



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

JEFF DONOFRIO
DIRECTOR

OFFICIAL
Policy Issuance (PI): 19-38

Date: December 30, 2019

To: Michigan Works! Agency (MWA) Directors

From: Krista Johnson, Division Administrator **SIGNED**
Talent Development Division
Workforce Development

Subject: Michigan Works! System Plan (MWSP) Instructions for Calendar Year (CY) 2020, the Period of January 1, 2020 through December 31, 2020.

Programs Affected: All programs funded through the Michigan Department of Labor and Economic Opportunity-Workforce Development (LEO-WD)

Rescissions: None

References: The Workforce Innovation and Opportunity Act (WIOA) of 2014, Public Law 113-128 (29 United States Code Section 3101, *et. seq.*)

The WIOA Final Rule 20 Code of Federal Regulation (CFR) Part 682, *et al.*

United States Department of Labor Training and Employment Guidance Letter (TEGL) 15-16, issued January 17, 2017

Background: The MWSP is an instrument for the annual documentation and execution of employment, education, and training programs, as well as for the transmission of assurances, certifications, and stipulations, mandatory and discretionary, for such programs funded by the WD.

Guidance regarding the designation and certification of One-Stop operators for CY 2020, in accordance with the provisions of the WIOA and TEGL 15-16, is contained in this policy.

Policy: The implementation of employment, education, and training programs are accomplished throughout the state in each MWA by the local Workforce

Development Board (WDB) in cooperation with the Chief Elected Official (CEO) through the utilization of a One-Stop delivery system, in accordance with the WIOA Section 121. The delivery system is embodied in the MWSP.

The following MWSP components contained in this policy must be adhered to and submitted for programs funded by the WD:

- Approval Request Form.
- Acknowledgement/Adherence to MWSP Assurances, Certifications, and Stipulations.
- Certification Regarding Lobbying for Contracts, Grants, Loans, and Cooperative Agreements.
- Certification Regarding Debarment, Suspension, Ineligibility, Voluntary Exclusion, and Lower Tier Covered Transactions.
- MWSP Identification, Verification, and Designation Form.
- WD One-Stop Operator Verification.
- Workforce Development System Providers.
- Federal Funding Accountability and Transparency Act (FFATA) Data Collection Form and Certification.

If a local WDB Chair and/or CEO choose(s) to identify an alternate individual to sign documents for the WDB Chair and/or CEO, the Local Area must complete and submit the appropriate form (**Form C**) contained in this policy on an annual basis. Backup documentation, including board approval minutes or resolutions, to support this/these designation(s) must be kept on file locally and be made available for review, upon request.

Furthermore, if the CEO chooses to identify a Fiscal Agent to receive all fiscal documents (i.e., grants, contracts, Grant Action Notices, etc.) in lieu of his or herself, the appropriate form (**Form C**) contained in this policy must be completed and submitted by the Local Area on an annual basis. **If the Administrative Entity is designated as the Fiscal Agent, only the MWA director is allowed to be designated as the Fiscal Agent on Form C.** Backup documentation to support this designation, including a copy of the legal instrument (i.e., interlocal agreement, CEO agreement, etc.) used to make the designation, must be kept on file locally and be made available for review, upon request.

If a Local Area chooses not to submit any of the optional information on Form C, then only the WDB Chair and CEO may sign documents, and only the CEO may receive fiscal documents.

Competitive Selection of One-Stop Operators

Eligible One-Stop Operators

The WIOA Section 3(41) defines the One-Stop operator as one or more entities designated or certified under the WIOA Section 121(d). The One-Stop operator must be an entity (public, private, or non-profit) or a consortium of entities that, at a minimum, includes three or more of the required One-Stop partners of demonstrated effectiveness, located in the Local Area. Entities selected and serving as One-Stop operators are subrecipients of a federal award and thus are required to follow the Uniform Guidance. One-Stop operators may operate one or more One-Stop centers, and there may be more than one One-Stop operator in a Local Area.

Eligible entities may include the following:

1. Government agencies or governmental units, such as local or county governments, school districts, state agencies, and federal WIOA partners.
2. Employment Service state agencies under the Wagner-Peyser Act, as amended by Title III of the WIOA.
3. Indian Tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations (collectively referred to herein as "Indian Tribes").
4. Educational institutions, such as institutions of higher education, nontraditional public secondary schools such as night schools, and area career and technical education schools (however, elementary and other secondary schools are not eligible to become a One-Stop operator).
5. Community-based organizations, non-profit entities, or workforce intermediaries.
6. Other interested organizations that are capable of carrying out the duties of the One-Stop operator, such as a local chamber of commerce, other business organization, or labor organization.
7. Private for-profit entities (additional requirements highlighted in TEGl 15-16, Section 6, Part D).
8. Local WDBs, if approved by the CEO and the Governor, as required in the WIOA Section 107(g)(2).

