

**OMB Guidance, Grants and Agreements**

**Pt. 176, Subpt. B, App.**

the applicant shall include the information and supporting data in the application or proposal.

(c) *Evaluation of project proposals.* If the Federal Government determines that an exception based on unreasonable cost of domestic iron, steel, and/or manufactured goods applies, the Federal Government will evaluate a project requesting exception to the requirements of section 1605 of the Recovery Act by adding to the estimated total cost of the project 25 percent of the project cost if foreign iron, steel, or manufactured goods are used based on unreasonable cost of comparable domestic iron, steel, or manufactured goods.

(d) *Alternate project proposals.* (1) When a project proposal includes foreign iron, steel, and/or manufactured goods, other than designated country iron, steel, and/or manufactured goods, that are not listed by the Federal Government in this Buy American notice in the request for applications or pro-

posals, the applicant may submit an alternate proposal based on use of equivalent domestic or designated country iron, steel, and/or manufactured goods.

(2) If an alternate proposal is submitted, the applicant shall submit a separate cost comparison table prepared in accordance with paragraphs 2 CFR 176.160(c) and (d) for the proposal that is based on the use of any foreign iron, steel, and/or manufactured goods for which the Federal Government has not yet determined an exception applies.

(3) If the Federal Government determines that a particular exception requested in accordance with 2 CFR 176.160(b) does not apply, the Federal Government will evaluate only those proposals based on use of the equivalent domestic or designated country iron, steel, and/or manufactured goods, and the applicant shall be required to furnish such domestic or designated country items.

**APPENDIX TO SUBPART B OF 2 CFR PART 176—U.S. STATES, OTHER SUB-FEDERAL ENTITIES, AND OTHER ENTITIES SUBJECT TO U.S. OBLIGATIONS UNDER INTERNATIONAL AGREEMENTS (AS OF FEBRUARY 16, 2010)**

States	Entities covered	Exclusions	Relevant international agreements
Arizona .....	Executive branch agencies ....	.....	—WTO GPA. —U.S.-Chile FTA.
Arkansas .....	Executive branch agencies, including universities but excluding the Office of Fish and Game.	Construction services .....	—U.S.-Singapore FTA. —WTO GPA. —DR-CAFTA. —U.S.-Australia FTA. —U.S.-Chile FTA. —U.S.-Morocco FTA. —U.S.-Peru TPA. —U.S.-Singapore FTA.
California .....	Executive branch agencies ....	.....	—WTO GPA. —U.S.-Australia FTA. —U.S.-Chile FTA. —U.S.-Singapore FTA.
Colorado .....	Executive branch agencies ....	.....	—WTO GPA. —DR-CAFTA. —U.S.-Australia FTA. —U.S.-Chile FTA. —U.S.-Morocco FTA. —U.S.-Peru TPA. —U.S.-Singapore FTA.
Connecticut .....	—Department of Administrative Services —Department of Transportation.. —Department of Public Works.. —Constituent Units of Higher Education.	.....	—WTO GPA. —DR-CAFTA. —U.S.-Australia FTA. —U.S.-Chile FTA. —U.S.-Morocco FTA. —U.S.-Singapore FTA.

