

# Hendry County School District: Workforce Recovery Training Program Policy & Procedure Manual

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Revised July 2022

Version 1

# Hendry County School District: Workforce Recovery Training Program Policy & Procedure Manual

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## Agencies and Acronyms

HUD – United States Department of Housing & Urban Development

CDBG-DR – Community Development Block Grant – Disaster Recovery

DEO – State of Florida Department of Economic Opportunity

School District – Hendry County School District

## General Overview

### Introduction

On September 10, 2017, Hurricane Irma made landfall on Cudjoe Key in Monroe County as a Category 4 storm. Irma then turned northward, making a second landfall near Marco Island and progressed northward through the center of the state. Hurricane Irma had a significant impact on the housing supply, creating an increased demand for new construction and home repair activities, with additional impacts on commercial construction and repair activities. The increased demand for construction activities following Hurricane Irma has created or increased the supply gap in many construction occupations. Unmet needs assessments for employment show a long-term supply gap for skilled workers in several construction trades. By addressing the unmet needs in the construction trades, Florida can provide a new labor force to support the increased demands for post-disaster construction, as well as support Floridians looking for new employment in the post-disaster economy.

The impacts of Hurricane Irma continue to pose significant challenges for residents of Hendry County and the surrounding area. Hurricane Irma caused significant losses in the agricultural sector, which led to layoffs in Hendry County and southwestern Florida. The workforce program will train local residents, including displaced agricultural workers, in construction skills. Specifically, the School District will fund training and support services in industrial mechanics, HVAC, and welding. This grant funding will be utilized over the course of the Fall 2020 through Spring 2023 school semesters.

The unmet need for skilled labor is an opportunity for Hendry County, with the support of Department of Economic Opportunity (DEO), to provide job training to assist residents looking for work in the construction field as well as providing a new labor force to support the needs for the Irma recovery effort.

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In addition to these construction trades, the Hendry County School District will provide GED and ESOL courses as part of their support services, and to complement their job readiness offerings. This will make residents and displaced local workers more prepared to enter the job market.

### **The Program**

The School District will fund training and support services in diesel technician, HVAC, and welding technician. The School District expects to serve a total of 114 beneficiaries of which at least 51% will qualify as low- or moderate income.

The School District recognizes that supportive services are necessary for the long-term success of a workforce development program. As the proposed workforce development program intends to serve a predominantly low- and moderate-income population, the School District will offer support services to ensure barriers to participation are removed and students are provided with the resources necessary to successfully complete the training courses. The Hendry County School District will incorporate transportation assistance, English to speakers of other languages (ESOL), and GED classes to supplement the program.

The Hendry County School District: Workforce Recovery Training Program Policy & Procedure Manual, which will be referred to as the Manual, is available to applicants, students, and the general public on the School District website.

The School District will post updated versions of the Manual to the website. Manuals will be marked by the date of approval and the version number. Each version will include a cover page with a brief description of the changes and corresponding page numbers.

The School District will maintain an internal change log that will include the date of each change and the content that was added, removed, or altered. The School District will also maintain all iterations of the Manual. Only the most current version will be posted to the website to avoid potential misinformation. However, the School District will be able to provide copies of earlier versions upon request.

The School District will notify all staff of each update by e-mail and in relevant staff meetings and trainings.

The School District will directly notify applicants and students if the updates involve eligibility or compliance changes that have direct consequences for applicants and students. In these cases, the School District will notify students via e-mail. If applicants or students do not have e-mail accounts on file, the School District will notify them via mail to the home addresses on file. The School District will request that applicants and students confirm receipt of these notices in writing, either by e-mail or by mail. For changes that do not directly affect the applicants or

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students – e.g., file retention or procurement policy – the School District may notify the applicants and students, but will not require them to confirm receipt.

## Application Intake

Applicants are able to enroll in the program through the online portal administered by DEO, which can be found at <https://floridajobs.org/rebuildflorida/irma/workforce-recovery-training>. For walk-in applicants, computers will be available on-site during normal business hours to allow access to the DEO online application portal.

The official WRTP application is the only application that will be required for program participation. Any other application documents will be optional for the applicant. Enrollment will only be open for 14 days after the start date of classes with the exception of approval by the Workforce Development director for late enrollment. After the 14 day deadline, applicants may pre-enroll for the next round of classes.

Applicants will be required to fill out an application that includes all required reportable information such as income information, proof of identification, employment status, and program choices. Students will also be required to sign a Program Requirements Agreement that explains the required levels of satisfactory program participation to remain in the program and also to receive either a Program Completion Certificate or a Program Participation Certificate.

Students may begin the program prior to being approved for DEO funding, however, if costs are incurred and the student is denied funding, Hendry County Workforce Development will cover those costs. No invoices will be submitted to DEO for applications that have not yet been approved.

DEO will share application information with the School District daily in order to allow for review and eligibility determinations. The required paperwork through the DEO portal is as follows:

- General applicant information, including contact information, language preferences, and date of birth
- Indication of interest in receiving training from Hendry County School District – Hendry County
- Household information, including the name and income of household members
- Duplication of Benefits information
- Photo Identification (list of acceptable documents in Appendix A)
- Proof of Current Address (list of acceptable documents in Appendix A)
- Proof of Work Authorization (list of acceptable documents in Appendix A)

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- Documentation of other forms of assistance (list of acceptable documents in Appendix A)
- Proof of income for all adult household members (list of acceptable documents in Appendix A)
- Consent and Release of Personal Information Form (Appendix B)
- Fraud Acknowledgement Regarding False or Misleading Statements Certification (Appendix C)
- If applicable: verification of Disability Form (list of acceptable documents in Appendix A)
- If applicable: Proof of status as a veteran or active duty spouse of dependent (list of acceptable documents in Appendix A)

The applicant may register for an account with DEO to submit an application online. The application is posted to the Florida DEO website for the Rebuild Florida Workforce Recovery Training Program, accessible at: <https://floridajobs.org/rebuildflorida/irma/workforce-recovery-training>

A step-by-step guide has been published by Florida DEO, entitled the “Application User Guide,” which is also available at the aforementioned website.

## Program Completion & Dropouts

Students must be marked as being proficient in a minimum of 70% of the skills covered in the course by the instructor to receive a **Certificate of Completion**. A Certificate of Completion includes our endorsement of the student for employment in the industry related to the course completed. Students who don’t receive a **Certification of Completion**, but do remain in the program until the end will receive a **Certificate of Participation**. This certificate **does not** include our endorsement of the student for employment in the industry related to the course attended in which the student **did not** achieve 70% or more proficiency.

When a student drops out/withdraws from the program to enter the workforce in a job related to the program that the student is leaving, an **Entering Workforce Form** will be completed and added to their file.

No reimbursements will be issued to DEO for students who withdraw after applications have been approved and costs have been incurred such as tools, study materials, software licenses, and other program costs. However, in the case that future costs of the program that were to be paid out of the program tuition could be avoided, those funds would be returned to DEO after the withdrawal has been finalized.



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## Dismissal from Program

Students being dismissed from our program for not compiling with our programs policies such as excessive unexcused absences or repeated disruptive behavior will be called into a meeting with the Workforce Director and Supervisor or Case Manager. The student will be given the opportunity to share their experience and will be presented with the reasons for their dismissal along with a dismissal letter. A copy of the dismissal letter will be added to the student's file. No reimbursements will be issued to DEO for students who have been dismissed from the program and costs have been incurred such as tools, study materials, software licenses, and other program costs. However, in the case that future costs of the program that were to be paid out of the program tuition could be avoided, those funds would be returned to DEO after the dismissal has been finalized.

## Equity Access

The Hendry County School District has an Educational Equity Plan to ensure procedures are in place to monitor equality of treatment within district activities and to report **discrimination or harassment**. The district actively supports a policy on non-discrimination in all matters related to the actions and interactions of personnel and students within the district, and interactions with the general public. The system strives to provide an atmosphere that is conducive to equal opportunity and treatment of all regardless of race, sex, national origin, genetic information, marital status, disability, age or religion. Hendry County School District's equity access plan as well as a current list of compliance officers can be found at: <https://www.hendryadulthoodlearning.org/equity-access>

## Duplication of Benefits

This program will include a duplication of benefits (DOB) review. The requirements of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended, prohibit any person, business concern, or other entity from receiving federal funds for any part of such loss for which they have already received financial assistance under any other program, private insurance, charitable assistance, or any other source. Therefore, the program will confirm that these funds are for an additional service not already provided through our other grant funding and over and above current services.

- Controls to prevent supplanting of funds, including dually-enrolled participants if applicable;
  - ⇒ The School District will review the DOB questions in the application and verify the information and any proof provided. The School District will contact the relevant agency or organization if potential DOB is suspected. The School will

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document this outreach in the applicant file in addition to any subsequent follow-up conversations with the agency or organization.

- Processes to verify DOB information for participant applicants, including all information reported on the application;
  - ⇒ The School District will contact each agency and organization indicated on the application to verify the details provided. The School District plans to initiate conversations to establish data sharing agreements with FEMA, HUD, USDA and SBA. If data-sharing agreements cannot be achieved, the School District will request verification on a case-by-case basis for each applicant.
- Processes to assess whether additional assistance was received following the initial DOB verification, including during program participation and following program exit.
  - ⇒ The School District will include a final DOB check when a student reaches program completion. Students will be required to affirm that they have not received duplicative assistance during the duration of the program. At program exit, students will also be required to affirm that they will disclose their participation in this program in the future to providers of federally-funded programs that they apply for.
  - ⇒ If the student is considered for federal funds related to Hurricane Irma following program exit, the individual will be responsible for disclosing participation in this program to Hendry County School District. If Hendry County School District discovers that there have been benefits awarded to the participant, after training has been completed, the district will take action to recapture the amount of the duplication. The School District plans to send a survey to students one year following job placement that will include questions about duplication of benefits.
- Requirement to obtain a signed subrogation agreement from all participants before benefits or services are provided;
  - ⇒ To address any potential future duplication of benefit, applicants must enter into a signed subrogation agreement to repay any assistance later received for the same purpose as the CDBG-DR funds. The School District will require this subrogation agreement be signed no later than the first day of class.
- Processes for recapturing funds if a DOB has occurred.
  - ⇒ The School District will notify the legal department if any DOB has been identified after the student has already received a substantial part of the of the training. The legal department will assess whether the monetary value of the

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duplicative assistance reaches their threshold for pursuing legal action against the student. A student is not considered a program beneficiary if disqualified on the basis of duplication of benefits (although duplication of benefits doesn't necessarily disqualify applicants) regardless of whether the legal department pursues recapture.

Documentation supporting the District's DOB analysis will be readily available for the State and HUD.

