



REQUEST FOR APPLICATIONS

**Texas Reskilling and Upskilling through Education
(TRUE) Grant Program**

FY 2022

BMS # 26864

INQUIRY DEADLINE: 5:00 PM Central on May 18, 2022

APPLICATION DEADLINE: 5:00 PM Central on May 23, 2022

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1. OVERVIEW OF FUNDING OPPORTUNITY

1.1. PROGRAM TITLE

This program is titled the Texas Reskilling and Upskilling through Education Grant Program (TRUE Grant Program).

1.2. SYNOPSIS OF PROGRAM

The goal of the Texas Reskilling and Upskilling through Education (TRUE) Grant Program is to build a talent strong Texas through the creation, redesign and expansion of workforce training programs that are developed and provided in consultation with workforce stakeholders in high-demand occupations and lead to certifications or workforce credentials creating pathways to employment.

The Texas Legislature established TRUE during the 87th Texas Legislature Regular Session, as codified in Texas Education Code §§ 61.881-.886. The Texas Legislature provided appropriations to implement the TRUE program during the Third Special Session of the 87th Texas Legislature through SB 8. SB 8 provides funding for TRUE from Coronavirus State Fiscal Recovery Fund (42 U.S.C. § 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2).

This Request for Applications (RFA) is for eligible applicants that will utilize TRUE Grants as follows:

- to provide training in existing, new, or redesigned accelerated programs that teach high-demand skills and lead to postsecondary industry certifications or other workforce credentials valued in growing occupations;
- to develop new industry-aligned, high-demand postsecondary certifications or other workforce credentials and certificate programs or other courses of instruction leading to those certifications or credentials that can be completed in six months or less;
- to redesign existing postsecondary industry certifications or credentials and certificate programs or other courses of instruction that are industry-aligned, high-demand and can be completed in six months or less;
- to expand institutional capacity to provide high-demand postsecondary industry certifications or other workforce credentials that are stackable in high-demand career pathways and address the needs of high-demand occupations identified by the Texas Workforce Commission or applicable local workforce development boards;
- to provide student aid awards to incentivize enrollment in and completion of industry-aligned, high demand postsecondary industry certification or other workforce credentials and certificate programs or other courses of instruction leading to those certifications or credentials; and

- to track and report enrollment, credential completion, and employment outcomes for students in courses and programs describe above to gauge the impact on student success.

1.3. PROGRAM AUTHORITY

The TRUE Grant Program is authorized by SB 1102 of the 87th Legislature Regular Session as codified in Texas Education Code §§ 61.881-.886.

The Texas Legislature appropriated \$15 million for the TRUE Grant Program through the supplemental appropriations described in Section 18 of SB 8 (87th Legislature Third Special Session). The appropriated funds are from the federal Coronavirus State Fiscal Recovery Fund (42 U.S.C. § 802) established under the American Rescue Plan Act of 2021.

1.4. POINT OF CONTACT

All inquiries and communications concerning this RFA shall be directed **in writing** via email to:

Dr. Sheri H. Ranis, Director
Workforce Education
Texas Higher Education Coordinating Board
Email: reskilling@highered.texas.gov
Phone: 512-427-6200

1.5. INQUIRIES

All inquiries must be directed to the Point of Contact. Applicants and prospective Applicants must not discuss an Application, or this RFA with any other THECB employee unless authorized by the Point of Contact. Failure to comply with this requirement may result in the disqualification of an Application. All responses by THECB must be in writing to be binding.

Any information deemed by THECB to be important and of general interest or which modifies requirements of the RFA will be sent in the form of an Addendum to the RFA to all Applicants that have submitted an Application. All Applicants must acknowledge receipt of all addenda, if any, to this RFA by an email to reskilling@highered.texas.gov.

2. AWARD SUMMARY

2.1. AWARD AMOUNT SCHEDULE

THECB expects to award grants as follows:

Award Ranges
\$50,000 maximum for planning grants
\$50,000-\$500,000 for single institution
\$50,000-\$1 million for consortia

Award sizes will be based on submitted applications and will range between \$50,000 and \$1 million depending on the project category. Awards will be made based on rank order of reviewed applications until funding runs out. Awards must be expended by August 31, 2023.

2.2. GRANT PERIOD

The Grant Period will begin upon the execution of the Notice of Grant Award (NOGA) or on June 30, 2022 whichever is later, and will conclude on August 31, 2023, for an approximately 14 month Grant Period. Awarded Applicants will have obligations that extend beyond the Grant Period. The grant period includes two fiscal years pursuant to the funding and terms provided in SB 8. As such, a grantee is not required to submit to THECB a rationale for expending awarded grant funds across the two fiscal years.

2.3. SELECTION FOR FUNDING

The funding available to support the TRUE Grant Program will be awarded to Applicants selected on a competitive basis. Criteria for evaluation and selection of Applications for Awards are described in Section 6.

2.4. APPLICATION TIMELINE

The application process for this RFA is anticipated to proceed according to the published application timeline. A Calendar of Events for the Grant Period is in Appendix B.

Dates	Events
April 25, 2022	RFA Released
May 2, 2022	Informational Webinar (Attendance Not Required)
May 18, 2022	Last Day for Inquiries to THECB
May 23, 2022	Application Deadline
July 2022	THECB Announcement of Grant Awards

3. ELIGIBILITY REQUIREMENTS

3.1. ELIGIBLE APPLICANT

Eligible applicants are

- Texas public lower division institutions of higher education;
- consortia of public lower division institutions of higher education; or
- local chambers of commerce, trade associations, or economic development corporations that partner with a public lower division institution of higher education or a consortium of lower-division institutions of higher education.

For the purpose of this RFA, public lower division institutions of higher education are defined as public junior colleges, public state colleges, or public technical institutes.

A consortium of public lower division institutions of higher education is defined as three or more such institutions collaborating in a TRUE project.

3.2 ELIGIBLE PROJECTS

Funding will be provided to eligible applicants that provide a plan for or execute the creation, expansion, or redesign of workforce training programs and delivering education and workforce training that leads to postsecondary industry certifications or other workforce credentials required for high-demand occupations that are developed and provided in consultation with employers who are hiring in high-demand occupations and create pathways to employment for students and learners.

Selected education and training programs may be for workforce credentials, including industry certifications, certificate programs, or other workforce courses of study that can be completed in six months or less. Sub-Certificate 1 programs selected are encouraged to be developed or scaled to be convertible or stackable to credit-bearing programs. Education and training programs selected may be delivered digitally, face-to-face, or via a hybrid model. Education and training programs selected for the project may be stand alone or embedded in credential programs.

Applicants must provide evidence that the project programs are in high value/high need fields at the regional or local level. Applicants must provide current labor market information and analysis of hiring trends data that match job postings and hiring of employees with the skills to be developed by the project programs. The programs should not duplicate existing postsecondary program offerings unless there is demonstrable unmet regional demand for an increase of students with that skills profile as demonstrated by labor market analysis.

3.3 PRIORITY PROJECTS

Priority in application review will be given to proposals for new or existing consortia formed by three or more eligible public institutions of higher education. Priority will also be given to projects by single grantees or consortia with active partners helping to analyze job offerings and hiring potential by employers that are workforce entities, namely, local chambers of commerce, trade associations, economic development corporations or local workforce boards. Eligible Projects that offer affordable options for students and/or focus on service to displaced workers will also be given preference in the review process.

3.4 MAXIMUM NUMBER OF APPLICATIONS PER APPLICANT

Eligible applicants may submit a maximum of two applications: one as a single recipient, the other as a member of a consortium.

4. APPLICATION SUBMISSION

4.1. APPLICATION DEADLINE: 5:00 p.m. CDT/CT, May 23, 2022

Applications must be:

- completed according to the guidelines in Section 7

- submitted by an authorized agent of the Applicant entity
- submitted via email to reskilling@highered.texas.gov, attention to the Point of Contact listed in Section 1.4.

*Late or incomplete Applications will not be accepted. Applications submitted to an address different from reskilling@highered.texas.gov will **not** be accepted.*

THECB will not accept mailed, hand-delivered, or faxed Applications.