While the above entities are eligible to serve as One-Stop operators, an entity's eligibility to be the One-Stop operator in a specific Local Area is affected by the nature of the procurement process, particularly as it relates to conflict of interest and avoiding "less than arms-length" relationships.

Once the local WDB has competitively selected a One-Stop operator, the local WDB and the operator must execute a legally binding agreement which may take the form of a written contract or another type of agreement, such as a Memorandum of Understanding. The agreement between the local board and the One-Stop operator shall specify the operator's role. That role may range between simply coordinating service providers within the center to being the primary provider of services within the center. See Section 20 CFR 678.620 for further information.

Additional Requirements

Per the WIOA Section 121(d)(4), local boards must ensure:

1. One-Stop operators disclose any potential conflicts of interest arising from the relationships of the operators with particular training service providers or other service providers.
2. Practices are not established that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training, and education services.
3. Compliance with federal regulations and procurement policies relating to the calculation and use of profits.

Designation and Certification of One-Stop Operators

The WIOA, Section 121(d)(1), authorizes the local board, in agreement with the CEO, to designate or certify the One-Stop operator(s) and to terminate for cause the eligibility of such operators. To be eligible to receive funds made available under the WIOA to operate a One-Stop center, an entity, which may be a consortium of entities, must be designated or certified as a One-Stop operator through a competitive process and be an eligible entity to operate the One-Stop as outlined above. The entire procurement process must be performed under a method that promotes transparency and responsibility from the planning phase to the closeout phase and must be conducted at least every four years. For an in-depth discussion of a formal competitive procurement process, see TEGL 15-16, Section 9.

The local WDB can serve as the One-Stop operator. However, local WDBs must still compete to be the One-Stop operator in the Local Area and must use a competitive process based on local procurement policies and procedures and the principles of competitive procurement in the Uniform Guidance set out at 2 CFR 200.318 through 200.326.

Additionally, should the local board choose to compete, 20 CFR 678.615(b) requires the local WDB to have appropriate firewalls and conflict of interest policies and procedures in place which must conform to 20 CFR 679.430.

One way to avoid a conflict of interest is to establish effective conflict of interest policies and maintain appropriate firewalls that apply when the local WDB competes to be the One-Stop operator. This may include a requirement for an outside entity to conduct the competition. For example, the local WDB could contract with a separate and independent outside entity to conduct the competition. Outsourcing the entire process (including development of requirements, drafting the Request For Proposal (RFP) or Invitation For Bid, evaluation of proposals/bids, and identification of best entity) to an alternate entity would be the best practice in this circumstance to avoid a conflict of interest. These costs and activities would be allowable under the WIOA.

In situations in which the outcome of the competitive process is the selection of the local WDB itself as the One-Stop operator, the Governor (WD Director) and the CEO must agree to the selection of the local WDB as required by the WIOA at Section 107(g)(2). The CEO shall submit a formal request to the Governor (WD Director) requesting that the local board serve as the One-Stop operator. Supporting data and information must be submitted as part of this request. At a minimum, the request must include:

1. A copy of the CEO and WDB meeting minutes and/or resolution(s) where the designation or certification process was agreed upon by the local board and confirmed by the CEO.
2. A copy of the publicly advertised RFP.
3. A summary of the bids received in response to the RFP.
4. A summary of the cost analysis that was performed supporting the determination that the local board can more efficiently and effectively serve as the One-Stop operator in the Local Area.

Required Documentation

1. Competitive process resulting in an entity(ies) other than the local WDB serving as the One-Stop operator:
 - a. A copy of the CEO and WDB meeting minutes and/or resolution(s) where the selection process is agreed upon by the WDB, and confirmed by the CEO, must be kept on file locally.

2. Designation or certification of the local WDB as the One-Stop operator:
 - a. Copies of all documents related to the competitive procurement process and designation and certification of the local WDB as the One-Stop operator must be kept on file locally.
 - b. Documentation confirming compliance with the Sunshine Provision, as described in Section 107(e) of the WIOA, must be kept on file locally.

Monitoring of One-Stop Operators

The WIOA requires that the local WDB conduct monitoring of its One-Stop operator(s). When the local WDB is the One-Stop operator, there is an inherent conflict of interest that the local WDB cannot effectively monitor itself. In such circumstances, an outside entity or a state agency, such as a state auditor or inspector general, must conduct the monitoring and report the monitoring results to the CEO.

Action:

The MWAs shall take all necessary and appropriate actions to comply with the directives of this policy.

