

***Stakeholder Guidance***  
**American Recovery and Reinvestment Act (ARRA) of 2009**  
**March 3, 2009**

On February 17, 2009, President Obama signed Public Law 111-5. The legislation, referred to as the American Recovery and Reinvestment Act of 2009, provides to the Department of Transportation, among other things, \$48.1 billion for infrastructure development. Of this amount, \$1.1 billion is provided to FAA from the General Fund for airport-related purposes. While the funding is not subject to normal AIP authorization authority, the funding is to be administered under the requirements of Airport Improvement Program (AIP) discretionary funding.

***1. Airport Funding***

The Act requires that this additional funding commonly referred to as Economic Recovery (ER) funding, be treated as though it was AIP pure discretionary, that is without formulas, special apportionment categories, or minimum set-asides.

All normal required AIP grant documentation and filing applies to the administration of ER projects. All normal AIP grant conditions, certifications and assurances apply. The funding carries all the eligibility, flexibility and requirements of normal AIP discretionary funds under our existing statutory authorization with the following exceptions:

- **Priority Consideration** – Priority consideration must be given to those projects that can be awarded within 120 days (June 17, 2009) ***and*** that can be completed within two years of the date of enactment of the Act (February 16, 2011). For purposes of this guidance, awarded shall mean obligated pursuant to a Grant Offer and Acceptance by the sponsor.
- **Federal Share** – There is a **100% federal share** for this program, meaning that there is no local match required. Accordingly, each grant must identify a useable unit of work that will be 100% funded.
- **Specific Dates** – The statute identifies specific milestone dates that must be complied with. These dates are detailed in Section 2 – **Airport Project Timeline** of this guidance.
- **Eligibility vis-à-vis Planned AIP Projects** – The ARRA statute requires that economic recovery funds *supplement* and *not supplant* planned expenditures from airport-generated revenues or from other State and local sources for airport development activities. In other words, ER funds are specifically precluded from being used for projects where there were “*planned expenditures from airport-generated revenues or from other State and local sources*”. FAA interprets this to exclude projects for ER funding consideration that were planned for traditional AIP in FY-2009 and that included State or local match requirements.

Accordingly, projects in the Airports Capital Improvement Program (ACIP) for FY-2009 shall remain potential AIP candidates but not ER fund candidates because of the planned AIP funding with a local match from state or local funds. ACIP projects for FY-2010 and beyond may be identified as candidates for ER funds since they would supplement and not supplant planned expenditures using state and local funds during FY-2009. Therefore, if a project was identified for funding in the FY-2009 program, either with entitlements or discretionary funding, it may not be funded with ER funding.

- **State Block Grants** – Since the funding made available under the ARRA is pure discretionary, there is no formula distribution of funds to States in the State Block Grant Program (SBGP). Instead, any funding of eligible projects that fit the criteria contained within this guidance will be made directly to the SBGP sponsor with specific airport and funding amounts specified. It will be the responsibility of the SPGP sponsor to issue a sub-grant and administer the grant in accordance with this guidance and the requirements of the ARRA. All provisions within this guidance, including recoveries, amendments and requisite reporting, also apply to SBGP grants with ER funding.
- **Recoveries** – Unlike normal AIP funding, ER funds have a limited life for recovery and reobligation. ER funds may be recovered and reobligated up to September 30, 2010. After September 30, 2010, there is no statutory provision to reobligate recovered funds and they will be returned to the US Treasury. Reobligation of recovered ER funds after September 30, 2009 will require the use of recovery ceiling issued by the FAA Office of Budget (ABU).
- **Amendments** – Due to the differing Federal share percentages associated with ER funding compared to “normal” AIP, an amendment to an ER funded grant that requires additional funds can only be accomplished with available ER funding. Since it is required that all ER funded projects be based on bids, it can reasonably be expected that additional ER funding that may be available for amendments through recoveries will be extremely limited. All project recoveries will be directed to amendments for close-outs on a first-come, first-served basis.

