



**Texas Higher Education
Coordinating Board**

**REQUEST FOR APPLICATIONS
TEXAS HIGHER EDUCATION COORDINATING
BOARD**

**PERKINS BASIC GRANT PROGRAM
2012 – 2013**

INQUIRY DEADLINE: 5:00 PM, C.D.T., JUNE 25, 2012

APPLICATION DEADLINE: 5:00 PM C.D.T., JULY 16, 2012

APPLICATION COVER PAGE AND FEDERAL CERTIFICATIONS DEADLINE: JULY 16, 2012

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1 OVERVIEW OF FUNDING OPPORTUNITY

1.1 PROGRAM TITLE: Career and Technical Education-Basic Grants to States

1.2 SYNOPSIS OF PROGRAM

The Texas Higher Education Coordinating Board (“Coordinating Board”) requests Applications from Eligible Applicants (as the term is defined herein) for consideration of receiving federal funding under Career and Technical Education-Basic Grants to States (“Perkins Basic Grant Program”) for state fiscal year 2013 (September 1, 2012 through August 31, 2013).

To receive federal funding under the Perkins Basic Grant Program, the Eligible Applicant must meet the requirements of this Request for Applications (“RFA”) and address the goals and objectives of the Texas State Plan 2008-2013 under the *Carl D. Perkins Career and Technical Education Improvement Act of 2006*, the *Closing the Gaps: The Texas Higher Education Plan* at <http://theccb.state.tx.us>, and the requirements of the *Carl D. Perkins Career and Technical Education Improvement Act of 2006* (Public Law 109-270) (referred to in this RFA as “Perkins IV”), Title I, Career and Technical Education Assistance to the States, Part C, Local Provisions at: http://cte.ed.gov/docs/perkins_iv.pdf.

1.3 CFDA CODE: Catalog of Federal Domestic Assistance Code, 84.048A, Basic Grants

1.4 FUNDING SOURCE

Federal funds are provided through Perkins IV for the advancement of career and technical education (“CTE”) in Texas.

1.5 POINT OF CONTACT

Donna Carlin, Assistant Director
Workforce, Research and Grant Programs
Texas Higher Education Coordinating Board
1200 East Anderson Lane
Austin, Texas 78752
Phone: (512) 427-6241
Email: donna.carlin@theccb.state.tx.us

2 AWARD SUMMARY

2.1 FUNDING METHODOLOGY AND ALLOCATION

Annual Perkins Basic grant awards (individually referred to as a “Grant” or a “Grant Award”) are based on a formula allocation of available federal funds among Eligible Applicants (**Appendix A**) that reflects each Eligible Applicant’s number of full-time student equivalents (“FTSEs”) who participate in career and technical education programs and receive Pell Grants. To qualify for a Grant Award, the Eligible Applicant must meet a minimum threshold of FTSEs who would generate a minimum of \$50,000 in the formula. All awards are contingent on the availability of federal funding.

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2.2 GRANT PERIOD

The Grant Period is from the date of grant execution (approximately September 1, 2012) through October 15, 2013. **All Grant funds must be expended during the Federal Funding Period (September 1, 2012 to August 31, 2013).**

2.3 CALENDAR OF EVENTS

The application process for this RFA is anticipated to proceed according to the calendar below. The Coordinating Board reserves the right to revise this calendar or any portion of this RFA by published addendum.

Date	Events
May 23, 2012	RFA Posting Date
June 6, 2012	Revised Allocation Emails to Perkins Contacts
June 25, 2012	Inquiry Deadline
July 16, 2012	Application Deadline
July 16, 2012	Application Cover Page and Federal Certifications Deadline
September 1, 2012	Grant Period Begins

3 ELIGIBLE APPLICANT

An Eligible Applicant (or "Applicant") is a Texas public postsecondary institution that offers career and technical education ("CTE") courses leading to technical skill proficiency, an industry-recognized credential, a certificate, or a degree.

4 APPLICATION PROCESS

1. Following the posting of the RFA, Coordinating Board staff will email the Perkins Contact Person at each Eligible Applicant with a unique application number and secure password. That information will allow the Applicant access to the 2012-2013 Application forms via the online Perkins Portal at <http://www.thecb.state.tx.us/Perkins/Portal>
2. The Applicant shall complete the Application on the Perkins Portal by 5:00 pm, C.D.T., on July 16, 2012.
3. The Applicant shall mail, hand-deliver paper copies, or email scanned copies of the Application Cover Page (**Appendix B**) and Certification Regarding Lobbying (**Appendix C**) to the Point of Contact by July 16, 2012. Documents shall be signed by the Applicant representative who is authorized to bind the Applicant.

5 INQUIRIES

The Applicant shall direct all inquiries via email to the Point of Contact by 5:00 pm, C.D.T., on June 25, 2012. The Applicant shall not discuss an Application with any other Coordinating Board employee, unless authorized by the Point of Contact.

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All responses from the Point of Contact shall be in writing to be binding. Any information deemed by the Point of Contact to be important and of general interest, or which modify requirements of the RFA, shall be sent in the form of an addendum to the RFA to all Eligible Applicants.

The Applicant should acknowledge receipt of any and all addenda by mailing a signed copy of each addendum with the submitted Application Cover Page.

6 PROGRAM PURPOSE

The purpose of the Perkins Basic Grant Program is to support Applicants in educating students who enroll in CTE courses and programs to prepare them for high-skill, high-wage, or high-demand occupations. The success of the Applicant in educating these students will be measured by its ability to meet targets for each of six core indicators established by the U.S. Department of Education for the Perkins Basic Grant Program.

7 APPLICATION CONTENT

The Application for the Perkins Basic Grant Program is comprised of five parts: the Application Cover Page (Appendix B), the Local Plan (Appendix D), Performance Improvement/Evaluation Plans for each of the six federally-designated core indicators (Appendix E), the Budget (Schedules A-G), and the Certification Regarding Lobbying (Appendix C).

7.1 APPLICATION COVER PAGE (APPENDIX B)

The Applicant shall complete all information on the Cover Page in the Perkins Portal and mail, hand-deliver paper copies, or email scanned copies by July 16, 2012. The signatures of the President, Chief Financial Officer, and Perkins Point of Contact bind the Applicant and signify the Applicant's agreement to comply with all provisions of this RFA.

7.2 LOCAL PLAN (APPENDIX D)

The Applicant shall submit a Local Plan, comprised of 13 sections, that addresses the standard requirements of Perkins IV and the goals of *Closing the Gaps: The Texas Higher Education Plan*.

7.2.1 Meaning of the Term "Special Populations"

In referencing "special populations" in the Local Plan and in any other applicable sections of the Application, the Applicant shall use the term to mean:

1. individuals with disabilities;
2. individuals from economically disadvantaged families, including foster children;
3. individuals preparing for non-traditional fields;
4. single parents, including single pregnant women;
5. displaced homemakers; and
6. individuals with limited English proficiency.

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7.3 PERFORMANCE IMPROVEMENT/EVALUATION PLANS (APPENDIX E)

The Awarded Applicant will be evaluated on the use of Grant funds to meet the targets of the six federally-designated core indicators (**Appendix F**). To focus efforts on meeting those targets, the Applicant shall develop a Performance Improvement/Evaluation Plan for each of the core indicators. The six Plans shall identify the key resources and scheduled strategies or activities that will be used to meet the targets within the Grant Period.

7.3.1 Performance Improvement Plan

The Applicant shall summarize the Performance Improvement Plan and identify key CTE programs and activities and specific budget items that have a significant role in meeting the target for each core indicator.

7.3.1.1 Summary of Plan

The Applicant will summarize how it will reach the 2012-2013 target, or in the case where an Applicant already meets or exceeds the target, how it will maintain a level of effort to meet the 2012-2013 target. The summary should be sufficiently detailed to understand the specific challenges for the Applicant in meeting or maintaining a level of effort to meet the target, and the reasons for selecting key CTE programs and requesting specific budget items to meet the target.

Sample Entry: To increase the College's performance on the core indicator by 10 percent, the College has developed a plan comprised of four major efforts: (1) targeting high-enrollment CTE certificate and degree programs that show the greatest potential for recruiting, retaining and graduating under-represented gender groups in nontraditional fields; (2) providing group counseling and advising to under-represented students in those targeted programs; (3) providing specific support services that have been shown to be effective in ensuring the students' attendance and progression; and (4) enhancing the knowledge and skills of instructors and professional staff who work directly with students in these nontraditional fields.

7.3.1.2 Key CTE Programs and Activities

The Applicant will identify key CTE programs and activities that will have a significant role in meeting or exceeding the 2012-2013 target. An Applicant that has failed to meet the target for a core indicator in each of the last three years shall identify a minimum of three programs or activities. Each entry will identify the campus (if applicable) and describe and justify each program or activity entry.

Sample Entry: Automotive Technology Program (Bluebonnet Campus) – This AAS program had the largest CTE enrollment of women during the previous academic year, and in the College's analysis of dual credit offerings and other student support and outreach activities, the program showed the greatest potential to attract and retain women and other special student populations.

Sample Entry: Student Counseling Services – The College's research has shown that individual and group counseling has been effective in retaining women in nontraditional degree programs. The College plans to expand these services by highlighting their

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availability and organizing orientation meetings with the campus counselor in targeted programs.

7.3.1.3 Specific Budget Items

The Applicant will identify specific budget items that will have a significant role in meeting or exceeding the 2012-2013 target. An Applicant that has failed to meet the target for a core indicator in each of the last three years shall identify a minimum of three budget items. Budget items shall comply with the Required and Permissible Uses of Funds and the Carl D. Perkins Grant Cost Guidelines. Each entry will identify the Schedule where the budget item is requested, the campus or college within a district (if applicable) and describe and justify each entry.

Sample Entry: *Schedule A: The Special Populations Counselor (Bluebonnet Campus) will develop and lead a monthly support group for women enrolled in the Automotive Technology Program (10% time @ \$5,000) – Research shows that women's support groups have been successful in retaining women in certain CTE fields.*

Sample Entry: *Schedule B: The Special Populations Counselor (Bluebonnet Campus) will attend Women in the Automotive Workforce Conference in Detroit, Michigan, October 20-22, 2012 (\$1,800) – the conference agenda includes presentations and breakout sessions on retention issues.*

Sample Entry: *Schedule F: Child Care Vouchers (\$30,500, representing an estimated 122 vouchers @\$250) – the College has compiled data that shows these vouchers are effective in helping under-represented gender students persist in CTE programs.*

7.3.2 Evaluation Plan

The Applicant will develop an Evaluation Plan for each core indicator that includes activities and strategies, a timeline for each strategy or activity, and one or more evaluation measures for each strategy or activity.

7.3.2.1 Activities/Strategies

The Applicant will identify and describe specific activities and strategies that will be used to meet or exceed the target for a core indicator. These activities and strategies should also align with the key CTE programs/activities and budget items identified in the Performance Improvement Plan for that core indicator. The activities or strategies shall be measurable as an output(s) or (preferably) an outcome(s). Activities and strategies that extend the full length of the Grant Period shall be subdivided into smaller activities and strategies that would show incremental progress in completing these larger activities or strategies.

Sample Entry: *The Special Populations Counselor (Bluebonnet Campus) will hold monthly support group meetings for women enrolled in targeted programs.*

Sample Entry: *In collaboration with the Special Populations Counselor (Bluebonnet Campus), the Automotive Technology instructors will implement an action plan to retain women in the Automotive Technology Program, evaluate the success of the strategies in that plan, and identify successful strategies that are transferrable to other CTE programs.*

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Sub-entry: *Special Populations Counselor and AT instructors will develop an action plan.*

Sub-entry: *Strategies of Action Plan will be implemented in the fall semester.*

Sub-entry: *Special Population Counselor and AT instructors will use retention data and student feedback to determine effectiveness of strategies.*

Sample Entry: *The Student Services Center will track students who have received child care vouchers each semester during the grant period.*

7.3.2.2 Timeline Planned

The Applicant will identify a timeline for each strategy and sub-strategy. The timeline should be in a monthly/quarterly format unless an activity or program extends the length of the Grant Period. In that case, the activity or program should be subdivided into smaller activities and programs, and the timeline for each would show the incremental time for completing that part of the larger activity or strategy.

Sample Entry: *September 2012 –December 2013; January 2013 –May 2013. (For an activity aligned with a college semester or term)*

Sample Entry: *November 2012 – March 2013 (For a small strategy or activity that represents an incremental stage within a large strategy or activity.)*

7.3.2.3 Evaluation Measures

The Applicant will identify one or more evaluation measures for each strategy or activity.

Sample Entry: Percentage of women attending at least 50 percent of the support group meetings who persisted from the first to the second semester of the program.

Sample Entry: Number of strategies implemented from the action plan by May 2013.

Sample Entry: Number of women progressing from the first to the second semester.

Sample Entry: Percentage of surveyed students who reported that one or more strategies were “effective” or “very effective” in helping them stay in the program.

Sample Entry: Percentage of women receiving a “C” or better in courses offered in the targeted program.

Sample Entry: Number of effective strategies determined to be transferrable to other programs.

Sample Entry: Percentage of students receiving more than three child care vouchers during the semester who persisted from the first semester to the second semester of the program.

7.3.3 REPORTING REQUIREMENTS

The Awarded Applicant will report on the progress of the Performance Improvement/Evaluation Plan for each core indicator in the Biannual and Final Reports. (**Appendix G**) The reporting template will require the Awarded Applicant to provide the status, output, or outcome of the evaluation measures for each strategy or activity. Coordinating Board staff shall evaluate the quality and completeness of these Reports.

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7.4 BUDGET

The Applicant shall prepare a budget that includes, but is not limited to, the cost items identified in the Performance Improvement/Evaluation Plan. All cost items must be consistent with the goals and objectives of Perkins IV and must meet federal requirements under the allowable cost principles of 2 CFR 220 (A-21). Before preparing the budget, the Applicant should review Required and Permissible Uses of Funds (**Appendix H**), Perkins Grant Cost Guidelines (**Appendix I**), and Supplementing Versus Supplanting (**Appendix J**).

The budget must be clearly linked to the accomplishment of proposed activities.

7.4.1 Grant Activity Titles

1) Curriculum

Activities are allowable when related to the development/upgrade of curriculum of technical programs.

2) Professional Development

Comprehensive professional development activities include initial teacher preparation and activities that support recruitment for career and technical education teachers, faculty, administrators, and career guidance and academic counselors, especially professional development that:

- (A) promotes the integration of coherent and rigorous academic content standards and career and technical education curricula, including through opportunities for the appropriate academic and career and technical education teachers to jointly develop and implement curricula and pedagogical strategies, as appropriate;
- (B) increases the percentage of teachers that meet teacher certification or licensing requirements;
- (C) is high quality, sustained, intensive, and focused on instruction, and increases the academic knowledge and understanding of industry standards, as appropriate, of career and technical education teachers;
- (D) encourages applied learning that contributes to the academic and career and technical knowledge of the student;
- (E) provides the knowledge and skills needed to work with and improve instruction for special populations;
- (F) assists in accessing and utilizing data, including data provided under section 118 of Public Law 109-270, student achievement data, and data from assessments; and
- (G) promotes integration with professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965.