The following signed forms must be submitted to the WD within 30 days from the issue date of this policy:

- Approval Request Form.
- Acknowledgement/Adherence to MWSP Assurances, Certifications, and Stipulations.
- Certification Regarding Lobbying for Contracts, Grants, Loans and Cooperative Agreements.
- Certification Regarding Debarment, Suspension, Ineligibility, Voluntary Exclusion, Lower Tier Covered Transactions.
- MWSP Identification, Verification, and Designation Form.
- Workforce Development System Providers.
- One-Stop Operator Verification.
- FFATA Data Collection Form and Certification.

Forms must be submitted via standard postal mail to:

Department of Labor and Economic Opportunity
Workforce Development
Talent Development Division
201 North Washington Square, 5th Floor
Lansing, Michigan 48913

Modified MWSP forms should be submitted to the WD, as necessary, throughout the calendar year as changing circumstances warrant.

Inquiries:

Questions regarding this policy should be directed to your assigned state coordinator.

This policy is available for downloading from the [WD's website](#).

WD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Please contact Ms. Paula Hengesbach at 517-241-3678 or by email at HengesbachP@michigan.gov for details.

WD is funded by State and Federal funds; more details are available on the Legal Disclaimer page at www.michigan.gov/WDA.

**Expiration
Date:**

December 31, 2020

KJ:KP:ph
Attachments

SECTION I

Approval Request Form

1. Michigan Works! Agency (MWA) Name and Number:
2. Plan Title(s): Calendar Year 2020 Michigan Works! System Plan
3. Policy Issuance Number: 19-38
4. Plan Period: January 1, 2020 – December 31, 2020

The Chief Elected Official(s) and Workforce Development Board hereby request approval of this document. Please insert the printed name for each signature provided below.

Signature of Authorized Chief Elected Official:	
Printed Name:	Date:
Signature of Authorized Chief Elected Official:	
Printed Name:	Date:
Signature of Authorized Chief Elected Official:	
Printed Name:	Date:
Signature of Workforce Development Board Chairperson:	
Printed Name:	Date:

The Michigan Department of Labor and Economic Opportunity-Workforce Development (LEO-WD) is an equal opportunity employer/program. Auxiliary aids, services, and other reasonable accommodations are available upon request for individuals with disabilities.

WD, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, genetic information, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

SECTION II

ASSURANCES, CERTIFICATIONS, AND STIPULATIONS

Instructions: The Assurances, Certifications, and Stipulations in Section II of this Policy Issuance (PI) are a compendium of federal and state statutes, acts, and regulations, both program and fiscal, giving the terms and conditions in contractual boilerplate format regulating the employment and training programs and funding sources administered through the Michigan Department of Labor and Economic Opportunity-Workforce Development (LEO-WD) under the umbrella of the Michigan Works! System Plan (MWSP). The topics, in broad form, which the MWSP addresses, and the general manner by which the MWSP is to be executed, administered, and monitored for the Calendar Year (CY), and the legal rights and responsibilities of the WD and the sub-state parties to the MWSP are given as well.

The Chief Elected Official (CEO)/Grant Recipient, the Workforce Development Board (WDB) Chairperson, and the Michigan Works! Agency (MWA) Directors are to review, sign, and return the Acknowledgement/Adherence form to the WD.

The CEO/Grant Recipient, the WDB Chairperson, and the MWA Director, with the submission of the CY 2020 MWSP, *and* the issuance by the WD of a letter approving the same, agree to the acknowledgement of and adherence to each and all of the assurances, certifications, and stipulations given in Section II of PI 19-38, MWSP Instructions for CY 2020, the Period of January 1, 2020 through December 31, 2020, issued December 30, 2019.

ASSURANCES AND CERTIFICATIONS

NON-DISCRIMINATION AND EQUAL OPPORTUNITY

The Workforce Innovation and Opportunity Act (WIOA) requires for all programs receiving financial assistance under Title I of the WIOA the following assurance:

As a condition to the award of financial assistance from the WD under Title I of the WIOA, the grant applicant assures that from January 1, 2020 and throughout the remainder of Calendar Year 2020, it complied and will continue to comply fully with the non-discrimination and equal opportunity provisions of the following laws:

- Section 188 of the WIOA of 2014, which prohibits discrimination against all individuals in the United States (U.S.) on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and, against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the U.S. or participation in any WIOA Title I financially assisted program or activity.
- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin.
- Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities.
- The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age.
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it complied and will continue to comply with all 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 U.S. has the right to seek judicial enforcement of this assurance.

1. In connection with the performance of work, the WDB and CEOs further agree or certify that the MWA will comply with the provisions of the:
 - a. Executive Order 11246, as amended by 11375 (41 Code of Federal Regulation [CFR] Parts 60-64).
 - b. Rehabilitation Act of 1973, as amended, Section 503 (29 United States Code [USC] 793), Public Law (PL) 93-112.
 - c. Americans with Disabilities Act of 1990 (42 USC 12101 et seq.), PL 101-336.
 - d. Pregnancy Discrimination Act of 1975 (92 Statute 2076), PL 95-555.
 - e. Civil Rights Act of 1964, Title VII (42 USC 2000 et seq.), PL 88-352.
 - f. Civil Rights Act of 1968, Title VIII (42 USC 300 et seq.), PL 90-284.