States	Entities covered	Exclusions	Relevant international agreements
Delaware .....	—Administrative Services (Central Procurement Agency). —State Universities. —State Colleges.	Construction-grade steel (including requirements on subcontracts); motor vehicles; coal.	—WTO GPA. —DR-CAFTA (except Honduras). —U.S.-Australia FTA. —U.S.-Chile FTA. —U.S.-Morocco FTA. —U.S.-Singapore FTA.
Florida .....	Executive branch agencies ....	Construction-grade steel (including requirements on subcontracts); motor vehicles; coal.	—WTO GPA. —DR-CAFTA. —U.S.-Australia FTA. —U.S.-Chile FTA. —U.S.-Morocco FTA. —U.S.-Peru TPA. —U.S.-Singapore FTA.
Georgia .....	—Department of Administrative Services. —Georgia Technology Authority.	Beef; compost; mulch .....	—U.S.-Australia FTA.
Hawaii .....	Department of Accounting and General Services.	Software developed in the State; construction.	—WTO GPA. —DR-CAFTA (except Honduras). —U.S.-Australia FTA. —U.S.-Chile FTA. —U.S.-Morocco FTA. —U.S.-Singapore FTA.
Idaho .....	Central Procurement Agency (including all colleges and universities subject to central purchasing oversight).	.....	—WTO GPA. —DR-CAFTA (except Honduras). —U.S.-Australia FTA. —U.S.-Chile FTA. —U.S.-Morocco FTA. —U.S.-Singapore FTA.
Illinois .....	—Department of Central Management Services.	Construction-grade steel (including requirements on subcontracts); motor vehicles; coal.	—WTO GPA. —U.S.-Australia FTA. —U.S.-Chile FTA.  —U.S.-Peru TPA. —U.S.-Singapore FTA. —U.S.-EC. Exchange of Letters (applies to EC Member States for procurement not covered by WTO GPA and only where the State considers out-of-State suppliers).
Iowa .....	—Department of General Services —Department of Transportation. —Board of Regents' Institutions (universities).	Construction-grade steel (including requirements on subcontracts); motor vehicles; coal.	—WTO GPA. —U.S.-Chile FTA. —U.S.-Singapore FTA.
Kansas .....	Executive branch agencies ....	Construction services; automobiles; aircraft.	—WTO GPA. —U.S.-Australia FTA. —U.S.-Chile FTA. —U.S.-Morocco FTA. —U.S.-Singapore FTA.
Kentucky .....	Division of Purchases, Finance and Administration Cabinet.	Construction projects .....	—WTO GPA. —DR-CAFTA. —U.S.-Australia FTA. —U.S.-Chile FTA. —U.S.-Morocco FTA. —U.S.-Singapore FTA.
Louisiana .....	Executive branch agencies ....	.....	—WTO GPA. —DR-CAFTA. —U.S.-Australia FTA. —U.S.-Chile FTA. —U.S.-Morocco FTA. —U.S.-Singapore FTA.

OMB Guidance, Grants and Agreements

Pt. 176, Subpt. B, App.

States	Entities covered	Exclusions	Relevant international agreements
Maine .....	—Department of Administrative and Financial Services —Bureau of General Services (covering State government agencies and school construction). — Department of Transportation..	Construction-grade steel (including requirements on subcontracts); motor vehicles; coal.	—WTO GPA. —U.S.-Australia FTA. —U.S.-Chile FTA. —U.S.-Singapore FTA.
Maryland .....	—Office of the Treasury —Department of the Environment.. —Department of General Services.. —Department of Housing and Community Development.. —Department of Human Resources.. —Department of Licensing and Regulation.. —Department of Natural Resources.. —Department of Public Safety and Correctional Services.. —Department of Personnel. .. —Department of Transportation..	Construction-grade steel (including requirements on subcontracts); motor vehicles; coal.	—WTO GPA. —DR-CAFTA. —U.S.-Australia FTA. —U.S.-Chile FTA. —U.S.-Morocco FTA. —U.S.-Singapore FTA.
Massachusetts .....	—Executive Office for Administration and Finance. —Executive Office of Communities and Development. —Executive Office of Consumer Affairs. —Executive Office of Economic Affairs. —Executive Office of Education. —Executive Office of Elder Affairs. —Executive Office of Environmental Affairs. —Executive Office of Health and Human Service. —Executive Office of Labor. —Executive Office of Public Safety. —Executive Office of Transportation and Construction.	.....	—WTO GPA. —U.S.-Chile FTA. —U.S.-Singapore FTA.
Michigan .....	Department of Management and Budget.	Construction-grade steel (including requirements on subcontracts); motor vehicles; coal.	—WTO GPA. —U.S.-Australia FTA. —U.S.-Chile FTA. —U.S.-Singapore FTA.
Minnesota .....	Executive branch agencies ....	.....	—WTO GPA. —U.S.-Chile FTA. —U.S.-Singapore FTA.
Mississippi .....	Department of Finance and Administration.	Services .....	—WTO GPA. —DR-CAFTA. —U.S.-Australia FTA. —U.S.-Chile FTA. —U.S.-Morocco FTA. —U.S.-Peru TPA. —U.S.-Singapore FTA.
Missouri .....	—Office of Administration ..... —Division of Purchasing and Materials Management.	.....	—WTO GPA. —U.S.-Chile FTA. —U.S.-Singapore FTA.
Montana .....	Executive branch agencies ....	Goods .....	—WTO GPA. —U.S.-Chile FTA. —U.S.-Singapore FTA.
Nebraska .....	Central Procurement Agency	.....	—WTO GPA. —DR-CAFTA. —U.S.-Australia FTA. —U.S.-Chile FTA. —U.S.-Morocco FTA.

