

# Metro Government & the American Recovery & Reinvestment Act (ARRA)

August 7, 2009

# Goals

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- Understand the importance of ARRA to Metro
- Know what ARRA requires of Metro
- Know Metro's plan for complying with ARRA
- Understand Metro staff roles and responsibilities relative to ARRA
- Know how to get help with ARRA requirements



# What is ARRA?

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- The American Recovery & Reinvestment Act, signed into law by President Obama on February 17th, 2009, includes measures to modernize our nation's infrastructure, enhance energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those in greatest need.



# What is ARRA?

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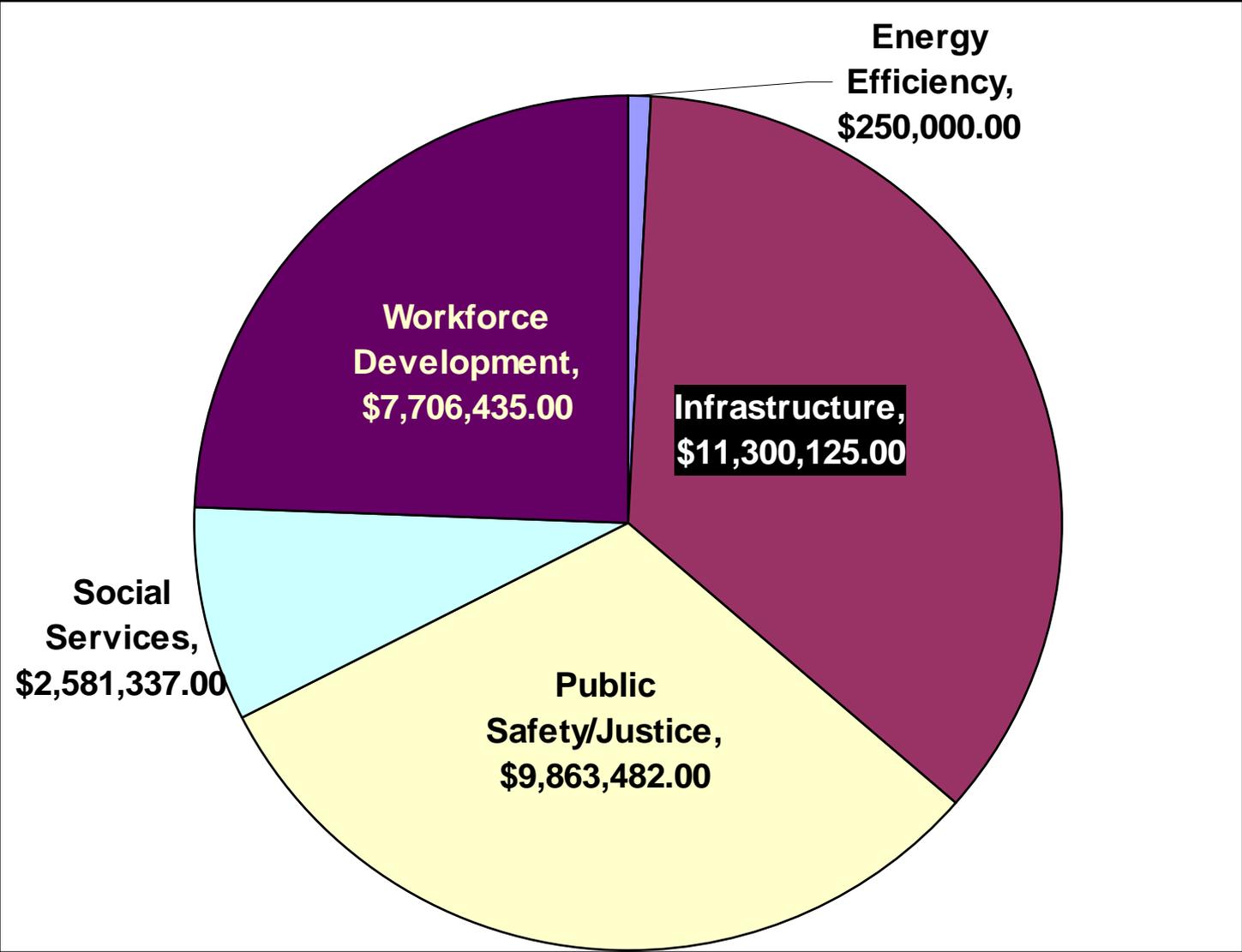
- The Federal Government is dedicated to assuring that ARRA funds are used for these purposes.