- g. Civil Rights Restoration Act of 1991 (20 USC 1686-1688, 29 USC 706 and 709, 42 USC 2000[d]-4[a] and 6107), PL 100-259.
 - h. Affirmative Action Provisions of the Vietnam Era Veterans' Readjustment Assistance Act, as amended (38 USC 4218), PL 72-74.
 - i. Equal Pay Act of 1963, as amended (29 USC 206[d]), PL 88-38.
 - j. Elliott Larsen-Civil Rights Act, as amended (Michigan Compiled Laws Annotated [MCLA] 37.2101 et seq.), Public Act (PA) 456 of 1976.
 - k. Persons with Disabilities Civil Rights Act (MCLA 37.1101 et seq.), PA 220 of 1976.
2. The MWAs must comply with all applicable federal and state laws including, but not limited to the following:
- a. Immigration Act of 1986 (8 USC 1324[a]), PL 99-603; Immigration Reform and Control Act of 1986 (8 USC 1324[a]), PL 99-603.
 - b. Family and Medical Leave Act of 1993 (29 USC 2601), PL 103-3.
 - c. Older Americans Act of 1965, as amended (47 USC 3001 and 3056 et seq.), PL 89-73.
 - d. Military Selective Service Act, Title I, Section 3, as amended (50 USC 453), PL 97-86.
 - e. Privacy Act of 1974 (5 USC 522[a][e][3]), PL 93-579.
 - f. Whistle Blower's Protection Act (MCLA 15.361 et seq.), PA 469 of 1980.
 - g. Federal Hatch Act (5 USC 1501-1508).
 - h. Jobs for Veterans Act, PL 107-288, as amended by PL 112-56 (Reference: Employment and Training Administration [ETA] Training and Employment Guidance Letter No. 10-09, issued November 10, 2009).
 - i. Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, PL 109-234, which contains salary and bonus limitation requirements for the U.S. Department of Labor/ETA funded programs.
 - j. Michigan Youth Employment Standards Act, as amended (MCLA 409.101-124), PA 90 of 1978; or the Federal Child Labor Regulations, Part 570, as amended, whichever is more stringent.
 - k. Workforce Opportunity Wage Act, PA 138 of 2014.
 - l. Michigan Payment of Wages and Fringe Benefits, as amended (MCLA 408.471-583), PA 390 of 1978; and Overtime Protection (MCLA 408.477), PA 390 of 1978.
 - m. Michigan Workers' Disability Compensation Act, as amended (MCLA 418.101-941), and Administrative Rules, PA 317 of 1969.
 - n. Michigan Open Meetings Act, as amended (MCLA 15.261 et seq.), PA 267 of 1976.

- o. Michigan Contracts with Employers Engaging in Unfair Practices, as amended (MCLA 423.321 et seq.), PA 278 of 1980.
- p. Michigan Occupational Safety and Health Act, as amended (MCLA 408.1001-1094), PA 154 of 1974.
- q. Michigan Right to Know Act (MCLA 408.1014[a]-1014[n]), PA 80 of 1986.
- r. MCLA 35.1093, insuring delivery of effective and equitable employment services to veterans, PA 39 of 1994.
- s. Social Welfare Act, as amended (MCLA 400.55[a] and 400.56[f]), PA 280 of 1939.
- t. Title IV-F of the Social Security Act, as amended, PL 74-271.
- u. Michigan Welfare Policy Provisions, PA 223 of 1995.
- v. Title IV-A of the Social Security Act, as amended, PL 74-271.
- w. 45 CFR 201 through 257, and 260 through 265, Temporary Assistance for Needy Families.
- x. Food Stamp Act of 1977, as amended, PL 105-33.
- y. 7 CFR 271, 272, and 273, Required Elements of the Unified State Plan and Plan Modifications.
- z. The WIOA of 2014, PL 113-128.
- aa. The WIOA Joint Final Rule at 81 CFR 55791 and WIOA Final Rule at 81 CFR 56072.
- bb. Reed Act Provisions of Title IX of the Social Security Act.
- cc. Trade Adjustment Assistance Reform Act of 1974, as amended.
- dd. The Wagner-Peyser Act of 1933, as amended under Title III of the WIOA.
- ee. The Michigan Employment Security Act of 1936, as amended.
- ff. 20 CFR Part 653, with respect to equitable services to migrant and seasonal farmworkers and other requirements, as amended.
- gg. Uniform Budgeting and Accounting Act, as amended, PA 2 of 1968.
- hh. Uniform Unclaimed Property Act, PA 29 of 1995.
- ii. 2 CFR Part 215, including Appendix A; Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.
- jj. Office of Management and Budget (OMB) Circular A-102; Grants and Cooperative Agreements with State and Local Governments.
- kk. Common Rule (29 CFR Part 97 and 45 CFR Part 92); Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

