



August 4, 2009

DIRECTIVE:	JOB CORPS PROGRAM INSTRUCTION NO. 09-10
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TO: ALL JOB CORPS NATIONAL OFFICE STAFF
ALL JOB CORPS REGIONAL OFFICE STAFF
ALL JOB CORPS CENTER DIRECTORS
ALL JOB CORPS CENTER OPERATORS
ALL NATIONAL TRAINING AND SUPPORT CONTRACTORS
ALL OUTREACH, ADMISSIONS, AND CTS CONTRACTORS

FROM: ESTHER R. JOHNSON, Ed.D.
National Director
Office of Job Corps

SUBJECT: Guidance on Use of Funds for and Reporting on Center Construction, Rehabilitation, and Acquisition Projects Funded Through the American Recovery and Reinvestment Act

1. Purpose. To provide guidance to the Job Corps community regarding (1) the authorized use of construction and rehabilitation funds provided to center contracts through the American Recovery and Reinvestment Act (Recovery Act, or ARRA); (2) monitoring and oversight responsibilities; and (3) reporting requirements.

2. Background. The National Office of Job Corps has identified a number of center construction and rehabilitation projects that will be funded under the Recovery Act. To date funding authorization has been provided to the regions, and contract modifications are underway. This document codifies specific guidance shared during earlier regional presentations.

In accordance with Recovery Act provisions, centers receiving these funds must adhere to specific requirements for subcontracting, monitoring, and reporting on those projects and their progress, as specified under the terms of the Act.

Regional Offices will also have additional responsibilities for initiation of contract modifications and monitoring/oversight of ARRA-funded construction, rehabilitation, and acquisition (CRA) projects.

This Program Instruction identifies specific roles and responsibilities of Job Corps Regional Office staff, center operators, and centers.

Job Corps is fortunate to have the opportunity to participate in and benefit from the Recovery Act stimulus effort. It is critical that, in carrying out the responsibilities delineated below, we maintain Job Corps' reputation for integrity by ensuring strict adherence to the principles embodied in the legislation, as follows:

- a. funds are awarded and distributed in a prompt, fair, and reasonable manner;
- b. the recipients and uses of all funds are transparent to the public and the public benefits from the funds;
- c. the funds are used for authorized purposes and reported clearly, accurately, and in a timely manner;
- d. projects avoid unnecessary delays and cost overruns; and
- e. program goals are achieved, including specific program outcomes and improved results on broader economic indicators.

3. Regional Office Roles and Responsibilities. Job Corps Regional Offices shall be responsible for the following actions:

- a. **Initiate contract modifications.** Upon receipt of ARRA-designated Financial Operating Plans (FOPs) and project Statements of Work or Scopes of Work (SOWs), prepare an Electronic Procurement System (EPS) shopping cart for each affected contract for ARRA-funded CRA projects.
 - (1) Request all ARRA-related contract modifications as single-purpose mods that include only ARRA-funded projects. To facilitate tracking and monitoring, ARRA contract modifications must not include any non-ARRA projects.
 - (2) Identify the action by inserting the word 'Recovery' in the 'Notes to Approver' field. (The Department anticipates modifying EPS to add a 'drop-down' menu for identification of Recovery Act-funded actions; however, the manual process is to be used until further notice.)
 - (3) Include the special Recovery Act appropriation code and Treasury Account Symbol. These codes and symbols have been uploaded to DOLAR\$ and EPS.
 - (4) Attach the project description (SOW). A project is defined as a group of deficiencies. Deficiencies are identified by a unique 5-digit number, and they are the smallest work package.

- (5) Prepare and attach a justification for other than fixed-price contract, signed by the Job Corps Regional Director (program agency).
 - (6) Prepare and attach a justification for non-competitive (sole source) contract, signed by the Job Corps Regional Director (program agency).
- b. **Monitor center progress on ARRA-funded CRA projects.** Conduct both desk and on-site monitoring to assess the progress on ARRA-funded center CRA projects.
- (1) Desk Monitoring: Once the ARRA CRA contract modification has been executed, the COTR/Project Manager is responsible for tracking the progress of each project.
 - (a) Contact the center to determine the anticipated schedule for subcontract advertisement, award, and project completion.
 - (b) Federal reporting: Effective October 2009, both prime and subcontractors will be responsible for quarterly reporting of project status and progress through the ARRA reporting Web site at www.federalreporting.gov. Reports are due 10 days after the close of each calendar quarter. Regional Offices are requested to log onto the Web site by the 15th of each month to ensure that contractor activity reflected is consistent with any on-site monitoring and interim reports received.
 - (c) Interim reporting: For the months of July, August, and September 2009, centers will be asked to prepare and/or update a monthly Center ARRA-Funded Project Status Report. Reports should be received at the Regional Office by the 10th of each month, beginning August 10, covering all activity for the previous month. See template shown as Attachment A. Regional Offices shall monitor those reports and follow up with centers on any irregularities noted.
 - (2) On-site monitoring: Schedule and conduct on-site monitoring for the purpose of reviewing progress on ARRA-funded CRA projects. Each region will receive a travel budget and appropriation codes specifically designated to support ARRA-related travel. Regions may be asked to review nationally-managed CRA projects as well as center-managed ARRA projects. Monitoring reports are very important to the reporting and transparency of the ARRA funding. Please take special care to ensure they are filled out completely and accurately, as the data will be compiled and reported for all to see.