***Sponsors should be aware that (a.) it is likely that there will be little ER funding for amendments, and (b.) as noted above, any recoveries that may become available cannot be reobligated after September 30, 2010. Thereafter, the sponsor will be completely responsible for project cost overruns.***

## ***2. Airport Project Timeline***

The required timeline for ER projects is specific, tight and has required milestone dates.

- **June 17, 2009:** At least 50% of the \$1.1 billion in funding provided by ARRA, or \$550 million, must be awarded within 120 days of enactment. For purposes of this guidance, awarded shall mean obligated pursuant to a Grant Offer and Acceptance by the sponsor. Because of this timeline, regions will be providing increased oversight to assure that all of the interim steps to obligation (bid preparation, advertisement, bid review, sponsor certifications, etc) are being completed.
- **February 16, 2010:** All funding must be awarded within one year of enactment of the ARRA or it will be lost. However, in order to assure that the projects have the highest likelihood of completion as quickly as possible, and achieve the goal of the ARRA – the timely creation of jobs - FAA’s internal objective is to have the entire amount under grant prior to the close of FY-2009.
- **September 30, 2010:** Recovered ER funds must be reobligated by this date, or they will be lost; and
- **February 16, 2011:** Priority is to be given to projects that can be completed within two years of the date of enactment of the ARRA. The term “completed” means when construction or acquisition of equipment is finished as evidenced by the project’s Final Inspection.

### 3. *Planned Regional Distribution*

The intent of the ARRA is clear. FAA is to issue grants for high priority projects that can proceed to construction quickly to preserve and create jobs and promote economic recovery. Because of the lead time associated with the consideration and passage of the legislation, FAA has been able to identify a national pool of candidate projects that greatly exceeds the ER funding now available.

To assure consistent application of award criteria nationally, and in keeping with our commitment to use FAA’s existing statutory priorities to direct funds to “*ready-to-go*” projects, FAA has established a national priority threshold for the use of ER funds. Based upon this threshold, FAA has identified a candidate pool of the highest priority projects by region and distributed such to the Regions. FAA has also distributed a tentative allocation of ER funds, based upon existing FAA internal formulas and policies, to establish funds for Regional planning purposes. The identified high priority project listings that have been transmitted exceed the availability of funds allocated to regions based on historical distributions by region.

FAA Regional/District office staff will review the project listings and, to the extent funding is available, confirm the highest priority of the projects on the listing that they expect to fund and that can meet the timelines indicated above. Each project identified will indicate whether it can

be obligated in the 120-day period or by the end of the current fiscal year being mindful that nationally we must award 50% of all funding within 120 days.

#### **4. General Provisions**

All funds issued under this Act will be subject to extraordinary scrutiny, with strict distribution and reporting requirements.

- While the ER funding will follow all of the rules and requirements for AIP discretionary funding, it is actually a different type of funding; therefore, it must be tracked separately at all times. FAA is making provisions within SOAR, our automated grant management system, to assure this capability.
- In addition to being tracked separately, ER funds and AIP funds may not be mixed. That means that individual grants may not be issued with both types of funds in the grant.
- Grant Offers will be based upon existing statutory priorities as detailed within the NPR system and other special focus area initiatives (non-hub terminal buildings, Voluntary Airport Low Emission (VALE) program, etc.).
- As noted above, and within the existing statutory priorities, preference will be given to those projects that are “*ready-to-go*”. For purposes of this guidance, “*ready-to-go*” is defined as a project that:
  - Has an environmental determination;
  - Has received requisite airspace approvals;
  - Appears on the airport’s approved Airport Layout Plan;
  - If required, has a completed FAA-approved benefit-cost analysis;
  - Has design (plans and specification documentation) substantially complete;
  - Will be bid prior to the time of Grant Offer;
  - Will be able to issue a Notice to Proceed within 30 calendar days of Grant Offer;
  - Is projected to have construction completed no later than February 16, 2011; and
  - Has the Sponsor’s certification as to bid, Buy American waivers, Notice to Proceed, and certain certifications required under the ARRA. See *Attachment 1 – Airport Sponsor Certification*, to be provided with the project application and maintained within the grant file.
- There are special grant conditions that must be included in all ER grants, discussed below.
- There is additional grant documentation, reporting and filing for ER grants that are discussed below.

