Administration for Children and Families

Office of Refugee Resettlement

Standing Announcement for Residential (Shelter and/or Transitional Foster Care) Services for Unaccompanied Children-UNLICENSED

HHS-2022-ACF-ORR-ZU-0157

Application Due Date: 07/06/2022

Due Date for Applications:

FY 2022: **July 6, 2022** (Project Period: November 1, 2022, to October 31, 2025)
FY 2023: **July 6, 2023** (Project Period: November 1, 2023, to October 31, 2026)
FY 2024: **July 8, 2024** (Project Period: November 1, 2024, to October 31, 2027)

Table of Contents

Executive Summary 2
I. Program Description 3
II. Federal Award Information 27
III. Eligibility Information 29
III.1. Eligible Applicants 29
III.2. Cost Sharing or Matching 29
III.3. Other 30
IV. Application and Submission Information 31
IV.1. Address to Request Application Package 31
IV.2. Content and Form of Application Submission 32
Required Forms, Assurances, and Certifications 38
The Project Description 41
The Project Budget and Budget Justification 50
Application Submission Options 57
IV.3. Unique Entity Identifier (UEI) and System for Award Management (SAM) 61
IV.4. Submission Dates and Times 62
Explanation of Due Dates 62
Acknowledgement of Received Application 63
IV.5. Intergovernmental Review 64
IV.6. Funding Restrictions 64
IV.7. Other Submission Requirements 65
V. Application Review Information 66
V.1. Criteria 66
V.2. Review and Selection Process 70
V.3. Anticipated Announcement and Federal Award Dates 72
VI. Federal Award Administration Information 72
VI.1. Federal Award Notices 72
VI.2. Administrative and National Policy Requirements 73
VI.3. Reporting 75
VII. HHS Award Agency Contact(s) 76
VIII. Other Information 76
Reference Websites 76
Application Checklist 77

Appendix.....80

Funding Opportunity Title:
Standing Announcement for Residential (Shelter and/or Transitional Foster Care) Services for Unaccompanied Children-UNLICENSED

Announcement Type:
Initial

Funding Opportunity Number:
HHS-2022-ACF-ORR-ZU-0157

Primary CFDA Number:
93.676

Due Date for Applications:
07/06/2022

Due Date for Applications:

FY 2022: **July 6, 2022** (Project Period: November 1, 2022, to October 31, 2025)
FY 2023: **July 6, 2023** (Project Period: November 1, 2023, to October 31, 2026)
FY 2024: **July 8, 2024** (Project Period: November 1, 2024, to October 31, 2027)

Executive Summary

Notice:

- **Applicants are strongly encouraged to read the entire notice of funding opportunity (NOFO) carefully and observe the application formatting requirements listed in *Section IV.2. Content and Form of Application Submission*. For more information on applying for grants, please visit "How to Apply for a Grant" on the ACF Grants & Funding Page at** https://www.acf.hhs.gov/grants/how-apply-grant.

The Office of Refugee Resettlement Division of Unaccompanied Children's Operations (ORR/DUCO) within the Administration for Children and Families (ACF) provides temporary shelter care and other child welfare-related services to unaccompanied children (UC) in ORR custody. Residential care services begin once ORR accepts a UC for placement and end when the UC is released from ORR custody, turns 18 years of age, or the UC's immigration case results in a final disposition of removal from the United States. Residential care and other child welfare-related services are provided by state-licensed residential care programs in the least restrictive setting appropriate for the UC's age and needs.

ORR is publishing this Standing Notice of Funding Opportunity (SNOFO) to seek shelter care providers, including group homes and transitional foster care. Applicants do not need to be licensed (state child placement license and facility license) at the time of application or award. However, applicants must be prepared to obtain the appropriate state child placement and facility licensure post-award. Please review *Section I. Program Description, Post-Award Requirements, State Child Placement and Facility Licensure Requirement—Timeline; Section III.1. Eligible Applicants; Section III.3. Other; and Section IV.2. The Project Description* for more information.

All entities funded under this SNOFO must also comply with the Flores v. Reno, Case No. CV 85-4544-RJK (C.D. Cal. 1996) (the *Flores S*ettlement Agreement); pertinent federal laws and regulations; and ORR policies and procedures, including, but not limited to, the ORR Policy Guide and Manual of Procedures. ORR encourages applicants to review ORR's policies and procedures at https://www.acf.hhs.gov/programs/orr/resource/children-entering-the-united-states-unaccompanied, as these will be critical to the overall program design. Please see *Section VI.2. Administrative and National Policy Requirements, Pertinent Federal Laws and Regulations for the UC Program,* for a list of relevant federal laws and regulations.

Please refer to the following link for additional information on the Unaccompanied Children's Program required services and policies: https://www.acf.hhs.gov/orr/programs/uc.

I. Program Description

Statutory Authority

This program is governed by section 462 of the Homeland Security Act of 2002 (HSA of 2002), 6 U.S.C. 279, which transferred responsibility for the care and custody of UC, as defined, from the Commissioner of the former Immigration and Naturalization Service to the Director of the Office of Refugee Resettlement (ORR). In making decisions on placement and residential services provided to UC, the Director is governed by section 462 of HSA of 2002; section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA of 2008), 8 U.S.C. 1232, as amended; relevant portions of the Prison Rape Elimination Act of 2003 (PREA of 2003), 42 U.S.C. 15607, as amended; and when it is not inconsistent with subsequent law, the *Flores* Settlement Agreement, Case No. CV 85-4544-RJK (C.D. Cal. 1996).

In December 2014, the Department of Health and Human Services (HHS) released the Interim Final Rule (IFR) on standards to prevent, detect, and respond to sexual abuse and sexual harassment involving UC (45 CFR Part 411). The IFR sets forth standards to prevent, detect, and respond to sexual abuse and sexual harassment in ORR care provider facilities that house UC in accordance with section 1101(c) of the Violence Against Women Reauthorization Act of 2013, Public Law 113-4 (VAWA 2013). VAWA 2013 directed the Secretary of HHS to adopt national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in facilities that maintain custody of UC. The standards apply to all ORR care provider facilities housing UC except secure care provider facilities and individual foster care homes. The standards build upon and enhance existing state and local laws, regulations, and licensing standards.

_____

(1) Section 235 of the TVPRA of 2008 was amended in part by section 1262 of VAWA 2013 and section 301 of TVPRA of 2017.
(2) Section 8 of PREA of 2003, was amended in part by section 1101(c) of VAWA 2013.

Description

BACKGROUND

The primary function of ORR/DUCO is to provide temporary shelter care and other related services to UC in ORR custody. HSA of 2002 uses the term “unaccompanied alien children,” but

ORR uses the term “unaccompanied children” or “unaccompanied child.” A UC is a child who "has no lawful immigration status in the United States; has not attained 18 years of age; and with respect to whom there is no parent or legal guardian in the United States; or no parent or legal guardian in the United States is available to provide care and physical custody." (6 U.S.C. 279(g)(2)).

Although the UC population generally consists of adolescents 12 to 17 years of age, with males representing a higher percentage of the overall population, ORR is seeking applicants who can provide services for a diverse population of UC of all ages and genders, as well as pregnant and parenting teens. ORR is seeking applicants that have the flexibility to adjust bed capacity from teen to tender age (children under 13 years of age) as well as adjust bed capacity to accommodate additional beds within existing facilities on an as-needed basis. Please refer to *Section I. Post-Award Requirements, Special Circumstances* for more information.

UC in ORR care are in the legal custody of the federal government but are in the physical custody of the care provider. For the purposes of this SNOFO, the term "care provider" refers to the prime recipient and if applicable, its subrecipient(s). The length of time that a UC remains in ORR custody must not be longer than necessary to facilitate a safe and timely release. The size of the UC population in ORR custody will fluctuate depending on the number of UC that the U.S. Department of Homeland Security, or other federal agencies, refers to ORR for placement, and the rate that UC are discharged from ORR custody.

PROGRAM STRUCTURE

The initial placement for the majority of UC entering the care and custody of ORR is shelter care. Shelter care providers (care providers) include state child placement and facility licensed shelters, group homes, and transitional foster care (TFC) providers, who provide residential care 24 hours a day, 7 days a week, and provide services that begin at intake and end when the UC is discharged from care. UC care providers are required to accept children 24 hours per day, as long as ORR makes a determination to place a child at the program, placement does not infringe on any state child placement licensing requirements, and it is safe to do so. Applicants can apply to provide basic shelter care, group home care, and/or TFC.

Care providers must provide proper physical care and maintenance, including suitable living accommodations, food, appropriate clothing, and personal grooming items, as defined by Exhibit 1 of the *Flores* Settlement Agreement. For more information on the *Flores* Settlement Agreement, please see Key Documents for the Unaccompanied Children Program. Please refer to *Section IV.2. The Project Description* for documentation that must be submitted with the application. All documented state child placement licensing allegations/concerns must also be reported, if applicable.

Basic Shelter Care and/or Group Home: Basic shelters and group homes must provide UC with the least restrictive, child-friendly setting that is appropriate for UC of all ages and cultural backgrounds. Group homes may have an emphasis on serving a particular subset of UC, such as young children, pregnant and parenting teens, and/or UC with special needs.

Transitional Foster Care (TFC): TFC is an initial placement option for UC under 13 years of age, sibling groups with one sibling under 13 years of age, teens, pregnant/parenting teens, or UC with special needs. UC are placed with foster families but do not attend local/neighborhood schools. Instead, TFC providers must provide the educational component at a central location, operated and run by care provider staff. Other required services, such as clinical and case management services, must be provided at the care provider site as well.

TFC Parent Requirements

TFC providers are required to follow the requirements of their state child placement licensing agency; at a minimum, all foster parents must meet the following requirements:

- Aged at least 21 years;
- Able to show proof of immunity to vaccine-preventable diseases transmitted by the respiratory route;
    - Varicella: two doses of varicella vaccine (at least 4 weeks apart) OR born in the United States before 1980 with a reported history of chickenpox (verified by an adult present at the time of illness) OR titers indicating varicella immunity OR documentation from healthcare provider verifying previous infection.
    - Measles, Mumps, and Rubella (MMR): two doses of MMR vaccine (at least 4 weeks apart) OR titers indicating immunity to all three diseases
    - Diphtheria, Tetanus, Pertussis (DTaP): Complete DTaP primary vaccination series. If primary vaccination series completed in childhood, one DTaP dose in adulthood.
    - Influenza: one dose annually during flu season.
    - COVID-19: Fully vaccinated against COVID-19 (two doses of Pfizer-BioNTech; or two doses of Moderna; or one dose of Janssen), with appropriate boosters if they become necessary. An individual is considered fully vaccinated 2 weeks after their final dose. Additional dose(s): a third vaccine dose for certain groups of people, or booster dose(s) as recommended by the Centers for Disease Control and Prevention.
- Transitional Foster homes are to provide housing and care for UC only, at a given time. The state child placement licensed homes will not cohabitate children from the U.S. domestic foster care system;
- Able to meet family's current financial obligations;
- Reside in a home that passes health and fire inspection; and
- Obtain a background check clearance (including fingerprint background checks, child abuse and neglect checks, and other checks as required) in accordance with state law and ORR policy, including background checks of household members, which must be available to ORR.

Prior to accepting any UC for placement, all foster parents identified to care for UC must meet the care provider's and state regulatory requirements and be actively licensed/certified to provide foster care services. Foster parents are required to attend a foster parent certification training and become licensed as a foster parent prior to accepting any UC for placement.

Because immigration patterns, including the number of UC in need of shelter and care, are

highly unpredictable, ORR seeks TFC care providers with the flexibility to increase capacity as needed in an expeditious manner.

FACILITY STRUCTURE REQUIREMENTS

ORR is stipulating timeframes for those successful care providers that are not licensed (state child placement license and facility license). Please refer to *Section I. Post-Award Requirements, State Children Placement and Facility Licensure Requirement—Timeline* for more information.

Care providers typically house between 16 and 200 children, depending on state child placement licensing requirements and ORR capacity needs. Group homes typically house between 6 and 18 children per home/cottage. ORR encourages TFC placements and smaller settings of a maximum 24-bed capacity, group homes, supported by services provided either in a centralized location or across clusters of group homes as appropriate. Care providers must comply with Exhibit 1 of the *Flores S*ettlement Agreement and provide proper physical care and shelter for UC that includes, but is not limited to, suitable living accommodations (e.g., bed, chair, desk, and storage for clothing and other personal items); culturally appropriate meals and snacks; several sets of new clothing; and personal grooming items. For more information on the *Flores* Settlement Agreement, please see Key Documents for the Unaccompanied Children Program. Services are provided for an average length of stay ranging from 30 to 35 days, depending on the type of sponsor to whom a child may be discharged. Care providers should anticipate that UC with potential sponsors, who require a home study, will have a longer length of stay in order for an ORR-designated provider to complete the home study process and ensure a safe release.

Care provider facilities must be readily accessible to visitors, staff, and UC with disabilities, and must comply with local, state, and federal laws, codes, and regulations including the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973, as amended.

Care providers are required to be located in areas easily accessible to immigration courts; pro bono legal services; national airports; and community mental health, dental, and medical service providers. Care providers are required to have designated common areas; spaces for recreation, education, and case management; and confidential spaces for counseling and health services. Care providers must make accommodations to allow the UC to meet privately with their attorney.

ORR encourages care provider facilities located in or near geographic areas where UC are commonly unified with sponsors to facilitate transportation and unification. For more information regarding UC released to sponsors by the counties, please visit Unaccompanied Children Released to Sponsors by County. Sponsor location data may vary depending on immigration trends. ORR will be issuing bonus points to facilities located in the following states: Louisiana, California, New York, New Jersey, Virginia, Maryland, Tennessee, North Carolina, Georgia, and Massachusetts.

Care providers must have at least one bedroom separate from communal areas that can be used for communicable disease isolating/quarantine purposes for a minimum of 28 days. Services that

do not require confidentiality are required to be in an open setting without the need of extraordinary security measures. However, care providers must have procedures and strategies in place to discourage runaways, unauthorized absences, and unauthorized entries.

Information on real property cost restrictions for the UC Program can be found in *Section IV.6. Funding Restrictions*.

Care providers must comply with all applicable state child welfare laws and regulations and all state and local building, zoning, fire, health, and safety codes.

Care providers are required to have a security system to monitor the care provider facility(ies) (not individual foster homes) from unauthorized entrance and egress, including the use of alarm systems and video monitoring. Care providers are required to be in compliance with state child placement licensing standards and not pose a threat to the safety of UC in the event a UC attempts to flee from the facility. Care provider must also meet the following minimum safety and security related requirements for their facilities: controlled entry and exit from the premises; video monitoring in common and living areas; a communications system and alarm system for all areas of the residential structure; effective video monitoring of the exterior of the building and surrounding premises; a system for physically counting the residents and a written policy that provides that staff regulate UC movements; a daily log on residents' movement; mirrored windows or small windows in the doors of any rooms used for one-on-one meetings with UC; a facility inspection checklist (to include the safety related components of all residential operations and program functions); quarterly safety assessments; and spot inspections. When selecting and purchasing video monitoring and telecommunications systems, care providers must adhere to Prohibition on Expending HHS Award Funds for Covered Telecommunications Equipment or Services as per 2 § C.F.R. 200.216.

PROGRAM STAFFING REQUIREMENTS

Care providers are required to develop, implement, and document a staffing plan based on the population served, the scope and type of provided services, anticipated requirements, staff vacancies, and budgets. The staffing plan must include staffing ratios in accordance with state child placement licensing requirements and as required by ORR's policies and procedures. Care provider facilities must be staffed with qualified, bi-lingual professionals, paraprofessionals, and support staff to meet the diverse needs, levels of care, supervision, and safety requirements, to support the well-being of UC. Care providers must also include a plan to staff sufficiently to cover a one-on-one safety plan, when necessary. All staff, specifically case management staff, must be proficient in using the Internet and related computer programs.

ORR requires care providers to supervise UC in accordance with ORR policy, which includes staffing ratios and state child placement licensing requirements. For the purposes of this SNOFO, ORR requires the following ratios:

- One on-duty staff for every 8 UC during waking hours;
- One on-duty staff for every 16 UC during sleeping hours;
- One case manager for every 8 UC; and

- One clinician for every 12 UC.

Care providers are subject to the provisions of the Service Contract Act (SCA). For more information, please refer to *Section I. Post-Award Requirements, Service Contract Act Requirements.*

Additional and/or backup staff must be made available for influx or emergency situations or to meet the special needs of the UC program during capacity surges, including situations where tender age children need to be accommodated. Rotating after-hours and holiday coverage personnel must also be available in these situations. Same-gender supervision must be provided when indicated by individual treatment needs. It is anticipated that current and any additional staff needed will work the necessary hours, including mandatory overtime, to accommodate the immediate needs of the program. Overtime costs will be pre-approved in the terms and conditions of the award in expectation of the need for expanded capacity and placement in the case of a surge in need. The prime recipient and, if applicable, subrecipient(s) must adhere to the relevant Code of Federal Regulations (CFR) and Department of Labor (DOL) regulations.

Care providers must complete background investigations on all staff, contractors, volunteers, and on all adults who reside in or operate host homes prior to hire to ensure the candidate is suitable for employment to work with minors in a residential setting. Background checks must be completed in accordance with ORR's policies and state child placement licensing requirements. At a minimum, a background check must be updated every 5 years. For additional information on the specific types of checks that must be completed, please consult the ORR Policy Guide at section 4.3 Personnel.

All hired staff must (at the minimum) meet the following requirements:

- Aged at least 21 years;
- Possess the relevant experience and/or qualifications to work with UC and/or children with special needs;
- Trained and licensed properly, as necessary; and
- Able to show proof of immunity to vaccine-preventable diseases transmitted by the respiratory route if working directly with UC,
    - Varicella: two doses of varicella vaccine (at least 4 weeks apart) OR born in the United States before 1980 with a reported history of chickenpox (verified by an adult present at the time of illness) OR titers indicating varicella immunity OR documentation from healthcare provider verifying previous infection.
    - MMR: two doses of MMR vaccine (at least 4 weeks apart) OR titers indicating immunity to all three diseases
    - DTaP or DTap: Complete primary vaccination series. If primary vaccination series completed in childhood, one DTaP dose in adulthood.
    - Influenza: one dose annually during flu season.
    - COVID-19: Fully vaccinated against COVID-19 (two doses of Pfizer-BioNTech; or two doses of Moderna; or one dose of Janssen), with appropriate boosters if they become necessary while following all relevant guidance. An individual is considered fully vaccinated 2 weeks after their final dose. Additional dose(s): a

third vaccine dose for certain groups of people, or booster dose(s) as recommended by the Centers for Disease Control and Prevention.

Please Note: Criteria for healthcare personnel may be different. More information can be found by visiting https://www.cdc.gov/vaccines/adults/. In addition, some state health codes or regulations require specific health maintenance for staff at licensed (state child placement license and facility license) facilities. The care provider is responsible for knowing and satisfying requirements beyond ORR's recommendations.

Care providers' hiring and employment practices must abide by all standards outlined in the HHS Interim Final Rule (IFR): Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving UC (45 CFR Part 411). These standards apply to any care provider staff member, contractor, or volunteer. For additional information on the standards outlined in the HHS IFR, please visit https://www.ecfr.gov/current/title-45/subtitle-B/chapter-IV/part-411.

In addition to the HHS IFR, UC care providers must comply with, and train staff on, the following ORR policies on sexual abuse and harassment:

- Maintaining and enforcing a zero-tolerance policy for all forms of sexual abuse, sexual harassment, and inappropriate sexual behavior;
- Meeting personnel requirements, including, but not limited to, background checks, training, disciplinary sanctions, and corrective actions;
- Meeting staffing and supervision requirements, including, but not limited to, staffing levels, staffing plans, and video monitoring restrictions;
- Providing responsive planning in the event there is an incident of sexual abuse or sexual harassment that occurs at the care provider facility(ies);
- Providing a coordinated response in coordination with medical and mental health care practitioners, community service providers, outside investigators, and care provider leadership immediately following an incident of sexual abuse or sexual harassment as well as the follow-up necessary to ensure the safety of all children and staff;
- Educating UC of policies and topics related to preventing, detecting, and responding to sexual abuse and harassment via an orientation, pamphlets, and bulletin board postings;
- Assessing all UC for risk of being a victim or a perpetrator of sexual abuse while in ORR care and custody in order to inform the UC's housing, education, recreation, and other service assignments;
- Providing medical and mental health care, including services following an incident of sexual abuse; and
- Reporting, providing notifications, and following up on sexual abuse, sexual harassment, inappropriate sexual behavior occurring in ORR care; any retaliatory actions resulting from reporting allegations; and staff neglect or violations of responsibilities that contributed to incidents.

Care providers must be familiar with, and train staff on, the issue of trafficking in order to provide appropriate services to UC who are victims of trafficking, as well as to protect UC from potential threats of trafficking. The Trafficking Victims Protection Act of 2000 (TVPRA), as amended (22 U.S.C. 7102), defines "severe forms of trafficking in persons" as: Sex trafficking:

the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; (and) Labor trafficking: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. For more information, visit https://www.acf.hhs.gov/otip.

Care providers must have job descriptions and selection criteria for all staff positions that state the qualifications, performance standards, and responsibilities for each position (each job description must include a section on essential functions as mandated by the ADA).

Care providers are required to have a clear organizational structure that outlines lines of authority and supervision. Staffing plans must be in place that provide a sound relationship between the proposed responsibilities of lead program staff.

Care providers must obtain prior approval from ORR before selecting individuals for the following positions. Exceptions to the minimum qualifications require ORR's explicit written approval prior to hire. If there is a change in a key staff position listed below during the period of performance, the recipient must submit a prior approval request for ORR and Office of Grants Management (OGM) approval.

Program Director is responsible for the overall management of the programmatic, administrative, financial, and operational systems related to the provision of care and services; provision of regular and timely reports to ORR regarding operations, services, and finances; establishment of a respectful and supportive workplace environment; and elevation of any issues or concerns to ORR. At a minimum, the Program Director must have a Master of Social Work (MSW) or an equivalent degree in education, psychology, sociology, or other relevant behavioral science degree or a bachelor's degree plus 5 years' experience in child welfare administration, child protective services; and 2 years of experience in program management or as director of a licensed childcare program. The Program Director must possess the administrator's license for the care provider's facility(ies), if applicable.

Assistant Program Director provides support to the Program Director and serves as secondary liaison with ORR. The need for an Assistant Program Director will vary depending on the number of UC served at a care provider facility(ies). At a minimum, the Assistant Program Director must have a bachelor's degree in education, psychology, sociology, or other relevant behavioral science plus 5 years of progressive employment experience with a social services or childcare agency or organization.

Lead Clinician coordinates clinical services, trains new clinicians, and supervises clinical staff. At a minimum, the Lead Clinician must have an MSW, plus 2 years of postgraduate direct service delivery experience; or a master's degree or Ph.D. in psychology, sociology, or other relevant behavioral science in which clinical experience is a program requirement, plus 2 years of postgraduate direct service delivery experience; or a bachelor's degree plus 5 years of clinical employment experience in the behavioral sciences. The Lead Clinician must have supervisory

experience and be licensed to provide clinical services in the state where the care provider is located.

Clinician conducts mental health assessments, provides ongoing individual and group counseling services, screens for human trafficking concerns, and provides crisis intervention services. At a minimum, the Clinician must have an MSW with clinical experience; or a master's degree in psychology, sociology, or other relevant behavioral science in which clinical experience is a program requirement; or a bachelor's degree plus 5 years of clinical employment experience. The Clinician must be licensed or eligible for licensure.

Lead Case Manager is responsible for coordinating case management and safe and timely release services, training new case managers, and supervising the work of other case managers. At minimum, the Lead Case Manager must have a master's degree in the behavioral sciences, human services, or social services fields; or a bachelor's degree and at least 3 years progressive employment experience that demonstrates supervisory and case management experience.

Prevention of Sexual Abuse (PSA) Compliance Manger is responsible for managing implementation and ongoing compliance with the HHS IFR: Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving Unaccompanied Children (45 CFR Part 411) and ORR policies and procedure related to sexual abuse and harassment. At a minimum, the PSA Compliance Manager must have a bachelor's degree in behavioral sciences, human services, or social service fields; or a bachelor's degree in business administration or management, and at least 1 year of experience working with child welfare standards, best practices, or quality assurance or compliance.

PROGRAM REQUIREMENTS

Care providers are required to provide services in a structured, safe, and productive environment consistent with their responsibilities under relevant state guidelines, federal law, their cooperative agreement with ORR, and the ORR UC Policy Guide.

Care providers are required to provide, or arrange for, the program-required services in a manner that is sensitive to the age, culture, religion, dietary needs, native language, sexual orientation, gender identity, and other important individual needs of each UC. All UC in ORR care are entitled to human rights protections and freedom from discrimination and abuse. Care providers must ensure that UC who are lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI) are fairly treated and served during their time in ORR custody. All services and assessments are required to be administered for all UC even if they are in ORR custody for a short period of time. Care providers are required to have the capacity to provide services in the language spoken by the majority of UC in their facility(ies) and/or provide translation services. Most UC in ORR custody speak Spanish.

Care providers are expected to provide all the services under *Section I. Program Description, Program Requirements* unless otherwise noted in this SNOFO.

Acculturation and Adaptation Services
Care providers are required to provide services that include the development of social and interpersonal skills that contribute to the ability to live independently and responsibly in the community.

Activities
Care providers are required to ensure that UC participate in activities according to a recreation and leisure time plan that includes daily outdoor activities, weather permitting, of at least 1 hour per day of large muscle activity and 1 hour per day of structured leisure time activities other than television. Activities are required to be increased to a total of 3 hours daily on weekends and on other days when school is not in session. Recreation and leisure time activities are separate from the required physical educational during school day instruction.

Case Management Services
Care providers are required to implement and administer a case management system that tracks and monitors a UC's progress on a regular basis to ensure that each UC receives the full range of program services in an integrated and comprehensive manner. Care providers must provide case management services 7 days a week. Case managers are required to meet with UC, at a minimum, once a week. Case managers are expected to complete all steps required to safely and quickly release UC to appropriate sponsors and, on average, within 30 days of referral. The care provider's case management team is also responsible for inputting data into the ORR database called the Official System of Record. All placement, transfer, and release requests, as well as all significant incident reports, are processed through this web-based system. When necessary, case management staff are required to also work collaboratively with agencies that conduct home studies and provide post-release services. Care providers are required to conduct safety and well-being follow-up calls to a UC and sponsor 30 days after the UC is released.