# ARRA and Metro

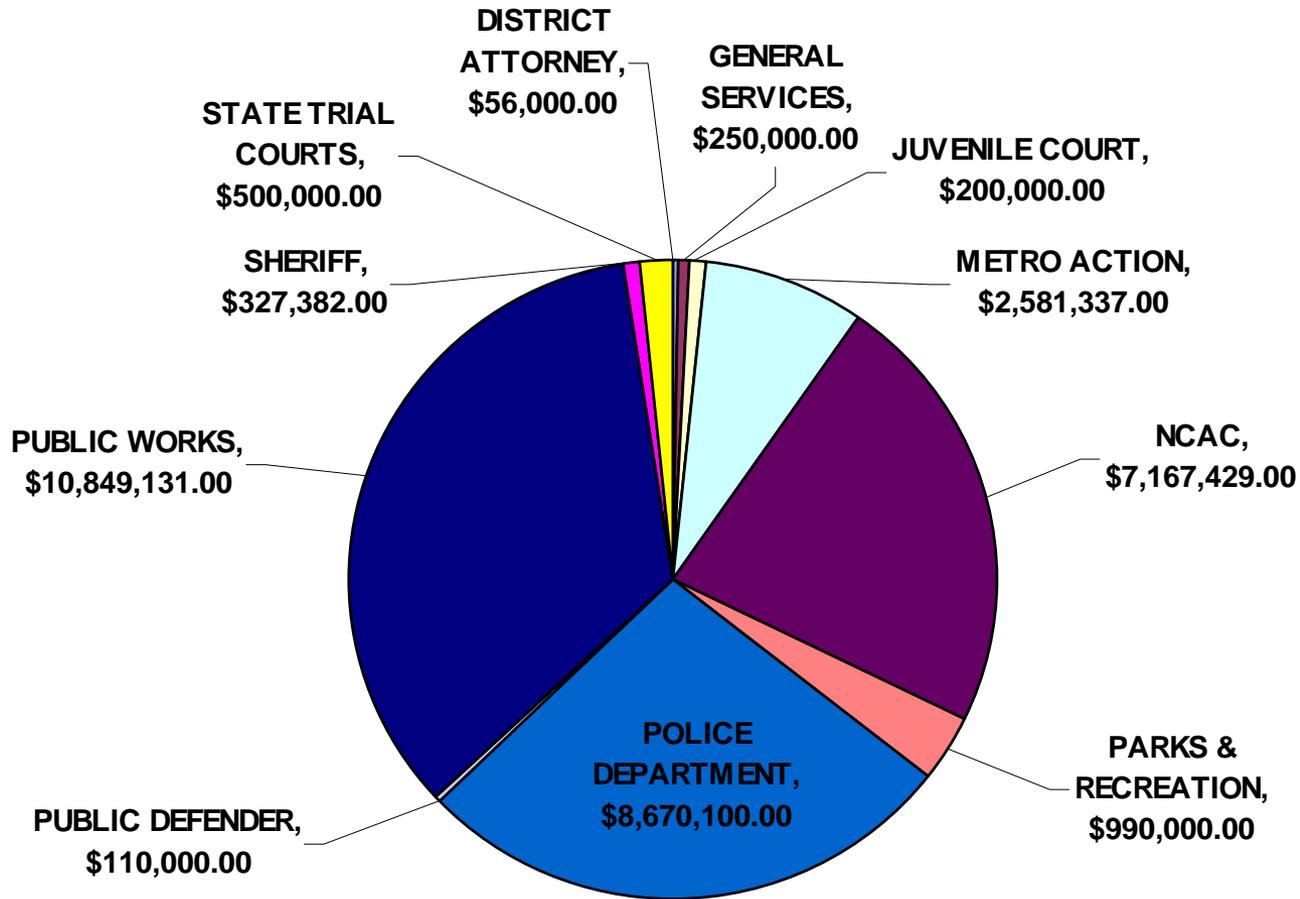
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- As of July 28, Metro has received 23 ARRA grants with a value of nearly \$32 million, and could ultimately receive as many as 30 totaling more than twice that much.
- In addition, MNPS stands to receive over \$50 million more in ARRA funding.

# Metro ARRA Grants Awarded



# Metro ARRA Grants by Department





# Federal ARRA Requirements

# Overview of Federal Requirements

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- CCR Registration
- Separate Accounting
- Certifications Posted on Internet Web Site
- Whistleblower Protections
- “Buy American” – Purchases & Subcontracts
- Davis-Bacon Wage Rates: Subcontracts
- Recipient and/or Subrecipient Reporting

# CCR Registration

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- CCR=Central Contractor Registration
- Web-enabled, government wide application managed by Federal General Services Admin.
- Collects data about the Federal government's trading partners.
- Both entities (like Metro) and individuals (like your Department Head) are registered.
- Some Metro staff not already registered may have to register.
- Portal to register is at [www.grants.gov](http://www.grants.gov)
- Once registered, you have an MPIN Number

# Separate Accounting

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- ARRA recipients must maintain records that “identify adequately the source and application of Recovery Act funds”.
- Recipients also identify ARRA grant expenditures separately on the Single Audit Schedule of Expenditures.
- ARRA grants have a special ARRA CFDA number, even for already-existing programs.
- ARRA grant titles include the prefix “ARRA”.