3) Guidance and Counseling – Are activities that:

- (A) provide access for students (and parents, as appropriate) to information regarding career awareness and planning with respect to an individual's occupational and academic future; and
- (B) provide information with respect to career options, financial aid, and postsecondary options, including baccalaureate degree programs.

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4) Instructional Equipment

Activities are allowable when related to equipment purchased to improve the instruction of selected technical education programs. Equipment must be state-of-the-art and purchased to improve technical programs in meeting industry standards. Also, owned equipment may be modified or upgraded to meet to meet current business and industry specifications including new or improved teaching aids.

5) Special Populations – Are activities that:

(A) raise the academic performance of special populations students to the level of performance of CTE students; and

(B) prepare special populations for high skill, high wage, or high demand occupations that will lead to self-sufficiency.

6) Tech-Prep

No longer applicable.

7) Other

Activities are allowable when related to program improvement. Evaluation activities, business/industry enrichment, instructional materials, and any other activity not identified above (1-6) should be included in this category.

8) One-Stop Centers

List Perkins funds allocated to the operations of One-Stop Centers.

7.4.2 Schedule A: Salaries and Fringe Benefits

Schedule A shall identify staff salaries that would be supported by Perkins Basic Grant funds. The Applicant shall calculate salaries at a pay rate that is comparable to those paid for similar positions at the Applicant. If there are no comparable positions, salaries shall be considered reasonable to the extent that the salaries are comparable to those paid for similar work in the labor market. The Chief Executive Officer of the Applicant may be required to provide certification of comparable salaries.

The Applicant may not request salaries and fringe benefits for executive officers (including the president, vice presidents, and deans) and administrative support staff who may directly or indirectly work on Perkins Basic Grant activities and programs.

The Awarded Applicant shall maintain a job description for each position supported either full-time or part-time by the Grant.

Entry Format: Grant Activity (1-8), the campus (if applicable), name of the person or title of the position, a brief description of the work, the percentage of time the person/position will spend on Perkins Basic Grant activities, and the total compensation for the Grant Period.

*Time and Effort reports or Certification Statements are **required** for all Perkins funded positions. (Additional information is in Section 9.29 of this RFA.*

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7.4.3 Schedule B: Travel

Schedule B shall identify in-state and out-of-state travel that are directly related to Perkins Basic Grant activities. Additional information about allowable and unallowable travel and travel costs is included in **Appendix I**.

The Applicant may not request travel for executive officers (including the president, vice presidents and deans) and administrative support staff who may directly or indirectly work on Perkins Basic Grant activities and programs.

Entry Format: Grant Activity (1-8), the campus (if applicable), name or position(s) of the traveler(s), the purpose of and justification for the travel, dates and location of the destination (if known at the time the Application is submitted), and the total cost.

7.4.4 Schedule C: Capital Expenditures and Equipment

Schedule C shall identify individual capital items defined as tangible property with a useful life of more than one year that have an initial acquisition price of more than \$5,000 per unit and are inventoried. Items should be requested only when they are *necessary* to accomplish specific objectives of Perkins IV.

Capital expenditures and equipment shall be purchased as early as possible during the Grant Period so that CTE programs and students receive the full benefit of those goods and services during the Grant Period. Capital expenditures, equipment and other goods and services purchased during the Grant Period must be in use during that same Grant Period.

CTE programs and students shall have preemptive priority in the use of capital expenditures, equipment, and other inventoried items purchased with Perkins Grant funds, and any other use of these items shall be incidental to the primary use and may not add to the cost, wear and tear, or operation of the equipment or inventoried item purchased with Perkins Grant funds.

The title for capital items (furniture and/or equipment) purchased with Perkins Grant funds will remain with the Awarded Applicant for the Grant Period.

Entry Format: Grant Activity (1-8), the campus (if applicable), program or activity for which the item is being purchased, a description of and justification for the item, the unit cost of the item if more than one unit would be purchased, and the total cost.

7.4.5 Schedule D: Consultant Fees

Schedule D shall identify professional services to be performed by independent consultants who are not employees of the Applicant. Consultants may include speakers or presenters as well as those advising the Applicant.

The Applicant shall not use or pay any consultant for services that can be provided by employees of the Applicant, and consultants paid with Perkins Basic Grant funds shall not derive any portion of their regular salary from other Perkins IV sources.

Consultant selection shall be based on demonstrated competence, qualifications and

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experience, and on the reasonableness of the proposed fee.

Consultant costs are based on the Applicant's purchasing policy and may include reimbursement for materials, travel, and other actual costs associated with the consultant services. All work of the consultants shall be on a reimbursement basis only.

All executed contracts for consultant services shall be on file with the Awarded Applicant.

Entry Format: Grant Activity (1-8), the campus (if applicable), program or activity for which a consultant is being used, the name of the consultant (if available), a description of and justification for the services provided, and the total cost of those services.

7.4.6 Schedule E: Sub-grants and Subcontracts

Schedule E shall identify grants and contracts with other entities to carry out a portion of the Applicant's responsibility under the Perkins Basic grant. It should not include vendor contracts, which belong under Schedule F: Operating Expenses, Services, Books, and Supplies.

All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. Applicant shall follow a formal procurement process including a bidding process when using a subcontract and should follow compliance with suspension and debarment by performing a verification check including an Excluded Parties List System (EPLS) verification, collecting a certification from the entity, and adding a clause with specific terminology to address suspension and debarment requirements:

- §2CFR 215.43 requires that "all procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition")
- §2CFR 215.46 Procurement records and files for purchases in excess of the small purchase threshold shall include the following at a minimum:
 - (a) Basis for contractor selection;
 - (b) Justification for lack of competition when competitive bids or offers are not obtained; and
 - (c) Basis for award cost or price.

All travel, equipment and other inventoried items purchased by the sub-grantee or subcontractor shall meet the same requirements as those for the Awarded Applicant. All work of the sub-grantee and subcontractor shall be on a reimbursement basis only.

All executed sub-grants and subcontracts shall be on file with the Awarded Applicant.

Entry Format: Grant Activity (1-8), the campus (if applicable), program or activity for which a sub-grantee or subcontractor is being used, the name of the sub-grantee or subcontractor, a description of and justification for the services provided, and the total cost of those services.

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7.4.7 Schedule F: Operating Expenses, Services, and Books

Schedule F shall identify all other allowable direct costs (other than those identified in Schedules A-E). **All marketing/outreach materials bought with grant funds MUST incorporate TEXASgenuine. For more information on the TEXASgenuine campaign, please visit www.TEXASgenuine.org.**

Entry Format: Grant Activity (1-8), the campus (if applicable), program or activity for which the item is being purchased, a description of the item, the unit cost of the item if more than one unit would be purchased, and the total cost.

7.4.8 Schedule G: Administration/Indirect Cost

The Administration/Indirect Cost to the Grant is limited to **no more than** five percent of the total direct expenditures. There are two allowable methods for arriving at the Administration/Indirect Cost, of which the Applicant shall choose one:

Indirect Method: The Applicant has a federally approved Indirect Cost Plan on file with Coordinating Board.

Allocation Method: The Applicant has a calculation/projection on file with Coordinating Board that shows that administrative cost is at least 5%.

7.5 CERTIFICATION REGARDING LOBBYING (Appendix E)

The Certification Regarding Lobbying Form shall be completed and returned with an original signature from the Applicant's representative who is authorized to bind the Applicant. The Form must be mailed or hand-delivered to the Point of Contact by July 16, 2012. Additional information is in Section 12 of this RFA.

8 APPLICATION EVALUATION

The Coordinating Board staff will review the Application for completeness and adherence to the requirements of this RFA, and may seek clarification from the Applicant about the Application at any time from the date of submission to the date of grant execution. An Application may be returned if Coordinating Board staff determines that it is incomplete, fails to adhere to the requirements of this RFA, or the Applicant fails to respond to questions or concerns from the Coordinating Board staff or to make corrections to the Application within a reasonable period of time. The Coordinating Board has final authority to approve an Application and to determine the appropriateness of budget items.

9 PROVISIONS AND ASSURANCES

9.1 COST OF APPLICATION PREPARATION

All costs associated with the preparation and submissions of an Application for this RFA are the responsibility of Applicant(s). These costs shall not be chargeable to Coordinating Board by any Applicant(s)

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9.2 APPLICATION DELIVERY AND LATE APPLICATIONS

9.2.1 Applications must be submitted by an authorized agent of the Applicant(s).

9.2.2 Applications shall be considered to be "on time" if they are received on or before the established deadline date and time. Applicant(s) shall be solely responsible for ensuring that Application is received by Coordinating Board prior to the deadline outlined in this RFA. Coordinating Board shall not be responsible for failure of electrical or mechanical equipment, operator error, or inability of a delivery agent, if applicable, to deliver an Application prior to the deadline. Failure to respond in a timely manner to this request may result in Applicant losing the opportunity to receive a Grant.

9.3 CONFLICT OF INTEREST

Applicant(s) must disclose any existing or potential conflicts of interest relative to the performance of the requirements of this RFA. Failure to disclose a conflict of interest may be cause for disqualification of an Application or termination of a Grant resulting from this RFA. If, following a review of this information, it is determined by the Coordinating Board that a conflict of interest exists, Applicant(s) may be disqualified from further consideration. Awarded Applicant is responsible for providing information for any current and/or future conflicts of interest that may arise. The Applicant is required to report all such information as soon as it becomes aware of the conflict of interest. As allowed by applicable law, failure to do so can be a valid reason to terminate the Grant.

9.4 GRANT AWARD

9.4.1 A Grant Award will be negotiated with those institutions that are selected through the evaluation process to have successful Applications. Submission of an Application confers no rights of Applicant to an award or to a subsequent Grant Award, if there is one. The issuance of this RFA does not guarantee that a Grant will ever be awarded. The Coordinating Board reserves the right to amend the terms and provisions of the RFA, negotiate with Applicant, add, delete, or modify the Grant and/or the terms of Application submitted, extend the deadline for submission of Application, or withdraw the RFA entirely for any reason solely at the Coordinating Board's discretion. An individual Application may be rejected if it fails to meet any requirement of this RFA. The Coordinating Board may seek clarification from Applicant at any time, and failure to respond within three business days is cause for rejection of an Application.

9.4.2 Upon issuance of a Grant Award resulting from this RFA, the term "Eligible Applicant" or "Applicant" shall have the same meaning as "Awarded Applicant". Likewise, the terms "Request for Applications" and "Application" shall have the same meaning as the terms "Grant Award," "Grant," or "Contract."

9.5 PAYMENT TERMS

9.5.1 Funds shall be provided on a cost reimbursement basis. The final payment shall be based upon actual expenditures for the Program, up to the amount provided for in the Grant Award.

9.5.2 Awarded Applicant shall submit expenditure reports for reimbursement in the time

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and manner requested by the Coordinating Board as specified in Appendix G, Reporting Requirements. Expenditure reports shall be submitted electronically on form CB 100 any time during the project period but shall be submitted at least quarterly.

9.5.3 The Grantee must liquidate (record as an expenditure) all obligations (encumbrances) incurred under the Grant no later than 30 days after the ending date of the Grant, to coincide with the submission of the final expenditure report, due 30 days after the ending date of the Grant. In no manner shall encumbrances be considered or reflected as accounts payable or as expenditures, and an encumbrance cannot be considered an expenditure or accounts payable until the goods have been received and the services have been rendered. Obligations that are liquidated and recognized as expenditures must meet the allowable cost principles in 2 CFR 220 (A-21) and program rules, regulations, and guidelines contained elsewhere.

9.5.4. As consistent with applicable law (e.g., 2 CFR Part 215, A-110), payments described in this RFA are contingent upon Awarded Applicant's compliance with applicable federal and state requirements and performance goals being achieved, as determined by the Coordinating Board's Point of Contact.

9.6 PROPRIETARY INFORMATION

During the performance of the project implemented under a Grant Award resulting from this RFA, Awarded Applicant may have access to data, information, files, and/or materials (collectively referred to as "data"), which are the property of the Coordinating Board and/or a public school district. These data shall be handled in a method that concurs with all Family Educational Rights and Privacy Act (FERPA) regulations and guidelines.

Applicant agrees to comply with FERPA, 20 U.S.C. Section 1232g, and the implementing federal regulations, 34 CFR Part 99. Applicant agrees (1) to protect any confidential student information it receives or accesses that could make a student's identity traceable, and (2) any confidential data analysis or report shall not be disclosed to any third party without the Coordinating Board's prior written consent.

Awarded Applicant shall have a system in effect to protect all data received or maintained in connection with the activities of this RFA. Awarded Applicant agrees to use its best efforts to preserve the safety, security, and integrity of the data, and to ensure the privacy and confidentiality of all data. Any disclosure or transfer of proprietary information by Awarded Applicant shall be in accordance with applicable federal or Texas law.

9.7 RELEASE OF INFORMATION BY AWARDED APPLICANT

9.7.1 Awarded Applicant shall NOT release any data that is not FERPA compliant. Failure to follow the guidelines established may result in immediate termination of the Grant Award, as allowed by applicable law.

9.7.2 Except for when Awarded Applicant has received prior written approval from the Coordinating Board, Awarded Applicant agrees to notify the Coordinating Board Point of Contact prior to releasing any information to the news media regarding the activities being conducted under the Grant Award resulting from this RFA.

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9.8 RELEASE OF APPLICATION INFORMATION BY THE COORDINATING BOARD

9.8.1 *Public Information Act.* Awarded Applicant understands and acknowledges that as a Texas state agency, the Coordinating Board is subject to the provisions of the Texas Public Information Act, Government Code, Chapter 552 as interpreted by judicial opinions and the opinion of the Attorney General of the state of Texas. Awarded Applicant will cooperate with the Coordinating Board in the production of documents responsive to any such requests under the Public Information Act. The Coordinating Board will make a determination whether to submit a Public Information Act request to the Attorney General.

9.8.2 Upon issuance of the Grant Award, all information submitted with Applicant's Application becomes part of the Grant Award and becomes public record. Therefore, such information is subject to disclosure under the Texas Public Information Act, unless an exception under the Texas Public Information Act is applicable.

9.8.3 Any proprietary information included in Applicant's Application shall be subject to disclosure unless such proprietary information was clearly identified by Applicant (**such marking shall be in boldface type of at least 14 point font**), and such identification was submitted concurrently with the original submission of the proprietary information. Additionally, Applicant shall state the specific reason(s) an exception from the Texas Public Information Act is being claimed concurrently with the original submission of the proprietary information.

9.8.4 If Awarded Applicant(s) fails to clearly identify proprietary information with the original submission of the proprietary information, then those Sections will be deemed non-proprietary and made available upon public request after the Grant is awarded. The production of any material under the Grant shall not have the effect of violating or causing the Coordinating Board to violate any law, including the Texas Public Information Act.