Educational Services
Educational services are required to be provided daily for a minimum of 6 hours, Monday through Friday, year-round, and to be appropriate to the UC's level of development, education, and communication skills. Educational services are required to be administered in a structured classroom setting and concentrate primarily on the development of basic academic competencies and secondarily on English Language Training. The educational program consists of instruction, educational materials, and other reading materials in the following basic academic areas: Science, Social Studies, Mathematics, Reading, Writing, and Physical Education. The program must also provide appropriate leisure time reading materials in languages other than English.

Group Counseling
Care providers are required to provide group counseling sessions twice a week, at a minimum. One of these two groups can be substituted by “family or house meetings.” At least one group counseling session must be provided according to a psycho-educational curriculum that may be adjusted according to the needs of the population.

Individual Counseling
Care providers are required to provide at least one individual counseling session per week, for each UC. A qualified clinician conducts the counseling session with the specific objective of

assessing and responding to the UC's mental health needs, reviewing the UC's progress, and establishing new short-term objectives; and addressing the developmental progress, immediate concerns, and crisis-related needs of each UC.

Important Timeframes
Care providers must adhere to specific timeframes for required assessments and/or reports that must be administered to UC. During periods of influx, ORR may adjust timelines or requirements to meet emergent needs of large number of children.

Report/Assessment	Initial Deadline
Initial Intake Assessment	Within 24 hours of admission
Initial Medical Exam	Within 2 business days (48 hours, excluding weekends and federal holidays) of admission
Assessment for Risk	Within 72 hours of admission and every 30 days
UC Assessment	Within 5 days of admission
Individual Service Plan	Within 5 days of admission
UC Case Review	On the UC's 30th day in care and subsequently every 30 days; when the UC is released or transferred; or if there is a substantial change in the UC's case.

Individualized Needs Assessments
Care providers are required to provide individualized ongoing assessment for each UC, which includes the following:

- *Initial Intake Assessment* must be completed within 24 hours of a UC's admission. A trained staff member, with the care provider, must use the Initial Intake Assessment form to interview the UC to identify any immediate needs or issues. This assessment guides the interviewer through a series of questions to obtain information about family members, immediate medical or mental health concerns, current medications, and any concerns about personal safety the UC may have.
- *UC Assessment* (initial intake assessment, psychosocial summary, medical information, and trauma and human trafficking assessment), to be completed within 5 days of UC admission to the care provider facility to gather initial information relating to the UC's journey; current medical concerns and health history; the UC and family's psychosocial assessment; trauma and substance abuse history; information about a UC's work history or concerns about working to pay off debt; exploitation or trafficking concerns; and other essential data relating to the identification and history of the UC and his/her family;
- *Assessment for Risk* that must be completed within 72 hours of admission and updated every 30 days to identify risk factors for potential sexual victimization or sexual abuser tendencies so early intervention can take place to mitigate any potential risks or safety concerns.

- *UC Case Review* every 30 days assessing the UCs for the following:
    - Mental health and identification of any special medical needs, including any specific issues that may require immediate intervention;
    - Educational assessment and plan;
    - Ongoing assessment of a UC's behavioral issues and any previous juvenile justice or criminal involvement;
    - Statement of religious preference and practice; and
    - Identifying information and continuing to pursue additional information regarding the UC's immediate family members, other relatives, or family friends who may be residing in the U.S. and able to be a UC's sponsor.

Individual Service Plan
Care providers are required to complete a comprehensive and realistic individual service plan (ISP) for each UC in accordance with the UC's needs as determined by the UC Assessments and assessment of any trafficking concerns. ISPs are implemented and closely coordinated through an operative clinical assessment and intervention plan, as well as a case management system. The ISP must be completed within 5 days of admission and every 30 days thereafter. In cases where human trafficking is suspected or confirmed, the care provider is required to refer the UC to ACF's Office on Trafficking in Persons and provide or refer the UC for other services to ensure the UC has access to all services guaranteed by TVPRA of 2008.

Legal Services
Care providers are required to provide UC with ORR-supplied information about the availability of free legal assistance, the right to be represented by counsel at no expense to the federal government, the right to a removal hearing or a bond hearing before an immigration judge, the right to apply for legal relief or to request voluntary departure in lieu of removal, and the rights victims of trafficking have under TVPRA of 2008.

As UC will meet individually and in groups with the ORR-funded legal service provider to receive legal services and assistance, care providers must ensure the availability of sufficient private scheduled time for UCs and spaces that are free from extraneous noise and distractions, to exclude the use of bedroom or dorms and transport UC to all hearings or proceedings to which the UC is a party.

Maintenance of Case Files
Care providers must maintain comprehensive, accurate, and up-to-date case files, as well as electronic records on UC that are always kept confidential and secure and must be accessible to ORR upon request. Electronic records include those on the care provider's network drive as well as those on the Official System of Record. Care providers must have written policies and procedures for organizing and maintaining the content of active and closed case files that incorporate state child placement licensing requirements and/or accrediting agency requirements, and ORR policies and procedures. Care providers must ensure compliance with 45 CFR § 75.303(e) to take reasonable measures to safeguard protected personally identifiable information of UC such as name, date of birth, A number, etc.

Medical Services

Care providers are required to establish relationships with healthcare providers who will accept ORR's fee-for-service payment system (if not directly hired by the care provider program) and follow ORR's medical and dental guidelines for the following services:

- Complete medical examination (including screening for infectious diseases) within 2 business days (48 hours, excluding weekends and federal holidays) of admission, per ORR stay in custody, including appropriate immunizations in accordance with the United States Advisory Committee on Immunization Practices Immunization Schedule;
- Family planning services;
- An initial dental exam 60 to 90 days after admission to a care provider program;
- Follow-up immunizations; and
- Emergency health care services.

Care providers may only use grant funds to pay for certain medical expenses, such as medical supplies and medical personnel. Please see *Section IV.6. Funding Restrictions* for more information.

Mental Health Services
Care providers are required to provide clinical services, including regular on-site individual and group counseling sessions, and have the ability to access community mental health services for UC with special needs. Community mental health services include psychiatric evaluations and treatment, medication assessments and management, crisis intervention, in-patient acute psychiatric care, and other clinical interventions as identified by ORR.

Nutritional Services
Care providers must provide nutritional services in accordance with U.S. Department of Agriculture and HHS nutritional guidelines and state child placement licensing requirements. Care providers must establish procedures to accommodate dietary restrictions, food allergies, health issues, and religious or spiritual dietary requirements.

Orientation
Within 48 hours of admission, care providers are required to provide every UC with a comprehensive program orientation that covers the program's services, rules (written and verbal), expectations, zero tolerance policy towards sexual abuse and sexual harassment, and the availability of free legal assistance. The orientation must be provided in formats that are accessible to UC who are limited English proficient, or those who have limited reading skills. In addition, care providers must ensure effective communication for UC with communication disabilities.

Religious Access
Whenever possible, care providers must provide or arrange for access to religious services and counseling of the UC's choice. Consistent with 45 CFR § 87.3(b), a faith-based organization may not use direct financial assistance from the Department to engage in any explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization). Such an organization also may not, in providing services funded by the Department, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or a

refusal to attend or participate in a religious practice, as provided in 45 CFR § 87.3(d).

Right to Privacy
UC have a reasonable right to privacy that includes the right to the following: (a) wear his or her own clothes; (b) retain a private space in the residential facility, group, or foster home for the storage of personal belongings; (c) talk privately on the phone, as permitted by the shelter/group home/foster home rules and regulations; (d) visit privately with guests, as permitted by shelter/group home/foster home rules and regulations; and (e) receive and send uncensored mail unless there is a reasonable belief that the mail contains contraband.

Rules/Behavior Management
Care providers' program rules and discipline standards are required to be formulated with consideration for the range of ages and maturity levels of UC in the program and with cultural sensitivity towards all UC. A behavior management plan used by the care provider must meet child welfare best practice standards and must be approved by ORR. Each shelter/group home/foster home must have basic rules posted in both English and Spanish. Care providers must ensure rules and any other documents such as these are accessible to UCs whose primary language is not English or Spanish and where possible include visuals, subject to verification by ORR. These rules must be reviewed with UC upon placement with a focus on safety, respect, and family/group living. Misbehavior must be resolved on an individual basis. All interventions must be positive, strength-based, and must never subject UC to corporal or other punishment, including humiliation, mental abuse, or punitive interference with the daily functions of living, such as eating or sleeping.

Safe and Timely Release Services
Care providers must adhere to ORR's policies and procedures that are in place to ensure the care and safety of UC. These policies require the timely release of UC to qualified parents, guardians, relatives, or other adults, referred to as "sponsors." Safe and timely release must occur within a setting that promotes public safety and ensures that sponsors are able to provide for the physical and mental well-being of UC. ORR evaluates potential sponsors' ability to provide for the UC's physical and mental well-being, as the law requires ORR to protect UC from smugglers, traffickers, or others who might seek to victimize or otherwise engage the UC in criminal, harmful, or exploitative activity. The process for the safe and timely release of a UC from ORR custody involves many steps, including the following: the identification of sponsors; the submission by a sponsor of the application for release and supporting documentation; the evaluation of the suitability of the sponsor, including verification of the sponsor's identity and relationship to the child, background checks, and in some cases home studies; and planning for post-release. The provision of safe and timely release services will be monitored and evaluated by ORR, and poor performance may result in corrective actions or termination of the award in accordance with all of HHS' regulatory provisions for termination at 45 CFR § 75.372. When considering recipients for future awards or expansions, performance in this area will be taken into consideration.

Safety Planning
Care providers must develop a written safety and security plan that includes policies and procedures for all UC in its care and program staff. The safety plan must address emergency

situations covering the following areas: runaways, shelter-in-place (for example due to tornadoes or high wind weather events), evacuation (for example due to a hurricane, fire, or other emergency), medical and mental health emergencies, and disease outbreaks. These plans must be exercised at least once per year. Care providers must have at least one bedroom separate from communal areas that can be used for communicable disease isolation/quarantine purposes. Care providers must meet the safety requirements maintained by state and/or local licensing entities, fire code regulations, and local zoning and building code regulations.

Transportation/Escort
Care providers are required to provide UC with transportation services to local airports and, if necessary, provide an escort for the UC according to ORR policies to local services and appointments, such as medical and dental appointments, immigration court hearings, or community services as part of the ISP.

Visitation/Phone Calls
UC must be provided the opportunity to make a minimum of two telephone calls per week (10 minutes each) to family members and/or sponsors, in a private setting. There is no limit on the length of calls to UC's attorneys of record. UC are allowed to call both family members and sponsors living in the U.S. and abroad. UC also have a right to receive visitors. Attorneys of record are required to have reasonable access to UC according to ORR/DUCO instructions and procedures and care provider's time and place restrictions. Visitations may need to occur in a setting other than the foster home placement to ensure the safety and well-being of the UC and others in the foster home.

Vocational Educational Services
Care providers are encouraged to create or provide access to vocational training opportunities that will provide UC with practical and competitive job skills and assist in the preparation for adulthood. Vocational programs may not replace academic education or be a substitute for the basic subject areas.

In addition to the *Program Requirements* listed, care providers must adhere to the requirements of the HHS IFR, which can be found by visiting https://www.ecfr.gov/current/title-45/subtitle-B/chapter-IV/part-411.

Digital and Ink-less Fingerprint Services (OPTIONAL SERVICE):
ORR may approve care providers to implement and administer digital and/or ink-less fingerprint services for UC sponsor, non-sponsor adult household members, and adult care givers identified in sponsor care plan. This service includes the following: checking sponsor identification; completing ORR-required background check authorization forms; taking digital fingerprints and transmitting them on a dedicated phone via an internet connection, or taking ink-less prints and expediting the mailing of two sets of prints with authorization forms and copy of ID; routing template to ORR security representative; maintaining log of sponsors served; establishing effective bilingual (Spanish) message/phone line and email to accept appointments; establishing a calendar system to track appointments; providing appointments no later than 3 business days from sponsor or case worker's request, preferably sooner; and following guidance and direction from ORR and ORR security representative.

Budgeting for digital fingerprint equipment, software, and ink-less fingerprint supplies is not required. Digital and/or ink-less fingerprint equipment is provided by ORR's security representative. ORR security representative provides required equipment maintenance and operational supplies. Additional consideration must be taken to budget for staff time, copy services, and expedited mailing of ink-less prints.

For more information on application requirements specific to this SNOFO please refer to *Section IV.2. The Project Description* and *the Project Budget and Budget Justification*.

FAITH-BASED ORGANIZATIONS

ACF is mindful that potential recipients may have religious objections to providing certain kinds of services. ACF is committed to exploring ways for faith-based organizations to partner with ACF and other recipients even if they object to providing specific services on religious grounds. At the same time, ACF is committed to providing the full range of legally permissible services to people who need them, and to do so in a timely fashion and in a manner that respects the diverse religious and cultural backgrounds of those we serve. To accomplish these goals, ORR requires that organizations that have a religious objection to providing any UC-required services must provide an alternative approach to meet its grant obligations and describe this approach in their application. Please refer to *Section IV.2. The Project Description, Approach, Program Design and Service Provision* for more information.

The alternative approach must be one that accomplishes the goal of ensuring that UC in ORR's custody understand the full range of services available in the program, and that there is a mechanism by which UC requesting such services can receive appropriate services, either directly through the recipient or through partnering organization(s). If an alternative approach is proposed, the alternative approach will be reviewed based upon a determination of the following: 1) will ensure timely provision of all services for which the individual is eligible; 2) is not burdensome to the client; and 3) is operationally feasible for ACF.

SUBAWARDS

Recipients under this grant program may opt to transfer a portion of substantive programmatic work to other organizations through subaward(s). The prime recipient must maintain a substantive role in the project. ACF defines a substantive role as conducting activities and/or providing services funded under the award that are necessary and integral to the completion of the project. Subrecipient monitoring activities alone, as specified in 45 CFR § 75.352, do not constitute a substantive role. Furthermore, ACF does not fund awards where the role of the applicant is primarily to serve as a conduit for passing funds to other organizations unless that arrangement is authorized by statute.

Subrecipient(s) must meet the eligibility requirements identified in the SNOFO, *Section III.1. Eligible Applicants*. Additionally, all subrecipient(s) must obtain a Unique Entity Identifier (UEI) number assigned by the System for Award Management (SAM), if they do not already have one. Prime recipients are required to check the SAM to verify that the subrecipient(s) is/are

not debarred, suspended, or ineligible.

For more information on reporting requirements for subawards, please see *Section VI.3. Reporting*. Per 45 CFR 75.352(a)(4), the prime recipient is responsible for paying the "approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government or, if no such rate exists, either a rate negotiated between the pass-through entity and the subrecipient (in compliance with this part), or a de minimis indirect cost rate as defined in § 75.414(f)."

Please reference the Award Term and Condition on Subawards on the ACF Administrative and National Policy Requirements website for further requirements involving subawards.

Monitoring and Quality Assurance of Subrecipient Agencies
Care providers that choose to utilize a subrecipient(s) agency(ies) to provide delivery of shelter and/or transitional foster care beds and/or requirements listed in *Section I. Program Requirements* will be required to have a Memorandum of Understanding (MOU) with the agency(ies). The MOU must clearly define milestones, progress markers and reporting requirements, and the potential for discontinuation of the subaward if these are not satisfactorily met. The prime recipient will be responsible for ensuring compliance with program requirements and the timelines that ORR has stipulated in this SNOFO. Care providers must have established corrective action policies and procedures to guide the practice of a subrecipient(s) and to ensure compliance. In addition, ORR requires that care providers conduct on-site, annual monitoring of its subrecipient(s) to ensure that they comply with all requirements outlined in this SNOFO; ORR policies; and all applicable laws and regulations, including 45 CFR §§ 75.351-75.353.

POST-AWARD REQUIREMENTS

Service Contract Act Requirements
The SCA establishes standards for prevailing wages and safety and health protections for employees performing work for contractors and subcontractors involving the federal government and the District of Columbia. The SCA has been determined to apply to the UC program cooperative agreement awards and subrecipients, including awards made pursuant to this SNOFO. For this reason, every service employee under this agreement must be paid not less than the monetary wages and must be furnished fringe benefits that the Secretary of Labor has determined to be prevailing in the locality for the classification in which the employee is working. The term *service employee* means any person engaged in the performance of a contract entered into by the United States government unless otherwise exempted under section 7 of the SCA, whether negotiated or advertised, the principal purpose of which is to furnish services in the United States (other than any person employed in a bona fide executive, administrative, or professional capacity, as those terms are defined in part 541 of title 29, Code of Federal Regulations, as of July 30, 1976, and any subsequent revision of those regulations); and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such persons.

The definition of *service employee* expressly excludes those employees who are employed in a

bona fide executive, administrative, or professional capacity as defined in Part 541 of title 29, Code of Federal Regulations, and as discussed further in 29 CFR § 4.156. Some of the specific types of service employees who may be employed on service contracts are noted in other sections that discuss the application of the Act to employees.

Care providers are subject to the provisions of the SCA and implementing regulations found in title 29 of the CFR Part 4 (see Appendix A within SNOFO) and must abide by applicable DOL wage determinations, which can be found at https://alpha.sam.gov/content/wage-determinations, in their programs. This award also is subject to Executive Order 14026-Increasing the Minimum Wage for Federal Contractors, and its implementing regulations at 29 CFR Part 23 (Appendix B within SNOFO); and Executive Order 13706, Establishing Paid Sick Leave for Federal Contractors, and its implementing regulations at 29 CFR Part 13 (Appendix C within SNOFO).

In computing SCA wage and fringe benefit rates, applicants can initiate a SAM.gov search. Prospective applicants shall enter the location of the UC facility identified in the application in the search field to access the applicable SCA wage determination. Once the applicable SCA wage determination has been selected, applicants must then identify the occupation code and title on the wage determination list that corresponds with the position at the UC facility within the application, to identify the prevailing wage and fringe benefits for that position. Information about identifying the applicable occupation code for positions at UC shelter facilities can be found at https://www.acf.hhs.gov/orr/service-contract-act-wage-classifications. Please note that information on this website is provided to assist applicants, but applicants and awarded recipients still bear full responsibility for ensuring that the position is correctly selected, by comparing the work a position will perform against the position description.

Additional information about the SCA may be found on the DOL website at: https://www.dol.gov/agencies/whd/government-contracts/service-contracts. Specific information about the SCA labor standards provisions and procedures may be found at 29 CFR Part 4: https://alpha.sam.gov/content/wage-determinations. For additional information and reference to the SCA within this SNOFO, please refer to *Section VI.2. Administrative and National Policy Requirements;* and *Appendices A-C*.

State Child Placement and Facility Licensure Requirement—Timeline

At the time of application, applicants are not required to be licensed (state child placement license and facility license) by an appropriate licensing agency to provide residential, group, or foster care services for children. But successful applicants who receive an award must adhere to the following special conditions that will be included in the Notice of Award (NOA).

- Every 2 months, care providers must submit to ORR an update on progress made towards obtaining state child placement licensure as well as relevant financial reports of incurred expenses in a fiscal system-generated budget-to-actual format.
- Every 2 months, care providers must submit to ORR an update on progress made towards obtaining licensure for the proposed facility(ies) as well as relevant financial reports of incurred expenses in a fiscal system-generated budget-to-actual format.
- ORR requires submittal of proof of state child placement licensure within 4 months of initial award.

- ORR requires submittal of proof of facility licensure within 6 months subsequent to obtaining the state child placement licensure.
- Failure to obtain a state child placement license to provide residential, group, or foster care services for children within the 4-month period may result in the discontinuation of funding consistent with the provisions at 45 CFR §§ 75.371-75.375 (Remedies for noncompliance).
- Failure to obtain a facility license to provide residential, group, or foster care services for children within 6 months of obtaining a state child placement licensure (i.e., at most, 10 months of the initial award) may result in the discontinuation of funding consistent with the provisions at 45 CFR §§ 75.371 (Remedies for noncompliance).
- If an applicant submits multiple facilities and not all facilities are compliant, ORR will proceed with noncompliance actions on the relevant facility(ies) consistent with provisions at 45 CFR §§ 75.371-75.375 (Remedies for noncompliance), and not the entire award.

When considering recipients for future awards or expansion, performance in this area will be taken into consideration. As required by PRA of 1995, 44 U.S.C. 3501-3521, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) Control Number. ORR is seeking approval of these reports through the OMB Office of Information and Regulatory Affairs and will not request this information if these forms are not approved at the time that reports are due.

Coronavirus Disease Response

ORR recognizes that as a result of the coronavirus disease (COVID-19) pandemic, activities may need to be adjusted and public health interventions implemented to ensure the safety and health of UC and care provider staff. If during the project period, recipients are required to adjust activities due to COVID-19, ORR will exercise maximum flexibilities, as needed. Adjustments must be consistent with the COVID-19 recommendations provided by ORR, the care provider's local health jurisdiction, and the Centers for Disease Control and Prevention (https://www.cdc.gov/coronavirus/2019-ncov/index.html). Modifications must include safeguards to prevent the spread of COVID-19, planning to respond to COVID-19 cases among staff or UC, and planning for staffing absenteeism and shortages. In order to limit the effects of COVID-19 on staff and UC, all eligible program staff and transitional foster care parents must be vaccinated for COVID-19 (see *Section I. Program Description, Program Staffing Requirements, and TFC Parent Requirements*).

Program Performance Evaluation

To provide high-quality services for all UC, ORR has established standardized performance metrics to clearly communicate ORR priorities and will collect data quarterly and assess data via the ORR official record system. The list of metrics and scoring criteria can be found under *Appendix D* within the SNOFO.

Once beds are delivered per facility and available for UC placement, ORR will collect data quarterly to assess the performance of recipients under this SNOFO. ORR will share data, through a scorecard for each facility, to help care providers meet established goals. A recipient's

performance on each metric will be scored and assessed as green, yellow, or red, as outlined in *Appendix D*. ORR will assess the need for further discussion related to performance or compliance with ORR policies. A recipient's compliance with the identified performance metrics is essential for the government to assess grant performance and the continuation of a grant award. ORR will contact recipients on a quarterly basis to discuss issues related to performance or compliance with ORR policies. If the recipient is not in compliance with the performance scoring baseline outlined for each metric in *Appendix D* and ORR deems the situation requires escalation, corrective actions and funding restrictions could be applied as per 45 CFR § 75.207 Specific award conditions and/or 45 CFR § 75.371 Remedies for noncompliance. In some circumstances, these measures could affect the continuation of the award. When considering recipients for future awards or expansions, performance in this area will be taken into consideration.

Should any adjustments be made in the future to the performance metrics or scoring criteria, ORR will provide a policy letter to care providers 90 days prior to taking effect. These performance metrics have been approved under the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501-3521 and reflected in the UC reporting documents as listed in *Section I. Program Description, Post-Award Requirements, Required UC Reporting*. The recipient is responsible for accurately inputting and submitting all UC Reporting documents in the ORR official record system within the timeframe identified in the reporting documents.

Residential (Shelter and/or Transitional Foster Care) Services for Unaccompanied Children Program Evaluation

If ACF identifies additional resources to fund a federal study of funded Residential (Shelter and/or Transitional Foster Care) Services for Unaccompanied Children, then the recipient will be required to participate. The study would utilize an outside, non-recipient evaluation team and would focus on the processes, implementation, progress indicators, and quality improvement of funded activities.

NOTE: Consistent with the PRA of 1995, (44 U.S.C. 3501-3521), under this SNOFO, ORR will not conduct or sponsor, and a person is not required to respond to, a collection of information covered by such Act, unless it displays a currently valid Office of Management and Budget (OMB) Control Number. ORR will obtain OMB approval for a federal study of the funded activities, as appropriate.

Required UC Reporting

As required by PRA of 1995, 44 U.S.C. 3501-3521, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) Control Number. The following ORR collections have been approved by OMB:

Administration and Oversight of the UC Program (OMB #0970-0547), Expiration Date January 31, 2024

- Care Provider Facility Tour Request (Form A-1A)
- Notice to UC for Flores Visits (Form A-4 & A-4s)

- Authorization for Release of Records (Form A-5)
- Program-Level Event Report (Form A-9)
- Emergency Significant Incident Report and Addendum (Form A-10A & A-10B)
- Significant Incident Report and Addendum (Form A-10C & A-10D)
- Sexual Abuse Significant Incident Report and Addendum (Form A-10E & A-10F)
- Hotline Alert (Form A-12)

Placement and Transfer of UC into ORR Care Provider Facilities (OMB #0970-0554), Expiration Date March 31, 2022. This information collection is currently under review with OMB for an extension with revisions. The expiration date will be updated on all forms once final approval is received.

- Placement Authorization (Form P-1)
- Authorization for Medical, Dental, and Mental Health Care (Form P-2)
- Notice of Placement in a Restrictive Setting (Form P-4 & P-4s)
- Long-Term Foster Care Placement Memo (Form P-5)
- Intakes Placement Checklist (Form P-7)
- Care Provider Checklist for Transfers to Influx Care Facilities (Form P-8)
- Medical Checklist for Transfers (Form P-9A)
- Medical Checklist for Influx Transfers (Form P-9B)
- Transfer Request (Form P-10)
- Transfer Request and Tracking Form (Form P-11)
- Official System of Record Capacity Report (Form P-12)
- Add New UC (Form P-13)
- Notice of Transfer to Immigration and Customs Enforcement's (ICE) Chief Counsel – Change of Address/Change of Venue (Form P-14)

Release of UC from ORR Custody (OMB #0970-0552), Expiration Date March 31, 2022. This information collection is currently under review with OMB for an extension with revisions. The expiration date will be updated on all forms once final approval is received.

- Discharge Notification (Form R-2)
- Notice to ICE Chief Counsel – Release of UC to Sponsor and Request to Change Address (Form R-3)
- Release Request (Form R-4)
- Safety and Well-Being Follow-Up Call Report (Form R-6)

Services Provided to UC (OMB #0970-0553), Expiration Date March 31, 2022. This information collection is currently under review with OMB for an extension with revisions. The expiration date will be updated on all forms once final approval is received.