Submission of an Application confers no rights of Applicant to an award or to a subsequent Contract if there is one. The issuance of this RFA does not guarantee that a Contract will ever be awarded. THECB reserves the right to amend the terms and provisions of the RFA; negotiate with Applicant; add, delete, or modify the Contract and/or the terms of Application submitted; extend the deadline for submission of Application; or withdraw the RFA entirely for any reason. An individual Application may be rejected if it fails to meet any requirement of this RFA. THECB may seek clarification and additional documentation from Applicant at any time, and failure to respond within a reasonable timeframe is cause for rejection of an Application.

4.2. THECB CONFIRMATION OF APPLICATION RECEIPT

THECB shall not be responsible for Applications that are captured, blocked, filtered, quarantined, or otherwise prevented from reaching the proper destination server by THECB's or Applicant's antivirus or other security software.

THECB will confirm Application receipt via email within **three (3)** state business days of receipt by THECB. If an Applicant does not receive such confirmation from THECB, contact the Point of Contact listed in Section 1.4 immediately. Applicant will be required to provide proof of timely submission of the Application.

4.3. COST OF APPLICATION PREPARATION

All costs associated with the preparation and submission of an Application for this RFA are the responsibility of Applicant. These costs shall not be chargeable to THECB by any successful or unsuccessful Applicant.

4.4. APPLICATION DELIVERY AND LATE APPLICATIONS

Applications must be submitted by an authorized agent of the Applicant.

Applications shall be considered to be "on time" if they are received on or before the date and time of established deadlines. Applicant shall be solely responsible for ensuring that Application is received by THECB prior to the deadlines outlined in Section 4. THECB shall not be responsible for failure of electrical or mechanical equipment, operator error, or inability of an electronic delivery agent to deliver an Application prior to the deadline. Failure to respond in a timely manner to this RFA

shall result in Applicant losing the opportunity to receive a Grant under this program. A late Application, regardless of circumstances, shall not be evaluated or considered for award.

5. PROJECT REQUIREMENTS

5.1. FUNDING RESTRICTION

TRUE Grant funds shall not be substituted for any other funds available to Applicant or any program or project partners. Awarded funds shall be spent only on expenses that support TRUE Grants as documented in Applicant's Budget and Timeline.

5.2. ALLOWABLE COSTS AND PROHIBITED COSTS

5.2.1. Allowable Cost Categories.

Project budgets may only include necessary and reasonable costs for the support and maintenance of educational and general project activities that promote workforce learning as provided in Section 1.2. These costs include:

Curriculum development and instructional design; instructional software; instructional equipment; student financial aid; student supports; faculty hiring and training capacity; cost of off the shelf credential and training materials; project marketing and outreach costs up to \$50,000; and costs associated with data administration and reporting by the grantee.

If student financial aid or supports are budgeted, these efforts must be focused only on students who are candidates enrolling in the specific credential or training program(s) that make up the grant project during the grant period.

Student financial aid may be provided to cover cost of attendance, tuition, and fees. Awards are capped at \$2,500 per eligible student per semester or term.

- Calculation of student aid should be a "middle dollar" calculation that subtracts state and institutional aid first to determine need, leaving federal aid such as Pell Grants out of the calculation.

In composing, operating, and reporting on the project budget, the Grantee must conform to federal Uniform Grant Guidance (UGG). This includes but is not limited to ensuring that personnel time supported by the grant meets time/effort tracking requirements.

Additionally, all interest earned from the grant award may be retained by the Grantee and be used for the grant program and to cover administrative costs.

5.2.2. Prohibited Costs.

Non-allowable uses of funds include any and all non-allowable costs specified in the SLFRF final rules, 31 C.F.R. §§ 35.1-.12, Federal Uniform Grant Guidance (UGG), any costs not falling into an allowable cost category listed above, as well as any costs that are not necessary and reasonable for the grant program. This includes but is not limited to the following cost categories: debt service, satisfaction of

settlements and judgements, replenishing financial reserves, institutional marketing and/or communications expenses beyond the scope of the project, non-governmental expenses, and technology that is not for instructional use (e.g., laptops for staff).

Indirect costs are disallowed. The project budget may include up to 2% of the total budget for administrative costs such as grant and financial management.

5.2.3. Budget Changes

Submission of a Budget Change Request and prior written approval from THECB is required to allow for budget transfers across the allowable budget categories listed in Subsection 5.2.1 that exceed twenty-five percent (25%) of the total Grant Award during the Grant Period.

Budget Change Request approval must be received in writing from the Point of Contact.

5.3. PARTICIPATION IN RESEARCH AND INFORMATION SHARING

In service to sharing best practices and ongoing capacity building of the TRUE grant program, THECB is required to consult with grant recipients to identify postsecondary industry certifications or other workforce credentials developed or redesigned using grant awards. Grant recipients are required to comply with such requests. This will assist in establishing methods for collecting and reporting data related to certifications or credentials and student outcomes as well as the process of reporting such data to THECB. Such requirements shall survive the end of the grant term.

In service to sharing best practices and ongoing capacity building regarding the reskilling and upskilling of postsecondary students in Texas, grant recipients are required to participate in research and information sharing efforts such as additional data collection, webinars, conferences, or regional meetings as determined by THECB.

6. AWARD SELECTION CRITERIA

Each Applicant must satisfy RFA Section 3 Eligibility Requirements to be considered during the award selection process. Applicants shall be selected for funding on a competitive basis.

The TRUE Grant Program offered through this RFA is designed to issue Grant Awards that provide the best overall value to the state. Selection criteria shall be based on eligibility requirements and project quality, as determined by review criteria. Additionally, award selection shall to the greatest extent practicable ensure that awards are made to at least one eligible entity in each region of Texas and are not duplicative of existing programs unless necessary to meet regional workforce needs. Other factors, including past performance on THECB grants, as detailed in RFA Section 6.3, will also be considered in making award selections.

6.1. APPLICATION SCREENING

THECB staff shall conduct an initial screening of Applications to determine if they adhere to the eligibility requirements contained in the RFA. An Application must meet RFA requirements and be submitted with proper authorization on or before the day specified by THECB to qualify for further consideration.

All incomplete, ineligible, or otherwise non-compliant applications will not be considered for funding. It is anticipated that THECB staff will notify Applicants eliminated through the screening process within 30 days of the submission deadline.

Each Application that passes the initial screening for completeness and eligibility will be considered for award selection according to the selection criteria described in RFA Sections 6.2 and 6.3.

6.2. PRIORITY CRITERIA FOR AWARD SELECTION

As indicated in Section 3.3 of this RFA, proposals that incorporate the following will be awarded additional points (“Bonus Points”) in the application evaluation process:

- New or existing consortia formed by three or more eligible public lower division institutions of higher education;
- Projects by single grantees or consortia that incorporate partnerships with eligible workforce entities such as local chambers of commerce, trade associations, economic development corporations or local workforce boards;
- Applications that offer affordable options for students;
- Applications that focus on service to displaced workers.

6.3. GENERAL CRITERIA FOR AWARD SELECTION

At a minimum, three reviewers will independently score each application on the components listed below, with a maximum possible total score of 44 points. Applications will be ranked from highest to lowest based on all three scores. To the greatest extent practicable, awards will be distributed to at least one eligible entity in each the Higher Education regions of the state [TEC Section 61.882 (d)(1)(A)].

Selected Project Education and Training Programs 1-5 points with 5 highest

The Application demonstrates the planning, redesign/expansion or creation of a particular credential program or several highly related credential programs in a high demand occupational area, or a set of knowledge and skills required by a particular high demand occupational area. The education and training programs were selected in consultation with workforce entities and employers currently hiring in the high-demand occupational area. Selected education and training programs are for industry certifications, certificate programs, or other workforce credentials or courses of study that can be completed in six (6) months or less.