States	Entities covered	Exclusions	Relevant international agreements
New Hampshire .....	Central Procurement Agency	Construction-grade steel (including requirements on subcontracts), motor vehicles; coal.	<ul style="list-style-type: none"> <li>—U.S.-Singapore FTA.</li> <li>—WTO GPA.</li> <li>—DR-CAFTA.</li> <li>—U.S.-Australia FTA.</li> <li>—U.S.-Chile FTA.</li> <li>—U.S.-Morocco FTA.</li> <li>—U.S.-Singapore FTA.</li> </ul>
New York .....	<ul style="list-style-type: none"> <li>—State agencies</li> <li>—State university system.</li> <li>—Public authorities and public benefit corporations, with the exception of those entities with multi-State mandates.</li> </ul>	Construction-grade steel (including requirements on subcontracts); motor vehicles; coal; transit cars, buses and related equipment.	<ul style="list-style-type: none"> <li>—WTO GPA.</li> <li>—DR-CAFTA.</li> <li>—U.S.-Australia FTA.</li> <li>—U.S.-Chile FTA.</li> <li>—U.S.-Morocco FTA.</li> <li>—U.S.-Peru TPA.</li> <li>—U.S.-Singapore FTA.</li> </ul>
North Dakota .....	.....	.....	<ul style="list-style-type: none"> <li>—U.S.-EC Exchange of Letters (applies to EC Member States and only where the State considers out-of-State suppliers).</li> </ul>
Oklahoma .....	Department of Central Services and all State agencies and departments subject to the Oklahoma Central Purchasing Act.	Construction services; construction-grade steel (including requirements on subcontracts); motor vehicles; coal.	<ul style="list-style-type: none"> <li>—WTO GPA.</li> <li>—U.S.-Australia FTA.</li> <li>—U.S.-Chile FTA.</li> <li>—U.S.-Peru TPA.</li> </ul>
Oregon .....	Department of Administrative Services.	.....	<ul style="list-style-type: none"> <li>—U.S.-Singapore FTA.</li> <li>—WTO GPA.</li> <li>—DR-CAFTA (except Honduras).</li> <li>—U.S.-Australia FTA.</li> <li>—U.S.-Chile FTA.</li> <li>—U.S.-Morocco FTA.</li> <li>—U.S.-Singapore FTA.</li> </ul>
Pennsylvania .....	Executive branch agencies, including: <ul style="list-style-type: none"> <li>—Governor’s Office.</li> <li>—Department of the Auditor General.</li> <li>—Treasury Department.</li> <li>—Department of Agriculture.</li> <li>—Department of Banking.</li> <li>—Pennsylvania Securities Commission.</li> <li>—Department of Health.</li> <li>—Department of Transportation.</li> <li>—Insurance Department.</li> <li>—Department of Aging.</li> <li>—Department of Correction.</li> <li>—Department of Labor and Industry.</li> <li>—Department of Military Affairs.</li> <li>—Office of Attorney General.</li> <li>—Department of General Services.</li> <li>—Department of Education.</li> <li>—Public Utility Commission.</li> <li>—Department of Revenue.</li> <li>—Department of State.</li> <li>—Pennsylvania State Police.</li> <li>—Department of Public Welfare.</li> <li>—Fish Commission.</li> <li>—Game Commission.</li> <li>—Department of Commerce.</li> <li>—Board of Probation and Parole.</li> <li>—Liquor Control Board.</li> <li>—Milk Marketing Board.</li> <li>—Lieutenant Governor’s Office.</li> <li>—Department of Community Affairs.</li> </ul>	Construction-grade steel (including requirements on subcontracts); motor vehicles; coal.	<ul style="list-style-type: none"> <li>—WTO GPA.</li> <li>—U.S.-Australia FTA.</li> <li>—U.S.-Chile FTA.</li> <li>—U.S.-Singapore FTA.</li> </ul>

OMB Guidance, Grants and Agreements

Pt. 176, Subpt. B, App.