# Some Metro ARRA Grants

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- ARRA Fire Station Construction 10-12
- ARRA Head Start
- ARRA Justice Assistance Grant 09-13
- ARRA Strengthening Communities Capacity Building 09-11
- ARRA West End Sidewalk Maintenance 09-15

# Certifications on Website

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- Mayor must certify that infrastructure investment with ARRA funds has received full review and vetting, and is “an appropriate use of taxpayer dollars”.
- The signed certification must be posted on the web and linked to the [Recovery.gov](http://Recovery.gov) website.
- Metro’s Certifications to be posted as soon as its ARRA infrastructure grants are executed by State, which was the pass-through grantor.

# Whistleblower Protections

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- Reporting “Waste, Fraud or Abuse”
- Applies to any non-Federal employer receiving ARRA funds – Metro or any subrecipient or vendor of Metro paid with ARRA funds
- No employee may be “discharged, demoted, or otherwise discriminated against as a reprisal” for disclosing evidence of mismanagement, waste, abuse, etc.

# Whistleblower Protections

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- Metro must post notice of employees rights and remedies for whistleblower protections.
- Metro must include wording in subrecipient and vendor contracts that advises them of the requirement.

# “Buy American”: Section 1605

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- Applies to ARRA-funded projects for construction, alteration, maintenance, or repair of a public building or public work
- Must use American iron, steel, and manufactured goods unless a specified exemption applies.
- Metro must include wording in subrecipient and vendor contracts that advises them of the requirement.

# Davis-Bacon Wage Rates – Section 1606

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- Applies to “laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part through the Federal Government”
- Must pay Davis-Bacon Act (40 USC31) wage rates.
- Wages at rates not less than those prevailing on projects of a similar character in the locality.
- Metro must include wording in subrecipient and vendor contracts that advises them of the requirement.

# Reporting – Section 1512

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- Reports must be submitted quarterly
- Process is different depending on whether you are a Recipient (get the ARRA grant directly from a Federal agency) or a Subrecipient (get the ARRA grant through a State agency)
- Some Metro departments are Recipients for some ARRA grants, and Subrecipients for others. Some are both.
- Which are you??

# Reporting: What Information?

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- Federal Agency Name
- Metro DUNS number (**078217668**)
- Metro “CAGE Code”: **3QKW8**
- Your CCR MPIN Number
- Grant Award or Subaward Period
- Award or Subaward Amount
- Amount Expended (Award) or Received (Subaward)
- Project Description and Status

# Reporting: What Information? - continued

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- Place of performance
- Top 5 officer names and total compensation?
- Number and type of jobs created or retained, including by vendors.
- Federal Direct Recipients: Total number and amount of subgrants under \$25K
- Information on Individual Vendors paid >\$25K
- Vendor Payments <\$25K: Aggregate information
- Etc.

# Reporting: How?

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- Recipients of Federal Direct grants will submit reports directly to [FederalReporting.gov](http://FederalReporting.gov).
- Subrecipients of subgrants through the State may (depending on State agency) –
  - Submit reports directly to [FederalReporting.gov](http://FederalReporting.gov) (due by October 10) or
  - Submit reports to the State agency (probably due sooner)
  - You should be hearing from your State grantor which it will be

# Reporting: What Do I Do Now??

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- Know exactly what you will need to report!
- Decide NOW who will be responsible for submitting the report.
- Decide NOW how you will collect the information needed for reporting and start collecting it NOW. Do not wait until September 30.
- If you will be reporting directly into [FederalReporting.gov](http://FederalReporting.gov), get registered on the website after August 17.

# Reporting: Who Reports??

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- Will there be a different Reporter for each grant your department receives?
- Will there be one Reporter for all the grants your department receives?
- Who will be the “back-up” Reporter(s)?
- What precautions will be in place to prevent under- or over-reporting?
- Document all decisions made and be sure everyone knows who is doing what!

# Reporting: Time Period Covered

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- October 10 Report includes all ARRA grant activity from February 2009 through September 30, 2009.
- Every ARRA grant ***awarded*** prior to September 30 must be reported -
  - Even if not yet accepted by Metro
  - Even if no funds were spent yet

# Reporting: Time Period Covered - continued

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- Future reports will cover each subsequent quarter, but data will be cumulative.
- Each subsequent report will be due on the 10<sup>th</sup> day of the month following the end of the quarter.