- ll. 2 CFR Part 220; Cost Principles of Educational Institutions.
 - mm. 2 CFR Part 225; Cost Principles for State, Local, and Indian Tribal Governments.
 - nn. 2 CFR Part 230; Cost Principles for Non-Profit Organizations.
 - oo. 48 CFR Part 31; Contract Cost Principles and Procedures (Commercial Organizations).
 - pp. OMB Circular A-133; Audits of States, Local Governments, and Non-Profit Organizations.
 - qq. Single Audit Act of 1984 (31 USC 7501).
 - rr. PL 104-154, July 5, 1996, 104th Congress; Single Audit Amendments of 1996.
 - ss. Section 5 of Appendix A of 29 CFR 95, 29 CFR 97.36(i)(8), 45 CFR Part 74, 45 CFR Part 92; notice of awarding agency requirements and regulations pertaining to patent rights.
 - tt. 2 CFR Part 200 et al.; Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
3. The WD, or any of its authorized representatives, shall have the right of access to any and all pertinent documents, papers, or other records of grantees and sub-grantees which are pertinent to grant operations. This applies to all financial and programmatic records, supporting documents, and statistical records of grantees or sub-grantees, which are required to be maintained by the OMB circulars, the grant agreement, federal regulations, or state policy for the purpose of conducting discrimination complaint investigations, Equal Opportunity compliance/monitoring reviews, and for inspecting and/or copying policies, records, and other materials, as may be pertinent, to determine compliance with and ensure enforcement of the non-discrimination and Equal Opportunity provisions of federal grant programs. Contracts with service providers of the grantees and sub-grantees must have a provision which allows the department, or any of its authorized representatives, access to any books, documents, papers, and records of the contractor, which are directly pertinent to that specific contract for the purpose of making examinations or conducting reviews of grant operations as noted above.

STIPULATIONS

1. State Held Harmless - Indemnification

The MWA shall indemnify, defend, and hold harmless the State, its departments, divisions, agencies, sections, commissions, officers, employees, and agents from and against all losses, liabilities, penalties, fines, damages, and claims (including taxes), and all related costs and expenses (including reasonable attorneys' fees and disbursements and costs of investigation, litigation, settlement, judgment, interest, and penalty), arising from, or in connection with, any of the following:

- a. Any claim, demand, action, citation, or legal proceeding against the State, its employees, and agents arising out of, or resulting from: (1) the product provided, or (2) performance of the work, duties, responsibilities, actions, or omissions of the MWA, or any of its subcontractors, under this plan.
- b. Any claim, demand, action, citation, or legal proceeding against the State, its employees, and agents arising out of, or resulting from, a breach by the MWA of any representation or warranty made by the MWA in this plan.
- c. Any claim, demand, action, citation, or legal proceeding against the State, its employees, and agents arising out of, or related to, occurrences that the MWA is required to insure against as provided for in this plan.
- d. Any claim, demand, action, citation, or legal proceeding against the State, its employees, and agents arising out of or resulting from the death or bodily injury of any person, or the damage, loss, or destruction of any real or tangible personal property, in connection with the performance of services by the MWA, by any of its subcontractors, by anyone directly or indirectly employed by the MWA, or by anyone for whose acts the MWA may be liable; provided however, that this indemnification obligation shall not apply to the extent, if any, that such death, bodily injury, or property damage is caused solely by the negligence or reckless or intentionally wrongful conduct of the State.
- e. Any claim, demand, action, citation, or legal proceeding against the State, its employees, and agents which results from an act or omission of the MWA or any of its subcontractors in its capacity as an employer of a person.
- f. Any claim, demand, action, citation, or legal proceeding against the State, its employees, and agents incurred in connection with any action or proceeding threatened or brought against the State to the extent that such action or proceeding is based on a claim that any piece of equipment, software, commodity, or service supplied by the MWA or its subcontractors, or the operation of such equipment, software, commodity, or service, or the use or reproduction of any documentation provided with such equipment, software, commodity, or service infringes any U.S. or foreign patent, copyright, trade secret, or other proprietary right of any person or entity, which right is enforceable under the laws of the U.S. In addition, should the equipment, software, commodity, or service, or the operation thereof, become, or in the MWA's opinion be likely to become, the subject of a claim of infringement, the MWA shall, at the MWA's sole expense: (1) procure for the State the right to continue using the equipment, software, commodity or service or if such option is not reasonably available to the MWA, (2) replace or modify the same with equipment, software, commodity, or service of equivalent function and performance so that it becomes non-infringing, or, if such option is not reasonably available to the MWA, (3) accept its return by the State,

with appropriate credits to the State, against the MWA's charges and reimburse the State for any losses or costs incurred as a consequence of the State ceasing its use and returning it.