States	Entities covered	Exclusions	Relevant international agreements
Rhode Island .....	<ul style="list-style-type: none"> <li>—Pennsylvania Historical and Museum Commission.</li> <li>—Pennsylvania Emergency Management Agency.</li> <li>—State Civil Service Commission.</li> <li>—Pennsylvania Public Television Network.</li> <li>—Department of Environmental Resources.</li> <li>—State Tax Equalization Board.</li> <li>—Department of Public Welfare.</li> <li>—State Employees' Retirement System.</li> <li>—Pennsylvania Municipal Retirement Board.</li> <li>—Public School Employees' Retirement System.</li> <li>—Pennsylvania Crime Commission.</li> <li>—Executive Offices.</li> </ul> Executive branch agencies ....	Boats, automobiles, buses and related equipment.	<ul style="list-style-type: none"> <li>—WTO GPA.</li> <li>—DR-CAFTA (except Honduras).</li> <li>—U.S.-Australia FTA.</li> <li>—U.S.-Chile FTA.</li> <li>—U.S.-Morocco FTA.</li> <li>—U.S.-Singapore FTA.</li> </ul>
South Dakota .....	Central Procuring Agency (including universities and penal institutions).	Beef .....	<ul style="list-style-type: none"> <li>—WTO GPA.</li> <li>—DR-CAFTA.</li> <li>—U.S.-Australia FTA.</li> <li>—U.S.-Chile FTA.</li> <li>—U.S.-Morocco FTA.</li> <li>—U.S.-Singapore FTA.</li> </ul>
Tennessee .....	Executive branch agencies ....	Services; construction .....	<ul style="list-style-type: none"> <li>—WTO GPA-U.S.-Australia FTA.</li> <li>—U.S.-Chile FTA.</li> <li>—U.S.-Singapore FTA.</li> </ul>
Texas .....	Texas Building and Procurement Commission.	.....	<ul style="list-style-type: none"> <li>—WTO GPA.</li> <li>—DR-CAFTA.</li> <li>—U.S.-Australia FTA.</li> <li>—U.S.-Chile FTA.</li> <li>—U.S.-Morocco FTA.</li> <li>—U.S.-Peru TPA.</li> <li>—U.S.-Singapore FTA.</li> </ul>
Utah .....	Executive branch agencies ....	.....	<ul style="list-style-type: none"> <li>—WTO GPA.</li> <li>—DR-CAFTA (except Honduras).</li> <li>—U.S.-Australia FTA.</li> <li>—U.S.-Chile FTA.</li> <li>—U.S.-Morocco FTA.</li> <li>—U.S.-Peru TPA.</li> <li>—U.S.-Singapore FTA.</li> </ul>
Vermont .....	Executive branch agencies ....	.....	<ul style="list-style-type: none"> <li>—WTO GPA.</li> <li>—DR-CAFTA.</li> <li>—U.S.-Australia FTA.</li> <li>—U.S.-Chile FTA.</li> <li>—U.S.-Morocco FTA.</li> <li>—U.S.-Singapore FTA.</li> </ul>
Washington .....	Executive branch agencies, including: <ul style="list-style-type: none"> <li>—General Administration.</li> <li>—Department of Transportation.</li> <li>—State Universities.</li> </ul>	Fuel; paper products; boats; ships; and vessels.	<ul style="list-style-type: none"> <li>—WTO GPA.</li> <li>—DR-CAFTA.</li> <li>—U.S.-Australia FTA.</li> <li>—U.S.-Chile FTA.</li> <li>—U.S.-Morocco FTA.</li> <li>—U.S.-Singapore FTA.</li> </ul>
West Virginia .....	.....	.....	<ul style="list-style-type: none"> <li>—U.S.-EC Exchange of Letters (applies to EC Member States and only where the State considers out-of-State suppliers).</li> </ul>