# FederalReporting.gov – Options

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- Excel Spreadsheet: Download an Excel form, complete it, and then upload it back onto FederalReporting.gov by October 10.
- On-Line: Fill in the information directly onto a web form on FederalReporting.gov and submit by October 10.
- *(Machine Language: Will not be used in Metro.)*

# FederalReporting.gov - Steps

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- October 10 – Reports submitted by Prime Recipients
- October 11-21 - Prime recipients review data submitted by Subrecipients who were delegated reporting responsibility. Primes & Subs make corrections.
- October 22-29 – Federal grantor agencies review data submitted. Primes & Subs make corrections.
- October 30 – Recipient reports published on Recovery.gov

# Other Grant Reports

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- What about regular program and fiscal reports that recipients and subrecipients usually submit? Do these ARRA reports replace those reports?
- NO! Recipients and subrecipients will continue to submit any other monthly or quarterly program and fiscal grant reports required by the grant Terms and Conditions.

# For More Information:

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- Training Webinars on Reporting are available at <http://www.whitehouse.gov/Recovery/WebinarTrainingMaterials/>
- **Designated Reporters Should Listen to Webinars.**



# State ARRA Requirements

# Tennessee Recovery Act Management (TRAM)

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- Office of Tennessee Recovery Act Management (TRAM) established 12 Directives for Tennessee ARRA Recipients and Subrecipients.
- TRAM Directives intended to assure Tennessee's meeting program, administrative, accountability and transparency objectives of the ARRA.
- TRAM Directives are available on Metro ARRA website at:  
<http://www.nashville.gov/recovery/docs/TRAMDirectives.pdf>

# Key TRAM Directives

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- Some directives come directly from Federal requirements (e.g., separate accounting)
- TRAM-Specific Requirements:
  - Appointment of Senior Accountable Official
  - Appropriate Internal Control Environment
  - Risk Assessment Process for ARRA Programs
  - Action Plans for Each ARRA Grant
  - Communication of TRAM Directives to Subrecipients

# TRAM Directives & State ARRA Contracts

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- One clause in Metro's ARRA grant contracts with the State (E.7.c.) requires Metro recipients to comply with the TRAM directives.
- Many other Federal ARRA requirements are included Section E.7. of State ARRA contracts: Reporting, Whistleblower Protections, Davis-Bacon, Buy American, and others.

# TRAM Directives & Reporting

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- Directive No. 10 states that “All recipients and subrecipients of ARRA funds are required to submit state specific reports to TRAM, upon request.”
- Tennessee ARRA Grantor Departments will determine how Metro Subrecipients will submit required data.
- No Tennessee Grantor has yet provided official written instructions on ARRA reporting.
- Tennessee Grantor Departments must report to Federal Grantors by October 10.



# Metro's Response to ARRA

# ARRA Roles & Responsibilities

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- Department Head: Appoints Senior Accountable Official for department. Signs off on grant applications and contracts, including for ARRA grants.
- Dept. Senior Accountable Official: Has oversight responsibility for all parties responsible for accounting, reporting, purchasing and other duties to ensure accountability for ARRA grants. Needs to be aware of who is responsible in the department for these duties.

# ARRA Roles & Responsibilities - continued

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- **Dept. Grant Liaison:** DGC contact with department for all grants-related matters, including ARRA. Coordinates grants process within own department.
- **Dept. Program Staff:** Implement grant program for ARRA grants. Collect program data for ARRA quarterly reports. Prepare information for program section of quarterly reports.
- **Dept. Fiscal Staff:** Fiscal management of ARRA grants. Collect fiscal data for ARRA quarterly reports. Prepare data for fiscal section of quarterly reports.
- **Dept. ARRA “Reporter(s)”:** Appointed by department Senior Accountable Official. Submits department ARRA reports to State grantor or to [FederalReporting.gov](http://FederalReporting.gov).

