



REQUEST FOR APPLICATIONS

TEXAS HIGHER EDUCATION COORDINATING BOARD

PERKINS STATE LEADERSHIP GRANT

2012 – 2013

PRE-PROPOSAL DEADLINE:

5:00 PM C.T., May 11, 2012

APPLICATION DEADLINE:

5:00 PM C.T., June 5, 2012

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1 OVERVIEW OF FUNDING OPPORTUNITY

1.1 PROGRAM TITLE: Perkins State Leadership Grant

1.2 SYNOPSIS OF PROGRAM

The Texas Higher Education Coordinating Board ("Coordinating Board") requests Texas public postsecondary institutions submit pre-proposals for consideration of funding for Perkins State Leadership Grants for state fiscal year 2013 (September 1, 2012 through August 31, 2013).

To receive federal funding under the Perkins Leadership 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) (sometimes referred to in this RFA as "Perkins IV"), Title I, Career and Technical Education Assistance to the States, Part B, Sec. 124, State Leadership Activities. (Full text of the law can be found at: http://cte.ed.gov/docs/perkins_iv.pdf).

1.3 CFDA CODE: Catalog of Federal Domestic Assistance Code, 84.048A, Leadership 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
Phone: (512) 427-6241
Email: donna.carlin@theccb.state.tx.us

2 AWARD SUMMARY

2.1 AWARD AMOUNT

There is no prescribed award amount. A Texas public postsecondary institution should request an amount that adequately covers the proposed project.

2.2 GRANT TERM

The Grant Term is expected to be from the issuance of the Grant Award (approximately July 1, 2012) through October 15, 2013. **All Grant funds must be expended during the Federal Funding Period (September 1, 2012 and 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.

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Date	Events
April 27, 2012	RFA Posted on Coordinating Board Website
April 27, 2012	Perkins Portal live for Leadership pre-proposal submission
May 11, 2012	Leadership Pre-proposals Due
May 14 – 18, 2012	Evaluation of Pre-proposals
May 18, 2012	Email Invitations to Submit Application
May 25, 2012	Inquiry Deadline
June 5, 2012	Leadership Applications Due
June 5, 2012	Application Cover Page and Certification Regarding Lobbying
June 6 – 15, 2012	Evaluation of Applications
June/July 2012	Process Notifications of Grant Award

3 ELIGIBILITY INFORMATION

3.1 ELIGIBLE APPLICANTS

Texas public postsecondary institutions are eligible to submit pre-proposals. The Coordinating Board staff will review the pre-proposals and notify those invited to submit an Application.

3.2 NUMBER OF SUBMISSIONS BY APPLICANTS

Upon receiving an invitation to submit an Application, an Applicant may submit one Application. The Application must be an expansion of the elements identified in the selected pre-proposal. There is no limit on the number of pre-proposals that may be submitted.

4 APPLICATION PROCESS

4.1 STEP ONE: PRE-PROPOSAL

The Application process requires successful completion of two separate steps: Step one is the submission of a pre-proposal and Step two is the submission of an Application. Successful Applicants must complete step one by submitting a pre-proposal electronically to the Coordinating Board staff. Instructions for completing a pre-proposal are detailed in Section 5. Once submitted, the Coordinating Board staff will send an electronic notification to the Applicant indicating that the pre-proposal has been received. **If notification is not received, it is the submitting party's responsibility to contact the Point of Contact to investigate the submission.**

The pre-proposals will be reviewed and evaluated by the Coordinating Board staff review team. The review team will evaluate each pre-proposal for adherence to the established priorities and potential merit. A pre-proposal may be rejected if it fails to meet any requirement of this RFA. The Point of Contact may seek clarification from the Applicant at any time, and failure to respond within a reasonable time frame is cause for rejection of a pre-proposal. Once the staff evaluation is completed, invitations to submit an Application will be sent electronically on or before May 18, 2012.

4.2 STEP TWO: APPLICATION

Applications must be completed and submitted using the online portal. Applications are due to the Coordinating Board on or before the close of business June 5, 2012. Each Application will be

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assigned a unique number and a secure password. The Application number and password are necessary to complete the online Application. All criteria requested must be included in order for the Application to be considered complete. An Application may be rejected if it fails to meet any requirement of this RFA. The Coordinating Board staff may seek clarification from the Applicant at any time, and failure to respond within a reasonable time frame is cause for rejection of an Application.

Each submitted Application will be reviewed and evaluated by the Coordinating Board staff review team. Submitting an Application does not guarantee the Application will be selected for funding. Perkins State Leadership Grants are awarded through a competitive process. Selection of Application(s) is based on merit and availability of funds.

The Application(s) selected for funding will undergo negotiation to finalize expectations, timelines, and deliverables. Upon completion of successful negotiation, the Coordinating Board staff will issue a Notice of Grant Award (NOGA) to the Applicant. If a NOGA cannot be successfully negotiated within a reasonable period of time, negotiations will be terminated and negotiations with the next highest ranking Applicant may commence. The Coordinating Board staff may proceed with negotiations and NOGAs with more than one Applicant simultaneously.