**5. Local Match Requirement**

As noted above in Section 1, there is no local match required for ER grants. Because of the difficulty of defining a useable unit of work with varying Federal share percentages in the same grant, ER funding and “normal” AIP funding cannot be commingled in the same grant. It is acceptable to have ER funding on a discrete portion of a phased project for which there was, or will be, another phase funded with normal AIP. However, the ER funded phase must be a specifically described unit of work that will contribute to the final useable unit identified constructed by all phased grants, and the FY-2009 ACIP must not have already assigned funds for the phase now to be considered for ER funding.

**6. Maximum Grant Guidance**

To facilitate equitable distribution across regions, States and service levels, and in an effort to represent the expected distribution in a typical AIP distribution, the maximum amount of any ER funding to a single project is limited to \$15 million and to a single sponsor is limited to \$20 million.

For purposes of guidance, the table below illustrates historical AIP grants amounts (mean and 90 percentile) by service level. ER grant fund amounts that are significantly different from this historical profile should be scrutinized.

	Mean	90 Percentile
Large Primary	\$ 6,245,525	\$ 15,309,118
Medium Primary	\$ 4,455,882	\$ 10,484,558
Small Primary	\$ 3,317,124	\$ 7,698,045
Non-Hub Primary	\$ 2,006,924	\$ 4,918,639
Commercial Service	\$ 1,396,502	\$ 3,382,843
Reliever	\$ 1,086,134	\$ 2,957,443
General Aviation	\$ 519,676	\$ 1,213,474

**7. Use of Entitlements**

One key provision of the Act is that no funds in the Act may supplant any other State or local funds that were to be used on a project. This is critically important for airports. An airport may want to fund a project with ER funds while carrying over their entitlements, in part to access 100% federal funding or to “bank” entitlements for use in future years when funding may be more scarce. However, allowing an airport to carry over entitlements would constitute supplanting funds since their local match would not be eliminated with the 100% ER funding. Therefore, in order to receive ER funding, the sponsor must commit all currently available entitlement to FY-2009 “normal” AIP projects. For purposes of this guidance, FY-2009 Part A entitlements that were carried over to FY-2010 are not considered as “currently available”.

If a sponsor does not have a separate project on which to apply entitlement funds, then the proposed ER project must be broken into two separate usable units of work, one of which is funded with available entitlement AIP and the balance of which may be funded with ER funding. While slightly more complicated, this will ensure compliance with the Act’s requirement that no ER funds supplant the use of other funding.

## **8. Sponsor Certifications Prior to Grant Offer**

Due to the scrutiny this program will receive, it is appropriate to add one additional level of oversight. Accordingly, to ensure that all projects have the highest potential to quickly result in job creation, *all* ER grant offers are required to be based upon bids prior to Grant Offer. In addition to assuring that no ER funds are sitting idle awaiting design and/or bid, there is the added benefit of having a motivated and interested third party, the contractor, urging the project forward.

Accordingly, the sponsor shall be required to certify to the following items prior to Grant Offer:

- Project bid status, complete with a copy of the bid tabulation;
- Identification of requisite waiver requests to the Buy American Preference Requirement;
- Commitment to the issuance of a Notice to Proceed within 30 days of Grant Offer.
- Certain certifications as required by the ARRA.

These certifications are contained with *Attachment 1 – Airport Sponsor Certifications* and must be included in the grant file prior to issuance of a Grant Offer.

