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STATE OF MICHIGAN
DEPARTMENT OF TALENT AND ECONOMIC DEVELOPMENT
LANSING

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OFFICIAL

E-mailed: 12/1/2015 (tk)

Workforce Development Agency (WDA)
Policy Issuance (PI): 15-29

Date: December 1, 2015

To: Michigan Works! Agency (MWA) Directors

From: Joe Billig, Director (**SIGNED**)
Office of Talent Policy and Planning

Subject: Michigan Works! System Plan (MWSP) Instructions for Calendar Year (CY) 2016, the Period of January 1, 2016 through December 31, 2016

Programs Affected: All programs funded through the WDA

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 Notices of Proposed Rulemaking (Proposed Rules) as Published in the Federal Register on April 16, 2015

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 WDA.

Guidance regarding the designation and certification of One-Stop Operators for CY 2016 in accordance with the provisions of the WIOA and WIOA Proposed Rules is contained in this policy.

Policy: The implementation of employment, education, and training programs is 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.

TED is an equal opportunity employer/program.

Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.
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The following MWSP components contained in this policy issuance must be adhered to and submitted for programs funded by the WDA:

- Approval Request Form
- Assurances, Certifications, and Stipulations Acknowledgment/Adherence Form
- Certification Regarding Lobbying
- Certification Regarding Debarment
- MWSP Identification, Verification, and Designation Form
- One-Stop Operator Verification Form
- One-Stop Center(s)/Office(s) Verification Form
- Federal Funding Accountability and Transparency Act (FFATA) Data Collection Form and Certification

If a local WDB Chair and/or CEO chooses 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 issuance 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 her or himself, the appropriate form (**Form “C”**) contained in this policy issuance 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, chief elected official 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 aforementioned optional information on Form “C”, then only the WDB Chair and CEO may sign documents and only the CEO may receive fiscal documents.

Eligible One-Stop Operators

In accordance with the WIOA, Section 121(d), eligibility for selection as the One-Stop Operator is limited to the below categories:

1. a. An institution of higher education;
- b. An employment service State agency established under the Wagner-Peyser Act on behalf of the local office of the agency;

- c. A community-based organization, nonprofit organization, or intermediary;
- d. A private for-profit entity;
- e. A government agency; and
- f. Another interested organization or entity, which may include a local chamber of commerce or other business organization, or a labor organization.

Elementary schools and secondary schools are not eligible for designation or certification as One-Stop Operators, with the exception that nontraditional public secondary schools and area career and technical education schools may be eligible for such designation or certification.

- 2. One-Stop Operators may be a single entity (public, private, or non-profit), or a consortium of entities (including a consortium of entities that, at a minimum, includes three or more of the One-Stop partners described in WIOA Section 121 (b)(1)), of demonstrated effectiveness located in the local area. One-Stop Operators may operate one or more One-Stop centers. In addition, there may be more than one One-Stop Operator in a local area.
- 3. 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 678.620 of the WIOA Proposed Rules for further information.

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 consistent with the WIOA Section 107(g)(2) or through a competitive process and be an eligible entity to operate the One-Stop as outlined above.

Until the final WIOA regulations are released providing additional clarity around the selection of One-Stop Operators, the WDA strongly recommends all local boards go through a standard procurement process to designate or certify a One-Stop Operator(s) in accordance with the WIOA, or document its rationale for postponing doing so, with the agreement of the CEO(s).

Following a review of submitted proposals, if the local board can demonstrate it can serve as the One-Stop Operator in a more efficient and effective manner, consistent with the provisions of the WIOA, the Chief Elected Official shall submit a formal request to the Governor (WDA Director) requesting the local board serve as the One-Stop Operator, consistent with Section 107(g)(2) of the WIOA. Supporting data and information must be submitted as part of this request. At a minimum, the request must include:

- 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;
- A copy of the publicly advertised Request for Proposals (RFP);
- A summary of the bids received in response to the RFP; and
- 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.

Additional Requirements

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

- 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;
- Do not establish practices 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; and
- Comply with Federal regulations and procurement policies relating to the calculation and use of profits.

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.

The WDA reserves the right to cancel One-Stop Operator selections made in accordance with this policy at any point during Calendar Year 2016, if necessary, in order to be in compliance with the provisions of the Workforce Innovation and Opportunity Act (WIOA) and the WIOA final regulations.

Action:

The MWAs shall take all necessary and appropriate actions to comply with the directives of this policy. Local boards, with the agreement of their CEO(s), are strongly encouraged to engage in a competitive procurement process to designate or certify a One-Stop Operator(s) in accordance with the WIOA, or document its rationale for postponing doing so, with the agreement of the CEO(s). If a local board can demonstrate it can serve as the One-Stop Operator in a more efficient and effective manner, consistent with the provisions of the WIOA, a formal request must be submitted by the CEO to the Governor (WDA Director), consistent with Section 107(g)(2) of the WIOA, for approval. If your local board chooses to postpone taking action to competitively select a One-Stop Operator based on this policy, please notify Krista Johnson, Manager, WIOA Title I Section via email at JohnsonK2@michigan.gov.