5 PRE-PROPOSAL INSTRUCTIONS

All interested Applicants shall notify the Coordinating Board of their intent to respond to this RFA by completing a pre-proposal located at <http://www.theccb.state.tx.us/Perkins/Leadership>, on or before close of business May 11, 2012.

The pre-proposal is a one-time submission and may include extensive sections of text. Prior to submitting the pre-proposal, an Applicant should review the document for errors, using Spellcheck or similar software, and save the document in a Word or similar type file. Once the text is completed, copy and paste it into the appropriate sections of the online form and submit. The Coordinating Board staff will send an electronic notification of receipt that a pre-proposal submission has been received. Hard copy, fax, or email submissions will not be considered or reviewed.

A pre-proposal MUST include the following items:

- Project Title
- Category/Priority Topic
- Eligible Institution Name
- Name of Applicant and Institutional Contact
- Project Summary
- Budget Narrative
- Statewide Dissemination and Implementation Plan

5.1 PROJECT TITLE

The project title is limited to 75 characters.

5.2 CATEGORY / PRIORITY TOPIC

Select one of the ten priority topics the pre-proposal addresses. Each of the ten priority topics is described in Section 10.

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5.3 ELIGIBLE INSTITUTION NAME

Texas public postsecondary institutions are eligible to submit a pre-proposal. Provide the name of the Eligible Institution that will be responsible for administering the project if selected for an Award.

5.4 INSTITUTIONAL CONTACT

Provide the Institutional Contact who will serve as the lead contact for all information related to the pre-proposal and subsequent Application. Multi-campus districts should provide the name of the District Perkins contact.

5.5 PROJECT SUMMARY

Provide a description of the overall approach or project design, proposed partnerships, the general goals and objectives, and desired outcomes of the project. The project summary must identify how the goals and objectives will meet those included in the Texas State Plan 2008-2013 under the *Carl D. Perkins Career and Technical Education Improvement Act of 2006, Closing the Gaps: The Texas Higher Education Plan*, and the requirements of *Carl D. Perkins Career and Technical Education Improvement Act of 2006* (Public Law 109-270), Title I, Career and Technical Education Assistance to the States, Part B, Sec. 124, State Leadership Activities. The project summary is limited to one page.

5.6 BUDGET NARRATIVE

Provide a budget narrative detailing each major budget line item for the proposed budget. The proposed budget should reflect cost efficiencies.

5.7 STATEWIDE DISSEMINATION AND IMPLEMENTATION PLAN

Describe how the proposed project outcomes and/or products would have a statewide impact. Include an outline that details how the project would be disseminated statewide.

6 APPLICATION INSTRUCTIONS

Each Applicant shall:

- 1) Submit a complete Application before close of business, June 5, 2012, using the online Perkins portal at: <http://www.theccb.state.tx.us/Perkins/Leadership>. Entry into the online Perkins portal requires an assigned Application number and secure password. Application numbers and secure passwords will be emailed from the Coordinating Board staff with the invitation to submit an Application.
- 2) Submit a hard copy of the Application Cover Page with original signatures and the Certification Regarding Lobbying (Appendix C). The Application Cover Page and the Certification Regarding Lobbying must be mailed or hand delivered to the Coordinating Board contact below, on or before, June 5, 2012, 5:00 PM C.T.

Texas Higher Education Coordinating Board
Workforce, Academic Affairs and Research
Attn: Donna Carlin
1200 East Anderson Lane
Austin, Texas 78752

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ELECTRONIC APPLICATION DEADLINE:	June 5, 2012, 5:00 PM C.T.
PAPER COPY APPLICATION COVER PAGE DEADLINE:	June 5, 2012, 5:00 PM C.T.
PAPER COPY CERTIFICATION REGARDING LOBBYING DEADLINE:	June 5, 2012, 5:00 PM C.T.

Late Applications will not be accepted.

7 INQUIRIES

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

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, if occurring before the Coordinating Board's invitation to submit an Application, 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.

8 PROGRAM PURPOSE AND AUTHORITY

8.1 PURPOSE OF PROGRAM

The Texas Higher Education Coordinating Board (Coordinating Board) requests Texas public postsecondary institutions submit pre-proposals for consideration of funding a Perkins State Leadership Grant for state fiscal year 2013, (September 1, 2012 through August 31, 2013). This RFA sets forth qualifications for eligible applicants interested in obtaining a Perkins State Leadership Grant. The purpose of each leadership project must address one of the nine priority topics listed in Section 10.1 of this RFA and must support the goals and objectives identified and described in the following documents:

- Texas State Plan 2008-2013 under the *Carl D. Perkins Career and Technical Education Improvement Act of 2006*
- *Closing the Gaps: The Texas Higher Education Plan*
- Requirements of *Carl D. Perkins Career and Technical Education Improvement Act of 2006* (Public Law 109-270), Title I, Career and Technical Education Assistance to the States, Part B, Sec. 124, State Leadership Activities.