The School District will review all DOB information/documentation submitted as a part of the program application to ensure other benefits are not duplicated or supplanted. This may include benefits such as other state or federal funding/scholarships for participants in the WRTP program.

## **Income Documentation, Verification, and Self-Certification**

1. The process for verifying the income information submitted with each application is to reach out to the source for confirmation via telephone, email, or in-person visit. Verification is then noted on the application checklist that stays in the applicant's file.
2. When additional documents or verification are needed a meeting with the applicant will be scheduled to discuss what is needed. Once documents are obtained repeat step one of reaching out to the source.
3. When sufficient information is not available after multiple attempts have been made, applicants may be provided with the WRTP Self-Attestation Form or the Zero Income Self-Attestation Form;
4. The published HUD income limits chart will be used to determine income status using the applicant's verified household income and size. Income status is then noted on the application checklist that stays in the applicant's file.

Through the DEO application portal, applicants will be required to submit documentation to verify their household income. This may come in the form of a W2, tax return, or other official documentation described in Appendix A. Should the applicant be unable to provide required income documentation, they may supply a self-certification verifying household income. This self-certification will be the documentation of last resort, and is subject to verification by the School District. Reported income will be checked against HUD's latest income thresholds for low income. The current LMI limits as of July 5, 2020 are found in DEO's WRTP Hurricane Irma guidelines found here:

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[https://floridajobs.org/docs/default-source/office-of-disaster-recovery/hurricane-irma/workforce-recovery-training-program/wrtp-guidelines-ver-1-4-11-21-2019.pdf?sfvrsn=f9667eb0\\_16](https://floridajobs.org/docs/default-source/office-of-disaster-recovery/hurricane-irma/workforce-recovery-training-program/wrtp-guidelines-ver-1-4-11-21-2019.pdf?sfvrsn=f9667eb0_16)

The WRTP Self-Attestation Form or Zero Income Self-Attestation Form must be verified by at least one of the following methods:

- W-2s or 1099s associated with social security number;
- Verification of non-filing letter from the IRS;
- Request for Transcript of Tax Return (Form 4506-T);
- Documents from state or federal benefit agency that show zero income, such as eligibility notices for food stamps or Medicaid;
- Termination letter from employer;
- Notice of severance pay on last paycheck stub; and/or
- If job loss due to company closure, a notification letter provided by previous employer.

Applicants who do not qualify as low- or moderate- income can still enroll in the program. However, the School District will reassess its progress towards the 51% LMI target after each course enrollment and may prioritize candidates who qualify as LMI over those who do not if courses are at capacity.

## Eligibility Determination

Applicants interested in enrolling in the program will be directed to complete an application and undergo an eligibility determination process.

The School District intends to monitor income certifications to ensure at least 51% of total class seats issued go to LMI persons in order to meet the national objective.

All applications will be reviewed with the following criteria in mind, as required by DEO:

**Income:** Annual income as reported under the Census long-form for the most recent available decennial.

### The Census definition includes:

(A) Wages, salaries, tips, commissions, etc.;

(B) Self-employment income from own nonfarm business, including proprietorships and partnerships;

(C) Farm self-employment income;

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(D) Interest, dividends, net rental income, or income from estates or trusts;

(E) Social Security or railroad retirement;

(F) Supplemental Security Income, Aid to Families with Dependent Children, or other public assistance or public welfare programs;

(G) Retirement, survivor, or disability pensions; and

(H) Any other sources of income received regularly, including Veterans' (VA) payments, unemployment compensation, and alimony.

- **Income:** Participants are not required to be LMI, however, all income data will be checked against HUD's latest income limits and reported accordingly. The School District will not allow more than 49% enrollment of non-LMI students by maintaining thresholds for maximum number of non-LMI students per semester.
- **Work Eligibility:** All participants must be eligible to work in the United States.
- **Identity:** All participants must have provided documentation establishing proof of identity.
- **Age:** All participants must be at least 18 years of age or older

Income status will be determined using the CPD Income Eligibility Calculator found at: <https://www.hudexchange.info/incomecalculator/>. Results will be scanned to the applicant's file.

The School District maintains the responsibility to determine the eligibility of applicants to the program. The School District will not refer applicants or applicant files to any outside party for the purpose of issuing a final determination of the eligibility of an applicant. A determination of eligibility will be made based on the submitted application materials against the criteria listed above. If documentation is missing, the School District will follow-up with individual students to try to complete the application with all required materials. If a participant cannot provide all required application materials, they will not be eligible for scholarship funding through WRTP.

All interested, eligible, and qualified candidates will then apply directly to their choice from the following programs: (1) diesel technician, (2) HVAC, and (3) welding technician.

The School District will maintain files on proof of residency, proof of identity, income verification, and proof of program attendance for all applicants. Applicants will be notified of

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their eligibility determination via e-mail and USPS mail. For applicants admitted into the program, the letter will include instructions on how to proceed. For applicants rejected by the program, the letter will include the reason for the rejection and a description of the appeals process, as further discussed in the Appeals section in this Manual.

A copy of the approval or rejection letter will be kept in the applicant file. In addition, the School District will maintain a log of eligibility determinations that covers both approvals and rejections. This log will also include the dates that the letters and e-mails were distributed.

The following individuals will have prioritization for eligibility: veterans, eligible spouses and dependents of veterans in accordance with federal regulations, and LMI applicants.

### Language Access

The School District will provide programs for English and Spanish-speaking students. The school already employs bilingual teachers in these languages. Additionally, workforce training program marketing materials will be available in English and Spanish to encourage enrollment. If a student joins the program who speaks Haitian Creole, we will make accommodations for his or her inclusion in their native language.

In the Florida DEO application, applicants are asked to specify whether English is the primary language spoken. Applicants have the ability to indicate Spanish or Haitian Creole as alternatives. In addition, applicants can specify another language not covered in these options.

The School District will use the information in these applications to assess language needs. Follow-up conversations with the students may be necessary to determine the level of fluency in English for applications in which English was not the primary language.

Depending on demand, the School District will consider offering parallel courses in English, Spanish, or Haitian Creole. Alternatively, the School District may instead provide supplemental support for those with limited English proficiency if the overall demand is low for alternate languages. The School District will ensure that the coursework and instruction provided is consistent regardless of the language in which the materials are produced.

If an applicant is admitted to the program and did not indicate a language need during the application process, the School District will make an effort to accommodate the student. In some cases, it may be in the best interest of the student to discuss the possibility of deferring their enrollment to the next period for this accommodation to be made.

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## Compliance Requirements

### Eligible Activity

The program qualifies as a Public Services eligible activity, defined as:

*Provision of public services (including labor, supplies, and materials) including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, welfare (but excluding the provision of income payments identified under §570.207(b)(4)), homebuyer down payment assistance, or recreational needs.*

The School District will comply with all HUD regulations associated with this eligible activity.

### Section 3

The School District will comply with reporting guidelines for Section 3 as discussed in the Reports section to this Manual.

The School District and the County have already begun coordination related to the inclusion of Section 3 provisions in Disaster Recovery contracts. Local contractors will be encouraged to pull from the pool of workforce training graduates to meet Section 3 goals. These contractors will be required to submit Section 3 reports which demonstrate the number of Section 3 hires made during the reporting period. This would allow the School District to follow the placement rate on recovery contracts.

The School District plans to place successful participants who complete the programs on a Section 3 referral list used by contractors and agencies for housing rehab, new construction, rental housing, public housing and infrastructure projects as they occur to fulfill Section 3 goals of their contracts.

### Excessive Force Policy

Hendry County School District hereby adopts an Excessive Force Policy that is in accordance with the applicable State of Florida and Federal Regulations, i.e., Section 906 of Public Law 101-625, enacted as Section 104 of the Housing and Community Development Act of 1974, as amended. Hendry County School District, as the subrecipient of Federal and/or State CDBG-DR Funds, acknowledges its responsibility to and will adhere to the aforesaid State of Florida and Federal Excessive Force Regulations. More particularly, our school district adopts and will enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any and all individuals engaged in non-violent civil rights demonstrations, and is adopting and will enforce a policy of enforcing applicable state and local laws against

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physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within the jurisdiction of HCSD.

## **National Objective: Low- and Moderate- Income**

At least 51% of the students will benefit low- and moderate- income individuals. If the number of applicants exceeds the spots available, the School District will prioritize applicants who are LMI and veterans and eligible spouses and dependents, in accordance with federal regulations.

The School District will meet LMI requirements through targeted outreach, including promotion of the program amongst local homeless service providers, public housing residents and the Housing Authority, Community Development Corporations and Civic organizations.

Activities that benefit households whose total annual gross income does not exceed 80% of Area Median Income AMI, adjusted for family size. Income eligibility will be determined and verified in accordance with HUD guidance. The most current income limits, published annually by HUD, will be used to verify the income eligibility of each household applying for assistance at the time assistance is provided.

- Extremely low: Household's annual income is up to 30% of the area median family income, as determined by HUD, adjusted for family size.
- Very Low: Household's annual income is between 31% and 50% of the area median family income, as determined by HUD, adjusted for family size.
- Low: Household's annual income is between 51% and 80% of the area median family income, as determined by HUD, adjusted for family size.

The program will meet the LMI national objective utilizing the LMI limited clientele category. Services provided under this category serve a specific clientele, rather than providing service to all persons in a geographic area. The program will meet the LMI limited clientele category by serving LMI individuals as determined by family size and income. At least 51% of individuals served must meet LMI requirements based on total household income and total household size for the program to meet the LMI national objective.

The current HUD LMI limits are included in Appendix A of the WRTP Guidelines, accessible at [https://floridajobs.org/docs/default-source/office-of-disaster-recovery/hurricane-irma/workfor ce-recovery-training-program/wrtp-guidelines-ver-1-4-11-21-2019.pdf?sfvrsn=f9667eb0\\_16](https://floridajobs.org/docs/default-source/office-of-disaster-recovery/hurricane-irma/workfor ce-recovery-training-program/wrtp-guidelines-ver-1-4-11-21-2019.pdf?sfvrsn=f9667eb0_16).



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## Outreach

The School District will partner with homeless service providers, public housing residents and the Housing Authority, Community Development Corporations and Civic organizations.

Additionally, the School District has included in its budget a provision for a full-time case manager and outreach coordinator to ensure there is a coordinated effort and participation targets are met.

Marketing will be conducted through widely available media outlets and tasks may include:

- Advertisement in local media outlets, including newspapers and broadcast media, that provide unique access for persons who are considered members of a protected class under the Fair Housing Act.
- Including flyers in partner government agency offices, community centers, and coordination with public and/or non-profit organizations and advocacy groups
- Use of social media when appropriate
- Marketing to persons of Limited English Proficiency
- Outreach to Public Housing residents and the Housing Authority

## File Retention

The School District will maintain records in accordance with CDBG-DR grant requirements specifically in accordance with 24 CFR 570.506, 24 CFR 570.490 and 2 CFR 300.333-337 and assures files will include eligibility documentation, disaster tie-back, national objective and DOB reviews. All files will be made available for monitoring and auditing.