Description of Project Program Selection 1-5 points with 5 highest

Applicant’s rationale for the selection of education and training projects is compelling. Project programs are credibly viewed as high value/high need fields at

the state, regional, or local level. Relevant data from current labor market information and workforce stakeholder input in hiring persons with the skills developed in the program is cited as supporting program selection – multiple sources of relevant labor market information indicate a more robust proposal. Sub-Certificate 1 programs selected are described as being developed or scaled to be convertible or stackable to credit-bearing programs. The role played by employers or other workforce entities in the program selection process is described. The application provides information on any similar existing programs in the region. If there are similar program offerings in the region, the application provides a convincing rationale, using relevant data, that local or regional demand necessitates duplication.

Project’s Goals and Activities

1-5 points with 5 highest

Applicant describes the goal of the project. The description indicates if the project is a planning engagement, an expansion or redesign of an existing program, or creation of new education and training programs. The description provides specifics about the program(s) selected, including mode of instruction. The description details clear pathways to employment. Because partnering or consulting with workforce entities is key, the role played by workforce entities in determining the project’s goals and activities is explained.

Applicant and/or Consortium Description

1-5 points with 5 highest

Applicant addresses relevant workforce education capabilities on the part of the applicant and consortium members if applicable. Applicant indicates past work on similar projects and institutional capacity to create and implement similar projects in an efficient and successful manner. If a consortium is proposed, a clear rationale is stated. Consortium members’ commitment and sharing of responsibilities is detailed and described.

Alignment of Funding to Project Goals

1-5 points with 5 highest

Applicant’s budget is aligned with program goals, maximizes the impact of available funds, excludes indirect costs and limits administrative costs to 2% or less of the overall project budget.

Project Timeline

1-5 points with 5 highest

Applicant’s timeline clearly indicates project activities, estimated duration, and estimated completion associated with the project and the grant period. Activities in the timeline link back to the project description. The timeline elements are reasonable and achievable.

Bonus Points: Consortium Proposed

0 or 5 bonus points

TRUE Grants encourage and prioritize the formation of consortia among three or more eligible public higher education institutions as stipulated in RFA Sections 3.3 and 6.2. The application clearly demonstrates how the consortium will efficiently and effectively work for the shared project goals that will lead to greater regional and statewide impact and be the best use of limited funds.

Bonus Points: Partnership with Eligible Workforce Entities 0 or 5 bonus points
TRUE Grants encourage and prioritize eligible public higher education institutions' partnership with eligible workforce entities, namely, local chambers of commerce, trade associations, economic development corporations and local workforce boards, to analyze job postings and identify employers hiring individuals with skills developed by the project's education and training programs and achieve the goals of the proposed project. The application and documentation submitted clearly describe the nature and extent of the partnership established.

Bonus Points: Program Affordability 0 or 2 bonus points TRUE Grants encourage and prioritize projects that offer affordable opportunities for students. The application clearly describes program affordability as a goal for the project.

Bonus Points: Opportunities for Displaced Workers 0 or 2 bonus points
TRUE Grants encourage and prioritize projects that create education and training programs that are intentionally designed to offer postsecondary opportunities to displaced workers. The application clearly describes how the project provides opportunities to Displaced Workers.

6.4. RECOMMENDATION FOR FUNDING

THECB staff shall make a recommendation of selected Applicants to be funded to the Commissioner of Higher Education.

7. APPLICATION FORMAT AND CONTENT

Application Section 1: Certification of Information Contained in this Application

Provide the name, title, and contact information of the individual authorized to submit the application. Provide the name and signature of the chief executive of the institution that is certifying leadership commitment to the project proposal. That individual could be a chancellor, president chief academic officer, or chief financial officer, depending on institutional policy. Electronic signatures are acceptable.

Application Section 2: Contact Information

Provide the name and contact information for the primary contact person for the proposed project. If the proposal is for a Consortium, provide a primary contact name and affiliation for each Consortium partner.

Application Section 3: Requested Grant Amount

Indicate the total proposed project budget. Budget details must be provided on the TRUE Grant Program Budget Request form. Proposed budgets must fall within the following award ranges.

Award Ranges
\$50,000 maximum for planning grants
\$50,000-\$500,000 for single institution
\$50,000-\$1 million for consortia

Application Section 4: Project Description

Application Section 4.1 Project Summary

- 4.1.a Fill out the table indicating the name, CIP Code, duration, and credit/contact hours associated with the high value workforce education and training program(s) that are proposed for the project.
- 4.1.b Provide a brief description (250 words maximum) of how the project's high value workforce education and training program(s) were selected.
- 4.1.c Provide a brief description (250 words maximum) of the project's goals and activities. Proposed projects may be for planning, redesign/expansion or creation of credential programs.
- 4.1.d If applicable, provide a brief description (250 words maximum) of how the proposed credential program addresses affordability.
- 4.1.e If applicable, provide a brief description (250 words maximum) of how the proposed credential program provides opportunities to displaced workers.

Application Section 4.2 Description of Applicant and Partners/Consortium Members

Provide a brief description (250 words maximum) of the rationale behind the project focused on the relevant capabilities in workforce education on the part of the institution serving as the primary applicant and the Consortium members and eligible workforce entities (if applicable) that will participate in the TRUE Grant Program project. Describe each consortium member or partner's level of commitment to the project and indicate how responsibilities will be shared.

Application Section 5: Project Timeline

Complete the table indicating the duration and estimated completion date for each of the project activities described in Project Summary 4.1.c (above).

Budget Request Form

Complete the budget request form per instructions provided with the application packet.

Documentation of Workforce Entity Collaboration and/or Partnership

Provide a letter or other documentation of consultation with workforce entities and employers that assisted in the development of the project proposal.

If a partnership with a workforce entity is proposed, provide a letter or other documentation from that workforce entity that addresses the collaboration on design, commitment to the project and anticipated activities that the workforce entity partner will undertake.

8. DISTRIBUTION OF AWARD FUNDS

8.1. ISSUANCE OF GRANT AWARD

Following all negotiations between THECB and Applicants, the Office of the Governor's approval of awards appropriated under this RFA, and the announcement

of awards, the Awarded Applicants will receive an electronic copy of a THECB Notice of Grant Award (NOGA, Appendix E), which will take effect on the day the NOGA is fully executed, or June 30, 2022, whichever is later. Throughout this RFA, the terms “NOGA,” “Award,” “Contract,” and “Grant” are used interchangeably.

The Contract must be executed by an individual authorized to enter into a contract on behalf of the Applicant. Upon execution of a Contract resulting from this RFA, the term “Applicant” shall have the same meaning as “Awarded Applicant” or “Grantee.” The Texas Higher Education Coordinating Board, a state agency, may also be referred to as the “THECB,” “Board,” or “Agency.” At times, THECB and Grantee are referred to singularly as “Party” and collectively as “Parties.” Likewise, the terms “Request for Applications” and “Application” shall have the same meaning as the term “Contract” or “Agreement.”

8.2. “DISCLOSURE OF INTERESTED PARTIES” REQUIREMENT

THECB may not execute a contract/grant requiring approval of the Board Chair, Vice Chair, and Committee Chair until the non-state Business Entity has presented a certificate disclosing interested parties. For-profit organizations, not-for-profit organizations, and private institutions selected for an award must complete this requirement before a grant award contract can be executed. Further information relating to Disclosure of Interested Parties is provided in Section 10.15 of this RFA.

8.3. FUNDS DISBURSEMENT AND PAYMENT TERMS

Subsequent to full NOGA execution and THECB receipt of the Disclosure of Interested Parties as applicable, Grant Award funds will be disbursed according to the following provisions of this RFA.

TRUE Grants are funded through the provisions of SB 8. The appropriated funds are from the federal SLFRF (42 U.S.C. § 802) established under the American Rescue Plan Act of 2021 and pursuant to a grant agreement from the Texas Office of the Governor to THECB. Pursuant to the grant agreement between the Office of the Governor and THECB, THECB shall submit a list of Award Applicants and award amounts to the Office of the Governor for approval prior to the issuance of a NOGA.

THECB shall not disburse awarded funds until the NOGA has been fully executed and, if applicable, the Disclosure of Interested Parties has been received and acknowledged by THECB, as described in Subsection 8.2. or until submitted expenditure reports have been approved by THECB for payment.