In any and all claims against the State of Michigan, or any of its agents or employees, by any employee of the MWA, or any of its subcontractors, the indemnification obligation under the contract shall not be limited in any way by the amount or type of damages, compensation, or benefits payable by or for the MWA under workers' disability compensation acts, disability benefits acts, or other employee benefits acts. This indemnification clause is intended to be comprehensive. Any overlap in sub-clauses, or the fact that greater specificity is provided as to some categories of risk, is not intended to limit the scope of indemnification under any other sub-clause.

2. **Publication Rights**

All interim, draft, and final reports and other documentation, including machine-readable materials produced by the MWA in connection with the work provided for under funds from the WD, shall be deemed to be works for hire and all rights, including copyright and publication rights, shall vest in the State. The MWA shall acknowledge the WD as the grantor of all funds when developing information for internal purposes or public dissemination, either in writing or oral presentation. This will include all printed, published, and other promotional materials of any kind, which the MWAs may develop for informational reasons.

3. **Cancellation**

The State may cancel this plan for any of the following reasons:

- a. **Default of the MWA:** If the WD identifies any action that would result in default by the MWA, the MWA shall be given an opportunity to correct such action. If the action is not corrected and default still exists, the State may immediately cancel the grant without further liability to the State, its departments, agencies, and employees. The State may procure the articles or services from other sources and may hold the MWA responsible for any excess costs incurred.
- b. **Lack of Further Need for the Service or Commodity:** In the event that the State no longer needs the service or commodity specified in the plan due to program changes, changes in law, rules or regulations, relocation of offices, or insufficient funding, the State may cancel the contract without further liability to the State, its departments, agencies, and employees by giving the MWA written notice of such cancellation 30 days prior to the date of cancellation.
- c. **Failure of the Legislature or the Federal Government to Provide the Necessary Funding:** In the event that the legislature or the federal government fails to provide or terminates the funding necessary for this plan, the State may cancel the plan by providing written notice to the MWA 30 days prior to the date of cancellation provided; however, in the event the action of the legislature or federal government results in an immediate absence or termination of funding, cancellation may be made effective immediately upon delivery of written notification to the MWA. In the event of a termination under this sub-paragraph, the MWA shall, unless otherwise directed by the State in writing, immediately take all reasonable steps to terminate its operations and to avoid, and/or minimize, further expenditures under the plan.

- d. **Upon Order of a Court or Direction by the Federal Government:** In the event of a court order halting or suspending activities under the plan or, in the case of a plan involving federal funds or otherwise subject to federal oversight, issuance of an order or directive by the federal government halting or suspending activities under the plan, the State shall promptly notify the MWA in writing of the entry or receipt of such order and shall direct the MWA to take immediate action in conformity with such order or directive. In the event of a termination or suspension of the plan under this sub-paragraph, the MWA shall, unless otherwise directed by the State in writing, immediately take all reasonable steps to terminate its operations and to avoid and/or minimize further expenditures under the plan.
 - e. **Criminal Conviction:** The State may immediately cancel the plan without further liability to the State, its departments, agencies, and employees, if the MWA, or an officer of the MWA, is convicted of a criminal offense incident to the application for, or performance of, a State, public, or private contract or subcontract; or convicted of a criminal offense including, but not limited to, any of the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, attempting to influence a public employee to breach the ethical conduct standards for State of Michigan employees; convicted under state or federal antitrust statutes; or convicted of any other criminal offense which in the sole discretion of the State, reflects on the WDB's business integrity.
4. **Requirements for Participants**
The State delegates to the MWA responsibility for the determination of participant eligibility for programs funded in whole, or in part, by the WD.
5. **Financial Responsibility and Liability**
As the grant recipient, the CEO(s) for each Local Area is liable for all workforce development funds received through the WD.
6. **Records and Reports**
The MWA shall provide to the State, and its designated agents, access and the right to examine and audit all records, books, papers, tapes, or documents related to the programs funded by the WD.
7. **Gratuities**
The State may, by written notice to the Grantee, terminate the right of the Grantee to proceed under this grant agreement if it is found, after notice and hearing, by the Grant Officer or a duly authorized representative, that gratuities in the form of entertainment, gifts, or otherwise, were offered or given by the Grantee to any officer or employee of the State with a view toward securing a grant agreement or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such grant agreement; provided that the existence of the facts upon which the Grant Officer or a duly authorized representative makes such findings shall be an issue that may be reviewed in any competent court.
8. **Travel & Mileage Reimbursement**
Foreign travel is not allowable except with prior written approval. Prior written approval must be obtained from the Grant Officer through the process described in 2 CFR 200.407 and 2 CFR 2900.16. This award waives the prior approval requirement for domestic travel as contained in 2 CFR 200.407. 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 U.S. Flag air carrier if service provided by such carrier is available.