These documents include but are not limited to the following:

- Completed Applications and supporting documents
- Data on number of participants entering program
- Data on number of participants completing the program
- Data related to the number of job placements made
- Cooperative agreements with transportation and childcare services providers
- Financial documents

For each applicant, School Board will maintain: the completed application, a copy of the applicant's photo identification, proof of address, proof of work authorization, documentation of other forms of assistance, proof of income for household members, the Consent and Release of Personal Information Form, and the Fraud Acknowledgement Regarding False or Misleading Statements Certification. The file will include the disability verification or veteran status forms if applicable. The file will also include the eligibility determination and a copy of the approval or

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rejection letter sent to the applicant and any subsequent appeal process. If the applicant is accepted, the file will include documents related to his or her progress in the program, including class attendance, teacher evaluations, and job placement.

The applicant file will be updated at each milestone. For example, the approval letter should be added to the applicant file after it is prepared to be sent. As a student exits the program, the file will be reviewed to ensure that it has been maintained to the standards described in this section.

It is critical that the School Board maintain these files to ensure that applicants are properly served and accounted for. These files will also enable the School Board to report to DEO in a timely manner.

All files will be maintained in the shared drive that all members of program staff have access to. If an external monitor or auditor needs to review these files, the staff will make a computer available on-site with access to the files. If the external monitor or auditor works remotely, the staff will arrange to either redact any personally-identifiable information prior to sharing the information electronically or seek to utilize a secure alternate method. Members of the public will not be allowed to access any records that include personally-identifiable information pertaining to the applicants.

The School District will retain compliance records for five years from the date of an issued audit report or from six state fiscal years after all reporting requirements are satisfied and final payments received, whichever is longer. The School District will make audit working papers available upon request for a period of six years from the date any audit report is issued, unless this deadline is extended in writing by DEO.

The School Board will utilize the files to report on national objective and progress reporting. For example, maintaining current files enables the School Board to quickly pull the number of students served in a given quarter as well as any requested demographic information to report to DEO.

### **Procurement**

Policy 6320 describes the purchasing and contracting standards for the School District. This policy is included as Appendix I of this Manual. In addition, the School District follows Policy 6325 for procurements that involve federal funds. This policy is included as Appendix G of this Manual.

The School District will send any proposed contract templates and proposed amendments, extensions, revisions or other changes to DEO for prior written approval. The School District will

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report to DEO whether any contractors or subcontractors are minority vendors as defined in Section 288.730, F.S.

The School District will follow its internal purchasing policy, in compliance with procurement standards in 2 C.F.R. 200.318-326. The School District requires that staff review procurements for cost reasonableness in order to avoid unnecessary or duplicative purchases and to ensure that costs are reasonable to the program. The School District will also comply with CDBG regulations regarding debarred or suspended entities (24 C.F.R. 570.489). This will include soliciting price quotations from an adequate number of sources for all procurements above \$10,000 to ensure cost reasonableness.

The School District does not anticipate awarding any contracts above the Simplified Acquisition Threshold (currently \$250,000), which would require a sealed bid/competitive proposal, however should any contracts over the Simplified Acquisition Threshold be procured, the School District will follow the requirements of 2 CFR 200 and will include the following terms and conditions:

- a) the period of performance or date of completion;
- b) the performance requirements;
- c) that the contractor is bound by the terms of the subrecipient agreement;
- d) that the contractor is bound by all applicable State and Federal laws, rules, and regulations;
- e) that the contractor shall hold DEO and the School District harmless against all claims of whatever nature arising out of the contractor's performance of work under the subrecipient agreement;
- f) the obligation of the School District to document the contractor's progress of work performance in reports under the subrecipient agreement;
- g) the requirements of 2 CFR Appendix II to Part 200 – Contract Provision for Non-Federal Entity Contract Under Federal Awards. (This document is known as Attachment L in the sub-recipient agreement).

Any contractor receiving an award of above \$25,000 will be checked in the SAM.gov database. No award over \$25,000 will be given to contractors debarred from receiving federal contracts.

The School District has three policies pertaining to Conflict of Interest: Policy 1129 applies to the administration (Appendix J), Policy 3129 applies to the instructional staff (Appendix K), and Policy 4129 applies to the support staff (Appendix L).

## **Contract Administration**

The School District has formal contract administration policies and procedures in place to ensure that regulations 2 CFR 200.317-326 are being followed.

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The contract administration policies include these best practices:

- Utilizing contract templates for developing contract.
- Identifying a contract administrator for each contract executed.
- Implementing a process to ensure contractor abides by the terms of the contract procedures.
- Implementing a deliverable review/approval process.
- Implementing a process for managing issues that may arise with the contractor.

## Reports

The School District will submit a **Monthly Progress Report** to DEO within ten (10) calendar days at the end of each month. This report will detail the grant funding approved versus funding disbursed.

The School District will submit a **Quarterly Progress Report** to DEO before or by January 10<sup>th</sup>, April 10<sup>th</sup>, July 10<sup>th</sup>, October 10<sup>th</sup> of each year. These reports will cover the progress made in the prior quarter.

The report will:

- Include financial metrics that demonstrate the implementation costs to date with projected spending.
- Include narrative of actions taken to comply with the requirements of Section 3 (e.g., records of notification/recruiting, participation in local events) and documentation of impediments to reaching the target 30% participant goal.
- Include documentation of the number of complaints received, the nature of the complaint, and that complaint was responded to within 15 days of receipt.
- Report on program services and performance and will include the following:
  - Demographics (Race, Ethnicity, Age, Gender);
  - Citizenship / work eligibility;
  - Income level (Extremely Low, Very Low, Low, Moderate and Above);
  - Female head of household;
  - Individuals determined eligible to receive WRTP services;
  - Enrollment in a training program;
  - Type of training program;
  - Occupation related to training;
  - Activity start and end dates;
  - Support services;

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- Training completion;
- Credential / certificate earned;
- Entered employment at completion (includes occupation, wages, employer); and
- Employment retention.

The School District will also provide any required or relevant supplemental information in the quarterly reports as needed.

The School District will submit a Contract and Subcontract Activity form, **Form HUD-2516**, to the DEO SERA reporting system by April 15 and October 15 of each year. The form will cover all contractual activity for the period, including participation of Minority Business Enterprises and Women Business Enterprises. If no activity has occurred, the form should still be submitted with a response of “no activity.”

The Section 3 Summary Report, **Form HUD-60002**, will be submitted to DEO’s SERA reporting by July 31st of each year.

The School District will comply with audit requirements, as specified in the subrecipient agreement, which states that a single or program-specific audit must be conducted if \$750,000 or more in federal awards are expended within a fiscal year.

## Citizen Complaints

To file a complaint, send a letter to the following address:

Hendry County Schools  
Clewiston Adult School  
Attention: Joel Conner  
475 East Osceola Ave.  
Clewiston, FL 33440

Complaints can also be hand-delivered to the administrative office at the above location.

The School District will maintain copies of all complaints, but can only respond directly if contact information is included in the complaint.

The School District will address complaints within fifteen (15) business days of receipt and will retain copies of complaint and responses. If a complaint cannot be responded to within that time frame, the School Board will notify the complainant within fifteen business days of both the delay and the reason for the delay.

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The School District maintains a log of any complaints received. This log includes the date of the complaint, the date of the response, the name of the complainant, contact information of the complainant, and a summary of the issue. The log is maintained in a folder with the copies of the complaints and responses issued by the School District.

The complaint log is formatted as a spreadsheet. Each complaint is tracked as a line item with columns for tracking the date of complaint, date of response, name and contact information of the complainant, and description. The complaints will be categorized by topic. When a complaint is received, the School Board will enter it as a new item in the log. The log will again be updated when the complaint is responded to.

If the complainant is not satisfied by the School District's determination, then the complainant may file a written appeal by following the instructions issued in the letter of the response. If, at the conclusion of the appeals process, the complainant has not been satisfied with the response, a formal complaint may then be addressed directly to the DEO at:

Office of Disaster Recovery, Special Deputy of Appeals  
Division of Community Development  
Department of Economic Opportunity  
107 East Madison Street  
Caldwell Building, MSC-160  
Tallahassee, FL 32399

Appeals may be filed only upon the deliverance of an adverse program decision regarding eligibility, benefits, or closure of an application. Participants may not appeal program policy. More information about filing an appeal is included in the Appeals section of this Manual.

## Public Record Requests

If the School District receives a request for public records pertaining to this grant or program, the School District will notify the DEO of the request via e-mail to [PRRequest@deo.myflorida.com](mailto:PRRequest@deo.myflorida.com) within one business day of receipt.

## Appeals

The School District will inform applicants whether they are successful in their enrollment through an acceptance or rejection letter via both email and mail. If the applicant is rejected, the basis for the rejection will be clearly stated. Appeals may only be filed upon the basis of an adverse decision regarding eligibility, benefits, or closure of an application.

To file an appeal, contact Joel Conner by e-mail at [connerjo@hendry-schools.net](mailto:connerjo@hendry-schools.net) or by mail at:

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Hendry County Schools  
Clewiston Adult School  
Attention: Joel Conner  
475 East Osceola Ave.  
Clewiston, FL 33440

In the case of a rejection, the applicant will have 15 calendar days from the date on the letter to alert the School District that an appeal will be requested in writing. If the School District does not receive a written request for an appeal, the file will be closed and a copy will be retained for potential monitoring.

If the applicant requests an appeal, the applicant will have an additional 30 calendar days from the date of the request to supply the School District with information that contests the reason stated in the letter. Applicants who neglect to provide the required information to contest the appeal or provide further insufficient evidence will be notified of the rejected appeal in writing and the file will be closed and retained.

For example, Applicant A submitted an application to the program and claimed residence in Hendry County. Applicant A declined to provide proof of residence, so Applicant A received a rejection letter stating that proof of address was not provided. Applicant A would have 15 calendar days from the date issued on the letter to alert the administrative office that an appeal is requested. From that date, the applicant would have another 30 calendar days to provide proof of residence. Participants may not appeal program policy.

The School District will review the additional information collected as part of the appeal within 15 calendar days of receipt and issue a final determination. The School District may amend this timeframe if the applicant provides specific reasoning for an extension. (For example, an applicant may need extra time to renew an expired form of identification.)

The School District will evaluate whether the additional information provided by the document adequately addresses the reason for the rejection previously provided. If the applicant has not addressed the reasoning for the rejection, the School Board will issue a final rejection letter. This final rejection letter will state the reason(s) for the first rejection letter, the information and documents received, and an explanation of how the appeal did not respond to the reason(s).

