

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/>

a133.html. This shall be accomplished by identifying expenditures for Federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix “ARRA-” in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(c) Recipients agree to separately identify to each subrecipient, and document at the time of subaward and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of Recovery Act funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to subrecipients shall distinguish the subawards of incremental Recovery Act funds from regular subawards under the existing program.

(d) Recipients agree to require their subrecipients to include on their SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor subrecipient expenditure of ARRA funds as well as oversight by the Federal awarding agencies, Offices of Inspector General and the Government Accountability Office.

PARTS 177–179 [RESERVED]

PART 180—OMB GUIDELINES TO AGENCIES ON GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Sec.

- 180.5 What does this part do?
- 180.10 How is this part organized?
- 180.15 To whom do these guidelines apply?
- 180.20 What must a Federal agency do to implement these guidelines?
- 180.25 What must a Federal agency address in its implementation of these guidelines?
- 180.30 Where does a Federal agency implement these guidelines?
- 180.35 By when must a Federal agency implement these guidelines?
- 180.40 How are these guidelines maintained?
- 180.45 Do these guidelines cover persons who are disqualified, as well as those who

are excluded from nonprocurement transactions?

Subpart A—General

- 180.100 How are subparts A through I organized?
- 180.105 How is this part written?
- 180.110 Do terms in this part have special meanings?
- 180.115 What do subparts A through I of this part do?
- 180.120 Do subparts A through I of this part apply to me?
- 180.125 What is the purpose of the nonprocurement debarment and suspension system?
- 180.130 How does an exclusion restrict a person's involvement in covered transactions?
- 180.135 May a Federal agency grant an exception to let an excluded person participate in a covered transaction?
- 180.140 Does an exclusion under the nonprocurement system affect a person's eligibility for Federal procurement contracts?
- 180.145 Does an exclusion under the Federal procurement system affect a person's eligibility to participate in nonprocurement transactions?
- 180.150 Against whom may a Federal agency take an exclusion action?
- 180.155 How do I know if a person is excluded?

Subpart B—Covered Transactions

- 180.200 What is a covered transaction?
- 180.205 Why is it important to know if a particular transaction is a covered transaction?
- 180.210 Which nonprocurement transactions are covered transactions?
- 180.215 Which nonprocurement transactions are not covered transactions?
- 180.220 Are any procurement contracts included as covered transactions?
- 180.225 How do I know if a transaction in which I may participate is a covered transaction?

Subpart C—Responsibilities of Participants Regarding Transactions Doing Business With Other Persons

- 180.300 What must I do before I enter into a covered transaction with another person at the next lower tier?
- 180.305 May I enter into a covered transaction with an excluded or disqualified person?
- 180.310 What must I do if a Federal agency excludes a person with whom I am already doing business in a covered transaction?