Pursuant to 2 CFR 200.474(a), recipients must have policies and procedures in place related to travel costs; however, for reimbursement on a mileage basis, the maximum allowable mileage reimbursement rates for Federal employees apply.

Mileage rates must be checked annually to ensure compliance with the [Federal rates](#).

ALL POWERS NOT EXPLICITLY VESTED IN THE MWA, WDB, CEO, OR ADMINISTRATIVE ENTITY REMAIN WITH THE STATE.

Acknowledgement/Adherence to Michigan Works! System Plan

Assurances, Certifications, and Stipulations

The Chief Elected Official (CEO)/Grant Recipient, the Workforce Development Board (WDB) Chairperson, and the Michigan Works! Agency (MWA) Director for the designated sub-state area, acknowledge the receipt of and adherence to each and all of the Assurances, Certifications, and Stipulations given in Section II of Policy Issuance 19-38, "Michigan Works! System Plan (MWSP) Instructions for Calendar Year 2020, the Period of January 1, 2020 through December 31, 2020," issued December 30, 2019, unless modified by the Talent Development Division/Workforce Development (TDD/WD), or as appropriate, modified by the WD mutually, with the signatories below or their designated approved alternates.

MWA Name and Address (Organization's legal name if the MWA is "Doing Business As")

Name and Title of CEO	CEO Signature	Date
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Name of WDB Chair	WDB Chair Signature	Date
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Name of MWA Director	MWA Director Signature	Date
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SECTION III

DOCUMENTS REQUIRING SIGNATURE

Instructions: Local officials shall sign and return all Section III forms.

If necessary, local Workforce Development Boards (WDBs) and the Chief Elected Official(s) (CEO) may designate an alternate to sign for the WDB Chair and/or the CEO or designate an alternate fiscal agent. Selection of designated alternate(s) must occur and be documented during the appropriate board meeting(s).

The forms contained in this policy issuance cannot be used to identify a new WDB Chair. In order to identify a new WDB Chair, Michigan Works! Agencies must follow guidance found in Policy Issuance (PI): 19-09, "Local Workforce Development Board (WDB) Workforce Innovation and Opportunity Act (WIOA) Membership Certification," issued March 28, 2019, or any policy that replaces or rescinds PI: 19-09.

A. CERTIFICATION REGARDING LOBBYING FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies to the best of his or her knowledge and belief that from January 1, 2020 and throughout the remainder of Calendar Year 2020:

- (1) No federal appropriated funds have been paid or will be paid by, or on behalf of the undersigned, 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.
- (2) If any funds other than federal 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 undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, United States Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

Michigan Works! Agency

Name and Title of Certifying Official

Signature

Date

B. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, VOLUNTARY EXCLUSION, AND LOWER TIER COVERED TRANSACTIONS

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 Code of Federal Regulation (CFR) Part 98.510, Participants' Responsibilities. The regulations were published as Part VII of the May 26, 1988, Federal Register (pages 19160-19211). 2 CFR 180 is also applicable.

This certification is also required by the regulations implementing Executive Order 12689, Debarment and Suspension, 3 CFR 1989 Compiled, page 235.

- (1) The recipient of federal assistance funds certifies, by submission of this proposal, that neither it, nor its principals, were debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in any covered transaction by any federal department or agency from January 1, 2020, and throughout the remainder of Calendar Year 2020.
- (2) The prospective recipient of federal assistance funds certifies, by submission of this proposal, that neither it, nor its principals, are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
- (3) Where the prospective recipient of federal assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Michigan Works! Agency

Name and Title of Certifying Official

Signature

Date

C. MICHIGAN WORKS! SYSTEM IDENTIFICATION, VERIFICATION, AND DESIGNATION FORM

Please type or print legibly. Attach additional pages if necessary.