The information from this section will be summarized in the rejection letter in the form of instructions to the applicant.

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## Monitoring

The administration will monitor the program through desk reviews and site visits. Every monitoring will be documented with the following:

- Initiation letter that includes the scope of the monitoring, documents to be reviewed, and duration
- List of documents reviewed
- Summary of issues identified and proposed remedies

The outcomes of a monitoring may be shared with DEO upon request. In general, the School District does not intend to notify DEO of the content of each monitoring unless their technical assistance is required to resolve identified issues. The School Board will notify DEO if any monitoring results in a determination that impacts reporting or state and federal compliance.

For desk reviews, the monitor will assess the program performance. Potential monitoring paths include the following: reviewing applicant files for consistency in eligibility documentation, reviewing response times for application approvals and rejections, and reviewing class attendance records and completion rates for students.

The monitors will consider best practices, such as monitoring for compliance for the approved application scope and funding specifications, program guidelines, contract and agreement requirements, and implementation schedule and milestones. For monitoring these topics, the monitors will compare the programmatic documents and files against the relevant requirements as well as conduct interviews if needed. For example, to monitor the implementation schedule, the monitors will pull all projections that have been shared with the county and DEO and compare the progress against those projections.

For site visits, the monitor will conduct a review in the field. For example, the monitor may choose to review the HVAC program. The monitor selects three random dates from the school schedule from one of the HVAC courses. The monitor then attends the HVAC class on those three randomly selected dates with a copy of the student roster. The monitor will take attendance against the roster. The monitor will audit the class to assess how it compares to the syllabus. The monitor will document whether there are sufficient supplies available for each student. The monitor may also interview students about their experience in the class.

The School District will track the progress and results of all monitoring reviews in a document that shows the status of each monitoring as planned, active, or closed. The tracker will also indicate the timeline for the monitoring as well as any flags that need to be addressed. For each monitoring, the School District will maintain a file that contains the documents collected and reviewed, the initiation letter, and the summary report and any follow-up correspondence.



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## **Equipment Purchases and Monitoring**

The School District will purchase training modules as allowable under 24 CFR 570.207(b)(1)(iii) for the exclusive use of the WRTP or subsequent eligible activities after the WRTP has ended. Each of these items are necessary training materials and would be for the exclusive use of the training program. As described below, all training items will be tracked to ensure their continued use for training.

The School district will follow its purchasing policy in compliance with 2 CFR 200.318-326 for any equipment purchases.

Any items purchased with CDBG-DR funds will be safeguarded against theft or misuse. Items will be labeled as “Purchased for WRTP” or “Purchased with CDBG-DR” and a detailed inventory is kept with information on location, funding source, purchase date, and condition. Annual monitoring is conducted to ensure this property is in its correct place used for its intended purpose. The school district’s existing property monitoring policy either complies with or exceeds the requirements found out 2 CFR 200.313 and 24 CFR 85.32 for equipment purchased with federal funds, which only require a physical inventory to be taken every two years.

All the items to be purchased for WRTP are for the exclusive purpose and use of the training courses they support. As such, they will continue to support a CDBG-DR eligible activity throughout their useful life, likely beyond the terms of the CDBG-DR funded subrecipient agreement. The school district will maintain these items within the school, and exclusively for the use of workforce training programs, which benefit the area’s LMI population. They will be tracked and monitored throughout their useful life to ensure continued eligible use.

## **Quality Assurance & Quality Improvement**

The program staff will maintain files on each applicant.

The program staff will track the customer experience, from initial application filing arrival to service completion and departure, which may include survey and/or evaluations by participants following completion of the program to inquire about their experience with teachers and staff, whether they would recommend the program, and how the program can improve.

The School District will submit records and files DEO when requested for additional monitoring and compliance checks.

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## Financial Management

The School District will maintain records of expenditure funds from all sources. The School District will be prepared to provide DEO with explanations and records that connect any and all expenditures to the corresponding program budget. This includes 24 CFR 570.502 and 2 CFR 200.302 which state the Uniform Administrative Requirements, Cost Principles, and Audit Requirements that are applicable for federal awards. This includes keeping all of the required documentation during the agreement and no longer than 6 years after the termination of the subrecipient agreement and the submission of performance and evaluation reports.

Access to asset, forms, confidential documents will be provided by CDBG-DR Workforce Development Supervisor, Joel Conner in the form of scanned PDF's in a secure shared digital platform. The approval of all transactions will be performed by the Director of Hendry County Schools Workforce Development, Kevin Lutkenhaus as needed. Accounting record entries will be kept by the Hendry County Schools Workforce Development administrative assistant. The invoices are then processed by the administrative assistant within the finance department, Brenda Escobar. The Finance Department manages budgets for the School District, including projections of the financial needs across programs.

The Director of Workforce Development and programmatic staff working within this division report to the Deputy Superintendent for Teaching and Learning. In turn, the Deputy Superintendent reports to the Superintendent. Separately, the Chief Financial Officer and staff report to the Superintendent. This division of labor ensures the segregation of duties between the programmatic staff and the finance staff. For a visual representation, please see the organizational chart that is included as Appendix H of this Manual.

The financial management will include accurate and complete disclosure of financial results in accordance with the reporting requirements set forth in 2CFR 200.328 which states the data elements collected and the intervals of reporting must comply with the standards set by the Executive Office of the President, Office of Management and Budget.

The School District will capture the following activities:

- Amount budgeted;
- Advances/reimbursements received to date;
- Program income & other miscellaneous receipts;
- Actual expenditure/disbursements;
- Current encumbrances/obligations; and
- Unpaid request for payments.

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The School District will comply with audit requirements, as specified in the subrecipient agreement, which states that a single or program-specific audit must be conducted if \$750,000 or more in federal awards are expended within a fiscal year. The Finance Department posts the single audit report to their website at <https://www.hendry-schools.org/Page/7713>. The most recent single audit report available is dated March 25, 2020, which covered the fiscal year ending on June 30, 2019.

The auditors are expected to act in accordance with auditing standards generally accepted in the United States of America; applicable standards contained in Government Auditing Standards, issued by the Comptroller General of the United States; and Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

## Purpose

Any grant received directly from the Federal Government or the State as a pass-through entity must be expended in accordance with Federal Regulatory guidelines. If not, funds must be returned; in the case of reimbursement grants, expended funds may not be reimbursed to cover expenditures. To avoid these situations and resulting appropriation challenges, all grants are to be documented at submission, not approval, by the [Superintendent/Grant Manager] via the Accounting Office.

## Setup of Grant

An implementation plan and budget is created which summarizes all technical information related to the grant and submitted to DEO for approval. These documents will include the Grant Title, grantor identified grant numbers, terms, amount to be federally funded, the School District's fund where the grant will be tracked, and Project ID used to track the grant.

## Financial Administration

The Grant manager is responsible for the financial administration of the grant. To ensure proper financial recording of grant revenues and expenditures, the Grant Manager will:

- Share necessary award documentation, such as the subrecipient agreement and budget, to the District's Finance Department.
- Ensure all grant revenues and expenditures are coded to the correct, project specific codes.

# Hendry County School District: Workforce Recovery Training Program Policy & Procedure Manual

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- Assign budgets for grant revenues and expenditures and coordinate with the Finance Department on any necessary budget adjustments.

## Receipt of funds

All grant checks received by the School District should first pass through Accounting by way of the Deputy Finance Director or appointed Grant Accountant prior to being deposited to ensure that the funds are applied to the appropriate grant. Accounting will deposit the check when the funds are properly classified.

HCSD's Workforce Development Training Program grant operates on a reimbursement basis only. Therefore, when the School District is being reimbursed for expenditures already incurred, then the funds will be recorded as revenue when the expenditures are incurred. Accounting or the Department should request reimbursement funds by whichever method is set forth in the grant document.

## Regulatory Reporting

Typically, quarterly reports must be issued to DEO, in addition to monthly expenditure reporting. Accounting/Grant Manager should be aware of the deadline and should review an financial data contained in the reports before they are submitted, with sufficient turnaround time provided.

## Project Accounting and Record Keeping

Adequate control of funds received to ensure compliance with federal and state regulations as well as subrecipient conditions will be accomplished. Separate records must be maintained for CDBG-DR projects to avoid commingling of project funds with other funds.

## Obligation and Expenditure of Funds

All project funds must be obligated by the termination date of the project. Project funds legally obligated by the termination date must be expended within the timeframe specified within the subrecipient agreement.

## Control of Grant Funds

The Grants Manager works with Accounting to ensure the District's grant funds are controlled in a manner will comply with the following guidelines:

## Hendry County School District: Workforce Recovery Training Program Policy & Procedure Manual

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- A. Payment requests of federal funds is limited to the amount already paid by the District on behalf of the federal grant project.
- B. Interest earned and expended is promptly recorded in the accounting records and reported as program income.
- C. Grant funds are expended by the end of the allowable period.
- D. Quarterly and final financial reports are submitted timely
- E. The Grant Manager will ensure that grant requirements are met and if necessary, will request changes from DEO 60 days before the end of the award period.

### Payroll

The Grant Manager is responsible for notifying HR of all personnel charging time to the grant. Personnel assigned 100% to grant-related duties will sign a Full-Time certification, reviewed and approved by the Grant Manager, and completed every 6 months. Any personnel sharing duties with other projects will code their project specific hours in their timesheets, to be properly allocated to each funding source.

### Invoices

Invoices will be reviewed and approved by the Grant Manager and forwarded to the Finance Department for payment.

### Payment Requests

Payment requests will be issued monthly to DEO for only expenses that have already been incurred and paid for by the school district. Reimbursement claims for payment requests will be prepared by the Grant Manager/Finance Department, approved by Kevin Lutkenhaus, and sent to DEO on a monthly basis by Joel Conner.

Payment requests will include all necessary backup documentation to demonstrate costs have been incurred and paid for. This may include attendance records, vendor invoices, copies of payment records (such as bank statement of check records).

### Advance Payments and Program Income

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The School district does not anticipate requesting any advance payments from DEO, however, should the need arise, any payment received as an advance payment will be placed in an account that earns interest.

The Grant Manager will obtain from Accounting the amount of interest earned by deferred federal grant revenues on a monthly basis and report the interest earned on the applicable reports submitted quarterly to DEO.

Should interest be incurred, the Grant Manager will request permission from DEO to spend the interest earned as part of the grant proceeds.

## Revenues

Payments received from DEO should be directed to HCSD Accounting for processing. However, if the Grant Manager receives a payment, it should be forwarded to the Finance Department with reference to the grant ID.

## Compliance

The Grant Manager is responsible with the School District's compliance with all grant requirements. A copy of all reports submitted to DEO should be forwarded to the Finance Department prior to submission to DEO to ensure accuracy of accounting records. A final copy of all reports should be sent to the Accounting/Finance Director for maintenance in grant files.

