

# **“BIDDER INFORMATION AND GUIDELINES”**

## AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 – ARRA FEDERAL STIMULUS PACKAGE Energy Program

*Georgia Environmental Facilities Authority (GEFA)*

*Georgia State Financing and Investment Commission (GSFIC)*

*United States Department of Energy (USDOE)*

## **GENERAL INFORMATION**

Copy of the Act (ARRA) is available on line at [www.recovery.gov](http://www.recovery.gov)

H. R. 1—2 – The Act (ARRA) - Purpose

- (1) To preserve and create jobs and promote economic recovery.
  - (2) To assist those most impacted by the recession.
  - (3) To provide investments needed to increase economic efficiency by spurring technological advances in science and health.
  - (4) To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.
  - (5) To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.
- (b) GENERAL PRINCIPLES CONCERNING USE OF FUNDS.—The President and the heads of Federal departments and agencies shall manage and expend the funds made available in this Act so as to achieve the purposes specified in subsection (a), including commencing expenditures and activities as quickly as possible consistent with prudent management.

Bidder Impact: Knowledge and compliance with its requirements.

## **Federal Funding Accountability and Transparency Act of 2006**

Copy available on line at [www.recovery.gov](http://www.recovery.gov)

S. 2590) is an [Act of Congress](#) that requires the full disclosure to the public of all entities or organizations receiving federal funds beginning in [fiscal year](#) (FY) 2007. The website [www.USAspending.gov](http://www.USAspending.gov) opened in December 2007 as a result of the act, and is maintained by the [Office of Management and Budget](#).

Bidder Impact: Knowledge and compliance Will also be part of the contract.

### **Davis-Bacon Wage Act**

- (1) Contractor and all subcontractors shall pay all mechanics and laborers employed directly upon the site of the work, unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account, the full amounts accrued at time of payment, computed at wage rates not less than those stated in the advertised specifications, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics.
- (2) The scale of wages to be paid shall be posted by the Contractor in a prominent and easily accessible place at the site of the work.
- (3) There may be withheld from the Contractor so much of accrued payments as may be considered necessary by the Owner to pay to laborers and mechanics employed by the Contractor or any subcontractor on the work the difference between the rates of wages required by the Contract to be paid laborers and mechanics on the work and the rates of wages received by such laborers and mechanics and not refunded to the Contractor, subcontractors, or their agents.
- (4) In the event it is found by the Owner that any laborer or mechanic employed by the Contractor or any subcontractor directly on the site of the work covered by the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid as aforesaid, the Owner may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been a failure to pay said required wages and to prosecute the work to

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completion by contract or otherwise, and the Contractor and his sureties shall be liable to the Owner for any excess costs occasioned the Owner thereby.

Bidder Impact: Must comply or be liable for contract amounts granted plus penalties.

**See attached forms for proper reporting format.**

## Registrations and Identification Information

### Central Contractor Registration

Contractor must maintain current registrations in the Central Contractor Registration ([www.ccr.gov](http://www.ccr.gov)) at all times during which they have active federal awards funded with ARRA funds.

The screenshot displays the Central Contractor Registration (CCR) website interface. At the top, there is a navigation bar with tabs for 'CCR Home', 'CCR Search', 'Federal Agency Registration', 'News', 'Release Notes', 'Request Data Access', and 'Help'. Below this, a secondary navigation bar includes 'Contractors', 'Grantees', 'International Registrants', 'Small Businesses', 'Security Notes', and '643,492 Active Registrants'. The main content area features a large American flag graphic and a welcome message: 'Welcome to Central Contractor Registration (CCR). Central Contractor Registration (CCR) is the primary registrant database for the U.S. Federal Government. CCR collects, validates, stores and disseminates data in support of agency acquisition missions. [Learn more about CCR Policy and Background.](#)'