Originals of the following signed forms **must be submitted** to the WDA **within 30 days from the issue date of this policy**:

- Approval Request Form;
- Assurances, Certifications, and Stipulations Acknowledgment/Adherence Form;
- Certification Regarding Lobbying;
- Certification Regarding Debarment;
- MWSP Identification, Verification, and Designation Form;
- One-Stop Operator Verification Form;
- One-Stop Center(s)/Office(s) Verification Form; and
- FFATA Data Collection Form and Certification

Forms must be submitted via standard postal mail to:

Ms. Krista Johnson, Manager, WIOA Title I Section
Office of Talent Policy and Planning
Victor Office Center
201 N. Washington Square, 5th Floor
Lansing, MI 48913

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

Inquiries: Questions regarding this policy issuance should be directed to your WIOA State Coordinator.

This policy issuance is available on the WDA's website at <http://www.michigan.gov/wda/0,5303,7-304-67992---,00.html>. Please contact Ms. Teresa Keyton at (517) 335-5858 or via email at Keyton@michigan.gov if you require assistance.

The information contained in this policy issuance will be made available in alternative format (large type, audio tape, etc.) upon special request to this office. Please contact Ms. Keyton for details.

Expiration: December 31, 2016

JB:KJ:tk
Attachments

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APPROVAL REQUEST

1. Michigan Works! Agency (MWA):	2. MWA Number:
3. Plan Title(s): Calendar Year 2016 Michigan Works! System Plan	
4. Policy Issuance Number: 15-29	5. Plan Period: January 1, 2016 – December 31, 2016

**THE CHIEF ELECTED OFFICIAL(S) AND WORKFORCE DEVELOPMENT BOARD (WDB)
HEREBY REQUEST APPROVAL OF THIS DOCUMENT**

Authorized Chief Elected Official	Date
Authorized Chief Elected Official	Date
Authorized Chief Elected Official	Date
WDB Chairperson	Date

BWT-344 (5/09)

The Workforce Development Agency (WDA), 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 Workforce Development Agency (WDA) 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 WDA 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) Director are to review, sign, and return the Acknowledgement/Adherence form on the next page to the WDA.

The CEO/Grant Recipient, the WDB Chairperson, and the MWA Director, with the submission of the CY 2016 MWSP, *and* the issuance by the WDA 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 the WDA PI 15-29, "Michigan Works! System Plan (MWSP) Instructions for Calendar Year (CY) 2016, the Period of January 1, 2016 through December 31, 2016," issued December 1, 2015.

**Acknowledgement of/Adherence to Michigan Works! System Plan (MWSP)
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 Workforce Development Agency (WDA) Policy Issuance (PI) 15-29, "Michigan Works! System Plan (MWSP) Instructions for Calendar Year (CY) 2016, the Period of January 1, 2016 through December 31, 2016," issued December 1, 2015, unless modified by the WDA, or as appropriate, modified by the WDA mutually with the signatories below or their designated approved alternates.

Michigan Works! Agency Name and Address

Typed Name and Title of CEO

CEO Signature

Date

Typed Name of WDB Chair

WDB Chair Signature

Date

Typed Name of MWA Director

MWA Director Signature

Date

A. ASSURANCES AND CERTIFICATIONS

NONDISCRIMINATION AND EQUAL OPPORTUNITY

1. 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 Workforce Development Agency (WDA) under Title I of the WIOA, the grant applicant assures that it will comply fully with the nondiscrimination 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 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 United States 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; and
- 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 will 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 United States has the right to seek judicial enforcement of this assurance.

2. In connection with the performance of work, the Workforce Development Board (WDB) and Chief Elected Officials (CEOs) further agree or certify that the Michigan Works! Agency (MWA) will comply with the provisions of:
 - 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 [Stat] 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 Consolidated 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.
3. The MWAs must comply with all applicable federal and state laws including, but not limited to, the following:
- a. Immigration and Naturalization 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 [TEGL] 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 (USDOL)/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. Michigan Minimum Wage Law, as amended (MCLA 408.381-398), PA 154 of 1964;
- 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;
- x. Food Stamp Act of 1977, as amended, PL 105-33;
- y. 7 CFR 271, 272, and 273;
- z. The Workforce Innovation and Opportunity Act of 2014, PL 113-128;
- aa. The Workforce Innovation and Opportunity Act Proposed Rules;
- 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;
 - ee. The Michigan Employment Security Act of 1936, as amended;
 - ff. 20 CFR Part 653, with respect to equitable services to migrant and seasonal farm-workers and other requirements, as amended;
 - gg. Uniform Budgeting and Accounting Act, as amended, Michigan Public Act 2 of 1968;
 - hh. Uniform Unclaimed Property Act, Michigan Public Act 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. Public Law 104-154-July 5, 1996m 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
4. The WDA, 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 Office of Management and Budget circulars, the grant agreement, federal regulations, or state policy for the purpose of conducting discrimination complaint investigations, Equal Opportunity (EO) 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 EO 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.

