Request for Proposal.

A request for an appeal must be filed in writing within five business days of the notification to the losing offeror. The appeal request must detail how the process violated federal, state or local laws. If the losing offeror requests documents from the Board or Upper Savannah Council of Governments, within the five-day period, the deadline will be extended to five (5) business days after the relevant records are provided, or Upper Savannah indicates that the records requested are not public records.

The chairman of the Upper Savannah Workforce Development Board will review appeal requests. If the chairman finds grounds for an appeal, a hearing will be scheduled at a time mutually agreed upon between a quorum of the executive committee and the complainant, no later than thirty (30) days after the appeal request was filed. The losing offeror must show cause to cancel the award. The appealing offeror may be represented by counsel. A decision will be made within ten (10) business days.

- M. Confidentiality
Discussions during the whole evaluation process are confidential.
- N. Announcement of Successful Offeror
The Upper Savannah Workforce Development Board staff will mail letters of intent to award to the successful offeror. All respondents to the Request for Proposal will receive a letter of appreciation for their proposal.
- O. Contract Award
The contract award shall be prepared in a standard format. Proposals and/or results of negotiation may be attached to the contract or incorporated by reference. If this is done, this information becomes public information along with the contract. The actual contract award is not valid until final signature of the Director of the Upper Savannah Council of Governments and the contractor.

II. SOLE SOURCE

Sole Source is only allowed when:

1. An emergency exists which precludes timely operation of the competitive purchasing procedure
2. The agency providing the funds authorizes sole source procurement
3. Only one responsive offer is received after offer was widely publicized
4. The supplies or services are only available for a single source.

Written documentation must be signed by the Upper Savannah Council of Government Executive Director or Assistant Executive Director and the Workforce Board Chair.

EVALUATION PANEL BRIEFING

The chairperson of the evaluation panel will address each of the following areas with the panel before the evaluation process begins.

1. Conflict of Interest - Does any member of the panel have a conflict of interest by sitting on the evaluation panel? Federal policy says a panelist would have a conflict of interest when an employee, officer, or agent, or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated has a financial or other interest or a tangible person benefit from a firm considered for a contract. The Upper Savannah policy further states that a person who is a board member of an applicant has a conflict.
2. Independent Evaluation - Each member of the evaluation panel must score each and every proposal independently.
3. Rating Structure - The evaluation points for each award criteria will be assigned before the evaluation process begins.
4. Documentation of Scoring - Each member of the evaluation panel must support their reasoning with appropriate documentation.
5. Oral Presentation - The panel may feel that an oral presentation is necessary to reach a final decision.
6. Protest Hearing - All decisions by the panel are subject to protest. Each member and/or the whole panel may be called upon to explain or defend each rating.
7. Confidentiality - Anything discussed during the whole evaluation process is to be considered confidential

This sheet is signed by each panelist to indicate that they do not have a conflict of interest and that they have received training on the process.

Name

Date

SCORING CRITERIA (An application must score at least 62 points to be considered for funding. It is anticipated that there will be two offerors selected to make an in-person presentation which will account for 15 points.

Operator (10%)

- Supports outreach activities and has a plan to get visitors engaged.
- Communicate to partners and clients all available resources.
- Can support IT needs either directly or through a subcontract.
- Has a plan to leverage at least 1 to 3% of contract amount.
- Has capability to ensure center certification, including EO and ADA compliance and documenting activities.

Adult, Dislocated Worker Case Management (20%)

- Has clear plan to recruit enough clients to fill all slots.
- Can provide an assessment of skills and interests.
- Will train staff how to help clients make effective career plans.
- Has plans to keep clients on track to reach goals.
- Has the capability to offer all required training services.
- Has capability for working with employers to facilitate subsidized and unsubsidized placements.

Youth Case Management (15%)

- Has clear plan to recruit enough clients to fill all slots.
- Has plan to provide directly or refer to all 14 program elements.
- Has plan and capability for meeting goals for work-based learning.

Managerial (15%)

- Has shown to have capacity to operate programs successfully
- Has plan to provide training to staff and perform internal monitoring to identify and correct problems.
- Has either identified a project leader or has the capability of finding a leader.