States	Entities covered	Exclusions	Relevant international agreements
Wisconsin .....	Executive branch agencies, including: —Department of Administration. —State Correctional Institutions. —Department of Development. —Educational Communications Board. —Department of Employment Relations. —State Historical Society. —Department of Health and Social Services. —Insurance Commissioner. —Department of Justice. —Lottery Board. —Department of Natural Resources. —Administration for Public Instruction. —Racing Board. —Department of Revenue. —State Fair Park Board. —Department of Transportation. —State University System.		—WTO GPA. —U.S.-Chile FTA. —U.S.-Singapore FTA.
Wyoming .....	—Procurement Services Division —Wyoming Department of Transportation. —University of Wyoming.	Construction-grade steel (including requirements on subcontracts); motor vehicles; coal.	—WTO GPA. —DR-CAFTA. —U.S.-Australia FTA. —U.S.-Chile FTA. —U.S.-Morocco FTA. —U.S.-Singapore FTA.
Other sub-federal entities	Entities covered	Exclusions	Relevant international agreements
Puerto Rico .....	—Department of State —Department of Justice. —Department of the Treasury. ..... —Department of Labor and Human Resources. —Department of Natural and Environmental Resources. —Department of Consumer Affairs. —Department of Sports and Recreation.	Construction services .....  —Department of Economic Development and Commerce.	—DR-CAFTA. —U.S.-Peru TPA.
Port Authority of New York and New Jersey.	.....	Restrictions attached to Federal funds for airport projects; maintenance, repair and operating materials and supplies.	—WTO GPA (except Canada). —U.S.-Chile FTA. —U.S.-Singapore FTA.
Port of Baltimore .....	.....	Restrictions attached to Federal funds for airport projects.	—WTO GPA (except Canada). —U.S.-Chile FTA. —U.S.-Singapore FTA.
New York Power Authority .....	.....	Restrictions attached to Federal funds for airport projects; conditions specified for the State of New York	—WTO GPA (except Canada). —U.S.-Chile FTA. —U.S.-Singapore FTA.
Massachusetts Port Authority ..	.....	.....	U.S.-EC Exchange of Letters (applies to EC Member States and only where the Port Authority considers out-of-State suppliers).

OMB Guidance, Grants and Agreements

Pt. 176, Subpt. B, App.

States	Entities covered	Exclusions	Relevant international agreements
Boston, Chicago, Dallas, Detroit, Indianapolis, Nashville, and San Antonio.	.....	.....	U.S.-EC Exchange of Letters (only applies to EC Member States and where the city considers out-of-city suppliers).
Other entities	Entities covered	Exclusions	Relevant international agreements
Rural Utilities Service (waiver of Buy American restriction on financing for all power generation projects).	Any recipient .....	.....	—WTO GPA. —DR-CAFTA. —NAFTA. —U.S.-Australia FTA. —U.S.-Bahrain FTA. —U.S.-Chile FTA. —U.S.-Morocco FTA. —U.S.-Oman FTA. —U.S.-Peru TPA. —U.S.-Singapore FTA.
Rural Utilities Service (waiver of Buy American restriction on financing for telecommunications projects).	Any recipient .....	.....	—NAFTA. —U.S.-Israel FTA.
U.S. Department of Agriculture, Rural Utilities Services, <i>Water and Waste Disposal Programs</i> (exclusion of Canadian iron, steel and manufactured products from domestic purchasing restriction in Section 1605 of American Recovery and Reinvestment Act of 2009).	Any recipient .....	.....	U.S.-Canada Agreement.
U.S. Department of Agriculture, Rural Housing Service, <i>Community Facilities Program</i> (exclusion of Canadian iron, steel and manufactured products from domestic purchasing restriction in Section 1605 of American Recovery and Reinvestment Act of 2009).	Any recipient .....	.....	U.S.-Canada Agreement.
U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, <i>Energy Efficiency and Conservation Block Grants</i> (exclusion of Canadian iron, steel and manufactured products from domestic purchasing restriction in Section 1605 of American Recovery and Reinvestment Act of 2009).	Any recipient .....	.....	U.S.-Canada Agreement.
U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, <i>State Energy Program</i> (exclusion of Canadian iron, steel and manufactured products from domestic purchasing restriction in Section 1605 of American Recovery and Reinvestment Act of 2009 (ARRA)).	Any recipient .....	.....	U.S.-Canada Agreement.

States	Entities covered	Exclusions	Relevant international agreements
U.S. Department of Housing and Urban Development, Office of Community Planning and Development, <i>Community Development Block Grants Recovery</i> (CDBG–R) (exclusion of Canadian iron, steel and manufactured products from domestic purchasing restriction in Section 1605 of American Recovery and Reinvestment Act of 2009).	Any recipient .....	.....	U.S.-Canada Agreement.
U.S. Department of Housing and Urban Development, Office of Public and Indian Housing, <i>Public Housing Capital Fund</i> (exclusion of Canadian iron, steel and manufactured products from domestic purchasing restriction in Section 1605 of American Recovery and Reinvestment Act of 2009).	Any recipient .....	.....	U.S.-Canada Agreement.
U.S. Environmental Protection Agency for projects funded by reallocated ARRA funds where the contracts are signed after February 17, 2010 (exclusion of Canadian iron, steel and manufactured products from domestic purchasing restriction in Section 1605 of American Recovery and Reinvestment Act of 2009).	Any recipient .....	.....	U.S.-Canada Agreement.