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# Separate Accounting & the Single Audit

Phil Carr, Division of Accounts

862-6657

# Role of the Office of Financial Accountability

Fred Adom

880-1035

- Internal Controls
- State-mandated “Risk Assessment”
- Technical Assistance
- Monitoring

# Directives

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- Designated Oversight
- Internal Control Plan
- Risk Assessment Process
- Action Plan
- Technical Assistance
- Monitoring



Internal Control Plan  
Risk Assessment  
Action Plan

# Internal Control Plan

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- Comprehensive Approach
- Objectives
  - Effectiveness and Efficiency
  - Compliance
  - Accuracy of Reporting

# Risk Assessment

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- Micro Approach
- All Inclusive

# Action Plan

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- CFDA No.
- How funds are spent
- Summary of Program Objectives
- Sources, description and amount of ARRA funds
- Reporting Requirements
- Documented criteria for granting resources to subrecipients
- Risk Management Plan

# Action Plan

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- Technical Assistance
  - Pre-Reporting
- Monitoring
  - End of Year

# Action Plan

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## Must be

- Written
- Specific
- Reasonable

# Timeline

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- Risk Assessment  
August 15<sup>th</sup> through 30<sup>th</sup>
- Technical Assistance  
Mid-Sept to Oct. 1
- Monitoring  
End of Grant period

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# Procurement-Related ARRA Requirements

Jeff Gossage, Purchasing Agent  
862-6639

# To begin a ARRA purchase ...

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Metropolitan Government of Nashville & Davidson County, Tennessee

MAYOR'S OFFICE METRO COUNCIL ONLINE SERVICES DIRECTORY EMPLOYMENT HELP CENTER

Finance Procurement

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Code, Regulations & PSB

Prime Contractor List

Reports, Tools, & Queries

Metro Procurement

Business Opportunities Bulletin

ashville by:

nsive procurement service to Metro's Departments and Agencies  
e taxpayers' trust by seeking the best value in all purchases  
ical and professional standards, ensuring fairness, equality and

Reports, Tools, & Queries

Select the Reports, Tools & Queries icon or use the second entry on the navigation panel to the left. This will take you to additional functionality.

# Select the Contract Solicitation Request ...

The screenshot shows the nashville.gov website. The header includes the logo, search bar, and navigation tabs: MAYOR'S OFFICE, METRO COUNCIL, ONLINE SERVICES, DIRECTORY, EMPLOYMENT, and HELP CENTER. The main content area is titled 'Procurement Reports, Tools, & Queries For Public Access'. A red arrow points to the 'Contract Solicitation Request' link in the list. Other links include 'Active Contract Search', 'Bids, Proposals & Contract Status Report', and 'Supplier Registration'. Below this, there is a section for 'For Use Within the Metro Intranet' with links for 'SMARTrac - Supplier Search', 'Sole Source Request', and 'Tax Exempt Form'. A 'Contact Us' section provides the address: Suite 601, 222 3RD Avenue North, Nashville, TN 37201, with phone and fax numbers. The footer contains an ADA Compliance logo, a list of links (help center, non-discrimination, accessibility, privacy policy, multilanguage), and the eBID logo.

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Metropolitan Government of Nashville & Davidson County, Tennessee

MAYOR'S OFFICE METRO COUNCIL ONLINE SERVICES DIRECTORY EMPLOYMENT HELP CENTER

Finance

Procurement Reports, Tools, & Queries  
For Public Access

- [Active Contract Search](#)
- [Contract Solicitation Request](#)
- [Bids, Proposals & Contract Status Report](#)
- [Supplier Registration](#)

For Use Within the Metro Intranet

- [SMARTrac - Supplier Search](#)
- [Sole Source Request](#)
- [Tax Exempt Form](#)

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(615) 862-6179 FAX

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- » Procurement
- » Public Property Administration
- » Treasurer
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ADA Compliance

eBID

Select the Contract Solicitation Request and complete the information.

# Indicate that this is a Stimulus Request ...

nashville.gov  
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MAYOR'S OFFICE METRO COUNCIL ONLINE SERVICES DIRECTORY EMPLOYMENT HELP CENTER

**Finance**

### Purchasing & Contract Management Solicitation Request Form

We are pleased to announce the release of a website for Metro agencies to submit their Solicitation

**Procurement**

- » News & Updates
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- » Code, Regulations & PSB
- » Protest & Appeal
- » Contacts
- » Business Opportunities Bulletin (BOB)
- » Solicitation Types
- » Prime Contractors
- » eProcurement
- » Supplier Registration and Training

**Department of Finance**

- » Enterprise Business Solutions
- » Finance Director
- » Financial Accountability

**Business Assistance Office (BAO)**

**INVESTOR RELATIONS IR Office of the Treasurer**

Construction Style

Priority Type

Priority Type Comments  
Stimulus  
EPA - EMS Only  
Other

Attach Specifications (2MB Max)

**Additional Resources**

- [Sole Source Form \(Word\)](#)
- [RFP Info Template](#)

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ADA Compliance eBID

# Select the Contract Solicitation Request ...

The screenshot shows the nashville.gov website. The main navigation bar includes 'MAYOR'S OFFICE', 'METRO COUNCIL', 'ONLINE SERVICES', 'DIRECTORY', 'EMPLOYMENT', and 'HELP CENTER'. A search bar is located in the top right. The 'Finance' department is highlighted in the left sidebar. The main content area is titled 'Procurement Reports, Tools, & Queries' and is divided into three sections: 'For Public Access', 'For Use Within the Metro Intranet', and 'Contact Us'. A red arrow points to the 'Contract Solicitation Request' link in the 'For Public Access' section.