8.2 PROGRAM AUTHORITY

Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270, Title I, Career and Technical Education Assistance to the States, Part B, Sec. 124, State Leadership Activities.

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9 PROGRAM DESCRIPTION

The Coordinating Board will provide Perkins State Leadership Grants to selected Texas public postsecondary institutions that have submitted successful Applications. Selection of projects is competitive and will be based on a review and evaluation by Coordinating Board staff. Applications with the highest evaluation scores will be selected for funding. Selected projects must adhere to the provisions set forth in this RFA, support the goals and objectives as presented in Section 8 of this RFA, and must use funds received to improve career and technical education programs as described in Title I, Section 124 of *Carl D. Perkins Career and Technical Education Improvement Act of 2006* (see Appendix A).

10 PROGRAM COMPONENTS

10.1 PRIORITY TOPICS

Applicants for the 2012-2013 Perkins State Leadership Grants must propose projects that fulfill the goals and objectives of the priority topics. Applicants are required to show how the proposed projects will lead to the improvement of career and technical education. It is expected that projects will also incorporate methods to continue to improve processes and offer opportunities to underrepresented groups and special populations.

The State Perkins Leadership Grants for state fiscal year 2013 will address a minimum of one of the ten priority topics. Priority topics are not presented in a rank order; detailed descriptions of each topic are described below.

10.1.1 Priority 1: Professional Development Projects

Successful Applicants will demonstrate comprehensive professional development for career and technical education faculty, administrators, or career guidance and academic counselors at the secondary and postsecondary levels. An example of such a project is the production and dissemination of training modules in the area of academic or technical dual credit for a) high school counselors, b) college advisors, and c) community college and university faculty teaching dual credit courses.

10.1.2 Priority 2: Improvement of Career Guidance and Academic Counseling

Successful Applicants will demonstrate, develop, and/or implement career guidance and/or academic counseling methods or techniques that assist high school and community college students in making informed academic and career and technical education decisions.

10.1.3 Priority 3: Improvement of Academic and Career and Technical Skills

Successful Applicants will demonstrate methods that support the improvement of academic and career and technical skills of students through the development of a rigorous, online academic science or math course. An example of such a project is the development of a peer-reviewed online science or math course that provides the foundation for students to be successful in successive courses and could be delivered through the Virtual College of Texas. The course must be aligned to the Academic Course Guide Manual (ACGM) learning objectives, or high-quality, rigorous learning objectives if not listed in the ACGM. The course must be available to students in career and technical programs, as well as academic programs, and meet degree requirements.

10.1.4 Priority 4: Improvement of Student Achievement through Educational Partnerships

Successful Applicants will demonstrate that establishment of partnerships of local educational

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agencies, institutions of higher education, adult education providers, and, as appropriate, other entities, such as employers, labor organizations, intermediaries, parents, and local partnerships will improve student achievement.

10.1.5 Priority 5: Integration of Programs of Study across Career and Technical Education and Academics

Successful Applicants will develop a planning project for integration of Programs of Study across career and technical education and academics that includes Texas College and Career Readiness Standards (CCRS) for use in P-16 initiatives. The CCRS are available at www.thecb.state.tx.us/collegereadiness/CRS.pdf.

10.1.6 Priority 6: Development, Improvement, or Expansion of Technology

Successful Applicants will demonstrate new and innovative uses of technology, which include training of career and technical education teachers, faculty, career guidance and academic counselors, and administrators to use technology.

10.1.7 Priority 7: Special Populations

Successful Applicants will demonstrate support for programs for special populations. Projects will support special populations in attaining high-skills, high-wage, or high-demand occupations. An example of such a project is an innovative approach to increasing retention of single parents who are enrolled in career and technical education programs.

10.1.8 Priority 8: Nontraditional

Successful Applicants will demonstrate support for student participation or success of underrepresented gender groups in established and emerging professions in high-skills, high-wage CTE programs.

10.1.9 Priority 9: Improvement or Development of New CTE Courses

Successful Applicants will demonstrate support for the improvement of existing and/or the development of new CTE courses to include distance education or career clusters with vertical alignment between high school and community college CTE courses.

10.1.10 Priority 10: Statewide Plan for Improvement and Attainment of Perkins IV Core Indicator 2P1 - Credential, Certificate, or Diploma (NEW)

Successful applicants will conduct an evaluation of performance by Texas institutions on Perkins Core Indicator 2P1, and identify best practices that can be used statewide to improve performance on this indicator. Perkins IV Core Indicator 2P1 relates to student attainment of an industry-recognized credential, certificate, or degree.

