

American Recovery and Reinvestment Act (ARRA)
Grant Provisions
Effective April 1, 2009

These American Recovery and Reinvestment Act Provisions are binding on the grantee. By accepting funds under this grant, the grantee agrees to comply with, and include in all subgrants, the American Recovery and Reinvestment Act Provisions, your General Grant Provisions, all applicable federal statutes, regulations and guidelines, and any amendments thereto. The grantee agrees to operate the funded program in accordance with the approved grant application and budget, supporting documents, and other representations made in support of the approved grant application. The term grantee is used to connote either grantee or subgrantee, as appropriate, throughout these Provisions.

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I. LEGISLATIVE AND REGULATORY AUTHORITY

This grant is authorized by and subject to the American Recovery and Reinvestment Act of 2009 (“ARRA”), Public Law 111-005, and the National and Community Service Act of 1990 (“NCSA”), as amended. Grantees must comply with the requirements of the ARRA, the NCSA, their implementing regulations, and other guidance.

II. OTHER APPLICABLE STATUTORY AND ADMINISTRATIVE PROVISIONS

The following applicable federal cost principles, administrative requirements, and audit requirements are incorporated by reference.

A. STATES, INDIAN TRIBES, U.S. TERRITORIES, AND LOCAL GOVERNMENTS

The following circulars and their implementing regulations apply to states, Indian tribes, U.S. territories, and local governments:

1. OMB Circular A-102, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments – 45 CFR Part 2541.
2. OMB Circular A-87, Cost Principles for State and Local Governments – 2 CFR Part 225.
3. OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

B. NONPROFIT ORGANIZATIONS

The following circulars and their implementing regulations apply to nonprofit organizations:

1. OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations – 45 CFR Part 2543 or 2 CFR Part 215.
2. OMB Circular A-122, Cost Principles for Nonprofit Organizations – 2 CFR Part 230.
3. OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

C. EDUCATIONAL INSTITUTIONS

The following circulars and their implementing regulations apply to educational institutions:

1. OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations – 45 CFR Part 2543 or 2 CFR Part 215.
2. OMB Circular A-21, Cost Principles for Educational Institutions – 2 CFR Part 220.
3. OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

These documents can be found here:

http://www.access.gpo.gov/nara/cfr/waisidx_07/2cfrv1_07.html#215 and here:

http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=1289932cf6539210eb14f3d8d3052a8b&c=ecfr&tpl=/ecfrbrowse/Title02/2cfrv1_02.tpl#200

D. OTHER APPLICABLE STATUTES AND REGULATIONS

The grantee must comply with all other applicable statutes, executive orders, regulations, and policies governing the grant, including, but not limited to, those cited in these Grant Provisions, you General Grant Provisions, the Grant Assurances and Certifications, and those cited in 45 CFR Parts 2541 and 2543.

E. ORDER OF PRECEDENCE

Any inconsistency in the Grant Award shall be resolved by giving precedence in the following order (a) Applicable Federal Statutes, (b) Corporation and other Federal regulations, (c) Special Provisions, (d) General Provisions, (e) Notice of Funding Opportunity, and (f) the approved Grant Application including all assurances, certifications, attachments, and pre-award negotiations.

III. SPECIAL PROVISIONS

A. REPORTING REQUIREMENTS

Grantees must comply with all requirements specified in Division A of the ARRA, including reporting requirements outlined in Section 1512 and any implementing guidance issued by the Office of Management and Budget. For purposes of reporting, grantees must report on subgrantee activities as specified below.

1. **Grantee Progress Reports.** Each grantee must submit a progress report due to the Corporation no later than 10 days after the end of each calendar quarter. The report is submitted through the appropriate electronic system.
2. **Financial Reports.** Each grantee must submit a financial report due to the Corporation no later than 10 days after the end of each calendar quarter. The report is submitted through the appropriate electronic system.

Grantees must set their own submission deadlines for their respective subgrantees sufficient to enable the grantee to report on-time.

All grantees must submit cash transaction reports on a quarterly basis to the Department of Health and Human Services Payment Management System per the Electronic Funds Transfer Agreement.

3. **Progress and Financial Report Deadlines.** Quarterly progress and financial report deadlines are as follows:

Beginning April 2009 until the grant closeout:

<u>Due Date</u>	<u>Reporting Period Covered</u>
July 10	April 1 - June 30
October 10	July 1 – September 30

January 10
April 10

October 1 – December 31
January 1 – March 31

4. **Progress and Financial Reporting Requirements.** Reporting requirements are subject to change based on additional ARRA guidance from OMB.
5. **Progress and Financial Reports for EAPs.** EAP grants are subject to the same progress and financial reporting requirements for the purpose of the ARRA grants.
6. **Final Progress and Financial Reports.** A grantee completing the final year of its grant must submit a final progress and financial report that is due 10 days following the close of the calendar year quarter. A grantee will have 90 days to close out the grant.

B. GRANT PERIOD AND INCREMENTAL FUNDING

For the purpose of the grant, a project period is the complete length of time the grantee is proposed to be funded to complete approved activities under the grant. A project period may contain one or more budget periods. A budget period is a specific interval of time for which Federal funds are being provided to fund a grantee's approved activities and budget.

Unless otherwise specified, the grant covers a one-year project period. The project period and the budget period are noted on the award document.

IV. GENERAL PROVISIONS

A. BUY AMERICAN

1. **Use of American Iron, Steel, and Manufactured Goods.** Grantees may not use any funds obligated under this grant for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.(ARRA Sec. 1605)

B. WAGE RATE REQUIREMENTS

Subject to further clarification issued by the Office of Management and Budget, Section 1606 of ARRA provides that all laborers and mechanics employed by contractors and subcontractors on projects funded by this grant 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. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code. (ARRA Sec. 1606)

C. WHISTLEBLOWER PROTECTION

Each grantee or subgrantee shall promptly refer to the Corporation's Office of Inspector General (OIG) any credible evidence that a principal, employee, agent, contractor, subrecipient,

subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds. (ARRA Sec. 1553). The OIG may be reached by email at hotline@cnsoig.gov or by telephone at (800) 452-8210.

D. DUNS/CCR

All grantees and subgrantees are required to obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number if they do not already have one, and register with the Central Contractor Registration (CCR).

E. SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS

Grantees are required to separately identify the expenditures for each grant award funded under ARRA on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by Office of Management and Budget Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations." This identification on the SEFA and SF-SAC shall include the Federal award number, the Catalog of Federal Domestic Assistance (CFDA) number, and the amount such that separate accountability and disclosure is provided for ARRA funds by Federal award number consistent with the recipient reports required by ARRA Section 1512(c).

F. INFORMING SUBGRANTEES

Grantees agree to separately identify to each subgrantee, and document at the time of sub-award and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of ARRA funds. For the purpose of these funds, national direct grantees are considered the grantee, not the subgrantee.

G. FURTHER GUIDANCE AND PROVISIONS

The Corporation may from time to time issue further guidance, clarifications, or modified provisions in order to implement the requirements of ARRA and/or instructions issued by the Office of Management and Budget. Grantees agree that any such supplementary guidance, clarifications, or provisions, shall become terms and conditions of this award.