**nashville.gov**  
Metropolitan Government of Nashville & Davidson County, Tennessee

SEARCH

MAYOR'S OFFICE METRO COUNCIL ONLINE SERVICES DIRECTORY EMPLOYMENT HELP CENTER

**Finance**

**Procurement Reports, Tools, & Queries**  
For Public Access

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- [Contract Solicitation Request](#)
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- [SMARTrac - Supplier Search](#)
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ADA Compliance

eBID

The Active Contract Search is also helpful to see if a contract currently exists that will meet your need.

# Contract Search ...

The screenshot shows a web browser window displaying the 'Active Contract Search' page. The browser's address bar shows the URL: [http://www.nashville.gov/finance/procurement/active\\_contract\\_search.aspx?app](http://www.nashville.gov/finance/procurement/active_contract_search.aspx?app). The page title is 'Metro Contract Search Page'. The main content is a table with the following columns: Contract Number, Contractor's Name, Supplier Number, Description, Start Date, Expiration Date, Payment Terms, Purchasing Staff, and a Details link.

Contract Number	Contractor's Name	Supplier Number	Description	Start Date	Expiration Date	Payment Terms	Purchasing Staff	Details
16025	ROY T GOODWIN CONTRACTOR INC	214483	Tier Contractors for Infrastructure Work MUST be competed among the following if over \$1,000 purchase: 1. W. L. Hailey 2. W & O Construction 3. Bob Gregory 4. Stansell Electric 5. Civil Constructors 6. Thornes Excavation 7. Environmental Designs 8. Richland Steel 9. McAlco Construction 10. Gibbs Brothers 11. Mountain States 12. WASCO 13. J. Fletcher Creamer 14. Roy T. Goodwin 15. L & G Construction 16. Lojack Enterprises 17. Summit Constructors 18. Garney Construction 19. C. K. Masonry. If an emergency contact # 1 above. KEY WORDS: Electric, wiring, low voltage, cable pulling, structured.	9/1/2005	6/30/2010	NET 30	SPORE, MIKE	<a href="#">Details</a>
16027	LOJAC ENTERPRISES INC	174656	Tier Contractors for Infrastructure Work MUST be competed among the following if over \$1,000 purchase: 1. W. L. Hailey 2. W & O Construction 3. Bob Gregory 4. Stansell Electric 5. Civil Constructors 6. Thornes Excavation 7. Environmental Designs 8. Richland Steel 9. McAlco Construction 10. Gibbs Brothers 11. Mountain States 12. WASCO 13. J. Fletcher Creamer 14. Roy T. Goodwin 15. L & G Construction 16. Lojack Enterprises 17. Summit Constructors 18. Garney Construction 19. C. K. Masonry. If an emergency contact # 1 above. KEY WORDS: Electric, wiring, low voltage, cable pulling, structured.	9/1/2005	6/30/2010	NET 30	SPORE, MIKE	<a href="#">Details</a>
16028	SUMMIT CONSTRUCTORS INC	429514	Tier Contractors for Infrastructure Work MUST be competed among the following if over \$1,000 purchase: 1. W. L. Hailey 2. W & O Construction 3. Bob Gregory 4. Stansell Electric 5. Civil Constructors 6. Thornes Excavation 7. Environmental Designs 8. Richland Steel 9. McAlco Construction 10. Gibbs Brothers 11. Mountain States 12. WASCO 13. J. Fletcher Creamer 14. Roy T. Goodwin 15. L & G Construction 16. Lojack Enterprises 17. Summit Constructors 18. Garney Construction 19. C. K. Masonry. If an emergency contact # 1 above. KEY WORDS: Electric, wiring, low voltage, cable pulling, structured.	9/1/2005	6/30/2010	NET 30	SPORE, MIKE	<a href="#">Details</a>
16029	GARNEY HOLDING CO & SUBS	425204	Tier Contractors for Infrastructure Work MUST be competed among the following if over \$1,000 purchase: 1. W. L. Hailey 2. W & O Construction 3. Bob Gregory 4. Stansell Electric 5. Civil Constructors 6. Thornes Excavation 7. Environmental Designs 8. Richland Steel 9. McAlco Construction 10. Gibbs Brothers 11. Mountain States 12. WASCO 13. J. Fletcher Creamer 14. Roy T. Goodwin 15. L & G Construction 16. Lojack Enterprises 17. Summit Constructors 18. Garney Construction 19. C. K. Masonry. If an emergency contact # 1 above. KEY WORDS: Electric, wiring, low voltage, cable pulling, structured.	9/1/2005	6/30/2010	NET 30	SPORE, MIKE	<a href="#">Details</a>
16612	ZACH HARPER	582938	Responsible for wiring instalations, equip. instalations and all upgrades in the Control Room and newspaper radio for Metro Public Library	10/1/2007	9/30/2012	NET 30	MCDONALD, ANGIE	<a href="#">Details</a>
18136	TEAM FISHEL	213846	Tier Contractors for Wiring MUST be competed among The following if over \$1,000 purchase: 1. Stansell Electric, 2. John Bouchard & Sons Co, 3. Rains Electric, 4. Pan American Electric Inc, 5. Powertek I.L.C., 6. Southeast Electric Inc and 7. Enterprise Electric I.L.C. If an emergency contact	11/1/2008	10/31/2013	NET 30	SPORE, MIKE	<a href="#">Details</a>