- Sponsor Assessment (Form S-5)
- Home Study Report (Form S-6)
- New Sponsor (Form S-7)
- Initial Intakes Assessment (Form S-8)
- Assessment for Risk (Form S-9)

- UC Assessment (Form S-11)
- UC Case Review (Form S-12)
- Individual Service Plan (Form S-13)
- Travel Request for Long-Term Foster Care (Form S-14)
- Child Advocate Recommendation and Appointment (Form S-15)
- Summary Notes: 30 Day Restrictive Placement Case Review (Form S-16)
- UC Case Status

Family Reunification Packet for Sponsors of Unaccompanied Children (OMB #0970-0278), Expiration Date June 30, 2022

- Family Reunification Application (Form FRP-3 & FRP-3s)
- Authorization for Release of Information (Form FRP-2 & FRP-2s)
- Fingerprinting Instructions (Form FRP-7 & FRP-7s)
- Letter of Designation for Care of a Minor (Form FRP-9 & FRP-9s)

Legal Services for UC (OMB #0970-0565), Expiration Date November 30, 2024

- Legal Service Provider List for UC in ORR Care (Form LRG-5 & LRG-5s)
- Request for a Flores Bond Hearing (Form LRG-7 & LRG-7s)
- Motion to Request a Bond Hearing – Secure or Staff Secure Custody (Form LRG-8A)
- Motion to Request a Bond Hearing – Non-Secure Custody (Form LRG-8B)
- Request for Specific Consent to Juvenile Court Jurisdiction (Form L-1)
- Specific Consent Request Case Summary (Form L-2)
- Notice of Attorney Representation (Form L-3)
- Post Legal Status Plan (Form L-8)

Monitoring and Compliance for ORR Care Provider Facilities (OMB #0970-0564), Expiration Date October 31, 2024

- Corrective Action Report (Form M-1)
- Federal Field Staff Compliance and Safety Site Visit Report (Form M-3A)
- Checklists for a Child-Friendly Environment (Form M-4A to M-4B)
- UC Incident Review (Form M-5A)
- Adult Incident Review (Form M-5B)
- Monitoring Notes (Forms M-6A to M-6D)
- Site Visit Guides (Forms M-7A to M-7F)
- Case File Checklists (Forms M-8A to M-8D)
- On Site Monitoring Checklists (Forms M-9A to M-9C)
- Personnel File Checklists (Forms M-10A to M-10D)
- Program Staff Questionnaires (Forms M-11A to M-11O)
- Child Questionnaires (Forms M-12A to M-12D)
- Service Provider Questionnaires (Forms M-13A to M-13E)

Health Assessment Form, Public Health Investigation Form: Non-TB Illness, and Public Health Investigation Form: Active TB (OMB #0970-0509), Expiration Date December 31, 2023

- Health Assessment Form
- Public Health Investigation Form
- Non-TB Illness
- Public Health Investigation Form: Active TB

Serious Medical Procedure Request (SMR) Form (OMB #0970-0561), Expiration Date February 29, 2024

- Serious Medical Procedure Request (SMR) Form

Initial Medical Exam Form, Supplemental TB Screening Form and Dental Exam Form (OMB #0970-0466), Expiration Date December 31, 2023

- Initial Medical Exam Form

Annual Data Collection on Sexual Abuse and Sexual Harassment Involving Unaccompanied Children (OMB #0970-0558), Expiration Date November 30, 2023

Office of Refugee Resettlement's Staff Questionnaire- Interpreter (OMB #0970-0558), Expiration Date November 30, 2023

Office of Refugee Resettlement Key Personnel Minimum Qualification Checklist and Attestation (OMB #0970-0558), Expiration Date November 30, 2023

Office of Refugee Resettlement Waiver Request Form (OMB #0970-0558), Expiration Date November 30, 2023

COVID-19 Screening Tool for Unaccompanied Children Program Staff and Visitors (OMB #0970-0543), Expiration Date December 21, 2024

NOTE: Consistent with the PRA of 1995, 44 U.S.C. §§ 3501-3521, under this SNOFO, ORR will not conduct or sponsor, and a person is not required to respond to, a collection of information covered by such Act, unless it displays a currently valid OMB control number. ORR will not request any information if forms are not approved at the time that reports are due. Please see *Section VI.3. Reporting* for more information.

Special Circumstances

The UC Program is unique as it is driven by the unpredictable nature of migration of UC into the United States, mainly through the Southwest border. The program has a statutory duty to receive all referred UC and designate their placement into residential programs within the ORR network of providers. The program does not have the discretion of turning away referrals of UC due to lack of available capacity. Only in extenuating circumstances dealing with influx situations, ORR may process request(s) through supplements from recipient(s), post-award, to provide additional Shelter and TFC beds within existing facilities for a temporary period. Temporary beds may consist of the following:

1. Temporary Capacity Beds (also referred to as variable or adjustable capacity) are shelter beds utilized for a specified time determined by ORR and recipient.

2. Variance Beds are licensed (state child placement license and facility license), temporary beds used in times of influx to allow ORR time to expand capacity through other funding sources. Recipients would be required to apply for and receive approval for a variance bed request from their state child placement licensing agency to deviate from their approved licensed capacity. Applicants should check with their state child placement licensing agency on requirements for variance beds prior to submitting information to ORR.

PROPERTY

Unallowable Real Property Costs

Recipients, and if applicable, subrecipient(s), awarded funds through this SNOFO must adhere to all property standards and regulations found in 45 CFR Part 75. In general, see ACF Property Guidance.

In addition, grant funds may not be used for the acquisition, construction, and major renovation of real property under this Program. Such a use of grant funds is not authorized by statute and would be considered an unallowable expenditure.

Unallowable expenditures are subject to disallowances and other remedial measures described at 45 CFR Part 75. Please refer to *Section IV.6. Funding Restrictions* for more information. See also Unallowable Property Costs.

Leasing Real Property Documentation

All leases will be subject to ACF administrative review. After award, the recipient and, if applicable, subrecipient(s), will be required to provide lease documentation for administrative review. For more information, see Rent/Lease Arrangement Guidance and Real Property Documentation. Applicants must refer to *Section IV.2. The Project Description, Approach, Administrative and Service Environment.*

Rent/Lease Arrangement Costs

Recipients awarded funds through this SNOFO must adhere to the rental costs of real property in accordance with 45 CFR § 75.465. For more information, see Rent/Lease Arrangement Guidance.

Minor Alterations and Renovations (A&R) of Real Property

Recipients that want to use award funds for minor A&R to real property must seek approval by providing a detailed request in this application or submit for post-award prior written approval from ORR and OGM before they undertake certain activities and/or incur specific costs. Please see 45 CFR § 75.407 for more information. The major A&R threshold applies to each land parcel as identified by state property records where UC activities occur, regardless of the number of structures/improvements that exist on each land parcel. Recipients and if applicable, their subrecipient(s), must maintain entity property records and track the amount of federal funds being used for minor A&R to ensure that the threshold is not exceeded for the entire project period (e.g., if the project period is a 3-year project period, minor A&R must not exceed a total of $249,999 per parcel). For more information, see Property Glossary and Unallowable Property

Costs.

Post-Award Requests Involving Real Property
After the initial award, if there are any modifications, budget revisions, and/or additional requests for funding, and they impact any of the original approved real property or real property-related costs, the real property listing and related costs documentation requested in *Section IV.2. The Project Budget and Budget Justification* must be included and updated, accordingly.

All real property costs are subject to ACF administrative review. Recipients, and if applicable, subrecipient(s), if not provided during the application, will be required to provide detailed listings of all real property addresses and their associated costs (45 CFR § 75.436, § 75.439, § 75.462, and § 75.465) used and claimed under this federal award. This includes all real property owned or leased by the recipient, and if applicable, subrecipients. Information on residential facilities, administrative buildings, and offices must be provided. The requested information for any and all real property that has a cost claimed under the award must be provided. For more information, see Property Guidance pages, including, Rent/Lease Arrangement Guidance, Real Property Documentation, Unallowable Property Costs.

For more information on application requirements specific to this SNOFO, please reference *Section IV.2. The Project Description and The Project Budget and Budget Justification*.

II. Federal Award Information

Funding Instrument Type:
CA (Cooperative Agreement)

Estimated Total Funding:
$370,000,000

Expected Number of Awards:
30

Award Ceiling:
$80,000,000
Per Budget Period

Award Floor:
$500,000
Per Budget Period

Average Projected Award Amount:
$15,000,000
Per Budget Period

Anticipated Project Start Date:
11/01/2022

Length of Project Periods:
36-month project period with three 12-month budget periods

Additional Information on Project Periods and Explanation of 'Other'

Additional Information on Awards:
Awards made under this funding opportunity are subject to the availability of federal funds.

Applications requesting an award amount that exceeds the *Award Ceiling* per budget period, or per project period, as stated in this section, will be disqualified from competitive review and funding under this funding opportunity. This disqualification applies only to the *Award Ceiling* listed for the first 12-month budget period for projects with multiple budget periods. If the project and budget period are the same, the disqualification applies to the *Award Ceiling* listed for the project period. Please see *Section III.3. Other, Application Disqualification Factors.*

Note: For those programs that require matching or cost sharing, recipients will be held accountable for projected commitments of non-federal resources in their application budgets and budget justifications by budget period or by project period for fully funded awards, even if the projected commitment exceeds the required amount of match or cost share. **A recipient's failure to provide the required matching amount may result in the disallowance of federal funds.** For more information on these requirements, see *Section III.2. Cost Sharing or Matching.*

Special Note: Until funded capacity is achieved, funding will be released incrementally according to the approved pre-license budgets.

The maximum award ceiling is to accommodate applicants proposing a multiple site model in various geographic locations or for applicants proposing a significant bed capacity. Funds for years 2 and 3 will be awarded on the basis of submission and approval of non-competing continuation applications. Non-competing continuation awards are subject to obtaining licensure (state child placement license and facility license) and satisfactory progress by the recipient, after receiving UC, (i.e., meeting all ORR UC requirements based on performance metrics referenced in *Section I. Program Description, Post-Award Requirements, Program Performance Evaluation*), availability of funds, and a determination that continued funding would be in the best interest of the federal government. Funds for this award may be terminated by ORR in accordance to HHS' regulatory provisions for termination at 45 CFR § 75.372. See also 2 CFR § 200.340.

Description of ACF's Anticipated Substantial Involvement Under the Cooperative Agreement Award

ORR recipients must obtain ACF prior approval for the transfer of substantive programmatic work (subawards and/or contracts). Recipients must provide a signed MOU or a signed letter of intent and draft subaward agreement and/or contract agreement with a detailed description of the subrecipient's and/or contractor's responsibilities regarding service provisions.

ORR supports recipients in the following areas:

- design, implementation, and modification of program activities and services;
- design of protocols or procedures;
- approval of key program staff;
- approval of the behavioral management plan;

- provision of training and technical assistance to staff;
- input of case information into the Official System of Record;
- select decisions regarding individual case management activities; and
- the approval of all releases of UC to sponsors.

III. Eligibility Information

III.1. Eligible Applicants

Eligibility is unrestricted. At time of application, residential care providers do not have to be licensed (state child placement license and facility license) by an appropriate licensing agency to provide residential, group, or foster care services for children.

Any current recipient funded under the UC program who wishes to apply for this SNOFO to provide Shelter and/or TFC services, must propose services in a new and different facility. Current UC recipients with UC awards in the final year of their project period need to review the dates for their existing cohorts and apply to the correct application due date. ORR encourages licensed applicants to apply to the Standing Notice of Funding Opportunity Number HHS-2022-ACF-ORR-ZU-1029. Please note that ACF does not fund concurrent projects (i.e., funding a recipient to provide the same type of service in the same facility), so if an applicant is successful under this SNOFO, any subsequent applications in response to other SNOFOs from the same applicant for the same service delivery area (e.g., facilities) will not be funded.

Applicants proposing multiple real property locations to provide residential and non-residential services specific to this SNOFO are encouraged to submit all real property locations within a single application. Applicants must document each real property in the SF-Project/Performance Site Location(s) form (SF-P/PSL).

Applications from individuals (including sole proprietorships) and foreign entities are not eligible and will be disqualified from competitive review and funding under this funding opportunity. See *Section III.3. Other, Application Disqualification Factors.*

Faith-based and community organizations that meet the eligibility requirements are eligible to receive awards under this funding opportunity. Faith-based organizations may apply for this award on the same basis as any other organization, as set forth at and, subject to the protections and requirements of 45 CFR Part 87 and 42 U.S.C. 2000bb *et seq.*, ACF will not, in the selection of recipients, discriminate against an organization on the basis of the organization's religious character, affiliation, or exercise.

Reference to Legal Status
See *Section IV.2. Legal Status of Applicant Entity* for documentation required to support eligibility.

Funding Restrictions Reference
Please see *Section IV.6. Funding Restrictions* for any limitations on the use of federal funds that could affect the eligibility of an applicant or project.

III.2. Cost Sharing or Matching

Cost Sharing / Matching Requirement:

No

For all federal awards, any shared costs or matching funds and all contributions, including cash and third-party in-kind contributions, must be accepted as part of the recipient's cost sharing or matching when such contributions meet all criteria listed in 45 CFR § 75.306.

For awards that require matching by statute, recipients will be held accountable for projected commitments of non-federal resources in their application budgets and budget justifications by budget period, or by project period for fully funded awards, even if the projected commitment exceeds the amount required by the statutory match. **A recipient's failure to provide the statutorily required matching amount may result in the disallowance of federal funds. Recipients will be required to report these funds in the Federal Financial Reports.**

For awards that do not require matching or cost sharing by statute, where "cost sharing" refers to any situation in which the recipient voluntarily shares in the costs of a project other than as statutorily required matching, recipients will be held accountable for projected commitments of non-federal resources in their application budgets and budget justifications by budget period, or by project period for fully funded awards. These include situations in which contributions are voluntarily proposed by a recipient or subrecipient and are accepted by ACF. Non-federal cost sharing will be included in the approved project budget so that the recipient will be held accountable for proposed non-federal cost sharing funds as shown in the Notice of Award (NoA). **A recipient's failure to provide voluntary cost sharing of non-federal resources that have been accepted by ACF as part of the approved project costs and that have been shown as part of the approved project budget in the NoA, may result in the disallowance of federal funds. Recipients will be required to report these funds in the Federal Financial Reports.**

III.3. Other

Application Disqualification Factors

Applications from individuals (including sole proprietorships) and foreign entities are not eligible and will be disqualified from competitive review and funding under this funding opportunity.

Award Ceiling Disqualification

Applications that request an award amount that exceeds the *Award Ceiling* per budget period or per project period ("per project period" refers only to fully funded awards), as stated in *Section II. Federal Award Information,* will be disqualified from competitive review and funding under this funding opportunity. This disqualification applies only to the *Award Ceiling* listed for the first 12-month budget period for projects with multiple budget periods. If the project and budget period are the same, the disqualification applies to the *Award Ceiling* listed for the project period.

Required Electronic Application Submission

ACF requires electronic submission of applications at Grants.gov. **Paper applications received from applicants that have not been approved for an exemption from required electronic submission will be disqualified from competitive review and funding under this funding**

opportunity.

Applicants that do not have an internet connection or sufficient computing capacity to upload large documents to the internet may contact ACF for an exemption that will allow the applicant to submit applications in paper format. Information and the requirements for requesting an exemption from required electronic application submission are found in "ACF Policy for Requesting an Exemption from Electronic Application Submission."

Missing the Application Deadline (Late Applications)

The deadline for electronic application submission is 11:59 pm ET on the due date listed in the *Overview* and in *Section IV.4. Submission Dates and Times.* Electronic applications submitted to Grants.gov after 11:59 pm ET on the due date, as indicated by a dated and time-stamped email from Grants.gov, will be disqualified from competitive review and funding under this funding opportunity. That is, applications submitted to Grants.gov, on or after 12:00 am ET on the day after the due date will be disqualified from competitive review and funding under this funding opportunity.

Applications submitted to Grants.gov at any time during the open application period, and prior to the due date and time, which fail the Grants.gov validation check, will not be received at, or acknowledged by ACF.

Each time an application is submitted via Grants.gov, the submission will generate a new date and time-stamp email notification. Only those applications with on-time date and time stamps that result in a validated application, which is transmitted to ACF will be acknowledged.

The deadline for receipt of paper applications is 4:30 pm ET on the due date listed in the *Overview* and in *Section IV.4. Submission Dates and Times*. Paper applications received after 4:30 pm ET on the due date will be disqualified from competitive review and funding under this funding opportunity. **Paper applications received from applicants that have not received approval of an exemption from required electronic submission will be disqualified from competitive review and funding under this funding opportunity.**

Notification of Application Disqualification

Applicants will be notified of a disqualification determination by email or by USPS postal mail within 30 federal business days from the closing date of this NOFO.

IV. Application and Submission Information

IV.1. Address to Request Application Package

Karen
Code
Administration for Children and Families
Office of Grants Management

Family Protection and Resilience Portfolio
Mary E. Switzer Building
330 C Street, SW.
Washington
DC
20201
(202) 401-6888
Karen.Code@acf.hhs.gov

Application Packages

Electronic Application Submission:

The electronic application submission package is available in the NOFO's listing at Grants.gov.

Applications in Paper Format:
For applicants that have received an exemption to submit applications in paper format, Standard Forms (SFs), assurances, and certifications are available in the "Select Grant Opportunity Package" available in the NOFO's Grants.gov Synopsis under the Package tab at Grants.gov. See *Section IV.2. Request an Exemption from Required Electronic Application Submission* if applicants do not have an Internet connection or sufficient computing capacity to upload large documents (files) to Grants.gov.

Federal Relay Service:
Hearing-impaired and speech-impaired callers may contact the Federal Relay Service (FedRelay) for assistance at www.gsa.gov/fedrelay.

IV.2. Content and Form of Application Submission

FORMATTING APPLICATION SUBMISSIONS
Each applicant applying electronically via Grants.gov is required to upload only two electronic files, excluding SFs and Office of Management and Budget (OMB)-approved forms. No more than two files will be accepted for the review, and additional files will be removed. SFs and OMB-approved forms will not be considered additional files.

FOR ALL APPLICATIONS:

Authorized Organization Representative (AOR)
AOR is the designated representative of the applicant/recipient organization with authority to act on the organization's behalf in matters related to the award and administration of grants. In signing a grant application, this individual agrees that the organization will assume the obligations imposed by applicable Federal statutes and regulations and other terms and conditions of the award, including any assurances, if a grant is awarded.

Point of Contact
In addition to the AOR, a point of contact on matters involving the application must also be identified. The point of contact, known as the Project Director or Principal Investigator, should not be identical to the person identified as the AOR. The point of contact must be available to

answer any questions pertaining to the application.

Application Checklist
Applicants may refer to *Section VIII. Other Information* for a checklist of application requirements that may be used in developing and organizing application materials.

Accepted Font Style
Applications must be in Times New Roman (TNR), 12-point font, except for footnotes, which may be TNR 10-point font. Pages that contain blurred text, or text that is too small to read comfortably, will be removed.

English Language
Applications must be submitted in the English language and must be in the terms of United States (U.S.) dollars. If applications are submitted using another currency, ACF will convert the foreign currency to U.S. currency using the date of receipt of the application to determine the rate of exchange.

Page Limitations
Applicants must observe the page limitation(s) listed under "PAGE LIMITATIONS AND CONTENT FOR ALL SUBMISSION FORMATS:." Page limitation(s) do not include SFs and OMB-approved forms.

All applications must be double-spaced. An application that exceeds the cited page limitation for double-spaced pages in the Project Description file or the Appendices file will have extra pages removed, and those pages will not be reviewed.

Application Elements Exempted from Double-Spacing Requirements
The following elements of the application submission are exempt from the double-spacing requirements and may be single-spaced: the table of contents, the one-page Project Summary, required Assurances and Certifications, required SFs, required OMB-approved forms, resumes, logic models, proof of legal status/non-profit status, third-party agreements, letters of support, footnotes, tables, the line-item budget and/or the budget justification.

Adherence to NOFO Formatting, Font, and Page Limitation Requirements
Applications that fail to adhere to ACF's NOFO formatting, font, and page limitation requirements will be adjusted by the removal of page(s) from the application. Pages will be removed before the objective review and will not be made available to reviewers.

Applications that have more than one scanned page of a document on a single page will have the page(s) removed from the review.

For applicants that submit paper applications, double-sided pages will be counted as two pages. When the maximum allowed number of pages is reached, excess pages will be removed and will not be made available to reviewers.

NOTE: Applicants failing to adhere to ACF's NOFO formatting, font, and page limitation requirements will receive a letter from ACF notifying them that their application was amended. The letter will be sent after awards have been issued and will specify the reason(s) for removal of page(s).

Corrections/Updates to Submitted Applications
When applicants make revisions to a previously submitted application, ACF will accept only the last on-time application for pre-review under the Application Disqualification Factors. The Application Disqualification Factors determine the application's acceptance for competitive review. See *Section III.3. Other, Application Disqualification Factors* and *Section IV.2. Application Submission Options*.

Copies Required
Applicants must submit one complete copy of the application package electronically. Applicants submitting electronic applications need not provide additional copies of their application package.

Applicants submitting applications in paper format must submit one original and two copies of the complete application, including all SFs and OMB-approved forms. The original copy must have original signatures.

Signatures
Applicants submitting electronic applications must follow the registration and application submission instructions provided at Grants.gov.
The original of a paper format application must include original signatures of the authorized representatives.

Accepted Application Format
With the exception of the required SFs and OMB-approved forms, all application materials must be formatted so that they are 8 ½" x 11" white paper with 1-inch margins all around.

If possible, applicants are encouraged to include page numbers for each page within the application.

ACF generally does not encourage submission of scanned documents as they tend to have reduced clarity and readability. If documents must be scanned, the font size on any scanned documents must be large enough so that it is readable. Documents must be scanned page-for-page, meaning that applicants may not scan more than one page of a document onto a single page. Pages with blurred text will be removed from the application.

PAGE LIMITATIONS AND CONTENT FOR ALL SUBMISSION FORMATS:

Applicants proposing multiple real property locations to provide residential and non-residential services specific to this SNOFO are encouraged to submit all real property locations within a single application. With the exception of the SFs and OMB-approved forms, the application submission in its entirety (Project Description and Appendices) is limited to 200 pages.

The Project Description (Narrative) includes the following:

- A one-page Project Summary;
- Table of Contents;
- Geographic Location;
- Approach;
- Project Timeline and Milestones;
- Plan for Oversight of Federal Award Funds and Activities;
- Program Performance Evaluation Plan;
- Logic Model;
- Protection of Sensitive and/or Confidential Information; and
- Line-item Budget and Budget Justifications.

The Appendices includes the following:

- Proof of Legal Status;
- Organizational Capacity
    - List of Organization's Board of Directors;
    - Resumes of current staff, and/or Position Descriptions;
    - Organizational Chart of Applicant Entity and the Project;
- Third-Party Agreements;
- Approved Negotiated Indirect Cost Rate Agreement, if applicable;
- Letter(s) of Support;
- Management Letter/Summary Report in lieu of full audit reports, including the disclosure of any findings or recommendations noted in the most recently completed single audit.
- Executed Leases for proposed real property(ies) and/or draft leases for proposed real property(ies) (for applicants that have multiple leases for different real property, if the page limitation will be exceeded, only include the lease(s) for the highest number of UCs served). ORR and OGM will contact awardees through this SNOFO to obtain leases that were not submitted as part of the application; and
- Any other information the applicant deems relevant and necessary.

ELECTRONIC APPLICATION SUBMISSION INSTRUCTIONS

Applicants are required to submit their applications electronically unless they have received an exemption that will allow submission in paper format. See *Section IV.2. Application Submission Options* for information about requesting an exemption.

Electronic applications will only be accepted via Grants.gov. **ACF will not accept applications submitted via email or via facsimile.**

Each applicant is required to upload ONLY two electronic files, excluding SFs and OMB-approved forms.

File One: Must contain the entire Project Description, and the Budget and Budget Justification (including a line-item budget and a budget narrative).

File Two: Must contain all documents required in the Appendices.

Adherence to the Two-File Requirement
No more than two files will be accepted for the review. Applications with additional files will be amended and files will be removed from the review. SFs and OMB-approved forms will not be considered additional files.

Application Upload Requirements
ACF strongly recommends that electronic applications be uploaded as Portable Document Files (PDFs). One file must contain the entire Project Description and Budget Justification; the other file must contain all documents required in the Appendices. Details on the content of each of the two files, as well as page limitations, are listed earlier in this section.

To adhere to the two-file requirement, applicants may need to convert and/or merge documents together using a PDF converter software. Many recent versions of Microsoft Office include the ability to save documents to the PDF format without need of additional software. Applicants using the Adobe Acrobat Reader software will be able to merge these documents together. ACF recommends merging documents electronically rather than scanning multiple documents into one document manually, as scanned documents may have reduced clarity and readability.

Applicants must ensure that the version of Adobe Acrobat Reader they are using is compatible with Grants.gov. To verify Adobe software compatibility please go to Grants.gov and click on "Applicants" at the top bar menu and select "Adobe Software Compatibility", which is listed under "Applicant Resources." The Adobe verification process allows applicants to test their version of the software by opening a test Workspace PDF form. Grants.gov also includes guidance on how to download a supported version of Adobe, as well as troubleshooting instructions for use, if an applicant is unable to open the test form.

The Adobe Software Compatibility page located on Grants.gov also provides guidance for applicants on filling out a Workspace PDF form. In addition, it addresses local network and/or computer security settings and the impact this has on use of Adobe software.

Required SFs and OMB-approved Forms
SFs and OMB-approved forms are uploaded separately at Grants.gov. These forms are submitted separately from the Project Description and Appendices files. See *Section IV.2. Required Forms, Assurances, and Certifications* for the listing of required SFs, OMB-approved forms, and required assurances and certifications.

Naming Application Submission Files
Carefully observe the file naming conventions required by Grants.gov. Limit file names to 50 characters (characters and spaces). Please also see

https://www.grants.gov/web/grants/applicants/submitting-utf-8-special-characters.html.

Use only file formats supported by ACF
Applicants must submit applications using only the supported file formats listed here. While ACF supports all of the following file formats, **we strongly recommend that the two application submission files (Project Description and Appendices) are uploaded as PDFs in order to comply with the two-file upload limitation.** Documents in file formats that are not supported by ACF will be removed from the application and will not be used in the competitive review. This may make the application incomplete, and ACF will not make any awards based on an incomplete application.

