

State of Alaska
American Recovery and Reinvestment Act of 2009 (ARRA)

Standard Terms and Conditions for Financial Assistance Awards (grants, cooperative agreements, and loans) under ARRA

GENERAL NOTICE AND RESPONSIBILITIES

(a) This award is federal financial assistance under the American Recovery and Reinvestment Act of 2009. It is awarded to the following grantee:

Organization name:

Organization EIN:

Organization DUNS Number:

Authorized representative:

Signature: Date: Title

The following projects and/or activities are being funded by this award:

(b) Grantee will comply with ARRA requirements for this financial assistance award contained in these terms and conditions, or as modified by the federal government. If Grantee fails to comply with the reporting requirements or other award terms, the State agency official shall take the appropriate enforcement or termination action. The State agency official shall make failure to comply with the reporting requirements or other award terms a part of Grantee's performance record.

REGISTRATION REQUIREMENTS Grantees and their first-tier subgrantees and subcontractors must maintain current registrations in the Central Contractor Registration (<http://www.ccr.gov>) at all times during which they have active federal awards funded with ARRA funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (<http://www.dnb.com>) is one of the requirements for registration in the Central Contractor Registration.

Grantees that are delegated in writing by the state the responsibility to report information into the federal reporting web portal must register as authorized users of the www.FederalReporting.gov solution prior to submitting recipient reports into the website. The registration function of this web site will be available no later than August 26, 2009. Once this function is available, those Grantees with written delegation authority from the state should register within 10 business days of receiving an award.

REPORTING REQUIREMENTS

U.S. OMB continues to issue additional guidance regarding ARRA reporting requirements. Please refer to the following website, http://www.whitehouse.gov/omb/recovery_default/, where this guidance is posted. Included on this site is U.S. OMB memorandum M-09-21, Implementing Guidance for the Reports on Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009.

Pursuant to Section 1512 of ARRA, State agencies receiving ARRA funds must submit a report to the federal government no later than ten calendar days after the end of each calendar quarter. The report must contain the information described in section 1512(c) of ARRA.

Accordingly, Grantee agrees to provide the State of Alaska, or to enter directly into the website established in accordance with ARRA section 1526, the information described in section 1512(c) of ARRA using the reporting instructions and data elements that will be provided online at [http:// www.FederalReporting.gov](http://www.FederalReporting.gov) and ensure that any information that is pre-filled is corrected or updated as needed.

SINGLE AUDIT REQUIREMENTS Grantee agrees to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA).

This shall be accomplished by identifying expenditures for Federal awards made under ARRA 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.

Grantee agrees to separately identify to each subgrantee or subcontractor and document at the time of award and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of ARRA funds. Should Grantee sub-award ARRA funds for an existing program, the information furnished to subgrantee or subcontractor shall distinguish the awards of incremental ARRA funds from regular awards under the existing program.

Grantee agrees to require their subgrantees to include on their SEFA information to specifically identify ARRA funding similar to the requirements for the grantee SEFA described above. This information is needed to allow the grantee 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.

AVAILABILITY OF FUNDING Grantee agrees that programs supported with temporary federal funds made available by ARRA will not be continued with State-financed appropriations once the temporary federal funds are expended.

SEGREGATION OF FUNDS Grantee agrees that it shall segregate revenues, obligations, and expenditures of ARRA funds from other funding. No part of funds available under ARRA may be commingled in accounting records with any other funds or used for a purpose other than that of making payment for costs allowable under ARRA and this agreement.

BUY AMERICAN REQUIREMENT In accordance with ARRA section 1605, Grantee assures that it, and its subgrantees or subcontractors, will not use ARRA funds for a project 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 in a manner consistent with United States obligations under international agreements. The Grantee understands that this requirement may only be waived by the applicable federal agency in limited situations as set out in ARRA, section 1605.

WAGE RATES REQUIREMENTS In accordance with ARRA section 1606, Grantee assures that it, and its subgrantees or subcontractors, will fully comply with this section in that, notwithstanding any other provision of law, and in a manner consistent with the other provisions of ARRA, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by, or assisted in whole or in part with funds under ARRA, shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the United States Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (Davis-Bacon Act).

SPECIAL CONTRACTING PROVISIONS In accordance with ARRA section 1554, Grantee agrees that it, and its subgrantees or subcontractors, will award contracts as fixed-price contracts through the use of competitive procedures to the extent possible. Grantee further agrees that it will provide a summary of any contract awarded with ARRA funds that is not fixed-price and not awarded using competitive procedures to be posted in a special section of the website established in accordance with ARRA section 1526.

WHISTLEBLOWER PROTECTION In accordance with ARRA section 1553, the Grantee assures that it, and its subgrantees or subcontractors, will fully comply with this section, including, but not limited to, assuring that employees will not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosures by the employee that the employee reasonably believes are evidence of (1) gross mismanagement of a contract or granted relating to ARRA funds; (2) a gross waste of ARRA funds; (3) a substantial and specific danger to public health or safety related to the implementation or use of ARRA funds; (4) an abuse of authority related to implementation or use of ARRA funds; or (5) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, award or issued relating to ARRA funds. In accordance with ARRA section 1553 (e), the Grantee assures that it, and its subgrantees or subcontractors, will post notice of the rights and remedies provided in ARRA section 1553.

INSPECTION OF RECORDS Grantee agrees that it, and its subgrantees or subcontractors, will cooperate with any representative of the State of Alaska, the United States Comptroller General or his representative, or the appropriated inspector general appointed under section 3 or 8G of the Inspector General Act of 1978 or his representative in the examination of records that pertain to, or involve transactions relating to this grant, and agrees that it, and its personnel can be interviewed by these entities regarding this grant and related program.

FALSE CLAIMS ACT Grantee agrees that it, and its subgrantees and subcontractors, shall promptly refer to an appropriate federal inspector general any credible evidence that a principal, employee, agent, subgrantee, subcontractor or other person has committed a false claim or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds.

ENVIRONMENTAL IMPACT REQUIREMENTS

In accordance with ARRA section 1609, Grantee assures that it, and its subgrantees or subcontractors, will comply with any applicable environmental impact requirements of the National Environmental Policy Act of 1970 (NEPA), as amended.

PROHIBITION ON USE OF ARRA FUNDS

Grantee agrees that none of the funds made available under this grant may be used for any casino or other gambling establishment, aquarium, zoo, golf course, swimming pool, or similar projects.

SUBRECIPIENT REQUIREMENTS

Grantee agrees that it will include these standard terms and conditions, including this requirement, in any of its subcontracts or subgrants in connection with projects funded in whole or in part with funds available under ARRA.

ENFORCEABILITY

If Grantee, or any of its subgrantees or subcontractors fails to comply with all applicable federal and State requirements governing the use of these funds, the State of Alaska may withhold or suspend, in whole or in part, funds awarded under the program, or recover misspent funds following an audit. This provision is in addition to all other remedies provided to the State of Alaska under all applicable federal and State laws.

PLEASE NOTE THAT COMPLIANCE WITH APPLICABLE SECTIONS OF THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) WILL BE STRICTLY ENFORCED BY THE STATE AND FEDERAL GOVERNMENT. THEREFORE, ALL GRANTEES AND SUBRECIPIENTS SHOULD BECOME FAMILIAR WITH THE SPECIFIC TERMS AND REPORTING REQUIREMENTS OF ARRA AS MAY BE APPLICABLE TO FUNDS RECEIVED.