## **9. Replacement Projects**

The FAA must be mindful of the need to have sufficient projects available for bid in subsequent, or “out” years. Accordingly, for purposes of assuring a viable candidate list in out years, FAA must take appropriate actions, possibly including the use of a portion of their ER funding distribution if necessary, to provide for design of projects (i.e. preparation of plans and specifications) to be bid in out years to replace those projects that are being accelerated to take

advantage of ER project funding. However, all requirements for ER fund obligation and project completion still apply—including project completion by February 16, 2011.

## 10. Program Reporting Requirements and Certification

Congress has specifically mandated that both the sponsors and the FAA report on the use of funds provided under the ARRA to (a) assure transparency and oversight of the distribution of the funding, and (b) assure the effective administration of the ER funds as envisioned by Congress.

As to transparency and oversight reporting (Sec 1512), the airport sponsors are required by statute, not later than 10 days after the end of each calendar quarter, to submit a report to the FAA that contains information as detailed within ***Attachment 2 – Transparency and Oversight Requirements***. If an error is subsequently revealed by the FAA or the sponsor on this reporting requirement, contact APP-520 to determine the correct process and timing to correct.

As to the effective administration reporting (Sec. 1201(c)), each sponsor is required by statute to submit the first of the periodic reports required under this subsection not later than 90 days after the date of enactment of this Act and shall submit updated reports not later than 180 days, 1 year, two years, and three years after such date of enactment and shall contain the information that is detailed in ***Attachment 3 – General Reporting Requirements***.

Not later than 30 days after the end of each calendar quarter, the FAA shall make the information in the transparency and oversight reports submitted by the sponsor publicly available by posting the information on a website. The FAA must compile the sponsor reports on effective administration and transmit them to Congress.

The Act requires several certifications by state or local officials. Sections 1201 and 1607 require certifications by the Governors of states that receive ER funds. Under Section 1201 the Governor must certify that the state will maintain planned state funding for airport projects, and under section 1607 the Governor must certify that the state will request and use funds under the Act, and that the funds will be used to create jobs and promote economic growth. At this time, the Department of Transportation has drafted certifications that are to be used by all DOT agencies. However, Section 1511 requires certifications from the Governor, mayor, or other chief executive on the infrastructure investments funded by ER funds and the FAA must assure its submittal. The official must certify that the investment has been fully reviewed and vetted under the law and that it is an appropriate use of taxpayer dollars. FAA plans to make the section 1511 certification a part of the grant application. An executed certification must be received by the FAA before Grant Offer.

## 11. Buy American

The Act specifically requires compliance with Buy American. While Buy American is a part of the “usual” AIP contract requirements, including it as a separate section in the legislation signals the Congressional intent that grant recipients use United States’ (US) goods to the maximum extent possible. However, the Act also requires that this provision be applied in a manner consistent with US obligations under international agreements

## 12. Federal Register Notices of Buy American Waivers

For any waiver that is issued to the Buy American requirements, a federal register notice must be published listing the airport, the project, information about the waiver itself and the reason that the waiver was issued. This includes times when the waiver is based upon the cost of the components and subcomponents produced in the US is 60 percent or more of the cost of all of the components and subcomponents of the facility and equipment and final assembly of the equipment or facility was in the US. Accordingly, so as to assure adequate time to process any waiver requests, the sponsor is required to provide requests for waiver to the Buy American Preference Requirement (BAPR) (49 USC 50101) along with its certification of bid status and commitment to Notice to Proceed schedule. The sponsor should be mindful of these requirements so as to take appropriate action, such as highlighting in all bidding documents and making the bidders aware during pre-bid conferences.