9.9 NONCOMPLIANCE

As consistent with applicable law (e.g., 2 CFR Part 215, A-110), if Awarded Applicant, in the Coordinating Board's sole determination, fails or refuses for any reason to comply with or perform any of its obligations under the Grant Award, the Coordinating Board may impose such remedies as it may deem appropriate. This includes but is not limited to the withholding of payments to Awarded Applicant until Awarded Applicant complies; the cancellation, termination, or suspension of this Grant Award in whole or in part; and the seeking of other remedies that may be legally available. Any cancellation, termination, or suspension of this Grant, if imposed, shall become effective at the close of business on the day of Awarded Applicant's receipt of written notice thereof from the Coordinating Board.

9.10 AMENDMENT AND TERMINATION

9.10.1 *Amendment.* Any amendment or change to the Grant Award which becomes necessary shall be accomplished by a formal Grant Award amendment signed and approved by duly authorized representatives of Awarded Applicant and the Coordinating Board. None of the parties to the Grant Award will be bound by any oral statements, agreements, or representations contrary to the written Grant Award requirements and terms and conditions.

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9.10.2 *The Coordinating Board's Right to Termination.* As consistent with applicable law (e.g., OMB Circular A-102), the Coordinating Board may terminate the Grant Award, in whole or in part for non-compliance.

9.10.3 *Effect of Termination.* As consistent with applicable law (e.g., 2 CFR Part 215, A-110), upon receipt of written notice to terminate, Awarded Applicant shall promptly discontinue its work on the project (unless the notice directs otherwise), and shall deliver or otherwise make available to the Coordinating Board, a summary of work products (e.g., the required Project components) developed by Awarded Applicant under the Grant Award, whether completed or in process. Upon any termination, all indemnities, including without limitation those set forth in the Grant Award, as well as Grant Award provisions regarding confidentiality, records retention, and right to audit shall survive the termination of the Grant Award for any reason whatsoever and shall remain in full force and effect. The Coordinating Board shall be liable to Awarded Applicant for that portion of the project authorized by the Coordinating Board and which has been completed prior to the effective date of termination, provided that the Coordinating Board shall not be liable for any work performed that is not acceptable to the Coordinating Board and/or does not meet Grant Award requirements.

9.10.4 In the event of termination, the Coordinating Board reserves the right to negotiate another award based on another Applicant's submission if it is in the state's best interest.

9.11 NOTICE

Any notice or written communication between the parties shall be considered delivered when postmarked, except that such notice or written communications sent by certified mail, return receipt requested, or delivered in person to the authorized representative of the party designated in accordance with the Grant Award shall be considered to be delivered when received.

9.12 ASSIGNMENT OR SUBCONTRACTING

No rights, interest, or obligations in a Grant Award resulting from this RFA shall be assigned, subcontracted, or delegated by Awarded Applicant without prior written permission of the Coordinating Board Point of Contact. Any attempted assignment or delegation by Awarded Applicant shall be wholly void and totally ineffective for all purposes unless made in conformity with this paragraph. No assignment or subcontract shall relieve Awarded Applicant of any responsibility under this RFA.

Awarded Applicant represents and warrants that it will incorporate all applicable federal laws, regulations, and terms and conditions into any assignment or subcontracting entered into in conformity with this Paragraph.

9.13 LIABILITY AND INDEMNIFICATION

9.13.1 LIABILITY

9.13.1.1 Neither Coordinating Board review, approval, or acceptance of, nor reimbursement for any of the project hereunder shall be construed to operate as a waiver of any rights under the Grant Award, or of any cause of action arising out of the

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performance of the work required by the Grant Award.

9.13.1.2 The Coordinating Board shall have no liability except as specifically provided by law.

9.13.1.3 *Sovereign Immunity.* The Coordinating Board and Awarded Applicant stipulate and agree that no provision of, or any part of the Grant Award between the Coordinating Board and Awarded Applicant, or any subsequent change order, amendment, or other Grant Award modification shall be construed: (1) as a waiver of the doctrine of sovereign immunity or immunity from suit as provided for in the Texas Constitution and the Laws of the State of Texas; (2) to extend liability to the Coordinating Board beyond such liability provided for in the Texas Constitution and the Laws of the State of Texas; or (3) as a waiver of any immunity provided by the 11th Amendment or any other provision of the United States Constitution or any immunity recognized by the Courts and the laws of the United States.

9.13.2 INDEMNIFICATION To the extent allowed by law, awarded Applicant agrees to indemnify, defend and hold harmless the State of Texas, the Coordinating Board, as well as officers, agents, and employees of the Coordinating Board from any liability, for any and all claims, demands, fees, suits or actions of any nature whatsoever, including but not limited to personal injury or illness, bodily injury (including death) and property damage occurring in connection with or in any way incident to or arising out of the use, service, operation or performance of the Project under the terms of the Grant Award, except claims, demands, fees, suits or actions arising from any negligence by the Coordinating Board, its officers, agents, employees, contractor, subcontractors or any negligence of a third party, its (their) officers, agents, employees, contractors, subcontractors. The Coordinating Board shall give Awarded Applicant written notice of each such claim or suit and full right and opportunity to conduct Awarded Applicant's own defense thereof, together with full information and all reasonable cooperation. Awarded Applicant shall coordinate its defense with the Texas Attorney General as requested by the Coordinating Board.

9.13.3 Additionally, if Awarded Applicant requires or desires to use any design, trademark, device, material or process covered by letters of patent or copyright, Awarded Applicant shall indemnify, defend and hold harmless, to the extent allowed by law, the State of Texas, the Coordinating Board, as well as officers, agents, and employees of the Coordinating Board, from any liability, for any and all claims, demands, fees, suits or actions of any nature whatsoever, from any and all claims for infringement by reason of the use of any such patented design, device, trademark, copyright, material or process in connection with the Project and shall indemnify (to the extent allowed by law) the State of Texas, the Coordinating Board, as well as officers, agents, and employees of the Coordinating Board, from any cost, expense, royalty or damage which the State of Texas, the Coordinating Board, as well as officers, agents, and employees of the Coordinating Board may be obligated to pay by reason of any infringement at any time during the performance of or after completion of the Project. Awarded Applicant represents and warrants that it has determined what licenses, patents, and permits are required under the Grant Award and has lawfully acquired all such licenses, patents, and permits.

9.13.4 Notwithstanding any indemnification clause, the Coordinating Board shall have full authority to conduct its own defense, negotiations, and settlements, but Awarded Applicant's indemnification nevertheless remains in full force and effect. Any settlement shall

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only be reimbursable by Awarded Applicant if Awarded Applicant approves such settlement in advance, and any liability upon unsuccessful defense shall only be reimbursable by Awarded Applicant if Awarded Applicant has full opportunity to participate equally in the defense of the action.

9.14 INTELLECTUAL PROPERTY OWNERSHIP

Awarded Applicant agrees that all Works (the term "Works" is defined as "all tangible or intangible material, products, ideas, documents or works of authorship prepared or created by Awarded Applicant for this Grant Award") are, upon creation, works made for hire and the sole property of the Texas Education Agency ("TEA.") If the Works are, under applicable law, not considered works made for hire, Awarded Applicant hereby assigns to TEA all worldwide ownership of all rights, including the Intellectual Property Rights, in the Works, without the necessity of any further consideration, and TEA can obtain and hold in its own name all such rights to the Works. Awarded Applicant agrees to maintain written agreements with all officers, directors, employees, agents, representatives and subcontractors engaged by Awarded Applicant for the Contract Project, granting Awarded Applicant rights sufficient to support the performance and grant of rights to TEA by Awarded Applicant. Copies of such agreements shall be provided to TEA promptly upon request.

Awarded Applicant warrants that (i) it has the authority to grant the rights herein granted, (ii) it has not assigned or transferred any right, title, or interest to the Works or Intellectual Property Rights that would conflict with its obligations under the Contract, and Awarded Applicant will not enter into any such agreements, and (iii) the Works will be original and will not infringe any intellectual property rights of any other person or entity. These warranties will survive the termination of the Contract. If any preexisting rights are embodied in the Works, Awarded Applicant grants to Coordinating Board and TEA the irrevocable, perpetual, non-exclusive, worldwide, royalty-free right and license to (i) use, execute, reproduce, display, perform, distribute copies of, and prepare derivative works based upon such preexisting rights and any derivative works thereof and (ii) authorize others to do any or all of the foregoing. Awarded Applicant agrees to notify Coordinating Board on delivery of the Works if they include any such preexisting rights. On request, Awarded Applicant will provide Coordinating Board with documentation indicating a third party's written approval for Awarded Applicant to use any preexisting rights that may be embodied or reflected in the Works.

For Colleges and Universities: The foregoing Intellectual Property Ownership provisions apply to any colleges and universities and their employees, agents, representatives, consultants, and subcontractors; provided, that for all Works and derivative works created or conceived by colleges or universities under the Contract, they are granted a non-exclusive, non-transferable, royalty-free license to use the Works for their own academic and educational purposes only. The license for academic and educational purposes specifically excludes advertising, offering for sale, selling, distributing, publicly displaying, publicly performing, or reproducing the Works, or making derivative works from the Works that are created or conceived under this Contract and colleges and universities and their employees, agents, representatives, consultants, and subcontractors are prohibited from engaging in these uses and activities with regard to the Works unless the prior express written permission of the TEA Copyright Office is obtained.

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9.15 SEVERABILITY AND STRICT PERFORMANCE

The invalidity, illegality, or unenforceability of any provisions of the Grant Award shall in no way affect the validity, legality, or enforceability of any other provisions.

Each and every right granted to the Coordinating Board and Awarded Applicant hereunder or under any other document delivered hereunder or in connection herewith, or allowed them by law or equity, shall be cumulative and may be exercised from time to time. Failure by the Coordinating Board or Awarded Applicant at any time to require strict performance of any Grant provision or obligation contained herein shall not constitute a waiver or diminish the rights of either party thereafter to demand strict compliance. Neither Coordinating Board review, approval, acceptance of, nor reimbursement for any of the services carried out in the Grant shall be construed to operate as a waiver of any rights under the Grant, or of any cause of action arising out of the services required by the Grant.

9.16 CONFLICTING RFA LANGUAGE

In the event that language contained in a particular Section of the RFA is found to be in conflict with language in another Section, the most stringent requirement(s) shall prevail.

In the case of conflicts arising in the interpretation of wording and/or meaning of various sections, parts, General Provisions, Special Provisions, Exhibits, and Attachments or other documents, the Coordinating Board Contract and its General Provisions, Appendices and Special Provisions shall take precedence over all other documents which are a part of this Contract.

9.17 MONITORING

Pursuant to this Grant OMB Circular A-133 §__.400(d)(3), and 34 CFR § 80.40, desk reviews and, or on-site monitoring reviews may be conducted by the Coordinating Board, the federal awarding agency, or either's designee to determine compliance with the approved Application and the applicable statute(s), law(s), regulations, and guidelines.

9.18 ACCOUNTING SYSTEM

Awarded Applicant assures it will maintain a financial management system that complies with federal standards established in 34 CFR 80.20 and 74.21 and that provides for accurate, current, and complete disclosure of the financial results of each grant project. The financial management system records will identify adequately the source and application of funds and will contain information pertaining to grant awards, authorizations, obligations, unobligated balances, assets, outlays, income and interest. Fiscal control and accounting procedures will permit the tracing of funds to a level of expenditure adequate to establish that funds have been used in accordance with the approved Grant Application. Awarded Applicant agrees to maintain effective control over and accountability for all funds, property, and other assets. In addition, Awarded Applicant shall have an accounting system that accounts for cost in accordance with generally accepted accounting principles. Awarded Applicant's accounting system must include an accurate and organized file/records system for accounting and financial purposes for providing backup materials for billings.

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9.19 AUDIT AND ACCESS TO RECORDS

9.19.1 Pursuant to Texas Government Code §2262.003, Awarded Applicant acknowledges that acceptance of funds under the Grant Award acts as acceptance of the authority of (1) the Texas State Auditor's Office, or any successor agency, (2) the Texas State Auditor's Office or any successor agency, under the direction of the Texas Legislative Audit Committee, (3) the Coordinating Board's Internal Auditor, and (4) any external auditors selected by the Coordinating Board or any auditors selected by the United States, (Collectively referred to as "Audit Entities") to conduct an audit or investigation in connection with those funds. Awarded Applicant further agrees to cooperate fully with Audit Entities in the conduct of the audit or investigation, including providing all records requested. Awarded Applicant shall ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through Awarded Applicant and the requirement to cooperate is included in any subcontract Awarded Applicant awards.

9.19.2 Awarded Applicant shall maintain its records and accounts in a manner which shall assure a full accounting for all funds received and expended by Awarded Applicant in connection with the Project. The financial management system records will identify adequately the source and application of funds and will contain information pertaining to grant awards, authorizations, obligations, unobligated balances, assets, outlays (i.e., expenditures), income, and interest. Fiscal control and accounting procedures will permit the tracing of funds to a level of expenditure adequate to establish that funds have been used in accordance with the Approved Application. The Applicant agrees to maintain effective control over and accountability for all funds, property, and other assets. These records and accounts (which includes all receipts of expenses incurred by Awarded Applicant) shall be retained by Awarded Applicant and made available for inspecting, monitoring, programmatic or financial auditing, or evaluation by the Coordinating Board and by others authorized by law or regulation to do so for a period of not less than five (5) years from the date of completion of the Project or the date of the receipt by the Coordinating Board of Awarded Applicant's final claim for reimbursement or final expenditure report or until a resolution of all billing questions in connection with the Grant, whichever is later. If an audit has been announced, the records shall be retained until such audit has been completed. As consistent with applicable law, Awarded Applicant shall make available at reasonable times and upon reasonable notice, and for reasonable periods, all documents and other information related to the Project carried out under the Grant. Awarded Applicant and any subcontractors shall provide any Audit Entities with any information the entity deems relevant to any monitoring, investigation, evaluation, or audit.

9.19.3 Awarded Applicant's failure to comply with this "Audit and Access to Records" section shall constitute, as allowed by applicable law, a material breach of the Grant.

Awarded Applicant shall also maintain fiscal records and supporting documentation for all expenditures of awarded funds pursuant to the applicable OMB Circulars and 34 CFR § 80.42. Awarded Applicant shall comply with the uniform requirements set forth in OMB Circulars as applicable, and these OMB Circulars are incorporated by reference as part of this Grant:

Administrative Requirements are found in: 2 CFR 215, OMB A-110, Uniform Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

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Audit Requirements are found in: OMB A-133, Audit of States, Local Governments,
and Non-Profit Organizations

9.20 SUBMISSION OF AUDIT REPORTS TO COORDINATING BOARD

Awarded Applicants that expend \$500,000 or more total in federal awards in any fiscal year and are thus required to conduct a Single Audit or program-specific audit in accordance with the requirements in OMB Circular A-133, agree to submit a copy of such audit to the Coordinating Board when the schedule of findings and questioned costs disclosed audit findings relating to any federal awards provided by the Coordinating Board. A copy of such audit shall also be submitted to the Coordinating Board if the summary schedule of prior audit findings reported the status of any audit findings relating to any federal awards provided by the Coordinating Board.