Authority: Workforce Innovation and Opportunity Act of 2014, Public Law 113-128

Completion: Mandatory

Penalty: Withholding of Funds

Mandated Information

Chief Elected Official (CEO)/Grant Recipient

Name/Title/Organization:
Street Address:
City, State, Zip:
E-mail Address:

Administrative Entity

Name/Title/Organization:
Street Address:
City, State, Zip:
E-mail Address:

Fiscal Agent

Name/Title/Organization:
Street Address:
City, State, Zip:
E-mail Address:

Workforce Development Board (WDB) Chairperson

Name/Title/Employer:
Street Address:
City, State, Zip:
E-mail Address:

Optional Information

Alternate Designated Signatory for CEO/Grant Recipient¹

Name/Title/Organization:
Street Address:
City, State, Zip:
E-mail Address:
Effective Period:
Signature of Designee:

Alternate Designated Fiscal Agent for CEO/Grant Recipient²

Name/Title/Organization:
Street Address:
City, State, Zip:
E-mail Address:
Effective Period:
Signature of Designee:

Alternate Designated Signatory for WDB Chairperson³

Name/Title/Employer:
Street Address:
City, State, Zip:
E-mail Address:
Effective Period:
Signature of Designee:

CEO/Grant Recipient Signature and Date

WDB Chairperson Signature and Date

¹Individual authorized to sign workforce development plans and modifications on behalf of CEO/Grant Recipient. The CEO Board must approve authorization.

²Individual authorized to receive grants, contracts, and Grant Action Notices on behalf of CEO/Grant Recipient. The CEO Board must approve authorization.

³Individual authorized to sign workforce development plans and modifications on behalf of the WDB Chairperson. The WDB must approve authorization.

D. WORKFORCE DEVELOPMENT ONE-STOP OPERATOR VERIFICATION

Workforce Innovation and Opportunity Act (WIOA) References

WIOA Sections 121(d) and 107(g)(2); WIOA Joint Final Rule at 81 Code of Federal Regulation 55791

Michigan Works! Agency (MWA):
Calendar Year: 2020 (January 1 through December 31, 2020)
Date:

One-Stop Operator Identification (attach additional sheets if necessary)

One-Stop Center/Satellite Location(s):
Operator Name:
Operator Address:
Operator Telephone Number:
Operator E-mail Address:
Eligibility Category (WIOA Section 121[d][2][B] and Policy Issuance: 19-38):

Workforce Development Board (WDB) Designation and Certification as the One-Stop Operator

This section should only be completed following a competitive procurement process.

Date of WDB Designation/Certification as the One-Stop Operator:
WDB Duration or Term of Service as the One-Stop Operator:
Brief Description of One-Stop Operator Designation and Certification Process: (WIOA Section 107[g][2], Training and Employment Guidance Letter 15-16 [4])

MWA Official Certifying This Form

Name/Title	Signature
Date	MWA

**F. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)
DATA COLLECTION FORM AND CERTIFICATION**

Authority: FFATA, Public Law 109-282, as amended by Section 6202(a) of Public Law 110-252
Completion: Mandatory
Penalty: Withholding of Funds

Michigan Works! Agency (MWA) Name

MWA No.

The FFATA requires the Michigan Department of Labor and Economic Opportunity-Workforce Development (LEO-WD) to report on its federal grant sub-awards via a public website operated by the federal government.

MWA Principal Place of Performance (Administrative Office):
Address:
City, State, Zip:

For reporting purposes under FFATA, the MWAs should align their Data Universal Numbering System (DUNS) Number, the DUNS+4 number, if applicable, and the compensation information and entity represented on the Single Audit Data Collection Form of the first-level sub-awardee of the WD. In most cases, this will be the Fiscal Agency of the MWA.

DUNS Name and Number

Grant Recipients/MWAs are required to register and maintain their DUNS number in the federal System of Award Management ([SAM](#)) Online Government Contractor Registration.

DUNS+4 (If applicable)

The DUNS+4 is the DUNS Number plus a four-character suffix that may be assigned at the discretion of an entity to establish additional SAM records for identifying accounts for the same parent concern.

Compensation Information/Certification

A. In the previous fiscal year, did the Grant Recipient receive \$25,000,000 or more in annual gross revenues from federal contracts, loans, grants, and cooperative agreements?

- Yes Proceed to the next question.
- No Proceed to certification at bottom of form.

B. In the previous fiscal year, did the Grant Recipient receive 80 percent or more of its annual gross revenue in federal contracts, loans, grants, and cooperative agreements?

- Yes Proceed to the next question.
- No Proceed to certification at bottom of form.

C. Does the public have access to information about the compensation of your organization's executives through periodic reports filed under Section 13(a) of 15(d) of the Securities Exchange Act of 1934 or Section 6104 of the Internal Revenue Code of 1986?

- Yes Proceed to certification at bottom of form.
- No Provide compensation information below.

Names and total compensation of the five most highly compensated officers:

1.
2.
3.
4.
5.

Information provided will be made available to the public at [First-tier award data](#) where the public may view first-tier award data.

Certification (must be completed by the Chief Elected Official)

As a duly authorized representative (signatory) of the grant recipient, I hereby certify that the responses provided in this data collection form and certification are true, complete, and correct to the best of my knowledge.

Name and Title of Chief Elected Official

Signature

Date