## 13. ARRA Wage Rate Requirements

The ARRA expands the coverage of the Davis-Bacon Act. The Federal wage requirements in the ARRA are stricter than those for “normal” AIP. For example, the Recovery Act does not have a minimum dollar value, whereas the Federal wage requirements applicable to AIP apply to contracts valued over \$2,000. See *Attachment 4 – Davis-Bacon Act vs. ARRA Wage Rate Requirements*

## 14. Special Grant Conditions

The legislation requires a level of program reporting that does not currently exist in “normal” AIP funding. To this end, the majority of the additional requirements, such as interim reporting of expenditures, jobs created or preserved, project status reports, etc. will be included as a requirement of the Sponsor and will be so noted within the grant agreement. More specifically, the following Special Conditions are to be included in each Grant Offer for ER funding:

- a. **Compliance to Special Reporting Requirement** – It is agreed and understood that in accepting this Grant Offer, the sponsor acknowledges and agrees that it will provide all

reports, in a format and with such frequency as determined by the FAA, for all information related to the administration of this grant as required by Congress or any Federal agency with authority to require such reporting including, but not limited to, that required by Section 1201 and Section 1512 of the American Recovery and Reinvestment Act of 2009. This reporting will include, but not be limited to, schedules, construction progress, project expenditures, job creation, etc. as specified. The sponsor further agrees to provide the FAA with the certifications required by Sections 1201, 1511, and 1607 of the ARRA of 2009 in the format and at the time required by under the Act and related guidance issued by the FAA or another Federal agency.

- b. Contract and Notice to Proceed** – It is agreed and understood that the Sponsor will have a fully executed contract in place for construction or manufacture of the project described within 15 calendar days of the date of this Grant Offer, and further, that the Sponsor will issue a Notice to Proceed within 30 days of Grant Offer. The Sponsor further agrees and understands if a contract is not executed within 15 days, and/or Notice to Proceed is not given within 30 days of the Grant Offer, the FAA may unilaterally cancel the grant and recover the grant funds for redistribution.
- c. Grant Closure and Recovery** – The FAA may unilaterally close this grant and recover the funds without prejudice if the Sponsor does not comply with any of these Special Conditions or other provisions of the American Recovery and Reinvestment Act of 2009.
- d. Drawdowns** – The Sponsor shall make timely payments for costs incurred (construction, engineering, etc.) and shall request payment reimbursement or initiate ECHO drawdowns at least every 30 days as evidence of such payments. Payment requests or drawdowns shall only be for reimbursement of work completed and shall only be required if contractor payments have taken place in the preceding period.
- e. Project Completion** – The Sponsor is expected to take all appropriate actions necessary to promptly carry out and complete the project no later than February 16, 2011. For purposes of this Special Condition, the term “completed” means when the contractor or the manufacturer of equipment is finished as evidenced by the project’s Final Inspection Report.
- f. Amendments** – It is understood and agreed that this grant can only be amended with funds made available by the American Recovery and Reinvestment Act of 2009, if available. Further, it is understood and agreed that this grant cannot be amended after September 30, 2010.

#### **14. Heightened Program Oversight**

There is every expectation that the ER program will have an unprecedented level of oversight by the agency, Department, OIG, GAO, OMB and the public. Accordingly, to assure the

Administration's commitment to transparency, FAA and the airport sponsor must be fastidious in its grant documentation and overall record keeping. Additionally, FAA will be conducting additional sponsor worksite visits to assure project progress, to the extent necessary considering the scale of the project.

## 15. Miscellaneous Issues

- **Clarification** – The ARRA specifically states that funding provided under the legislation can be used, "*...for the procurement, installation and commissioning of runway incursion prevention devices and systems at airports...*". We interpret this phrase to mean no more consideration than what is currently eligible under AIP.
- **Supplemental Language** - Supplemental guidance will be issued as necessary based upon subsequent OMB/DOT directives.
- **Standard Grant Language** - Modification to standard AIP grant language reflecting provisions and authority the American Recovery and Reinvestment Act of 2009 will be forthcoming for FAA and sponsor use.