Financial (25%)

- Has adequate staff and operating expenses to do what needs to be done.
- Staffing needs and operating expenses are explained.
- Proposed slot levels are consistent with RFP goals.
- Has adequate resources for client needs (tuition, supportive services, work experience and OJT payments.)
- The proposed client costs are at or above the percentage goal listed in RFP.
- The proposed budget earmarks enough resources for youth work experience.
- Has the ability either to save the system money by: getting more resources or soliciting donations or match.
- Budget includes quarterly expenditure goals which will be used for evaluation.

Implementation Presentation

Two offerors will be invited to make an in-person presentation to the board. Twenty minutes will be allowed per organization and questions regarding the presentation may be asked.

Goal	Presentation Topic
Establish high performing team which is able to help job seekers prepare for high paying careers	How will the offeror recruit and evaluate staff. What support will be provided by the parent organization if the project is not meeting goals.
Technology will support center customers and staff.	How the offeror will manage computers and devices in the seven SC Works Centers.
The provider will communicate the benefits of using career services and exploring training.	How will the provider communicate with gatekeepers and target groups. Show three Facebook posts and one flyer showing services targeting offenders.

Each segment will be scored 1-5 by each board member and the results will be added. Totals will be averaged to come up with a score 3-15.

The following scale will be used by board members

1. No plan
2. Has plan but seems unlikely to result in meeting goals
3. Has plan which is expected to result in partially meeting goals
4. Has plan which is expected to result in meeting all goals
5. Has plan which is expected to result in exceeding goals

The points from the executive committee review and the oral presentation will be added. The offeror selected will have the highest total points. A combined score below 72 will be considered unresponsive.

Abbeville Center

903 W. Greenwood St.

Abbeville, SC 29620

Tuesdays:

9:00 am.-12:00 pm., 1:00 pm.-4:00 pm

Phone: (864) 366-6690 ext. 2291

(inside the Abbeville County

Administrative Complex on the first floor

– Room 1900)

Edgefield Center

21 Star Road

Edgefield, SC 29824

Tuesday:

9:00 am-12:00 pm, 1:00 pm.-4:00 pm

Phone: (803) 637-4029

Greenwood Center

927 East Cambridge Avenue

Greenwood, SC 29646

Monday-Friday:

8:30 am-12:00 pm, 1:00 pm – 5:00 pm

Phone: (864) 229-8872

Laurens Center

1029 West Main Street

Laurens, SC 29360

Monday - Thursday:

9:00 am- 12:00 pm, 1:00 pm – 5:00 pm

Phone: (864) 681-1605

(Co-located with Laurens County Adult Education)

McCormick Center

109 W. Augusta St.

McCormick, SC 29835

Monday:

9:00 am-12:00 pm, 1:00 pm-4:00 pm

Phone: (864) 852-3649

Newberry Center

1840 Wilson Road

Newberry, SC 29108

Monday-Thursday:

9:00 a.m.-12:00 p.m., 1:30 p.m.-5:00 p.m.

Phone: (803) 276-2110

Saluda Center

407 W. Butler Ave.

Saluda, SC 29138

Thursday:

9:00 am-12:00 pm, 1:00 pm.-4:00 pm

Phone: (864) 445-2047

Upper Savannah Computer Count

Greenwood

	Kiosk
2	Desktop Computers
29	Laptops
8	Wall Monitors
2	Scanners
3	Printer/Scanner
1	Printers
2	Camera System
1	

Laurens

	Kiosk
1	Printers
2	Scanner
1	Laptops
3	Computer
1	

Edgefield

	Kiosk
1	Scanner
1	Printer
1	Computers
6	Camera System
1	

Abbeville

	Kiosk
1	Printers
2	Computers
4	Laptop
1	

McCormick

1	Kiosk
1	Scanner
8	Scanner
1	Printer
1	Camera System

Newberry

1	Kiosk
3	Printers
1	Wall Monitor
8	Computers
6	Laptops
1	Scanner

Saluda

1	Kiosk
1	Printer/Scanner
3	Printers
7	Computers

Sep-22

PART III
TERMS AND CONDITIONS

3.0 LEGAL AUTHORITY

- 3.0.1 The persons signing this Grant Agreement on behalf of the parties warrant and guarantee their full authorization to execute the Grant Agreement and to legally bind the parties to all the terms, performance requirements, and provisions set forth.