## Detection of fraud, waste, and abuse

The School District is dedicated to the prevention of fraud, waste, and abuse. If program staff becomes aware of potential fraud, waste, or abuse, the staff will review the allegations and potentially alert law enforcement, depending on the type of allegations.

The School District encourages anyone with allegations of fraud, waste, or abuse to report it via the online form at <https://www.hendry-schools.org/domain/1674>

Reports filed will remain anonymous. The District's Chief Financial Officer, Ann Marie Ricardi, reviews reports submitted via this form. There will be no record of who initiated the report.

Complaints may need to be further elevated to DEO's Office of the Inspector General at [OIG@deo.myflorida.com](mailto:OIG@deo.myflorida.com) or 1-855-456-0650 or HUD OIG Fraud Hotline at: (850) 245-7135 or [OIG@deo.myflorida.com](mailto:OIG@deo.myflorida.com).

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## Managing fraud complaints

Investigations of alleged fraud or fraudulent activity shall be conducted in accordance with this policy and the Hendry County School District's whistleblower policy and procedure (Policy 1211, AP 1211, Policy 3211, AP 3211, Policy 4211, and AP 4211). Policy 1211 applies to staff in the administration. Policy 3211 applies to instructional staff. Policy 4211 applies to support staff. These policies are included in this Manual as Appendices D, E, and F. These policies specifically describe the whistleblower protections for fraud, waste, and abuse reported by employees within the School District. Individuals who are not employed in these titles are encouraged to report fraud, waste, and abuse via the online form described in the previous section.

If the allegations of fraudulent misconduct involve a District employee, former employee, applicants, or independent contractor, the Superintendent shall conduct a thorough investigation. If the Superintendent determines that the allegations appear to involve criminal misconduct, the matter shall be referred to the Sheriff's Office.

If the allegation involves the Superintendent or a Board member, the allegation shall be referred to the Board Attorney. If the Board Attorney determines that the allegations appear to involve criminal misconduct, the matter shall be referred to the Sheriff's Office. If the Board Attorney determines that the allegations do not appear to involve criminal misconduct, the matter shall be assigned by the Board Attorney to a third party, who is not an employee of the District, for the purpose of conducting an investigation concerning the allegations. Upon the conclusion of this investigation, the investigator shall forward the report to the Board Attorney. The Board Attorney shall forward the report to the Board so that such action as is appropriate can be taken.

Any investigation conducted pursuant to this policy shall be conducted without regard for the length of service, position/title, or relationship of the individual who is alleged to have committed or concealed fraud.

## Schedule for administrator's office

The School District will provide all services at Clewiston Adult School locations at 475 East Osceola Avenue (Workforce Office), 601 W Pasedena Ave. (Diesel Tech, HVAC Programs), 1501

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Francisco St. (HVAC Program) in Clewiston, FL. The administrative office will be open from Monday through Friday, excluding holidays recognized by the State of Florida. The office hours will span 7:30 a.m. to 4 p.m. for each day that the office is open.

The School District will allow for extended hours as needed. Hours and closures will be posted on the door of the office and available on the public website.



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## Appendix A

Application Document Checklist provided by Florida DEO at :  
<https://floridajobs.org/rebuildflorida/irma/workforce-recovery-training>



### Applicant Identification (must be a photo ID)



- Driver License; OR
- State- or Federal-issued ID; OR
- U.S. Passport; OR
- Permanent Resident Card; OR
- Employment Authorization Card

### Proof of Current Address

- Deed, mortgage, or monthly mortgage statement; OR
- Rental agreement; OR
- Florida vehicle registration or title; OR
- Florida Voter Registration Card; OR
- W-2 Form or 1099; OR
- Utility bill; OR
- Automobile or homeowner's insurance policy or bill; OR
- Medical or health card with address; OR
- Statement from financial institution; OR
- Letter from shelter or half-way house verifying applicant lives at address; OR
- Educational transcripts

### Proof of Work Authorization

- Social Security Card; OR
- U.S. Birth Certificate; OR
- U.S. Passport; OR
- Permanent Resident Card; OR
- U.S. Citizen Card; OR
- Employment Authorization Card

### Documentation of Other Forms of Assistance

(Provide all that apply.)

- FEMA award letter
- SBA award letter
- Educational assistance award letter
- VOAD, non-profit, or other award letter

### Income Documentation for All Adult Household Members (18+)

- Most recent tax returns (IRS 1040, 1040A or 1040EZ) signed and submitted; OR
- Documentation of Income:
  - Salary/Wage/Tips: Last 3 months of pay stubs OR signed statement from employer stating wage and frequency of payment.
  - Self-employment Income: IRS 1099, profit/loss statement, or ledger.
  - Interest, Dividends: IRS 1099 DIV or account/holding statements.
  - Benefits: Social security or disability, retirement, SSA, TANF, Veterans', alimony, pension or annuity current letter of benefits (should include benefit amount).
  - Unemployment Income: current letter of benefits or printouts (should include benefit amount).
  - Workers Compensation Income: letter of benefits from insurance company or court (should include benefit amount).
  - Documentation of any other sources of income received regularly.

[www.RebuildFlorida.gov](http://www.RebuildFlorida.gov)



**Additional Documentation**

(if applicable)

- If applicant is disabled, provide one (1) of the following:
  - Social Security Disability Statement
  - Letter from doctor stating applicant qualifies as disabled
  - Verification of Disability Form
- If applicant is a Veteran or active duty spouse or dependent, provide DD Form 214, military identification card, or other recognized documentation.

**Certifications and Authorizations**

- Consent and Release of Personal Information Form
- Fraud Acknowledgement Regarding False or Misleading Statements Certification

**Helpful Information:**

- After your initial application is submitted, your application will be reviewed by the program partner(s) you selected. A team member will contact you if any additional documentation is required.
- Translation services are available by contacting one of the WRTP program partners:
  - CareerSource Brevard  
321-394-0511
  - The College of the Florida Keys  
305-809-3238
  - Florida International University  
305-348-3537
  - Florida State College at Jacksonville  
904-361-6251
  - Hendry County School District  
863-983-1511
  - Indian River State College  
772-462-7546
  - Valencia College  
407-582-6700
- All information provided to the WRTP will be verified.
- For additional information and updates, visit [www.RebuildFlorida.gov](http://www.RebuildFlorida.gov).

Information subject to change. Last revised: July 15, 2020.


[www.RebuildFlorida.gov](http://www.RebuildFlorida.gov)

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## Appendix B

Consent and Release of Personal Information Form Provided by Florida DEO

Available in Spanish and Haitian Creole on the Florida DEO Website:  
<https://floridajobs.org/rebuildflorida/irma/workforce-recovery-training>



**CONSENT AND RELEASE OF PERSONAL INFORMATION**

<hr/> <small>Applicant Name</small>	<hr/> <small>County</small>
<hr/> <small>Address</small>	<hr/> <small>City, State Zip Code</small>
<hr/> <small>Phone</small>	<hr/> <small>Email</small>


Applicant acknowledges that previous or current personal information may be necessary to process Applicant's Workforce Recovery Training Program application. Verifications and inquiries that may be requested include, but are not limited to: personal identity, insurance claim information, bank and financial records, tax returns, employment, property records, income and assets. Applicant hereby consents and authorizes the Rebuild Florida Program, its agents, contractors and assigns to request, access, review, disclose, release and share personal information – including any private or confidential information which is not subject to public disclosure but is necessary to process the application. Applicant further acknowledges that any party disclosing information to Rebuild Florida is not responsible for any negligent misrepresentation or omission, and Applicant agrees to hold such parties harmless from and against all claims, actions, suits or other proceedings, and any and all losses, judgments, damages, expenses or other costs (including reasonable attorneys' fees and disbursements), arising from or in any way relating to their disclosure. Applicant further acknowledges that the information gathered may be released to any other governing agency responsible for auditing Rebuild Florida including, but not limited to the Department of Housing and Urban Development (HUD) or the Office of Inspector General (OIG). This form will remain valid until revoked in writing.

**PRIVACY POLICY**

The Applicant acknowledges that he/she has received and reviewed the Rebuild Florida's privacy policy as it relates to the Applicant's personal information and the Applicant's right to privacy. Rebuild Florida's ability to access the Applicant's personal information is a condition of participation in Program.

<hr/> <small>Applicant Signature</small>
<hr/> <small>Applicant Printed Name</small>
<hr/> <small>Date</small>


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## Appendix C

Fraud Acknowledgement Regarding False or Misleading Statements Certification Provided by Florida DEO - Available in Spanish and Haitian Creole on the Florida DEO Website: <https://floridajobs.org/rebuildflorida/irma/workforce-recovery-training>



**FRAUD ACKNOWLEDGEMENT REGARDING FALSE OR MISLEADING STATEMENTS**

<hr/> <small>Applicant Name</small>	<hr/> <small>County</small>
<hr/> <small>Address</small>	<hr/> <small>City, State Zip Code</small>
<hr/> <small>Phone</small>	<hr/> <small>Email</small>


- a) NOTICE: Applicant is hereby notified that intentionally or knowingly making a materially false or misleading statement relating to the Program could result in ineligibility for benefits, action to recover any Program benefits paid to or on behalf of Applicant, and/or a referral to criminal law enforcement.
- b) Applicant represents that all statements and representations made by Applicant regarding any other disaster recovery funding received by Applicant have been and shall be true and correct.
- c) Applicant hereby represents that the Applicant has received, read, and understands this notice of penalties for making a materially false or misleading statement to obtain Program benefits.
- d) In any proceeding to enforce this grant agreement, the State shall be entitled to recover all costs of enforcement, including actual attorney's fees.

<hr/> <small>Applicant Signature</small>
<hr/> <small>Applicant Printed Name</small>
<hr/> <small>Date</small>

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## Appendix D

Hendry County School District Policy 1211



Book	Policy Manual
Section	1000 Administration
Title	WHISTLEBLOWER PROTECTION
Code	po1211
Status	Active

### 1211 - **WHISTLEBLOWER PROTECTION**

The School Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative procedures. Pursuant to State law, the Board expects administrative staff members to report any violation or suspected violation of any Federal, State or local law, policy, or regulation committed by any employee, or agent of an agency or independent contractor which is doing business with the Board, which creates and presents a substantial or specific danger to the public's health, safety, or welfare to their immediate supervisors. Additionally, pursuant to State law, administrative staff members are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor which is doing business with the Board.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee should report the alleged misconduct to the Superintendent.

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After such a report is made, the immediate supervisor will ask that the employee's report be put in writing.

Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported.

Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

If the alleged misconduct that is reported involves a Board member or the Superintendent, the report is to be filed directly with the Board Attorney who is hereby authorized to engage outside counsel to conduct the investigation concerning the alleged misconduct.