A grantee shall provide written notification to the Coordinating Board that an audit was conducted in accordance with OMB Circular A-133 when the schedule of findings and questioned costs disclosed no audit findings related to any federal awards provided by the Coordinating Board or when the summary schedule of prior audit findings did not report on the status of any prior audit findings related to any federal awards provided by the Coordinating Board. Nonprofit organizations (other than charter schools) and universities/colleges shall submit the audit report to the Coordinating Board Division of Fiscal Services. Audit reports must be submitted to the Coordinating Board within 30 days of receipt of the report from the auditor. Failure to submit a copy of the audit to the Coordinating Board could result in a reduction of funds paid to the Awarded Applicant, a refund to the Coordinating Board, termination of the Contract, and/or ineligibility to receive additional grant awards from the Coordinating Board.

Entities that expend less than \$500,000 in a fiscal year in federal awards are exempt from the audit requirements in the Single Audit Act and Circular A-133. However, such entities are not exempt from other federal requirements (including those to maintain records) concerning federal awards provided to the entity. The entity's records must be available for review by the appropriate officials of federal agencies, pass-through entities, and the General Accounting Office (GAO).

9.21 REFUNDS DUE TO COORDINATING BOARD

As consistent with applicable law, the Coordinating Board reserves the right to require the reimbursement of any over-payments determined as a result of any audit or inspection of records kept by Awarded Applicant on work performed under the Grant. Awarded Applicant shall reimburse the Coordinating Board within 30 calendar days of receipt of notice from the Coordinating Board of overpayment. If Awarded Applicant fails to make timely payment, the Coordinating Board may obtain such money from Awarded Applicant by any means permitted by law, including but not limited to offset, counterclaim, cancellation, termination, suspension, total withholding, and/or disapproval of all or any subsequent applications for said funds. This section (Refunds Due To the Coordinating Board) survives the termination of the Contract.

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9.22 NON-APPROPRIATION OF FUNDS

As consistent with applicable law (e.g., 2 CFR Part 215, A-110), the Grant may be terminated if funds allocated to the Coordinating Board should become reduced, depleted, or unavailable during the Grant term, and to the extent that the Coordinating Board is unable to obtain additional funds for such purposes. The Coordinating Board shall negotiate efforts as first consideration and if such efforts fail, then the Coordinating Board shall immediately provide written notification to the Awarded Applicant of such fact and the Grant shall be deemed terminated upon receipt of the notification, and neither party shall have any further rights or obligations hereunder. Awarded Applicant shall not incur new obligations after the effective date of termination and shall cancel as many outstanding obligations as reasonably practicable. The Coordinating Board shall be liable for costs incurred up to the time of such termination. Under no circumstances shall this RFA or any provisions herein be construed to extend the duties, responsibilities, obligations, or liabilities of the State of Texas or the Coordinating Board beyond the then existing biennium.

9.23 REPORTING REQUIREMENTS

Awarded Applicant shall be required to complete performance and expenditure reports as part of this RFA. Information about those requirements is included in **Appendix G**.

9.24 STATE FISCAL COMPLIANCE GUIDELINES

The standard financial management conditions and uniform assurances set out in the following pages are applicable to all grants, cooperative agreements, contracts and other financial assistance arrangements executed between state agencies, local governments and any other sub-recipient not specifically excluded by state or federal law. All applicable conditions and uniform assurances can be found in the *Uniform Grant Management Standards* at <http://governor.state.tx.us/files/state-grants/UGMS062004.doc>

9.25 APPLICABLE LAW AND VENUE

The Grant Award and any incorporated documents shall be governed by and construed in accordance with the laws of the State of Texas. The exclusive venue of any suit brought concerning the Grant Award and any incorporated documents is fixed in any Court of competent jurisdiction in Travis County, Texas, and all reimbursements under the Grant shall be due and payable in Travis County, Texas.

9.26 APPLICANT RESPONSIBILITIES

Applicant shall comply with all federal, state and local laws, statutes, ordinances, rules and regulations and the orders and decrees of any court or administrative bodies or tribunals in any matter affecting the performance of the Grant, including, if applicable, workers compensation laws, compensation statutes and regulations, and licensing laws and regulations. Applicant shall also comply with all terms and conditions in federal rules, laws and regulations referenced in Section 10.9, Section 10.10, Section 10.11, Section 11, and **Appendix C** (Certification Regarding Lobbying and other certifications) of this RFA. Applicant shall also comply with all applicable Education Department Administrative Regulations (EDGAR) and all applicable Office of Management and Budget Circulars regarding applicable costs, administrative requirements, and audit requirements. All these additional federal terms

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and conditions are herein incorporated for all purposes into the Grant. When requested to do so by THECB, Applicant shall furnish THECB with satisfactory proof of its compliance.

9.27 KEY PERSONNEL

Awarded Applicant, in its reasonable discretion, reserves the right to substitute appropriate key personnel to accomplish its duties so long as the substituted personnel are equally qualified and skilled in the tasks necessary to accomplish the Project. Awarded Applicant shall provide to the Coordinating Board prior written notice of any proposed change in key personnel (as submitted in Grant Application Cover Page, **Appendix B**) involved in accomplishing the Project. No substitutions of key personnel will be made without the prior written consent of the Coordinating Board. All requested substitutes must be submitted to the Coordinating Board as described in **Appendix K**, Changes to Grant Plans or Budget. The key personnel that will be assigned to work on the Project are considered to be essential to the accomplishing the work.

9.28 ELIGIBILITY/AUTHORIZATION TO WORK IN THE UNITED STATES

Awarded Applicant shall ensure that all personnel provided to perform work under the Contract possess proof of eligibility/authorization to work in the United States in compliance with the Immigration Reform and Control Act of 1986, the Immigration Act of 1990, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Awarded Applicant shall maintain written records on all personnel provided under the Contract and shall provide such records to the Coordinating Board upon request. Failure to maintain and provide records upon request shall represent a material breach of this Contract and the Coordinating Board shall have the right to terminate the Contract for cause. Awarded Applicant shall ensure this section is included in all subcontracts it is authorized by the Coordinating Board to enter.

9.29 TIME AND EFFORT RECORDKEEPING

For those personnel whose salaries are prorated between or among different funding sources, time and effort records will be maintained by Awarded Applicant that will confirm the services provided within each funding source. Awarded Applicant must adjust payroll records and expenditures based on this documentation. Time and effort records must be in accordance with the requirements in the applicable OMB cost principles.

9.30 FORMS, ASSURANCES, AND REPORTS

Awarded Applicant shall make timely and file with the proper authorities all forms, assurances and reports required by federal laws and regulations. The Coordinating Board shall be responsible for reporting to the proper authorities any failure by Awarded Applicant to comply with the foregoing laws and regulations coming to the Coordinating Board's attention, and may deny payment or recover payments made by the Coordinating Board to Awarded Applicant in the event of Awarded Applicant's failure so to comply.

9.31 FAMILY CODE APPLICABILITY

By accepting the Grant Award, Awarded Applicant, if other than a state agency or a non-profit, certifies that under Section 231.006, Family Code, that Awarded Applicant is not ineligible to receive payment under this Grant and acknowledges that this Grant Award may

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be terminated (consistent with 2 CFR Part 215, A-110) and reimbursement may be withheld if this certification is inaccurate. Coordinating Board reserves the right to terminate this Grant if Awarded Applicant is found to be ineligible to receive payment. If Awarded Applicant is found to be ineligible to receive payment and the Grant is terminated, Awarded Applicant is liable to the Coordinating Board for attorney's fees, the costs necessary to complete the Grant, including the cost of advertising and awarding a second Grant, and any other damages or relief provided by law or equity.

9.32 AFFIRMATION CLAUSES

Applicant has not given, offered to give, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, travel, favor, or service to a Coordinating Board public servant, including employees, in connection with the submitted response.

Neither Applicant nor the firm, corporation, partnership, entity, or institution represented by Applicant or anyone acting for such firm, corporation, partnership, entity, or institution has (1) violated the antitrust laws of the State of Texas under Texas Business & Commerce Code, Chapter 15, or the federal antitrust laws, or (2) communicated the contents of this Application either directly or indirectly to any competitor or any other person engaged in the same line of business during the procurement process for this RFA.

If applicable, the Texas business address shown herein is, in fact, the legal business address of Applicant and Applicant qualifies as a Texas Resident Bidder under Texas Government Code Chapter 2252.

Under Texas Government Code Section 2155.004, no person who was compensated by the Coordinating Board to assist in preparing the RFA specifications or this RFA has any financial interest in Applicant's Application. If Applicant is not eligible, then any Grant Award resulting from this RFA shall be immediately terminated. Further, under Section 2155.004, Texas Government Code, Applicant certifies that the individual, state agency, or business entity named in the Application is not ineligible to receive the specified Grant Award and acknowledges that this Grant Award may be terminated and payment withheld if this certification is inaccurate.

The Coordinating Board is federally mandated to adhere to the directions provided in the President's Executive Order (EO) 13224, Executive Order on Terrorist Financing – Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism, effective 9/24/2001 and any subsequent changes made to it via cross-referencing Applicants with the Federal General Services Administration's Excluded Parties List System (EPLS, <http://www.epls.gov>), which is inclusive of the United States Treasury's Office of Foreign Assets Control (OFAC) Specially Designated National (SDN) list. Applicant is prohibited from entering into this contract. Moreover, Applicant further certifies that the responding entity and its principals are eligible to participate in this transaction and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state or local governmental entity and that Applicant is in compliance with the State of Texas statutes and rules relating to procurement and that Applicant is not listed on the federal government's terrorism watch list as described in Executive Order 13224. (Entities ineligible for federal procurement are listed at <http://www.epls.gov>.)

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Under Section 2155.006(b) of the Texas Government Code, a state agency may not accept a bid or award a contract, including a contract for which purchasing authority is delegated to a state agency, that includes proposed financial participation by a person who, during the five-year period preceding the date of the bid or award, has been: (1) convicted of violating a federal law in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459(a)(2), Texas Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005; or (2) assessed a penalty in a federal civil or administrative enforcement action in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459(a)(2), Texas Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005. Under Section 2155.006 of the Texas Government Code, Applicant certifies that the individual or business entity named in this Application is not ineligible to receive a contract resulting from this RFA and acknowledges that any contract resulting from this RFA may be terminated and payment withheld if this certification is inaccurate.

10 SPECIAL CONTRACT PROVISIONS AND ASSURANCES

The following Special Provisions and Assurances apply to all projects funded under Public Law 109-270, the "Carl D. Perkins Career and Technical Education Improvement Act of 2006" (Perkins IV).

10.1 DESK REVIEWS

General ledgers, travel receipts, purchase orders, invoices, Time and Effort reports or Certification Statements, subgrants, subcontracts or other expense documentation supporting each budget line item shall be provided upon request for review.

For the subgrant and subcontracts, review will ensure the following were included on each subgrant or subcontract:

1. CFDA# 84.048A and reference to "Perkins Leadership Grant Program" need to be stated on the subgrant/subcontract
2. Requirement to comply with Federal law and regulations.
3. Suspension and Debarment verification
4. Services to be Performed
5. Deliverables
6. Due Dates
7. Amount of Award
8. Time Period of Award

10.2 SOCIAL ACTIVITIES EXPENDITURES

Amusement, social activities, and incidental entertainment costs such as alcoholic beverages, gratuities, door prizes, and gifts are not allowable expenditures under this Grant. Meals are allowable only when business is being conducted during the meal and a reasonable argument can be made for such expenditure.

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10.3 REGISTRATION FEES

Registration fees may be charged for meetings, conferences, and other activities sponsored or funded by Perkins IV.

10.4 SPECIAL FUND RESTRICTION

No funds received under Perkins IV may be used to provide career and technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under Perkins IV may be used by such students.

10.5 SUPPLANTING

Funding provided under this project shall supplement and not supplant state, federal, and local funds. Supplanting of Perkins funds is found to occur in instances in which Perkins funds are used to replace other state, federal, and local funds that had previously supported an activity/purchase. Additional information about the differences between supplementing and supplanting is included in **Appendix J**.

10.6 UNFAIR BUSINESS PRACTICES

By submitting an Application for this RFA, Awarded Applicant, if other than a state agency, certifies that Awarded Applicant, within the preceding 12 months, has not been found guilty, in a judicial or state agency administrative proceeding, of unfair business practices. Awarded Applicant, if other than a state agency, also certifies that no officer of its company has, within the preceding 12 months, served as an officer in another company which has been found, in a judicial or state agency administrative proceeding, to be guilty of unfair business practices.

Awarded Applicant, whether a state agency or not a state agency, certifies that no funds provided under this Grant Award shall be used to purchase supplies, equipment, or services from any companies found to be guilty of unfair business practices within 12 months from the determination of guilt.

10.7 FUNDS FOR RELIGIOUS WORSHIP, INSTRUCTION

No funds will be used to pay for religious worship, instruction, or proselytization, or for any equipment or supplies for such, or for any construction, remodeling, repair, operation, or maintenance of any facility or part of a facility to be used for religious worship, instruction, or proselytization (34 CFR 76.532 and P. L. 107-110, Section 9505).

10.8 DISCLOSURE OF GIFTS AND CAMPAIGN CONTRIBUTIONS

The Awarded Applicant shall file disclosures of gifts and campaign contributions as required by State Board of Education Operating Rule 4.3, which is incorporated as if set out in full. The Awarded Applicant has a continuing obligation to make disclosures through the term of the Contract. Failure to comply with State Board of Education Operating Rule 4.3 is grounds for canceling the Grant Award.