3.1 AWARDING ENTITY

- 3.1.1 As the awarding entity, the Upper Savannah Council of Governments (USCOG), has the following oversight responsibilities:

- Providing technical assistance, as requested by the Grantee or deemed necessary by USCOG;
- Conducting programmatic and financial monitoring of the Grant project;
- Ensuring compliance with WIOA Public Law 113-128 and implementing Federal regulations, the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200), as well as State laws and policies applicable to the Grant Agreement;
- Disbursing funds to the Grantee to pay for allowable expenses or services provided in accordance with applicable State and Federal laws upon receipt of proper supporting documentation of disbursement amounts previously drawn down; and
- Evaluating the Grantee against specific deliverables and performance requirements as outlined in Part I – Program Statement of Work.

3.2 FINANCIAL SYSTEM AND REPORTING

- 3.2.1 The Grantee is responsible for developing and implementing procedures and standards for reporting financial, programmatic, and customer information in the required timeframes and using the systems and formats specified by USCOG.
- 3.2.2 The Grantee shall maintain fiscal records and supporting documentation for all expenditures of funds under the Grant Agreement. The Grantee must provide adequate, qualified staff to prepare required reports. Proper internal controls are required to ensure separation of duties.
- 3.2.3 Costs incurred by the Grantee prior to the start date specified in the Grant Agreement are incurred at the Grantee's own expense. Prior authorization for pre-award spending must be obtained from USCOG and the SC Department of Employment Workforce and the US Department of Labor before any costs are incurred.

- 3.2.4 Payment by USCOG of Indirect Costs incurred requires the Grantee to submit its approved Indirect Cost Rate or Acceptance of Certification of Indirect Costs from its cognizant agency upon receipt. If USCOG is the cognizant agency for the grant recipient, an Indirect Cost Rate proposal must be submitted to USCOG no later than 180 days after the June 30 fiscal year end. Failure to do so may result in the disallowance of indirect costs. USCOG may either disallow all indirect costs or establish a rate based upon audited historical data or such other data that have been furnished to USCOG for indirect costs. (2 CFR Part 200.415(b)(2))
- 3.2.5 The Grantee is required to submit a Financial Status Report (FSR) on a monthly basis. Reports must be submitted no later than the 6th of following month. Expenditure data is reported cumulatively through the end of each reporting period on an accrual basis.
- 3.2.6 A Request for Drawdown (RFD) must be submitted each time the Grantee wishes to draw down funds, along with proper supporting documentation of disbursements previously drawn down. The Grantee may request funds in advance to cover upcoming cash expenditures and accruals to be paid within a short period of receipt of funds (usually within three (3) business days). The Grantee's cash needs must be projected to ensure that funds are received as close as possible to the time of actual disbursement in accordance with 2 CFR Part 200.305. Cash on hand should be limited to the amount needed for immediate disbursement.
- 3.2.7 The Grantee will submit a complete Grant Closeout Report to USCOG no later than fifty (50) calendar days after the grant end date. USCOG will supply the closeout forms and instructions prior to grant expiration.

3.3 RECORDKEEPING

- 3.3.1 USCOG, and any of its authorized representatives, must have timely and reasonable access to all Grantee records and personnel related to the Grant Agreement for the purpose of inspection, investigation, monitoring, auditing, evaluation, interview, and discussion. Further, USCOG and any of its authorized representatives, have the right to copy all records pertaining to the Grant Agreement.
- 3.3.2 The Grantee shall comply with requirements for custody and retention of records as set forth in 2 CFR Part 200, as applicable. Records must be retained for no less than three years after submittal of the Grant Agreement closeout to USCOG or the last request for grant records during an audit, whichever is most recent. If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken (2 CFR Part 200.333).
- 3.3.3 The Grantee assures it will comply with Federal and State laws and guidelines for the handling and protection of Personally Identifiable Information, including but not limited to

2 CFR Part 200.79 and US Department of Labor Training and Employment Guidance Letter 39-11, *Guidance on the Handling and Protection of Personally Identifiable Information (PII)*, located at https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7872.

