

GENERAL PROVISIONS SUPPLEMENT

American Recovery and Reinvestment Act of 2009
For the Pacific Northwest National Laboratory
Operated by Battelle Memorial Institute

This General Provisions Supplement is in addition to the General Provisions provided with this contract. This Supplement is provided because work to be performed or goods to be delivered under this contract are being funded in whole or in part by the American Recovery and Reinvestment Act of 2009. This Supplement is incorporated into the contract with the same force and effect as all other general provisions applicable to this contract. In the event of inconsistency between other general provisions applicable to this contract and this Supplement, this Supplement shall take precedence.

Special Provisions Relating to Work Funded under American Recovery and Reinvestment Act of 2009 (Apr 2009)

Preamble: Work performed under this contract will be funded, in whole or in part, with funds appropriated by the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, (Recovery Act or Act). The Recovery Act's purposes are to stimulate the economy and to create and retain jobs.

Contractors must obtain a DUNS number (or update their existing DUNS record) and be currently registered with the Central Contractor Registration (CCR – www.ccr.gov).

Be advised that Recovery Act funds can be used in conjunction with other funding as necessary to complete projects, but tracking and reporting must be separate to meet the reporting requirements of the Recovery Act and related Guidance. For projects funded by sources other than the Recovery Act, Contractors should plan to keep separate records for Recovery Act funds and to ensure those records comply with the requirements of the Act.

The Contractor must comply with all requirements of the Act. If the Contractor believes there is any inconsistency between requirements of the Recovery Act and current contract requirements, the issues will be referred to the Battelle Contracts Representative for resolution.

Definitions:

For purposes of this clause...

“**Covered Funds**” means funds expended or obligated from appropriations under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5.

- A. Segregation and Payment of Costs: Contractor must segregate the obligations and expenditures related to funding under the Recovery Act. Financial and accounting systems should be revised as necessary to segregate, track and maintain these funds apart and separate from other revenue streams. No part of the funds from the Recovery Act shall be commingled with any other funds or used for a purpose other than that of making payments for costs allowable for Recovery Act projects. Invoices must clearly indicate the portion of the requested payment that is for work funded by the Recovery Act.
- B. Estimated Billing (applies to contracts expected to exceed \$25,000): For contracts for services, Contractor shall provide, on a monthly basis its best estimate of the total billable cost (invoiced plus billable) from inception of the contract through the current calendar month end. For fixed-price contracts for services, Contractor shall provide an estimated cumulative percentage of completion through the month reported. This information must be provided in writing to the Battelle Contracts Representative via email (preferred), fax, or mail by the 15th of each month. The “Monthly Contract Cost-to-Date Estimate” form can be obtained at the following website: <http://www.pnl.gov/contracts/documents>.
- C. Prohibition on Use of Funds: None of the funds provided under this agreement derived from the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, may be for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.
- D. Wage Rates: All laborers and mechanics employed by Contractor on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan numbered 14 of 1950 (64 Stat. 1267, 5 U.S.C. App.) and section 3145 of title 40 United States Code. See <http://www.dol.gov/esa/whd/contracts/dbra.htm>.
- E. Publication: Information about this agreement will be published on the Internet and linked to the website www.recovery.gov, maintained by the Accountability and Transparency Board. The Board may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security or to protect information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code.

- F. Utilization of Small Business: Contractor shall to the maximum extent practicable give a preference to small business in the award of subcontracts for projects funded by Recovery Act dollars.
- G. This Contract requires products and/or services which are funded under the American Recovery and Reinvestment Act of 2009 (Recovery Act). Section 1512(c) of the Recovery Act requires each contractor that receives contracts from a Federal agency under the Recovery Act to report on use of funds.

In order for Battelle to accurately report the required information, for contracts expected to exceed \$25,000, the following are required:

1. **Form Suppl-409-ARRA-Pre-Award Reporting:** The successful offeror will be required to complete the attached PNNL American Recovery and Reinvestment Act Reporting Requirements Form "Pre-Award Reporting Requirements," which will be incorporated into the resulting contract. This form will be required by the Battelle Contracts Representative after a contract award decision has been made but prior to contract award.
2. **Form Suppl-409-ARRA-Post-Award Reporting:** Contractor shall provide its estimate of the number of jobs created and retained by the Contractor in the United States and outlying areas; this estimate is based on "Hours Worked" under the contract by Contractor's "Job Category." This form shall be provided to the Battelle Contracts Representative on a quarterly basis not more than 5 days following the end of each quarter:

Quarter 1: January 1 – March 31 (report due April 5)

Quarter 2: April 1 – June 30 (report due July 5)

Quarter 3: July 1 – September 30 (report due October 5)

Quarter 4: October 1 – December 31 (report due January 5)

NOTE: This requirement does not apply to any contract awarded to an individual or any contract awarded to a contractor who, in the previous tax year, had a gross income less than \$300,000.

Clauses Incorporated by Reference

The following additional Federal Acquisition Regulation (FAR) clauses are incorporated by this reference as a part of the Contract and as prescribed below. As used in the clauses incorporated by reference, the term "Government" shall mean Battelle Memorial Institute and "Contracting Officers" shall mean Battelle Contracts Representative.

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

FAR 52.204-11 American Recovery and Reinvestment Act – Reporting Requirements (July 2010)

FAR 52.225-21 Required Use of American Iron, Steel, and Other Manufactured Goods—Buy American Act—Construction Materials (Mar 2009) – *applies to contracts for construction*