Upon receipt of a report made by an administrative staff member pursuant to this policy, an investigation shall be conducted by the Superintendent or Board Attorney consistent with the procedures described in F.S. 112.3189.

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Legal                      F.S. 112.3187, 112.3189

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## Appendix E

### Hendry County School District Policy 3211



Book	Policy Manual
Section	3000 Instructional Staff
Title	WHISTLEBLOWER PROTECTION
Code	po3211
Status	Active
Adopted	July 12, 2016

#### 3211 - **WHISTLEBLOWER PROTECTION**

The School Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative procedures. Pursuant to State law, the Board expects instructional staff members to report any violation or suspected violation of any Federal, State or local law, policy, or regulation committed by any employee, or agent of an agency or independent contractor which is doing business with the Board, which creates and presents a substantial or specific danger to the public's health, safety, or welfare to their immediate supervisors. Additionally, pursuant to State law, instructional staff members are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor which is doing business with the Board.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee should report the alleged misconduct to the

## Hendry County School District: Workforce Recovery Training Program Policy & Procedure Manual

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Superintendent.

After such a report is made, the immediate supervisor will ask that the employee's report be put in writing.

Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported.

Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

If the alleged misconduct that is reported involves a Board member or the Superintendent, the report is to be filed directly with the Board Attorney, who is hereby authorized to engage outside counsel to conduct the investigation concerning the alleged misconduct.

Upon receipt of a report made by an instructional staff member pursuant to this policy, an investigation shall be conducted by the Superintendent or Board Attorney consistent with the procedures described in F.S. 112.3189.

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Legal                      F.S. 112.3187, 112.3189



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## Appendix F

Hendry County School District Policy 4211



Book	Policy Manual
Section	4000 Support Staff
Title	WHISTLEBLOWER PROTECTION
Code	po4211
Status	Active
Adopted	July 12, 2016

### 4211 - WHISTLEBLOWER PROTECTION

The School Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative procedures. Pursuant to State law, the Board expects support staff members to report any violation or suspected violation of any Federal, State or local law, policy, or regulation committed by any employee, or agent of an agency or independent contractor which is doing business with the Board, which creates and presents a substantial or specific danger to the public's health, safety, or welfare to their immediate supervisors. Additionally, pursuant to State law, support staff members are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor which is doing business with the Board.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee should report the alleged misconduct to the

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Superintendent.

After such a report is made, the immediate supervisor will ask that the employee's report be put in writing. Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported. Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

If the alleged misconduct that is reported involves a Board member or the Superintendent, the report is to be filed directly with the Board Attorney who is hereby authorized to engage outside counsel to conduct the investigation concerning the alleged misconduct.

Upon receipt of a report made by a support staff member pursuant to this policy, an investigation shall be conducted by the Superintendent or Board Attorney consistent with the procedures described in F.S. 112.3189.

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## **Appendix G**

Hendry County School District Policy 6325

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Book	Policy Manual
Section	6000 Finances
Title	PROCUREMENT – FEDERAL GRANTS/FUNDS
Code	po6325
Status	Active
Adopted	July 12, 2016
Last Revised	September 5, 2019

## **6325 - PROCUREMENT – FEDERAL GRANTS/FUNDS**

Procurement of all supplies, materials, equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, School Board policies, and administrative procedures.

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (2 C.F.R. 200.317-.326) for the administration and management of Federal grants and Federally-funded programs. The District shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the District's documented general purchasing Policy 6320, AP 6320A, and AP 6325.

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The District shall take affirmative steps to assure that small and minority businesses, women's business enterprises, and labor surplus area firms are used when possible in accordance with 2 C.F.R. 200.321.

All District employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1129, Policy 3129, and Policy 4129 – Conflict of Interest.

The District will avoid acquisition of unnecessary or duplicative items. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

## **Competition**

All procurement transactions paid for from Federal funds or District matching funds shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgment. In order to promote objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

- A. unreasonable requirements on firms in order for them to qualify to do business
- B. unnecessary experience and excessive bonding requirements
- C. noncompetitive contracts to consultants that are on retainer contracts
- D. organizational conflicts of interest

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- E. specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement
- F. any arbitrary action in the procurement process

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless (1) an applicable Federal statute expressly mandates or encourages a geographic preference; or (2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the District uses a pre-qualified list of persons, firms, or products to acquire goods and services that are subject to this policy, the pre-qualified list includes enough qualified sources to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list.

## **Solicitation Language**

The District shall require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

## **Procurement Methods**

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The District shall utilize the following methods of procurement:

## A. Small Purchases

Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property that does not exceed the competitive bid threshold of \$15,000.

## B. Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to more than \$25,000 and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed \$25,000.

In order for sealed bidding to be feasible, the following conditions shall be present:

1. a complete, adequate, and realistic specification or purchase description is available;
2. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
3. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

When sealed bids are used, the following requirements apply:

1. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
2. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
3. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.

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4. A firm fixed price contract award will be made in writing to the lowest responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.
5. The Board reserves the right to reject any or all bids for sound documented reason.

## C. Competitive Proposals

Procurement by competitive proposal, normally conducted with more than one source submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method.

If this method is used, the following requirements apply:

1. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
2. Proposals shall be solicited from an adequate number of sources.
3. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
4. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.



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## D. Noncompetitive Proposals

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. the item is available only from a single source
2. the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation
3. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District
4. after solicitation of a number of sources, competition is determined to be inadequate

### **Contract/Price Analysis**

The District shall perform a cost or price analysis in connection with every procurement action in excess of \$150,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

### **Time and Materials Contracts**

The District uses a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the District is the sum of the actual costs of materials, and

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direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

## **Suspension and Debarment**

The District will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 C.F.R. Part 180.

Suspension is an action taken by the District that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 C.F.R. Part 180 Subpart G)

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. chapter 1). A person so excluded is debarred. (2 C.F.R. Part 180 Subpart H)

The District shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors at [www.sam.gov](http://www.sam.gov); collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor.

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(2 C.F.R. Part 180 Subpart C)

## **Maintenance of Procurement Records**

The District maintains records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection, or rejection, and the basis for the contract price (including a cost or price analysis).

Revised 2/5/19

Revised 9/5/19

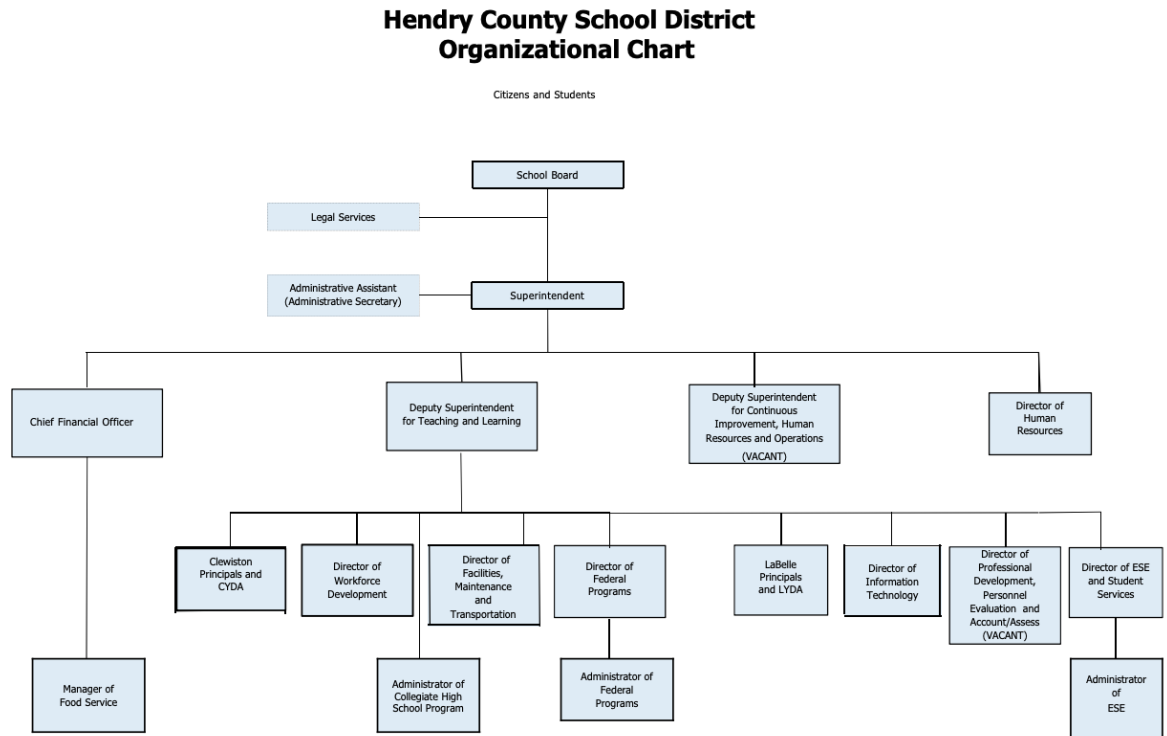
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Legal	2 C.F.R. 200.317
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	2 C.F.R. 200.324
	2 C.F.R. 200.325
	2 C.F.R. 200.326

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## Appendix H

Hendry County School District Organizational Chart as of July 1, 2019



**Committed to continuous improvement in academics and business operations.**

Board Approved:  
Effective: July 1, 2019

Contracted Services     
 Non-Administrative

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## Appendix I

Hendry County School District Policy 6320



Book	Policy Manual
Section	6000 Finances
Title	PURCHASING AND CONTRACTING FOR COMMODITIES AND CONTRACTUAL SERVICES
Code	po6320
Status	Active
Adopted	July 12, 2016
Last Revised	September 5, 2019

### **6320 - PURCHASING AND CONTRACTING FOR COMMODITIES AND CONTRACTUAL SERVICES**

Any School Board employee who has purchasing authority shall consider first the interests of the Board in all purchases and seek to obtain the maximum value for each dollar expended; not solicit or accept any gifts or gratuities from present or potential suppliers which might influence or appear to influence purchasing decisions; and refrain from any private business or professional activity that might present a conflict of interest in making purchasing decisions on behalf of the Board.

No person, unless authorized to do so under this policy, may make any purchase or enter into any contract involving the use of school funds. The Board will not approve any expenditure for an unauthorized purchase or contract.

Purchases may be made through an online procurement system, an electronic auction service, or other efficient procurement tool.