- 3.3.4 The Grantee agrees to maintain the confidentiality of any information that identifies or may be used to identify any grant and benefit participants. The Grantee shall not disclose or re-disclose any employer or personally identifying information of the subject of the information unless permitted by law.
- 3.3.5 All releases of information shall be in accordance with State and Federal law, regulations and guidelines, including but not limited to S.C. Code Ann. § 41-29-160; the Family Privacy and Protection Act (S.C. Code Ann. § 30-2-10 et al), 20 CFR 603, and IRS Publication 1075.

3.4 PROCUREMENT

- 3.4.1 The Grantee must have written procedures for procurement transactions that comply with State regulations. Procedures may reflect applicable local laws and regulations, provided they conform to applicable Federal law and the standards identified in 2 CFR Parts 200.318 through 200.326.
- 3.4.2 Procurement standards must ensure fiscal accountability and prevent waste, fraud, and abuse. The Grantee will conduct procurement in a manner that provides full and open competition consistent with the standards of 2 C.F.R Part 200.319.
- 3.4.3 Note: The state of South Carolina requires purchases exceeding \$2,499 to require at least three bids.

3.5 ADDITIONAL CONDITIONS AND ENFORCEMENT

- 3.5.1 The Grantee acknowledges and accepts that special additional conditions may be unilaterally imposed by USCOG in accordance with 2 CFR 200.207. Such conditions may be imposed if the Grantee demonstrates one or more of the following conditions:
- a history of unsatisfactory performance;
 - financial instability;
 - management system(s) that do not meet standards prescribed in 2 CFR 200.300 et seq.;
 - noncompliance with terms and conditions of previous Federal awards or sub awards;
 - absence of responsibility disclosed as a result of ongoing evaluation of risk by USCOG conducted in accordance with 2 CFR 200.331(b);
 - reports and findings from audits performed under 2 CFR Subpart F – Audit Requirements of this part or the reports and findings of any other available audits; and/or
 - inability to effectively implement statutory, regulatory, or other requirements.

3.5.2 If USCOG determines that a grant award will be made or continued, special provisions shall address the condition identified and shall be included in the award. Such provisions may include but are not limited to:

- requiring payments on a reimbursement basis;
- withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given period of performance;
- requiring additional, more detailed financial reports;
- requiring additional project monitoring;
- requiring the Grantee to obtain technical or management assistance and to implement corrective actions; and/or
- establishing additional prior approval.

USCOG will notify the Grantee regarding the nature and reason for implementing any of the above special provisions.

3.5.3 Failure to comply with any provision of the Grant Agreement, or any applicable law or regulation, may subject the Grantee to additional enforcement actions that are determined by USCOG to be appropriate under the circumstances. Such enforcement actions include but may not be limited to:

- requiring special award provisions as stated above;
- temporarily withholding cash payments pending correction of identified deficiencies, as identified in 2 CFR 200.338;
- disallowing cost (and, if appropriate, applicable matching credit) for any claim or action made that is not in compliance and require appropriate repayment or financial adjustment;
- suspending the grant award, in whole or in part, pending corrective action;
- terminating the grant award, in whole or in part;
- withholding further awards for the project or program;
- recommending to appropriate Federal officials that suspension or debarment proceedings be initiated as authorized under 2 CFR 180; and/or
- taking other remedies that may be legally available. (See 2 CFR 200.338.)

3.5.4 The Grant Agreement may be immediately terminated by USCOG in whole or in part for cause or noncompliance whenever such non-compliance is material and in the best interest of the Grantee, USCOG, SC Department of Employment and Workforce or the US Department of Labor.

3.5.5 Appeals regarding monitoring findings and/or enforcement actions may be appealed as follows:

1. Within 14 days of receipt of the final monitoring determination or notice of enforcement action, a written appeal may be made to the Executive Director of USCOG.
2. The Executive Director will issue a written decision within 30 days.

