

Georgia CDBG Stimulus Program

Recipients' Manual

Georgia Department of Community Affairs
<http://www.dca.ga.gov/>

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Introduction

To assist Recipients in successfully undertaking State of Georgia CDBG-R grants, the following resources should be consulted: www.recovery.gov, <http://portal.hud.gov/portal/page/portal/RECOVERY>. These resources in addition to this Manual will be the basis for implementation of CDBG-R projects. DCA encourages Recipients to take full advantage of these resources and to consult DCA staff on a regular basis with questions and comments. Fortunately, the CDBG-R program is built upon existing CDBG law and regulations. But because CDBG-R is part of the broader American Recovery and Reinvestment Act of 2009, unprecedented transparency and reporting are required. The following pages will serve as an introduction to these requirements. These pages along with the resources cited above and cited throughout the text will provide in-depth guidance for successful implementation.

Georgia Code of Ethics for Government Service

§45-10-1. Establishment and text of code of ethics for government service generally: There is established for and within the state and for and in all governments therein a code of ethics for government service which shall read as follows:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in government service should:

- I. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or government department.
- II. Uphold the Constitution, laws, and legal regulations of the United States and the State of Georgia and of all governments therein and never be a party to their evasion.
- III. Give a full day's labor for a full day's pay and give to the performance of his duties his earnest effort and best thought.
- IV. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
- V. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not, and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
- VI. Make no private promises of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty.
- VII. Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

- VIII. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
- IX. Expose corruption wherever discovered.
- X. Uphold these principles, ever conscious that public office is a public trust.

CDBG-R General Conditions

In addition to the general conditions attached to your CDBG Stimulus Award, there will be a set of CDBG-R general conditions that will specify the requirements related to CDBG-R awards. The following is a listing of the CDBG-R general conditions, conditions also found in your grant award package, along with comments and a referral to any required appendices or related web sites.

Below are the general conditions as listed in the grant award package. Comments are italicized in a separate paragraph below each condition. Please read these conditions carefully along with the references cited elsewhere in this Manual in order to become thoroughly familiar with the requirements of CDBG-R.

1. By reference, the *Georgia CDBG Stimulus Program Applicants' Manual* and the *CDBG-R Recipients' Manual—2009* (as now in effect and as may be amended from time to time) are incorporated into the Grant Agreement between the Georgia Department of Community Affairs (DCA) and the Recipient.

Because CDBG-R awards are subject to CDBG Program law and regulation, the most recent version of the State of Georgia CDBG recipients' manual and the stimulus program applicants' manual are incorporated by reference into the Grant Agreement. This includes all forms, appendices, guidance, and references or citations.

2. The Grant Agreement between the Georgia Department of Community Affairs (DCA) and the Recipient is made pursuant to the authority of Title XII of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (the Recovery Act). By accepting this CDBG-R General Condition, the Recipient acknowledges that the CDBG-R grant is one-time funding and that the Recipient will comply with all applicable CDBG-R requirements as stated in Public Law 111-5.

This General Condition references the Recovery Act legislation and requires the Recipient to adhere to all Recovery Act requirements.

3. The Grant Agreement is governed by and the Recipient shall comply with the requirements of the Recovery Act; the Notice of Program Requirements for Community Development Block Grant Program Funding under the American Recovery and Reinvestment Act of 2009, 74 Fed. Reg. 21816 (May 11, 2009) available at http://portal.hud.gov/portal/page/portal/RECOVERY/programs/CDBG_FORM_ULA_RESOURCES/cdbg-r-0504.pdf (as now in effect and as may be amended from time to time) (the Notice); Title I of the Housing and Community Development Act of 1974, as amended (42 USC 5301 et seq.) (HCDA) (as modified by the Notice); and, the HUD regulations at 24 CFR part 570 (as now in effect and as may be amended from time to time) as modified by the Notice (the Regulations). The Recipient's submissions (grant application and other relevant submissions), the Notice, HCDA as modified by the Notice, the Regulations, all general or special conditions described in all DCA applicant or recipient manuals, all general or special conditions provided in the Grant Award Package are incorporated by reference and constitute part of the Grant Agreement. Submissions include the CDBG-R grant application to DCA, any amendments thereto, all certifications and assurances, and any information or documentation required to meet any grant award conditions. In the event of conflicts between provisions of the Grant Agreement, the stricter provisions shall control.