*General Exceptions:* The following restrictions and exceptions are excluded from U.S. obligations under international agreements:

1. The restrictions attached to Federal funds to States for mass transit and highway projects.

2. Dredging.

*The World Trade Organization Government Procurement Agreement (WTO GPA) Parties:* Aruba, Austria, Belgium, Bulgaria, Canada, Chinese Taipei (Taiwan), Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hong Kong, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea (Republic of), Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, and United Kingdom.

*The Free Trade Agreements and the respective Parties to the agreements are:*

(1) Dominican Republic-Central America-United States Free Trade Agreement (DR-CAFTA): Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua;

(2) North American Free Trade Agreement (NAFTA): Canada and Mexico;

(3) United States-Australia Free Trade Agreement (U.S.-Australia FTA);

(4) United States-Bahrain Free Trade Agreement (U.S.-Bahrain FTA);

(5) United States-Chile Free Trade Agreement (U.S.-Chile FTA);

(6) United States-Israel Free Trade Agreement (U.S.-Israel FTA);

(7) United States-Morocco Free Trade Agreement (U.S.-Morocco FTA);

(8) United States-Oman Free Trade Agreement (U.S.-Oman FTA);

(9) United States-Peru Trade Promotion Agreement (U.S.-Peru TPA); and

(10) United States-Singapore Free Trade Agreement (U.S.-Singapore FTA).

*United States-European Communities Exchange of Letters (May 30, 1995) (U.S.-EC Exchange of Letters)* applies to EC Member States: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, and United Kingdom.

*Agreement between the Government of Canada and the Government of the United States of*



## OMB Guidance, Grants and Agreements

## § 176.210

*America on Government Procurement (Feb. 10, 2010) (U.S.-Canada Agreement): Applies only to Canada.*

[75 FR 14324, Mar. 25, 2010]

### **Subpart C—Wage Rate Requirements Under Section 1606 of the American Recovery and Reinvestment Act of 2009**

#### **§ 176.180 Procedure.**

The award official shall insert the standard award term in this subpart in all awards funded in whole or in part with Recovery Act funds.

#### **§ 176.190 Award term—Wage rate requirements under Section 1606 of the Recovery Act.**

When issuing announcements or requesting applications for Recovery Act programs or activities that may involve construction, alteration, maintenance, or repair the agency shall use the award term described in the following paragraphs:

(a) Section 1606 of the Recovery Act requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the Recovery Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. 3145, the Department of Labor has issued regulations at 29 CFR parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. Federal agencies providing grants, cooperative agreements, and loans under the Recovery Act shall ensure that the standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are incorporated in any resultant covered contracts that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).

(b) For additional guidance on the wage rate requirements of section 1606,

contact your awarding agency. Recipients of grants, cooperative agreements and loans should direct their initial inquiries concerning the application of Davis-Bacon requirements to a particular federally assisted project to the Federal agency funding the project. The Secretary of Labor retains final coverage authority under Reorganization Plan Number 14.

### **Subpart D—Single Audit Information for Recipients of Recovery Act Funds**

#### **§ 176.200 Procedure.**

The award official shall insert the standard award term in this subpart in all awards funded in whole or in part with Recovery Act funds.

#### **§ 176.210 Award term—Recovery Act transactions listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Subrecipients.**

The award term described in this section shall be used by agencies to clarify recipient responsibilities regarding tracking and documenting Recovery Act expenditures:

(a) To maximize the transparency and accountability of funds authorized under the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) (Recovery Act) as required by Congress and in accordance with 2 CFR 215.21 “Uniform Administrative Requirements for Grants and Agreements” and OMB Circular A-102 Common Rules provisions, recipients agree to maintain records that identify adequately the source and application of Recovery Act funds. OMB Circular A-102 is available at <http://www.whitehouse.gov/omb/circulars/a102/a102.html>.

(b) For recipients covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations,” recipients agree to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. OMB Circular A-133 is available at <http://www.whitehouse.gov/omb/circulars/a133/>