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10.9 FEDERAL RULES, LAWS AND REGULATIONS THAT APPLY TO ALL FEDERAL PROGRAMS

Awarded Applicant shall be subject to and shall abide by all federal laws, rules and regulations pertaining to the Contract project, including but not limited to:

1. Americans With Disabilities Act, P. L. 101-336, 42 U.S.C. sec. 12101, and the regulations effectuating its provisions contained in 28 CFR Parts 35 and 36, 29 CFR Part 1630, and 47 CFR Parts 0 and 64;
2. Title VI of the Civil Rights Act of 1964, as amended (prohibition of discrimination by race, color, or national origin), and the regulations effectuating its provisions contained in 34 CFR Part 100;
3. Title IX of the Education Amendments of 1972, as amended (prohibition of sex discrimination in educational institutions) and the regulations effectuating its provisions contained in 34 CFR Part 106, if Contractor is an educational institution;
4. Section 504 of the Rehabilitation Act of 1973, as amended (nondiscrimination on the basis of handicapping condition), and the regulations effectuating its provisions contained in 34 CFR Part 104 and 105;
5. Age Discrimination Act of 1975, as amended (prohibition of discrimination on basis of age), and any regulations issued there under, including the provisions contained in 34 CFR Part 110;
6. Family Educational Rights and Privacy Act (FERPA) of 1975, as amended (ensures access to educational records for students and parents while protecting the privacy of such records), and any regulations issued there under, including Privacy Rights of Parents and Students (34 CFR Part 99), if Contractor is an educational institution (20 USC 1232g);
7. Section 509 of H.R. 5233 as incorporated by reference in P. L. 99-500 and P. L. 99-591 (prohibition against the use of federal grant funds to influence legislation pending before Congress);
8. Pro-Children Act of 2001, which states that no person shall permit smoking within any indoor facility owned or leased or contracted and utilized for the provision of routine or regular kindergarten, elementary, or secondary education or library services to children [P. L. 107-110, Section 4303(a)]. In addition, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted and utilized for the provision of regular or routine health care or day care or early childhood development (Head Start) services [P. L. 107-110, Section 4303(b)(1)]. Any failure to comply with a prohibition in this Act shall be considered to be a violation of this Act and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty, as determined by the Secretary of Education (P. L. 107-110, Section 4303(e)(1));
9. Fair Labor Standards Act (29 USC 207), Davis Bacon Act (40 USC 276(a), and Contract Work Hours and Safety Standards Act (40 USC 327 et seq.), as applicable, and their

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implementing regulations in 29 CFR 500-899, 29 CFR Parts 1,3,5, and 7, and 29 CFR Parts 5 and 1926, respectively;

10. Buy America Act: Contractor certifies that it is in compliance with the Buy America Act in that each end product purchased under any federally funded supply contract exceeding \$2,500 is considered to have been substantially produced or manufactured in the United States. End products exempt from this requirement are those for which the cost would be unreasonable, products manufactured in the U. S. that are not of satisfactory quality, or products for which the agency head determines that domestic preference would be inconsistent with the public interest. Contractor also certifies that documentation will be maintained that documents compliance with this requirement (FAR 25.1-.2);
11. P.L. 103-227, Title X, Miscellaneous Provisions of the GOALS 2000: Educate America Act; P.L. 103-382, Title XIV, General Provisions of the Elementary and Secondary Education Act, as amended; and General Education Provisions Act, as amended.
12. Prohibition of Text Messaging and E-mailing while Driving during Official Federal Grant Business: Personnel funded from federal grants and their subcontractors and subgrantees are prohibited from text messaging while driving an organization-owned vehicle, or while driving their own privately owned vehicle during official grant business, or from using organization-supplied electronic equipment to text message or e-mail while driving. Recipients must comply with these conditions under Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving" October 1, 2010 (pursuant to provisions attached to federal grants funded by the U.S. Department of Education).
13. Crimes and Prohibited Activities: Anti-Kickback (Copeland) Act, as implemented at 29 CFR 3.1; False Claims Act, 31 USC 3729; and Program Fraud Civil Remedies Act, 31 USC 3801-3812.
14. Drug-Free Workplace: Drug-Free Workplace Act of 1988, P.L. 100-690, as implemented in common rule from by individual agencies.
15. Federal Funding Accountability and Transparency Act of 2006 (FFATA): The Federal Funding Accountability and Transparency Act of 2006 (FFATA) ensures that the public can access information on all entities and organizations receiving Federal funds. Central to the law was the development of www.USASpending.gov, a publicly-available website with searchable information on each Federal grant and contract. As part of the FFATA guidance, THECB will be responsible for providing award information to USAS pending, but Contractor will be responsible for registering with the Central Contractor Registration (CCR) website prior to receiving federal funds from THECB. Once Contractor is registered with CCR, THECB will have the information required to submit the federally required reporting elements.
16. Registration with CCR is an essential part of receiving this Grant. Although Contractor may already be registered, it is incumbent upon the Contractor to ensure this compliance. The link for CCR registration is: <https://www.bpn.gov/ccr/default.aspx>. In addition to CCR registration, Contractor must provide THECB with:

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- (1) Data Universal Numbering System Number (DUNS Number). No entity may receive a subaward from THECB unless the entity has provided its DUNS number to THECB.
- (2) Congressional district where the services will be performed/located

10.10 GENERAL EDUCATION PROVISION ACT (GEPA)

General Education Provisions Act (GEPA), as Amended, Applicable to All Federal Programs Funded or Administered Through or By the U. S. Department of Education:

Participation in Planning: Applicant will provide reasonable opportunities for the participation by teachers, parents, and other interested parties, organizations, and individuals in the planning for and operation of each program described in this application (20 USC 1232(e)).

Availability of Information: Any application, evaluation, periodic program plan, or report relating to each program described in this application will be made readily available to parents and other members of the general public (20 USC 1232(e)).

Sharing of Information: Contractor certifies that it has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program described in this application significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects (20 USC 1232(e)).

Prohibition of Funds for Busing: The applicant certifies that no federal funds (except for funds appropriated specifically for this purpose) will be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system (20 USC 1228).

Direct Financial Benefit: Contractor certifies that funds expended under any federal program will not be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization [20 USC 1232(b)(8)].

11 CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION – LOWER TIER COVERED TRANSACTIONS

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85.

11.1 DEFINITIONS

As used in this Section 11.

Covered Transaction - A transaction under Federal non-procurement programs, which can be either a primary covered transaction or a lower tier covered transaction.

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Lower Tier Covered Transaction - (1) Any transaction between a participant and a person other than a procurement contract for goods or services, regardless of type, under a primary covered transaction; (2) Any procurement contract for goods or services between a participant and a person, regardless of type, expected to equal or exceed the Federal procurement small purchase threshold of \$25,000; (3) Any procurement contract for goods or services between a participant and a person under a covered transaction, regardless of amount.

Participant - Any person who submits a proposal for, enters into, or reasonably may be expected to enter into a covered transaction, including an agent or representative of another participant.

Principal - An officer, director, owner, partner, principal investigator, or other person within a participant with management or supervisory responsibilities related to a covered transaction; or a consultant or other person, whether or not employed by the participant or paid with Federal funds, who (1) is in a position to handle Federal funds; (2) is in a position to influence or control the use of those funds; or (3) occupies a technical or professional position capable of substantially influencing the development or outcome of an activity required to perform the covered transaction.

Excluded Parties List System (EPLS) - The list maintained and disseminated by the General Services Administration (GSA) containing names and other information about persons who are ineligible.

Debarment - Action taken by a debarring official (Federal agency) to exclude a person (recipient) from participating in covered transactions.

Suspension - An action taken that immediately prohibits a person from participating in covered transactions for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue.

Ineligible - generally refers to a person who is either excluded or disqualified.

Person - Any individual, corporation, partnership, association, unit of government or legal entity, however organized, except: foreign governments or foreign governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, and entities consisting wholly or partially of foreign governments or foreign governmental entities.

Proposal - A solicited or unsolicited bid, application, request, invitation to consider or similar communication by or on behalf of a person seeking to participate or to receive a benefit, directly or indirectly, in or under a covered transaction.

Voluntarily Excluded - A status of nonparticipation or limited participation in covered transactions assumed by a person pursuant to the terms of a settlement.

11.2 TERMS

11.2.1 By signing the Application Cover Page and submitting its Application, the prospective lower tier participant is providing the certification set out below.

11.2.2 The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

11.2.3 The prospective lower tier participant shall provide immediate written notice to the

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Coordinating Board's Point of Contact if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

11.2.4 The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. Grantee may contact the Coordinating Board for assistance in obtaining a copy of those regulations.

11.2.5 The prospective lower tier participant agrees by submitting its Application that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

11.2.6 The prospective lower tier participant further agrees by submitting its Application that it will include a clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions", stating the Certification listed below (at 15.3) without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

11.2.7 A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Non-Procurement List.

11.2.8 Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

11.2.9 Except for transactions authorized under paragraph 11.2.5 of this section, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

11.3 CERTIFICATION

By signature on the Application Cover Page and by submission of its Application, Applicant certifies 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.

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Where Applicant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to its Application.

The Applicant certifies that it will comply with all applicable provisions of 34 CFR Part 85.

12 LOBBYING CERTIFICATES

Submission of this certification (which is a separate form attached to this RFA as Appendix C and which must be submitted with the Application Cover Page) covers all federal programs in this application, is required by the U. S. Department of Education and Section 1352, Title 31, of the United States Code, and is a prerequisite for making or entering into a sub grant or subcontract over \$100,000 with any organization.

Further, Awarded Applicant certifies by signature on the Application Cover Page and by submitting an Application, to the best of his or her knowledge and belief, that:

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 any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.

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 grant or cooperative agreement, Awarded Applicant shall complete and submit Standard Form – LLL "Disclosure of Lobbying Activities," in accordance with its instructions.

Awarded Applicant shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including sub grants, contracts under grants and cooperative agreements, and subcontracts) and that all sub recipients shall certify and disclose accordingly.

Please mail or email a signed copy of the Certification Regarding Lobbying and Disclosure Form (Appendix C) with the Application Cover Page.

**PERKINS BASIC GRANT PROGRAM
Texas Higher Education Coordinating Board
2012-2013
APPENDIX A**

2012-2013 PERKINS BASIC GRANT PROGRAM ALLOCATIONS

<u>ELIGIBLE APPLICANT</u>	<u>ALLOCATION*</u>
Alamo Community College District	\$ 1,539,912
Alvin Community College	\$ 106,197
Amarillo College	\$ 577,091
Angelina College	\$ 416,697
Austin Community College	\$ 1,265,231
Blinn College	\$ 278,536
Brazosport College	\$ 86,939
Central Texas College	\$ 489,302
Cisco College	\$ 274,124
Clarendon College	\$ 106,329
Coastal Bend College	\$ 232,824
College of the Mainland Community College District	\$ 141,620
Collin County Community College District	\$ 252,990
Dallas County Community College District	\$ 1,390,099
Del Mar College	\$ 577,575
El Paso Community College District	\$ 511,565
Frank Phillips College	\$ 60,837
Galveston College	\$ 98,752
Grayson County College	\$ 433,478
Hill College	\$ 237,924
Houston Community College	\$ 1,051,987
Howard College	\$ 229,526
Kilgore College	\$ 402,202
Lamar Institute of Technology	\$ 332,220
Lamar State College-Orange	\$ 263,469
Lamar State College-Port Arthur	\$ 137,194
Laredo Community College	\$ 467,875
Lee College	\$ 315,674
Lone Star College System District	\$ 985,728

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<u>ELIGIBLE APPLICANT</u>	<u>ALLOCATION*</u>
McLennan Community College	\$ 718,125
Midland College	\$ 161,875
Navarro College	\$ 595,221
North Central Texas College	\$ 296,548
Northeast Texas Community College	\$ 205,725
Odessa College	\$ 155,968
Panola College	\$ 171,005
Paris Junior College	\$ 281,951
Ranger College	\$ 69,953
San Jacinto Community College	\$ 577,634
South Plains College	\$ 397,630
South Texas College	\$ 1,356,024
Southwest Texas Junior College	\$ 246,952
Tarrant County College District	\$ 1,215,107
Temple College	\$ 232,370
Texarkana College	\$ 173,292
Texas Southmost College	\$ 352,167
Texas State Technical College, Harlingen	\$ 522,058
Texas State Technical College, Marshall	\$ 145,211
Texas State Technical College, Waco	\$ 968,551
Texas State Technical College, West Texas	\$ 139,436
Trinity Valley Community College	\$ 477,900
Tyler Junior College	\$ 617,630
Vernon College	\$ 164,000
Victoria College, The	\$ 210,151
Weatherford College	\$ 142,587
Western Texas College	\$ 50,000
Wharton County Junior College	\$ 248,535
 Total Formula Allocations	 \$ 24,157,503

* The allocations may change based on funding made available from uncommitted Perkins State Leadership and Administration funds.

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APPENDIX B
APPLICATION COVER PAGE**

Original Application

**Texas Higher Education Coordinating Board
Carl D. Perkins Grants for Program Year 2012-2013
Application Cover Page**

Project Title:

Category:

Classification:

Application Number:

Applicant Institution:

Name:

FICE Code:

Mailing Address:

City, State, Zip:

Budget Request:

Salaries and Fringe Benefits

Travel

Capital Outlay/Equipment

Consultant Fees

Subgrants and Subcontracts

Operating Expenses, Services, Books, and Supplies

Subtotal – Direct

Administration

Total Grant Request

Project Director:

Name:

Phone:

Fax:

E-mail:

Perkins Point of Contact:

Name:

Phone:

Fax:

E-mail:

We hereby certify that the information contained in this application is, to the best of our knowledge, correct and that the institution named above has authorized us as its representatives to obligate this institution. We further certify that any ensuing program and activity will be conducted in accordance with all applicable Federal and State laws and regulations, applications guidelines and instructions, the Provisions and Assurances, Debarment and Suspension, Lobbying Certifications, Drug-Free Workplace requirements, Special Provisions and Assurances, and the schedules as applicable. We are in full acceptance of the terms and conditions described in the THECB's RFA for Perkins Basic Grant 2012-2013. It is understood that this application constitutes an offer and, if accepted by the Coordinating Board or renegotiated to acceptance, will form a binding agreement.

Name/Title of Chancellor/President/CEO from Applicant Institution	Signature	Date
Name/Title of Chief Financial Officer	Signature	Date
Name/Title of Perkins Point of Contact	Signature	Date

PERKINS BASIC GRANT PROGRAM
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APPENDIX C

CERTIFICATION REGARDING LOBBYING AND DISCLOSURE FORM

Applicants must review the requirements for certification regarding lobbying included in the regulations cited below before completing this form. Applicants must sign this form to comply with the certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying." This certification is a material representation of fact upon which the Department of Education relies when it makes a grant or enters into a cooperative agreement.

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a Federal contract, grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) 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 any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) 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 grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants and contracts under grants and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certification.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

0348-0046

(See reverse for public burden disclosure.)

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, <i>if known</i> : Congressional District, if known:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known:	
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, <i>if applicable</i> : _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$ _____	
10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i>	b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i>	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

PERKINS BASIC GRANT PROGRAM
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INSTRUCTIONS FOR COMPLETION OF SF-LLL,
DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity 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 a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

Identify the status of the covered Federal action.

3 Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4 Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5 If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6 Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7 Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8 Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."

9 For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10 (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

11 Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

12 The certifying official shall sign and date the form, and print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

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APPENDIX D

LOCAL PLAN

Each Applicant must submit a Local Plan that addresses the specific requirements identified in Perkins IV the goals of *Closing the Gaps by 2015*. The Local Plan should be consistent with the *Required and Permissible Uses of Funds (Appendix H)*.

The Local Plan shall describe how (1-13):

1) Career and technical education (CTE) programs will be carried out to strengthen the academic and career and technical skills of students, by strengthening the academic and career and technical education components of programs through the integration of academics with career and technical education programs through a coherent sequence of courses, such as career and technical programs of study.

2) CTE activities will meet state and local adjusted levels of performance.

3) Applicant will:

- Offer the appropriate courses of not less than one of the career and technical programs of study.
- Improve the academic and technical skills of students participating in CTE programs through integration.
- Provide students with strong experience in, and understanding of, all aspects of an industry.
- Ensure that students who participate in CTE programs are taught to the same coherent and rigorous content aligned with challenging academic standards as are taught to all other students.
- Encourage CTE students at the secondary level to enroll in rigorous and challenging courses in core academic subjects.

4) Comprehensive professional development (including initial teacher preparation) for CTE, academic, guidance and administrative personnel will be provided that promotes the integration of coherent and rigorous content aligned with challenging academic standards and relevant CTE (including curriculum development).

5) A wide variety of stakeholders will be involved throughout the process in the development, implementation, and evaluation of CTE programs, and how such individuals and entities are informed about, and assisted in understanding the requirements of Perkins, including CTE programs of study.