This General Condition references the CDBG-R Notice and requires the Recipient to adhere to all Recovery Act requirements as well as to standard CDBG laws and regulations. The General Condition also incorporates all the referenced laws and regulations as well as Recipient submissions to DCA into the Grant Agreement. In the event of a conflict between any provisions or requirements, the stricter provisions or requirements will apply.

4. The Recipient shall comply with government-wide guidance and standard award terms established by the Office of Management and Budget (OMB) concerning the implementation of the Recovery Act, including *Requirements for Implementing Sections 1512 (Reporting and Registration Requirement), 1605 (Buy American Requirement), and 1606 (Wage Rate Requirements) of the American Recovery and Reinvestment Act of 2009 for Financial Assistance Awards*, 74 Fed. Reg. 18449 (April 23, 2009) (codified at 2 CFR Part 176) (as now in effect and as may be amended from time to time). Notwithstanding the foregoing, the Recipient shall comply with Section 110 of the CDBG Statute concerning the Davis-Bacon Act. The Recipient shall

comply with reporting requirements established by HUD, OMB and DCA (including all revisions to such reporting requirements), as well as Sections 1511 (*Infrastructure Certifications*), 1515 (*Access of Offices of the Inspector General*), and 1553 (*Protecting State and Local Government and Contractor Whistleblowers*) of the Recovery Act (including implementing guidance).

This General Condition references several provisions in regulation that are codified at 2 CFR Part 176. The easiest way to access these regulations are at <http://ecfr.gpoaccess.gov/>. Reporting and registration requirements will be covered in the 1512 Reporting Section of this Manual and will be accomplished through DCA's online quarterly reporting system. The Buy American Provision is discussed in this Manual and HUD may issue further guidance.

5. The Recipient shall at all times maintain an up-to-date copy of its grant application, including all amendments approved by DCA, at the Recipient's city hall or county courthouse as required by the CDBG-R *Recipients' Manual*–2009. The Recipient shall maintain information on all drawdown, deposits, and expenditures of grants funds and program income under this Grant Agreement and any other records required by applicable law, in its files, and shall make such information available for audit or inspection by duly authorized representatives of HUD, HUD's Office of the Inspector General, the Recovery Act Transparency Board, the Comptroller General of the United States, and DCA or any other authorized representative of the State of Georgia.

This General Condition is included in order to meet the transparency requirements of the Recovery Act and other applicable laws and regulations, and it meets the Recovery Act requirements at Section 1515.

6. In addition to other lawful remedies, DCA reserves the right to restrict access to Recipient's CDBG-R funds for delinquent, incomplete, or inaccurate reporting. This includes the right to suspend drawdowns should the Recipient fail to comply with quarterly CDBG-R reporting requirements.

The Recovery Act places emphasis on transparency and accountability. For this reason, accurate and timely quarterly reporting is essential. DCA will have additional procedures to validate and reconcile all quarterly report information.

7. The Recipient may take advantage of the pre-award cost provisions at 24 CFR 570.200(h) and 24 CFR §570.489(b) to incur pre-award costs on or after June 29, 2009 (or on or after the date of environmental release of funds, whichever is later) provided DCA has approved pre-award costs in writing and provided all requirements of 24 CFR 570.200(h) and 24 CFR §570.489(b) have been met.

Because projects often run on schedules that are time-sensitive, CDBG regulations and DCA policy allow potential applicants to request pre-agreement cost approval (PACA) from DCA that authorizes the potential applicant to begin project activities and maintain project timetables while applying for CDBG assistance. Upon DCA's issuance of pre-agreement cost approval, a project may move forward prior to submission of an application or award of funds while maintaining the eligibility of the activities that take place prior to submission of an application and receipt of a grant award. DCA will only grant pre-agreement cost approvals that are in compliance with 24 CFR 570.200(h), 24 CFR §570.489(b), and 24 CFR Part 58. Upon approval of pre-agreement costs, the applicant is eligible for reimbursement of eligible expenses provided a grant award has been made. Costs incurred prior to June 29, 2009 are not eligible for pre-agreement cost reimbursement based on provisions of the Notice. Note that all expenses reimbursed under PACA must have met all applicable requirements in law and regulation.