ACF supports the following file formats:

- Adobe PDF – Portable Document Format (.pdf)
- Microsoft Word (.doc or .docx)
- Microsoft Excel (.xls or .xlsx)
- Microsoft PowerPoint (.ppt)
- Image Formats (.JPG, .GIF, .TIFF, or .BMP only)

Do Not Encrypt or Password-Protect the Electronic Application Files
If ACF cannot access submitted electronic files because they are encrypted or password protected, the affected file will be removed from the application and will not be reviewed. This removal may make the application incomplete, and ACF will not make awards based on an incomplete application.

FORMATTING FOR PAPER APPLICATION SUBMISSIONS:
The following requirements are only applicable to applications submitted in paper format. Applicants must receive an exemption from ACF in order for a paper format application to be accepted for review. For more information on the exemption, see "*ACF Policy for Requesting an Exemption from Required Electronic Application Submission'" at www.acf.hhs.gov/grants/howto#chapter-6*.

Format Requirements for Paper Applications
All copies of mailed or hand-delivered paper applications must be submitted in a single package. If an applicant is submitting multiple applications under a single NOFO, or multiple applications under separate NOFOs, each application submission must be packaged separately. The package(s) must be clearly labeled with the NOFO title and Funding Opportunity Number.

Applicants using paper format should download the application forms package associated with the NOFO's Synopsis on Grants.gov under the Package tab.

Applicants are advised that the copies of the application submitted, not the original, will be reproduced by the federal government for review. **All application materials must be one-sided for duplication purposes. All pages in the application submission must be sequentially numbered.**

Addresses for Submission of Paper Applications
See *Section IV.7. Other Submission Requirements* for addresses for paper format application submissions.

Required Forms, Assurances, and Certifications

Applicants seeking an award under this funding opportunity must submit the listed SFs, assurances, and certifications with the application. All required SFs, assurances, and certifications are available in the Application Package posted for this NOFO at Grants.gov.

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
SF-424 - Application for Federal Assistance	Submission is required for all applicants by the application due date.	Required for all applications.
Unique Entity Identifier (UEI) and System for Award Management (SAM) registration.	Required of all applicants. Applicants must have a UEI and maintain an active SAM registration throughout the application and project award period. Obtain a UEI and SAM registration at: http://www.sam.gov.	See *Section IV.3. Unique Entity Identifier (UEI) and System for Award Management (SAM)* for more information.
SF-424 Key Contact Form	Submission is required for all applicants by the application due date.	Required for all applications.
Certification Regarding Lobbying (Grants.gov Lobbying Form)	Submission required of all applicants with the application package. If it is not submitted with the application package, it must be	Submission of the certification is required for all applicants.

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
	submitted prior to the award of a grant.	
SF-424A - Budget Information - Non- Construction Programs and SF-424B - Assurances - Non- Construction Programs	Submission is required for all applicants when applying for a non-construction project. SFs must be used. Forms must be submitted by the application due date. By signing and submitting the SF-424B, applicants are making the appropriate certification of their compliance with all Federal statutes relating to nondiscrimination.	Required for all applications when applying for a non-construction project.
SF-Project/Performance Site Location(s) (SF-P/PSL)	Submission is required for all applicants by the application due date.	Required for all applications. In the SF-P/PSL, applicants must cite their primary location and up to 29 additional performance sites.
SF-LLL - Disclosure of Lobbying Activities	If submission of this form is applicable, it is due at the time of application. If it is not available at the time of application, it may also be submitted prior to the award of a grant.	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 applicant shall complete and submit the

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
		SF-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Additional Required Assurances and Certifications

Mandatory Grant Disclosure

All applicants and recipients are required to submit, in writing, to the awarding agency and to the HHS Office of the Inspector General (OIG), all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. (Mandatory Disclosures, 45 CFR § 75.113)

Disclosures must be sent in writing to:

The Administration for Children and Families, U.S. Department of Health and Human Services, Office of Grants Management, ATTN: Grants Management Specialist, 330 C Street, SW., Switzer Building, Corridor 3200, Washington, DC 20201

And to:

U.S. Department of Health and Human Services, Office of Inspector General, ATTN: Mandatory Grant Disclosures, Intake Coordinator, 330 Independence Avenue, SW., Cohen Building, Room 5527, Washington, DC 20201

Fax: (202) 205-0604 (Include "Mandatory Grant Disclosures" in subject line) or

Email: grantdisclosures@oig.hhs.gov

SF-P/PSL

Applicants must document each real property in the SF-Project/Performance Site Location(s).

ORR Non-discrimination Assurance

Submission of an application for this SNOFO constitutes assurance that in serving beneficiaries of this program, applicants have made reasonable good faith efforts to have the following:

- Compliance with all Federal statutes relating to nondiscrimination.
- Policies prohibiting discrimination and harassment of such beneficiaries based on race, sexual orientation, gender, gender identity (or expression), religion, and national origin in place;
- Inclusivity of, and non-stigmatizing, toward LGBTQI individuals (e.g., staff, sponsors, etc.) including LGBTQI youth;
- Training for all staff serving program beneficiaries to ensure they are capable of preventing and responding to harassment in all forms; and

- Monitor claims of harassment and discrimination of beneficiaries; address them seriously and promptly; and document corrective action(s) so all participants are assured that programs are safe, inclusive, and non-stigmatizing by design and in operation.

Submission of an application for this award further constitutes an assurance that any subrecipient(s) and/or contractor(s) directly engaged in the care and custody of UC will do as follows:

- Train all staff on preventing and responding to harassment and discrimination per ORR Staff Code of Conduct.
- Be inclusive of and non-stigmatizing toward LGBTQI individuals (e.g., staff, sponsors, etc.), including LGBTQI youth;
- Ensure that all staff will be trained prior to program implementation on how to prevent and respond to harassment and discrimination of beneficiaries in all forms, and;
- Be prepared to monitor claims of harassment and discrimination of beneficiaries; address them seriously and promptly; and document corrective action(s) so all participants are assured that programs are safe, inclusive, and non-stigmatizing by design and in operation.

Non-Federal Reviewers
Since ACF will be using non-federal reviewers in the review process, applicants have the option of omitting from the application copies (not the original) specific salary rates or amounts for individuals specified in the application budget as well as Social Security Numbers, if otherwise required for individuals. The copies may include summary salary information. If applications are submitted electronically, ACF will omit the same specific salary rate information from copies made for use during the review process.

The Project Description

The Project Description Overview

General Expectations and Instructions
The Project Description provides the information by which an application is evaluated and ranked in competition with other applications for financial assistance. It must address all activities for which federal funds are being requested and all application requirements as stated in this section. The Project Description must explain how the project will meet the purpose of the NOFO, as described in *Section I. Program Description*. As a reminder, reviewers will be evaluating this section in accordance with *Section V.1. Criteria*.

The Project Description must be clear, concise, and complete. ACF is particularly interested in Project Descriptions that convey strategies for achieving intended performance. Project Descriptions are evaluated on the basis of substance and measurable outcomes, not length.

Cross-referencing should be used rather than repetition. Supporting documents designated as required must be included in the Appendix of the application.

Table of Contents
List the contents of the application including corresponding page numbers. The table of contents may be single spaced.

Project Summary
Provide a summary of the application project description. It must be clear, accurate, concise, and without cross-references to other parts of the application. The summary must include a brief description of the proposed grant project including the needs to be addressed, the proposed services, and the population group(s) to be served.

Please place the following at the top of the Project Summary:

- Project Title
- Applicant Name
- Address
- Contact Phone Numbers (Voice, Fax, Cell)
- Email Address
- Website Address, if applicable

The Project Summary must be single-spaced, Times New Roman 12-point font, and limited to one page in length. Additional pages will be removed and will not be reviewed.

Geographic Location
Describe the precise physical location of the project and boundaries of the area to be served by the proposed project.

Legal Status of Applicant Entity
Applicants must provide the following documentation:

Certifying legal status and/or eligibility. Documentation may include, but is not limited to, Governing Board Membership Documentation and/or articles of incorporation.

Non-Profit Organizations

Proof of Non-Profit Status Options:

Option 1: 501(c)(3) and non-501(c)(3) non-profit organizations are eligible
Non-profit organizations applying for funding are required to submit proof of their non-profit status. Proof of non-profit status is any one of the following:

- A reference to the applicant organization's listing in the IRS's most recent list of tax-exempt organizations described in the IRS Code.
- A copy of a currently valid IRS tax-exemption certificate.
- A statement from a state taxing body, state attorney general, or other appropriate state official certifying that the applicant organization has non-profit status and that none of the net earnings accrue to any private shareholders or individuals.
- A certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status.
- Any of the items in the subparagraphs immediately above for a state or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.

Unless directed otherwise, applicants must include proof of non-profit status in the *Appendices* file of the application submission.

For-Profits and Small Businesses
For-profit organizations (including small businesses) applying for funding must submit the following to provide proof of their legal status: Documentation establishing the power granted to the entity to enter into contractual relationships and/or accept awards (i.e., articles of incorporation, bylaws).

Approach
Outline a plan of action that describes the scope and detail of how the proposed project will be accomplished. Applicants must account for all functions or activities identified in the application.

Cite potential obstacles and challenges to accomplishing project goals and explain strategies that will be used to address these challenges.

Program Design and Service Provision

Applicants must provide their Program Design and Service Provision plan and, if applicable, the plans of any subrecipients in accordance with the following requirements:

- Applicants must provide evidence of sufficient experience and expertise in efficiently and effectively operating residential programs designed to serve children. Applicants must describe the organization's past work; program design and ability to provide residential care; and a range of social, psychosocial, and health services for children.
- Applicants must describe their overall program design for either shelter and/or TFC, to include a timeline for obtaining state child placement and facility licensure, delivery of funded capacity, and documentation supporting its ability to provide the required program services indicated in *Section I. Program Description, Program Requirements.*
- Applicants must describe how their service delivery for either shelter and/or TFC is sensitive to the religious preferences, culture, native language, and special needs of UC.
- Applicant's program design for either shelter and/or TFC must describe that it is appropriate for the target population.
- Applicants must describe experience and proficiency in implementing a behavioral management plan for either shelter and/or TFC, as indicated *Section I. Program Description, Program Requirements, Rules/Behavior Management*.
- Applicants must describe their experience and provide documentation supporting their ability to provide appropriate case management services for either shelter and/or TFC including developing and updating ISPs, as well as other assessments required by ORR.
- Applicants must describe how they will comply with the pertinent laws, regulations, and settlement agreements; ORR policies, procedures, and instructions as referenced in *Section I. Program Description, Statutory Authority* and *Section I. Program Description, Program Requirements;* and HHS IFR: Standards To Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving UC (45 CFR Part 411).
- Applicants must explain how their programs are developmentally appropriate for either shelter and/or TFC and address the specialized and individual needs of all UC, including vulnerable and traumatized minors.

- Applicants must describe their capacity and process to identify possible victims of human trafficking and other crimes.
- Applicants must describe their process for the identification and safe and timely release of UC to eligible sponsors.
- Applicants must describe their plan to recruit and train foster parents utilizing Model Approach to Partnership in Parenting or an equivalent foster parent training curriculum for TFC, if applicable.

Administrative and Service Environment

Applicants must provide their Administrative and Service Environment plan, and if applicable the plans of any subrecipients, in accordance with the following requirements. Also, applicants proposing multiple real property(ies) must delineate by real property the following requirements:

- Applicants must provide a plan in accordance with meeting the state child placement and facility licensure required timeline described in *Section I. Program Description, State Child Placement and Facility Licensure Requirement—Timeline.*
- Applicants must describe their overall program service environment and provide documentation supporting its ability to provide the required program services for shelter care and/or TFC indicated in *Section I. Program Description, Program Requirements*.
- Applicants must describe each facility's/foster home's accessibility to immigration court, airports, fire and police services, and the local community. Applicants must provide evidence on the feasibility of administering a program in the area(s) that are proposed.
- Applicants must clearly describe and/or provide photographs of the proposed facility(ies) (including description of sleeping arrangements, food preparation, kitchen and dining area, classrooms, office space, rest rooms, outside recreation areas, isolation/quarantine room, and living space). Applicant must describe how educational, clinical, and case management services will be delivered to UC in either shelter and/or TFC.
- Applicants must describe how the facility(ies)/foster home meets all relevant zoning, licensing, fire, safety, and health codes required to operate a residential-based social service program. Applicants must provide detailed information regarding the type of state child placement licensure, including information on capacity, age/gender permitted, and length of stay allowable.
- Applicants with any religious objections must specify this within their one-page summary and provide further detail as to their objection and alternative approach within their application as referenced in *Section I.Program Description, Faith-Based Organizations.*
- Applicants must delineate their real properties into the following three categories: owned, leased (current lease already in place), or intent to lease (through either a letter of intent or an actual draft/unsigned lease). If applicable, the applicant must provide a lease for each real property proposed as well as leases for any real property(ies) provided through subrecipient(s) partnerships. If a lease(s) has not been executed prior to submission of an application, the application must submit an actual draft of the lease, the unsigned lease, or a letter of intent describing the potential arrangement including the address, terms, length, and proposed expenses. As part of the application, the applicant must identify if the lease is an “arm's-length” or “less-than-arm's-length” lease and provide how costs are calculated in accordance with 45 CFR § 75.465 and 45 CFR § 75.436. If any lease is a

"less-than-arm's-length" lease, a copy of the residing state real property records (no more than 2 years old) must be provided to show proof of the "less-than-arm's-length" arrangement. For more information, see Rent/Lease Arrangement Guidance and Real Property Documentation. Refer to *Section I. Program Description, Post-Award Requirements, Property, Rent/Lease Arrangement Cost* for more information. Applicants can delineate in the following manner:

  - Owned
  - Leased (Lessor is "Arm's-Length" or Lessor is "Less-Than-Arm's-Length")
  - Intent to Lease (Lessor is "Arm's-Length" or Lessor is "Less-Than-Arm's-Length")

- Applicants must describe all security measures for the facility(ies) and how they adequately meet the requirements of the program to prevent unauthorized absence from the facility(ies) and to monitor those who enter and exit the facility(ies).
- Applicants must provide documented evidence/references or letters of local community support and acceptance of the applicant's program in the designated area(s). This must include established relationships with local emergency services (i.e., police, fire), medical and mental health agencies (i.e., local health department), religious and community organizations, and state child placement licensing offices' recommendations for serving UC.

Project Timeline and Milestones
Provide quantitative monthly or quarterly projections (for the entire project period) of the accomplishments to be achieved for each function or activity, in such terms as the number of people to be served and the number of activities accomplished. Data may be organized and presented as project tasks and subtasks with their corresponding timelines during the project period. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

Organizational Capacity
Provide the following information on the applicant organization and, if applicable, on any cooperating partners:

- Organizational charts.
- Resumes.
- List of Board of Directors.
- Financial statements adhering to Generally Accepted Accounting Principles (GAAP), if available, submit statements for up to the two most recently completed fiscal years (this requirement does not apply to start-up organizations).
- Audit reports or statements from Certified Public Accountants/Licensed Public Accountants, if available, submit statements for up to the two most recently completed fiscal years (this requirement does not apply to start-up organizations).
- Copy or description of the applicant organization's fiscal control and accountability procedures.

- Evidence that the applicant organization, and any partnering organizations, have relevant experience and expertise with administration, development, implementation, management, and evaluation of programs similar to that offered under this funding opportunity.
- Evidence that each participating organization, including partners, contractors and/or subrecipients, possess the organizational capability to fulfill their role(s) and function(s) effectively.
- Copy or description of the applicant organization's personnel policies.
- Child care licenses and other documentation of professional accreditation.
- Information on compliance with federal/state/local government standards.
- Job descriptions for each vacant key position.
- Reports and other documentation related to any allegations/concerns of abuse and/or neglect; and denial, suspension, and/or revocation of each participating recipient's and subrecipient's (as applicable) of licensing to provide child welfare related services.

If known at the time of application submission, the applicant must disclose their intent to enter into subaward arrangements in their application. For each proposed subaward, the applicant must include a description of the work to be performed by the subrecipient(s).

Program Management
Applicants must provide their Program Management plan and, if applicable, the plans of any subrecipients in accordance with the following requirements.

- Applicants must provide a comprehensive overview of the applicant's organization, including qualifications, history, organizational mission, and goals; and lists of all federal-, state-, or local- funded grants and/or contracts received.
- Applicants must describe their experience in the provision of child welfare services, child protective services, services to children with special needs and/or victims of trafficking, youth outreach, residential services, and/or other social services; and describe organizational experience working directly with UC or cross cultural/international or related services to children from various cultural backgrounds, various language capabilities, and special needs, including vulnerability to human trafficking.
- Applicants must provide documentation of clear organizational structure outlining lines of authority and supervision within their organization.
- Applicants must describe staffing plans within their organization that provide a sound relationship between the proposed responsibilities of lead program staff, including Program Director, Lead Clinician, and Lead Case Manager, and the educational and professional experience required for the position according to requirements outlined in *Section I. Program Description, Program Staffing Requirements.*
- Applicants must describe a plan to implement the HHS IFR and ORR's sexual abuse and harassment policies for either shelter and/or TFC, including, but not limited to, appropriate screening of new hires, developing internal policy documents, and training staff on IFR policies.

- As required by state child placement licensing, applicants must provide a detailed plan for completing background checks for applicable staff, contractors, volunteers, and all adults who reside in or operate host homes.
- Applicants must describe in detail the scope of work to be performed and other terms and conditions that define third-party working relationships with subrecipients, or subcontractors, to successfully carry out the activities as described in this SNOFO.
- Applicants issuing subawards must also provide an effective plan to monitor their subrecipients in accordance with 45 CFR § 75.352.
- Applicants must describe the ability to provide a comprehensive staff training plan that meets state child placement licensing requirements and ORR policies; the plan must include elements specific to working with the UC population, including prevention and intervention in child abuse and neglect, local reporting procedures, monitoring, and staff code of conduct.
- Applicants must describe that case management, intakes, clinical, medical, and educational staff is proficient in using the Internet and related computer programs.
- Applicants must provide a copy of a Management Letter/Summary Report in lieu of full audit reports; also include disclosure of any findings or recommendations noted in the most recently completed single audit.

Plan for Oversight of Federal Award Funds and Activities
Recipients are required to ensure proper oversight in accordance with 45 CFR Part 75 Subpart D.

These regulations set forth the following standards for effective oversight:

- Financial and Program Management
- Property (if applicable by program legislation)
- Procurement
- Performance and Financial Monitoring and Reporting
- Subrecipient Monitoring and Management
- Record Retention and Access
- Remedies for Noncompliance

Describe the framework (e.g., governance, policies and procedures, risk management, systems) in place to ensure proper oversight of federal funds and activities in accordance with 45 CFR Part 75 Subpart D. The description must include: system(s) for record-keeping and financial management; procedures to identify and mitigate risks and issues (e.g., audit findings, continuous program performance assessment findings, program monitoring); and those key staff that will be responsible for maintaining oversight of program activities staff, and, if applicable, partner(s) and/or subrecipient(s).

Program Performance Evaluation Plan
Applicants must describe a plan for the program performance evaluation that will contribute to continuous quality improvement. The program performance evaluation must monitor ongoing activities and the progress towards the goals and objectives of the project. Include descriptions of the inputs (e.g., organizational profile, collaborative partners, key staff, budget, and other resources), key activities, and expected outcomes of the funded activities. The plan must explain how the inputs, activities, and outcomes will be measured; how the resulting information will be

used to inform improvement of funded activities; and any processes that support the overall data quality of the performance outcomes.

Applicants must describe the organizational systems and processes that will effectively track performance outcomes, including a description of how the organization will collect and manage data (e.g., assign skilled staff, data management software, data integrity, etc.) in a way that allows for accurate and timely reporting of performance outcomes. Applicants must describe any potential obstacles for implementing the program performance evaluation and how those obstacles will be addressed. Applicants must include a timeline for how information from the quality improvement evaluation will be reviewed and applied to the ongoing project.

Applicants must provide their Program Performance Evaluation Plan and, if applicable, the plans of any subrecipients in accordance with the following requirements.

- Applicants must describe a plan, separate from the ORR's external performance management and metrics, for performance evaluation of the program that will contribute to continuous quality improvement. This is in collaboration with the ORR's external performance management and metrics.
- Applicants must describe their effective and resource-efficient strategies for programmatic control, predictability, and accountability as evidenced by the program design for either shelter and/or TFC.
- Applicants must describe their evaluation methodology based on performance. Focus will be placed on child welfare practices, particularly child safety, safe and timely release performance, and ability to ensure timely and appropriate release for those UC with potential sponsors. Applicants must describe measures that effectively track performance in this area.
- Applicant must address how it will monitor the progression of individual cases and include a clear structured timeline with regard to working with each UC on safe and timely release.
- Applicants must provide an effective plan for developing and maintaining internal structure, control, and accountability through programmatic means for either shelter and/or TFC.
- Applicants must describe their ability to produce statistical reports to track demographics and performance of program as referenced in *Section I. Program Description, Post-Award Requirements, Required UC Reporting*.
- Applicants must describe their ability to maintain adequate records, including client files, medical files, financial files, and personnel files.
- Applicants must provide documentation of their system that preserves the confidentiality of UC information and protects the records from unauthorized use or disclosure. The records of UC are the property of ORR and are required to be provided to ORR upon request.
- Applicants must describe their ability to provide regular reports as required by ORR that permit ORR to monitor and enforce the *Flores* Settlement Agreement, federal requirements, ORR policies and procedures, and other requirements and standards. ORR will not request any UC reports from recipients unless it has received OMB approval under PRA.

- Applicants must describe their ability to implement and maintain the Official System of Record.

Logic Model
Applicants must submit a logic model for designing and managing their projects. A logic model is a diagram that presents the conceptual framework for a proposed project and explains the links among program elements. Logic models must target the identified objectives and goals of the grant program. While there are many versions of logic models, for the purposes of this funding opportunity, the logic model may include connections between the following items:

- Inputs (e.g., additional resources, organizational profile, collaborative partner(s), key staff, budget);
- Target population (e.g., the individuals to be served, identified needs);
- Activities, Mechanisms, Processes (e.g., evidence-based practices, best practices, approach, key intervention and evaluation components, continuous quality improvement efforts);
- Outputs (i.e., the immediate and direct results of program activities);
- Outcomes (i.e., the expected short and long-term results the project is designed to achieve, typically described as changes in people or systems), and
- Goals of the project (e.g., overarching objectives, reasons for proposing the project).

Protection of Sensitive and/or Confidential Information
Provide a description of how protected personally identifiable information and other information that is considered sensitive, consistent with applicable federal, state, local and tribal laws regarding privacy and obligations of confidentiality, will be collected and safeguarded. The applicant must provide the methods and/or systems that will be used to ensure that confidential and/or sensitive information is properly handled and if applicable, address the process for subrecipient(s) and/or contractors. Also, provide a plan for the disposition of such information at the end of the project period.

Third-Party Agreements

Third-party agreements include Memoranda of Understanding (MOU) and Letters of Commitment. Letters of Commitment and MOUs must both clearly describe the roles and responsibilities for project activities and the support and/or resources that the third-party (i.e., subrecipient, contractor, or other cooperating entity) is committing. The Letters of Commitment and MOUs must be signed by the person in the third-party organization with the authority to make such commitments on behalf of their organization. General letters of support are **not** considered to be third-party agreements.

Applicants must provide Letters of Commitment or MOUs between recipients and third-parties (i.e., subrecipients, contractors, or other cooperating entities).

Applicants must provide Letters of Commitment or MOUs between recipients and third-parties (i.e., subrecipients, contractors, or other cooperating entities). In addition to clearly describing the roles and responsibilities for project activities and support and/or resources that the third-party is committing, these agreements must detail work schedules and estimated remuneration with an understanding that a finalized agreement will be negotiated once the successful applicant is awarded the grant.

Letters of Support
Provide statements from community, public, and/or commercial leaders that support the project proposed for funding. All submissions must be included in the application package. At minimum, each letter of support must identify the individual writing the letter, the organization they represent, the date, and reason(s) for supporting the project.

The Project Budget and Budget Justification

All applicants are required to submit a project budget and budget justification with their application. The project budget is entered on the Budget Information SF, either SF- 424A or SF-424C. Applicants are encouraged to review the form instructions in addition to the guidance in this section. The budget justification consists of a budget narrative and a line-item budget detail that includes detailed calculations for "object class categories" identified on the Budget Information Standard Form. Applicants must indicate the method they are selecting for their indirect cost rate. See Indirect Charges for further information.

Project budget calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. If cost sharing or matching is a requirement, applicants must include a detailed listing of any funding sources identified in Block 18 of the SF-424 (Application for Federal Assistance). See the table in *Section IV.2. Required Forms, Assurances, and Certifications* listing the appropriate budget forms to use in this application.

Special Note: *The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2022 and Consolidated Appropriations Act, 2022, (Division H, Title II, Sec. 202), limits the salary amount that may be awarded and charged to ACF grants and cooperative agreements. Award funds issued under this funding opportunity may not be used to pay the salary of an individual at a rate in excess of Executive Level II. For the Executive Level II salary, please see "Executive & Senior Level Employee Pay Tables" under https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/. The salary limitation reflects an individual's base salary exclusive of fringe benefits, indirect costs and any income that an individual may be permitted to earn outside of the duties of the applicant organization. This salary limitation also applies to subawards and subcontracts under an ACF grant or cooperative agreement.*

Provide a budget for the initial budget period only (typically the first 12 months of the project) using the SF-424A and/or SF-424C, as applicable. Provide a budget justification, which includes a budget narrative and a line-item detail, for only the first budget period of the proposed project. The budget narrative should describe how the categorical costs are derived. Discuss the necessity, reasonableness, and allocation of the proposed costs.

For applicants who do not possess either or both of the required licenses (state child placement license and facility license) in addition to the base annual budget, a separate “pre-license” budget that identifies the costs and timeline required to gain each license must be submitted as explained below. As applicable, the pre-license budget will include the costs and timeline required to obtain a state child placement license, and/or the costs and timeline required to gain the facility license. Pre-license costs are costs that will be incurred once the project period begins, and are made in support of attaining licensure. The pre-license costs are not in addition to the base annual budget; they are included within the base annual budget.