6) Assurances will be provided that programs are of such size, scope and quality to bring about improvement in the quality of CTE within their regions.

7) Milestones will be measured to evaluate and continuously improve performance.

8) Applicant will review CTE programs to identify and adopt strategies to overcome barriers that

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result in lower access or success for special populations,¹ will provide programs that enable special populations to meet local performance levels, and will provide activities to prepare special populations for high-skill, high-wage or high-demand occupations that will lead to self-sufficiency.

9) Applicant will ensure that individuals who are members of special populations will receive fair and equitable treatment including accessibility of facilities and services.

10) Funds will be used to promote the creation of programs of study in nontraditional fields.

11) Career guidance and academic counseling will be provided to CTE students, including linkages to future education and training opportunities.

12) Efforts will improve the recruitment and retention of CTE teachers, faculty, and career guidance and academic counselors, including underrepresented groups; and will foster the transition for teachers from business and industry.

13) In addition to the twelve items above, the Application must also provide a description of how the activities in the local plan will meet the goals of *Closing the Gaps by 2015*.

¹ "Special populations" means: individuals with disabilities; individuals from economically disadvantaged families, including foster children; individuals preparing for non-traditional fields; single parents, including single pregnant women; displaced homemakers; and individuals with limited English proficiency.

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APPENDIX E
PERFORMANCE IMPROVEMENT/EVALUATION PLAN

Perkins Core Indicator 5P2: Nontraditional Completion

Student completion of CTE programs in nontraditional fields.

Numerator: Number of CTE concentrators from underrepresented gender groups who completed a program that leads to employment in nontraditional fields during the reporting year.

Denominator: Number of CTE concentrators who completed a program that leads to employment in nontraditional fields during the reporting year.

Actual Institutional Performance Compared to State Targets by Program Year											
Institution	2009-2010			2010-2011			2011-2012			2012-2013	
	Actual [1]	Target	90%	Actual [2]	Target	90%	Actual [3]	Target	90%	Target	90%
State Performance/Target	16.97%	17.25%	15.53%	17.36%	17.30%	15.57%		17.40%	15.66%	17.50%	15.75%
A Sample Institution	15.58%	-1.67%	+0.05%	15.76%	-1.54%	+0.19%	15.64%	-1.76%	-0.02%		
Source: CBM001, CBM002, CBM009 Reporting Year: [1] 2008-2009, [2] 2009-2010, [3] 2010-2011											
2011-2012 State Target met?: No 90% met?: No											

Performance Improvement Plan

Summary of Plan to Meet 2012-2013 Target.

To increase the College's performance on the core indicator by 10 percent, the College has developed a plan comprised of four major initiatives: (1) targeting three high-enrollment CTE certificate and degree programs that show the greatest potential for recruiting, retaining, and graduating under-represented gender groups in nontraditional fields; (2) providing group counseling and advising to under-represented students in those targeted programs; (3) providing specific support services that have been shown to be effective in ensuring the students' attendance and progression; and (4) enhancing the knowledge and skills of instructors and professional staff who work directly with students in these nontraditional fields.

Key CTE Programs and Activities Identified to Meet 2012-2013 Target.

Automotive Technology Program (Bluebonnet Campus) – This AAS program had the largest CTE enrollment of women during the previous academic year, and in the College's analysis of dual credit offerings and other student support and outreach activities, the program showed the greatest potential to attract and retain women and other special student populations.

Welding Technology Program – This AAS program had the second largest CTE enrollment of women during the previous academic year.

Air Framing Program – This certificate program had a 25% increase in enrollment in the previous semester due, in part to, aggressive recruiting by women mentors at partnering high schools. As a result, women represented the majority of that increase through a pipeline created from the College's outreach efforts and dual credit offerings.

Student Counseling Services – The College's research has shown that individual and group counseling has been effective in retaining women in nontraditional degree programs. The College plans to expand these services by highlighting their availability and organizing orientation meetings with the campus counselor in targeted programs.

Specific Budget Items Requested to Meet 2012-2013 Target.

Schedule A: The Special Populations Counselor (Bluebonnet Campus) will develop and lead a monthly support group for women enrolled in the Automotive Technology, Welding and Air Framing Programs (10% time @ \$5,000) – Research shows that woman's support groups have been successful in retaining women in certain CTE fields.

Schedule B: The Special Populations Counselor (Bluebonnet Campus) will attend Women on the Assembly Line Workforce Conference in

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Detroit, Michigan, October 20-22, 2012 (\$1,800) – the conference agenda includes presentations and breakout sessions on retention issues.

Schedule F: Child Care Vouchers (\$30,500, representing an estimated 122 vouchers @\$250) – the College has compiled data that shows these vouchers are effective in helping under-represented gender students persist in CTE programs.

Evaluation Plan

Activities/Strategies	Timeline Planned	Evaluation Measures
1. The Special Populations Counselor (Bluebonnet Campus) will hold monthly support group meetings for women enrolled in the Automotive Technology, Welding, and Air Framing programs.	9/1/2012 - 5/31/2013	Percentage of women attending at least 50 percent of the support group meetings who persisted in or completed the targeted programs.
2. In collaboration with the Special Populations Counselor (Bluebonnet Campus), the Automotive Technology, Welding and Air Framing instructors will implement an action plan to retain women in targeted programs, evaluate the success of the strategies in that plan, and identify successful strategies that are transferrable to other CTE programs.	9/1/2012 - 8/31/2013	Percentage of women who persisted in or completed the targeted programs.
2a. Special Populations Counselor and instructors will develop an action plan of researched “best practices” for retaining women in nontraditional fields.	9/1/2012 - 12/31/2012	Number of “best practice” strategies identified in the action plan.
2b. Special Populations Counselor and instructors will implement and evaluate strategies of the action plan.	1/1/2013 - 5/31/2013	Number of women who persisted in or completed the targeted programs Percentage of surveyed students who reported that one or more strategies were “effective” or “very effective” in helping them be successful in the program.
2c. Special Population Counselor and CTE instructors will use retention data and student feedback to determine and apply criteria for transferring strategies to other nontraditional programs.	6/1/2013 - 8/31/2013	Number of strategies determined to be transferrable to other programs for further implementation and evaluation.
3. The Student Services Center will track students who have received child care vouchers each semester during the Grant Period.	9/1/2012 - 8/31/2013	Percentage of students receiving more than three child care vouchers during a semester who persist or complete the program.

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APPENDIX F
FEDERAL CORE INDICATORS OF PERFORMANCE AND 2012-2013 STATE TARGETS

Beginning with the 2008-2009 academic program year and thereafter, states are required to submit their performance indicator data to the United States Department of Education/Office of Vocational and Adult Education (OVAE) via their Consolidated Annual Reports (CAR). Each Applicant is required to meet the state target within 90 percent for each core indicator.

Federal Postsecondary Student Definitions

OVAE has provided the following federal definitions of Participant and Concentrator in the Perkins IV Act.

CTE Participant: A postsecondary student who has earned one (1) or more credits in any CTE program area.

CTE Concentrator: A postsecondary student who: 1) completes at least 12 academic or CTE credits in a single CTE program area sequence that is comprised of 12 or more academic and technical credits and terminates in the award of an industry-recognized credential, certificate, or degree; or 2) completes a short-term CTE program sequence of less than 12 credit units that terminates in an industry-recognized credential, certificate, or degree.

Please note that continuing education students earning certificates and licensures are included in the definition of concentrator. Nevertheless, the definition of concentrator does not include personal enrichment classes because they are not state funded and not reported to the Coordinating Board.

The federal core indicators of performance for career and technical education at the postsecondary level, under section 113(b)(2)(B) of the Perkins IV Act are:

1P1: Technical Skill Attainment: Student attainment of challenging career and technical skill proficiencies, including student achievement on technical assessment that is aligned with industry- recognized standards, if available and appropriate.

Numerator: Number of CTE concentrators who passed technical skill assessments that are aligned with industry-recognized standards, if available and appropriate, during the reporting year.

Denominator: Number of CTE concentrators who took technical skill assessments during the reporting year.

2012-2013 State Target: 93.00%
90% of State Target: 83.70

Note for Indicator 1P1: The Department recognizes that a State may not have technical skill assessments that are aligned with industry-recognized standards in every CTE program area and for every CTE concentrator. OVAE expects that each State will identify, in Part A, Section VI (Accountability and Evaluation) of its new Perkins IV State plan, the program areas for which the State has technical skill assessments, the estimated percentage of students who will be reported in the State's calculation of CTE concentrators who took assessments, and the State's plan and timeframe for increasing the coverage of programs and students reported in this indicator to cover all CTE concentrators and all program areas in the future.

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2P1: Credential, Certificate, or Diploma: Student attainment of an industry-recognized credential, certificate, or degree.

Numerator: Number of CTE concentrators who received an industry-recognized credential, certificate, or degree during the reporting year.

Denominator: Number of CTE concentrators who left postsecondary education during the reporting year.

2012-2013 State Target: 38.00%
90% of State Target: 34.20%

3P1: Student Retention or Transfer: Student retention in postsecondary education or transfer to a baccalaureate degree program.

Numerator: Number of CTE concentrators who remained enrolled in their original postsecondary institution or transferred to another 2- or 4-year postsecondary institution during the reporting year and who were enrolled in postsecondary education in the fall of the previous reporting year.

Denominator: Number of CTE concentrators who were enrolled in postsecondary education in the fall of the previous reporting year and who did not earn an industry-recognized credential, a certificate, or a degree in the previous reporting year.

2012-2013 State Target: 68.50%
90% of State Target: 61.65%

4P1: Student Placement: Student placement in military service or apprenticeship programs or placement or retention in employment, including placement in high skill, high wage or high demand occupations or professions.

Numerator: Number of CTE concentrators who were placed or retained in employment, or placed in military service or apprenticeship programs in the 2nd quarter following the program year in which they left postsecondary education. (i.e., unduplicated placement status for CTE concentrators who graduated by June 30, 2008 would be assessed between October 1, 2008 and December 31, 2008).

Denominator: Number of CTE concentrators who left postsecondary education during the reporting year.

2012-2013 State Target: 80.00%
90% of State Target: 72.00%

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5P1: Nontraditional Participation: Student participation in CTE programs in nontraditional fields.

Numerator: Number of CTE participants from underrepresented gender groups who participated in a program that leads to employment in nontraditional fields during the reporting year.

Denominator: Number of CTE participants who participated in a program that leads to employment in nontraditional fields during the reporting year.

2012-2013 State Target: 23.15%

90 % of State Target: 20.835%

5P2: Nontraditional Completion: Student completion of CTE programs in nontraditional fields.

Numerator: Number of CTE concentrators from underrepresented gender groups who completed a program that leads to employment in nontraditional fields during the reporting year.

Denominator: Number of CTE concentrators who completed a program that leads to employment in nontraditional fields during the reporting year.

2011-2012 State Target: 17.50%

90% of State Target: 15.75%

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APPENDIX G
REPORTING REQUIREMENTS

General Information

The Awarded Applicant shall submit a Biannual Report, Final Report, a minimum of four Expenditure Reports, and a Property Inventory and Disposition Report to the Coordinating Board for the Grant Period.

All reports, with the exception of the Property Inventory and Disposition Report, shall be submitted via the Perkins Portal at <http://www.theccb.state.tx.us/Perkins/Portal>, instructions for completing the reports are available at <http://www.theccb.state.tx.us/OS/Grants/Perkins/>.

Failure to submit reports in a timely manner will result in withholding fiscal reimbursements and will influence the Awarded Applicant's eligibility for future Grant Awards. Continued failure to submit reports and reimbursement requests and failure to meet commitments made in the Performance Improvement/Evaluation Plans may require the Coordinating Board to terminate the Grant for non-performance.

Biannual and Final Reports: The Awarded Applicant shall submit a Biannual and Final Report that documents the implementation and outcomes of the Performance Improvement/Evaluation Plans. The reporting schedule:

<u>Report</u>	<u>For Period Ending</u>	<u>Report Due Date</u>
Biannual	February 28, 2013	April 1, 2013
Final	August 31, 2013	September 28, 2013

Expenditure Reports: The Awarded Applicant's chief financial officer or authorized designee shall submit Expenditure Reports on Form CB 100 at any time during the Grant Period but at least quarterly. The final Expenditure Report shall include actual expenditures for the Grant Period and Form CB 320, detailing actual expenditures by activity for the Grant Period.

The Awarded Applicant will not be reimbursed for any expenditures submitted after October 14, 2013. The reporting schedule:

<u>Report</u>	<u>For Quarter Ending</u>	<u>Report Due Date</u>
First	November 30, 2012	December 14, 2012
Second	February 28, 2013	March 15, 2013
Third	May 31, 2013	June 15, 2013
Final	August 31, 2013	September 30, 2013

Property Inventory and Disposition Report: The Awarded Applicant shall submit a Property Inventory and Disposition Report by September 30, 2013. The report shall be a cumulative inventory of all single items purchased with Perkins Basic Grant funds that are valued at \$5,000 or more with a useful life of greater than one year. The list shall include all items in the Awarded Applicants possession and those discarded, sold, or transferred to another entity. Each entry on the inventory shall include: the identification number, description of the property; acquisition date; acquisition cost; location (if in the Awarded Applicant's possession); and disposition status and date (if not in the Awarded Applicant's possession).

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APPENDIX H
REQUIRED AND PERMISSIBLE USES OF FUNDS

Each Applicant that receives funds under Section 135 of Perkins IV must use those funds to improve career and technical education programs.

Required Uses of Funds

Funds made available to Applicants must be used to support career and technical education programs that:

- 1) strengthen the academic and career and technical skills of students participating in career and technical education programs, by strengthening the academic and career and technical education components of such programs through the integration of academics with career and technical education programs through a coherent sequence of courses, such as career and technical programs of study described in section 122(c)(1)(A), to ensure learning in:
 - a) the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); and
 - b) career and technical education subjects;
- 2) link career and technical education at the secondary level and career and technical education at the postsecondary level, including by offering the relevant elements of not less than 1 career and technical program of study described in section 122(c)(1)(A);
- 3) provide students with strong experience in and understanding of all aspects of an industry, which may include work-based learning experiences;
- 4) develop, improve, or expand the use of technology in career and technical education, which may include:
 - a) training of career and technical education teachers, faculty, and administrators to use technology, which may include distance learning;
 - b) providing career and technical education students with the academic and career and technical skills (including the mathematics and science knowledge that provides a strong basis for such skills) that lead to entry into the technology fields; or
 - c) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs, including programs that improve the mathematics and science knowledge of students;
- 5) provide professional development programs that are consistent with section 122 to secondary and postsecondary teachers, faculty, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs, including--
 - a) in-service and pre-service training on:
 - i) effective integration and use of challenging academic and career and technical education provided jointly with academic teachers to the extent practicable;
 - ii) effective teaching skills based on research that includes promising practices;
 - iii) effective practices to improve parental and community involvement; and
 - iv) effective use of scientifically based research and data to improve instruction;

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- b) support of education programs for teachers of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students, to ensure that such teachers and personnel stay current with all aspects of an industry;
 - c) internship programs that provide relevant business experience; and
 - d) programs designed to train teachers specifically in the effective use and application of technology to improve instruction;
- 6) develop and implement evaluations of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;
- 7) initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology;
- 8) provide services and activities that are of sufficient size, scope, and quality to be effective; and
- 9) provide activities to prepare special populations, including single parents and displaced homemakers who are enrolled in career and technical education programs, for high skill, high wage, or high demand occupations that will lead to self-sufficiency.