**Attachment 1**

**Airport Sponsor Certifications**

The Sponsor hereby certifies to the following:

1. The funding request contained in this grant application is based upon competitive bids that were received on (date to be inserted) and the associated bid tabulation is hereby attached to this certification.
2. The Sponsor hereby acknowledges FAA’s need to approve and issue, as appropriate, any waiver to the Buy American Preference Requirement (BAPR) (49 USC 50101). Additionally, the Sponsor understands that any waiver request issued to the BAPR under the American Recovery and Reinvestment Act of 2009 requires specific information related to the waiver request, if granted, to be published in a Federal Register Notice. Accordingly, so as to not delay the processing of the subsequent Grant Offer and resulting contract documents between the Sponsor and the lowest responsible bidder, attached hereto are all Request for Waiver to the BAPR necessary to complete this project.
3. The Sponsor further certifies that it will issue a Notice to Proceed to the contractor (or equipment supplier in the case of equipment acquisition) within 30 days of acceptance of a Grant Offer.
4. Pursuant to Title XV, Subtitle A, section 1511 of the American Recovery and Reinvestment Act (Pub. L. 111-5 (Feb. 17, 2009) (“ARRA”), I \_\_\_\_\_\*, hereby certify that the infrastructure investment funded by ARRA has received the full review and vetting required by law and that I accept responsibility that such investment is an appropriate use of taxpayer dollars. I further certify that the specific information required by section 1511 concerning each such investment (a description of the investment, the estimated total cost, and the amount of ARRA funds to used) is enclosed or is provided on the \_\_\_\_\_(Sponsor named website)\_\_\_\_\_ website, available to the public at [http://...(insert link) ...] and linked to Recovery.gov.

I understand that the Sponsor making application for ARRA funding may not receive ARRA infrastructure investment funding unless this certification is made and posted.

*\* In accordance with section 1511 of ARRA, the Certifying Official may be either the Governor, mayor, or other chief executive, as appropriate.*

(SEAL)

\_\_\_\_\_  
*(Name of Sponsor)*

\_\_\_\_\_  
*(Signature of Sponsor’s Designated Official Representative – Must be Governor, Mayor or Chief Executive)*

**By:** \_\_\_\_\_  
*(Typed Name of Sponsor’s Designated Official Representative)*

**Title:** \_\_\_\_\_  
*(Typed Title of Sponsor’s Designated Official Representative)*

**Attest:**

**CERTIFICATE OF SPONSOR'S ATTORNEY**

I \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to certify to the above representations under the laws of the State of \_\_\_\_\_. Further, I have examined representations and documentation as attached and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State.

Dated at this \_\_\_\_ day of \_\_\_\_\_ 200\_\_.

**By;** \_\_\_\_\_  
(Signature of Sponsor's Attorney)

## Attachment 2

### Transparency and Oversight Requirements

#### **CERTIFICATIONS. (Sec.1511)**

*With respect to covered funds made available to State or local governments for infrastructure investments, the Governor, mayor, or other chief executive, as appropriate, shall certify that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Such certification shall include a description of the investment, the estimated total cost, and the amount of covered funds to be used, and shall be posted on a website and linked to the website established by section 1526. A State or local agency may not receive infrastructure investment funding from funds made available in this Act unless this certification is made and posted.*

#### **REPORTS ON USE OF FUNDS. (Sec. 1512)**

*A section of the ARRA referred to as the “Jobs Accountability Act” sets forth certain reporting requirements.*

**SPONSOR REPORTS** – Airport sponsors (“recipients”) are required, not later than 10 days after the end of each calendar quarter to submit a report to the FAA that contains—

- (1) the total amount of ARRA funds received from the FAA;*
- (2) the amount that was expended or obligated to projects or activities; and*
- (3) a detailed list of all projects for which recovery funds were expended or obligated, including—*
  - (A) the name of the project;*
  - (B) a description of the project;*
  - (C) an evaluation of the completion status of the project;*
  - (D) an estimate of the number of jobs created and the number of jobs retained by the project; and*
  - (E) the purpose, total cost, and rationale for funding the infrastructure investment with funds made available, and name of the person to contact if there are concerns with the infrastructure investment.*
- (4) Detailed information on any subcontracts or subgrants awarded by the sponsor to 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.*

**AGENCY REPORTS** – *Not later than 30 days after the end of each calendar quarter, the FAA shall make the information in reports submitted by the sponsor above publicly available by posting the information on a website.*