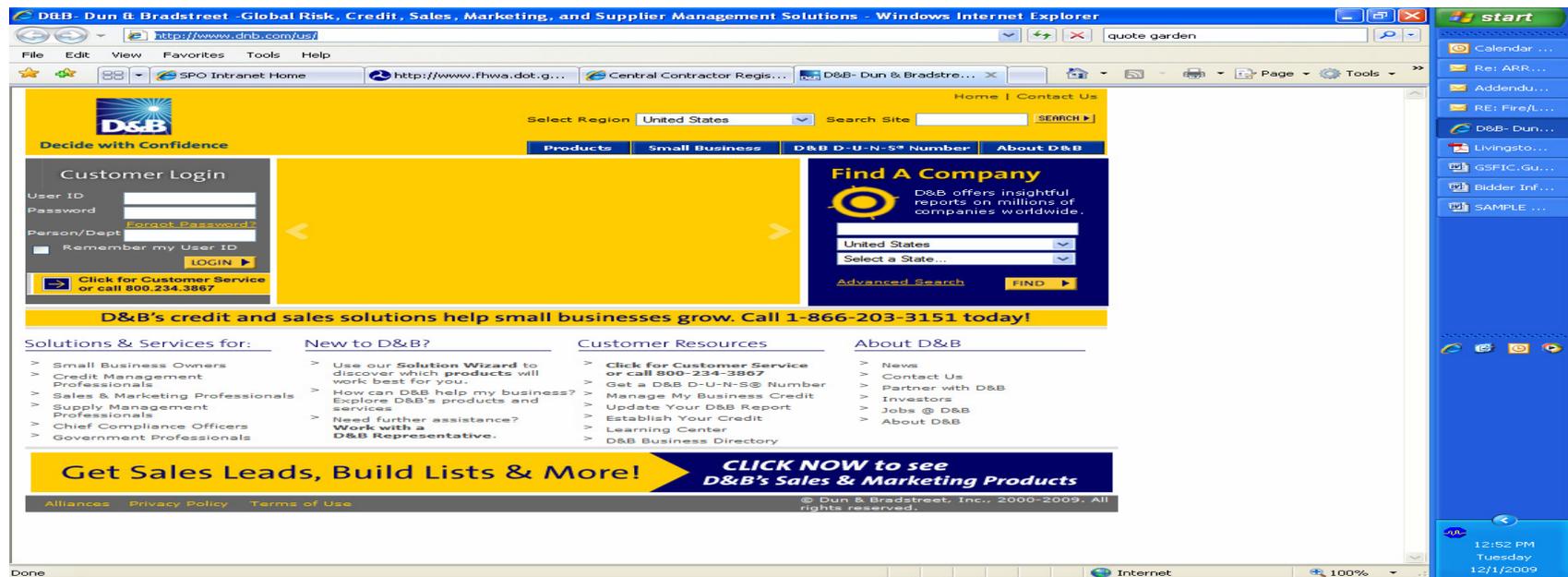
Two primary sections are visible: 'Existing CCR Users' and 'New CCR Users'. The 'Existing CCR Users' section contains a 'Log in to CCR' form with fields for 'User ID' and 'Password', a 'Log In' button, and links for 'Forgot Password' and 'Forgot User ID'. Below this, it states: 'If you have not yet converted to a User ID and Password, use your DUNS and TPIN to do this before December 21, 2009.' The 'New CCR Users' section lists requirements: '1. DUNS Number', '2. Tax Identification Number (TIN) and Taxpayer Name', '3. Statistical Information about your business', and '4. Electronic Funds Transfer (EFT) Information'. It includes links for 'View Detailed Descriptions' and 'International Registrants', and a prominent 'Start New Registration' button. A note at the bottom of this section states: 'Note: New registrations usually take 1-2 business days to process once completed by the vendor.'

A sidebar on the left titled 'Quick Links' includes: 'Dynamic Small Business Search', 'ORCA', 'SBA', 'Request DUNS Number', and 'Federal Business Opportunities'. At the bottom of the sidebar is a 'DUNS / TPIN Access' form with fields for 'DUNS' and 'TPIN', and a 'Create User ID and Password' button.

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## Dun & Bradstreet

A Dun and Bradstreet Data Universal Numbering System (DUNS) Number ([www.dnb.com](http://www.dnb.com)) is one of the requirements for registration in the Central Contractor Registration. If applicable, the Contractor agrees to separately identify to each subcontractor and document at the time of award of contract or approval of application and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of ARRA funds.