8. The Recipient is advised that providing false, fictitious or misleading information with respect to CDBG-R funds may result in criminal, civil or administrative prosecution under 18 U.S.C. § 1001, 18 U.S.C. § 1343, 31 U.S.C. § 3729, 31 U.S.C., § 3801 or another applicable statute. The Recipient shall promptly refer to HUD's Office of the Inspector General and DCA any credible evidence that principle, employee, agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving CDBG-R funds.

This General Condition is self-explanatory and requires simultaneous notification of the HUD Office of the Inspector General and DCA if the laws cited in the condition are violated.

9. In any contract involving the use of CDBG-R funds, the Recipient shall include, and require its subrecipients and contractors to include, a project sign provision consistent with criteria established by DCA. See the CDBG-R *Recipients' Manual* for Sign Specifications.

See the "Signage Requirements" section in this Manual regarding sign specifications.

10. The Recipient shall have until the end of the grant award period assigned by DCA to expend the entire CDBG-R Grant Amount. In no instance, however, will DCA extend a grant award period beyond September 30, 2012. CDBG-R funds not expended by the end of the grant award period will be recaptured by DCA. By signing these CDBG-R Conditions, the Recipient is acknowledging that it will be responsible for any and all obligations, expenses, or encumbrances of whatever kind that are in existence or arise in connection with this Grant Award or the Project on or after September 30, 2012.

Normally, DCA grants an initial grant award period of two years and may extend the grant award period beyond that time in order to allow successful completion of a project that has been delayed for reasons beyond the control of the local government. In the case of CDBG-R, no grant award periods beyond September 30, 2012 may be granted for any reason. After that date, all funds must be recaptured by DCA. After that date, all outstanding obligations of the Recipient must be paid for with local funds. Also, see Grant Conditions for other time sensitive requirements.

11. The Recipient shall extend all applicable terms and conditions of this grant award to subrecipients and contractors, including obtaining a DUNS number (or updating the existing DUNS record), and registering with the Central Contractor Registration (CCR).

The Recovery Act establishes new registration requirements for recipients. CDBG-R recipients will need to adequately prepare for and meet these new requirements. Note that all DCA CDBG-R recipients receiving Recovery Act funding must have a DUNS number and must be registered in the federal Central Contractor Registration (CCR). Please find information on how to obtain a DUNS number at

http://www.dnb.com/US/duns_update/. For information on how to register for CCR see www.ccr.gov/startregistration.aspx. For CCR registration, recipients will also need to provide their Employer Identification Number (EIN). Please make sure you have these registrations completed no later than September 25, 2009. **RECIPIENTS MUST EXTEND ALL APPLICABLE TERMS AND CONDITIONS OF THE GRANT AWARD TO SUBRECIPIENTS AND CONTRACTORS, INCLUDING ALL CDBG-R GRANT CONDITIONS.**

12. The Grant Agreement may be amended in writing by DCA. In considering proposed amendments to this Grant Agreement, DCA shall review, among other things, whether the amendment is otherwise consistent with the Recovery Act, the Housing and Community Development Act, the Notice, the Regulations and the *CDBG Recipients' Manual—2009*.

Amendments to CDBG-R grant awards will be considered on a case-by-case basis using applicable law and regulation and the criteria outlined in the CDBG Recipients' Manual—2009.

13. The CDBG programs, including CDBG-R, generally require all Special Conditions to be cleared before funds can be drawn down. Requests for drawdown of CDBG-R funds must be accompanied by approved pay request(s), invoices due, payment schedules, or paid invoices. No funds will be paid without cost documentation to support the request. This General Condition will facilitate DCA's obligation for timely, accurate, and complete 1512 reporting.