10.2 GENERAL CRITERIA

All successful Applications for a Perkins State Leadership Grants must address criteria one through four, and if applicable, criteria five and six. Additionally, all Applications related to curriculum development or redesign (programs, courses, modules) must address criterion seven.

- 1) All projects shall contribute to the overall advancement of career and technical education in the State as opposed to projects that benefit a single institution.
- 2) All projects shall focus on improving a specific career and technical education area.

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- 3) All projects shall submit a budget that shows how the planned project and related activities will be sustainable without a continual influx of federal funding, through Perkins or other sources.
- 4) All projects shall include a plan for the implementation of the project's goals and deliverables after funding ends.
- 5) Where appropriate, projects shall partner with secondary and postsecondary education institutions through contractual agreements.
- 6) Where appropriate, projects shall seek to build upon formerly funded projects and shall not unduly duplicate previously awarded projects.
- 7) All projects related to curriculum development or redesign must indicate adherence with applicable sections of the *Guidelines for Instructional Programs in Workforce Education* (GIPWE), and the *Workforce Education Course Manual* (WECM).

11 APPLICATION CONTENT

11.1 APPLICATION COVER PAGE (Appendix B)

Applicants must enter all information requested. **The Application Cover Page must bear original signatures** from the Applicant's representative who is authorized to bind the Applicant. **A hard copy/paper Application Cover Page must be submitted** to the Point of Contact, either mailed with a postmark on or before the deadline, or hand delivered **on or before the deadline, which is June 5, 2012, 5 PM C.T.**

The original signatures on the Application Cover Page signify an Applicant's compliance with all Grant provisions listed in this RFA.

11.2 SUMMARY

The summary highlights key points of the proposed project (not to exceed one page). The summary must include the purpose, methodology and products/outcomes of the project.

11.3 PROJECT SCOPE

All Applicants must provide an explanation as to how the project satisfies the criteria for funding, including meeting the Participation and Success goals in the *Closing the Gaps: The Texas Higher Education Plan*, referenced in Section 1.2, and the required Perkins State Leadership Grant uses of funds described in Appendix B.

11.4 PROJECT EVALUATION PLAN

The evaluation plan of each State Leadership Grant will be unique and should be based on the individual project goals and objectives. The Applicant will describe evaluation plan goals that should measure the project's deliverables and the overall project's statewide impact. Proposed supporting activities shall be presented within a realistic time frame, ensuring the most cost-effective use of resources.

11.5 OUTCOMES, DISSEMINATION AND STATEWIDE IMPLEMENTATION PLAN

Identify student-/project-related outcome(s) and/or deliverable(s). Describe how the results/products will be disseminated statewide and the incentives, strategies, or techniques to be used to promote the use of the product by other departments, districts, institutions, and regions of the State.

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11.6 PROJECT STAFF

Successful Applications must identify each project staff by title/position. Provide a brief description of duties pertaining to the project.

11.7 PARTNERSHIPS

Applications must include all participating partners for the proposed project. Applications shall include a contact person name and contact information.

11.8 BUDGET

All costs/expenses **must** be clearly linked to the accomplishment of proposed activities. All expenses must be within the Award period of September 1, 2012 to August 31, 2013. All expenditures must meet the applicable rules and laws, including the allowable cost principles in the applicable OMB Circulars (e.g., OMB A-21). **A final budget will be negotiated between the Awarded Applicant and the Coordinating Board.** Brief explanations of budget line items are provided below:

11.8.1 Schedule A: Salaries and Fringe Benefits. Include salaries projected for staff employed by grant. 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 Leadership Grant activities and programs.

Entry Format: *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 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 13.29 of this RFA.*

11.8.2 Schedule B: Travel. Schedule B shall identify in-state and out-of-state travel that are directly related to Perkins Leadership Grant activities. Additional information about allowable and unallowable travel and travel costs is included in Appendix G.

Grantees are expected to travel to Austin biannually to present progress reports on their grant activities. Dates for presentations will be determined by the Coordinating Board.

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 Leadership Grant activities and programs.

Entry Format: *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.*

11.8.3 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 Grant.

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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: *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*

11.8.4 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 Leadership 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 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: *The campus (if applicable), program or activity for which a consultant is being used, the name of the consultant, a description of and justification for the services provided, and the total cost of those services.*

11.8.5 Schedule E: Subgrants 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 Leadership 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

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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 subgrantee or subcontractee shall meet the same requirements as those for the Awarded Applicant. All work of the subgrantee and subcontractee shall be on a reimbursement basis only.

All executed subgrants and subcontracts shall be on file with the Awarded Applicant.

Entry Format: *The campus (if applicable), program or activity for which a subgrantee or subcontractee is being used, the name of the subgrantee or subcontractee, a description of and justification for the services provided, and the total cost of those services.*

11.8.6 Schedule F: Operating Expenses, Services, and Books. Schedule F shall identify all other allowable direct costs (other than those identified in Schedules A-E).

