

## **VENDORS AWARDED CONTRACTS FUNDED BY FEDERAL FUNDS**

A grantee's and sub-grantee's contracts must contain certain provisions. Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.

1. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate (contracts more than the simplified acquisition threshold).
2. Termination for cause and for convenience by the grantee or sub-grantee including the manner by which it will be effected and the basis for settlement (all contracts in excess of \$10,000).
3. Compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor Regulations 41 CFR Chapter 60 (all construction contracts awarded in excess of \$10,000 by grantees and their contractors or sub-grantees).
4. Compliance with the Copeland "Anti-Kickback" Act, 18 U.S.C. 874, as supplemented in Department of Labor Regulations, 29 CFR Part 3 (all contracts and sub-grants for construction or repair).
5. Compliance with the Davis-Bacon Act, 40 U.S.C. 276a to 276a-7, as supplemented by Department of Labor Regulations, 29 CFR Part 5 (construction contracts in excess of \$2,000 awarded by grantees and sub-grantees when required by Federal grant program legislation).
6. Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standard Act, 40 U.S.C. 327-330, as supplemented by Department of Labor Regulations, 29 CFR Part 5 (construction contracts awarded by grantees and sub-grantees in excess of \$2,000, and in excess of \$2,500 for other contracts which involve the employment of mechanics or laborers).
7. Notice of awarding agency requirements and regulations pertaining to reporting.
8. Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.
9. Awarding agency requirements and regulations pertaining to copyrights and rights in data.
10. Access by the grantee, the sub-grantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
11. Retention of all required records for five (5) years after grantees or sub-grantees make final payments and all other pending matters are closed.
12. Compliance with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857(h)), Section 508 of the Clean Water Act, 33 U.S.C. 1368, Executive Order 11738, and Environmental Protective Agency Regulations, 40 CFR Part 15 (contracts, sub-contracts, and sub-grants of amounts in excess of \$100,000).
13. Mandatory standards and policies relating to energy efficiency which are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 871.
14. Grantees and subgrantees must not make any award or permit any award (subgrant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension." See [www.epls.gov](http://www.epls.gov) for most current data.
15. Records must be retained for five (5) years.