# What needs to be in the Contract?

## ● Davis Bacon Wage Rates

- <http://www.dol.gov/esa/whd/programs/dbra/index.htm>

The screenshot shows the official website of the United States Department of Labor, Employment Standards Administration. The page is titled "Davis-Bacon and Related Acts Home Page" and is part of the Wage and Hour Division (WHD). The header includes the date "August 5, 2009" and navigation options like "Find It!", "A to Z Index", and a search bar. The main content area features a navigation menu with buttons for "ESA", "OFCCP", "OLMS", "OWCP", and "WHD". Below this is a banner for the WHD with the text: "To promote and achieve compliance with labor standards to protect and enhance the welfare of the nation's workforce." The page is divided into two main sections: "Davis-Bacon and Related Acts Home Page" and "Quick Links".

**United States Department of Labor**  
Employment Standards Administration

August 5, 2009    Find It! | A to Z Index | Search: All DOL ● ESA    Enter search term    SEARCH

DOL Home > ESA > WHD > Davis-Bacon and Related Acts Home Page

### Wage and Hour Division (WHD)

Printer-Friendly Version

ESA   OFCCP   OLMS   OWCP   ► WHD

**WHD**  
U.S. Wage and Hour Division

To promote and achieve compliance with labor standards to protect and enhance the welfare of the nation's workforce.

#### Davis-Bacon and Related Acts Home Page

The **Davis-Bacon** and related **Acts (DBRA)** web information service provides public access to [Davis-Bacon](#) information and supports the user in filling out the [Report of Construction Contractor's Wage Rates \(WD-10\) Form](#). The type of information that you will find here includes information about the Schedule of Surveys being conducted to make wage determinations; regional office information; and, help. We also provide a [WD-10 Form](#) that you can view.

- The [Wage Determinations OnLine](#) is now available.
- The [Survey Schedule](#) is now available.
- [Frequently Asked Questions](#)

#### Quick Links

- [Surveys](#)
- [Forms](#)
- [Help](#)
- [Regions](#)
- [Contact DBRA](#)
- [Search](#)
- [Related Links](#)
- [Site Map](#)
- [Accessibility](#)
- [Wage Determinations](#)

#### Compliance Assistance

- [WHD Regulatory Library](#)
- [State Labor Law Topics](#)
- [News Room](#)
- [About Wage-Hour](#)
- [Contact Us](#)
- [E-mail Alerts](#)
- [ARRA Information](#)

# What needs to be in the Contract?

- Buy American Act

- [http://www.acquisition.gov/far/current/html/Subpart%2025\\_1.html](http://www.acquisition.gov/far/current/html/Subpart%2025_1.html)

25.000 Scope of part. - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home

Google buy american act Search

Address 1.html Go

(a) The Buy American Act—

(1) Restricts the purchase of supplies, that are not domestic end products, for use within the United States. A foreign end product may be purchased if the contracting officer determines that the price of the lowest domestic offer is unreasonable or if another exception applies (see [Subpart 25.1](#)); and

(2) Requires, with some exceptions, the use of only domestic construction materials in contracts for construction in the United States (see [Subpart 25.2](#)).

(b) The restrictions in the Buy American Act are not applicable in acquisitions subject to certain trade agreements (see [Subpart 25.4](#)). In these acquisitions, end products and construction materials from certain countries receive nondiscriminatory treatment in evaluation with domestic offers. Generally, the dollar value of the acquisition determines which of the trade agreements applies. Exceptions to the applicability of the trade agreements are described in [Subpart 25.4](#).

(c) The test to determine the country of origin for an end product under the Buy American Act (see the various country "end product" definitions in [25.003](#)) is different from the test to determine the country of origin for an end product under the trade agreements, or the criteria for the report on end products manufactured outside the United States (see [25.004](#)).