After full NOGA execution and THECB receipt of the Disclosure of Interested Parties, as applicable, awarded funds will be disbursed as outlined below.

Initial Funding. Awarded Applicants will receive 50 percent (50%) of the awarded funds.

Supplemental Funding. Awarded Applicants will receive the remaining funds following the submission of the first interim program and expenditure reports. At THECB’s sole discretion, the supplemental grant funding is contingent upon the

Awarded Applicant using grant funds appropriately, meeting project benchmarks, and producing expected outcomes during the period of reimbursement.

All grant-related expenses must be incurred on or prior to the end of the grant period.

Awarded Applicants may not use awarded funds for goods or services purchased or procured prior to the date the NOGA has been fully executed.

8.4. LAST DAY OF EXPENDITURES

All allowable grant-related expenses must be incurred on or before August 31, 2023. Expenses incurred after this date cannot be charged to the TRUE Grant Program.

8.5. RETURN OF UNEXPENDED FUNDS

Awarded Applicants shall return any unexpended funds to THECB within thirty (30) days after the end of the Grant Period unless otherwise agreed by THECB and Grantee. Grant funds shall be returned immediately in the event of grant termination.

Awarded Applicant shall return any remaining funds promptly if the Award is terminated.

8.6. GRANT EXTENSION

Extension of the Grant Period for up to two months may be granted upon request.

If additional funding is available to support TRUE Grants, the THECB Point of Contact will notify eligible grantees. Additional documentation and/or work may be required.

9. MONITORING AND REPORTING REQUIREMENTS

9.1. MONITORING

Texas Higher Education Coordinating Board (THECB) staff shall monitor and oversee TRUE Grants' progress and compliance through required reporting to ensure that grant commitments are fulfilled and that the financial matters related to the grant award are accurate and appropriate. Awarded Applicant shall be required to complete the program reports as required by the RFA. THECB will provide a template and instructions for electronic submission of the required reports. THECB reserves the right to require additional reports as THECB deems necessary for the proper oversight of the awarded funds.

If Awarded Applicant does not submit the required reports detailed in Sections 9.2 and 9.3 by the established deadline and Awarded Applicant has not been granted a submission extension, THECB reserves the right to require that grant funds be reimbursed. If a required report is not accepted by THECB, Awarded Applicant will be required to revise and resubmit the required report by a deadline provide by THECB. Delinquent and unaccepted reports may affect Awarded Applicant's eligibility to apply for future THECB grant awards.

9.2. PROJECT NARRATIVE REPORTS

Awarded Applicant shall submit xxx project reports as specified by THECB on or before the following dates:

1. Interim Project Report due December 12, 2022,
2. Interim Project Report 2 due April 14, 2023, and
3. Final Project Report due September 29, 2023.

Project Reports will generally include, but may not be limited to:

1. Narrative status report on the development of the TRUE project.
2. Project Timeline. The Timeline submitted with the Applicant's Application shall be updated and supplemented for each interim report and for the final report.

9.3. FINANCIAL REPORTS

Awarded Applicant shall submit financial expenditure reports as specified by THECB due on or before the following dates:

1. Interim Expenditure Report due December 12, 2022,
2. Interim Expenditure Report 2 due April 14, 2023, and
3. Final Financial Report due September 29, 2023.

10. TERMS AND CONDITIONS APPLICATION TO TRUE GRANT AWARDS ISSUED BY THE TEXAS HIGHER EDUCATION COORDINATING BOARD

10.1. TERMINATION

10.1.1. Survival of Rights.

Notwithstanding the termination or expiration of this Grant Award/Agreement, the provisions of this Grant Award/Agreement regarding confidentiality, indemnification, transition, records, right to audit and independent audit, property rights, dispute resolution, invoice and fees verification, provision of services, and default shall survive the termination or expiration dates of this Grant Award/Agreement.

10.1.2. Convenience of the State.

THECB, in its sole discretion, may terminate this Grant Award/Agreement upon one (1) calendar day's written notice to Grantee. In the event of such termination, Grantee shall, unless otherwise mutually agreed upon in writing, cease all work immediately upon the effective date of termination. THECB will be liable only for payments for any deliverables received from or services performed by Grantee before the termination date.

10.1.3. Termination for Cause.

THECB may, by written notice to Grantee, immediately terminate this Grant Award/Agreement for cause if: (a) default or abandonment by Grantee occurs; or (b) Grantee fails to comply fully with any term or condition of this Grant Award/Agreement. If THECB deems it appropriate under the circumstances, THECB will provide a three (3) business day advance written notice of intent to terminate to Grantee, and THECB will provide Grantee with an opportunity for consultation with THECB prior to termination during that three (3) business day period.

If Grantee fails or refuses to perform its obligations under this Grant Award/Agreement, THECB may exercise any rights available to it by law or in equity.

10.1.4. Applicable Law and Conforming Amendments.

THECB may terminate this Grant Award/Agreement immediately upon notice to Grantee in the event federal or state law is enacted, amended, or judicially interpreted so as to render continued fulfillment of this Grant Award/Agreement, on the part of THECB, wholly unreasonable or impossible. THECB reserves the right, at its sole discretion, to unilaterally amend this Grant Award/Agreement throughout the Grant Award/Agreement Term to incorporate any modifications necessary for THECB's compliance, as an agency of the state of Texas, with all applicable state and federal laws, rules, regulations, requirements, and guidelines.

10.1.5. Excess Obligations (Non-Appropriation).

This Grant Award/Agreement is subject to termination or cancellation, without penalty to THECB, either in whole or in part, subject to the availability of federal funds.

10.1.6. Effect of Termination.

In the event of any termination, Grantee shall, unless otherwise mutually agreed upon in writing, cease all services immediately upon the effective date of termination, except such services that THECB deems are necessary to wind-up in a cost-effective manner. For any termination by THECB other than termination for non-appropriation, THECB shall be liable to Grantee for only that portion of the services authorized by THECB, and which have been completed prior to the effective date of termination, provided that THECB shall not be liable for any work performed that is not acceptable to THECB and/or does not meet Grant Award/Agreement requirements, plus any necessary work deemed appropriate by THECB to cost-effectively wind-up.

10.2. AMENDMENT

This Grant Award/Agreement may be modified only by written amendment executed by the Parties hereto; however, any amendment of this Grant Award/Agreement that conflicts with the laws of the state of Texas shall be void ab initio.

10.3. SOVEREIGN IMMUNITY

The Parties stipulate and agree that no provision of, or any part of this Grant Award/Agreement between THECB and Grantee, or any subsequent amendment 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 THECB 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 Eleventh Amendment or any other provision of the United States Constitution or any immunity recognized by the courts and the laws of the state of Texas and the United States. The state of Texas and THECB do not waive sovereign immunity by entering into this Grant Award/Agreement and specifically retain such immunity and all defenses available to them under the laws of the state of Texas or the common law.

10.4. ASSIGNMENT

Grantee shall not assign its rights under this Grant Award/Agreement or delegate the performance of its duties under the Grant Award/Agreement without prior written approval from THECB. Any attempted assignment in violation of this provision is void and without effect.

10.5. DELEGATION AND SUBCONTRACTING

Unless as otherwise provided for in this Grant Award/Agreement, no contractual rights, interest, or obligation shall be delegated or subcontracted by Grantee without prior written approval of THECB. No delegation or subcontract approved by THECB shall relieve Grantee of any obligation or responsibility under this Grant Award/Agreement.

10.6. RIGHT TO AUDIT AND RECORDS RETENTION

Grantee understands that acceptance of funds under this Grant Award/Agreement, or indirectly through a subcontract under this Grant Award/Agreement, acts as acceptance of the authority of the State Auditor's Office, THECB or any successor agency, as well as any external auditors selected by the State Auditor's Office, THECB, and any auditors selected by the United States, including, but not limited to the cognizant federal agencies and/or federal Offices of the Inspector General (collectively referred to as "Audit Entities"), to conduct an audit or investigation in connection with those funds. Grantee further agrees to cooperate fully with the above parties in the conduct of an audit or investigation, including promptly providing all records requested. Grantee will ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through Grantee and the requirements to cooperate is included in any subcontract it awards.

