

**WAGNER-PEYSER ACT  
PY08/FY09 ANNUAL FUNDING AGREEMENT ADDENDUM  
for  
AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) OF 2009 PROVISIONS**

**Grant Number: ES-**  
(To be completed by DOL)

**CFDA # 17.207**

- 1. Relationship to Other Agreements:** Unless inconsistent with specific terms and conditions provided herein, the terms and conditions of the Program Year (PY) 2008 / Fiscal Year (FY) 2009 Wagner-Peyser Act annual funding agreement between the U.S. Department of Labor, Employment and Training Administration (Grantor) and the **STATE/COMMONWEALTH** of West Virginia (Grantee) apply to the funds identified in Section 2 and are hereby incorporated by reference.
- 2. Grant Funds:** This grant agreement addendum addresses additional requirements applicable to funds appropriated in the American Recovery and Reinvestment Act of 2009 (ARRA or the Recovery Act, P.L. 111-5) for the purposes of carrying out activities authorized under Sections 7(a) through 7(e) of the Wagner-Peyser Act (W-PA), as amended. ARRA funds will be available to Grantees as Program Year (PY) 2008 funds.
- 3. Purposes and Principles:** In accordance with the intent of the Recovery Act, funds must be spent expeditiously and effectively, with full transparency and accountability in the expenditure of funds. The Recovery Act provides more than an injection of workforce development resources into communities in need across the country. The significant investment of stimulus funds presents an extraordinary and unique opportunity for the workforce system to accelerate its transformational efforts and demonstrate its full capacity to innovate and implement effective One-Stop service delivery strategies. As states and localities plan how their One-Stop systems will make immediate use of the Recovery Act funds, ETA encourages them to take an expansive view of how the funds can be integrated into transformational efforts to achieve a new level of effectiveness throughout the public workforce system. These funds are available to assist persons to secure employment and workforce information by providing a variety of job search assistance and information services to job seekers and to employers seeking qualified individuals to fill job openings. The Recovery Act requires that a substantial proportion of these funds be used to provide effective reemployment services to unemployment insurance claimants. Grantees are advised that Recovery Act funds are intended to supplement, not supplant existing W-PA funds.
- 4. Limit on Funds:** None of the funds appropriated or otherwise made available in the ARRA may be used by any State or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

- 5. Schedule of Expenditures of Federal Awards:** Grantees agree to separately identify the expenditures for each grant award funded under ARRA on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by Office of Management and Budget Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations." This identification on the SEFA and SF-SAC shall include the Federal award number, the Catalog of Federal Domestic Assistance (CFDA) number, and amount such that separate accountability and disclosure is provided for ARRA funds by Federal award number consistent with the recipient reports required by ARRA Section 1512(c).
- 6. Responsibilities for Informing Sub-recipients:** Grantees agree to separately identify to each sub-recipient and document at the time of sub-award and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of ARRA funds.
- 7. DUNS/CCR:** Grantees and their subrecipients (first tier) must have a Dun and Bradstreet Numbering System (DUNS) number ([www.dnb.com](http://www.dnb.com)) and must maintain active and current profiles in the Central Contractor Registration ([www.ccr.gov](http://www.ccr.gov)).
- 8. Reporting: Program Management and Financial Expenditure:** Accountability guidelines for the Recovery Act emphasize data quality, streamlining data collection, and collection of information that shows measurable program outputs. The Act also emphasizes transparency and frequent communication with the American public about the nature of the Recovery Act investments. Accordingly, the Grantor is developing reporting guidelines that will minimize any new collection burdens yet provide timely accurate accounting of system performance and outcomes. Grantees shall collect and report information as conveyed in upcoming ARRA reporting instructions to be issued by the Grantor. Note: ARRA Reports will be due 10 days after the end of each calendar quarter, starting with the quarter ending June 30, 2009.
- 9. Applicable Authority:** Funds under this grant agreement addendum must be expended in accordance with all applicable federal statutes, regulations, policies and guidance, including those of the ARRA of 2009 and the Wagner-Peyser Act (*as presently in effect and as may become effective during the terms of this Agreement*); the applicable and approved State plan(s) and any amendments. In addition, the Grantee agrees to submit a WIA/W-PA State Plan modification for PY 2009 by June 30, 2009, articulating the Reemployment Services (RES) planned activities and outlining updates to the Grantee's strategies for Wagner-Peyser based upon implementation of the ARRA.
- 10. Grant Expenditure Period:** Pursuant to the ARRA, the period of availability is effective February 17, 2009 through June 30, 2011. However, ARRA funds under this agreement are available for obligation by the States (Grantees) through September 30, 2010. It is the intent of Congress, as well as that of the Administration, that the majority of these funds will be utilized within the first year of availability.
- 11. Notice of Obligation:** Funds shall be obligated to the Grantee via a Notice of Obligation (NOO) grant modification to the PY 2008 / FY 2009 annual funding agreement/grant. Obligations and costs may not exceed the amount obligated by the NOO unless otherwise modified by the Grantor. Upon execution of this addendum, the NOO modification to the PY 2008 / FY 2009 agreement will be issued. Funds are obligated for the amount indicated in the NOO in accordance with the Grantee's ARRA allotment levels.

**12. Veterans' Priority Provisions:** NOTE: this provision applies to all PY 2008 / FY 2009 funds in place of the version of the Veterans' Priority Provisions clause in the original agreement. This program, funded by the U.S. Department of Labor is subject to the provisions of the "Jobs for Veterans Act" (JVA), Public Law 107-288 (38 USC 4215), as implemented by the Final Rule published on December 19, 2008 at 73 Fed. Reg. 78132. The JVA provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services. The Planning Guidance (either the Stand-Alone Planning Guidance at 73 FR 72853 (December 1, 2008)) or the Unified Planning Guidance at 73 FR 73730 (December 3, 2008) requires states to describe the policies and strategies in place to ensure, pursuant to the Jobs for Veterans Act and the regulations, that priority of service is provided to veterans (and certain spouses) who otherwise meet the eligibility requirements for all employment and training programs funded by the U.S. Department of Labor. In addition, the states are required to provide assurances that they will comply with the Veterans' Priority Provisions established by the Jobs for Veterans Act (38 USC 4215).

**13. General Provisions of ARRA, as applicable:** The following clauses are specific to usage of ARRA funds and are intended to supplement, not replace any existing terms and conditions.

**Wage Rate Requirements:** Subject to further clarification issued by the Office of Management and Budget and notwithstanding any other provision of law and in a manner consistent with other provisions of ARRA, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Grantor pursuant to this award shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code. (ARRA Sec. 1606)

**Whistleblower Protection:** Each Grantee or sub-recipient awarded funds made available under the ARRA shall promptly refer to the Grantor Office of Inspector General any credible evidence that a principal, employee, agent, contractor, sub-recipient, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds. (ARRA Sec. 1553)

**Buy American – Use of American Iron, Steel, and Manufactured Goods:** None of the funds appropriated or otherwise made available by the ARRA may be used for a project for the construction, alteration, maintenance or repair of a public building or public work unless all of the iron, steel and manufactured goods used in the project are produced in the United States. See ARRA Section 1605 – Buy American Requirements. **NOTE:** This clause must not be interpreted as authorizing the expenditure of funds on the construction, alteration, maintenance, or repair of a public building or a public work.