State Child Placement Pre-License Costs: Applicants who do not currently possess a state child placement license to provide UC services must complete a Pre-License budget in addition to a base annual budget. While Pre-License costs are included in the base annual budget, this subset of costs must also be presented in a separate line item and narrative budget to identify the costs that are required to gain the state child placement license. The Pre-License Costs are part of the 12-month budget and are the costs that will be released in support of the recipient attaining a state child placement license.

Facility Pre-License Costs: Applicants who do not currently possess a facility license for the facility(ies), foster home(s), and/or group home(s) in which they intend to provide UC services must complete a Pre-License budget in addition to a base annual budget. While Pre-License costs are included in the base annual budget, this subset of costs must also be presented in a separate line item and narrative budget to identify the costs that are required to gain the facility license. The Pre-License Costs are part of the 12-month budget and are the costs that will be released in support of the recipient attaining a license.

Upon the issuance of the state child placement license or an equivalent, by a state licensing agency, the recipient must attain a facility license to provide residential, group, or foster care services for children within 6 months of obtaining a state child placement license, (i.e., at most within 10 months of the initial award). Failure to obtain the facility license may result in the discontinuation of funding consistent with the provisions of 45 CFR §§ 75.371-75.375 (Remedies for noncompliance).

Start-up Costs: All applicants must identify one-time costs, i.e., start-up costs, that are necessary to operationalize the facility(ies), foster home(s) and/or group home(s). Start-up costs are defined as those costs that are limited to the initial budget year and are related to expenses incurred during the process of creating a new program. These costs are not included in budgetary forecasts after the initial year. Start-up costs must be identified within the line-item detail costs and in the budget narrative, clearly distinguished from ongoing operating costs, and consistent with the SF-424A cost categories.

The applicant must identify and provide any current sources of federal funding received from any government contracting division. This includes direct awards, as well as subrecipient/subcontractor awards from a directly funded recipient, to provide services to the UC Program.

To address any expected surges in effort, applicants that budget for projected overtime for any of their direct care positions (i.e., Clinicians, Case Managers, Youth Care Worker, and Medical Staff), should reflect overtime costs in the Personnel budget category.

The budget justification must include a corresponding detailed narrative explaining the purpose and need for each proposed cost, including all proposed costs for each real property, under this grant award in order to determine reasonableness, allocability, and allowability of costs.

Each real property listed must include a separate breakdown of proposed costs and narrative,

including all of the following, if applicable, and in accordance with 45 CFR § 75.465 and 45 CFR § 75.436: the terms of the lease(s); the total dollar amounts and allocable percentages of all costs; maintenance and repair amounts with details on each type of expense proposed, and its associated cost; and minor A&R with specifics for each type of proposed expense and its associated cost. For arms-length leases, real property listed must also include the: rent amount with calculation. For less-than-arms-length leases, real property listed must also include: the depreciation amount with type of method and calculation used; the tax amount; the insurance amount and what it covers.

The applicant must provide a listing of all real property (e.g., buildings, facilities, administrative offices, structures, land, etc.), by property address(es), including county location and land parcel number. Each real property listed must clearly identify whether the existing or proposed real property is recipient-owned or leased. Leased property must be identified as either "arm's-length" or "less-than-arm's-length" and provide how costs are calculated in accordance with 45 CFR § 75.465 and 45 CFR § 75.436. Please refer to *Section I. Program Description, Post-Award Requirements* and *Section IV.2 The Project Description, Administrative and Service Environment* for more information. ACF does not require applicants to format their list of real property in any specific way, but the lists should clearly document the real property owned or leased that are proposed, claimed, and/or may contribute to the award. For example, see ACF's website regarding Real Property Documentation.

For applicants proposing to use subaward(s), if the total amount budgeted for subawards exceeds 50 percent of total direct costs for the budget period, the applicant must provide a justification for subawarding the portion of the project and must explain how the prime recipient plans to maintain a substantive role in the project. This 50 percent threshold does not preclude an applicant from submitting a budget where subawards go above and beyond 50 percent.

Applicants must provide a description of its internal financial monitoring system, and if applicable, proposed subrecipient (s)'s financial monitoring system, that demonstrates structure, fiscal management and accountability consistent with the requirements for financial management and standards for financial management systems indicated at 45 CFR 75.302-303.

Applicants proposing staff allocated to several funding sources or several applications must ensure that full-time equivalent (FTE) allocations do not exceed 100 percent. Budgets must include the names of staff for positions already filled and corresponding levels of effort (percentage dedicated to the project).

This award is also subject to the provisions of the Service Contract Act and implementing regulations found in title 29 of the CFR Part 4. Please note specific requirements at 29 CFR § 4.6(b)(2). The SCA applies to service workers under cooperative agreements awarded through this SNOFO as well as service workers covered under subrecipient or vendor relationships that are included within cooperative agreements awarded under this SNOFO.

Accordingly, budgets submitted must reflect SCA-compliant compensation and fringe benefit rates for all positions that are subject to SCA provisions. For more information, please refer to *Section I. Program Description, Post-Award Requirements, Service Contract Act Requirements*

on how to compute wage and fringe benefit rates.

For-profit organization(s), including the recipient and subrecipient(s), must clearly describe that they are only charging the program actual incurred costs. No HHS funds awarded through this SNOFO may be paid as profit to any recipient or subrecipient, even if the recipient or subrecipient is a commercial organization. Profit is any amount in excess of allowable direct and indirect costs of administering the grant requirements. Please reference *Section IV.6. Funding Restrictions* for more information.

Applicants may include the cost of medical personnel and medical supplies in the applicant's budget. For more information on medical costs, please see *Section IV.6. Funding Restrictions.*

Based on UC needs, transfer to a residential facility within the ORR network may be necessary. In addition, temporary placement outside of ORR network in an acute psychiatric hospital and/or psychiatric residential setting may become necessary and would require transportation of UC for placement and discharge once treatment has been completed. Placement decisions outside of ORR's network are initiated by the care provider in conjunction with ORR, and final approval is made by ORR. These transfers would include airfare, escort, and transport to and from airport/residential facility. Applicant should include transport cost for no more than 1 percent of the estimated number of UC applicant proposes to serve annually.

Budgeting for digital fingerprint equipment and ink-less fingerprint equipment must not be included as a component of the applicant's budget. Digital and/or ink-less fingerprint equipment is provided by ORR security representative. ORR security representative provides required equipment maintenance and operational supplies. Additional consideration must be taken to budget for staff time, a dedicated phone line (landline), copy/faxing services, and expedited mailing of ink-less prints.

General

Use the following guidelines for preparing the project budget and budget justification. The budget justification includes a budget narrative and a line-item detail. Applications should only include allowable costs in accordance with 45 CFR Part 75 Subpart E.

Personnel

Description: Costs of employee salaries and wages. See 45 CFR § 75.430 for more information on allowable personnel costs. Do not include the personnel costs of consultants, contractors and subrecipients under this category.

Justification: For each position, provide: the name of the individual (if known), their title; time commitment to the project in months; time commitment to the project as a percentage or full-time equivalent; annual salary; grant salary; wage rates; etc. Identify the project director or principal investigator, if known at the time of application.

Fringe Benefits

Description: Costs of employee fringe benefits are allowances and services provided by employers to their employees in addition to regular salaries and wages. For more information on Fringe Benefits please refer to 45 CFR § 75.431. Do not include the fringe benefits of consultants, contractors, and subrecipients.

Typically, fringe benefit amounts are determined by applying a calculated rate for a particular class of employee (full-time or part-time) to the salary and wages requested. Fringe rates are often specified in the approved indirect cost rate agreement. Fringe benefits may be treated as a direct cost or indirect cost in accordance with the applicant's accounting practices. Only fringe benefits as a direct cost should be entered under this category.

Justification: Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, Federal Insurance Contributions Act taxes, retirement, taxes, etc.

Travel

Description: Costs of project-related travel (i.e., transportation, lodging, subsistence) by employees of the applicant organization who are in travel status on official business. Travel by non-employees such as consultants, contractors or subrecipients should be included under the Contractual line item. Local travel for employees in non-travel status should be listed on the Other line. Travel costs should be developed in accordance with the applicant's travel policies and 45 CFR § 75.474.

Justification: For each trip show: the total number of travelers; travel destination; duration of trip; per diem; mileage allowances, if privately owned vehicles will be used to travel out of town; and other transportation costs and subsistence allowances. If appropriate for this project, travel costs for key project staff to attend ACF-sponsored workshops/conferences/recipient orientations should be detailed in the budget justification.

Equipment

Description: "Equipment" means an article of nonexpendable, tangible personal property (including information technology systems) having a useful life of more than one year and a per unit acquisition cost that equals or exceeds the lesser of: (a) the capitalization level established by the organization for the financial statement purposes, or (b) $5,000. (Note: Acquisition cost means the net invoice unit price of an item of equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective in-transit insurance, freight, and installation, shall be included in, or excluded from, acquisition cost in accordance with the organization's regular written accounting practices.) See 45 CFR §75.439 for more information.

Justification: For each type of equipment requested provide: a description of the equipment; the cost per unit; the number of units; the total cost; and a plan for use on the project; as well as use and/or disposition of the equipment after the project ends.

Supplies

Description: Costs of all tangible personal property, other than included under the Equipment category. This includes office and other consumable supplies with a per-unit cost of less than $5,000. See 45 CFR § 75.453 for more information.

Justification: Specify general categories of supplies and their costs. Show computations and provide other information that supports the amount requested.

Contractual

Description: Cost of all contracts and subawards except for those that belong under other categories such as equipment, supplies, construction, etc. Include third-party evaluation contracts, if applicable, and contract or subawards with secondary recipient organizations (with budget detail), including delegate agencies and specific project(s) and/or businesses to be financed by the applicant. Costs related to individual consultants should be listed on the Other line. Recipients are required to use 45 CFR §§ 75.326-.340 procurement procedures, and subawards are subject to the requirements at 45 CFR §§ 75.351-.353.

Justification: Demonstrate that all procurement transactions will be conducted in a manner to provide, to the maximum extent practical, open, and free competition. Applicants must justify any anticipated procurement action that is expected to be awarded without competition and exceeds the simplified acquisition threshold stated in 48 CFR § 2.101(b). Recipients may be required to make pre-award review and procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc., available to ACF.

Indicate whether the proposed agreement qualifies as a subaward or contract in accordance with 45 CFR § 75.351. Provide the name of the contractor/subrecipient (if known), a description of anticipated services, a justification for why they are necessary, a breakdown of estimated costs, and an explanation of the selection process. In addition, for subawards, the applicant must provide a detailed budget and budget narrative for each subaward, by entity name, along with the same justifications referred to in these budget and budget justification instructions.

Other

Description: Enter the total of all other costs. Such costs, where applicable and appropriate, may include, but are not limited to: consultant costs, local travel, insurance, food (when allowable), medical and dental costs (non-personnel), professional service costs (including audit charges), space and equipment rentals, printing and publications, computer use, training costs (such as tuition and stipends), staff development costs, and administrative costs. Please note costs must be allowable per 45 CFR Part 75 Subpart E.

Justification: Provide a breakdown of costs, computations, a narrative description, and a justification for each cost under this category.

Indirect Charges

Description: Total amount of indirect costs. This category has one of two methods that an applicant can select. An applicant may only select one.

1. The applicant currently has an indirect cost rate approved by HHS or another cognizant federal agency.

   Justification: An applicant must enclose a copy of the current approved rate agreement. If the applicant is requesting a rate that is less than what is allowed under the program, the authorized representative of the applicant organization must submit a signed acknowledgement that the applicant is accepting a lower rate than allowed. Choosing to charge a lower rate will not be considered during the objective review or award selection process.

2. Per 45 CFR § 75.414(f) Indirect (F&A) costs, "any non-Federal entity [i.e., applicant] that has never received a negotiated indirect cost rate, ... may elect to charge a *de minimis* rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. As described in Section 75.403, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as the non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time."

   Justification: This method only applies to applicants that have never received an approved negotiated indirect cost rate from HHS or another cognizant federal agency. Applicants awaiting approval of their indirect cost proposal may request the 10 percent *de minimis* rate. When the applicant chooses this method, costs included in the indirect cost pool must not be charged as direct costs to the grant.

Commitment of Non-Federal Resources

Description: Amounts of non-federal resources that will be used to support the project as identified in Block 18 of the SF-424. This line should be used to indicate required and/or voluntary committed cost sharing or matching, if applicable.

For all federal awards, any shared costs or matching funds and all contributions, including cash and third-party in-kind contributions, must be accepted as part of the recipient's cost sharing or matching when such contributions meet all of the criteria listed in 45 CFR § 75.306.

For awards that require matching or cost sharing by statute, recipients will be held accountable for projected commitments of non-federal resources (at or above the statutory requirement) in their application budgets and budget justifications by budget period, or by project period for fully funded awards. **A recipient's failure to provide the statutorily required matching or cost sharing amount (and any voluntary committed amount in excess) may result in the disallowance of federal funds. Recipients will be required to report these funds in the Federal Financial Reports.**

For awards that do not require matching or cost sharing by statute, recipients are not expected to provide cost sharing or matching. However, recipients are allowed to voluntarily propose a commitment of non-federal resources. If an applicant decides to voluntarily contribute non-federal resources towards project costs and the costs are accepted by ACF, the non-federal resources will be included in the approved project budget. The applicant will be held accountable

for all proposed non-federal resources as shown in the Notice of Award (NoA). **A recipient's failure to meet the voluntary amount of non-federal resources that was accepted by ACF as part of the approved project costs and that was identified in the approved budget in the NoA, may result in the disallowance of federal funds. Recipients will be required to report these funds in the Federal Financial Reports.**

Justification: If an applicant is relying on cost share or match from a third-party, then a firm commitment of these resources (letter(s) or other documentation) is required to be submitted with the application. Detailed budget information must be provided for every funding source identified in Item 18. "Estimated Funding ($)" on the SF-424.

Applicants are required to fully identify and document in their applications the specific costs or contributions they propose in order to meet a matching requirement. Applicants are also required to provide documentation in their applications on the sources of funding or contribution(s). In-kind contributions must be accompanied by a justification of how the stated valuation was determined. Matching or cost sharing must be documented by budget period (or by project period for fully funded awards).

Applications that lack the required supporting documentation will not be disqualified from competitive review; however, it may impact an application's scoring under the evaluation criteria in *Section V.1. Criteria* of this funding opportunity.

Program Income
Description: The estimated amount of gross income, if any, expected to be directly generated

by or earned from this project. Program income includes but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under federally-funded projects, the sale of commodities or items fabricated under an award, license fees and royalties on patents and copyrights, and interest on loans made with award funds. See 45 CFR §75.307 for more information.

Justification: Describe the nature, source and anticipated use of program income in the budget or refer to the pages in the application that contain this information.

Paperwork Reduction Act Disclaimer
As required by the Paperwork Reduction Act, 44 U.S.C. 3501-3521, the public reporting burden for the Project Description is estimated to average 60 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. The Project Description information collection is approved under OMB control number 0970-0139, which expires 03/31/2025. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Application Submission Options

Electronic Submission via Grants.gov

This section provides the application submission and receipt instructions for ACF program applications. Please read the following instructions carefully and completely.

Electronic Delivery

ACF is participating in the Grants.gov initiative to provide the grant community with a single site to find and apply for funding opportunities. ACF applicants are required to submit their applications online through Grants.gov.

How to Register and Apply through Grants.gov

Read the following instructions about registering to apply for ACF funds. Applicants should read the registration instructions carefully and prepare the information requested before beginning the registration process. Reviewing and assembling the required information before beginning the registration process will alleviate last-minute searches for required information.

Organizations must have an active System for Award (SAM) registration which provides a Unique Entity Identifier (UEI), and Grants.gov account to apply for grants.

Creating a Grants.gov account can be completed online in minutes, but SAM registration may take several weeks. Therefore, an organization's registration should be done in sufficient time to ensure it does not impact the entities ability to meet required application submission deadlines.

Organization applicants can find complete instructions here: https://www.grants.gov/web/grants/applicants/organization-registration.html

***Register with SAM*:** All organizations (entities) applying online through Grants.gov must register with SAM. Failure to register with SAM will prevent your organization from applying through Grants.gov. SAM registration must be renewed annually. For detailed instructions for registering with SAM, refer to: https://www.grants.gov/web/grants/applicants/organization-registration.html

***Create a Grants.gov Account*:** The next step in the registration process is to create an account with Grants.gov. Follow the on-screen instructions provided on the registration page.

***Add a Profile to a Grants.gov Account*:** A profile in Grants.gov corresponds to a single applicant organization the user represents (i.e., an applicant). If you work for or consult with multiple organizations, you can have a profile for each organization under one Grants.gov account. In such cases, you may log in to one Grants.gov account to access all your grant profiles. To add an organizational profile to your Grants.gov account, enter the UEI for the organization in the UEI field. For detailed instructions about creating a profile on Grants.gov, refer to: https://www.grants.gov/web/grants/applicants/registration/add-profile.html

EBiz POC Authorized Profile Roles: After you register with Grants.gov and create an Organization Applicant Profile, the applicant's request for Grants.gov roles and access is sent to the EBiz POC. The EBiz POC is then expected to log in to Grants.gov and authorize the appropriate roles, which may include the AOR role, thereby giving you permission to complete and submit applications on behalf of the organization. You will be able to submit your application online any time after you have been assigned the AOR role. For detailed instructions about creating a profile on Grants.gov, refer to: https://www.grants.gov/web/grants/applicants/registration/authorize-roles.html

***Track Role Status*:** To track your role request, refer to: https://www.grants.gov/web/grants/applicants/registration/track-role-status.html

When applications are submitted through Grants.gov, the name of the organization's AOR that submitted the application is inserted into the signature line of the application, serving as the electronic signature. The EBiz POC must authorize individuals who are able to make legally binding commitments on behalf of the organization as a user with the AOR role; this step is often missed and is crucial for valid and timely submissions.

How to Submit an Application to ACF via Grants.gov

Grants.gov applicants can apply online using Workspace. Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different webforms within an application. For each NOFO, you can create individual instances of a workspace.

For an overview of applying on Grants.gov using Workspaces, refer to: https://www.grants.gov/web/grants/applicants/workspace-overview.html

***Create a Workspace*:** Creating a workspace allows you to complete an application online and route it through your organization for review before submitting.

***Complete a Workspace*:** Add participants to the workspace to work on the application together, complete all the required forms online or by downloading PDF versions, and check for errors before submission. The Workspace progress bar will display the state of your application process as you apply. As you apply using Workspace, you may click the blue question mark icon near the upper-right corner of each page to access context-sensitive help.

***Adobe Reader*:** If you decide not to apply by filling out webforms you can download individual PDF forms in Workspace. The individual PDF forms can be downloaded and saved to your local device storage, network drive(s), or external drive(s), then accessed through Adobe Reader.

NOTE: Visit the Adobe Software Compatibility page on Grants.gov to download the appropriate version of the software at: https://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html

***Mandatory Fields in Forms*:** In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.

***Complete SF-424 Fields First*:** These forms are designed to fill in common required fields across other forms, such as the applicant name, address, and SAM UEI. Once it is completed, the information will transfer to the other forms.

***Submit a Workspace*:** An application may be submitted through Workspace by clicking the Sign and Submit button on the Manage Workspace page, under the Forms tab. Grants.gov recommends submitting your application **at least 24-48 hours prior to the close date** to provide you with time to correct any potential technical issues that may disrupt the application submission.

***Track a Workspace*:** After successfully submitting a Workspace application, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the application. The number will be listed on the Confirmation page that is generated after submission. Using the

tracking number, access the Track My Application page under the Applicants tab or the Details tab in the submitted workspace.

For additional training resources, including video tutorials, refer to: https://www.grants.gov/web/grants/applicants/applicant-training.html

Grants.gov provides applicants 24/7 support via the toll-free number 1-800-518-4726 and email at support@grants.gov. For questions related to the specific funding opportunity, contact the number listed in the application package of the grant you are applying for.

If you are experiencing difficulties with your submission, it is best to call the Grants.gov Support Center and get a ticket number. The Support Center ticket number will assist ACF with tracking and understanding background information on the issue.

Timely Receipt Requirements and Proof of Timely Submission

All applications must be received by 11:59 pm ET on the due date established for each program. Proof of timely submission is automatically recorded by Grants.gov. An electronic date/time stamp is generated within the system when the application is successfully received by Grants.gov. The applicant AOR will receive an acknowledgment of receipt and a tracking number (GRANTXXXXXXXX) from Grants.gov with the successful transmission of their application. Applicant AORs will also receive the official date/stamp and Grants.gov Tracking number in an email serving as proof of their timely submission.

When ACF successfully retrieves the application from Grants.gov, and acknowledges the download of submission, Grants.gov will provide an electronic acknowledgment of receipt of the application to the email address of the applicant with the AOR role. Again, proof of timely submission shall be the official date and time that Grants.gov receives your application.

Applications received by Grants.gov after the established due date for the program will be considered late and will not be considered for funding by ACF.

Applicants with slow internet connections should be aware that transmission can take some time before Grants.gov receives your application. Therefore, applicants should allow enough time to prepare and submit the application before the package closing date.

Grants.gov will provide either an error or a successfully received submission message in the form of an email sent to the applicant with the AOR role.

Issues with Federal Systems

For any systems issues experienced with Grants.gov or SAM.gov, please refer to ACF's "Policy for Applicants Experiencing Federal Systems Issues" document for complete guidance.

Request an Exemption from Required Electronic Application Submission

To request an exemption from required electronic submission, please refer to ACF's "Policy for Requesting an Exemption from Required Electronic Application Submission" document for complete guidance.

Paper Format Application Submission

An exemption is required for the submission of paper applications. See the preceding section on "*Request an Exemption from Required Electronic Application Submission.*"

Applicants with exemptions that submit their applications in paper format, by mail or delivery, must submit one original and two copies of the complete application with all attachments. The original and each of the two copies must include all required forms, certifications, assurances, and appendices, be signed by the AOR, and be unbound. The original copy of the application must have original signature(s). See *Section IV.7. Other Submission Requirements* of this funding opportunity for address information for paper format application submissions. Applications submitted in paper format must be received by 4:30 pm ET on the due date.

Applicants may refer to *Section VIII. Other Information* for a checklist of application requirements that may be used in developing and organizing application materials. Details concerning acknowledgment of received applications are available in *Section IV.4. Submission Dates and Times* in this funding opportunity.

IV.3. Unique Entity Identifier (UEI) and System for Award Management (SAM)

All applicants must have a UEI and an active registration with SAM (https://www.sam.gov) prior to applying to a funding opportunity.

All applicants are required to maintain an active SAM registration until the application process is complete. If a grant is awarded, the SAM registration must be active throughout the life of the award. Your SAM registration must be renewed every 365 days to keep it active.

Plan ahead. Allow at least 10 business days after you submit your registration for it to become active in SAM and at least an additional 24 hours before that registration information is available in other government systems, i.e., Grants.gov.

This action should allow you time to resolve any issues that may arise. Failure to comply with these requirements may result in your inability to submit your application through Grants.gov or prevent the award of a grant. Applicants should maintain documentation (with dates) of their efforts to request a UEI, register for, or renew a registration, at SAM.

Please see the "Help" tab at https://sam.gov/content/help for more information and assistance with this process.

HHS requires all entities that plan to apply for, and ultimately receive, federal grant funds from any HHS Agency to:

- Be registered in SAM prior to submitting an application or plan;
- Maintain an active SAM registration with current information at all times during which it has an active award or an application or plan under consideration by an OPDIV;
- Provide its UEI in each application or plan it submits to the OPDIV; and
- Ensure any proposed subrecipient(s) have obtained and provided to the recipient their UEI(s) prior to making any subawards (**Note:** Subrecipients are not required to complete full SAM registration.).

ACF is prohibited from making an award until an applicant has complied with these requirements. At the time an award is ready to be made, if the intended recipient has not complied with these requirements, ACF:

- May determine that the applicant is not qualified to receive an award; and
- May use that determination as a basis for making an award to another applicant.

IV.4. Submission Dates and Times

07/05/2022

Due Dates for Applications
Due Date for Applications 07/06/2022

07/06/2022
Due Date for Applications:

FY 2022: **July 6, 2022** (Project Period: November 1, 2022, to October 31, 2025)
FY 2023: **July 6, 2023** (Project Period: November 1, 2023, to October 31, 2026)
FY 2024: **July 8, 2024** (Project Period: November 1, 2024, to October 31, 2027)

Explanation of Due Dates

The due date for receipt of applications is listed in the *Overview* section and in this section. See *Section III.3. Other, Application Disqualification Factors*.

Electronic Applications
The deadline for submission of electronic applications via Grants.gov is 11:59 pm ET on the due date. Electronic applications submitted at 12:00 am ET on the day after the due date will be considered late and will be disqualified from competitive review and funding under this funding opportunity.

Applicants are required to submit their applications electronically via Grants.gov unless they received an exemption through the process described in *Section IV.2. Request an Exemption from Required Electronic Application Submission.*

ACF does not accommodate transmission of applications by email or facsimile.

Instructions for electronic submission via Grants.gov are available at: www.grants.gov/web/grants/applicants/apply-for-grants.html.

Applications submitted to Grants.gov at any time during the open application period prior to the due date and time that fail the Grants.gov validation check will not be received at ACF. These applications will not be acknowledged.

Mailed Paper Format Applications
The deadline for receipt of mailed, paper applications is 4:30 pm ET on the due date. Mailed paper applications received after the due date and deadline time will be considered late and will be disqualified from competitive review and funding under this funding opportunity.

Paper format application submissions will be disqualified if the applicant organization has not received an exemption through the process described in *Section IV.2. Request an Exemption from Required Electronic Application Submission*.

Hand-Delivered Paper Format Applications
Hand-delivered applications must be received on, or before, the due date listed in the *Overview* and in this section. These applications must be delivered between the hours of 8:00 am ET and 4:30 pm ET Monday through Friday (excluding federal holidays).

Applications should be delivered to the address provided in *Section IV.7. Other Submission Requirements*.

Hand-delivered paper applications received after the due date and deadline time will be considered late and will be disqualified from competitive review and funding under this funding opportunity.

Hand-delivered paper format application submissions will be disqualified if the applicant organization has not received an exemption through the process described in *Section IV.2. Request an Exemption from Required Electronic Application Submission*.