## **REPORTING REQUIREMENTS**

No later than five (5) days after the end of each calendar quarter, or more frequently as directed by the Commission, the Contractor shall submit a report to the Commission that contains:

- (1) The total amount of recovery funds received;
- (2) The amount of recovery funds received that were obligated and expended to projects or activities. If required by the Commission, Contractor shall submit backup documentation for expenditures of ARRA funds, including such items as timecards, payroll, and invoices.
- (3) Detailed information on any subcontracts awarded by the Contractor must include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.
- (4) A description of the overall purpose and expected outcomes or results of the contract, including significant deliverables and, if appropriate, associated units of measure.
- (5) An assessment of the contractor's progress towards the completion of the overall purpose and expected outcomes or results of the contract (i.e., not started, less than 50 percent completed, completed 50 percent or more, or fully completed). This covers the contract (or portion thereof) funded

by the Recovery Act.

(6) A narrative description of the employment impact of work funded by the Recovery Act. This narrative should be cumulative for each calendar quarter and only address the impact on the contractor's workforce. At a minimum, the contractor shall provide—

(a) A brief description of the types of jobs created and jobs retained in the United States and outlying areas (see definition in FAR 2.101). This description may rely on job titles, broader labor categories, or the contractor's existing practice for describing jobs as long as the terms used are widely understood and describe the general nature of the work; and

(b) An estimate of the number of jobs created and jobs retained by the prime contractor, in the United States and outlying areas. A job cannot be reported as both created and retained.

(7) Names and total compensation of each of the five most highly compensated officers of the Contractor for the calendar year in which the contract is awarded if—

(a) In the Contractor's preceding fiscal year, the Contractor received—

(1) 80 percent or more of its annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; and

(2) \$25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; and

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(b) The public does not have access to information about the compensation of the senior executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.

The screenshot shows an Excel spreadsheet titled "Microsoft Excel - Copy of FederalReportingTemplate - Contracts.xls". The active worksheet is "Instructions".

Recipient Report Instructions		Version:
<b>Instructions:</b>		1.4
You are submitting a report for a Contract award.		
<b>Instruction</b>	<b>Required Worksheets</b>	
If you are a Prime Recipient who is submitting a report or reports on behalf of your Sub Recipient, you must fill out these worksheets (see the tabs at the bottom of the screen).	Prime Recipient Sub Recipients	
If you are a Prime Recipient who is <b>not</b> submitting a report or reports on behalf of your Sub Recipient, you must fill out these worksheets (see the tabs at the bottom of the screen):	Prime Recipient	
If you are a Sub Recipient who is submitting a report, you must fill out these worksheets (see the tabs at the bottom of the screen). <b>NOTE:</b> For Sub Recipient reporting for self, the DUNS numbers populated in the "Sub Recipient DUNS Number" field on the "Sub Recipients" tab must all be the same regardless of the Sub Award Numbers.	Sub Recipients	
<b>Note: If entering Sub Recipients in your report, you must enter one Sub Recipient Award per numbered row. Do not leave a blank row between entries.</b>		
<b>Notes</b>		
<b>Question</b>	<b>Answer</b>	
Not all of my text is showing up when I enter values a narrative field. For example, when entering text for the Project Description field.	This is a limitation of Excel. Although each cell holds up to 32,767 characters, Excel only displays 1024 characters in the cell itself. To view all of the text you've entered for a given field, click on the cell in question and the text will display in the formula bar at the top of the screen.	
When I try to select a value from a drop-down menu, the text is too small to read. How to I make it bigger?	Check to make sure you're viewing the workbook at 100% zoom. If your zoom is set to less than 100%, this can cause the text in the drop-down menus to appear very small.	
I'm not sure what each of the data elements mean.	You can either click on each cell for instructional text or reference the Data Model document published on Recovery.gov	
I have more than 400 Sub Recipients to add, but the spreadsheet looks like it is limited to 400.	You can continue to add additional Sub Recipients beyond the #400 line provided for you, however the special formatting and data validations which are provided for the first 400 Sub Recipients or Vendor entries will not be present. This is done to keep the file size of the template from growing excessively large. Data validation will be performed once your report is uploaded on FederalReporting.gov.	

