

Missouri Department of Elementary and Secondary Education Division of Vocational Rehabilitation

Attachment A

ARRA- IL Part B Grant Requirements

Federal Independent Living PART B grant funds are available to Missouri from the American Recovery and Reinvestment Act of 2009. The Recovery Act is designed to stimulate the economy, assist those unemployed to attain employment, and allow people at risk of losing their job to retain employment. As allowed by federal guidance from the Rehabilitation Services Administration, MO DVR plans to distribute the IL Part B Recovery Act funds to the Centers for Independent Living (CILs) to provide additional IL resources to serve their local communities. The amount of IL Part B funding received by the CILs will help offset reductions of state funding in the SFY2010 budget.

- All ARRA funds for IL Part B programs under the Rehabilitation Act must be used consistently with the current statutory and regulatory requirements for those programs and applicable requirements in the General Education Provisions Act (GEPA) and EDGAR.
- Generally, funds should be used for short-term investments that have the potential for long-term benefits, rather than for commitments the CIL may not be able to sustain once ARRA funds are expended.
- CILs are eligible to receive ARRA funds from this program based on the approved State Plan for Independent Living (SPIL) and the provision of the certification required by section 1607 of the ARRA. The assurances in a state's SPIL, and the requirements of the ARRA, will apply to the use of ARRA funds.

Examples of Uses of IL Part B ARRA Funds

- Hiring / maintaining staff positions to provide services to persons with disabilities in the CILS catchment area
- Staff Development
- Improving Performance and Serving More Individuals
- Service Provider Infrastructure and Improving Quality of Services
- Program Management including Quality Assurance and Improving Use of Data

- Developing and maintaining Web sites to disseminate information and resources to consumers with disabilities
- Improving the availability of services to groups of consumers who have been unserved or underserved
- Improving the availability of rehabilitation technology to program participants
- Providing services to additional individuals who wish to transition from nursing homes to their communities
- Increasing IL services to students with disabilities transitioning from school to employment and independent living
- Training staff in data analysis, evaluation, statistics, and program management
- Training staff and SILC members in writing and evaluating SPIL goals, objectives, and work plans
- Training CILs on fiscal management
- Training staff on effective ways of providing assistive technology to consumers
- Purchasing technology to address the challenges of providing services in rural areas e.g., technology that allows staff to have wireless access to case management systems
- Purchasing technology to collect, analyze, and enter performance and management data
- Developing a strategic plan
- Developing written policies and procedures
- Conducting program evaluations

Reporting requirements for IL Part B ARRA funds

The CIL should maintain accurate documentation of all ARRA expenditures and must report the expenditure of ARRA funds separate from the expenditure of other grant funds. Some ARRA reporting guidelines are provided in this document. Additional ARRA reporting tools and due dates will be provided separately by DVR to assist in capturing ARRA-specific reporting requirements.

Program Reporting Requirements and Certification

In accordance with the American Recovery and Reinvestment Act of 2009 (ARRA), §3, funds made available under ARRA should be used to preserve and create jobs and promote economic recovery; assist those most impacted by the recession; provide investment needed to increase economic efficiency by spurring technological advances in science and health; invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and to stabilize State and local government budgets in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases. ARRA funds should be managed and expended so as to achieve the purposes specified as quickly as possible consistent with prudent management.

Congress has specifically mandated that all ARRA recipients that receive funds directly from the federal government must report on the use of said funds for purposes of transparency and oversight. All funds issued under ARRA are subject to unparalleled scrutiny, with specific distribution and reporting requirements by the federal government and the State of Missouri.