Entry Format: *The campus (if applicable), 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*

- 11.8.7 Schedule G: Administration/Indirect Cost.** Administrative Cost to the Grant is limited to **no more than** five percent of the total direct expenditures. There are two separate methods to arrive at administrative costs. Choose one of the following methods:
- 1) Indirect Method: The institution has a federally approved Indirect Cost Plan on file with Coordinating Board.
 - 2) Allocation Method: The institution must have a calculation/projection on file with Coordinating Board that shows that administrative cost is at least 5%.

11.9 CERTIFICATION REGARDING LOBBYING (Appendix C)

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, either mailed with a postmark on or before the deadline, or hand delivered **on or before the deadline June 5, 2012, 5 PM C.T.**

12 SELECTION CRITERIA / APPLICATION EVALUATION

Both the pre-proposal process and the Application evaluation process include evaluation criteria to objectively determine and fund those projects that are most likely to support the Texas State Plan 2008-2013 under the *Carl D. Perkins Career and Technical Education Improvement Act of 2006, Closing the Gaps: The Texas Higher Education Plan*, and positively impact the State.

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12.1 PRE-PROPOSAL EVALUATION CRITERIA

Pre-proposals will be reviewed for completeness and meeting the following criteria: meeting the submission deadline, adherence to submission requirements, evidence of partnerships, potential statewide impact, and a reasonable budget.

12.2 APPLICATION EVALUATION

A team of Coordinating Board reviewers will independently evaluate each Application selected for review using the criteria below.

Evaluation Criteria

- Innovation/Need of project – 25%
- Potential for statewide impact and replication – 25%
- Project Design to address priority topic – 20%
- Sustainability – 15%
- Partnerships – 5%
- Key Staff – 5%
- Budget – 5%

Applications with the highest scores will be considered for funding.

13 PROVISIONS AND ASSURANCES

13.1 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 successful or unsuccessful Applicant(s).

13.2 APPLICATION DELIVERY AND LATE APPLICATIONS

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

13.2.2 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. A late Application, regardless of circumstances, may not be evaluated or considered for award.

13.3 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.

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13.4 GRANT AWARD

13.4.1 A Grant Award will be negotiated with those institutions/organizations 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.

13.4.2 Upon issuance of a Grant Award resulting from this RFA, the term "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."

13.5 PAYMENT TERMS

13.5.1 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.

13.5.2 Awarded Applicant shall submit expenditure reports for reimbursement in the time and manner requested by the Coordinating Board as specified in Appendix D, 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.

13.5.3 All encumbrances/obligations shall occur on or between the beginning and ending dates of the contract. All goods must be received and all services rendered between the beginning and ending dates of the contract. The contractor must liquidate (record as an expenditure) all obligations (encumbrances) incurred under the contract no later than 30 days after the ending date of the contract, to coincide with the submission of the final expenditure report, due 30 days after the ending date of the contract. 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.

13.5.4. As consistent with applicable law (e.g., OMB Circular A-102), 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 Project Administrator.

13.6 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.

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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.

13.7 RELEASE OF INFORMATION BY AWARDED APPLICANT

13.7.1 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.

13.7.2 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.

13.8 RELEASE OF APPLICATION INFORMATION BY THE COORDINATING BOARD

13.8.1 *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.

13.8.2 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.

13.8.3 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.

13.8.4 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.

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13.9 NONCOMPLIANCE

As consistent with applicable law (e.g., OMB Circular A-102), 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.

13.10 AMENDMENT AND TERMINATION

13.10.1 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.

13.10.2 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.

13.10.3 Effect of Termination. As consistent with applicable law (e.g., OMB Circular A-102), 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.

13.10.4 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.

13.11 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.

13.12 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

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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.

13.13 LIABILITY AND INDEMNIFICATION

13.13.1 LIABILITY

13.13.1.1 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 performance of the work required by the Grant Award.

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

13.13.1.3 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.

13.13.2 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.

13.13.3 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,

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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.

13.13.4 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 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.

13.14 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.

13.14.1 For School Districts and Nonprofit Organizations: The foregoing Intellectual Property Ownership provisions apply to any school districts, nonprofit organizations, and their employees, agents, representatives, consultants and subcontractors. If a school district or nonprofit organization or any of its subcontractor(s) wish to obtain a license agreement to use, advertise, offer for sale, sell, distribute, publicly display, publicly perform or reproduce the Works, or make derivative works from the Works, then express written permission must first be obtained from the TEA Copyright Office.

13.14.2 For Education Service Centers (ESCs): The foregoing Intellectual Property

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Ownership provisions apply to an Education Service Center (ESC) and its employees, agents, representatives, consultants, and subcontractors. If an ESC or any of its subcontractor(s) wish to obtain a license agreement to use, advertise, offer for sale, sell, distribute, publicly display, publicly perform or reproduce the Works, or make derivative works from the Works, then express written permission must first be obtained from the TEA Copyright Office.