Permissive Uses of Funds

Once the Applicant has addressed all the required elements, they may use funds:

- 1) to involve parents, businesses, and labor organizations as appropriate, in the design, implementation, and evaluation of career and technical education programs authorized under this title, including establishing effective programs and procedures to enable informed and effective participation in such programs;
- 2) to provide career guidance and academic counseling, which may include information described in section 118, for students participating in career and technical education programs, that:
 - a) improves graduation rates and provides information on postsecondary and career options, including baccalaureate degree programs, for secondary students, which activities may include the use of graduation and career plans; and
 - b) provides assistance for postsecondary students, including for adult students who are changing careers or updating skills;
- 3) for local education and business (including small business) partnerships, including for:
 - a) work-related experiences for students, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to career and technical education programs;
 - b) adjunct faculty arrangements for qualified industry professionals; and
 - c) industry experience for teachers and faculty;
- 4) to provide programs for special populations;

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- 5) to assist career and technical student organizations;
- 6) for mentoring and support services;
- 7) for leasing, purchasing, upgrading or adapting equipment, including instructional aides and publications (including support for library resources) designed to strengthen and support academic and technical skill achievement;
- 8) for teacher preparation programs that address the integration of academic and career and technical education and that assist individuals who are interested in becoming career and technical education teachers and faculty, including individuals with experience in business and industry;
- 9) to develop and expand postsecondary program offerings at times and in formats that are accessible for students, including working students, including through the use of distance education;
- 10) to develop initiatives that facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including:
 - a) articulation agreements between sub-baccalaureate degree granting career and technical education postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;
 - b) postsecondary dual and concurrent enrollment programs;
 - c) academic and financial aid counseling for sub-baccalaureate career and technical education students that informs the students of the opportunities for pursuing a baccalaureate degree and advises the students on how to meet any transfer requirements; and
 - d) other initiatives:
 - i) to encourage the pursuit of a baccalaureate degree; and
 - ii) to overcome barriers to enrollment in and completion of baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;
- 11) to provide activities to support entrepreneurship education and training;
- 12) for improving or developing new career and technical education courses, including the development of new proposed career and technical programs of study for consideration by the eligible agency and courses that prepare individuals academically and technically for high skill, high wage, or high demand occupations and dual or concurrent enrollment opportunities by which career and technical education students at the secondary level could obtain postsecondary credit to count towards an associate or baccalaureate degree;
- 13) to develop and support small, personalized career-themed learning communities;
- 14) to provide support for family and consumer sciences programs;
- 15) to provide career and technical education programs for adults and school dropouts to complete the secondary school education, or upgrade the technical skills, of the adults and school dropouts;

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16) to provide assistance to individuals who have participated in services and activities under this Act in continuing their education or training or finding an appropriate job, such as through referral to the system established under section 121 of Public Law 105-220 (29 U.S.C. 2801 et seq.);

17) to support training and activities (such as mentoring and outreach) in nontraditional fields;

18) to provide support for training programs in automotive technologies;

19) to pool a portion of such funds with a portion of funds available to not less than 1 other eligible recipient for innovative initiatives, which may include:

- a) improving the initial preparation and professional development of career and technical education teachers, faculty, administrators, and counselors;
- b) establishing, enhancing, or supporting systems for:
 - i) accountability data collection under this Act; or
 - ii) reporting data under this Act;
- c) implementing career and technical programs of study described in section 122(c)(1)(A); or
- d) implementing technical assessments; and

20) to support other career and technical education activities that are consistent with the purpose of this Act.

Non-Permissive Uses of Funds

Individuals with other barriers to educational achievement have been eliminated from the definition of Special Populations. Therefore, developmental activities are no longer allowed.

Administrative Costs

Each eligible recipient receiving funds under this part shall not use more than 5 percent of the funds for administrative costs associated with the administration of activities assisted under this section.

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APPENDIX I
CARL D. PERKINS GRANT COST GUIDELINES

Funds must be expended for *reasonable and necessary costs* in conducting grant activities. *Reasonable* means a cost is consistent with prudent business practice and comparable to current market value. *Necessary* means the cost is essential for grantee to accomplish the objectives of the project. The grantee must comply with the applicable Federal Cost Principles in expending grant funds. See the last section of this appendix for a link to Federal Cost Principles.

This appendix addresses certain specific costs only and is not intended to be all-inclusive.

Advertisements

Advertisements are allowed for recruiting grant personnel only as long as the advertisement is *not* in color and not excessively large.

Advertisements are allowed for communication with the public and press when the costs are considered necessary as part of the outreach effort for the grant.

Alcoholic Beverages

Alcoholic beverages are not allowable under any circumstances.

Audit Fees

Audit fees are allowable in accordance with the following:

- Audit fees and expenses are allowable only when the audit is required by and performed in accordance with OMB Circular A-133, Audits (posted online at http://www.whitehouse.gov/omb/circulars_default).
- Audit fees and expenses may not be charged as a direct cost when such audit-services costs are part of the grantee's indirect cost pool.

Awards for Recognition and Incentives for Participation

Minimal-cost certificates, plaques, ribbons, small trophies, or instructionally-related items to be used in the classroom (such as pens and pencils) are acceptable incentives for participation in program activities or awards for recognition.

The following items may be donated by others but may NOT be purchased with grant funds:

- Gifts or items that appear to be gifts
- Souvenirs, memorabilia, or promotional items, such as T-shirts, caps, tote bags, imprinted pens, and key chains
- Door prizes, movie tickets, gift certificates, passes to amusement parks, and so on
- Food of any kind (snacks, beverages, refreshments, meals, and so on)

Calendars and Calendaring Systems

Calendaring systems to manage *personal* calendars – whether paper calendars, personal digital assistants (PDAs), or electronic or software calendars – are not allowable costs.

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Cellular Telephones for Personal Use

A cellular telephone for personal use is not an allowable cost.

Ceremonies, Banquets, or Celebrations

Costs associated with ceremonies, banquets, or celebrations are not allowable.

Conflict of Interest

Any purchase or expenditure that would pose a conflict of interest, real or perceived, is not allowable.

Construction, Remodeling, or Renovation

These costs are not allowed unless specifically authorized in the authorizing program statute and unless specifically approved in the applicable grant application.

Donations

Donations to other organizations or to other units within the grantee institution are not allowable.

Employee Service Awards

Employee service awards cannot be paid from grant funds.

Entertainment, Recreation, Social Events

Costs associated with any type of entertainment, recreation, or social event are not allowable.

Field Trips

Educational field trips are allowable under certain circumstances. Educational field trips are approved, planned instructional activities that involve students in learning experiences that are difficult to duplicate in a classroom situation. The field trip must be necessary to accomplish the objectives of the grant program.

Costs for the field trip must be reasonable. Any entrance fees and transportation costs must be reasonable in comparison to the intended objectives of the trip.

Unallowable Costs Related to Field Trips

The following costs are not allowable:

- Field trips for social, entertainment, or recreational purposes
- Field trips that supplant and do not supplement local or state expenditures or activities
- Field trips that are not reasonable in cost or are not necessary to accomplish the objectives of the grant program
- Field trips to entertainment or recreational locations that have legitimate educational programs when more than 25 percent of the time spent at the location is used for

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entertainment or recreation of field trip participants

Fines and Penalties

Fines and penalties are not allowable.

Food and Beverage Costs

Expenditures on food must be *reasonable in cost, necessary to accomplish program objectives, and an integral part of the instructional program.*

Food Costs for Participant Meetings/Training

Unless otherwise specified, a limited amount of funds may be expended on light meals for *participant meetings or training events under very limited circumstances.* The use of grant funds for this purpose is specifically limited to *light working lunches* for participants when the working lunch is noted on an agenda, is clearly described, and is mandatory. The purpose of a working lunch should be to shorten the overall meeting or training time and to facilitate accomplishing the objectives of the meeting or training and the overall program.

A working lunch or light lunch described below is considered to be reasonable in cost when the cost of the lunch including tax does not exceed \$20 per person; therefore, the grantee will not be reimbursed for more than \$20 per person, including tax. Any amount over \$20 per person must be paid from other allowable funding sources. The \$20 per person does not include any *mandatory service fee or set-up fee.* Anything termed a gratuity or tip is not reimbursable.

Specifically, grant funds may be expended for the following costs provided that the grantee maintains adequate and sufficient documentation that the costs were necessary and reasonable to further the intent and objectives of the grant.

- **Light Lunch during an All-Day Meeting or Training Session:** Light lunch (not to exceed \$20 per person, including tax) for participants who are cloistered in an all-day (at least six-hour) meeting or training session. Grantee must document that it was impractical for participants to obtain lunch on their own (for example, because of an isolated location or distance to eateries) and that their attendance at the meeting or training session was essential to accomplishing the objectives of the grant. Grantee must maintain an agenda that clearly identifies the topics discussed during the meeting or training session and the time allocated to each topic, including the lunch period.
- **Working Lunch during an All-Day Meeting or Training Session:** Light meals during a working lunch (not to exceed \$20 per person, including tax). A working lunch is defined as an activity in which staff or participants are engaged in exercises or activities during the normal meal time. Grantee must maintain an agenda that shows that no other opportunity for a meal was provided and that clearly identifies the exercise or activity the participants were engaged in. Grantee should also retain a representative sample of the work product, if any, that was generated as a result of the working session.

No other food costs, including food and beverages for refreshments, breaks, or snacks, are permitted.

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Allowable Food Costs for Parents and/or Students

The following costs are allowable:

- Nutritional snacks for children in child care while parents are participating in grant activities
- Food necessary to conduct nutrition education programs for parents

Full meals for parents or students are not allowable for these purposes under any circumstances. Expenditures must be reasonable in cost, necessary to accomplish program objectives, and an integral part of the instructional program.

Unallowable Food Costs

The following costs are not allowable:

- Refreshments of any kind, including beverages, breaks, and snack foods except as necessary for parent involvement activities to encourage attendance by parents
- Refreshments or meals at an awards banquet or function
- Any food costs that are not necessary to accomplish the objectives of the grant program
- Any food cost associated with an event in which a guest speaker or other individual conducts a presentation and the participants are not actively engaged in performing activities
- Breakfast
- Gratuities or tips

Fundraising Activities

Costs of organized fundraising, including solicitation of gifts and bequests, endowment drives, financial campaigns, and similar expenses incurred to raise capital or to obtain contributions are not allowable. Costs associated with attending or sponsoring training on fundraising are not allowable.

Gifts

Gifts or items that appear to be gifts are not allowable.

Legal Fees

Legal fees and expenses are allowable only as necessary for the administration of the grant program. Retainer fees are not allowable costs. Legal expenses for claims against the federal or state government are not allowable.

Lobbying

Any costs incurred for lobbying are not allowable.

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Memberships

Membership in business, technical, and professional organizations related to the grant program are allowable. Membership must be in the name of the grantee organization and not in the name of an individual.

Memberships in civic and social organizations and in organizations that are substantially engaged in lobbying are not allowable costs.

Printing Costs

Printing costs are allowable when they are reasonable and necessary. Any multi-color printing must be reasonable in cost and must be necessary to carry out the objectives of the grant program.

Promotional Items, Memorabilia, or Souvenirs

Promotional items, memorabilia, or souvenirs are not allowable costs.

Salaries, Wages, and Employee Benefits

Salaries and wages are allowable for personnel who work on the grant provided the appropriate time and activity reports (i.e., time and effort reports) are maintained in accordance with the applicable federal cost principles and submitted to the grantee institution's accounting office to document charges to payroll. Benefits are allowable in the same proportion as salaries and wages.

Social Events

The costs associated with social events of any kind are not allowable.

Training or Technical Assistance on Grant Writing

Funds may not be used for training or technical assistance on grant writing or for costs associated with writing other grant applications.

Transportation Costs

The cost of transporting students (or parents, if appropriate for the particular grant program) to or from grant activities is an allowable expenditure.

Travel Costs

All institutions should have a travel policy that is applied consistently among all employees so employees are reimbursed at the same rates, whether traveling on a state or federal grant or for other purposes. The maximum amounts that may be charged to the grant are restricted to the rates that are approved in the State of Texas Appropriations Bill in effect for the particular grant period.

If institutional policy restricts travel, per diem, and other travel expenses to a rate less than State law, grantee must budget and request reimbursement from the grant *at the lesser rate*. If institutional policy exceeds the maximum recovery rate specified in the Appropriations Bill, then

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the difference must be paid from state or local funds, i.e., not from grant funds. *Travel allowances*, in which the per diem is paid to the employee regardless of the amount actually expended, are not allowable.

Allowable Travel Expenses

For more detailed information regarding allowable travel expenses, consult the Texas State Comptroller's website at <https://fmx.cpa.state.tx.us/fmx/travel/texttravel/index.php>.

The following travel expenses are allowable:

- **Mileage** reimbursement is allowable for travel necessary to carry out the objectives of the grant project. If institutional policy reimburses at a lower rate, grantee must claim that lower rate.
- **Airfare** is allowable at the lowest fare available.
- **Car rental** fee (at destination) is not allowable unless other transportation such as taxi or shuttle is not available for performing official business or unless car rental is more cost effective than alternate modes of travel. Gasoline for the rental car is allowable.
- **Airport parking** is allowable.
- **Taxi fares** for official business are allowable. Tips cannot be reimbursed.
- **Itemized miscellaneous business expenses** (such as business phone calls, printing, or materials) for carrying out official business of the meeting, conference, or workshop are allowable.
- Registration fees to attend workshops or conferences are allowable. Social events or recreational events available at a cost above the basic registration fee may not be paid from grant funds.

Unallowable Travel Expenses

The following travel expenses are not allowable:

- Any travel expenses associated to **foreign travel**.
- First-class air fare
- Per diem (meals and lodging) for meeting, conference, or workshop participants who live in the same city where the event is held. (Automobile mileage is allowable.)
- Tips or gratuities of any kind
- Alcoholic beverages
- Entertainment, recreation, or social events
- Any expense for other persons
- Automobile mileage or taxi fares for other than official business
- Personal accident insurance or personal effects coverage for rental cars
- Rental car for personal use or for purposes not associated with the official business of the meeting, conference, or workshop

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In-State and Out-of-State Travel

Meal and lodging rates differ depending on whether the travel is in-state travel or out-of-state. Lodging and meal rates for both in-state and out-of-state travel are set annually by the Texas Comptroller of Public Accounts. Beginning September 1, 2011, the Federal Rate Schedule will be used for reimbursement of in-state *and* out-of-state meal and lodging expenditures. The following link provides access to the rates to use for both in-state and out-of-state travel reimbursement: <https://fm.xcpa.state.tx.us/fm/travel/travelrates.php>. If neither the city, nor the county is listed, adhere to the following maximum daily rates: lodging, up to \$77, and meals, up to \$46.