**COMPLIANCE** – *As a condition of receipt of funds under this Act, FAA shall require any sponsor receiving ER funds to provide the information required in **SPONSOR REPORTS** section above.*

**REGISTRATION** – *Sponsors required to report information elements to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282) (as noted in **SPONSOR REPORTS** above, must register with the Central Contractor Registration database or complete other registration requirements as determined by the Director of the Office of Management and Budget.*

### Attachment 3

#### General Reporting Requirements

##### **PERIODIC REPORTS (Sec. 1201(c))**

**GENERAL** – Notwithstanding any other provision of law, each sponsor shall submit to the FAA periodic reports on the use of the funds provided by the ARRA. Such reports shall be collected and compiled by the FAA and transmitted to Congress. The sponsors shall take appropriate action to ensure the accuracy and consistency of such reports.

**CONTENTS OF REPORTS** – For each grant receiving funding under the ARRA, the sponsor shall include in the periodic reports information tracking-

- (A) the amount of Federal funds appropriated, allocated, obligated, and outlayed under the appropriation;
- (B) the number of projects that have been put out to bid under the appropriation and the amount of Federal funds associated with such projects;
- (C) the number of projects for which contracts have been awarded under the appropriation and the amount of Federal funds associated with such contracts;
- (D) the number of projects for which work has begun under such contracts and the amount of Federal funds associated with such contracts;
- (E) the number of projects for which work has been completed under such contracts and the amount of Federal funds associated with such contracts;
- (F) the number of direct, on-project jobs created or sustained by the Federal funds provided for projects under the appropriation and, to the extent possible, the estimated indirect jobs created or sustained in the associated supplying industries, including the number of job-years created and the total increase in employment since the date of enactment of this Act; and
- (G) for each covered program report information tracking the actual aggregate expenditures by the sponsor for projects eligible for funding under the program during the period beginning on the date of enactment of this Act through September 30, 2010, as compared to the level of such expenditures that were planned to occur during such period as of the date of enactment of this Act.

**TIMING OF REPORTS.**—Each grant recipient shall submit the first of the periodic reports required under this subsection not later than 90 days after the date of enactment of this Act and shall submit updated reports not later than 180 days, 1 year, 2 years, and 3 years after such date of enactment.

**Attachment 4**

**Davis-Bacon Act vs. ARRA Wage Rate Requirements**

<p align="center"><b>Davis-Bacon Act Requirements (40 U.S.C. 276a-276a-7)</b></p>	<p align="center"><b>American Recovery and Reinvestment Act of 2009 Wage Rate Requirements</b></p>
<p>Applies to “every contract... which requires or involves the employment of mechanics and/or laborers.”</p>	<p>Applies to “all laborers and mechanics employed by contractors and subcontractors.”</p>
<p>Applies to contracts “to which the United States or the District of Columbia is a party.”</p>	<p>Applies to “...projects funded directly by or assisted in whole or in part by and through the Federal Government”</p>
<p>Workers must be “employed directly upon the site of the work.”</p>	<p>No requirement for direct employment on the site of work.</p>
<p>Applies to “every contract in excess of \$2,000...”</p>	<p>No minimum dollar value.</p>
<p>Applies to “every contract... for construction, alteration, and/or repair, including painting and decorating...”</p>	<p>“Projects” (not specific to construction, alteration, and/or repair).</p>
<p>Work conducted on “public buildings or public works of the United States or the District of Columbia”</p>	<p>No limitation to Public Buildings or Public Works of the U.S. or D.C.</p>
<p>Work conducted “within the geographical limits of the States of the Union or the District of Columbia”</p>	<p>No geographical limits.</p>
<p>Must pay wage rates not less than those determined by the Secretary of Labor to be prevailing for type of work, labor category and location.</p>	<p>Must pay wage rates not less than those determined by the Secretary of Labor in accordance with 40 USC 3141 – 3148 (Wage Rate Requirements).</p>