13.14.3 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.

13.15 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.

13.16 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.

13.17 MONITORING

Pursuant to this Grant and 34 CFR § 80.40, desk reviews and, or on-site monitoring reviews may be conducted by the Coordinating Board or its designee to determine compliance with the approved Application and the applicable statute(s), law(s), regulations, and guidelines.

13.18 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

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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.

13.19 AUDIT AND ACCESS TO RECORDS

13.19.1 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.

13.19.2 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.

13.19.3 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

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

OMB A-102, Grants and Cooperative Agreements with State and Local Governments

OMB A-110, Uniform Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

OMB A-133, Audit of States, Local Governments, and Non-Profit Organizations

13.20 SUBMISSION OF AUDIT REPORTS TO COORDINATING BOARD

Awarded Applicants which are public school districts and open enrollment charter schools agree to submit the required annual audit report, including the reporting package required under OMB Circular A-133, if an audit is required to be conducted in accordance with OMB Circular A-133, in the time and manner requested by the Coordinating Board.

Awarded Applicants which are nonprofit organizations (other than charter schools) and universities/colleges 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 HECB 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 nonprofit organization or university/college 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).

13.21 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

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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.

13.22 NON-APPROPRIATION OF FUNDS

As consistent with applicable law (e.g., OMB Circular A-102), 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.

13.23 REPORTING REQUIREMENTS

Awarded Applicant shall be required to complete programmatic and fiscal reporting as a result of this RFA. Awarded applicant is expected to travel to Austin twice during the grant period to make a presentation on status of grant activities. Please refer to Appendix D for specific reporting requirements.

13.24 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 subrecipient 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>.

13.25 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.

13.26 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 14.10, Section 14.11, Section 14.12, Section 15 and Appendix C (Certification Regarding Lobbying) of this RFA. Applicant shall also comply with all applicable Education Department

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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 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.

13.27 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 E, Revisions to Program Plan or Budget. The key personnel that will be assigned to work on the Project are considered to be essential to the accomplishing the work.

13.28 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.

13.29 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.

13.30 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.

13.31 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 be terminated (consistent with OMB Circular A-102) 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

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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.

13.32 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 not so 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>.)

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)

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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.

14 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).

14.1 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

14.2 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 project. Meals are allowable only when business is being conducted during the meal and a reasonable argument can be made for such expenditure.

14.3 REGISTRATION FEES

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

14.4 PROGRAM INCOME

An Awarded Applicant may generate program income in the operation of projects directly supported by federal funds administered by the Coordinating Board. In no case, however, may such income be generated from fees or charges to any person or institution that is intended to be a third-party beneficiary of such projects. Awarded Applicant shall establish budget and accounting control for such program income that is separate from the project proper. This accounting shall demonstrate that the program income is being used to further the objectives of

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the related project. A brief narrative shall be included with quarterly and final reports. The narrative shall declare the existence of program income, its source(s), the amount generated, and a brief description of the use or planned use of the funds.

14.5 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.

14.6 SUPPLANTING

Funding provided under this project shall supplement and not supplant state, local, or other federal funds. Supplanting occurs when Perkins funds are used to replace other state, local, or federal funds that had previously supported an activity/purchase. Additional information about the differences between supplementing and supplanting is included in Appendix F.

14.7 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.

14.8 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).

14.9 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.

14.10 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;

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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 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.

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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.
14. 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:
 - (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

14.11 FEDERAL REGULATIONS APPLICABLE TO ALL FEDERAL PROGRAMS

For Institutions of Higher Education (IHEs): 28 CFR 35 Subparts A-E, 28 CFR 36 Subparts C & D, Appendix A, 29 CFR 1630, 34 CFR 74, 77, 79, 81, 82, 85, 86, 99, 104, 47 CFR 0 and 64, and 2 CFR 220 (OMB Circulars A-21) (Cost Principles), A-133 (Audits), and 2 CFR Part 215 (A-110) (Uniform Administrative Requirements).

14.12 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:

1. 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)).
2. 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)).

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3. 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)).
4. 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).
5. 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)].

15 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.

15.1 DEFINITIONS

As used in this Section 15.

1. **Covered Transaction** - A transaction under Federal non-procurement programs, which can be either a primary covered transaction or a lower tier covered transaction.
2. **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.
3. **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.
4. **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.
5. **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.
6. **Debarment** - Action taken by a debarring official (Federal agency) to exclude a person

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- (recipient) from participating in covered transactions.
7. **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.
 8. **Ineligible** - generally refers to a person who is either excluded or disqualified.
 9. **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.
 10. **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.
 11. **Voluntarily Excluded** - A status of nonparticipation or limited participation in covered transactions assumed by a person pursuant to the terms of a settlement.

15.2 TERMS

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

15.2.2 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.