1512 Reporting

1512 Reporting is the mechanism for reporting ARRA accomplishments and for maintaining transparency in the use of all ARRA funds. 1512 Reporting has as its basis federal regulations found at 2 CFR Part 176. These regulations are found at Appendix 1. For the purposes of CDBG-R, sub-recipients (what DCA normally calls Recipients) and vendors (what DCA normally calls Contractors and Suppliers) will either report directly to DCA via its online quarterly reporting system or will report to Recipients that will report directly to DCA. **It is important to note that neither DCA Recipients nor Contractors will report directly to HUD or to www.recovery.gov or www.FederalReporting.gov.**

Reports required by Section 1512 of the Recovery Act will answer important questions, such as:

Who is receiving Recovery Act dollars and in what amounts?

What projects or activities are being funded with Recovery Act dollars?

What is the completion status of such projects or activities and what impact have they had on job creation and retention?

1512 Definitions

Recipient means any entity other than an individual that receives Recovery Act funds in the form of a grant, cooperative agreement or loan directly from the Federal Government. **In the language of ARRA, DCA is the recipient of CDBG-R funds.**

Subrecipient or Subawardee means a non-Federal entity that expends Federal awards received from a pass-through entity to carry out a Federal program, but does not include an individual that is a beneficiary of such a program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency. Guidance on distinguishing between a subrecipient and a vendor is provided in OMB Circular A-133. **In the language of ARRA, local governments are subrecipients.**

Vendor means an organization that: (1) Provides goods and services within normal business operations; (2) Provides similar goods or services to many different purchasers; (3) Operates in a competitive environment; (4) Provides goods or services that are ancillary to the operation of the Federal program; and (5) Is not subject to compliance requirements of the Federal program. **In the language of ARRA, Regional Commissions, professional consultants and their suppliers, and contractors and their suppliers are vendors.**

Reporting Timelines

Because 1512 Reporting has strict deadline requirements for submission determined by federal regulation, DCA will impose a different reporting schedule for online quarterly reporting than is the case for most CDBG awards. DCA must “role up” data from its various ARRA programs and report as an agency to OMB no later than the 10th day after the end of the reporting period. The reporting period is the standard quarterly reporting period for most CDBG Recipients: the calendar quarters January – March, April – June – July – September, and October – December. **The first 1512 report is due from DCA on October 10, 2009.** Because DCA must reconcile and examine all data before the submission deadline, the following due dates and adjustments are required.

Report Item	Due Date
• Standard CDBG Quarterly Report	• 30 days after the end of the

	quarter
• Vendor Tab	• 15th day of the last quarter of the month
• Expenditure Tab	• 15th day of the last quarter of the month
• Job Tab	• 15th day of the last quarter of the month

Report Contents

Aimed at providing transparency into the use of these funds, the recipient reports are required to include the following detailed information:

- Total amount of funds received; and of that, the amount spent on projects and activities;
- A list of those projects and activities funded by name to include:
 - Description
 - Completion status
 - Estimates on jobs created or retained;
 - Details on sub-awards and other payments.

Prime Recipients:

The prime recipient (in this case, DCA) is ultimately responsible for the reporting of all data required by Section 1512 of the Recovery Act. The specific data elements to be reported by prime recipients and sub-recipients are included in the data dictionary contained in the *Recipient Reporting Data Model*. This document will be published on OMB's website and www.Recovery.gov as supplemental materials to this Guidance.

Required Data/Prime Recipients (collected from Sub-Recipients and reported to DCA):

1. Amount of Federal Recovery Act funds expended to projects/activities
2. Activity code and description
3. Project description and status
4. Job creation narrative and number
5. Infrastructure expenditures and rationale, if applicable
6. Recipient primary place of performance
7. Recipient area of benefit

Required Data/Sub-Recipients of the Prime Recipient (collected from Sub-Recipients and reported to DCA):

Below are the basic reporting requirements to be reported on sub-recipients and sub-recipient vendors. The basic reporting requirements below may contain multiple data elements as defined in the data dictionary.