In-state travel expense reimbursement is not a per diem and also varies by city and/or county. In-state travelers should claim actual expenses incurred for meals and lodging, not to exceed the maximum allowable rates. The same is true for out-of-state travel. The maximum rate should not be claimed unless actual expenditures equal or exceed the maximum allowable rate.

If institutional policy reimburses at a *greater* amount, grantee must pay the difference from local or state funds (i.e., not from grant funds).

Travel Documentation

Travel costs must be properly documented to be reimbursable. Travel costs not supported by proper documentation are not allowable grant charges and are subject to disallowance by state and federal auditors and monitors.

Federal Cost Principles

The applicable cost principles as established by the Federal Office of Management and Budget (OMB) are posted online at http://www.whitehouse.gov/omb/circulars_default and are as follows:

Type of Entity	Applicable Cost Principles
<ul style="list-style-type: none"> ■ Open-enrollment charter schools operated by an institution of higher education (i.e., college or university) ■ Institutions of higher education (IHEs) 	<p>OMB Circular A-21, Cost Principles for Educational Institutions http://www.whitehouse.gov/omb/circulars_a021_2004/</p>

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APPENDIX J
SUPPLEMENTING VERSUS SUPPLANTING

Funding provided under the Perkins Basic Grant Program shall **supplement** (*increase the level of services*) and **not supplant** (*take the place of*) state, local, and other federal funds. Awarded Applicants shall not use Perkins funds to supplant funds that, in the absence of Perkins funds, would have been spent on CTE students.

Federal funds cannot be used to pay for services, staff, programs, or materials that would otherwise be paid with state or local funds.

Any program or activity required by State law, Coordinating Board rules, or local board policy may not be paid with Perkins funds. State or local funds may not be decreased or diverted for other uses merely because of the availability of Perkins funds. Awarded Applicant shall maintain documentation that clearly demonstrates the supplementary nature of Perkins funds.

Presumption of supplanting

Awarded Applicant could be considered in noncompliance with the supplement-not-supplant requirement if Perkins funds are used to provide services that the Awarded Applicant is required to provide under State or local law, rule, or a court order. Also, Awarded Applicant could be considered in noncompliance for any cost to Perkins funds for any service that was previously funded with State or local funds.

If a program or activity cost was funded with non-federal funds in one year and with Perkins funds the next year, an auditor would most likely make a presumption of supplanting. However, the Awarded Applicant then has the opportunity to rebut the presumption. In view of the current reductions in state appropriations and local tax revenues, an Awarded Applicant may be justified in funding the cost with Perkins funds.

For a decision to allocate Perkins funds in this way, the Awarded Applicant should have two types of documented evidence that supports its action:

1. Evidence of an actual reduction in state and/or local support and/or other non-federal support. Examples of such evidence could be state appropriation language or a communication from the Coordinating Board regarding a reduction in state funding. There may be similar examples relating to reduced funding from local or private sources.
2. Proof that the activity/program would be discontinued without the benefit of Perkins funds. Examples of this type of evidence might be minutes from a meeting called by the college president or minutes from a faculty meeting.

The Awarded Applicant should have proper evidence in place before taking this kind of action. The Coordinating Board may request copies of the documented evidence (as described above) prior to approving a budget amendment that would reallocate Perkins funds to an activity or program previously funded by non-federal funds.

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APPENDIX K
CHANGES TO GRANT PLANS OR BUDGET

The Awarded Applicant shall contact the Coordinating Board to notify staff of, or request changes to, the Perkins Basic grant. The nature or content of a proposed change determines whether the Awarded Applicant notifies Coordinating Board staff by email or requests a formal amendment via the Perkins Portal:

Email Notification

The Awarded Applicant shall email its Program Director at least 15 days prior to a change or action that:

1. Resolves any potential conflict of interest that arises prior to or during the Grant Period;
2. Increases a cost item in Schedule E: Sub-grants and Subcontracts; or
3. Changes one or more cost items *within* a Schedule that does not change the scope or activities of the Grant.

Formal Amendment Via the Perkins Portal

The Awarded Applicant shall submit a request for a formal amendment to the Grant via the Perkins Portal at <http://www.thecb.state.tx.us/Perkins/Portal>, that:

1. Changes the scope, strategies, or timeline of a Performance Improvement/Evaluation Plan with or without a change to the budget;
 2. Changes one or more cost items *within* a Schedule that changes the scope or activities of the Grant.
 3. Moves costs across Schedules A-F that cumulatively exceed 10% of the total Grant Award;
 4. Changes any information or costs in Schedule C: Capital Expenditures and Equipment; or
 5. Temporarily or permanently reassigns the person designated as the Perkins Contact, Perkins Fiscal Officer, or Project Director.
- A formal amendment that involves a change to a cost item shall include a justification for the change in the Budget Summary.
 - Formal Amendments will not be considered by the Coordinating Board after July 1, 2013.

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**APPENDIX L
FFATA ADDENDUM**

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

REPORTING GUIDANCE

This addendum provides background information for the Federal Funding Accountability and Transparency Act (FFATA) requirements and to request the information from you as a contractor/awardee of federal funding. The required information to be submitted is summarized at the bottom of this letter.

The White House Office of Management and Budget (OMB) recently issued additional guidance regarding the FFATA reporting requirement which took effect on October 1, 2010. This law, passed in 2006, and amended in 2008, requires any person or entity receiving contract or grant funds directly from the federal government to report certain information regarding those funds through a centralized website, www.fsrs.gov . The following information applies.

- **Sub-recipient contract awards** equal to or greater than \$25,000 must be reported if they were awarded on or after October 1, 2010.
- **Prime awardees** (those agencies or entities receiving funds *directly* from the federal government) must report certain information regarding those funds.
- Compensation of the top five executives within an organization must be reported as well, if certain criteria apply.
- Grant information reported for American Recovery and Reinvestment Act (ARRA) grants is not required to be reported in the FFATA Subaward Reporting System (FSRS).

The purpose of this addendum is to inform you that the Texas Higher Education Coordinating Board (THECB) is the prime awardee for this federal award. As a result, THECB is responsible for reporting sub-award information to the federal government. Unlike ARRA, prime recipients like THECB must enter the sub-award data themselves and do not have the option of coordinating with sub-recipients to enter the relevant information.

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However, sub-recipients must provide THECB with all required information to accurately report on the FSRs website. OMB guidance outlines the sub-award and compensation reporting requirements for sub-recipient contracts equal to or greater than \$25,000 awarded on or after October 1, 2010. If a new award is initially below \$25,000 but subsequent contract modifications result in a total award equal to or greater than \$25,000, the award will be subject to FFATA reporting requirements as of the date the award exceeds \$25,000. THECB is reporting all sub-recipient contracts regardless of initial amount.

You are receiving this FFATA Addendum because our records identify you as a sub-recipient under a THECB award. In our efforts to comply with the reporting requirements under FFATA, THECB is asking that you provide certification regarding the applicability of the following criteria to your organization using Attachments A, B, and C.

If you should meet the requirements THECB will need the compensation and names of the entity's top five highly compensated officers/senior executives, if applicable, on the attached FFATA Reporting Template. Additionally, THECB is responsible for first-tier sub-award reporting, which includes sub-recipient entity information, sub-award description/title, and date of award.

FFATA and subsequent rules published by the White House OMB require that sub-recipients have a Data Universal Numbering System (DUNS) Number to receive federal funds of any type. If you have not already done so, you must register your organization for a DUNS Number and provide that to THECB. Instructions to complete these are included in this letter as Attachment A (How to Request or Verify a DUNS Number). **If you have multiple contracts with THECB, only one certification per State fiscal year is required.**

Summary of Information Requested:

- 1) As applicable, register your organization for a DUNS Number (Attachment A);
and**
- 2) Complete and return the FFATA Certification Form (Attachment B);**
- 3) Complete and return the FFATA Reporting Template (Attachment C)**

The required FFATA Certification Form and the FFATA Reporting Template must be completed and returned to THECB as a requirement to receive your award. If you have any questions regarding this correspondence, please contact kathy.wood@theqb.state.tx.us.

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Attachment A

How to Request or Verify a DUNS Number

Most entities receiving federal funds already have a DUNS number and may even have several DUNS Numbers. THECB must use the primary DUNS Number assigned to the entity when reporting FFATA obligations and expenditures. If your organization has multiple DUNS Numbers, the primary DUNS Number will usually be the first number listed. Go to <http://www.dnb.com/us/> to request a DUNS Number or to verify the primary DUNS Number for your organization. Obtaining a DUNS Number is free of charge.

Requesting a DUNS Number

- 1) To verify an existing DUNS Number or to request a new DUNS Number, go to the Dun & Bradstreet website at <http://fedgov.dnb.com/webform/displayHomePage.do>. You can also call 1-866-705-5711 to request a DUNS number over the phone.

- 2) You will need the following information to obtain a DUNS number:
 - a. Legal name of organization;
 - b. Doing business as (DBA) or other name by which your organization is commonly known or recognized;
 - c. Headquarters name and organization address;
 - d. Name of Chief Executive Officer (CEO)/organization owner;
 - e. Business structure of the organization (corporation, partnership, proprietorship);
 - f. Year the organization started;
 - g. Primary type of business; and,
 - h. Total number of employees (full and part time).

Please be advised that THECB does not have the technical expertise to assist contractors in applying for a DUNS Number. All questions regarding the DUNS Number should be directed to Dun & Bradstreet.

Central Contractor Registration

Both current and potential federal government registrants are required to register in CCR in order to be awarded contracts by the federal government. Registrants are required to complete a one-time registration and must update or renew their registrations at least once per year to maintain an active status. To register and get additional information, go to www.ccr.gov.

The use of DUNS+4 Numbers to identify registrants is limited to identifying different CCR records for the same registrant at the same physical location. The +4 extension to a DUNS number is created by registrants in CCR when there is a need for more than one bank/Electronic Funds Transfer (EFT) account for a location. Go to the [CCR User's Guide](#) for additional information.

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Attachment B

Texas Higher Education Coordinating Board
Federal Funding Accountability and Transparency Act (FFATA) Certification

The certifications enumerated below represent material facts upon which THECB relies when reporting information to the federal government required under federal law. If the THECB later determines that the Contractor knowingly rendered an erroneous certification, THECB may pursue all available remedies in accordance with Texas and U.S. laws. Signor further agrees that it will provide immediate written notice to THECB if at any time Signor learns that any of the certifications provided for below were erroneous when submitted or have since become erroneous by reason of changed circumstances. ***If the Signor cannot certify all of the statements contained in this section, Signor must provide written notice to THECB detailing which of the below statements it cannot certify and why.***

Did your organization have a gross income, from all sources, of less than \$300,000 in your previous tax year?

- Yes - skip questions A, B, and C and continue to section D.
 No - answer questions A and B.
-

A. Certification Regarding Percent (%) of Annual Gross from Federal Awards

Did your organization receive 80% or more of its annual gross revenue from federal awards during the preceding fiscal year? Yes No

B. Certification Regarding Amount of Annual Gross from Federal Awards

Did your organization receive \$25 million or more in annual gross revenues from federal awards in the preceding fiscal year? Yes No

If your answer is Yes to both questions A and B, you must answer question C.

If you answer is No to either question A or B, skip question C and continue to section D.

C. Certification Regarding Public Access to Compensation Information.

Does the public have access to information about the highly compensated officers/senior executives in your business or organization (including parent organization, all branches, and all affiliates worldwide) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

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- Yes
- No - provide the names and total compensation of the top five highly compensated officers/senior executives using the attached FFATA Reporting Template.

D. Signatures

As the duly authorized representative (Signor) of the Contractor, I hereby certify that the statements made by me in this certification form are true, complete, and correct to the best of my knowledge.

Signature of Authorized Representative	
Printed Name of Authorized Representative	
Title of Authorized Representative	
Legal Name of Contractor	
Date	
DUNS #:	

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**Attachment C
FFATA Reporting Template Instructions**

INSTRUCTIONS

A. THECB Source Program ID

THECB enters the Source Program ID.

B. Contractor DUNS number

Enter the first nine (9) digits of the primary DUNS number assigned to the entity when reporting FFATA obligations and expenditures. If your organization has multiple DUNS numbers, the primary DUNS number will usually be the first number listed.

C. Contractor Dun +4 digits

As applicable, enter the last four (4) digits of the primary DUNS number assigned to the entity when reporting FFATA obligations and expenditures.

D. Primary City

Enter the name of the primary city in which the services will be performed. If services will be performed in multiple places, list the information for the place that will receive the greatest benefit from these federal funds.

E. Primary State

Enter the name of the primary city in which the services will be performed. If services will be performed in multiple places, list the information for the place that will receive the greatest benefit from these federal funds.

F. 9 character zip code

Enter the 9 character zip code in which the services will be performed.

G. Primary Country

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Enter the name of the primary country in which the services will be performed. If services will be performed in multiple places, list the information for the place that will receive the greatest benefit from these federal funds.

H. THECB Contract Number

THECB contract number 0xxxx.

I. Contractor Compensated Amount

For the five (5) most highly compensated officers/senior executives of the contractor's entity enter the first and last name and total compensation. Total compensation means the cash and non-cash dollar value earned by the officers/senior executives during the contractor's past fiscal year of the following (for more information see OMB 17 CFR 229.402(c)(2)), including but not limited to;

- 1) Salary and bonus.
- 2) Awards of stock, stock options, and stock appreciation rights. Use dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with FAS 123R.
- 3) Earnings for services under non-equity incentive plans. Does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
- 4) Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
- 5) Above-market earnings on deferred compensation which are not tax-qualified.
- 6) Other compensation. For example, severance, termination payments, value of life insurance paid on behalf of the employee, perquisites of property if the value for the executive exceeds \$10,000.

J. Contractor Legal Name

The agency enters the legal contractor's name.

This will be the same compensation information that appears in the awardee's Central Contractor Registration Profile.

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Attachment C

TEXAS HIGHER EDUCATION COORDINATING BOARD

FFATA REPORTING TEMPLATE

FOR REPORTING CONTRACTORS/SUBRECIPIENTS FUNDED USING FEDERAL GRANT FUNDS

Contractor Entry Columns									
A	B	C	D	E	F	G	H	I	J
<i>THECB Source Program ID</i>	<i>Contractor DUNS number</i>	<i>Contractor DUNS+4 digits as applicable</i>	<i>Primary City</i>	<i>Primary State</i>	<i>9 character zip code</i>	<i>Primary Country</i>	<i>THECB Contract Number</i>	<i>Contractor Compensated Amount</i>	<i>Contractor Legal Name</i>
<i>EXAMPLE</i>	<i>008517104</i>	<i>1234</i>	<i>LongTree</i>	<i>TX</i>	<i>087341234</i>	<i>USA</i>	<i>99999</i>	<i>John B:500000;Mary R:50000;Eric L:400000;Todd P:300000;Sally T:300000</i>	<i>Henderson Clinic</i>
						USA			
						USA			
						USA			
						USA			
						USA			
						USA			
						USA			