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

15.2.4 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.

15.2.5 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.

15.2.6 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.

15.2.7 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

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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.

15.2.8 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.

15.2.9 Except for transactions authorized under paragraph 15.2.5 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.

15.3 CERTIFICATION

- A. 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.
- B. Where Applicant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to its Application.
- C. The Applicant certifies that it will comply with all applicable provisions of 34 CFR Part 85.

16 LOBBYING CERTIFICATES

Submission of the Certification Regarding Lobbying, 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 subgrant 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:

- 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, Awarded Applicant shall complete and submit Standard Form – LLL "Disclosure of Lobbying Activities," in accordance with its instructions.
- C. Awarded Applicant shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subgrants, contracts under grants and

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cooperative agreements, and subcontracts) and that all sub recipients shall certify and disclose accordingly.

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

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**APPENDIX A
REQUIRED AND PERMISSIBLE USES OF FUNDS**

Each eligible recipient that receives funds under Section 124 of the *Carl D. Perkins Career and Technical Education Improvement Act of 2006* must use such funds to improve career and technical education programs align with the Priority Topics in Section 10 of this RFA.

Required Uses of Funds

Funds made available to eligible recipients under this part must be used to support career and technical education programs according to the following required uses:

- R (1) an assessment 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 and how the career and technical education programs are designed to enable special populations to meet State adjusted levels of performance and prepare the special populations for further education, further training, or for high skill, high wage, or high demand occupations;
- R (2) developing, improving, or expanding the use of technology in career and technical education that may include:
 - (A) training of career and technical education teachers, faculty, career guidance and academic counselors, and administrators to use technology, including 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 technology fields, including non-traditional fields; or
 - (C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs;
- R (3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors at the secondary and postsecondary levels, that support activities described in section 122 and:
 - (A) provide in-service and pre-service training in career and technical education programs:
 - (i) on effective integration and use of challenging academic and career and technical education provided jointly with academic teachers to the extent practicable;
 - (ii) on effective teaching skills based on research that includes promising practices;
 - (iii) on effective practices to improve parental and community involvement; and
 - (iv) on effective use of scientifically based research and data to improve instruction;
 - (B) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and are not 1-day or short-term workshops or conferences;
 - (C) will help teachers and personnel to improve student achievement in order to meet the State adjusted levels of performance established under section 113;
 - (D) will support 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

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educational services to career and technical education students to ensure that teachers and personnel:

- (i) stay current with the needs, expectations, and methods of industry;
- (ii) can effectively develop rigorous and challenging, integrated academic and career and technical education curricula jointly with academic teachers, to the extent practicable;
- (iii) develop a higher level of academic and industry knowledge and skills in career and technical education; and
- (iv) effectively use applied learning that contributes to the academic and career and technical knowledge of the student; and

(E) are coordinated with the teacher certification or licensing and 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;

R (4) supporting career and technical education programs that improve the academic and career and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical components of such career and technical education programs, through the integration of coherent and relevant content aligned with challenging academic standards and relevant career and technical education, to ensure achievement 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;

R (5) providing preparation for non-traditional fields in current and emerging professions, and other activities that expose students, including special populations, to high skill, high wage occupations;

R(6) supporting partnerships among local educational agencies, institutions of higher education, adult education providers, and, as appropriate, other entities, such as employers, labor organizations, intermediaries, parents, and local partnerships, to enable students to achieve State academic standards, and career and technical skills, or complete career and technical programs of study, as described in section 122(c)(1)(A);

R (7) serving individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities;

R (8) support for programs for special populations that lead to high skill, high wage, or high demand occupations; and

R (9) technical assistance for eligible recipients.

Permissible Uses of Funds

State leadership grant applications may include:

P (1) improvement of career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including:

(A) encouraging secondary and postsecondary students to graduate with a diploma or degree; and

(B) exposing students to high skill, high wage occupations and non-traditional fields;

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- P (2) establishment of agreements, including articulation agreements, between secondary school and postsecondary career and technical education programs in order to provide postsecondary education and training opportunities for students participating in such career and technical education programs, such as tech prep programs;
- P (3) support for initiatives to facilitate the transition of sub baccalaureate career and technical education students into baccalaureate degree programs, including:
- (A) statewide articulation agreements between associate degree granting career and technical postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;
 - (B) postsecondary dual and concurrent enrollment programs;
 - (C) academic and financial aid counseling; and
 - (D) other initiatives:
 - (i) to encourage the pursuit of a baccalaureate degree; and
 - (ii) to overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;
- P (4) support for career and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;
- P (5) support for public charter schools operating career and technical education programs;
- P (6) support for career and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;
- P (7) support for family and consumer sciences programs;
- P (8) support for partnerships between education and business or business intermediaries, including cooperative education and adjunct faculty arrangements at the secondary and postsecondary levels;
- P (9) support to improve or develop new career and technical education courses and initiatives, including career clusters, career academies, and distance education, that prepare individuals academically and technically for high skill, high wage, or high demand occupations;
- P (10) awarding incentive grants to eligible recipients:
- (A) for exemplary performance in carrying out programs under this Act, which awards shall be based on:
 - (i) eligible recipients exceeding the local adjusted levels of performance established under section 113(b) in a manner that reflects sustained or significant improvement;
 - (ii) eligible recipients effectively developing connections between secondary education and postsecondary education and training;
 - (iii) the adoption and integration of coherent and rigorous content aligned with challenging academic standards and technical coursework;