ARRA funds are derived from a unique funding source and shall be tracked separately at all times. Accordingly, it is agreed and understood that by accepting ARRA funds through this contract that each Grantee assures that it and its subrecipient(s) will fully comply with the requirements herein and any requirements hereafter issued by the federal government or the State of Missouri for compliance with ARRA and other related federal and state laws. Further, it is understood that this contract is subject to all applicable terms and conditions of ARRA. It is anticipated that future guidance on requirements for tracking and reporting expenditures of ARRA funds will be issued by the Director of the Office of Management and Budget (OMB) or other federal agencies. Each Grantee specifically assures that it and its subrecipient(s) will comply with all such requirements as published at any time during the contract period in order to allow for the accountability of ARRA funds in a manner that ensures transparency and accountability in accordance with all program and ARRA requirements.

ARRA, §1512, referred to as the Jobs Accountability Act, sets forth certain reporting requirements that the State of Missouri must comply with and submit to the federal government no later than ten (10) days after the end of each calendar quarter beginning July 10, 2009. Accordingly, the Grantee assures that it and its subrecipient(s), through the Grantee, shall submit the following information by the date stated in the related grant application, to the State of Missouri, Department of Elementary and Secondary Education, Division of Vocational Rehabilitation, documentation :

- (1) The total amount of ARRA funds the recipient received from the State of Missouri;
- (2) The dollar amount of ARRA Funds that were expended or obligated for each project or activity;
- (3) A detailed list of all projects or activities for which ARRA funds were expended or obligated, including:

- the name of the project or activity;
 - a description of the project or activity;
 - an evaluation of the completion status of the project or activity;
 - an estimate of the number of jobs created and the number of jobs retained by the project or activity; and
 - for infrastructure investments, the purpose, total cost, and rationale for funding the infrastructure investment with funds made available under ARRA, and the name of the person to contact if there are concerns with the infrastructure investment;
- (4) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282, hereafter referred to as the “Transparency Act”), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget; and
- (5) A 2008 amendment to the Transparency Act called the “Government Funding Transparency Act of 2008” (Public Law 110-252) added a requirement to collect compensation information on certain chief executive officers (CEOs) of the recipient and subrecipient entity. Accordingly, the Grantee assures that it and its subrecipient(s) shall report required information under the Transparency Act, including, but not limited to:
- The name of the entity receiving the award;
 - The amount of the award;
 - The transaction type;
 - The funding agency;
 - The Catalog of Federal Domestic Assistance number;
 - The program source;
 - The location of the entity receiving the award, including four data elements for the city, State, Congressional district, and country;
 - The location of the primary place of performance under the award, including four data elements the city, State, Congressional district, and country;
 - A unique identifier of the entity receiving the award;
 - A unique identifier for the parent entity for the recipient, should the recipient be owned by another entity; and
 - The names and total compensation of the five most highly compensated officers of the company if it received: 1) 80% or more of its annual gross revenues in Federal awards; and 2) \$25M or more in annual gross revenue from Federal awards.

Standard data elements and federal instructions for use in complying with reporting requirements under §1512, ARRA, are pending review by the federal government, and were published in the

Federal Register on April 1, 2009 [74 FR 14824], and are to be provided online at www.FederalReporting.gov.

Buy American

In accordance with ARRA, §1605, the Grantee assures that it and its subrecipient(s) will not use ARRA funds 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 in a manner consistent with United States obligations under international agreements. The Grantee understands that this requirement may only be waived by the applicable federal agency in limited situations as set out in ARRA, §1605.

Wage Rate Requirements

In accordance with ARRA, §1606, the Grantee assures that it and its subrecipient(s) shall fully comply with said section in that 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 federal government pursuant to ARRA 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 (Davis-Bacon Act). It is understood that the Secretary of Labor has the authority and functions set forth in Reorganization Plan Numbered 14 or 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

Whistleblower Protection

In accordance with ARRA, §1553, the Grantee assures that it and its subrecipient(s) shall fully comply with said section, including, but not limited to, assuring that its employees will not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the federal government or any representative thereof, the State of Missouri, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), a court or grand jury any information that the employee reasonably believes is evidence of: 1) gross mismanagement of a contract or grant relating to ARRA; 2) a gross waste of ARRA funds; 3) a substantial and specific danger to public health or safety related to the implementation or use of ARRA funds; 4) an abuse of authority related to the implementation or use of ARRA funds; or 5) a violation of law, rule, or regulation related to this contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to ARRA funds. In accordance with ARRA, §1553(e), the Grantee assures that it and its subrecipient(s) shall post notice of the rights and remedies provided in ARRA, §1553.