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## Scope

This policy shall generally apply to the District's purchase of commodities and contractual services, except it shall not apply to:

- A. employment contracts;
- B. acquisition of architectural, engineering, landscape architectural, construction management at risk, registered surveying and mapping, or other services pursuant to Policy 6330 - Acquisition of Professional Architectural, Engineering, Landscape Architectural, or Land Surveying Services;
- C. acquisition of auditing services pursuant to F.S. 218.391;
- D. acquisition of professional consultant services, including but not limited to services of lawyers, accountants, financial consultants, and other business or operational consultants, which shall be governed by Policy 6540 - Consultant Agreements;
- E. contracts which are exempted, in whole or in part, from this policy's requirements, as set forth below;
- F. proposals and agreements for public-private partnerships with private entities for qualifying projects pursuant to F.S. 287.05712.

## Definitions

- A. "Competitive solicitation" means purchasing made through the issuance of an invitation to bid, request for proposals and invitation to negotiate. Competitive solicitations are not required for purchases made through the pool purchase provisions of F.S. 1006.27.
- B. "Invitation to bid" means a written or electronic solicitation for competitive sealed bids. The invitation to bid is used when the Board is capable of specifically defining the scope of work for which a contractual service is required or when the Board is capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is publicly posted.
- C. "Invitation to negotiate" means a written or electronically posted solicitation for competitive sealed replies to select one (1) or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the Board determines that

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negotiations may be necessary for it to receive the best value. A written solicitation includes a solicitation that is publicly posted.

- D. "Proposer" means those vendors submitting bids or responses to a competitive solicitation.
- E. "Request for proposals" means a written or electronically posted solicitation for competitive sealed proposals. The request for proposals is used when it is not practicable for the Board to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the Board is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A written solicitation includes a solicitation that is publicly posted.
- F. "Superintendent" means the "Superintendent or designee".
- G. "Request for Quotations" means an informal process to solicit three (3) or more price quotes on commodities or contractual services with standard specifications and valued under the threshold requiring formal competitive solicitations. Quotations may be obtained verbally or via facsimile or e-mail.

## **Standards and Specifications**

Before making any purchase of commodities or contractual services which the Superintendent is authorized by the Board to make or before recommending any purchase to the Board, the Superintendent shall, insofar as possible, propose standards and specifications. S/He shall see that the commodities or contractual services conform to those standards and specifications, and shall take such other steps as are necessary to see that the maximum value is being received for any money expended.

## **Pre-Purchasing Review of Available Purchasing Agreements and State Term Contracts for Nonacademic Commodities and Contractual Services**

Before purchasing nonacademic commodities and contractual services, the Board authorizes the Superintendent to review the purchasing agreements and State term contracts available under F.S. 287.056 to determine whether it is in the Board's economic advantage to use the agreements and contracts.

Each bid specification for nonacademic commodities and contractual services must include a statement indicating that the purchasing agreements and State term contracts available under F.S. 287.056 have been reviewed. The Board may use the

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cooperative State purchasing programs managed through the regional consortium service organizations pursuant to F.S. 1001.451. This policy does not apply to services that are eligible for reimbursement under the Federal E-rate program administered by the Universal Service Administrative Company.

## **Competitive Solicitation Requirements for Commodities and Contractual Services Other Than Construction Contracting**

Except as authorized by law or policy, competitive solicitations shall be requested from three (3) or more sources for the purchase of any authorized commodities or contractual services in an amount greater than \$25,000.00. Purchases of goods and services up to and including \$15,000 are at the discretion of the principal or administrator. Purchases exceeding \$15,000 up to and including \$25,000 require Board approval but do not require competitive bids.

The procurement of commodities or contractual services may not be divided so as to avoid this monetary threshold requirement.

### A. Bid Solicitation

The Superintendent is authorized to issue invitations for bids.

### B. Bid Publication

Notice of the invitation for bids or requests for proposals shall be published at least once in a newspaper of general circulation within the District and may be otherwise issued electronically, direct delivery, or other means which are appropriate under the circumstances. The required bid return date is to be announced at the time of the bid offering and shall not be less than five (5) working days from the bid offering date.

### C. Bid Responses

The invitations to bid must be responded to by three (3) or more qualified vendors/bidders. Exceptions must be approved by the Board.

### D. Bid Opening

Bids will be opened in the office designated in the bid advertisement with the Superintendent's designee and at least one (1) other District employee present.



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## E. Bid Rejection

The Board may reject any or all bids and request new bids.

## F. Bid Award

In acceptance of responses to invitations to bid, the Board may accept the proposal of the lowest responsive, responsible proposer. The Board may also choose to award contracts to the lowest responsive, responsible bidder as the primary awardee of a contract and to the next lowest responsive, responsible bidder(s) as alternate awardees, from whom commodities or contractual services would be purchased, should the primary awardee become unable to provide all of the commodities or contractual services required by the Board during the term of the contract. Nothing herein is meant to prevent multiple awards to the lowest responsive and responsible bidders, when such multiple awards are clearly stated in the bid solicitation documents.

For a bidder to be considered responsive, the proposal must respond to all bid specifications in all material respects and contain no irregularities or deviations from the bid specifications which would affect the amount of the bid or otherwise provide a competitive advantage.

For a bidder to be deemed responsible, the Board may request evidence from the bidder concerning:

1. the experience (type of product or service being purchased, etc.) of the bidder;
2. the financial condition;
3. the conduct and performance on previous contracts (with the District or other agencies);
4. the bidder's facilities;
5. management skills;
6. the ability to execute the contract properly;
7. a signed affidavit ensuring that neither the bidder nor any subcontractor has entered into an agreement with any labor organization regarding the public improvement project.

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Award of a bid by the Board shall only represent an indication by the Board that a bid represents the lowest responsive bid from a responsible and responsive bidder meeting the requirements and criteria set forth in the invitation to bid. Award of a bid shall not create a binding obligation on the Board, and no obligation shall be created or imposed on the District until such time as the Board Chair/designee executes a contract.

## **Identical/Tie Low Bids**

When identical low bids are received from an out-of-District vendor and a local vendor, the local vendor shall be recommended for award. The term "local vendor" means a vendor who has an established business presence in the District indicated by the following:

- A. Has a physical business location within the District for at least six (6) months immediately prior to issuance of the competitive solicitation.
- B. Provides customer access at the business location.
- C. Holds any required business license through a jurisdiction in the District.
- D. Employs one (1) full-time or two (2) part-time employees in the District, or if the business has no employees, is at least fifty percent (50%) owned by one (1) or more persons whose primary residence(s) is located within the District.

When two (2) or more local vendors present tie low bids on the same items, the company receiving the larger dollar award of the total bid shall be recommended for tie items.

In the event two (2) or more local vendors present exact tie low bids and the dollar award is not a criterion, the successful bidder shall be selected by applying the following criteria in order:

- A. drug-free workplace program in accordance with Florida law
- B. minority business enterprise (MBE) certified by the State of Florida Office of Supplier Diversity
- C. veteran business enterprise, certified by the State of Florida Department of Management Services
- D. by lot or other method the Board may select

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When two (2) out-of-District vendors submit identical low bids, the criteria noted above shall be used to determine the successful bidder.

## **Vendor Preference For Certified Veteran Business Enterprises**

As authorized by F.S. 295.187, "The Florida Veteran Business Enterprise Act", the Board shall provide a vendor preference in favor of certified veteran business enterprises.

The certification of a veteran business enterprise shall be granted by the Department of Management Services, with the assistance of the Department of Veterans' Affairs, as required by State law.

When two (2) or more bids, proposals or replies for procurement of commodities or contractual services, which are equal with respect to all relevant considerations, including price, quality, and service, are submitted and at least one (1) is from a certified veteran business enterprise, priority for award shall be given to the certified veteran business enterprise as defined by F.S. 295.187. In the event two (2) or more certified veteran business enterprises are entitled to the preference, then the award shall be given to the business having the smallest net worth.

To the extent that this provision is inconsistent with the provisions of this or any other Board policy, this provision shall prevail.

## **Exception to Competitive Bidding Requirements**

Notwithstanding anything in this policy to the contrary, the Board may make certain purchases without the requirement for competitive solicitations, under the following conditions:

- A. In lieu of requesting competitive solicitations from three (3) or more sources, the Board may make purchases at or below the unit prices in contracts awarded by other Federal, State, city or county governmental agencies, other school boards, community colleges, or State university system cooperative bid agreements when the proposer awarded a contract by another entity will permit purchases by the Board at the same terms, conditions, and unit prices (or below such prices) awarded in such contract, and such purchases are to the economic advantage of the Board.
- B. The Superintendent is authorized to purchase commodities and contractual services where the total amount does not exceed \$15,000 and does not exceed the applicable appropriation in the budget.

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- C. The Superintendent is authorized to purchase commodities and contractual services under the Department of Management Services State term contracts.
- D. Competitive solicitations are not required for pool purchases made as provided in F.S. 1006.27.
- E. The State Board has waived the requirement for requesting competitive solicitations from three (3) or more sources for purchases by the Board of:
  - 1. Professional services which shall include, without limitation, artistic services; academic program reviews; lectures by individuals; auditing services not subject to F.S. 218.391; legal services, including attorney, paralegal, expert witness, court reporting, appraisal or mediator services; and health services involving examination, diagnosis, treatment, prevention, medical consultation or administration; provided nothing herein shall be deemed to authorize the superintendent to acquire professional consultant services without Board approval as required by Board Policy 6540;
  - 2. Educational services and any type of copyrighted materials including, without limitation, educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, videotapes, DVDs, disc or tape recordings, digital recordings, or similar audio-visual materials, and for library and reference books, and printed library cards where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent within the state, a governmental agency or a recognized educational institution;
  - 3. Commodities and contractual services when:
    - a. competitive solicitations have been requested in the manner prescribed by this policy; and
    - b. the Board has made a finding that no valid or acceptable firm proposal has been received within the prescribed time.

When such a finding has been officially made, the Board may enter into negotiations with suppliers of such commodities and contractual services and may execute contracts with such vendors under whatever terms and conditions as the Board determines to be in its best interests.

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4. Commodities and contractual services when fewer than two (2) responsive proposals are received. The Board may then negotiate on the best terms and conditions or decide to reject all proposals. The Board will document the reasons that negotiating terms and conditions with the sole proposer is in the best interest of the District in lieu of re-soliciting proposals.
- F. Information technology resources, whether by purchase, lease, lease with option to purchase, rental, or otherwise as defined in F.S. 282.0041(15), may be acquired by competitive solicitation or by direct negotiation and contract with a vendor or supplier, as best fits the needs of the District as determined by the Board.
- G. Purchases of insurance, risk management programs, or contracting with third party administrators for insurance-related services may be through competitive solicitation or by direct negotiation and contract with a vendor or supplier.
- H. The Board may dispense with requirements for competitive solicitation for the emergency purchase of commodities or contractual services when the Superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the District requires emergency action. After the Superintendent makes such a written determination, the Board may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without requesting competitive solicitations. However, such an emergency purchase shall be made by obtaining pricing information from at least two (2) prospective vendors, which must be retained in the contract file, unless the Superintendent determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the District.
- I. Commodities or contractual services available only from a single source may be exempted from the competitive solicitation requirements. When the Board believes that commodities or contractual services are available only from a single source, the Board will electronically post a description of the commodities or contractual services sought for a period of at least seven (7) business days. The description will include a request that prospective vendors provide information about their ability to supply the commodities or contractual services described. If it is determined in writing by the Board, after reviewing any information received from prospective vendors, that the commodities or contractual services are available only from a single source, the Board shall provide notice of its intended decision to enter a single source

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contract in the manner specified in Policy 6326 - Bid Protests, and may negotiate on the best terms and conditions with the single source vendor.