B. STIPULATIONS

1. State Held Harmless - Indemnification

The Michigan Works! Agency (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 intentional 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 United States or foreign patent, copyright, trade secret, or other proprietary right of any person or entity, which right is enforceable under the laws of the United States. 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 WDA, 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 WDA 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 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 WDA 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 WDA.

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 WDA.

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 WDA.

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.

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

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, MWAs must follow Workforce Development Agency (WDA) Policy Issuance 15-04, Change 1 “Local Workforce Development Board (WDB) Workforce Innovation and Opportunity Act (WIOA) Membership Certification,” issued **June 25, 2015, or any policy that replaces or rescinds WDA Policy Issuance 15-04, Change 1.**

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:

- (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, U.S. 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

Typed Name and Title of Certifying Official

Signature

Date

B. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, VOLUNTARY EXCLUSION 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, p. 235.

- (1) 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.
- (2) 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

Typed Name and Title of Certifying Official

Signature

Date

C. Michigan Works! System Plan Identification, Verification, and Designation Form

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

Completion: Mandatory

Penalty: Withholding of Funds

Mandated Information	Optional Information
<i>CEO/Grant Recipient (Attach Additional Pages If Necessary)</i>	<i>Alternate Designated Signatory for CEO/Grant Recipient¹</i>
Name/Title/Organization:	Name/Title/Organization:
Street Address:	Street Address:
City, State, Zip:	City, State, Zip:
E-mail Address:	E-mail Address:
	Effective Period*:
<i>Administrative Entity</i>	Signature of Designee:
Name/Title/Organization:	
Street Address:	<i>Alternate Designated Fiscal Agent for CEO/Grant Recipient²</i>
City, State, Zip:	Name/Title/Organization:
Phone/E-mail Address:	Street Address:
	City, State, Zip:
<i>Fiscal Agent</i>	E-mail Address:
Name/Title/Organization:	Effective Period*:
Street Address:	Signature of Designee:
City, State, Zip:	
E-mail Address:	<i>Alternate Designated Signatory for WDB Chairperson³</i>
	Name/Title/Employer:
<i>Workforce Development Board Chairperson</i>	Street Address:
Name:	City, State, Zip:
Title/Employer:	E-mail Address:
Street Address:	Effective Period*:
City, State, Zip:	Signature of Designee:
E-mail Address:	

Chief Elected Official/Grant Recipient Signature and Date

Workforce Development Board Chairperson Signature and Date

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

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

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

**D. WORKFORCE DEVELOPMENT AGENCY
ONE-STOP OPERATOR VERIFICATION**

Workforce Innovation and Opportunity Act (WIOA) References:

WIOA Sections 121(d) and 107(g)(2); Proposed Rules Section 678.600-678.635

Date:

Calendar Year (CY): 2016 (January 1, 2016 to December 31, 2016)

Michigan Works! Agency (MWA):

One-Stop Operator Identification (Attach Additional Sheet(s) 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]):

Workforce Development Board 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]):

MWA Official Certifying This Form

Name

Title

MWA

Date

**E. WORKFORCE DEVELOPMENT AGENCY
ONE-STOP CENTER(S)/OFFICE(S) VERIFICATION**

Workforce Innovation and Opportunity Act (WIOA) Reference:
Proposed Rules Section 678.300-678-320

Date:

Calendar Year (CY): 2016 (January 1, 2016 to December 31, 2016)

Michigan Works! Agency (MWA):

**One-Stop Service Center/Satellite Office Identification
(Attach Additional Sheet(s) if Necessary)**

Center/Office Name and Type (Full vs. Satellite):

Address:

Telephone Number:

Hours of Operation:

Center/Office Name and Type (Full vs. Satellite):

Address:

Telephone Number:

Hours of Operation:

Center/Office Name and Type (Full vs. Satellite):

Address:

Telephone Number:

Hours of Operation:

MWA Official Certifying This Form

Name

Title

MWA

Date

**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

1. Michigan Works! Agency (MWA) Name	2. MWA No.
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The Federal Funding Accountability and Transparency Act (FFATA) requires the Workforce Development Agency (WDA) to report on its federal grant subawards via a public website operated by the federal government.

3. MWA Principal Place of Performance (MWA Administrative Office)		
Street Address		
City	State	Zip + 4

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

4. DUNS Name and Number
Please note: Grant Recipients/MWAs are required to register and maintain their DUNS number in the federal System for Award Management Online Government Contractor Registration (SAM). The SAM website is www.sam.gov .

5. If applicable, DUNS + 4 Number
The DUNS+4 is the DUNS number plus a 4-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.

6. 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 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 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:

Please note: Information provided will be made available to the public; the public may view first-tier award data at <http://usaspending.gov>.

Name	Compensation
1.	
2.	
3.	
4.	
5.	

7. 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