(1) The Buy American Act uses a two-part test to define a "domestic end product" or "domestic construction material" (manufactured in the United States and a formula based on cost of domestic components). The component test has been waived for acquisition of commercially available off-the-shelf items.

(2) Under the trade agreements, the test to determine country of origin is "substantial transformation" (i.e., transforming an article into a new and different article of commerce, with a name, character, or use distinct from the original article).

(3) For the reporting requirement at [25.004](#), the only criterion is whether the place of manufacture of an end product is in the United States or outside the United States, without regard to the origin of the components.

(4) When using funds appropriated under the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5), the definition of "domestic manufactured construction material" requires manufacture in the United States but does not include a requirement with regard to the origin of the components.

Internet

# What needs to be in the Contract?

## ● Buy American Clause

- Involves subparts as well as subcontractors?

### 25.002 Applicability of subparts.

The following table shows the applicability of the subparts. [Subpart 25.5](#) provides comprehensive procedures for offer evaluation and examples.

SUBPART	SUPPLIES FOR USE		CONSTRUCTION		SERVICES PERFORMED	
	INSIDE U.S.	OUTSIDE U.S.	INSIDE U.S.	OUTSIDE U.S.	INSIDE U.S.	OUTSIDE U.S.
25.1 Buy American Act—Supplies	X	—	—	—	—	—
25.2 Buy American Act—Construction Materials	—	—	X	—	—	—
25.3 Contracts Performed Outside the United States	—	X	—	X	—	X
25.4 Trade Agreements	X	X	X	X	X	X
25.5 Evaluating Foreign Offers—Supply Contracts	X	X	—	—	—	—
25.6 American Recovery and Reinvestment Act—Buy American Act—Construction Materials			X			
25.7 Prohibited Sources	X	X	X	X	X	X
25.8 Other International Agreements and Coordination	X	X	—	X	—	X
25.9 Customs and Duties	X	—	—	—	—	—
25.10 Additional Foreign Acquisition Regulations	X	X	X	X	X	X
25.11 Solicitation Provisions and Contract Clauses	X	X	X	X	X	X

# What needs to be in the Contract?

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- **Whistleblower Protection Act**

- Section 1553 of Division A, Title XV of the American Recovery and Reinvestment Act of 2009, P.L. 111-5

The ARRA provides protections for certain individuals who make specified disclosures relating to Recovery Act funds. Any non-federal employer receiving recovery funds is required to post a notice of the rights and remedies provided under this section of the Act.

# What needs to be in the Contract?

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- **TDOT**

- This information supersedes local laws

- **DOE & DOT**

- This information supersedes state laws

- **Bid & RFP Amendments**

- **Contract Amendments**

# Who is responsible for the content in the Contract?

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## ● Procurement Division

- Buy American Clause in Stimulus Identified Requests
- Davis-Bacon Wage Rate Information in Stimulus Identified Requests
- Whistleblower Clause in Stimulus Identified Requests
- Subcontractor Requirements to Include the Above Language
  - We will not do this work for the subcontractor

## ● Requestor

- Pass along any restrictions or requirements of the Grant
- TDOT, DOT or DOE requirements
- Any other Grant requirements
  - Procurement Division does not receive Grant info

QA



# ARRA Resources for Departments

# Training at Metro

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- Today's "overview" training.
- More specialized training possibilities:
  - Criminal Justice Grants from the Tenn. Dept. of Finance & Administration?
  - Federal Direct ARRA grants management?

# Metro ARRA Web Page: “For Metro Departments Receiving ARRA Funds”

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- <http://www.nashville.gov/recovery/>
- The ARRA Act in pdf
- General Information on Metro’s ARRA grants
- Summary of Key ARRA Requirements
- The TRAM Directives
- Today’s Power Point Slides
- Links to OMB Reporting Training Webinars
- What else?

# Grantor Training

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- Federal Training (e.g., OMB Webinars)
- State Grantor Training

# Technical Assistance

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- Metro: DGC Staff
  - Tiffy Barnett: 862-5443
  - Vaughn Wilson: 862-6726
  - Dennise Meyers: 880-2640
- State: Your State Agency Grantor
- Federal:
  1. Your Federal Agency Grantor
  2. FederalReporting.gov Help Desk
  3. Federal OMB: [recovery@omb.eop.gov](mailto:recovery@omb.eop.gov)

# Grantor Assistance

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- Get any directions, instructions, or clarification from the Federal or State grantor, or from the Federal OMB **IN WRITING!**
- When you get information in writing from your grantor, please forward to DGC also.

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QUESTIONS??