Grantee shall maintain its records and accounts in a manner which shall assure a full accounting for all funds received and expended by Grantee in connection with the Grant Project. These records and accounts (which includes all receipts of expenses incurred by Grantee) shall be retained by Grantee and made available for inspecting,

monitoring, programmatic or financial auditing, or evaluation by THECB and by others authorized by law or regulation to do so for a period of not less than seven (7) years from the date of completion of the Grant Award/Agreement or the date of receipt by THECB of Grantee's final claim for payment or final expenditure report or until any litigation/billing issues are resolved, whichever is later. If an audit has been announced, the records shall be retained until such audit has been completed. Grantee shall make available at reasonable times and upon reasonable notice, and for reasonable periods, all documents and other information related to the services provided in this Grant Award/Agreement. Grantee and any subcontractors shall provide any Audit Entities with any information such entity deems relevant to any monitoring, investigation, evaluation, or audit.

Grantee's failure to comply with this subsection (Right to Audit and Records Retention) shall constitute a material breach of this Grant Award/Agreement and shall authorize THECB and the state of Texas to immediately assess appropriate damages for such failure. THECB reserves the right to require the reimbursement of any over-payments determined as a result of any audit or inspection of records on work performed under this Grant Award/Agreement. Grantee shall reimburse THECB for any over-payments within thirty (30) calendar days of receipt of THECB's written notice.

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.

10.7. 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 confirm the project work provided within each funding source. Awarded Applicant must adjust payroll records and expenditures based on this documentation. This requirement applies to all projects, regardless of funding sources, unless otherwise specified.

10.8. UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS AND UNIFORM GRANT MANAGEMENT STANDARDS

Grantee will use TRUE funds only for uses permissible under this RFA consistent with the SLRF final rules (31 C.F.R. §§ 35.1-12), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance, 2 C.F.R. Part 200). In addition, Grantee agrees to follow the Uniform Grant Management Standards, including all of its applicable conditions and State Assurances.

10.9. FORMS, ASSURANCES, CERTIFICATIONS AND REPORTS

Awarded Applicant shall timely file with the proper authorities all forms, assurances, and reports required by state laws and regulations. THECB shall be responsible for

reporting to the proper authorities any failure by Awarded Applicant to comply with the foregoing laws and regulations coming to THECB's attention and may deny reimbursements or recover payments made by THECB to Awarded Applicant in the event of Awarded Applicant's failure to so comply.

The following certifications must be completed prior to issuance of a grant award:

1. Certification Regarding Disclosure of Lobbying Activities (Appendix F);
2. Certification Federal Funding Accountability and Transparency Act (FFATA) (Appendix G); and
3. Certification Regarding Debarment and Suspension (Appendix H).

10.10. SUPPLANTING PROHIBITED

Supplanting occurs when TRUE funds are used to replace other state, local, or federal funds that had previously supported an activity or purpose. Funding provided under this Grant Award/Agreement shall supplement (increase the level of services) and not supplant (take the place of) state, local, and other federal funds. Awardees may not use TRUE funds for any project costs for which other local, state, or federal funds have already been awarded, appropriated, or received.

10.11. APPLICABLE CONDITIONS AND UNIFORM ASSURANCES

The standard financial management conditions and uniform assurances set out in the RFA are applicable to all grants, cooperative agreements, contracts, and other financial assistance arrangements executed between state agencies, local governments, and any other sub-recipient not specifically excluded by state or federal law. All applicable conditions and uniform assurances can be found at <https://comptroller.texas.gov/purchasing/grant-management/>.

10.12. CONFIDENTIALITY, PUBLIC INFORMATION ACT, and FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Notwithstanding any provisions of this Grant Award/Agreement to the contrary, Grantee understands that, as a Texas state agency, THECB is subject to and will comply with the Texas Public Information Act, Government Code §§ 552.001-.376, as interpreted by judicial opinions and opinions of the Attorney General of Texas. Grantee will cooperate with THECB in the production of documents responsive to any such requests under the Public Information Act at no additional charge to THECB.

THECB will determine whether to submit a request for a ruling seeking to withhold information from a Public Information Act requestor to the Open Records Division of the Office of the Attorney General of Texas. This Grant Award/Agreement and all data and other information generated or otherwise obtained in its performance may be subject to the Texas Public Information Act. Grantee will notify the Point of Contact within twenty-four (24) hours of receipt of any third-party requests for information it receives relating to this Grant Award/Agreement. In accordance with Texas Government Code § 2252.907, Grantee is required to make any information created or exchanged with THECB pursuant to this Grant Award/Agreement, and not

otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to THECB and shall cooperate with THECB in doing so.

Grantee agrees to maintain the confidentiality of any confidential information received from THECB and the state of Texas during the performance of this Grant Award/Agreement, including information which discloses confidential personal information particularly, but not limited to, social security numbers. Grantee will not disclose any confidential information to which it is privy under this Grant Award/Agreement without the prior written consent of THECB.

All submitted Applications become the property of THECB after the RFA submittal deadline date. Upon acceptance of the Grant Award/Agreement, all information submitted with Applicant's Application becomes public record and all information submitted with Awarded Applicant's Application becomes part of the Grant Award/Agreement. Therefore, such information is subject to disclosure under the Texas Public Information Act, unless an exception under the Texas Public Information Act is applicable.

Any proprietary information included in Applicant's Application shall be subject to disclosure unless such proprietary information was clearly identified by Applicant, and such identification was submitted concurrently with the original submission of the proprietary information. Such identification of proprietary information shall be clearly marked in the Application on each page it appears. Such markings shall be in boldface type at least 14-point font. 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.

If Awarded Applicant 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 Award/Agreement shall not have the effect of violating or causing THECB to violate any law, including the Texas Public Information Act.

10.12.1. Family Educational Rights and Privacy Act.

Grantee agrees to comply with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g, and the implementing federal regulations, 34 C.F.R. Part 99. Any violation of these FERPA provisions by Grantee shall be deemed a material breach of the Grant Award/Agreement.

10.13. MAINTENANCE OF SECURITY OF ELECTRONIC INFORMATION

Grantee shall develop, implement, maintain, and use appropriate administrative, technical, and physical security measures to preserve the confidentiality, integrity, and availability of all electronically maintained or transmitted Covered Data and Information received from, or on behalf of THECB. These measures will be extended by contract to all subcontractors used by Grantee.

10.14. CONFLICT OF INTEREST

Grantee represents and warrants that Grantee, its principals, employees, or subcontractors have no potential conflict of interest in providing services to THECB under this Grant Award/Agreement, and that the provision of services under this Grant Award/Agreement does not create an appearance of impropriety. Failure to disclose a conflict of interest, at any time during the duration of this Grant Award/Agreement, shall be cause for termination of this Grant Award/Agreement. Grantee represents and warrants that the provision of deliverables and services or other performance under the Grant Award/Agreement will not constitute an actual or potential conflict of interest or reasonably create an appearance of impropriety.

10.15. DISCLOSURE OF INTEREST PARTIES

The Texas Ethics Commission (TEC) has an online portal for vendors/grantees. Vendors/Grantees will need to create a username and password to complete the “Certificate of Interested Parties” form. After the form has been completed, print and sign before sending a final copy to THECB at Contracts@highered.texas.gov. The TEC portal link can be found at: https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm.

10.16. FINANCIAL INTEREST AND GIFTS

Grantee represents and warrants that neither Grantee nor any person or entity that will participate financially in this Grant Award/Agreement has received compensation from THECB or any agency of the state of Texas for participation in preparation of specifications for this Grant Award/Agreement.

10.17. EQUAL OPPORTUNITY

Grantee represents and warrants that it shall not discriminate against any person on the basis of race, color, national origin, religion, political belief, sex, age, or disability in the performance of this Grant Award/Agreement.

10.18. PROHIBITION ON USES OF FUNDS FOR LOBBYING

Grantee represents and warrants that THECB’s payments and Grantee’s receipt of appropriated or other funds under this Grant Award/Agreement are not prohibited by Texas Government Code §§ 556.005 or 556.008.