No appeals will be considered for applications classified as late under the following circumstances:

- Applications submitted electronically via Grants.gov are considered late when they are dated and time-stamped after the deadline of 11:59 pm ET on the due date.
- Paper format applications received by mail or hand-delivery after 4:30 pm ET on the due date will be classified as late and will be disqualified.
- Paper format applications received from applicant organizations that were not approved for an exemption from required electronic application submission under the process described in *Section IV.2. Request an Exemption from Required Electronic Submission* will be disqualified.

Emergency Extensions

ACF may extend an application due date when circumstances make it impossible for an applicant to submit their applications on time. Only events such as documented natural disasters (floods, hurricanes, tornados, etc.), or a verifiable widespread disruption of electrical service, or mail service, will be considered. The determination to extend or waive the due date, and/or receipt time, requirements in an emergency situation rests with the Grants Management Officer listed as the Office of Grants Management Contact in *Section VII. HHS Awarding Agency Contact(s)*.

Acknowledgement of Received Application

Acknowledgement from Grants.gov

Applicants will receive an initial email upon submission of their application to Grants.gov. This email will provide a **Grants.gov Tracking Number**. Applicants should refer to this tracking number in all communication with Grants.gov. The email will also provide a **date and time stamp**, which serves as the official record of the application's submission**.** Receipt of this email does not indicate that the application is accepted or that it has passed the validation check.

Applicants will also receive an email acknowledging that the received application is in the **Grants.gov validation process**, after which a third email is sent with the information that the submitted application package has passed, or failed, the series of checks and validations.

Applications that are submitted on time that fail the validation check will not be transmitted to ACF and will not be acknowledged by ACF.

Acknowledgement from ACF of an electronic application's submission:

Applicants will be sent additional email(s) from ACF acknowledging that the application has been retrieved from Grants.gov by ACF. Receipt of these emails is not an indication that the application is accepted for competition.

Acknowledgement from ACF of receipt of a paper format application:
ACF will not provide acknowledgement of receipt of hard copy application packages submitted via mail or courier services.

IV.5. Intergovernmental Review

This program is not subject to Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs," or 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." No action is required of applicants under this funding opportunity with regard to E.O. 12372.

IV.6. Funding Restrictions

Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred to raise capital or obtain contributions are unallowable. Fund raising costs for the purposes of meeting the Federal program objectives are allowable with prior written approval from the Federal awarding agency. (45 CFR § 75.442)

Proposal costs are the costs of preparing bids, proposals, or applications on potential Federal and non-Federal awards or projects, including the development of data necessary to support the non-Federal entity's bids or proposals. Proposal costs of the current accounting period of both successful and unsuccessful bids and proposals normally should be treated as indirect (F&A) costs and allocated currently to all activities of the non-Federal entity. No proposal costs of past accounting periods will be allocable to the current period. (45 CFR § 75.460)

Pre-award costs are not allowable.

Construction is not an allowable activity or expenditure under this award.

Purchase of real property is not an allowable activity or expenditure under this award.

Major renovation is not an allowable activity or expenditure under this award.

Acquisition, construction, and major renovation of real property is unallowable under this grant award. For more information, see Property Guidance pages including Property Glossary and Unallowable Property Costs.

Minor A&R is an allowable cost, as long as it does not exceed the major renovation threshold and the non-federal entity obtains the required post-award prior written approval from ORR and OGM, if not included with the application. Any minor A&R considered a capital expenditure may be an allowable cost so long as it 1) complies with federal regulations (e.g., 45 CFR §§ 75.407, 75.439, 75.462) including the prior written approval requirements, and 2) does not equal to or exceed the identified major renovation threshold. For more information, refer to *Section I. Program Description, Post-Award Requirements, Property, Minor Alterations and Renovations (A&R) of Real Property.*

ACF reserves the right to request and access any documents, papers, or other records of the recipient that are pertinent to the federal award. See HHS GPS II-86 and 45 CFR § 75.364.

As referenced in 45 CFR § 75.216(b), HHS funds awarded under this grant are prohibited from being paid as profit to any recipient, as well as subawards to such entities, even if they are a commercial organization. Profit is defined as any amount in excess of allowable direct and indirect costs.

No funds may be charged to this award for UC medical services as this is provided under a separate ORR-managed care program. Medical services include treatment authorization requests for office visits (e.g., primary care, specialty consultations, mental health, and dental care), laboratory tests, surgeries and procedures, physical therapy, and other specialized health treatments. Care providers may only use grant funds to pay for certain medical expenses, such as medical supplies and medical personnel.

Each year, HHS appropriations includes a prohibition stating that none of the funds appropriated may be expended for an abortion, except in cases where pregnancy is a result of rape or incest or where the woman suffers from a physical disorder; physical injury; or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, and that would, as certified by a physician, place the woman in danger of death unless an abortion is performed (See Consolidated Appropriations Act, 2021, Public Law 116- 260, 506, 507).

Budgeting for digital fingerprint equipment and ink-less fingerprint equipment must not be included as a component of the applicant's budget. Digital and/or ink-less fingerprint equipment is provided by ORRs security representative. ORR security representative provides the required equipment maintenance and operational supplies. Additional consideration must be taken to budget for staff time, a dedicated phone line (land line), copy/faxing services, and expedited mailing of ink-less prints.

IV.7. Other Submission Requirements

Submit paper applications to one of the following addresses. Also see *ACF Policy for Requesting an Exemption from Required Electronic Application Submission at www.acf.hhs.gov/grants/howto#chapter-6*.

Submission by Mail
UC Operations Center
c/o F2 Solutions
Attn: HHS-2022-ACF-ORR-ZU-0157
1401 Mercantile Lane
Suite 401
Largo
MD
20774

Hand Delivery
Same as Above

Electronic Submission

See *Section IV.2.* for application requirements and for guidance when submitting applications electronically via Grants.gov.

For all submissions, see *Section IV.4. Submission Dates and Times*.

V. Application Review Information

V.1. Criteria

Please note: With the exception of the notice of funding opportunity and relevant statutes and regulations, reviewers must not access, or review, any materials that are not part of the application documents. This includes information accessible on websites via hyperlinks that are referenced, or embedded, in the application. Though an application may include web links, or embedded hyperlinks, reviewers must not review this information as it is not considered to be part of the application documents. Nor will the information on websites be taken into consideration in scoring of evaluation criteria presented in this section. Reviewers must evaluate and score an application based on the documents that are presented in the application and must not refer to, or access, external links during the objective review.

Applications competing for financial assistance will be reviewed and evaluated using the criteria described in this section. The corresponding point values indicate the relative importance placed on each review criterion. Points will be allocated based on the extent to which the application proposal addresses each of the criteria listed. Applicants should address these criteria in their application materials, particularly in the project description and budget justification, as they are the basis upon which competing applications will be judged during the objective review. The required elements of the project description and budget justification may be found in *Section IV.2. The Project Description* of this funding opportunity.

PROGRAM DESIGN AND SERVICE PROVISION **Maximum Points:** 30

The application will be reviewed for the overall program design and the applicant's ability to explain the required services to be provided by the applicant, and if applicable, subrecipient(s). This will be evidenced by the following:

- Detailed documentation and evidence supporting the applicant's ability and/or experience in providing the required program services indicated in the *Section I. Program Description, Program Requirements* for either shelter and/or TFC, within ORR-specified timeframes. (0-4 points)
- Clear description of the overall program design for either shelter and/or TFC and a plan for the provision of the services listed (i.e., medical services, ISP, education, etc.) in *Section I. Program Description, Program Requirements.* The description must include the ability to adhere to the time frames required for the provisions of services. (0-3 points)
- Detailed information on how program activities, services, and materials are developed and provided in a manner that is appropriate for the target population, taking into account the culture, native language, and special needs of UC for either shelter and/or TFC. (0-3 points)
- Detailed plan to identify and address the specialized needs of the UC population, including victims of trafficking and risk factors for potential sexual victimization or sexual abuser tendencies. (0-5 points)

- Detailed description of how the applicant's behavior management plan will be developed and implemented as required in *Section I. Program Description, Program Requirements, Rules/Behavior Management* for either shelter and/or TFC. Description must identify how the behavior management plan is strength-based and meets child welfare best practices. In addition, a description of how the applicant's behavior management plan takes into consideration the range of ages and maturity levels of UC and is culturally sensitive. (0-2 points)
- Provides detailed supporting documentation and description of experience in providing appropriate case management services, for shelter and/or TFC, such as ISP. Documentation must evidence the applicant's experience with providing case management services to the UC population, cross cultural/international, and/or domestic children. (0-3 points)
- Detailed plan on how the applicant will identify, assess, and release UC with eligible domestic sponsors in a timely manner. The plan identifies applicant's ability to facilitate safe and timely release of UC including, but not limited to, identifying sponsor(s), evaluating the suitability of the sponsor, and verifying sponsor's identity and relationship to the UC according to the requirements outlined in *Section I. Program Description, Program Requirements, Safe and Timely Release Services*. (0-10 points)

PROGRAM MANAGEMENT **Maximum Points:** 25

The application will be reviewed for the capacity of the applicant and, if applicable, subrecipient(s) to develop and manage a UC program by assessing the following:

- Comprehensive and concisely written overview of the applicant's organization, including qualifications, history, and organizational mission and goals. Evidence that the applicant's and subrecipient's, if applicable, key staff having sufficient and relevant experience, knowledge, and capability to implement and manage either a shelter and/or TFC program. (0-5 points)
- Detailed plan to provide child welfare services to UC with special needs, victims of trafficking, and minors from various cultural backgrounds with various language capabilities. (0-5 points)
- Clear and comprehensive organizational structure of the proposed program for either shelter and/or TFC that describes delineation of authority, roles and responsibilities, and supervision across the entire organization, allowing for communication and coordination between the various program components and partner agencies. Applicant addresses the educational and professional experience required for key positions according to requirements outlined in *Section I. Program Description, Program Staffing Requirements*. (0-5 points)
- Detailed plan to screen, hire, and train staff to meet state child placement licensing and ORR requirements. Training must address elements specific to working with the UC population, prevention and intervention in child abuse and neglect, local reporting procedures, and staff code of conduct. (0-4 points)
- Comprehensive plan to implement HHS IFR: Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving UC (45 CFR Part 411), and ORR's sexual abuse and harassment policies including, but not limited to, assigning a PSA Staff

Coordinator, appropriate screening of new hires, developing internal policy documents, and training staff and UCs on these policies. (0-3 points)

- Documentation of a detailed, thorough, and realistic description of recruitment and retention staffing plan taking into consideration the needs of the target population. Detailed plan for completing background checks for all individuals working with UCs (e.g., staff, contractors, volunteers, etc.) (0-3 points)

ADMINISTRATIVE AND SERVICE ENVIRONMENT Maximum Points: 15

The application will be reviewed for the applicant's and, if applicable, subrecipient(s), information regarding the geographic location(s), community services, and program design(s) to adequately support program services by assessing the following:

- Comprehensive description of overall program service environment for either shelter and/or TFC with documentation supporting its ability to provide the required program services indicated in *Section I. Program Description, Program Requirements.* (0-5 points)
- Clear description of the proposed facility(ies) and/or foster homes, including description of sleeping arrangements, food preparation, kitchen and dining area, office space, rest rooms, outside recreation areas, designated personal telephone call space, isolation/quarantine room, and living space. (0-3 points)
- Documentation of facility(ies)/foster homes accessibility to immigration court, airports, fire, police, and the local community. Facilty(ies)/foster homes must meet all relevant zoning, fire, safety, and health codes required to operate a residential-based social service program. Detailed information regarding type of state child placement licensure, including information on capacity, age/gender permitted, and length of stay allowable; allegations/concerns of abuse and neglect; and denial, suspension, and/or revocation of licensure (state child placement license and facility license) to provide any child-welfare related services. (0-3 points)
- Explanation and documentation of real property(ies) (e.g., ownership type, leasing agreement(s), and/or draft lease/intent to lease letter(s)) to include evidence of complete lease or letter of intent documentation provided in accordance with *Section IV.2. The Project Description, Approach, Administrative and Service Environment.* (0-2 points)
- Documented evidence/references or letters of local community support and acceptance of the applicant's program. This should include established relationships and/or MOUs with local emergency services (i.e., police, fire), medical and mental health agencies (i.e., local health department), religious and community organizations, and state child placement licensing offices' recommendations for serving UC. (0-2 points)

PROGRAM PERFORMANCE EVALUATION PLAN Maximum Points: 15

The application will be reviewed for evidence of the applicant's and if applicable, the subrecipient(s), capacity to manage proper documentation and reporting with regard to the proposed program, including internal accountability and plan for monitoring of performance through evaluation and other measures. Evidence of the following must be provided:

- Clear description of an effective model for programmatic control, predictability, and accountability as evidenced by the program design for either shelter and/or TFC. (0-5 points)
- Detailed evaluation methodology based on performance as evidenced by focus on child welfare practices, particularly child safety; safe and timely release performance; and ability to ensure timely and appropriate release for UC with potential sponsors. Measures that effectively track performance in this area must be described in detail. Documentation of an effective plan to monitor subrecipient(s), if applicable, in accordance with 45 CFR § 75.352. (0-5 points)
- Ability to maintain adequate electronic and/or hard copy records, including client files, medical files, financial files, and personnel files. Ability to produce reports that track demographics and program performance; effective monitoring and enforcement of the Flores Settlement Agreement; federal requirements, including ORR policies and procedures; and other requirements and standards. (0-3 points)
- Proposes an effective and efficient plan to operate the Official System of Record and to upload all appropriate UC forms and file information within the timeframes indicated in *Section I. Program Description, Program Requirements, Important Timeframes*. (0-2 points)

BUDGET AND BUDGET JUSTIFICATION **Maximum Points:** 15

The application will be reviewed for fiscal soundness and accountability of the applicant and, if applicable, subrecipient(s), by assessing the following:

- Accurate and detailed budget and budget justification noting line-item expenses with specific detail for understanding per-item costs for the applicant to include the following: a budget for each proposed real property delineated by facility name and location, inclusion of the names of staff for positions already filled, and level of effort (percentage dedicated to the project). (0-5 points)
- Documentation of costs that are necessary, reasonable, allocable, and program-related, and are commensurate with the types and range of activities to be conducted, to include a sound plan in compliance with the funding restrictions as noted in *Section IV.6. Funding Restrictions*. (0-6 points)
- Comprehensive plan for overall fiscal management, including internal and third-party financial monitoring systems, which demonstrate structure and accountability for applicant and any subrecipient(s) and/or contractors. (0-2 points)
- Documentation of most recent financial audit management letter or summary report, including the disclosure of any findings or recommendations noted in the most recently completed single audit. (0-2 points)

BONUS POINTS **Maximum Points:** 5

Applicants proposing to provide shelter or group home residential services to UC in a small setting facility(ies) of 24 maximum bed capacity. The applicant can propose multiple facilities with various capacity under this SNOFO.

BONUS POINTS **Maximum Points:** 10

An applicant proposing to provide residential services to UC in a facility(ies), including foster care providers, located in the geographic locations listed below. The applicant can propose multiple facilities in the specified geographic locations that ORR has identified with a high saturation of viable sponsors under this SNOFO. These states were selected based on data that identifies a gap of over 1500 beds where sponsors are located versus ORR currently funded bed capacity. Applicants may receive bonus points for having facilities in the following states. A maximum of 10 bonus points may be awarded, with no more than one point issued per each state proposed.

- Louisiana (1 point)
- California (1 point)
- New York (1 point)
- New Jersey (1 point)
- Virginia (1 point)
- Maryland (1 point)
- Tennessee (1 point)
- North Carolina (1 point)
- Georgia (1 point)
- Massachusetts (1 point)

(For example, if an applicant has five facilities in New York, five facilities in New Jersey, and one facility in Maryland, the applicant may be awarded three bonus points.)

V.2. Review and Selection Process

No grant award will be made under this funding opportunity on the basis of an incomplete application. No grant award will be made to an applicant that does not have a UEI and an active SAM registration. See *Section IV.3. Unique Entity Identifier (UEI) and System for Award Management (SAM)*.

Initial ACF Screening

Each application will be screened to determine whether it meets any of the disqualification factors described in *Section III.3. Other, Application Disqualification Factors*.

Disqualified applications are considered to be "non-responsive" and are excluded from the competitive review process. Applicants will be notified of a disqualification determination by email or by USPS postal mail within 30 federal business days from the closing date of this NOFO.

Objective Review and Results

Applications competing for financial assistance will be reviewed and evaluated by objective review panels using only the criteria described in *Section V.1. Criteria* of this funding opportunity. Each panel is composed of experts with knowledge and experience in the area under review. Generally, review panels include three reviewers and one chairperson.

Results of the competitive objective review are taken into consideration by ACF in the selection of projects for funding; however, objective review scores and rankings are not binding. Scores and rankings are only one element used in the award decision-making process. If identified in *Section I. Program Description*, ACF reserves the right to consider preferences to fund organizations serving emerging, unserved, or under-served populations, including those populations located in pockets of poverty. In addition, ACF reserves the right to evaluate applications in the larger context of the overall portfolio by considering geographic distribution of federal funds (e.g., ensuring coverage of states, counties, or service areas) in its pre-award decisions.

ACF may elect not to fund applicants with management or financial problems that would indicate an inability to successfully complete the proposed project. In addition, ACF may elect to not allow a prime recipient to subaward if there is any indication that they are unable to properly monitor and manage subrecipients.

Applications may be funded in whole or in part. Successful applicants may be funded at an amount lower than that requested.

ACF may refuse funding for projects with what it regards as unreasonably high start-up costs for facilities or equipment, or for projects with unreasonably high operating costs.

ACF does not fund concurrent projects, i.e., funding a recipient to provide the same type of services in the same facility. ORR and OGM will be coordinating with ACF's Office of Government Contracting Services to ensure that there is no duplication in services and funding for the same services between grants and contracts funding UC efforts.

For existing recipients, past performance will also be considered in the selection of awards. ORR will also consider the ability of applicants to provide additional Shelter and TFC beds within existing facilities for future influxes.

Federal Financial Review of Proposed UC Projects

ORR and OGM staff will perform an internal review and analysis of the applications ranked highest in the panel's review and scoring. This internal review is used to determine the application's consistency with the requirements of the *Flores S*ettlement Agreement; pertinent HHS regulations and laws; pertinent SCA provisions; and ORR policies, instructions, and procedures. In addition, a review will be conducted by OGM of all leases and associated costs to ensure that they comply with federal regulations and SNOFO requirements. ACF reserves the right to reduce the budget due to unallowable costs (e.g., rental costs, indirect costs, etc.).

For those applicants that have proposed an alternative approach, ORR will review the applicant's proposal and reserves the right to negotiate with applicants on their alternative approach and revise budgets and activities accordingly.

Federal Awarding Agency Review of Risk Posed by Applicants

ACF is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information System (FAPIIS), www.fapiis.gov/, before making any award in excess of the simplified acquisition threshold over the period of

performance. An applicant may review and comment on any information about itself that a federal awarding agency has previously entered into FAPIIS. ACF will consider any comments by the applicant, in addition to other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 45 CFR § 75.205(a)(2) Federal Awarding Agency Review of Risk Posed by Applicants.

Non-Federal Reviewers Reference
Please refer to *Section IV.2. Required Forms, Assurances, and Certifications* of this funding opportunity for information on non-federal reviewers in the review process.

Approved but Unfunded Applications
Applications recommended for approval in the objectives review process, but not selected for award may receive funding if additional funds become available in the current Fiscal Year. For those applications determined as "approved but unfunded," notice will be given of the determination by email.

V.3. Anticipated Announcement and Federal Award Dates

Announcement of awards and the disposition of applications will be provided to applicants at a later date. ACF staff cannot respond to requests for information regarding funding decisions prior to the official applicant notification.

VI. Federal Award Administration Information

VI.1. Federal Award Notices

Successful applicants will be notified through the issuance of a NoA that sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which initial support will be given, the non-federal share to be provided (if applicable), and the total project period for which support is contemplated. The NoA will be signed by the Grants Officer and transmitted via email or by GrantSolutions, or the Head Start Enterprise System (HSES), whichever is
relevant.

Following the finalization of funding decisions, organizations whose applications will not be funded will be notified by letter signed by the cognizant Program Office head. Any other correspondence that announces to a Principal Investigator, or a Project Director, that an application was selected is not an authorization to begin performance.

Information on allowable pre-award costs and the time period under which they may be incurred is available in *Section IV.6. Funding Restrictions,* if applicable. Project costs that are incurred prior to the receipt of the NoA are at the recipient's risk.

Recipients may translate the Federal award and other documents into another language. In the event of inconsistency between any terms and conditions of the Federal award and any translation into another language, the English language meaning will control. Where a significant portion of the recipient's employees who are working on the Federal award are not fluent in English, the recipient must provide the Federal award in English and in the language(s) with which employees are more familiar.

VI.2. Administrative and National Policy Requirements

Administrative and National Policy Requirements

Awards issued under this funding opportunity are subject to 45 CFR Part 75 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards currently in effect or implemented during the period of award, other Department regulations and policies in effect at the time of award, and applicable statutory provisions. The Code of Federal Regulations (CFR) is available at www.ecfr.gov. Unless otherwise noted in this section, administrative and national policy requirements that are applicable to discretionary grants are available at: www.acf.hhs.gov/administrative-and-national-policy-requirements.

An application funded with the release of federal funds through a grant award does not constitute or imply compliance with federal regulations. Funded organizations are responsible for ensuring that their activities comply with all applicable federal regulations.

Please review all HHS regulatory provisions for Termination at 2 CFR § 200.340.

HHS Grants Policy Statement

The HHS Grants Policy Statement (HHS GPS) is the Department of Health and Human Services' single policy guide for discretionary grants and cooperative agreements. ACF grant awards are subject to the requirements of the HHS GPS, which covers basic grants processes, standard terms and conditions, and points of contact, as well as important agency-specific requirements. The general terms and conditions in the HHS GPS will apply as indicated unless there are statutory, regulatory, or award-specific requirements to the contrary that are specified in the NoA. The HHS GPS is available at https://www.acf.hhs.gov/grants/discretionary-post-award-requirements#book_content_0.

Equal Treatment of Faith-Based Organizations

A faith-based organization that participates in this program will retain its independence from the federal government and may continue to carry out its mission consistent with religious freedom, nondiscrimination, and conscience protections in federal law, including the Free Speech and Free Exercise Clauses of the First Amendment of the U.S. Constitution, the Religious Freedom Restoration Act (42 U.S.C. 2000bb *et seq.*), the Coats-Snowe Amendment (42 U.S.C. 238n), Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1(a) and 2000e–2(e)), Americans with Disabilities Act, 42 U.S.C. 12113(d)(2), section 1553 of the Patient Protection and Affordable Care Act (42 U.S.C. 18113), the Weldon Amendment (e.g., Further Consolidated Appropriations Act, 2020, Public Law 116–94, 133 Stat. 2534, 2607, div. A, sec. 507(d) (Dec. 20, 2019)), or any related or similar federal laws or regulations. Religious accommodations may also be sought under many of these religious freedom and conscience protection laws.

Consistent with 45 CFR § 87.3(b), a faith-based organization that receives direct financial assistance from HHS may not engage in any explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization) as part of the programs or services funded with direct financial assistance from the HHS awarding agency. Such an organization, whether faith-based or not, also shall not, in providing services funded by HHS, discriminate against a program beneficiary or prospective program beneficiary

on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice, as provided in 45 CFR § 87.3(d).

The recipient acknowledges its obligation to comply with 45 CFR Part 87 "Equal Treatment For Faith-Based Organizations," including the requirement that all faith-based or religious organizations are eligible, on the same basis as any other organization, to participate in this and any program for which they are otherwise eligible. Thus, the recipient agrees that when selecting service providers or subrecipients, it will not discriminate for or against any organization on the basis of the organization's religious character or affiliation as indicated in 45 CFR § 87.3(a). For further information visit https://www.acf.hhs.gov/administrative-and-national-policy-requirements#chapter-4.

Service Contract Act (SCA)
This award is also subject to the provisions of the SCA and its implementing regulations at 29 CFR Part 4, including the SCA labor standards clauses found at Appendix A, which set forth obligations under the SCA wage determinations for the localities in which Residential (Shelter and/or Transitional Foster Care) Services for Unaccompanied Children may be performed and may be found at https://alpha.sam.gov/content/wage-determinations. The applicable wage determinations are set forth for the various classes of service employees to be employed in furnishing services and the minimum monetary wage rates to be paid and minimum fringe benefits to be furnished to them during the periods when they are engaged in the performance of SCA-covered services. For additional information on the provisions of the SCA, please visit: https://www.dol.gov/agencies/whd/government-contracts/service-contracts. This award is also subject to Executive Order 14026, Increasing the Minimum Wage for Federal Contractors, and its implementing regulations at 29 CFR Part 23 **(Appendix B)**; and Executive Order 13706, Establishing Paid Sick Leave for Federal Contractors, and its implementing regulations at 29 CFR Part 13 **(Appendix C**). For additional information on the Minimum Wage and Paid Sick Leave requirements, please visit: https://www.dol.gov/agencies/whd/government-contracts/minimum-wage and https://www.dol.gov/agencies/whd/government-contracts/sick-leave.

Pursuant to authority provided to federal agencies under 45 CFR § 75.101(c), ACF is exercising its discretion to make awards issued through this SNOFO to for-profit entities, as well as subawards to such entities, subject to subparts A-E of 45 CFR Part 75, notwithstanding provisions of Part 75 that may otherwise exclude for-profit recipients and subrecipients from certain subparts of Part 75.

Pertinent Federal Laws and Regulations for the UC Program
Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019, Public Law 116-26 (Jul. 1, 2019)

Further Consolidated Appropriations Act, 2020, Public Law 116-94 (Dec. 20, 2019)

Further Consolidated Appropriations Act, 2021, Public Law 116-260 (Dec. 27, 2020)

Extending Government Funding and Delivering Emergency Assistance Act, 2021, Public Law 117-43 (Sep. 30, 2021)

Further Extending Government Funding Act, 2021, Public Law 117-70 (Dec. 3, 2021)

Consolidated Appropriations Act, 2022, Public law 117-103 (Mar. 15, 2022)

HSA of 2002, Public Law No. 107-296, H.R. 5005, 107th Cong.