The spreadsheet also shows a taskbar on the right with various application icons and a system tray at the bottom right displaying the time as 1:24 PM on Tuesday, 12/1/2009.

## **Copeland “Anti-Kickback” Act**

The Copeland “Anti-Kickback” Act generally prohibits federal contractors or subcontractors engaged in building construction or repair from inducing an employee to give up any part of the compensation to which he or she is entitled under his or her employment contract and requires such contractors and subcontractors to submit weekly statements of compliance.

### **Wage Reporting**

There are reporting requirements under the Copeland “Anti-Kickback” Act for contracts in excess of \$2,000. Each covered contractor and subcontractor must provide the federal agency contracting officer with a weekly statement of wages paid to each of its laborers and mechanics during the preceding weekly payroll period. Each payroll submitted shall be accompanied by a “Statement of Compliance.” This statement must be signed by the contractor, subcontractor or the authorized officer or employee of the contractor or subcontractor who supervises the payment of wages. Statements of Compliance are to be made on the [Form WH-347 “Payroll \(For Contractors Optional Use\)”](http://www.dol.gov/whd/forms/wh347instr.htm) (<http://www.dol.gov/whd/forms/wh347instr.htm>) or on any form with identical wording. This must be submitted within seven days after the regular pay date for the pay period.



**Buy American Provisions**

**Buy American - Use of American Iron, Steel, and Manufactured Goods – Section 1605 of the American Recovery and Reinvestment Act of 2009**

Recipients may not use any funds obligated under this award 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 unless the Agency waives the application of this provision (ARRA Sec. 1605).

Data. To permit evaluation of requests under this section based on unreasonable cost, the applicant shall include the following information and any applicable supporting data based on the survey of suppliers:

**Foreign and Domestic Items Cost Comparison**

Description	Unit of measure	Quantity	Cost (dollars)*
Item 1			
Foreign steel, iron, or manufactured good			
Domestic steel, iron, or manufactured good			
Item 2:			
Foreign steel, iron, or manufactured good			
Domestic steel, iron, or manufactured good			
<i><b>[List name, address, telephone number, email address, and contact for suppliers surveyed. Attach copy of response; if oral, attach summary.] [Include other applicable supporting information.] [*Include all delivery costs to the construction site.]</b></i>			

**FAR 52.203-15 Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (Mar 2009)**

- (1) The Contractor shall post notice of employees rights and remedies for whistleblower protections provided under section 1553 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5).
- (2) The Contractor shall include the substance of this clause including this paragraph (2) in all subcontracts.

52.203-15 Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009.

As prescribed in [3.907-7](#), use the following clause:

WHISTLEBLOWER PROTECTIONS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009  
(MAR 2009)

- (a) The Contractor shall post notice of employees rights and remedies for whistleblower protections provided under section 1553 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5).
- (b) The Contractor shall include the substance of this clause including this paragraph (b) in all subcontracts.

**Certification Regarding Lobbying (7 CFR 3018) (Applicable if contract exceeds \$100,000)**

The contractor certifies to the best of their knowledge and belief, that:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the contractor, to any person for influencing or attempting to influence an officer or employee of an agency, Member of Congress, and officer or employer of Congress, or a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

USE FORM PROVIDED TO REPORT VIOLATIONS.

## **ARRA Reporting Requirements**

***No later than five (5) days after the end of each calendar quarter, or more frequently as directed by the Commission, the Contractor shall submit a report to the Commission that contains:***

**(1) The total amount of recovery funds received;**

(2) The amount of recovery funds received that were obligated and expended to projects or activities. If required by the Commission, Contractor shall submit backup documentation for expenditures of ARRA funds, including such items as timecards, payroll, and invoices.

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(4) A description of the overall purpose and expected outcomes or results of the contract, including significant deliverables and, if appropriate, associated units of measure.

(5) An assessment of the contractor's progress towards the completion of the overall purpose and

expected outcomes or results of the contract (i.e., not started, less than 50 percent completed, completed 50 percent or more, or fully completed). This covers the contract (or portion thereof) funded by the Recovery Act.