1. Sub-recipient D-U-N-S
2. Sub-recipient CCR information
3. Sub-recipient type
4. Amount received by sub-recipient
5. Amount awarded to sub-recipient
6. Sub-award date
7. Sub-award period
8. Sub-recipient place of performance
9. Sub-recipient area of benefit
10. Sub-recipient officer names and compensation (Top 5)

Required Data/Sub-Recipient Vendor (collected by Sub-Recipient and reported to DCA):

1. D-U-N-S or Name and zip code of HQ
2. Job and payment information

Reporting on Jobs Creation Estimates by Recipients

The points below provide an overview of the key requirements and supplemental guidance on reporting the employment impact of the Recovery Act funded work.

Recipients are required to report an estimate of jobs directly created or retained by project and activity or contract. Recipients will be required to report an aggregate number for the cumulative jobs created or retained for the quarter in a separate numeric field. Recipients will also be asked to provide a narrative description of the employment impact.

A job created is a new position created and filled or an existing unfilled position that is filled as a result of the Recovery Act; a job retained is an existing position that would not have been continued to be filled were it not for Recovery Act funding. A job cannot be counted as both created and retained. Also, only compensated employment in the United States or outlying areas should be counted.

The estimate of the number of jobs required by the Recovery Act should be expressed as “full-time equivalents” (FTE), which is calculated as total hours worked in jobs

created or retained divided by the number of hours in a full-time schedule, as defined by the recipient. The FTE estimates must be reported cumulatively each calendar quarter.

Recipients of grants, cooperative agreements, and loans must include in the aggregate number and their narrative description an estimate of jobs created and retained on projects and activities under their management.

- Recipients should not attempt to report on the employment impact on materials suppliers and central service providers (so-called “indirect” jobs) or on the local community (“induced” jobs). Employees who are not directly charged to Recovery Act supported projects/activities, who, nonetheless, provide critical indirect support, e.g., clerical/administrative staff preparing reports, institutional review board staff members, departmental administrators, are NOT counted as jobs created/retained. Recipients report only direct jobs because they may not have sufficient insight or consistent methodologies for reporting indirect or induced jobs.
- The narrative should include a brief description of the types of jobs created or retained. This description may rely on job titles, broader labor categories, or the recipient’s existing practice for describing jobs as long as the terms used are widely understood and describe the general nature of the work.
- Recipients will report for all projects and activities or federally awarded contracts regardless of whether they are funded in whole or in part by the Recovery Act, but should report only on the jobs and funding attributable to an award under the Recovery Act.

Methodology for Calculating the Number of Jobs Created or Retained

The requirement for reporting jobs is based on a simple calculation used to avoid overstating the number of other than full-time, permanent jobs. This calculation converts part-time or temporary jobs into “full-time equivalent” (FTE) jobs. In order to perform the calculation, a recipient will need the total number of hours worked that are funded by the Recovery Act. The recipient will also need the number of hours in a full-time schedule for a quarter. The formula for reporting can be represented as:

$$\frac{\text{Cumulative Recovery Act Funded Hours Worked (Q1...n)}}{\text{Cumulative Hours in a Full-time Schedule (Q1...n)}} = \text{FTE}$$

Example:

Assume that a recipient is preparing its first quarterly report and that the recipient’s Recovery Act funded work required two full-time employees and one part-time employee working half days for the quarter. Also assume that the recipient’s full-time schedule for the quarter is 520 hours (2080 hours in a work-year divided by 4). To

convert hours worked to number of FTE for the first quarterly report, aggregate all hours worked and divide by the number of hours in a full-time schedule for the quarter. In this example, full-time hours worked (520 hrs x 2 employees = 1040 hrs) + part-time hours worked (260 hrs) ÷ number of hours in a full-time schedule for the quarter (520 hrs) = 2.5 FTE reported in the first quarterly report. Because jobs are reported cumulatively each quarter, this same number of FTE would be reported for the second quarter if the same number of employees worked the same number of hours.

Reporting is cumulative across the project lifecycle, and will not reset at the beginning of each calendar or fiscal year. In the example above, the 2.5 FTE reported in the first quarterly report will stay the same through the project lifecycle, assuming the same number of employees work the same number of hours.