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(iv) eligible recipients' progress in having special populations who participate in career and technical education programs meet local adjusted levels of performance; or

(v) other factors relating to the performance of eligible recipients under this Act as the eligible agency determines are appropriate; or

(B) if an eligible recipient elects to use funds as permitted under section 135(c) (19);

P (11) providing for activities to support entrepreneurship education and training;

P (12) providing career and technical education programs for adults and school dropouts to complete their secondary school education, in coordination, to the extent practicable, with activities authorized under the Adult Education and Family Literacy Act;

P (13) providing assistance to individuals, who have participated in services and activities under this title, in continuing the individuals' education or training or finding appropriate jobs, such as through referral to the system established under section 121 of Public Law 105-220;

P (14) developing valid and reliable assessments of technical skills;

P (15) developing and enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes;

P (16) improving:

(A) the recruitment and retention of career and technical education teachers, faculty, administrators, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

(B) the transition to teaching from business and industry, including small business; and

P (17) support for occupational and employment information resources, such as those described in section 118.

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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 State Leadership 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

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APPENDIX C

CERTIFICATION REGARDING LOBBYING

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)

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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.

1. 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.
2. 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.

(b) 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).
11. 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
REPORTING REQUIREMENTS**

General Information

The Awarded Applicant shall submit a Quarterly Reports, 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 (if any equipment is purchased), 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 may require the Coordinating Board to terminate the Grant for non-performance.

A. Quarterly Reports, Final Evaluation Reports, and Products for State Leadership Grants

The Awarded Applicant shall submit a Quarterly and Final Report that documents the implementation and outcomes of the Grant Plans. The reporting schedule:

<u>Quarter</u>	<u>Quarter Ending</u>	<u>Report Due Date</u>
First	November 30, 2012	December 17, 2012
Second	February 28, 2013	March 15, 2013
Third	May 31, 2013	June 17, 2013
Fourth	August 31, 2013	September 26, 2013

B. 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.

The Awarded Applicant will not be reimbursed for any expenditure 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

C. Presentation on State Leadership Grant Activities

Grantees are expected to travel to Austin twice during the grant period to make a presentation on grant activities to Coordinating Board staff and other State Leadership grantees. The Coordinating Board will determine presentation dates.

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APPENDIX E
REVISIONS TO PROGRAM PLAN OR BUDGET

The Awarded Applicant shall contact the Coordinating Board to notify staff of, or request changes to, the Perkins Leadership 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:

A. EMAIL NOTIFICATION REQUIRED

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

1. Conflict of Interest: The Awarded Applicant shall notify the Coordinating Board Program Director of any potential conflict of interest that arise prior to or during the grant period; or
2. Changes one or more cost items *within* a Schedule that does not change the scope or activities of the Grant.

B. FORMAL AMENDMENT REQUIRED

A 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 in scope, strategies, or timelines of the grant or program events with or without a change to the budget;
 2. Changes one or more cost items *within* a Schedule that change the scope or activities of the Grant
 3. Moves cost 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.

APPENDIX F
SUPPLEMENTING VERSUS SUPPLANTING

Funding provided under the Perkins State Leadership Grant shall **supplement** (*increase the level of services*) and **not supplant** (*take the place of*) state, local, and other federal funds. Grantee cannot use Perkins funds to supplant funds that, in the absence of Perkins funds, would have been spent on CTE items.

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 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. Grantee must maintain documentation that clearly demonstrates the supplementary nature of Perkins funds.

Presumption of supplanting

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

If a program expense 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 institution then has the opportunity to rebut the presumption. In view of the current reductions in state appropriations and local tax revenues, an institution may be justified in funding the program expense with Perkins funds.

For a decision to allocate Perkins funds in this way to be prudent, the institution 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. Evidence 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 institution should ensure that it has the proper evidence in place before deciding to take this kind of action. The Coordinating Board may request copies of the documented evidence described above prior to approval of a budget amendment that would reallocate Perkins funds to a program previously funded by non-federal funds.

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APPENDIX G
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)

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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.

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

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- 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 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

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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.

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.

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Lobbying

Any costs incurred for lobbying are not allowable.

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.

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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 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

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- Rental car for personal use or for purposes not associated with the official business of the meeting, conference, or workshop

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 H
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

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.

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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.

