SUPPLEMENTAL TERMS AND CONDITIONS FOR PROJECTS FUNDED IN WHOLE OR IN PART WITH MONEYS FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA)

ARRA FUNDED PROJECT
Funding for this contract has been provided through the American Recovery and Reinvestment Act of 2009 (ARRA), and is subject to the reporting and operational requirements of ARRA. All contractors, including both prime and subcontractors, are subject to audit by appropriate federal or state entities. The state has the right to cancel, terminate, or suspend the contract if any contractor or subcontractor fails to comply with the reporting and operational requirements contained herein.

I. ACCESSIBILITY TO RECORDS AND PROJECT SITES

A. Comptroller General of the United States Authority to Inspect

Pursuant to Section 902 of ARRA the Comptroller General of the United States and his representatives have the authority to:

(1) Examine any records of the contractor (vendor, bidder) or any of the subcontractors, or any State or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract; and

(2) Interview any officer or employee of the contractor or any of the subcontractors, or of any State or local government agency administering the contract, regarding such transactions; and

(3) Designate a time and place to examine those records and interview those officers and employees described above.

B. Inspector General Authority to Inspect

Pursuant to Section 1515(a) of ARRA, an Inspector General or any representative of an Inspector General has the authority to:

(1) Examine any records of the contractor (vendor, bidder) or any of the subcontractors, or any State or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract; and

(2) Interview any officer or employee of the contractor or any of the subcontractors, or of any State or local government agency administering the contract, regarding such transactions; and

(3) Designate a time and place to examine those records and interview those officers and employees described above.

C. **contractor** (vendor, bidder) shall include **verbatim** in all of the contractor's agreements with its subcontractors from whom the contractor acquires goods or services in its execution of the ARRA funded Work, the language provided in Parts A and B of this Section.

II. TIMELY AND ACCURATE REPORTING

The contractor shall comply with all reporting requirements outlined in Section 1512 of ARRA including the following:

Quarterly report detailing:

- The amount of ARRA funds received
- The amount of ARRA funds expended or obligated
- Detailed list of all projects or activities for which the ARRA funds were expended
- An estimate of the number of jobs created and the number of jobs retained by the project or activity
- Detailed information concerning subcontracts or sub-grants including the state Ohio

In addition, the contractor shall provide the contractor's unique nine-digit number issued by Dunn and Bradstreet (DUNS number).

The contractor shall complete and provide to the state the "OBM, Ohio Sub-Grantee and Sub-Recipient Spending Report in Compliance with ARRA Sec. 1512".

III. EQUAL EMPLOYMENT OPPORTUNITIES

In addition to the state's equal employment opportunity requirements set forth in the contract, by the signature affixed to this bid, the contractor and any subcontractor agrees that they comply with all of the following federal laws for employment, discrimination, etc. The State may consider the failure to comply with any of the below listed laws, rules, and executive orders as a breach of contract and may result in termination of the contract.

Federal Laws:

- Title VI & Title VII of Civil Rights Act of 1964
- Equal Pay Act of 1962
- Age Discrimination in Employment Act of 1967
- Title IX of Educational Amendments of 1972
- Section 504 of the Rehabilitation Act of 1973
- Age Discrimination Act of 1975
- Title I & Title V of Americans with Disabilities Act of 1990
- Fair Housing Act
- Fair Credit Reporting Act

- Equal Educational Opportunities Act
- Uniform Relocation Act

IV. JOB POSTINGS

The contractor shall post all jobs created resulting from the award of the contract and the use of ARRA funds and all jobs retained resulting from the award of the contract and the use of ARRA funds on www.ohiomeansjobs.com, and on http://jfs.ohio.gov/workforce/jobseekers/onestopmap.stm.
For purposes of this contract, and as defined by the Federal Office of Management and Budget ,"jobs created" are those positions created and filled, or previously existing unfilled positions that are retained as a result of ARRA funding. "For purposes of this contract, "jobs retained" are those previously existing filled positions that are retained as a result of ARRA funding.

V. PROTECTIONS FOR INDIVIDUALS REPORTING COMPLIANCE ISSUES

A. Pursuant to Section 1553 of ARRA, the Contractor and all subcontractors are prohibited from discharging, demoting, or otherwise discriminating against any contractor or subcontractor employee as a reprisal for disclosing the following information that the employee reasonably believes is evidence of:

1. gross mismanagement of the contract relating to funds for the Project;
2. gross waste of ARRA funds;
3. 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 the implementation of or use of ARRA funds; or
5. a violation of law, rule, or regulation related to the contract (including the competition for or negotiation of the contract) relating to ARRA funds;

B. The Inspector General shall receive investigate all complaints alleging a violation of the terms in part A of this section;

C. All employers receiving ARRA funds shall post notice of employee rights as described above in conspicuous locations with other required employee rights information.

VI. CONSTRUCTION PROJECTS

For those construction projects for which the state uses ARRA funds for the construction, alteration, maintenance, or repair of a public building, the following conditions apply:

A. Buy American

1. Products: Pursuant to Section 1605 of ARRA, all steel, iron, and manufactured goods used in the construction project must be produced in the United States;

2. Exception: The requirement set forth in part 1 of this section shall not apply only if the appropriate federal agency determines one of the following:

   (a) The application of the requirement in part 1 of this section would be inconsistent with the public interest;

   (b) That (1) an insufficient amount of steel, iron, or relevant manufactured goods were produced in the United States or (2) that a reasonable amount of steel, iron, or relevant manufactured goods were available or (3) that a reasonable amount of the available steel iron, or relevant manufactured goods of satisfactory quality were not available;

   (c) That by applying the requirement set forth in part 1 of this section would increase the **overall cost of the project** by more than twenty-five percent (25%);

3. A contractor and subcontractors must comply with the above requirement unless the contractor or subcontractor provides a waiver from the appropriate federal agency stating that at least one of the above-referenced exceptions applies. A contractor may seek an exception to the Buy American requirements by appealing to the appropriate federal agency pursuant to rules and regulations in 2CFR Part 176 Volume 74, No 77;

4. The State and the contractor shall apply the Buy American requirements set forth in this section in a manner consistent with United States obligations under international agreements.

B. Prevailing Wage Rates and Labor Standards

1. The contractor and subcontractors shall pay all laborers and mechanics employed by contractor or subcontractors on the Project not less than the prevailing wage determined under the "Davis-Bacon Act" (USC 276a-a5) for similar work in the civil subdivision for which the laborers and mechanics perform the work. In addition, the Contractor and subcontractors shall pay all laborers and mechanics overtime compensation in accordance with the provisions of the "Contract Work Hours and Safety Standards Act" (40 U.S.C. 327-333).

2. The contractor and subcontractors shall comply with all regulations issued pursuant to the above-referenced Acts and with all applicable federal and state laws and regulations.