- (a) Ensure travel funds that are specifically intended for ARRA oversight and monitoring are reported separately from other travel funds.
- (b) Monitoring trips funded under ARRA must focus primarily on assessment of ARRA-funded projects. Other incidental monitoring activities may be accomplished during the visit, but only if time permits. The primary purpose and the majority of time spent must involve ARRA project monitoring and completion of reports.
- (c) Before performing any on-site ARRA monitoring trips please contact the National Office for an update on the latest ARRA travel by National Office staff. If a site has been visited recently by National Office staff, it may not be necessary to visit the site again so soon. Prepare and fill out an ARRA trip scheduling document, Attachment B, and send copies to National Office of Job Corps, Attention: Chris Conboy at conboy.chris@dol.gov, Devin Ure at ure.devin2@dol.gov, and sims.yvonne@dol.gov.
- (d) Conduct monitoring activities using the ARRA-Funded CRA Project Monitoring Trip Plan included as Attachment C.
- (e) Prepare a monitoring trip report using the format specified in the ARRA-Funded CRA Project Monitoring Trip Report, Attachment D.
- (f) When completing Attachments E, F, and G, when and if possible it is preferred to have photographic evidence of the projects to assist in the evaluation and status of projects. Attachments E, F, and G are project management tools to help the National Office gauge the progress, report data, and determine when to visit the centers for verifications. For questions relating to Attachments E, F, and G, please contact Justin Meeks at meeks.justin.L@dol.gov, and Andrea Kyle at kyle.andrea@dol.gov.
- (g) For questions relating to Attachment H, please contact Yvonne Sims at sims.yvonne@dol.gov; and when Attachment H is completed, please submit a copy to Yvonne Sims at sims.yvonne@dol.gov.
- (h) Finally, submit a completed copy of all the attachments, A through I, any photos taken, and a copy of the traveler's E2 travel voucher to the National Office of Job Corps, Attention: Chris Conboy at conboy.chris@dol.gov, Devin Ure at ure.devin2@dol.gov, and Neal Hickson at hickson.neal@dol.gov.

The National Office is developing an automated monitoring system that will, when fully developed, replace Attachments B, E, and F for reporting purposes. We will inform you when the new system is online and ready for use.

c. **Monitor expenditures for center ARRA-funded CRA projects and facilitate funding adjustments with the National Office.** ARRA funds are designated for specific projects and are **not** transferrable between projects at center or Regional Office discretion.

(1) Attachment H is the ARRA funding/vouchering tracking spreadsheet that is to be used to track projects from the funding authority stage through the vouchering stage. The instructions tab of the spreadsheet outlines the documentation needed and steps the monitor should take in completing the tracking process.

(2) When a center informs the Regional Office of an ARRA-funded project, or group of projects, that has been completed for less than the contract funding, the Regional Office must forward the information to the National Office. The National Office will provide direction regarding the reallocation or de-obligation of such excess funds.

(3) If a center informs the Regional Office that an ARRA-funded project, or group of projects, cannot be awarded within the funding limitations specified, the Regional Office must contact the National Office for direction regarding how to proceed.

(4) All funding questions should be addressed to the attention of Yvonne Sims at sims.yvonne@dol.gov.

d. **Expediently review and process center requests for subcontract approval.** Center requests for ARRA-funded CRA project subcontract review and approval should not be delayed in Job Corps Regional Offices. Such requests should be expedited and forwarded to the Contracting Officer within 1 week of receipt.

4. Center Roles and Responsibilities.

a. **Compete and award subcontracts for ARRA-funded CRA projects.** Upon review of the types of ARRA-funded projects that are approved and funded, it is permissible for a center to group like projects into one subcontracting opportunity.

Subcontracts should be competed and awarded expeditiously, in keeping with the intent of the legislation to provide stimulus to the economy. In addition, subcontract files must include a rationale if the contract type is other than fixed-price or if a sole-source award is contemplated.

