		BOARD POLICY		POLICY NUMBER POL 200-2
Title:	Mandatory Disclosures of Violations of Criminal Law			
Effective:	2-15-2024	Revised:	N/A	
Supersedes:	N/A	Version:	01	

I. OF INTEREST TO

This policy is applicable to the South Florida Workforce Investment Board (SFWIB) dba CareerSource South Florida (CSSF), SFWIB staff, American Job Centers (AJC), Service Providers, Youth Service Providers, Training Providers, and partners.

II. PURPOSE AND SCOPE

The purpose of the Mandatory Disclosures of Violations of Criminal Law Policy is to provide uniform guidance regarding the governance of contractors and subcontractors regarding any violation of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting federal awards in accordance with 2 CFR § 200.113.

III. BACKGROUND

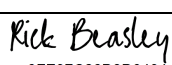
All Workforce Innovation and Opportunity Act (WIOA) Title I and Wagner-Peyser Act recipients of Federal awards must disclose any criminal violations of law as required. The Federal Acquisition Regulation (FAR) provides policies and procedures for governing the acquisition process for federal agencies. The FAR provides provisions that require contractors and subcontractors to disclose any violations to the Office of the Inspector General (OIG).

IV. STATUTORY AUTHORITIES

- Workforce Innovation and Opportunity Act (WIOA) of 2014, § 183; 184(a)(3)-(4); 184(b)(2)-(3)
- WIOA Final Rule, Code of Federal Regulations (CFR) 20 CFR 683.200(h)
- 2 CFR § [200.1](#); [200.113](#); [200.207](#); [200.338](#); [200.339](#); [200.340](#); [200.341](#)
- Federal Register (2022, January 20). Office of Management and Budget. <https://www.federalregister.gov/agencies/management-and-budget-office>

V. DEFINITIONS

- A. Disclosure – means the release, transfer, provision of, access to, or divulging in any other manner of information outside the entity holding the information.

Approved By: Rick Beasley, Executive Director	DocuSigned by: 	3/14/2024
--------------------------------------------------	-------------------------------------------------------------------------------------------------------	-----------

- B. Discovery - means when the Board has knowledge of or should reasonably know that there has been a violation of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award.
- C. Federal Acquisition Regulation (FAR) – means the primary regulation for use by all executive agencies in their acquisition of supplies and services with appropriated funds. The FAR also contains standard solicitation provisions and contract clauses and the various agency FAR supplements.
- D. Federal Award - means an award of Federal financial assistance that a non-Federal entity or Federal agency received from a Federal awarding agency.
- E. Federal Awardee Performance and Integrity Information System (FAPIIS) - means a database that contains information to support award decisions as required by the Federal Acquisition Regulation (FAR).
- F. Federal Awarding Agency - means the Federal agency (e.g., U.S. Department of Labor, Health and Human Services, Education, etc.) that provides a Federal award directly to a non-Federal entity.
- G. Mandatory Disclosure - means information disclosure which is provided in accordance with requirements of applicable federal, state and local laws, regulations and policies.
- H. Non-Federal Entity - means a state, local government, Indian tribe, Institution of Higher Education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient. For purposes of this policy, state means the Florida Department of Commerce (FloridaCommerce).
- I. Office of Management and Budget (OMB) – is the largest office within the Executive Office of the President of the United States (EOP). The OMB evaluates, formulates, and coordinates management procedures and program objectives within and among Federal departments and agencies. It also controls the administration of the Federal budget, while routinely providing the President with recommendations regarding budget proposals and relevant legislative enactments.
- J. Pass-Through Entity (PTE) - means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a federal program.
- K. Recipient – means an entity, usually but not limited to non-Federal entities that receives a Federal award directly from a Federal awarding agency. This term also includes a non-Federal entity who administers Federal financial assistance awards on behalf of a Federal agency. The term recipient does not include sub recipients or individuals that are beneficiaries of the award.
- L. Subaward - means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.
- M. Subrecipient - means an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

N. System for Award Management (SAM or SAM.gov) – means the Federal repository into which a recipient must provide information required for the conduct of business as a recipient.

VI. DISCLOSURES

Pursuant to 2 CFR § 200.113, the SFWIB and its contractors shall, within one business day of discovery, disclose in writing to the Federal awarding agency or pass-through entity all violation of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Additionally, the SFWIB shall disclose any other on-going civil or criminal litigation, investigation, arbitration, or administrative proceedings to SAM (currently FAPIIS).

Failure to make the required disclosures can result in any of the remedies for non-compliance described in 2 CFR § 200.339. The Federal awarding agency or the Florida Department of Commerce (FloridaCommerce). FloridaCommerce may impose additional conditions, as described in 2 CFR § 200.208.

VII. SUBMISSIONS

Upon being informed of or discovering a violation of criminal law, in accordance with 2 CFR § 200.113, the SFWIB shall disclose in writing the offense to the Office of the Inspector General.

VIII. NONCOMPLIANCE

Failure to make required disclosures within one business day can result in the imposition of any of the sanctions described in 2 CFR § 200.339. Additional remedies for noncompliance can include specific conditions as described in 2 CFR § 200.208 and include provisions for requiring additional, more detailed financial reports, further project monitoring, and establishing additional prior approvals.

If the Federal awarding agency or the FloridaCommerce determines that noncompliance cannot be remedied by imposing additional conditions, the Federal awarding agency or the FloridaCommerce may take one or more of the following actions, as deemed appropriate for the circumstance:

1. Disallowance all or part of costs incurred.
2. Withholding all or part of payments.
3. Wholly or partly suspend or terminate the award or agreement.
4. Suspension or debarment as authorized under 2 CFR part 180 and Federal awarding agency regulations.
5. Withhold further Federal awards for the project or program.
6. Take other available legal remedies.

IX. TERMINATION PROVISIONS

If the SFWIB fails to comply with federal, state and local laws, regulations or terms and conditions of a Federal award, said failure may cause the Federal awarding agency or the FloridaCommerce to terminate the award in whole or in part as described in 2 CR § 200.340.

The Federal awarding agency or the FloridaCommerce clearly and unambiguously specify termination provisions applicable to each Federal award, in applicable regulations or in the award, consistent with 2 CR § 200.340.

Should the federal award be terminated prior to the end of the period of performance due to the SFWIB's material failure to comply with the terms and conditions of the award, the Federal awarding agency or the FloridaCommerce shall report the termination to the OMB-designated integrity and performance system accessible through SAM (currently FAPIIS), as described in Pursuant to 2 CFR 200.340(5)(c-d) and 200.341.

X. EXCEPTIONS

Exceptions to this policy, or any part thereof, must be approved in writing by the SFWIB Executive Director.

XI. REVISION HISTORY

There are no revisions to this policy.

XII. RESCISSIONS/CANCELATIONS

There are no rescissions or cancelations for this policy.