

Appendix M ARRA Requirements

The requirements contained in this Exhibit D apply to all funding under this Agreement that is provided from ARRA funds.

1. COMPLIANCE WITH ARRA REQUIREMENTS

Recipient specifically agrees to comply with all requirements of the American Recovery and Reinvestment Act of 2009, Pub.L.111-5 (“ARRA” or “the Act”) and the ARRA-related terms and conditions of this Agreement. Recipient understands and acknowledges that the federal stimulus process is still evolving and that new requirements relating to ARRA compliance may still be forthcoming from the federal government and the State of Oregon. Accordingly, Recipient specifically agrees that both it and its subcontractors will comply with all current requirements and all future requirements of the federal government and the State of Oregon while this Agreement is in force.

2. REGISTRATION

Under Section 1512 of the Act, Recipient shall obtain a Dun and Bradstreet Data Universal Numbering System (“DUNS”) number, and have registered with the Central Contractor Registration (“CCR”), on or before full execution of this Agreement. Recipient shall keep its DUNS and CCR information current, while this Agreement is in force.

3. REPORTING

Under Section 1512 of ARRA, state agencies receiving ARRA funds must submit a report to the federal government no later than ten (10) calendar days after the end of each calendar quarter. This report must contain at least the information outlined below. Accordingly, Recipient agrees to provide the State with the following information on or before the third day following the end of the calendar quarter, in order for the State to timely provide the required information to the federal government, as well as any additional information requested by ODOE that is required by the federal agency that is the source of the ARRA funds.

Standard data elements and federal instructions for use in complying with reporting requirements under Section 1512 of ARRA are pending review by the federal government, and were published in the Federal Register on April 1, 2009 [74 FR 14824 (to become part of 2 CFR 176)] See also OMB guidance memo M-09-21, Implementing Guidance for the Reports on Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009 (June 22, 2009), as supplemented, and any additional guidance that OMB may later issue. Final reporting rules and an online recipient reporting tool will be provided at www.FederalReporting.gov.

4. WHISTLEBLOWER PROTECTION

Recipient shall, and in its subcontracts shall require its subcontractor to, comply with Section 1553 of ARRA, which prohibits all non-federal contractors of ARRA funds, including the State

of Oregon, and all contractors of the State, from discharging, demoting or otherwise discriminating against an employee as a reprisal for the employee's disclosure of information that the employee reasonably believes is evidence of: (a) gross mismanagement of a contract or grant relating to ARRA funds; (b) a gross waste of ARRA funds; (c) a substantial and specific danger to public health or safety related to the implementation or use of ARRA funds; (d) an abuse of authority related to implementation or use of ARRA funds; or (e) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to ARRA funds. Recipient shall, and in its subcontracts shall require its subcontractors to, post notice of the rights and remedies available to employees under Section 1553 of ARRA.

5. PROHIBITION ON USE OF ARRA FUNDS

Under Section 1604 of ARRA, Recipient agrees that none of the funds made available under this Agreement may be used for any casino or other gambling establishment, aquarium, zoo, golf course, swimming pools or similar projects.

6. INSPECTION OF RECORDS

Recipient shall comply with Section 902 of ARRA, which grants the U.S. Comptroller or its designated representatives the authority "to examine any records of the Contractor or any of its subcontractors, or any state or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract;" and "to interview any officer or employee of the Contractor or any of its subcontractors, or of any state or local government agency administering the contract, regarding such transactions."

Recipient shall comply with Section 1515 of ARRA, which grants the Inspector General or its designated representatives the authority "to examine any records of the Contractor or grantee, any of its subcontractors or subgrantees, or any state or local agency administering such contract, that pertain to, and involve transactions relating to, the contract, subcontract, grant, or subgrant;" and "to interview any officer or employee of the contractor, grantee, subgrantee, or agency regarding such transactions."

7. BUY AMERICAN

Recipient agrees that under Section 1605 of ARRA, neither Recipient nor its subcontractors will use ARRA 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. Recipient understands that this requirement may be waived only by the applicable federal agency in limited situations as set out in Section 1605 of ARRA. Application of this requirement will be consistent with United States obligations under international agreements.

8. PREVAILING WAGES

Under Section 1606 of ARRA, Recipient shall comply and shall require its subcontractors to fully comply with this section in that, notwithstanding any other provision of law and in a manner consistent with the other provisions of ARRA, all laborers and mechanics employed by contractors and subcontractors on projects funded in whole or in part with funds available under ARRA must be paid wages at rates not less than those prevailing on projects of a similar character in the locality, as determined by the United States Secretary of Labor under subchapter

IV of chapter 31 of title 40 of the United States Code. The United States Secretary of Labor's determination, regarding the prevailing wages applicable in the State of Oregon, are located at: <http://www.gpo.gov/davisbacon/or.html>.

9. SIGNAGE

In addition to any other signage requirements that the State may require, Recipient shall post ARRA signage to designate the project as a federal stimulus recovery project. The following website contains the ARRA logo: <http://www.recovery.gov/?q=node/203> or from ODOE.

10. FALSE CLAIMS ACT

Recipient shall promptly refer to an appropriate federal inspector general any credible evidence that a principal, employee, agent, subcontractor or other person has committed a false claim under the False Claims Act (31 U.S.C. §§ 3729-3733) or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity or similar misconduct involving those funds.

11. ENFORCEABILITY

Recipient agrees that if Recipient or one of its subcontractors fails to comply with all applicable federal and state requirements governing the use of ARRA funds, the federal agency or the State may withhold or suspend, in whole or in part, funds awarded under the program, or recover misspent funds following an audit. This provision is in addition to all other remedies available to the State under all applicable State and federal laws.

12. SEGREGATION OF FUNDS

Recipient shall segregate obligations and expenditures of ARRA funds from other funding. No part of funds made available under ARRA may be commingled with any other funds or used for a purpose other than that of making payments for costs allowable under ARRA.

13. SUB-RECIPIENT AGREEMENTS

Recipient shall include these standard terms and conditions, including this requirement, in any of its subcontracts in connection with projects funded in whole or in part with funds available under ARRA.

14. CONFLICTING PROVISIONS

Recipient agrees that, to the extent ARRA requirements conflict with State requirements, the ARRA requirements control.

15. STATE OF OREGON WORKSOURCE POSTING REQUIREMENTS

Recipient shall list any job openings at Recipient's firm/business through WorkSource Oregon. Recipient shall also require its subcontractors and sub-consultants to list any job openings at the subcontractor's/sub-consultant's firms/businesses through WorkSource Oregon. Recipient is not required to list job openings (or require listing by Recipient's subcontractors or sub-consultants), where an employer, contractor, or subcontractor of an ARRA-funded State contract intends to fill

the job opening created by ARRA funding with a present employee, a laid-off former employee, or a job candidate from a previous recruitment.