- J. The Board may make purchases of construction project materials directly from vendors, on behalf of the awarded construction contractor/manager, to take advantage of the District's "sales tax" exempt status.
- K. A contract for commodities or contractual services may be awarded without competitive solicitations if State or Federal law, a grant or a State or Federal agency contract prescribes with whom the Board must contract or if the rate of payment is established during the appropriations process.
- L. A contract for regulated utilities or government franchised services may be awarded without competitive solicitations.

## **Contract**

Each Board contract for services must include a provision that requires the contractor to comply with public records laws, specifically to:

- A. keep and maintain public records that ordinarily and necessarily would be required by the Board in order to perform the service under the contract;
- B. provide the public with access to its public records on the same terms and conditions as the Board would provide the records, and at a cost that does not exceed the cost provided in Policy 8310 - Public Records;
- C. ensure that any of its public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law;
- D. meet all requirements for retaining public record and, upon the termination of the contract, transfer to the Board, at no cost, all public records in its possession and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Board in a format that is compatible with the Board's information technology systems;
- E. the contractor shall furnish a copy of any public records request or request for records in any way relating to the District, immediately upon receipt to the District's Chief Financial Officer (CFO).

Each contract must also include the following statement, in substantially the following form, identifying the contact information of the District's custodian of

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public records in at least fourteen (14) point boldface type: "IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF F.S. CHAPTER 119 TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT Superintendent of Schools, P. O. Box 1980, LaBelle, FL 33975, (863) 674-4642. (Insert District's custodian of public records telephone number, e-mail address, and mailing address)".

Contracts shall be approved and executed as follows:

A. Superintendent/Designee Authority

The Superintendent is authorized to approve and execute contracts on behalf of the District involving expenditure of public funds in an amount no greater than \$15,000.00, so long as the obligation created does not exceed the applicable appropriation within the District budget and the contract is otherwise in compliance with applicable District procedures, policies, and law. For purposes of this policy, any group of contracts purchase orders to the same provider that are connected in terms of time, location and services such that a reasonable person would view them as a single contract shall be deemed to be a single contract. The Superintendent shall not divide the procurement of commodities or contractual services so as to avoid the monetary cap imposed by this policy. Designations of contracting authority by the Superintendent shall be in writing and shall specify the maximum obligation permitted up to \$15,000.00.

B. Emergency Purchases

Notwithstanding the general limit on the Superintendent's authority to enter into contracts involving expenditure of public funds in an amount no greater than \$25,000.00, the Superintendent is authorized to approve and execute contracts on behalf of the District involving expenditure of public funds in an amount greater than \$25,000.00 when the Superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the School District requires emergency action.

C. Board Approval

Except as expressly provided herein, the Board shall approve and execute all contracts on behalf of the District involving the expenditure of public funds in an amount greater than \$15,000.00.

## **Purchase Order Approval**

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## A. Bids/Exceptions

The Superintendent is authorized to issue purchase orders in accordance with bids awarded pursuant to below without further action of the Board so long as the obligation created does not exceed the applicable appropriation within the District budget. The Superintendent shall inform the Board of the approval of all purchase orders greater than \$15,000 by a written report issued to the Board at the next regularly scheduled public meeting. This paragraph shall not be construed to require Board approval of purchase orders.

## B. Contracts

The approval of a contract in accordance with this policy authorizes the Superintendent to approve and issue any purchase order required to fulfill the District's obligation under the approved contract without further action of the Board. The Superintendent shall inform the Board of the approval of all purchase orders greater than \$15,000 by a written report issued to the Board at the next regularly scheduled public meeting. This section shall not be construed to require Board approval of purchase orders.

## **Debarment**

The CFO shall have the authority to debar a person/corporation, for cause, from consideration or award of further contracts. The debarment shall be for a period commensurate with the seriousness of the cause, generally not to exceed three (3) years. If a suspension precedes a debarment, the suspension period shall not be considered in determining the debarment period. When the offense is willful or blatant, a longer term of debarment may be imposed, up to an indefinite period.

### A. Cause of Debarment

The term "debar" or "debarment" means to remove a vendor from bidding on District work. Causes for debarment include, but are not limited to the following:

1. conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or sub-contract, or in performance of such contract
2. conviction under State or Federal statutes for embezzlement, theft, forgery, bribery, falsification or destruction of records contracts between the District and the contractor, work performed by the



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contractor, or services or products delivered

3. any other cause the Director of Purchasing determines to be so serious and compelling as to affect credibility as a District vendor, including debarment by another governmental entity for any cause listed in this policy

## B. Notice of Recommended Decision

The CFO shall issue a notice letter that advises the party that it is debarred or suspended. The letter shall:

1. state the reason(s) for the action taken; and
2. inform the vendor of its right to petition the Board for reconsideration.

## C. Right to Request a Hearing

Any person who is dissatisfied or aggrieved with the notification of the determination to debar or suspend must, within ten (10) calendar days of such notification, appeal such determination to the Board.

## D. Hearing Date

The Board shall schedule a hearing at which time the person shall be given the opportunity to demonstrate why the debarment/suspension by the CFO should be overturned. All parties shall be given notice of the hearing date.

Revised 9/5/19

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Legal	F.S. 119.0701
	F.S. 255.05
	F.S. 255.0516
	F.S. 255.0518
	F.S. 287.056
	F.S. 287.084
	F.S. 287.087
	F.S. 287.132
	F.S. 287.133
	F.S. 295.187
	F.S. 1001.43
	F.S. 1001.451
	F.S. 1010.04
	F.S. 1010.07(2)
	F.S. 1010.48
	F.A.C. 6A-1.012, Purchasing Policies
	F.A.C. 5P-1.003, Responsibilities for the School Food Service Program

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## Appendix J

### Hendry County School District Policy 1129

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Book	Policy Manual
Section	1000 Administration
Title	CONFLICT OF INTEREST
Code	po1129
Status	Active
Adopted	July 12, 2016

#### 1129 - **CONFLICT OF INTEREST**

The proper performance of school business is dependent upon high standards of honesty, integrity, impartiality, and professional conduct by School Board employees. Further, such characteristics are essential to the Board's commitment to earn and keep the public's confidence. For these reasons, the Board adopts the following procedures to assure that conflicts of interest do not occur. These procedures are not intended to be all inclusive, nor to substitute for good judgment on the part of all District Board members, employees, officers, and agents.

- A. No employee, officer, or agent shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts with the employee's job duties and responsibilities in the school system.
  
- B. No employee, officer, or agent shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students, or clients in the course of their employment with the District.

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- C. No employee, officer, or agent shall make use of materials, equipment, or facilities of the District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

Exceptions to any provision in parts A through C of this policy shall be approved in advance by the Superintendent and shall be consistent with State law.

Employees, officers, or agents may not participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

Employees, officers, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

To the extent that the District has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the School District may not conduct a procurement action involving the parent, affiliate, or subsidiary organization if the School District is unable, or appears to be unable, to be impartial.

Employees, officers, and agents must disclose any potential conflict of interest that may lead to a violation of this policy to the School District. Upon discovery of any potential conflict of interest, the School District will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The District will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery, or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

Employees, officers, and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, pursuant to Board Policy 1139.01, Staff Discipline and/or State law.

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Legal                    F.S. 112.312, 112.313, 1006.32  
                              2 C.F.R. 200.112, 200.113, 200.318

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## Appendix K

### Hendry County School District Policy 3129



Book	Policy Manual
Section	3000 Instructional Staff
Title	CONFLICT OF INTEREST
Code	po3129
Status	Active
Adopted	July 12, 2016

#### 3129 - **CONFLICT OF INTEREST**

The proper performance of school business is dependent upon high standards of honesty, integrity, impartiality, and professional conduct by School Board employees. Further, such characteristics are essential to the Board's commitment to earn and keep the public's confidence. For these reasons, the Board adopts the following procedures to assure that conflicts of interest do not occur. These procedures are not intended to be all inclusive, nor to substitute for good judgment on the part of all District Board members, employees, officers, and agents.

- A. No employee, officer, or agent shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts with the employee's job duties and responsibilities in the school system.
  
- B. No employee, officer, or agent shall engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment with the District.

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- C. No employee, officer, or agent shall make use of materials, equipment, or facilities of the District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

Exceptions to any provision in parts A through C of this policy shall be approved in advance by the Superintendent and shall be consistent with State law.

Employees, officers, or agents may not participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

Employees, officers, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

To the extent that the District has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the School District may not conduct a procurement action involving the parent, affiliate, or subsidiary organization if the School District is unable, or appears to be unable, to be impartial.

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Legal                      F.S. 112.312, 112.313, 1006.32  
                                  2 C.F.R. 200.112, 200.113, 200.318

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## Appendix L

### Hendry County School District Policy 4129



Book	Policy Manual
Section	4000 Support Staff
Title	CONFLICT OF INTEREST
Code	po4129
Status	Active
Adopted	July 12, 2016

#### 4129 - **CONFLICT OF INTEREST**

The proper performance of school business is dependent upon high standards of honesty, integrity, impartiality, and professional conduct by School Board employees. Further, such characteristics are essential to the Board's commitment to earn and keep the public's confidence. For these reasons, the Board adopts the following procedures to assure that conflicts of interest do not occur. These procedures are not intended to be all inclusive, nor to substitute for good judgment on the part of all District Board members, employees, officers, and agents.

- A. No employee, officer, or agent shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts with the employee's job duties and responsibilities in the school system.
- B. No employee, officer, or agent shall engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment with the District.



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- C. No employee, officer, or agent shall make use of materials, equipment, or facilities of the District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

Exceptions to any provision in parts A through C of this policy shall be approved in advance by the Superintendent and shall be consistent with State law.

Employees, officers, or agents may not participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

Employees, officer, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

To the extent that the District has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the School District may not conduct a procurement action involving the parent, affiliate, or subsidiary organization if the School District is unable, or appears to be unable, to be impartial.

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Legal                      F.S. 112.312, 112.313, 1006.32  
                                    2 C.F.R. 200.112, 200.133, 200.318