10.19. FORCE MAJEURE

THECB may grant relief from performance of this Grant Award/Agreement if Grantee is prevented from performance by an act of war, order of legal authority, act of God, or other unavoidable cause not attributable to the fault or negligence of Grantee. The burden of proof for the need of such relief shall rest upon the Grantee. Grantee shall notify THECB in writing if it believes that a force majeure may have occurred and THECB shall, in its sole discretion, determine if force majeure has occurred.

10.20. FALSE STATEMENTS AND BREACH

Grantee represents and warrants that all statements and information prepared and submitted to THECB are current, complete, true, and accurate. Submitting a false statement or material misrepresentations made during the performance of a Grant Award/Agreement is a material breach of contract and may void the Grant Award/Agreement.

10.21. SEVERABILITY AND WAIVER

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

Each and every right granted to the Parties 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 THECB or Grantee at any time to require strict performance of any contractual provision or obligation contained herein shall not constitute a waiver or diminish the rights of either party thereafter to demand strict compliance. Neither THECB's review, approval, acceptance of, nor payment for any of the services provided in this Grant Award/Agreement shall be construed to operate as a waiver of any rights under the Grant Award/Agreement, or of any cause of action arising out of the performance of the services required by the Grant Award/Agreement.

10.22. E-VERIFY

By entering into this Grant Award/Agreement, Grantee certifies and ensures that it utilizes and will continue to utilize, for the Grant Award/Agreement term, the U.S. Department of Homeland Security's E-Verify system to determine the eligibility of all persons: (a) employed to perform duties within Texas, during the Grant Award/Agreement term; and (b) (including subcontractors) assigned by the Grantee to perform work pursuant to the Grant Award/Agreement, within the United States of America.

10.23. DRUG-FREE WORKPLACE

Grantee shall comply with the applicable provisions of the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D; 41 U.S.C. §§ 701, et seq.) and maintain a drug-free work environment; and the final rule, government-wide requirements for drug-free workplace (grants), issued by the Office of Management and Budget and the Department of Defense (32 C.F.R. Part 26) to implement the provisions of the Drug-Free Workplace Act of 1988 is incorporated by reference and Grantee shall comply with the relevant provisions thereof, including any amendments to the final rule that may hereafter be issued.

10.24. LEGAL AND REGULATORY ACTION

Grantee represents and warrants that it is not aware of and has received no notice of any court or governmental agency actions, proceedings, investigations, etc. pending

or threatened against Grantee or any of the individuals or entities included in the response within the five (5) calendar years immediately preceding the submission of the response that would or could impair Grantee's performance under the Grant Award/Agreement, relate to the solicited or similar goods or services, or otherwise be relevant to THECB's consideration of the grant award. If Grantee is unable to make the preceding representation or warranty, then Grantee instead represents and warrants that it has included as a detailed attachment in its response a complete disclosure of any such court or governmental agency actions, proceedings, or investigations, etc. that would or could impair Grantee's performance under the Grant Award/Agreement, or otherwise be relevant to THECB's consideration of the grant award. In addition, Grantee represents and warrants that it shall notify THECB in writing within five (5) business days of any changes to the representations or warranties in this clause and understands that failure to timely update THECB shall constitute breach of contract and may result in immediate termination of the Grant Award/Agreement.

Pursuant to Texas Government Code § 2155.006(b), Grantee certifies that during the five-year period preceding the date of this Grant Award/Agreement it has not 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 Texas Utilities Code § 39.459, Hurricane Katrina, or any other disaster occurring after September 24, 2005; or (2) assessed a penalty in a federal civil or administrative enforcement action in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Texas Utilities Code § 39.459, Hurricane Katrina, or any other disaster occurring after September 24, 2005.

10.25. REFUND

Grantee will promptly refund or credit within thirty (30) calendar days any funds erroneously paid by THECB which are not expressly authorized under this Grant Award/Agreement.

APPENDIX A: RFA DEFINITIONS

The following definitions shall apply:

Affordable Options - Per Texas Education Code § 51.4031, affordability is determined by the percentage of median family income that would be required to pay for tuition and fees for the “average” family. This measure is calculated by specific regions in Texas as well as at the state level by THECB.

Applicant - An eligible entity in Texas as defined in Section 3 of this RFA, submitting an application in accordance with the terms and conditions of this RFA.

Application - The final document submitted by an Applicant to THECB in response to and in accordance with the terms of this RFA.

Awarded Applicant - The successful recipient ultimately awarded a grant by THECB who is responsible for performing all activities required to fully comply with grant performance requirements and all Grant terms and conditions.

Consortium/Consortia - Collaborations among three or more eligible public lower division institutions of higher education in Texas.

Displaced Workers - Per U.S. Treasury Department SLRF rules, displaced workers are individuals who want and are available for work from low and moderate income households. This is based on the presumption stated in the final rules that these individuals and households were economically harmed by the COVID-19 pandemic.

Eligible Workforce Entity - Per Texas Education Code § 61.881, an eligible workforce entity that may be awarded a grant if they form a partnership with a lower-division public institution of higher education or a consortium of lower-division public institutions of higher education in Texas. Eligible workforce entities are local chambers of commerce, trade associations, or economic development corporations.

NOGA - Notice of Grant Award - Term applied to the official document used by THECB to notify grantees that funding has been approved. NOGAs include such information as award amount, project and budget periods, and specific award terms and conditions. The NOGA creates a legally binding agreement between the parties and incorporates the RFA and the Application into the agreement. Throughout this RFA the terms “NOGA,” “Contract,” and “Grant” are used interchangeably.

State Fiscal Year - The period of time beginning September 1 and ending on the following August 31, both dates inclusive.

State of Texas Business Days - Monday through Friday, 8:00 a.m. to 5:00 PM CT/CDT, except for scheduled state of Texas and national holidays.

Student Supports - Academic and non-academic services, programs and interventions that

TRUE Grant Program

address barriers to student achievement and lead to improved student outcomes.

THECB – The Texas Higher Education Coordinating Board, an agency of the State of Texas.

Workforce Partnerships – Partnership by an applicant with workforce entities as set forth in Texas Education Code § 61.882(d)(2)(D). Workforce partners may be local chambers of commerce, trade associations, economic development corporations, and/or local workforce boards.

APPENDIX B: CALENDAR OF EVENTS

April 25, 2022	Request for Applications Published
May 2, 2022	Informational Webinar
May 18, 2022	Last Day for Applicant Inquiries
May 23, 2022	Application Deadline
June 30, 2022*	Grant Period Begins
July 2022	THECB Announces Grant Awards
December 12, 2022	First Project Report and Interim Expenditure Report is due to THECB
April 14, 2023	Second Project Report and Interim Expenditure Report is due to THECB
August 31, 2023	Grant Period Ends - Last Day to Expend Grant Funds
September 29, 2023	Final Project Report, Final Financial Report and Unexpended Grant Funds Due to THECB
September 29, 2023	Last Day to Submit Unexpended Grant Funds Due to THECB

*Grant Period begins June 30, 2022, or upon execution of Notice of Grant Award, whichever is later.