Inspection of Documents

In accordance with ARRA, §§902, 1514 and 1515, the Grantee assures that it and its subrecipient(s) will cooperate with any representative of the State of Missouri, Comptroller

General, or appropriate inspector general appointed under §3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) in the examination of its records that pertain to, and involve transactions relating to this contract, and agrees that it and its personnel can be interviewed by said entities regarding this contract and related program.

Additional Restrictions of ARRA Funds

In accordance with ARRA, §1602, the Grantee assures that it and its subrecipient(s) will give preference to activities, funded by ARRA for infrastructure investment, that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds for activities that can be initiated not later than 120 days after the enactment of ARRA and in a manner that will maximize job creation and economic benefit.

In accordance with ARRA, §1604, the Grantee assures that it and its subrecipient(s) shall not use ARRA funds for any casino or other gambling establishment, aquarium, zoo, golf course or swimming pool.

In accordance with ARRA, §1554, Grantee assures to the maximum extent possible that it and its subrecipient(s) will award contracts funded in whole or in part with ARRA funds as fixed-price contracts through the use of competitive procedures. It will also provide a summary to the State of Missouri, Department Elementary and Secondary Education, Division of Vocational Rehabilitation of any said contract awarded by the Grantee or its subrecipient(s) that is not fixed-price and not awarded using competitive procedures for posting in a special section of the website established in ARRA, §1526.

In accordance with ARRA, §1609, the Grantee assures that it and its subrecipient(s) will comply with any applicable environmental impact requirements of the National Environmental Policy Act of 1970 (NEPA), as amended. (42 U.S.C. 4371, *et seq.*). The Grantee assures that it and its subrecipient(s) will submit information on the status and progress of those projects and activities using ARRA funds subject to NEPA pursuant to any requirements of the Council on Environmental Quality (CEQ) and OMB.

In accordance with ARRA, §1512(h), the Grantee assures that it and its subrecipient(s) (first tier) shall register in the Central Contractor Registration (CCR) database at www.ccr.gov, and maintain current registration at all time during the pendency of this contract. In order to register in CCR, a valid Dun and Bradstreet Data Universal Numbering System (DUNS) Number is required. See www.dnb.com.

Employment of Unauthorized Aliens Prohibited

Pursuant to §285.530.1, RSMo, the Grantee assures that it and its subrecipient(s) do not knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the State of Missouri, and shall affirm, by sworn affidavit and provision of documentation, its enrollment and participation in a federal work authorization program with respect to the employees working in connection with the contracted services. Further, Grantee

and its subrecipient(s) shall sign an affidavit affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the contracted services.

In accordance with sections 285.525 to 285.550, RSMo a general contractor or subcontractor of any tier shall not be liable when such contractor or subcontractor contracts with its direct subcontractor who violates subsection 1 of section 285.530, RSMo if the contract binding the contractor and subcontractor affirmatively states that the direct subcontractor is not knowingly in violation of subsection 1 of section 285.530, RSMo and shall not henceforth be in such violation and the contractor or subcontractor receives a sworn affidavit under the penalty of perjury attesting to the fact that the direct subcontractor's employees are lawfully present in the United States.

Enforceability

If a Grantee or one of its subrecipients fails to comply with all applicable federal and state requirements governing these funds, the State of Missouri may withhold or suspend, in whole or in part, funds awarded under the program, or recover misspent funds following an audit. This provision is in addition to all other remedies provided to the State of Missouri for recovery of misspent funds available under all applicable state and federal laws.