Helpful Information for Reporting

What are CCR and Dun and Bradstreet, and how does a recipient register with them?

What is CCR?

The Central Contractor Registration (CCR) is the primary contractor database for the US Federal Government. CCR collects, validates, stores and disseminates data in support of agency acquisition missions. (Since October 1, 2003, it is Federally mandated that any organization wishing to do business with the Federal government under a Federal Acquisition Regulation (FAR)-based contract must be registered in CCR before being awarded a contract.) Because CCR is a Federally mandated and funded program, there is no cost to registrants for registering in CCR. Further detailed information on CCR is available at this URL: <http://www.ccr.gov/FAQ.aspx>.

What is a CCR MPIN?

A Marketing Partner Identification Number (MPIN) is a password created by a user in CCR that allows the user to access other government systems such as PPIRS (Past Performance Information Retrieval System). The MPIN is a nine-character alphanumeric code; and must include at least one alpha and one numeric character, with no spaces. The MPIN is required in recipient reporting but not as part of the registration process.

What is a D-U-N-S number and who provides it?

Dun & Bradstreet (D&B) maintains a business database containing information on more than 100 million businesses worldwide. D&B provides a D-U-N-S number, a unique 9-digit identification number, for each physical location of a business organization. D-U-N-S Number assignment is free for all businesses required to register with the U.S. Federal government for contracts or grants. The D-U-N-S number is used by the

www.FederalReporting.gov solution to identify business organizations. Further detailed information on D&B is available at this URL: <http://fedgov.dnb.com/webform>.

Data Validation

At a minimum, sub-recipients should establish internal controls to ensure data quality, completeness, accuracy and timely reporting of all amounts funded by the Recovery Act. Possible approaches to this include:

- Establishing control totals (e.g., total number of projects/activities subject to reporting, total dollars allocated to projects/activities) and verify that reported information matches the established control totals;
- Establishing a data review protocol or automated process that identifies incongruous results (e.g., total amount spent on a project or activity is equal to or greater than the previous reporting); and
- Establishing procedures and/cross-validation of data to identify and/or eliminate potential “double counting” due to any delegation of reporting responsibilities

Where DCA identifies a data quality issue with respect to information submitted by the sub-recipient, DCA will alert the relevant sub-recipient of the nature of the problem identified.

DCA will be required to continuously evaluate recipient efforts to meet Section 1512 requirements as well as the requirements of OMB implementing guidance and any relevant Federal program regulations. In particular, DCA will work to identify and remediate instances in which:

- Recipients that demonstrate systemic or chronic reporting problems and/or otherwise fail to correct such problems;
- Recipients that demonstrate systemic or chronic deficiencies in meeting its responsibilities to review and identify data quality problems of Vendors consistent with the requirements of this Manual. On a case-by-case basis, such findings by DCA can result in termination of Federal funding and/or initiation of suspension and debarment proceedings of either the recipient or vendor, or both. Further, in some cases, intentional reporting of false information can result in civil and/or criminal penalties.

1605 (Buy American Requirement)

Below are critical excerpts from the federal regulations at 2 CFR 176 Subpart B. Please note that the certification attached as Appendix 1 must be placed in all applicable contract documents. Recipients must be familiar with and enforce the provision

contained in the regulations. A complete set of the regulations is contained at Appendix 1.

§176.60 Statutory Requirement

Section 1605 of the Recovery Act prohibits use of recovery 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. The law requires that this prohibition be applied in a manner consistent with U.S. obligations under international agreements, and it provides for waiver under three circumstances:

- (a) Iron, steel, or relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality;
- (b) Inclusion of iron, steel, or manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent; or
- (c) Applying the domestic preference would be inconsistent with the public interest.

§176.70 Policy

Except as provided in §176.80 or §176.90—

(a) None of the funds appropriated or otherwise made available by the Recovery Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work (see definitions at §§176.140 and 176.160) unless—

- (1) The public building or public work is located in the United States; and
- (2) All of the iron, steel, and manufactured goods used in the project are produced or manufactured in the United States.

