



Addendum for All Construction Contracts

American Rescue Plan Act

The following addendum supersedes all other agreements where applicable.

Uniform Guidance

2 CFR Part 200

<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-11/part-200>

Post-Federal Award Requirements

-Subpart D of 2 CFR Part 200 {200.300 - 200.346}

<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-11/part-200/subpart-D>

Post Award Requirements

Internal Controls (2 CFR 200.303)

An NFE must:

- Establish and maintain effective internal controls
- Comply with the law.
- Financial Management (2 CFR 200.302)
 - NFEs must have a financial management system allowing for "the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award."

Property Standards

- Internal Controls (2 CFR 200.303)
 - An NFE must:
 - Establish and maintain effective internal controls
 - Comply with the law.
- Financial Management (2 CFR 200.302)

- NFEs must have a financial management system allowing for "the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award."

General Procurement Standards

- Established Procurement Standards
 - An NFE "must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or sub-award."
2 CFR 200.318(a)
- Maintain Oversight of Contractors (2 CFR 200.318(b))
- Conflict of Interest Policy (2 CFR 200.318(c))
 - "The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts."
 - "No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest."
- Responsible Contractors (2 CFR 200.318(h))
 - An NFE "must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement."
- Recordkeeping (2 CFR 200.318(i))
 - An NFE "must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price."

Procurement Standards

- Full and Open Competition (2 CFR 200.319)
 - "All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition[s]."

Procurement Methods

- Micro-Purchases (2 CFR 200.320(a)(I))
 - Purchases up to \$10,000
 - "Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history, or other information and documents its files accordingly.
 - Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity."
 - Small Purchases (2 CFR 200.320(a)(2))
 - Purchases above \$10,001-\$250,000
 - "[P]rice or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity."
- Formal Procurement Methods (2 CFR 200.320(b))
 - Sealed Bids
 - Proposals
- Noncompetitive Procurement (2 CFR 200.320(c))
 - Inadequate Competition
 - Emergency/Exigency
 - Only Available from One Source
 - DO NOT USE WITHOUT AUTHORIZATION!

Affirmative Steps

- NFEs "must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible." 2 CFR 200.321(a).
- Affirmative steps include:
 - Place qualified socioeconomic firms on solicitation lists;
 - Assure that socioeconomic firms are solicited whenever they are potential sources;
 - Divide total requirements, when economically feasible, into smaller tasks or quantities;
 - Establish delivery schedules, where the requirement permits, which encourage participation by socioeconomic firms;

Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

Require prime contractors to take steps (1) through (5) if they use subcontractors.

Suspension or Debarment

- NFEs may not contract with persons suspended or debarred by the Federal Government. See 2 CFR Part 180.
- Check the status on www.sam.gov

Equal Opportunity Requirements

- Civil Rights Act of 1964
- Race, color, national origin
- Fair Housing Act
- Rehabilitation Act and Americans with Disabilities Act
- Age Discrimination Act of 1975

Wages (Reminder)

- Contractors are subject to the policies of the ***Davis-Bacon Act***.
- A WeBuild Concord designee shall review payroll registries.
- **Note:** Selected contractors shall be notified if the Davis-Bacon Act requirements do not apply to the awarded project.

Records and Retention

- All records must be retained for at least five years after the last payment from Cabarrus County or the City of Concord.
- Records must be available to Cabarrus County, the City of Concord, the State, and the Federal Government.

Remedies of Non-Compliance

- Criminal Prosecution
- Civil Liability
- Suspension and Debarment
- Recoupment/ Disallowance
- Withholding Future Payments
- Termination

- Extra Monitoring and Oversight