- (1) When advertising the subcontract opportunity, clearly identify it as an ARRA-funded project.
- (2) Ensure that the description of the subcontract is clear and unambiguous to support public transparency and understanding of the procurement.
- (3) Promote competition and consider opportunities for small businesses.
- (4) Ensure that appropriate flow-down clauses, including ARRA clauses and clauses governing Labor Laws such as the Davis-Bacon Act and Service Contract Act, are incorporated into the subcontract. See Attachment I for new required clauses.
- (5) For subcontracts over \$500,000: Within 5 business days of award, provide a scanned PDF releasable copy of the subcontract to the Contracting Officer and Job Corps Regional Director with a statement that the copy is either available for full disclosure, or identifying the specific portions believed to be covered by the particular Freedom of Information Act (FOIA) exemption requested.

b. **Ensure that ARRA CRA project funds are spent only on projects for which they are designated.** ARRA funds are designated for specific projects and are **not** transferrable between projects at center discretion.

- (1) In the event that an ARRA-funded project is completed for less than the contract funding, the center must immediately inform the Job Corps Regional Office. Provide the project identifier number, project title, amount funded, actual amount spent, and the amount of the savings.
- (2) If an ARRA-funded project, or group of projects, cannot be awarded within the funding limitations provided, immediately inform the Regional Office. Provide the project identifier, project title, amount funded, estimated cost of the project, and the funding shortfall. The Regional Office will contact the National Office for direction regarding how to proceed. **In no case shall the center transfer funds between projects without written National Office authorization.**

c. **Report progress on each project.** In accordance with FAR 52.204-11, American Recovery and Reinvestment Act - Reporting Requirements (Mar 2009), report required data elements for each project funded under ARRA.

- (1) Report the required data elements using the online reporting tool available at: www.federalreporting.gov. Also pre-register on or after August 17, 2009.
 - (2) Submit online reports quarterly, no later than the 10th day of the month following the close of the quarter (October, January, April, July).
 - (3) First report is due October 10, 2009.
 - (4) Maintain documentation and report data elements as specified in FAR 52.204-11 (see Attachment J).
 - (5) Monitor www.federalreporting.gov to ensure that all of the center's first-tier subcontractors are reporting ARRA-required subcontract actions as required by FAR Part 52.204-11.
 - (6) Interim reporting: For the months of July, August, and September 2009, prepare and/or update a monthly Center ARRA Project Status Report. Forward the report to the Job Corps Regional Office, Attention: Center COTR. Reports should be received by the 10th of each month, beginning August 10, covering all activity for the previous month. See template shown as Attachment A.
- d. **Update data on ARRA construction projects into FNC system (Funded Not Corrected).** ARRA projects will be specially coded in the system. The system should be updated at all stages of the project.

5. Center Operator Roles and Responsibilities.

- a. **Provide a releasable copy of the ARRA contract modification.** Within 5 business days of contract award, provide the Contracting Officer and Job Corps Regional Director with either:
 - (1) written assurance that the contract modification is available for full disclosure under FOIA; or
 - (2) a scanned PDF copy of the redacted contract modification identifying the specific portions believed to be covered by a FOIA exemption, and citing the exemption.
- b. **Provide oversight to centers for the implementation of ARRA-funded CRA projects.** Operators must ensure that each center initiates and completes each ARRA-funded CRA project in accordance with the direction specified herein and in keeping with the provisions and principles of the Recovery Act.

- (1) Monitor project progress to ensure expedient subcontract awards.
- (2) Provide oversight to ensure timely project completion.
- (3) Monitor center and subcontractor reporting on www.federalreporting.gov to ensure timely and accurate reporting.

6. Action. Addressees shall implement the actions described herein. Addressees are to ensure that this Program Instruction is distributed to all appropriate staff.

7. Expiration Date. Until superseded.

8. Inquiries. Inquiries should be directed to Peni Webster at webster.peni@dol.gov, or to your Project Manager/Contracting Officer's Technical Representative (COTR).

Attachments

A – Center ARRA-Funded CRA Project Status Report

B – ARRA Trip Scheduler

C – ARRA-Funded CRA Project Monitoring Trip Plan

D – ARRA-Funded CRA Project Monitoring Trip Report

E – ARRA Project Monitoring Tool

F – ARRA Construction Monitoring Tool

G – ARRA CRA Subcontractor Tracking Spreadsheet

H – ARRA Funding/Vouchering Tracking Spreadsheet

I – ARRA CRA Contract Provisions or Flow-Down Clauses

J – FAR 52.204-11 - ARRA Reporting Requirements (Mar 2009)