HHS IFR: Standards To Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving UC, 45 CFR Part 411

J.D. v. Azar, No. 18-5093 (D.C. Cir. 2019)

Preventing Sex Trafficking and Strengthening Families Act. Public Law 113-183, H.R. 4980, 113th Cong.

Reno v. Flores Settlement Agreement, No. 91-905, 507 U.S. 292 (1993)

TVPRA 2008, Public Law No. 110-457 (December 23, 2008)

VAWA 2013, title XI, § 1101(c), Public Law 113-4 (March 7, 2013)

VI.3. Reporting

Performance Progress Reports:
Quarterly

Reporting Requirements

Recipients under this funding opportunity will be required to submit performance progress and financial reports periodically throughout the project period. Information on reporting requirements is available on the ACF website at www.acf.hhs.gov/discretionary-post-award-requirements#chapter-2.

For planning purposes, the frequency of required reporting for awards made under this funding opportunity are as follows:

Financial Reports:
Quarterly

Recipients under this SNOFO will be required to submit/administer forms to include, but not limited to, all forms listed under *Section I. Program Description, Post-Award Requirements, Required UC Reporting.*

The Federal Financial Accountability and Transparency Act (FFATA) requires data entry at the FFATA Subaward Reporting System (http://www.FSRS.gov) for all subawards and subcontracts issued for $30,000 or more as well as addressing executive compensation for both recipient and subaward organizations. 2 CFR § 170.220(a)

NOTE: Consistent with the PRA of 1995, 44 U.S.C 3501-3521, under this SNOFO, ORR will not conduct or sponsor, and a person is not required to respond to, a collection of information

covered by such Act, unless it displays a currently valid OMB control number. ORR will not request any information if any forms are not approved at the time that reports are due.

VII. HHS Award Agency Contact(s)

Program Office Contact
Leandra
Naranjo
Administration for Children and Families
Division of Children's Services
Mary E. Switzer Building
330 C Street, SW.
Washington,
DC
20201
(202) 893-5577
DCS_ProjectOfficers@acf.hhs.gov

Office of Grants Management Contact
Karen
Code
Administration for Children and Families
Office of Grants Management
Family Protection and Resilience Portfolio
Mary E. Switzer Building
330 C Street, SW.
Washington
DC
20201
(202) 401-6888
Karen.Code@acf.hhs.gov

Federal Relay Service:
Hearing-impaired and speech-impaired callers may contact the Federal Relay Service (FedRelay) at www.gsa.gov/fedrelay.

VIII. Other Information

Reference Websites

U.S. Department of Health and Human Services (HHS) www.hhs.gov/.

Administration for Children and Families (ACF) www.acf.hhs.gov/.

ACF Funding Opportunities Forecasts and NOFOs www.grants.gov/.

ACF "How To Apply For A Grant" https://www.acf.hhs.gov/grants/how-apply-grant.

ACF Property Guidance https://www.acf.hhs.gov/grants/real-property-and-tangible-personal-property

Grants.gov Accessibility Information www.grants.gov/ web/grants/accessibility-compliance.html.

Code of Federal Regulations (CFR) http://www.ecfr.gov/.

United States Code (U.S.C.) http://uscode.house.gov/.

Please visit the ACF/ORR Website for more information: https://acf.hhs.gov/orr.

SCA wage determination website: https://www.acf.hhs.gov/orr/service-contract-act-wage-classifications.

SCA additional information on Provisions: https://www.dol.gov/agencies/whd/government-contracts/service-contracts.

SCA additional information minimum wage and paid sick leave requirements:https://www.dol.gov/agencies/whd/government-contracts/minimum-wage and https://www.dol.gov/agencies/whd/government-contracts/sick-leave.

Application Checklist

Applicants may use this checklist as a guide when preparing an application package.

What to Submit	Where Found	When to Submit
SF-424 - Application for Federal Assistance	Referenced in *Section IV.2.Required Forms, Assurances, and Certifications.* This form is available in the NOFO's forms package at www.Grants.gov in the Mandatory section.	Submission is due by the application due date found in the *Overview* and in *Section IV.4. Submission Dates and Times.*
Unique Entity Identifier (UEI) and System for Award Management (SAM) registration.	Referenced in *Section IV.3. Unique Entity Identifier (UEI) and System for Award Management (SAM)* in the funding opportunity. To obtain a UEI and SAM registration, go to http://www.sam.gov.	A UEI and registration at SAM.gov are required for all applicants. Active registration at SAM must be maintained throughout the application and project award period.
SF-424 Key Contact Form	Referenced in *Section IV.2. Required Forms, Assurances, and Certifications.* This form is available in the NOFO's forms package at www.Grants.gov.	Submission is due with the application by the application due date found in the *Overview* and in *Section IV.4.*

What to Submit	Where Found	When to Submit
		Submission Dates and Times.
Certification Regarding Lobbying (Grants.gov Lobbying Form)	Referenced in *Section IV.2. Required Forms, Assurances, and Certifications.* This form is available in the NOFO's forms package at www.Grants.gov.	Submission is due with the application package or prior to the award of a grant.
SF-424A - Budget Information - Non-Construction Programs and SF-424B - Assurances - Non- Construction Programs	Referenced in *Section IV.2. Required Forms, Assurances, and Certifications.* These forms are available in the NOFO's forms package at www.Grants.gov in the Mandatory section. They are required for applications that include only non-construction activities.	Submission is due by the application due date found in the *Overview* and in *Section IV.4. Submission Dates and Times.*
SF-Project/Performance Site Location(s) (SF-P/PSL)	Referenced in *Section IV.2.Required Forms, Assurances, and Certifications.* This form is available in the NOFO's forms package at www.Grants.gov.	Submission is due by the application due date found in the *Overview* and in *Section IV.4. Submission Dates and Times.*
SF-LLL - Disclosure of Lobbying Activities	"Disclosure Form to Report Lobbying" is referenced in *Section IV.2. Required Forms, Assurances, and Certifications.* This form is available in the NOFO's forms package at www.Grants.gov.	If submission of this form is applicable, it is due at the time of application. If not available at the time of application, it may also be submitted prior to the award of a grant.
Table of Contents	Referenced in *Section IV.2. The Project Description*.	Submit with the application by the due date found in the *Overview* and in *Section IV.4. Submission Dates and Times*.
Project Summary	Referenced in *Section IV.2. The Project Description.* The Project Summary is limited to one single-spaced page.	Submission is due by the application due date found in the *Overview* and

What to Submit	Where Found	When to Submit
		in *Section IV.4. Submission Dates and Times*.
Proof of Non-Profit Status	Referenced in *Section IV.2. The Project Description, Legal Status of Applicant Entity*.	Proof of non-profit status should be submitted with the application package by the application due date and time listed in the *Overview* and *Section IV.4.* of the NOFO. If it is not available at the time of application submission, it must be submitted prior to the award of a grant.
Mandatory Grant Disclosure	Requirement, submission instructions, and mailing addresses are found in the "Mandatory Grant Disclosure" in *Section IV.2. Required Forms, Assurances and Certifications*.	If applicable, concurrent submission to the Administration for Children and Families and to the Office of the Inspector General is required.
The Project Budget and Budget Justification	Referenced in *Section IV.2. The Project Budget and Budget Justification*.	Submission is required in addition to submission of SF-424A and / or SF-424C. Submission is required with the application package by the due date in the *Overview* and in *Section IV.4. Submission Dates and Times*.
Indirect Cost Rate Agreement (IDR)	Referenced in *Section IV.2. The Project Budget and Budget Justification*. The IDR must be submitted with the application package.	If the IDR is available by the application due date, it must be submitted with the application package.

What to Submit	Where Found	When to Submit
		If it is not available by the application due date, listed in the *Overview* and *Section IV.4. Submission Dates and Times*, it may be submitted prior to the award of a grant.
The Project Description	Referenced in *Section IV.2. The Project Description*.	Submission is due by the application due date found in the *Overview* and in *Section IV.4. Submission Dates and Times*.
Eligibility Documentation by For-Profit Organizations	Referenced in *Section IV.2. The Project Description, Legal Status of Applicant Entity*.	Submission is required with the application by the Application Due Date in the *Overview* and in *Section IV.4. Submission Dates and Times*.

Appendix

Appendix A: Service Contract Act (SCA)

(a) This contract is subject to the Service Contract Act of 1965, as amended (41 U.S.C. 351 *et seq.*) and is subject to the following provisions and to all other applicable provisions of the Act and regulations of the Secretary of Labor issued thereunder (29 CFR Part 4).

(b)

(1) Each service employee employed in the performance of this contract by the contractor, or any subcontractor shall be paid not less than the minimum monetary wages and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or authorized representative, as specified in any wage determination attached to this contract.

(2)

(i) If there is such a wage determination attached to this contract, the contracting officer shall require that any class of service employee which is not listed therein and which is to

be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed class of employees shall be paid the monetary wages and furnished the fringe benefits as are determined pursuant to the procedures in this section.

(ii) Such conforming procedure shall be initiated by the contractor prior to the performance of contract work by such unlisted class of employee. A written report of the proposed conforming action, including information regarding the agreement or disagreement of the authorized representative of the employees involved or, where there is no authorized representative, the employees themselves, shall be submitted by the contractor to the contracting officer no later than 30 days after such unlisted class of employees performs any contract work. The contracting officer shall review the proposed action and promptly submit a report of the action, together with the agency's recommendation and all pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, U.S. Department of Labor, for review. The Wage and Hour Division will approve, modify, or disapprove the action or render a final determination in the event of disagreement within 30 days of receipt or will notify the contracting officer within 30 days of receipt that additional time is necessary.

(iii) The final determination of the conformance action by the Wage and Hour Division shall be transmitted to the contracting officer who shall promptly notify the contractor of the action taken. Each affected employee shall be furnished by the contractor with a written copy of such determination or it shall be posted as a part of the wage determination.

(iv)

A. The process of establishing wage and fringe benefit rates that bear a reasonable relationship to those listed in a wage determination cannot be reduced to any single formula. The approach used may vary from wage determination to wage determination depending on the circumstances. Standard wage and salary administration practices which rank various job classifications by pay grade pursuant to point schemes or other job factors may, for example, be relied upon. Guidance may also be obtained from the way different jobs are rated under Federal pay systems (Federal Wage Board Pay System and the General Schedule) or from other wage determinations issued in the same locality. Basic to the establishment of any conformable wage rate(s) is the concept that a pay relationship should be maintained between job classifications based on the skill required and the duties performed.
B. In the case of a contract modification, an exercise of an option or extension of an existing contract, or in any other case where a contractor succeeds a contract under which the classification in question was previously conformed pursuant to this section, a new conformed wage rate and fringe benefits may be assigned to such conformed classification by indexing (i.e., adjusting) the previous conformed rate and fringe benefits by an amount equal to the average

(mean) percentage increase (or decrease, where appropriate) between the wages and fringe benefits specified for all classifications to be used on the contract which are listed in the current wage determination, and those specified for the corresponding classifications in the previously applicable wage determination. Where conforming actions are accomplished in accordance with this paragraph prior to the performance of contract work by the unlisted class of employees, the contractor shall advise the contracting officer of the action taken but the other procedures in paragraph (b)(2)(ii) of this section need not be followed.

C. No employee engaged in performing work on this contract shall in any event be paid less than the currently applicable minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.

(v) The wage rate and fringe benefits finally determined pursuant to paragraphs (b)(2)(i) and (ii) of this section shall be paid to all employees performing in the classification from the first day on which contract work is performed by them in the classification. Failure to pay such unlisted employees the compensation agreed upon by the interested parties and/or finally determined by the Wage and Hour Division retroactive to the date such class of employees commenced contract work shall be a violation of the Act and this contract.

(vi) Upon discovery of failure to comply with paragraphs (b)(2)(i) through (v) of this section, the Wage and Hour Division shall make a final determination of conformed classification, wage rate, and/or fringe benefits which shall be retroactive to the date such class of employees commenced contract work.

(3) If, as authorized pursuant to section 4(d) of the Service Contract Act of 1965 as amended, the term of this contract is more than 1 year, the minimum monetary wages and fringe benefits required to be paid or furnished thereunder to service employees shall be subject to adjustment after 1 year and not less often than once every 2 years, pursuant to wage determinations to be issued by the Wage and Hour Division of the Department of Labor as provided in such Act.

(c) The contractor or subcontractor may discharge the obligation to furnish fringe benefits specified in the attachment or determined conformably thereto by furnishing any equivalent combinations of bona fide fringe benefits, or by making equivalent or differential payments in cash in accordance with the applicable rules set forth in subpart D of 29 CFR part 4, and not otherwise.

(d)

1. In the absence of a minimum wage attachment for this contract, neither the contractor nor any subcontractor under this contract shall pay any person performing work under the contract (regardless of whether they are service employees) less than the minimum wage specified by section 6(a)(1) of the Fair Labor Standards Act of 1938. Nothing in this provision shall relieve the contractor or any subcontractor of any other obligation under law or contract for the payment of a higher wage to any employee.
2. If this contract succeeds a contract, subject to the Service Contract Act of 1965 as amended, under which substantially the same services were furnished in the

same locality and service employees were paid wages and fringe benefits provided for in a collective bargaining agreement, in the absence of the minimum wage attachment for this contract setting forth such collectively bargained wage rates and fringe benefits, neither the contractor nor any subcontractor under this contract shall pay any service employee performing any of the contract work (regardless of whether or not such employee was employed under the predecessor contract), less than the wages and fringe benefits provided for in such collective bargaining agreements, to which such employee would have been entitled if employed under the predecessor contract, including accrued wages and fringe benefits and any prospective increases in wages and fringe benefits provided for under such agreement. No contractor or subcontractor under this contract may be relieved of the foregoing obligation unless the limitations of § 4.1b(b) of 29 CFR Part 4 apply or unless the Secretary of Labor or his authorized representative finds, after a hearing as provided in § 4.10 of 29 CFR Part 4 that the wages and/or fringe benefits provided for in such agreement are substantially at variance with those which prevail for services of a character similar in the locality, or determines, as provided in § 4.11 of 29 CFR Part 4, that the collective bargaining agreement applicable to service employees employed under the predecessor contract was not entered into as a result of arm's-length negotiations. Where it is found in accordance with the review procedures provided in 29 CFR 4.10 and/or 4.11 and Parts 6 and 8 that some or all of the wages and/or fringe benefits contained in a predecessor contractor's collective bargaining agreement are substantially at variance with those which prevail for services of a character similar in the locality, and/or that the collective bargaining agreement applicable to service employees employed under the predecessor contract was not entered into as a result of arm's-length negotiations, the Department will issue a new or revised wage determination setting forth the applicable wage rates and fringe benefits. Such determination shall be made part of the contract or subcontract, in accordance with the decision of the Administrator, the Administrative Law Judge, or the Administrative Review Board, as the case may be, irrespective of whether such issuance occurs prior to or after the award of a contract or subcontract. 53 Comp. Gen. 401 (1973). In the case of a wage determination issued solely as a result of a finding of substantial variance, such determination shall be effective as of the date of the final administrative decision.

(e) The contractor and any subcontractor under this contract shall notify each service employee commencing work on this contract of the minimum monetary wage and any fringe benefits required to be paid pursuant to this contract or shall post the wage determination attached to this contract. The poster provided by the Department of Labor (Publication WH 1313) shall be posted in a prominent and accessible place at the worksite. Failure to comply with this requirement is a violation of section 2(a)(4) of the Act and of this contract.

(f) The contractor or subcontractor shall not permit any part of the services called for by this contract to be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the contractor or subcontractor which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish these services, and the contractor or subcontractor shall comply with the safety and health standards applied under 29 CFR Part 1925.

(g)

1. The contractor and each subcontractor performing work subject to the Act shall make and maintain for 3 years from the completion of the work records containing the information specified in paragraphs (g)(1)(i) through (vi) of this section for each employee subject to the Act and shall make them available for inspection and transcription by authorized representatives of the Wage and Hour Division of the U.S. Department of Labor:

   (i) Name and address and social security number of each employee.

(ii) The correct work classification or classifications, rate or rates of monetary wages paid and fringe benefits provided, rate or rates of fringe benefit payments in lieu thereof, and total daily and weekly compensation of each employee.

(iii) The number of daily and weekly hours so worked by each employee.

(iv) Any deductions, rebates, or refunds from the total daily or weekly compensation of each employee.

(v) A list of monetary wages and fringe benefits for those classes of service employees not included in the wage determination attached to this contract but for which such wage rates or fringe benefits have been determined by the interested parties or by the Administrator or authorized representative pursuant to the labor standards clause in paragraph (b) of this section. A copy of the report required by the clause in paragraph (b)(2)(ii) of this section shall be deemed to be such a list.

(vi) Any list of the predecessor contractor's employees which had been furnished to the contractor pursuant to § 4.6(l)(2).

2. The contractor shall also make available a copy of this contract for inspection or transcription by authorized representatives of the Wage and Hour Division.

3. Failure to make and maintain or to make available such records for inspection and transcription shall be a violation of the regulations and this contract, and in the case of failure to produce such records, the contracting officer, upon direction of the Department of Labor and notification of the contractor, shall take action to cause suspension of any further payment or advance of funds until such violation ceases.

4. The contractor shall permit authorized representatives of the Wage and Hour Division to conduct interviews with employees at the worksite during normal working hours.

(h) The contractor shall unconditionally pay to each employee subject to the Act all wages due free and clear and without subsequent deduction (except as otherwise provided by law or Regulations, 29 CFR Part 4), rebate, or kickback on any account. Such payments shall be made no later than one pay period following the end of the regular pay period in which such wages were earned or accrued. A pay period under this Act may not be of any duration longer than semi-monthly.

(i) The contracting officer shall withhold or cause to be withheld from the Government prime contractor under this or any other Government contract with the prime contractor such sums as an appropriate official of the Department of Labor requests or such sums as the

contracting officer decides may be necessary to pay underpaid employees employed by the contractor or subcontractor. In the event of failure to pay any employees subject to the Act all or part of the wages or fringe benefits due under the Act, the agency may, after authorization or by direction of the Department of Labor and written notification to the contractor, take action to cause suspension of any further payment or advance of funds until such violations have ceased. Additionally, any failure to comply with the requirements of these clauses relating to the Service Contract Act of 1965, may be grounds for termination of the right to proceed with the contract work. In such event, the Government may enter into other contracts or arrangements for completion of the work, charging the contractor in default with any additional cost.

(j) The contractor agrees to insert these clauses in this section relating to the Service Contract Act of 1965 in all subcontracts subject to the Act. The term *contractor* as used in these clauses in any subcontract, shall be deemed to refer to the subcontractor, except in the term *Government prime contractor*

(k)

1. As used in these clauses, the term ***service employee*** means any person engaged in the performance of this contract other than any person employed in a bona fide executive, administrative, or professional capacity, as those terms are defined in part 541 of title 29, Code of Federal Regulations, as of July 30, 1976, and any subsequent revision of those regulations. The term *service employee* includes all such persons regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such persons.
2. The following statement is included in contracts pursuant to section 2(a)(5) of the Act and is for *informational purposes only:*

The following classes of service employees expected to be employed under the contract with the Government would be subject, if employed by the contracting agency, to the provisions of 5 U.S.C. 5341 or 5 U.S.C. 5332 and would, if so employed, be paid not less than the following rates of wages and fringe benefits:

Employee class (OPM Classification for Occupational Groups and Families)	**Role**	**Monetary wage-fringe benefits** (General Schedule Grade Range)
340	Program Managers	14 - 15
1001	Communication Team	5-13
1101/1910	Quality Assurance Team	5-13
1035	Public Information Officer	13-14
1103	Property Management Team	5-13
1107	Waste Management Team	6-7
1160	Finance Team	9-15

Employee class (OPM Classification for Occupational Groups and Families)	**Role**	**Monetary wage-fringe benefits** (General Schedule Grade Range)
1530	Warehouse Data	11
1601	Maintenance Team	9
1670	Equipment Team	11
1701	Training Team	7-13
1720	Education Team	7-13
1801	Compliance Team	7
2003	Supply Program Management	13
2005	Supply Clerical and Technician Team	4-12
2101/21012	Transportation Team	7-13
2151	Emergency Response Services	5-13
2210	Information Technology	9-14
3566	Custodial Team	WG 1, WG2
3704	Laundry Support Team	WG 2
4749	General Maintenance Team	NA05, WL5
5413	Fuel Distribution Team	WG8
5703	Bus Drivers	4-8
5704	Fork Lift Operator	5
6901	Warehouse Manager	WL 7
6907	Warehouse Support	NA04, WG5
6912	Vendor Specialist	WL7
7408	Food Services Team	6, WG 4
7603	Barber Team	7-8
0018	Safety Officer	9
0080	Security Team	9-13
0081	Firefighter	6-9
0089	Fire Officer	11-14
0101	Case Management Team	7-14
0110	Cost Specialist	13

Employee class (OPM Classification for Occupational Groups and Families)	**Role**	**Monetary wage-fringe benefits** (General Schedule Grade Range)
0185	Clinical Team	11-14
0186	Clinical Support Services	4-7
0187	Shelter Operations Team	9-13
0189	Recreational Services Team and Youth Care Specialists	NF1
0201	Staffing Team	7-13
0301	Administrative Team	7-14
0303	Supportive Services Team	5-14
0346	Logistics Team	7-14
0540	Voucher Services Team	5
0592	CTM Agent	9
0601	Epidemiologist	12-14
0602	Physician Team	13-15
0610	Nursing Team	7-13
0622	Medical Aide Team	3-7
0630	Paramedic	3
0640	Finance Team	5-14
0660	Pharmacist Team	7
0661	Pharmacy Tech Team	3
0670	Health System Administrative Team	14-15
0679	Medical Support Assistant Services Team	3-6
0685	Public Health Specialists	12-14
0962	Call Center Staff	5
0986	Legal Specialists	6-9

(l)

1. If wages to be paid or fringe benefits to be furnished any service employees employed by the Government prime contractor or any subcontractor under the contract are provided for in a collective bargaining agreement which is or will be effective during any period in

which the contract is being performed, the Government prime contractor shall report such fact to the contracting officer, together with full information as to the application and accrual of such wages and fringe benefits, including any prospective increases, to service employees engaged in work on the contract, and a copy of the collective bargaining agreement. Such report shall be made upon commencing performance of the contract, in the case of collective bargaining agreements effective at such time, and in the case of such agreements or provisions or amendments thereof effective at a later time during the period of contract performance, such agreements shall be reported promptly after negotiation thereof.

2. Not less than 10 days prior to completion of any contract being performed at a Federal facility where service employees may be retained in the performance of the succeeding contract and subject to a wage determination which contains vacation or other benefit provisions based upon length of service with a contractor (predecessor) or successor (§ 4.173 of Regulations, 29 CFR Part 4), the incumbent prime contractor shall furnish to the contracting officer a certified list of the names of all service employees on the contractor's or subcontractor's payroll during the last month of contract performance. Such list shall also contain anniversary dates of employment on the contract either with the current or predecessor contractors of each such service employee. The contracting officer shall turn over such list to the successor contractor at the commencement of the succeeding contract.

(m) Rulings and interpretations of the Service Contract Act of 1965, as amended, are contained in Regulations, 29 CFR Part 4.

(n)

1. By entering into this contract, the contractor (and officials thereof) certifies that neither it (nor he or she) nor any person or firm who has a substantial interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of the sanctions imposed pursuant to section 5 of the Act.
2. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract pursuant to section 5 of the Act.
3. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

(o) Notwithstanding any of the clauses in paragraphs (b) through (m) of this section relating to the Service Contract Act of 1965, the following employees may be employed in accordance with the following variations, tolerances, and exemptions, which the Secretary of Labor, pursuant to section 4(b) of the Act prior to its amendment by Public Law 92-473, found to be necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business:

1. Apprentices, student-learners, and workers whose earning capacity is impaired by age, physical, or mental deficiency or injury may be employed at wages lower than the minimum wages otherwise required by section 2(a)(1) or 2(b)(1) of the Service Contract Act without diminishing any fringe benefits or cash payments in lieu thereof required under section 2(a)(2) of that Act, in accordance with the conditions and procedures prescribed for the employment of apprentices, student-learners, handicapped

persons, and handicapped clients of sheltered workshops under section 14 of the Fair Labor Standards Act of 1938, in the regulations issued by the Administrator (29 CFR Parts 520, 521, 524, and 525).

2. The Administrator will issue certificates under the Service Contract Act for the employment of apprentices, student-learners, handicapped persons, or handicapped clients of sheltered workshops not subject to the Fair Labor Standards Act of 1938, or subject to different minimum rates of pay under the two acts, authorizing appropriate rates of minimum wages (but without changing requirements concerning fringe benefits or supplementary cash payments in lieu thereof), applying procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act of 1938 (29 CFR Parts 520, 521, 524, and 525).
3. The Administrator will also withdraw, annul, or cancel such certificates in accordance with the regulations in parts 525 and 528 of title 29 of the Code of Federal Regulations.

(p) Apprentices will be permitted to work at less than the predetermined rate for the work they perform when they are employed and individually registered in a bona fide apprenticeship program registered with a State Apprenticeship Agency which is recognized by the U.S. Department of Labor, or if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, Employment and Training Administration, U.S. Department of Labor. Any employee who is not registered as an apprentice in an approved program shall be paid the wage rate and fringe benefits contained in the applicable wage determination for the journeyman classification of work actually performed. The wage rates paid apprentices shall not be less than the wage rate for their level of progress set forth in the registered program, expressed as the appropriate percentage of the journeyman's rate contained in the applicable wage determination. The allowable ratio of apprentices to journeymen employed on the contract work in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program.

(q) Where an employee engaged in an occupation in which he or she customarily and regularly receives more than $30 a month in tips, the amount of tips received by the employee may be credited by the employer against the minimum wage required by Section 2(a)(1) or 2(b)(1) of the Act to the extent permitted by section 3(m) of the Fair Labor Standards Act and Regulations, 29 CFR Part 531. To utilize this provision:

1. The employer must inform tipped employees about this tip credit allowance before the credit is utilized;
2. The employees must be allowed to retain all tips (individually or through a pooling arrangement and regardless of whether the employer elects to take a credit for tips received);
3. The employer must be able to show by records that the employee receives at least the applicable Service Contract Act minimum wage through the combination of direct wages and tip credit;
4. The use of such tip credit must have been permitted under any predecessor collective bargaining agreement applicable by virtue of section 4(c) of the Act.