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(b) An estimate of the number of jobs created and jobs retained by the prime contractor, in the United States and outlying areas. A job cannot be reported as both created and retained.

**(7) Names and total compensation of each of the five most highly compensated officers of the Contractor for the calendar year in which the contract is awarded if—**

(a) In the Contractor's preceding fiscal year, the Contractor received—

(1) 80 percent or more of its annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; and

(2) \$25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; and

(b) The public does not have access to information about the compensation of the senior executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.

**(8) For subcontracts valued at less than \$25,000 or any subcontracts awarded to an individual, or subcontracts awarded to a subcontractor that in the previous tax year had gross income under \$300,000, the Contractor shall only report the aggregate number of such first tier subcontracts awarded in the quarter and their aggregate total dollar amount.**

(9) For any first-tier subcontract funded in whole or in part under the Recovery Act, that is over \$25,000 and not subject to reporting under paragraph 9, the contractor shall require the subcontractor to provide

the information described in (A), (I), (J), and (K) below to the contractor for the purposes of the quarterly report. The contractor shall advise the subcontractor that the information will be made available to the public as required by section 1512 of the Recovery Act. The contractor shall provide detailed information on these first-tier subcontracts as follows:

- (a) Unique identifier (DUNS Number) for the subcontractor receiving the award and for the subcontractor's parent company, if the subcontractor has a parent company.
- (b) Name of the subcontractor.
- (c) Amount of the subcontract award.
- (d) Date of the subcontract award.
- (e) The applicable North American Industry Classification System (NAICS) code.
- (f) Funding agency.
- (g) A description of the products or services (including construction) being provided under the subcontract, including the overall purpose and expected outcomes or results of the subcontract.
- (h) Subcontract number (the contract number assigned by the prime contractor).
- (i) Subcontractor's physical address including street address, city, state, and country. Also include the nine-digit zip code and congressional district if applicable.
- (j) Subcontract primary performance location including street address, city, state, and country. Also

include the nine-digit zip code and congressional district if applicable.

(k) Names and total compensation of each of the subcontractor's five most highly compensated officers, for the calendar year in which the subcontract is awarded if—

(1) In the subcontractor's preceding fiscal year, the subcontractor received—

(a) 80 percent or more of its annual gross revenues in Federal contracts (and subcontracts), loans, grants (and subgrants), and cooperative agreements; and

(b) \$25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants), and cooperative agreements; and

(2i) The public does not have access to information about the compensation of the senior executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934

### **Reporting as a Recipient**

Recipient Users will submit reports. In addition, Recipient users can view and comment on reports available to them based upon user role and organization. In order to access the report creation, submission, view, and comment functions, you need to be registered as a Recipient User.

#### ***How do I register as a Recipient User?***

When you register to be a Recipient User, you will need to provide the following:

- Your Name
- Your Phone Number
- Your Email Address
- Your Organizational DUNS number (Organizational DUNS number is used to obtain demographic information about your Organization.)

Both Prime Recipients and Sub Recipients register as a Recipient User. However, Prime Recipients and Sub Recipient have different registration pre-requisites. Click on "Register Now" from the Home Page for more information about registration pre-requisites.

#### ***How do I submit my report?***

Recipients Users can submit reports via one of three methods:

- Online Web Form
- Excel spreadsheet upload
- XML file upload

If you choose to submit via Excel spreadsheet, you must use the Excel template. The template can be downloaded from [FederalReporting.gov](http://FederalReporting.gov). Similarly, if you choose to submit via XML file, your report must conform to the XML schema provided on [FederalREporting.gov](http://FederalREporting.gov). Go to the Downloads Page to download these files.

***When do I need to submit my report?***

**Initial Submission must be submitted by no later than the end of the 10th day of the reporting period.** Once your report has been submitted as Initial Submission, it is viewable by Agency Users for comment. You will be able to see all comments on your reports through the My Work Queue function in FederalReporting.gov. You can make changes to and submit reports through the end of the 29<sup>th</sup> day of the reporting period.

***Where can I get more information about submitting, viewing, commenting on, and updating reports?***

A detailed User Guide has been created for FederalReporting.gov. Go to the Downloads Page to download the User Guide.