APPENDIX C: APPLICATION EVALUATION FORM

TRUE Grants Evaluation Form

	Maximum Points	Points Awarded
Core Elements (30 possible Points)		
Selected Project Education and Training Programs	5	
Description of Project Program Selection	5	
Description of Project Goals and Activities	5	
Description of Applicant and/or Consortium Members	5	
Alignment of Funding with Project Goals	5	
Project Timeline	5	
Bonus Points (0 or Full Points)		
Consortium	5	
Workforce Entity Partnership	5	
Affordability Addressed	2	
Displaced Worker Opportunity	2	
Total Points Awarded	44	

APPENDIX D: CHECKLIST OF REQUIRED FORMS AND ATTACHMENTS

Required Documents and Information	Application Form /Attachment
Certification Page and Leadership Commitment	Application page 1
Contact Information	Application page 2
Requested Grant Amount	Application page 3
Project Description	Application pages 3-6
Project Timeline	Application page 6
Budget Request Form	Budget Form
Workforce Entity Support Documentation	Attachments
Certification Regarding Lobbying and Disclosure Form	RFA Appendix F
Federal Funding Accountability and Transparency Act (FFATA) Certification	RFA Appendix G
Certification Regarding Debarment and Suspension (DO NOT SEND: RETAIN THIS FORM)	RFA Appendix H

APPENDIX E: SAMPLE NOTICE OF GRANT AWARD



THECB Award No.: {bmsReference}
Federal Fiscal Year: {fiscalyear}

Notice of Federal Grant Award to {contracted_party}

Grantee’s Name and Address: {contracted_party} {contractedPartyAddress} {contractedPartyCity}, {contractedPartyState} {contractedPartyZip}	Federal Grant Title: {grantTitle}
	CFDA: {cfda}
	Federal Grant Award Number: {fedAwardno}
	Federal Award Date:
Amount of Award: \$ {total_\$}	Term of Grant: {period_start} to {period_end} All funds must be expended by: {period_end} (if applicable)
	Federal Grant Funding Agency: {fedAgency}
	Research and Development?
	UEI Number:{UEI}
Payment Method:	Congressional District Location: {congrDistrLoc} Congressional District Place of Performance:{congrDistrPerf}
Authority: {Statutory Authority}	
<p>The Texas Higher Education Coordinating Board’s (“THECB”) and the Grantee’s (collectively, referred to as “the parties”) execution of this Notice of Grant Award creates a legally binding agreement between the parties. The Program requirements (e.g., objectives, scope, budget, methodology) as stated in (1) the original Request for Application (RFA) including any addenda issued, (2) the addenda to Grantee’s Application (if any), and (3) Grantee’s Application are incorporated into and made a part of this Notice of Grant Award for all purposes, supersede any prior or contemporaneous understandings between the parties pertaining to the subject matter herein whether oral or written, and collectively constitute the entire agreement between the parties. In the event of a conflict in the language contained in the incorporated documents, conflicts shall be resolved by reference to the language contained in the documents in the order listed above.</p> <p>Any changes in the approved Grant must follow THECB’s amendment process as defined in the RFA. Any funds received by Grantee and not expended prior to the end of the grant term indicated above shall be returned to THECB within thirty (30) days unless otherwise agreed by THECB and Grantee.</p>	
Signed by THECB Official:	Signed by Grantee Official:

TRUE Grant Program

{signContact} {signContacttitle}	{signed_by2} {signed_bytitle}
Date:	Date:

APPENDIX F: CERTIFICATION REGARDING LOBBYING AND DISCLOSURE FORM

CERTIFICATION REGARDING LOBBYING AND DISCLOSURE FORM

Certification for Contracts, Grants, Loans, and Cooperative Agreements

(Please check one or two of the following that pertain to your institution.)

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
If box 2 is checked, the completion of "Disclosure of Lobbying Activities" form-LLL is required.

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. **Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.**

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any 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 commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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

Name of Organization: _____

Address: _____

City: _____ State: _____ Zip Code: _____

_____ Date: _____

(Signature of Authorized Official)

(Title of Authorized Official)

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

<p>1. Type of Federal Action: 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</p>	<p>2. Status of Federal Action: a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award</p>	<p>3. Report Type: a. initial filing <input type="checkbox"/> b. material change</p> <p>For Material Change Only: year _____ quarter _____ date of last report _____</p>
<p>4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, <i>if known:</i></p> <p>Congressional District, <i>if known:</i> _____</p>	<p>5. If Reporting Entity in No. 4 is Sub awardee, Enter Name and Address of Prime:</p> <p>Congressional District, <i>if known:</i> _____</p>	
<p>6. Federal Department/Agency:</p>	<p>7. Federal Program Name/Description:</p> <p>CFDA Number, <i>if applicable:</i> _____</p>	
<p>8. Federal Action Number, if known:</p>	<p>9. Award Amount, if known: \$</p>	
<p>10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i></p>	<p>b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i></p>	
<p>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 reported to the Congress semi-annually and 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.</p>	<p>Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____</p>	
<p>Federal Use Only</p>	<p>Authorized for Local Reproduction Standard Form - LLL (Rev. 7-97)</p>	

Federal Agency Form Instructions - Disclosure of Lobbying Activities

Form Identifiers	Information
Agency Owner	Grants.gov
Form Name	Disclosure of Lobbying Activities (SF-LLL)
Form Version Number	1.2
OMB Number	4040-0013
OMB Expiration Date	02/28/2025

Form Field Instructions

Field Number	Field Name	Required or Optional	Information
1.	*Type of Federal Action	Required	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. This field is required.
2.	*Status of Federal Action	Required	Identify the status of the covered Federal action. This field is required.
2-a.	a. Bid/Offer/Application	Check if applicable	Click if the Status of Federal Action is a bid, an offer or an application.
2-b.	b. Initial Award	Check if applicable	Click if the Status of Federal Action is an initial award.
2-c.	c. Post-Award	Check if applicable	Click if the Status of Federal Action is a post-award.
3.	*Report Type	Required	Identify the appropriate classification of this report.
3-a.	a. Initial filing	Check if applicable	Check if Initial filing.
3-b.	b. Material change	Check if applicable	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 previously submitted report by this reporting entity for this covered Federal action. This field is required.
	Material Change Year	Conditionally Required	If this is a follow up report caused by a material change to the information previously reported, enter the year in which the change occurred.

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Field Number	Field Name	Required or Optional	Information
	Material Change Quarter	Conditionally Required	If this is a follow up report caused by a material change to the information previously reported, enter the quarter in which the change occurred.
	Material Change Date of Last Report	Conditionally Required	Enter the date of the previously submitted report by this reporting entity for this covered Federal action.
4.	Name and Address of Reporting Entity	Required	Provide the information for Name and Address of Reporting Entity.
	Prime	Check if applicable	Click to designate the organization filing the report as the Prime Federal recipient.
	Sub awardee	Check if applicable	Click to designate the organization filing the report as the Sub Awardee Federal recipient. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
	Tier if known	Optional	Identify the tier of the sub awardee, e.g., the first sub awardee of the prime is the 1st tier.
	Name	Required	Enter the name of reporting entity. This field is required.
	Street 1	Required	Enter Street 1 of the reporting entity. This field is required.
	Street 2	Optional	Enter Street 2 of the reporting entity.
	City	Required	Enter City of the reporting entity This field is required.
	State	Required	Enter the state of the reporting entity. This field is required.
	ZIP	Required	Enter the ZIP of the reporting entity. This field is required.
	Congressional District, if known	Optional	Enter the primary Congressional District of the reporting entity. Enter in the following format: 2-character state abbreviation - 3 characters district number, e.g., CA-005 for California 5th district, CA-012 for California 12th district, NC-103 for North Carolina's 103rd district.

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Field Number	Field Name	Required or Optional	Information
5.	If Reporting Entity in No. 4 is Subaward, Enter Name and Address of Prime	Conditionally Required	If Reporting Entity in No. 4 is Subaward, provide the information for the Name and Address of Prime.
	Name	Required	If the organization filing the report in item 4, checks "Sub awardee", enter the full name of the prime Federal recipient.
	Street 1	Required	If the organization filing the report in item 4, checks "Sub awardee", enter the address of the prime Federal recipient.
	Street 2	Optional	If the organization filing the report in item 4, checks "Sub awardee", enter the address of the prime Federal recipient.
	City	Required	If the organization filing the report in item 4, checks "Sub awardee", enter the city of the prime Federal recipient.
	State	Required	If the organization filing the report in item 4, checks "Sub awardee", select the appropriate state from this pull-down menu.
	ZIP	Required	Enter the ZIP of Prime. This field is required
	Congressional District, if known	Optional	Enter the Congressional District of Prime. Enter in the following format: 2-character state abbreviation - 3 characters district number, e.g., CA-005 for California 5th district, CA-012 for California 12th district, NC-103 for North Carolina's 103rd district.
6.	Federal Department/Agency	Required	Enter the name of the Federal Department or Agency making the award or loan commitment. This field is required.
7.	CFDA Number	Required	Enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans and loan commitments. Pre-

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Field Number	Field Name	Required or Optional	Information
			populated from SF-424 if using Grants.gov.
	CFDA Title	Required	Enter the Federal program name or description for the covered Federal action. Pre-populated from SF-424 if using Grants.gov.
8.	Federal Action Number	Optional	Enter the most appropriate Federal identifying number available for the Federal action, identified in item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract, grant, or loan award number, the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9.	Award Amount	Optional	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 of the prime entity identified in item 4 or 5.
10.a.	Name and Address of Lobbying Registrant	Required	Provide the information for the Name and Address of Lobbying Registrant.
	Prefix	Optional	Enter the prefix (e.g., Mr., Mrs., Miss), if appropriate, for the Lobbying Registrant.
	First Name	Required	Enter the first name of Lobbying Registrant. This field is required.
	Middle Name	Optional	Enter the middle name of Lobbying Registrant.
	Last Name	Required	Enter the last name of Lobbying Registrant. This field is required.
	Suffix	Optional	Enter the suffix (e.g., Jr. Sr., PhD), if appropriate, for the Lobbying Registrant.