(r) ***Disputes concerning labor standards.*** Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth

in 29 CFR Parts 4, 6, and 8. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.
(The information collection, recordkeeping, and reporting requirements contained in this section have been approved by the Office of Management and Budget under the following numbers:

Paragraph	**OMB Control No.**
(b)(2)(i)-(iv)	1235-0007
(e)	1235-0007
(g)(1)(i)-(iv)	1235-0007
	1235-0018
(g)(1)(v)-(vi)	1235-0007
(l)(1), (2)	1235-0007
(q)(3)	1235-0007

[48 FR 49762, Oct. 27, 1983; 48 FR 50529, Nov. 2, 1983, as amended at 61 FR 68663, Dec. 30, 1996; 82 FR 2224, Jan. 9, 2017]

Appendix B: Executive Order 14026, Increasing the Minimum Wage for Federal Contractors- 29 CFR Appendix A to Part 23

(a) Executive Order 14026. This contract is subject to Executive Order 14026, regulations issued by the Secretary of Labor in 29 CFR part 23 pursuant to the Executive Order, and the following provisions.

(b) Minimum wages.

(1) Each worker (as defined in 29 CFR 23.20) engaged in the performance of this contract by the prime contractor or any subcontractor, regardless of any contractual relationship which may be alleged to exist between the contractor and worker, shall be paid not less than the applicable minimum wage under Executive Order 14026.

(2) The minimum wage required to be paid to each worker performing work on or in connection with this contract between January 30, 2022 and December 31, 2022, shall be $15.00 per hour. The minimum wage shall be adjusted each time the Secretary of Labor's annual determination of the applicable minimum wage under section 2(a)(ii) of Executive Order 14026 results in a higher minimum wage. Adjustments to the Executive Order minimum wage under section 2(a)(ii) of Executive Order 14026 will be effective for all workers subject to the Executive Order beginning January 1 of the following year. If appropriate, the contracting officer, or other agency official overseeing this contract shall ensure the contractor is compensated only for the increase in labor costs resulting from the annual inflation increases in the Executive Order 14026 minimum wage beginning on January 1, 2023. The Secretary of Labor will publish annual determinations in the

Federal Register no later than 90 days before such new wage is to take effect. The Secretary will also publish the applicable minimum wage on https://alpha.sam.gov/content/wagedeterminations (or any successor website). The applicable published minimum wage is incorporated by reference into this contract.

(3) The contractor shall pay unconditionally to each worker all wages due free and clear and without subsequent deduction (except as otherwise provided by 29 CFR 23.230), rebate, or kickback on any account. Such payments shall be made no later than one pay period following the end of the regular pay period in which such wages were earned or accrued. A pay period under this Executive Order may not be of any duration longer than semi-monthly.

(4) The prime contractor and any upper-tier subcontractor shall be responsible for the compliance by any subcontractor or lower-tier subcontractor with the Executive Order minimum wage requirements. In the event of any violation of the minimum wage obligation of this clause, the contractor and any subcontractor(s) responsible therefore shall be liable for the unpaid wages.

(5) If the commensurate wage rate paid to a worker performing work on or in connection with a covered contract whose wages are calculated pursuant to a special certificate issued under 29 U.S.C. 214(c), whether hourly or piece rate, is less than the Executive Order minimum wage, the contractor must pay the Executive Order minimum wage rate to achieve compliance with the Order. If the commensurate wage due under the certificate is greater than the Executive Order minimum wage, the contractor must pay the worker the greater commensurate wage.

(c) Withholding. The agency head shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the prime contractor under this or any other Federal contract with the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay workers the full amount of wages required by Executive Order 14026.

(d) Contract suspension/Contract termination/Contractor debarment. In the event of a failure to pay any worker all or part of the wages due under Executive Order 14026 or 29 CFR part 23, or a failure to comply with any other term or condition of Executive Order 14026 or 29 CFR part 23, the contracting agency may on its own action or after authorization or by direction of the Department of Labor and written notification to the contractor, take action to cause suspension of any further payment, advance or guarantee of funds until such violations have ceased. Additionally, any failure to comply with the requirements of this clause may be grounds for termination of the right to proceed with the contract work. In such event, the Government may enter into other contracts or arrangements for completion of the work, charging the contractor in default with any additional cost. A breach of the contract clause may be grounds for debarment as a contractor and subcontractor as provided in 29 CFR 23.520.

(e) Workers who receive fringe benefits. The contractor may not discharge any part of its minimum wage obligation under Executive Order 14026 by furnishing fringe benefits or, with respect to workers whose wages are governed by the Service Contract Act, the cash equivalent thereof.

(f) Relation to other laws. Nothing herein shall relieve the contractor of any other obligation under Federal, state or local law, or under contract, for the payment of a higher wage to any worker, nor shall a lower prevailing wage under any such Federal, State, or local law, or under contract, entitle a contractor to pay less than $15.00 (or the minimum wage as established each January thereafter) to any worker.

(g) Payroll records.

(1) The contractor shall make and maintain for three years records containing the information specified in paragraphs (g)(1)(i) through (vi) of this section for each worker and shall make the records available for inspection and transcription by authorized representatives of the Wage and Hour Division of the U.S. Department of Labor:

(i) Name, address, and social security number;
(ii) The worker's occupation(s) or classification(s);
(iii) The rate or rates of wages paid;
(iv) The number of daily and weekly hours worked by each worker;
(v) Any deductions made; and
(vi) Total wages paid.

(2) The contractor shall also make available a copy of the contract, as applicable, for inspection or transcription by authorized representatives of the Wage and Hour Division.

(3) Failure to make and maintain or to make available such records for inspection and transcription shall be a violation of 29 CFR part 23 and this contract, and in the case of failure to produce such records, the contracting officer, upon direction of an authorized representative of the Department of Labor, or under its own action, shall take such action as may be necessary to cause suspension of any further payment or advance of funds until such time as the violations are discontinued.

(4) The contractor shall permit authorized representatives of the Wage and Hour Division to conduct investigations, including interviewing workers at the worksite during normal working hours.

(5) Nothing in this clause limits or otherwise modifies the contractor's payroll and recordkeeping obligations, if any, under the Davis-Bacon Act, as amended, and its implementing regulations; the Service Contract Act, as amended, and its implementing regulations; the Fair Labor Standards Act, as amended, and its implementing regulations; or any other applicable law.

(h) Flow-down requirement. The contractor (as defined in 29 CFR 23.20) shall insert this clause in all of its covered subcontracts and shall require its subcontractors to include this clause in any covered lower-tier subcontracts. Executive Order 14026 does not apply to subcontracts for the manufacturing or furnishing of materials, supplies, articles, or equipment, and this clause is not required to be inserted in such subcontracts. The prime contractor and any upper-tier subcontractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with this contract clause.

(i) Certification of eligibility.

(1) By entering into this contract, the contractor (and officials thereof) certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of the sanctions imposed pursuant to section 5 of the Service Contract Act, section 3(a) of the Davis-Bacon Act, or 29 CFR 5.12(a)(1).

(2) No part of this contract shall be subcontracted to any person or firm whose name appears on the list of persons or firms ineligible to receive Federal contracts.

(3) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

(j) Tipped employees. In paying wages to a tipped employee as defined in section 3(t) of the Fair Labor Standards Act, 29 U.S.C. 203(t), the contractor may take a partial credit against the wage payment obligation (tip credit) to the extent permitted under section 3(a) of Executive Order 14026. In order to take such a tip credit, the employee must receive an amount of tips at least equal to the amount of the credit taken; where the tipped employee does not receive sufficient tips to equal the amount of the tip credit the contractor must increase the cash wage paid for the workweek so that the amount of cash wage paid and the tips received by the employee equal the applicable minimum wage under Executive Order 14026. To utilize this proviso:

(1) The employer must inform the tipped employee in advance of the use of the tip credit;

(2) The employer must inform the tipped employee of the amount of cash wage that will be paid and the additional amount by which the employee's wages will be considered increased on account of the tip credit;

(3) The employees must be allowed to retain all tips (individually or through a pooling arrangement and regardless of whether the employer elects to take a credit for tips received); and

(4) The employer must be able to show by records that the tipped employee receives at least the applicable Executive Order minimum wage through the combination of direct wages and tip credit.

(k) Antiretaliation. It shall be unlawful for any person to discharge or in any other manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under or related to Executive Order 14026 or 29 CFR part 23, or has testified or is about to testify in any such proceeding.

(l) Disputes concerning labor standards. Disputes related to the application of Executive Order 14026 to this contract shall not be subject to the general disputes clause of the contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth

in 29 CFR part 23. Disputes within the meaning of this contract clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the workers or their representatives.

(m) Notice. The contractor must notify all workers performing work on or in connection with a covered contract of the applicable minimum wage rate under the Executive Order. With respect to service employees on contracts covered by the Service Contract Act and laborers and mechanics on contracts covered by the Davis-Bacon Act, the contractor may meet this requirement by posting, in a prominent and accessible place at the worksite, the applicable wage determination under those statutes. With respect to workers performing work on or in connection with a covered contract whose wages are governed by the FLSA, the contractor must post a notice provided by the Department of Labor in a prominent and accessible place at the worksite so it may be readily seen by workers. Contractors that customarily post notices to workers electronically may post the notice electronically provided such electronic posting is displayed prominently on any website that is maintained by the contractor, whether external or internal, and customarily used for notices to workers about terms and conditions of employment.

Appendix C: Executive Order 13706, Establishing Paid Sick Leave for Federal Contractors
This award is also subject to Executive Order 13706, Establishing Paid Sick Leave for Federal Contractors, and its implementing regulations at 29 C.F.R. Part 13 (Appendix C).

(a) ***Executive Order 13706.*** This contract is subject to Executive Order 13706, the regulations issued by the Secretary of Labor in 29 CFR Part 13 pursuant to the Executive Order, and the following provisions.

(b) ***Paid Sick Leave.***

1. The contractor shall permit each employee (as defined in 29 CFR 13.2) engaged in the performance of this contract by the prime contractor or any subcontractor, regardless of any contractual relationship that may be alleged to exist between the contractor and employee, to earn not less than 1 hour of paid sick leave for every 30 hours worked. The contractor shall additionally allow accrual and use of paid sick leave as required by Executive Order 13706 and 29 CFR Part 13. The contractor shall in particular comply with the accrual, use, and other requirements set forth in 29 CFR 13.5 and 13.6, which are incorporated by reference in this contract.
2. The contractor shall provide paid sick leave to all employees when due free and clear and without subsequent deduction (except as otherwise provided by 29 CFR 13.24), rebate, or kickback on any account. The contractor shall provide pay and benefits for paid sick leave used no later than one pay period following the end of the regular pay period in which the paid sick leave was taken.
3. The prime contractor and any upper-tier subcontractor shall be responsible for the compliance by any subcontractor or lower-tier subcontractor with the requirements of Executive Order 13706, 29 CFR Part 13, and this clause.

(c) ***Withholding.*** The contracting officer shall, upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the

prime contractor under this or any other Federal contract with the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay employees the full amount owed to compensate for any violation of the requirements of Executive Order 13706, 29 CFR Part 13, or this clause, including any pay and/or benefits denied or lost by reason of the violation; other actual monetary losses sustained as a direct result of the violation, and liquidated damages.

(d) ***Contract Suspension/Contract Termination/Contractor Debarment.*** In the event of a failure to comply with Executive Order 13706, 29 CFR Part 13, or this clause, the contracting agency may on its own action or after authorization or by direction of the Department of Labor and written notification to the contractor, take action to cause suspension of any further payment, advance, or guarantee of funds until such violations have ceased. Additionally, any failure to comply with the requirements of this clause may be grounds for termination of the right to proceed with the contract work. In such event, the Government may enter into other contracts or arrangements for completion of the work, charging the contractor in default with any additional cost. A breach of the contract clause may be grounds for debarment as a contractor and subcontractor as provided in 29 CFR 13.52.
(e) The paid sick leave required by Executive Order 13706, 29 CFR Part 13, and this clause is in addition to a contractor's obligations under the Service Contract Act and Davis-Bacon Act, and a contractor may not receive credit toward its prevailing wage or fringe benefit obligations under those Acts for any paid sick leave provided in satisfaction of the requirements of Executive Order 13706 and 29 CFR Part 13.
(f) Nothing in Executive Order 13706 or 29 CFR Part 13 shall excuse noncompliance with or supersede any applicable Federal or State law, any applicable law or municipal ordinance, or a collective bargaining agreement requiring greater paid sick leave or leave rights than those established under Executive Order 13706 and 29 CFR Part 13.

(g) ***Recordkeeping.***

1. Any contractor performing work subject to Executive Order 13706 and 29 CFR Part 13 must make and maintain, for no less than three (3) years from the completion of the work on the contract, records containing the information specified in paragraphs (i) through (xv) of this section for each employee and shall make them available for inspection, copying, and transcription by authorized representatives of the Wage and Hour Division of the U.S. Department of Labor:

    i. Name, address, and Social Security number of each employee;
    ii. The employee's occupation(s) or classification(s);
    iii. The rate or rates of wages paid (including all pay and benefits provided);
    iv. The number of daily and weekly hours worked;
    v. Any deductions made;
    vi. The total wages paid (including all pay and benefits provided) each pay period;
    vii. A copy of notifications to employees of the amount of paid sick leave the employee has accrued, as required under 29 CFR 13.5(a)(2);
    viii. A copy of employees' requests to use paid sick leave, if in writing, or, if not in writing, any other records reflecting such employee requests;

ix. Dates and amounts of paid sick leave taken by employees (unless a contractor's paid time off policy satisfies the requirements of Executive Order 13706 and 29 CFR Part 13 as described in § 13.5(f)(5), leave must be designated in records as paid sick leave pursuant to Executive Order 13706);

x. A copy of any written responses to employees' requests to use paid sick leave, including explanations for any denials of such requests, as required under 29 CFR 13.5(d)(3);

xi. Any records reflecting the certification and documentation a contractor may require an employee to provide under 29 CFR 13.5(e), including copies of any certification or documentation provided by an employee;

xii. Any other records showing any tracking of or calculations related to an employee's accrual or use of paid sick leave;

xiii. The relevant covered contract;

xiv. The regular pay and benefits provided to an employee for each use of paid sick leave; and

xv. Any financial payment made for unused paid sick leave upon a separation from employment intended, pursuant to 29 CFR 13.5(b)(5), to relieve a contractor from the obligation to reinstate such paid sick leave as otherwise required by 29 CFR 13.5(b)(4).

2.

i. If a contractor wishes to distinguish between an employee's covered and non-covered work, the contractor must keep records or other proof reflecting such distinctions. Only if the contractor adequately segregates the employee's time will time spent on non-covered work be excluded from hours worked counted toward the accrual of paid sick leave. Similarly, only if that contractor adequately segregates the employee's time may a contractor properly refuse an employee's request to use paid sick leave on the ground that the employee was scheduled to perform non-covered work during the time she asked to use paid sick leave.

ii. If a contractor estimates covered hours worked by an employee who performs work in connection with covered contracts pursuant to 29 CFR 13.5(a)(i) or (iii), the contractor must keep records or other proof of the verifiable information on which such estimates are reasonably based. Only if the contractor relies on an estimate that is reasonable and based on verifiable information will an employee's time spent in connection with non-covered work be excluded from hours worked counted toward the accrual of paid sick leave. If a contractor estimates the amount of time an employee spends performing in connection with covered contracts, the contractor must permit the employee to use her paid sick leave during any work time for the contractor.

3. In the event a contractor is not obligated by the Service Contract Act, the Davis-Bacon Act, or the Fair Labor Standards Act to keep records of an employee's hours worked, such as because the employee is exempt from the FLSA's minimum wage and overtime requirements, and the contractor chooses to use the assumption permitted by 29 CFR 13.5(a)(1)(iii), the contractor is excused from the requirement in paragraph (1)(d) of this section to keep records of the employee's number of daily and weekly hours worked.

4.

   i. Records relating to medical histories or domestic violence, sexual assault, or stalking, created for purposes of Executive Order 13706, whether of an employee or an employee's child, parent, spouse, domestic partner, or other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship, shall be maintained as confidential records in separate files/records from the usual personnel files.
   ii. If the confidentiality requirements of the Genetic Information Nondiscrimination Act of 2008 (GINA), section 503 of the Rehabilitation Act of 1973, and/or the Americans with Disabilities Act (ADA) apply to records or documents created to comply with the recordkeeping requirements in this contract clause, the records and documents must also be maintained in compliance with the confidentiality requirements of the GINA, section 503 of the Rehabilitation Act of 1973, and/or ADA as described in 29 CFR 1635.9, 41 CFR 60-741.23(d), and 29 CFR 1630.14(c)(1), respectively.
   iii. The contractor shall not disclose any documentation used to verify the need to use 3 or more consecutive days of paid sick leave for the purposes listed in 29 CFR 13.5(c)(1)(iv) (as described in 29 CFR 13.5(e)(1)(ii)) and shall maintain confidentiality about any domestic abuse, sexual assault, or stalking, unless the employee consents or when disclosure is required by law.

5. The contractor shall permit authorized representatives of the Wage and Hour Division to conduct interviews with employees at the worksite during normal working hours.
6. Nothing in this contract clause limits or otherwise modifies the contractor's recordkeeping obligations, if any, under the Davis-Bacon Act, the Service Contract Act, the Fair Labor Standards Act, the Family and Medical Leave Act, Executive Order 13658, their respective implementing regulations, or any other applicable law.

(h) The contractor (as defined in 29 CFR 13.2) shall insert this clause in all of its covered subcontracts and shall require its subcontractors to include this clause in any covered lower-tier subcontracts.

(i) ***Certification of Eligibility.***

1. By entering into this contract, the contractor (and officials thereof) certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of the sanctions imposed pursuant to section 5 of the Service Contract Act, section 3(a) of the Davis-Bacon Act, or 29 CFR 5.12(a)(1).
2. No part of this contract shall be subcontracted to any person or firm whose name appears on the list of persons or firms ineligible to receive Federal contracts currently maintained on the System for Award Management Web site, ***http://www.SAM.gov***.
3. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

(j) ***Interference/Discrimination.***

1. A contractor may not in any manner interfere with an employee's accrual or use of paid sick leave as required by Executive Order 13706 or 29 CFR part 13. Interference includes, but is not limited to, miscalculating the amount of paid sick leave an employee has accrued, denying or unreasonably delaying a response to a proper request to use paid sick leave, discouraging an employee from using paid sick leave, reducing an employee's accrued paid sick leave by more than the amount of such leave used, transferring an employee to work on non-covered contracts to prevent the accrual or use of paid sick leave, disclosing confidential information contained in certification or other documentation provided to verify the need to use paid sick leave, or making the use of paid sick leave contingent on the employee's finding a replacement worker or the fulfillment of the contractor's operational needs.
2. A contractor may not discharge or in any other manner discriminate against any employee for:

i. Using, or attempting to use, paid sick leave as provided for under Executive Order 13706 and 29 CFR Part 13;
ii. Filing any complaint, initiating any proceeding, or otherwise asserting any right or claim under Executive Order 13706 and 29 CFR Part 13;
iii. Cooperating in any investigation or testifying in any proceeding under Executive Order 13706 and 29 CFR Part 13; or
iv. Informing any other person about his or her rights under Executive Order 13706 and 29 CFR Part 13.

(k) ***Waiver.*** Employees cannot waive, nor may contractors induce employees to waive, their rights under Executive Order 13706, 29 CFR Part 13, or this clause.

(l) ***Notice.*** The contractor must notify all employees performing work on or in connection with a covered contract of the paid sick leave requirements of Executive Order 13706, 29 CFR Part 13, and this clause by posting a notice provided by the Department of Labor in a prominent and accessible place at the worksite so it may be readily seen by employees. Contractors that customarily post notices to employees electronically may post the notice electronically, provided such electronic posting is displayed prominently on any Web site that is maintained by the contractor, whether external or internal, and customarily used for notices to employees about terms and conditions of employment.

(m) ***Disputes concerning labor standards.*** Disputes related to the application of Executive Order 13706 to this contract shall not be subject to the general disputes clause of the contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR part 13. Disputes within the meaning of this contract clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

Appendix D: Performance Metrics

To provide high-quality services for all UC, ORR has established performance metrics to clearly communicate ORR priorities, and quarterly collect and share data through a scorecard for each facility, to help care providers meet established goals. The list of metrics can be found in the

following Appendix D. These performance metrics have been approved by the Office of Management and Budget (OMB) as required under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3521) through a variety of information collections including OMB #s: 0970-0547, 0970-0552, 0970-0553, and 0970-0554.

The following performance metrics will apply to all recipients under this SNOFO. The metrics are grouped in the following categories: bed availability, safety, unification, and health and well-being. The bed availability metrics evaluate whether funded beds are delivered on time as well as the continuing availability of the beds once the beds are delivered. The safety category is related to a child's safety while in a provider's care. In addition to risk assessments that must be completed on time, ORR will use corrective actions issued to a provider as an indicator of improper care and compliance with ORR policies, which are designed to ensure a child's safety and well-being. The metrics that fall under unification look at the key steps in the unification process to ensure cases are progressing in a timely manner. It is in the best interest of the children to be released and in their care of their sponsors thus the metrics assess a provider's efforts towards unification and show a child's ultimate length of stay. The timing for the steps in this process are spelled out in other program documents and so these metrics align with the communications that have been previously issued. Under the category of health and well-being, there are metrics related to the initial medical exam, vaccines, and a child's weekly phone calls. These metrics will aim to take into account a family or child's decision to refuse vaccines or situations where a child may choose not to make a phone call while in a provider's care. Each of these metrics have scoring criteria aligned with ORR's expectations and a care provider's performance will be scored and assessed as green, yellow, or red. Once beds are delivered and available for UC placement, ORR will collect and share data on a quarterly basis through a scorecard for each facility to assess the performance of recipients under this SNOFO.

Performance Metrics Scorecard - Unlicensed (State Child Placement License and Facility License) Beds

Performance Metric Category	Metric	Green Parameters	Yellow Parameters	Red Parameters
Bed Availability	Number of days between the date beds were funded and the date beds were delivered	<91 Days	91 to 120 Days	>120 Days
	Number of pending beds not delivered by agreed upon delivery date	0% of newly funded beds not delivered by agreed upon delivery date	0< to 10% of newly funded beds not delivered by agreed upon delivery date	>10% of newly funded beds not delivered in agreed upon delivery date
	Average number of unavailable beds, total and disaggregated by reason, such as Isolation, Staffing Issues, Facility or Maintenance Issues, etc.	<10% of total delivered	10 to 20% of total delivered beds are unavailable	>20% of total delivered beds are unavailable

		beds are unavailable		
Safety	Number of Risk Assessments NOT completed within 72 hours of admission	0% of UC	0< to 5% of UC	>5% of UC
	Number of Risk Assessments NOT updated every 30 days	0% of UC	0< to 5% of UC	>5% of UC
	Number of Corrective Actions (CAs) reported for violations of UC Manual of Procedures (MAP) and other policies	0 to 1 CAs reported related to MAP and other policies	2 to 4 CAs reported related to MAP and other policies	>4 CAs reported related to MAP and other policies
	Number of UC Assessments NOT completed within 5 days of admission	<5% of UC	5 to 10% of UC	>10% of UC
	Number of UC Case Reviews NOT completed every 30 days	0% of UC	0< to 5% of UC	>5% of UC
	Number of first Sponsor Assessments occurring more than 10 days after admission (UC Category 1 and 2A)	<5% of UC	5 to 10% of UC	>10% of UC
	Number of first Sponsor Assessments occurring more than 14 days after admission (UC Category 2B)	<5% of UC	5 to 10% of UC	>10% of UC
	Number of first Sponsor Assessments occurring more than 21 days after admission (UC Category 3)	<5% of UC	5 to 10% of UC	>10% of UC
Unification	Number of Discharge Notifications generated more than 24 hours after travel request submission	0% of UC	0< to 5% of UC	>5% of UC
	Number of Fingerprint Appointments scheduled later than 3 business days of ARI (only for cases requiring fingerprints)	<10% of UC	10 to 15% of UC	>15% of UC
	Number of Initial Intake Assessments NOT completed within 24 hours of admission	0% of UC	0< to 5% of UC	>5% of UC
	Number of UC whose Length of Stay is within 20 days excluding valid exception code (Category 1)	>70% of UC	60 to 70% of UC	<60% of UC

Health & Well-Being	Number of UC whose Length of Stay is within 20 days excluding valid exception code (Category 2A)	>45% of UC	35 to 45%	<35%
	Number of UC whose Length of Stay is within 24 days excluding valid exception code (Category 2B)	>50% of UC	40 to 50% of UC	<40% of UC
	Number of UC whose Length of Stay is within 31 days excluding valid exception code (Category 3)	>30% of UC	20 to 30% of UC	<20% of UC
	Number of UC in care who have NOT received the Initial Medical Exam within 2 business days of admission (excluding transfers where the Initial Medical Exam was previously completed)	<5% of UC	5 to 10% of UC	>10% of UC
	Number of UC with at least one dose of Hep B or DTap/Tdap within 2 business days of admission	>90% of UC	80 to 90% of UC	<80% of UC
	Percent of UC that missed weekly calls (does not include UC who refuse)	<5% of UC	5 to 10% of UC	>10% of UC

Glossary

Key Terms	Definition
Admission	UC who have been confirmed as officially in care at an ORR facility. UC are not officially admitted until providers complete the "Admissions" tab in UC Portal.
Discharged UC	UC who have exited ORR's care through unification discharges not including valid exception codes. See exception codes.
Exception Codes	Certain circumstances that are out of provider controls will be designated as exceptions and not included in performance metric reporting. Exception codes include (but are not limited to): home studies, age-outs, redeterminations, multiple sponsors, medical discharges, and other ORR discretionary circumstances.
Length of Stay	The number of days spent by UC in a specific ORR program. This is calculated starting from the date the child was admitted to a program and ending on either the date the child was discharged from the program (for UC who have been discharged) or the current date (for UC who have not been discharged from the program).

Pending Beds	Funded beds that have not yet been delivered.
UC	UC in care during the reporting period.
Unavailable Beds	The number of beds that ORR has funded but are unavailable for designation or transfer for various reasons including: Quarantine, Isolation, COVID-Restricted, Facility or Maintenance, Staffing Issues, Foster Family Limitations, Stop Placement Orders, and Other Reasons.