3. If dissatisfied with the decision, a written appeal may be made to the State Workforce Development Board (SWDB) within 14 days of receipt of decision.
4. The Chair will designate the Executive Committee or an Ad Hoc Committee of at least five SWDB members to hear the appeal.
5. The SWDB will hear the appeal and render a decision within 60 days.
6. The Grantee will be notified in writing of the SWDB's decision within 20 days.

3.5.6 Appeal requests made to the SWDB must be submitted in writing as follows:

South Carolina Upper Savannah Council of Governments
Attn: Appeals, State Workforce Development Board
1550 Gadsden Street
Columbia, SC 29201

3.6 CHANGES AND AMENDMENTS

- 3.6.1 Any alterations, additions, or deletions to the terms of the Grant Agreement which are required by changes in Federal or State law or regulations are automatically incorporated into the Grant Agreement without written amendment, and shall become effective on the date designated by such law or regulation.
- 3.6.2 Alterations, additions, deletions, or extensions to the terms of the Grant Agreement must be modified in writing and executed by both Parties. Any other attempted changes, including oral modifications, shall be invalid.
- 3.6.3 To ensure effective performance under the Grant Agreement, the Parties agree that USCOG may amend requirements in writing during the grant period to interpret or clarify a change in Federal or State law, rules or regulations.

3.7 AUTHORITY TO MAKE MINOR BUDGET CHANGES

- 3.7.1 The Contractor should spend funds in accordance to the negotiated budget. USCOG gives the Contractor permission to adjust items within a line-item without permission. For example there is one line item for Salaries and Fringe Benefits, if salaries are over by \$1,000 but fringe are under by \$1,000 a modification is not necessary.
- 3.7.2 Unless it is prohibited, the Contractor may go over an item by 10% without a modification. Upper Savannah approval is necessary (even if it does not increase the budget) to hire additional permanent staff, attend overnight training or buy equipment.)

3.7 ASSURANCES

- 3.7.1 As a condition to the award of financial assistance from the US Department of Labor under Title I of WIOA, the Grantee assures that it will comply fully with the following

nondiscrimination provisions, equal opportunity provisions, Public Laws and Executive Orders, including but not limited to:

- A. *WIOA Section 188 (29 CFR, Part 38)*, which provides that no individual may be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of, or in connection with, any program or activity because of race, color, religion, sex (including gender identity, gender expression, and sex stereotyping), national origin, age, disability, political affiliation or belief, and, for beneficiaries only, citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or participation in a WIOA Title I-financially assisted program or activity;
- B. *Title VI The Civil Rights Act of 1964 (42 U.S.C. §2000d, et seq.)*, as amended by the *Equal Employment Opportunity Act of 1972*, which prohibits discrimination on the basis of race, color, religion, sex and national origin, and applies to any program or activity receiving Federal financial aid, and to all employers, including state and local governments, public and private employment agencies, and labor organizations;
- C. *Title VII of the Civil Rights Act*, as amended, which prohibits discrimination on the basis of race, color, religion, sex, or national origin in employment;
- D. *Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794)*, as amended, which prohibits discrimination against qualified individuals with disabilities in all federally-funded programs;
- E. *The Age Discrimination Act of 1975 (42 U.S.C. §6101)*, as amended, which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- F. *The Americans with Disabilities Act of 1990 (42 U.S.C. §12101)*, as amended, which prohibits discrimination on the basis of physical, sensory, or mental disability or impairment and the *ADA Amendments Act of 2008* effective January 1, 2009;
- G. *Title IX of the Education Amendments of 1972 (20 U.S.C. §1681-1688)*, as amended, which prohibits discrimination on the basis of sex in educational programs;
- H. *Title V of the Older Americans Act of 1965 and all regulations that apply to the Senior Community Services Employment Program*, which generally prohibit discrimination under any program funded in whole or in part with Title V funds because of race, color, religion, sex, national origin, age, disability or political affiliation or beliefs;
- I. *Title II of the Genetic Information Nondiscrimination Act of 2008* which prohibits discrimination in employment on the basis of genetic information;