(i) Production in the United States of the iron or steel used in the project requires that all manufacturing processes must take place in the United States, except metallurgical processes involving refinement of steel additives. These requirements do not apply to iron or steel used as components or subcomponents of manufactured goods used in the project.

(ii) There is no requirement with regard to the origin of components or subcomponents in manufactured goods used in the project, as long as the manufacturing occurs in the United States.

(b) Paragraph (a) of this section shall not apply where the Recovery Act requires the application of alternative Buy American requirements for iron, steel, and manufactured goods.

§176.80 Exceptions

(a) When one of the following exceptions applies in a case or category of cases, the award official may allow the recipient to use foreign iron, steel and/or manufactured

goods in the project without regard to the restrictions of section 1605 of the Recovery Act:

(1) *Nonavailability*. The head of the Federal department or agency may determine that the iron, steel or relevant manufactured good is not produced or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality. The determinations of nonavailability of the articles listed at 48 CFR 25.104(a) and the procedures at 48 CFR 25.103(b)(1) also apply if any of those articles are manufactured goods needed in the project.

(2) *Unreasonable cost*. The head of the Federal department or agency may determine that the cost of domestic iron, steel, or relevant manufactured goods will increase the cost of the overall project by more than 25 percent in accordance with §176.110.

(3) *Inconsistent with public interest*. The head of the Federal department or agency may determine that application of the restrictions of section 1605 of the Recovery Act would be inconsistent with the public interest.

(b) When a determination is made for any of the reasons stated in this section that certain foreign iron, steel, and/or manufactured goods may be used—

(1) The award official shall list the excepted materials in the award; and

(2) The head of the Federal department or agency shall publish a notice in the Federal Register within two weeks after the determination is made, unless the item has already been determined to be domestically nonavailable. A list of items that are not domestically available is at 48 CFR 25.104(a). The Federal Register notice or information from the notice may be posted by OMB to Recovery.gov. The notice shall include—

(i) The title “Buy American Exception under the American Recovery and Reinvestment Act of 2009”;

(ii) The dollar value and brief description of the project; and

(iii) A detailed written justification as to why the restriction is being waived.

§176.130 Noncompliance

The award official must—

(a) Review allegations of violations of section 1605 of the Recovery Act;

(b) Unless fraud is suspected, notify the recipient of the apparent unauthorized use of foreign iron, steel, and/or manufactured goods and request a reply, to include proposed corrective action; and

(c) If the review reveals that a recipient or subrecipient has used foreign iron, steel, and/or manufactured goods without authorization, take appropriate action, including one or more of the following:

(1) Process a determination concerning the inapplicability of section 1605 of the Recovery Act in accordance with §176.120.

(2) Consider requiring the removal and replacement of the unauthorized foreign iron, steel, and/or manufactured goods.

(3) If removal and replacement of foreign iron, steel, and/or manufactured goods used in a public building or a public work would be impracticable, cause undue delay, or otherwise be detrimental to the interests of the Federal Government, the award official may determine in writing that the foreign iron, steel, and/or manufactured goods need not be removed and replaced. A determination to retain foreign iron, steel, and/or manufactured goods does not constitute a determination that an exception to section 1605 of the Recovery Act applies, and this should be stated in the determination. Further, a determination to retain foreign iron, steel, and/or manufactured goods does not affect the Federal Government's right to reduce the amount of the award by the cost of the steel, iron, or manufactured goods that are used in the project or to take enforcement or termination action in accordance with the agency's grants management regulations.

(4) If the noncompliance is sufficiently serious, consider exercising appropriate remedies, such as withholding cash payments pending correction of the deficiency, suspending or terminating the award, and withholding further awards for the project. Also consider preparing and forwarding a report to the agency suspending or debarment official in accordance with the agency's debarment rule implementing 2 CFR part 180. If the noncompliance appears to be fraudulent, refer the matter to other appropriate agency officials, such as the officer responsible for criminal investigation.