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Field Number	Field Name	Required or Optional	Information
	Street 1	Required	Enter the first line of street address for the Lobbying Registrant.
	Street 2	Optional	Enter the second line of street address for the Lobbying Registrant.
	City	Required	Enter the city of the Lobbying Registrant.
	State	Required	Select the appropriate state of the Lobbying Registrant.
	ZIP Code	Required	Enter the Zip Code (or ZIP+4) of the Lobbying Registrant.
10.b.	Individual Performing Services	Required	Provide the information for Individual Performing Services.
	Prefix	Optional	Enter the prefix (e.g., Mr., Mrs., Miss), if appropriate, for the Individual Performing Services.
	First Name	Required	Enter the first name of the Individual Performing Services. This field is required.
	Middle Name	Optional	Enter the middle name of the Individual Performing Services.
	Last Name	Required	Enter the last name of the Individual Performing Services. This field is required.
	Suffix	Optional	Enter the suffix (e.g., Jr. Sr., PhD), if appropriate, for the Individual Performing Services.
	Street 1	Required	Enter the first line of street address for the Individual Performing Services.
	Street 2	Optional	Enter the second line of street address for the Individual Performing Services.
	City	Required	Enter the city of the Individual Performing Services.
	State	Required	Select the state for the address of the Individual Performing Services from this pull-down menu.
	ZIP Code	Required	Enter the Zip Code (or ZIP+4) of the Individual Performing Services.

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Field Number	Field Name	Required or Optional	Information
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 the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semiannually and 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.	N/A	N/A
	Signature	Required	Completed by Grants.gov upon submission.
	Name	Required	Provide the information for the Name of the Certifying Official.
	Prefix	Optional	Enter the prefix (e.g., Mr., Mrs., Miss), if appropriate, for the Certifying Official.
	First Name	Required	Enter the first name of Certifying Official. This field is required.
	Middle Name	Optional	Enter the middle name of the Certifying Official.
	Last Name	Required	Enter the last name of the Certifying Official. This field is required.
	Suffix	Optional	Enter the suffix (e.g., Jr. Sr., PhD), if appropriate, for the Certifying Official.
	Title	Optional	Enter the title of the Certifying Official.

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Field Number	Field Name	Required or Optional	Information
	Telephone No.	Optional	Enter the telephone number of the certifying official.
	Date	Required	Completed by Grants.gov upon submission.

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.

OMB Number: 4040-0013 7
 OMB Expiration Date: 02/28/2025

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether sub awardee 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 sub awardee, e.g., the first sub awardee 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 "Sub awardee," 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, print his/her name, title, and telephone number.
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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.

APPENDIX G: FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA) CERTIFICATION

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 If yes, continue to question B.
 No If no, questionnaire is complete. Please sign section E. Thank you!

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 If yes, continue to question C.
 No If no, questionnaire is complete. Please sign section E. Thank you!

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?

- Yes If yes, questionnaire is complete. Please sign section E. Thank you!
 No If no, please complete Section D.

D. Top Executive Disclosure Requirements: Provide the names and total compensation of the top five most highly compensated officers/senior executives for the preceding fiscal year below. Please see 2 CFR Pt. 170, including its Appendix A for guidance. After completing Section D, please sign section E. Thank you!

	Name of Top Executives	Annual Compensation
1.		\$
2.		\$
3.		\$
4.		\$
5.		\$

E. Signatures:

As the duly authorized representative (Signor) of the Contractor/Grantee, I hereby represent and warrant that the statements made by me in this certification form are true, complete, and correct to the best of my knowledge and are consistent with FFATA (31 USC § 6101 note), as amended, and its implementing regulations including 2 CFR Part 170. I further represent and warrant that I will provide THECB will any and all information which

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may be further needed for THECB to accurately report to the federal government pursuant to FFATA.

Organization Name:	
UEI Number:	
Zip code(s) in which services will be performed:	
Signer Printed Name:	
Title:	
Signature:	
Date:	

APPENDIX H: DEBARMENT AND SUSPENSION CERTIFICATION FORM

TEXAS HIGHER EDUCATION COORDINATING BOARD

Certification Regarding Debarment, Suspension,
Ineligibility and Voluntary Exclusion

“Non-Federal entities and contractors are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities” (2 CFR 200.214).

This certification is required by the United States Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, for all lower-tier transactions meeting the threshold and tier requirements (2 CFR 3485.220, 2 CFR 3485.330).

1. By signing this contract, the prospective lower tier participant is providing the certification set out below.
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.
3. The prospective lower tier participant shall provide immediate written notice to the Texas Higher Education Coordinating Board (“THECB”) 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.
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. You may contact THECB for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by signing this contract, should the proposed covered transaction be entered into, that 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.
6. The prospective lower tier participant further agrees by signing this contract that it will include a clause titled: “Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions,” stating the Certification listed below without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to check the Non-procurement List.
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.
9. Except for transactions authorized under paragraph 5 of these instructions, 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.

**Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—
Lower-Tier Covered Transactions**

- (1) The prospective lower tier participant certifies, by submission of its Proposal/Application and/or by signature on any resulting Agreement/Contract, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
- (3) The prospective lower tier participant certifies that it will comply with the requirements of 2 CFR part 180, subpart C, as adopted at 2 CFR 3485.12 (2 CFR 3485.330).

• Terms Defined: As used in these Provisions and Assurances

- *Nonprocurement Transaction:* Any transaction, regardless of type (except procurement contracts), including, but not limited to the following: grants, cooperative agreements, scholarships, fellowships, contracts of assistance, loans, loan guarantees, subsidies, insurances, payments for specified uses, and donation agreements. A non-procurement transaction at any tier does not require the transfer of Federal funds. (2 CFR 180.970).
- *Participant:* Any person who submits a proposal for or who enters into a covered transaction, including an agent or representative of a participant (2 CFR 180.980).
- *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

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required to perform the covered transaction (2 CFR 180.995).

- *System for Award Management (SAM Exclusions)*: The list maintained and disseminated by the General Services Administration (GSA) containing the names and other information about persons who are ineligible (2 CFR 180.945).
- *Debarment*: Action taken by a debarring official under Subpart H of [Part 180] to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1). A person so excluded is debarred (2 CFR 180.925).
- *Suspension*: An action taken by a suspending official under subpart G of [Part 180] that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended (2 CFR 180.1015).
- *Ineligible or Ineligibility*: A person or commodity is prohibited from covered transactions because of an exclusion or disqualification (2 CFR 180.960).
- *Person*: Any individual, corporation, partnership, association, unit of government, or legal entity, however organized (2 CFR 180.985).
- *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
- *Voluntary Exclusion or Voluntarily Excluded*: A person's agreement to be excluded under the terms of a settlement between the person and one or more agencies. Voluntary exclusion must have governmentwide effect. Voluntarily Excluded means the status of a person who has agreed to a voluntary exclusion (2 CFR 180.1020).