- J. *Executive Order 13279, Equal Protection of the Laws for Faith-based and Community Organizations* (signed December 12, 2002), which prohibits discrimination against grant seeking organizations on the basis of religion in the administration or distribution of Federal financial assistance under social service programs, including grants, contracts and loans;
- K. *Section 508 of the Rehabilitation Act (29 U.S.C. §794d)*, which ensures that individuals with disabilities have comparable access to information and data as do members of the public who are not individuals with disabilities;
- L. *Jobs for Veterans Act (38 U.S.C. §4215)*, which requires recipients to provide priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by the US Department of Labor. To obtain priority of service, a veteran or spouse must meet the program's eligibility requirements. US Department of Labor Training and Employment Guidance Letter 10-09 provides further guidance and can be found at https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2816;
- M. *P.L. 113-114, Division E, Title VII, Section 743*, which prohibits an entity receiving Federal funds from requiring employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information;
- N. *P.L. 113-114, Division H, Title V, Section 505*, which establishes that when issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all recipients receiving Federal funds shall clearly state:
 - 1. The percentage of the total costs of the program or project which will be financed with Federal money;
 - 2. The dollar amount of Federal funds for the project or program, and
 - 3. The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

The requirements of this part are separate from those in 2 CFR Part 200 and, when appropriate, both must be complied with.

- O. *Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)"*, which requires that recipients of Federal financial assistance ensure that programs and activities provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin;

- P. *Executive Order 13333*, which establishes this agreement may be terminated without penalty, if the Grantee or any subgrantee 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 is in effect; (iii) the use of forced labor in the performance of the grant; or (iv) acts that directly support or advance trafficking in persons. (22 U.S.C. §7104(g));
- Q. *Buy American Notice Requirement*, which provides that in the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds available under WIOA, entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products, as required by the Buy American Act (41 U.S.C. §10a et seq.);
- R. *Executive Order 13043 Increasing Seat Belt Use in the United States (April 16, 1997)*, which provides that recipients of Federal funds 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;
- S. *Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving (October 1, 2009)*, which provides that recipients of Federal funds are encouraged to adopt and enforce policies that ban text messaging while driving company-owned or rented vehicles, 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;
- T. *Special Requirements 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 successful performance of the Federal Award. Recipients 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 Part 200.432;
- U. The Grantee also assures that it will comply with 29 CFR Part 38, and all other regulations implementing the laws listed above. This assurance applies to the operation of any WIOA Title I financially assisted program or activity, and to all agreements including lease agreements that the Grantee makes to carry out the WIOA Title I financially assisted program or activity. The Grantee understands that the United States has the right to seek judicial enforcement of this assurance, and the State has the authority to withhold funding;
- V. All other applicable State and Federal laws, policies and procedures, including those contained within South Carolina's Methods of Administration for ensuring implementation of the nondiscrimination and equal opportunity provisions as required by 29 CFR Part 38;

- W. The Grantee may not deny services under any grant or subgrant to any person and are prohibited from discriminating against any employee, applicant for employment, or beneficiary because of race, color, religion, sex, national origin, age, physical or mental disability, gender identity, gender expression, sex stereotyping, temporary medical condition, political affiliation or belief, citizenship, or his or her participation in any Federal or State financially assisted program and/or activity; and
- X. The Grantee shall ensure that the evaluation and treatment of employees and applicants for employment are free from discrimination. The Grantee must provide initial and continuing notice that it does not discriminate on any prohibited grounds to applicants for employment and employees (29 CFR §38.29(a)(3). The notice must contain specific wording regarding the prohibited bases and the process for filing a complaint, as required by 29 CFR §38.30.

3.8 CERTIFICATIONS

3.8.1 Lobbying (2 CFR §200.450)

- A. No federally appropriated funds have been paid or will be paid, by or on behalf of the Grantee, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- B. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the Grantee shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

3.8.2 Debarment, Suspension, and Other Responsibility Matters

The Grantee agrees to comply with 2 CFR Part 200.213, which states that non-Federal entities and contractors are subject to the non-procurement and debarment and suspension regulations.

3.8.3 Drug-Free Workplace (Public Law 100-690)

The Grantee agrees to comply with provisions of 41 U.S.C. §702 in providing a drug-free workplace.

3.8.3 Copyright Ownership

Unless it is agreed upon in writing in the contract, the contractor cannot claim ownership of intellectual property developed with contract funds.