Signage Requirements

DCA Project Sign for the (ARRA)

The Contractor shall supply, erect and maintain in good condition a project sign according to the specifications set forth below:

DCA SITE SIGN SPECIFICATIONS

<u>Size:</u>	4'x 8'
<u>Materials:</u>	Exterior grade/MDA plywood (APA rating A-B)
<u>Supports:</u>	4" x 4" x 12' post with 2" x 4" cross branching
<u>Erection:</u>	Post shall be set a minimum of three feet deep in concrete footings that are at least 12" in diameter
<u>Paint:</u>	Outdoor enamel

(Note: X dimensions measure from left to right while Y dimensions measure from bottom to top)

- The DCA project sign has a stark white background. The “Sonny Perdue GOVERNOR” text will be located in the top left corner. The X dimension for the space from the left and top is approximately 13 ¼” and 6 ½”. The X and Y dimensions and text boxes in inches are 13.2639 and 39.338.

**Sonny Perdue
GOVERNOR**

- The “Mike Beatty COMMISSIONER” text will be located in the top right corner. The X dimension for the space from the right and top is approximately 13 ¼” and 6 ½”. The X and Y values are 82.2744 and 39.379.

**Mike Beatty
COMMISSIONER**

- The State Seal is 12” in diameter and will be centered at the top of the sign. The X dimension from the left edge of the sign to the center of the logo is approximately 42 ¼” with the top edge of the logo sitting 4” below the top of the sign. The X and Y values are 48.0079 and 38.0207.



- Directly under the State Seal is the text “Georgia Department of Community Affairs”. The X dimensions from left to top are 48” and 17 ¾”. The X and Y values are 47.9667 and 30.3068.

Georgia Department of Community Affairs

- The Project Title text will be located in the middle of the sign. Depending on the Project, the dimensions may vary. The X and Y values are 48.2506 and 23.1681.

**Project Title Centered
Black Letters (Arial 2.5”, 3” line spacing)**

- Directly under the Project title will be the Project sponsor text. This text from left and top will be approximately 42 ¼’ and 39 ¾’. The X and Y values are 47.9772 and 13.5866.

**Project Sponsor: City or County Government
Sponsor Address:
Architect or Engineer:
Contractor:**

- In the bottom left corner is the DCA peach logo. The size of the logo is 9 x11 inches. The X dimension from left and top is approximately 12 ¼' and 32 ¼'. The X and Y values are 16.9141 and 11.0051.



- The ARRA Emblem will be displayed 6 inches in diameter. The X dimension from left and top is approximately 14 and 29 ¾ inches. The X and Y values are 78.9834 and 15.1386.



- The ARRA text directly under the emblem from right to top is approximately 14 ¼ and 38 ¼ inches. The X and Y values are 79.1752 and 7.4157.

This project is financed by the American Recovery and Reinvestment Act (ARRA) through the U.S. Department of Housing and Urban Development. It is administered by the Georgia Department of Community Affairs.

Equal Opportunity Employer

Sonny Perdue
GOVERNOR



Mike Beatty
COMMISSIONER

Georgia Department of Community Affairs

Project Title Centered Black Letters (Arial 2.5", 3" line spacing)

Project Sponsor: City or County Government
Sponsor Address:
Architect or Engineer:
Contractor:



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Resources and Additional Guidance

HUD Notice - 74 Fed. Reg. 21816 (May 11, 2009)

http://portal.hud.gov/portal/page/portal/RECOVERY/programs/CDBG_FORMULA_RESOURCES/cdbg-r-0504.pdf.

OMB FAQs:

http://www.whitehouse.gov/omb/recovery_faqs/

Government Accountability Office:

<http://www.gao.gov/>

Recovery Act Webinar Training:

<http://www.whitehouse.gov/recovery/webinartrainingmaterials/>

County/City Finder by Zip:

<http://zipinfo.com/search/zipcode.htm>

Dun and Bradstreet:

<http://fedgov.dnb.com/webform>

Appendices

1. OMB Regulations at 2 CFR Part 176
2. Applicants “Buy American” Certified Assurances
3. Contractors’ and Suppliers’ “Buy American” Certification and Affidavit
4. Transparency and Accountability: A Governmental Primer on Grant Accountability