



**Georgia's Growing Green Program (ARRA): Northeast Georgia Tree Planting
for Ecosystem Restoration and Green Jobs**

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Appendix A: American Recovery and Reinvestment Act Requirements

Definitions

- (1) "ARRA funds" means funds expended or obligated from appropriations under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5.
- (2) "Sub-Recipient" is defined as any person, including, but not limited to, a bidder, offeror, loan recipient, grantee, or Sub-Recipient, who has furnished or seeks to furnish goods, supplies, services, or leased space, or who has performed or seeks to perform construction activity under contract, subcontract, grant, or sub-grant with the Georgia Forestry Commission, or with a person under contract, subcontract, grant, or sub-grant with the Georgia Forestry Commission. The term Sub-Recipient may include a permittee, licensee, or any agency, political subdivision, instrumentality, public authority, or other entity of the Georgia Forestry Commission.

ARRA Terms & Conditions

- (1) **Revisions to Requirements.** Sub-Recipient acknowledges that this Addendum may be revised pursuant to ongoing guidance from the relevant Federal agency or Georgia Forestry Commission regarding requirements for ARRA funds. Sub-Recipient agrees to abide by any such revisions upon receipt of written notification from the Georgia Forestry Commission of the revisions, which will automatically become a material part of this Addendum, without the necessity of either party executing any further instrument.
- (2) **Reporting Requirements** - ARRA Section 1512. President Obama has committed to transparency and accountability in the use of funds provided through ARRA. Activities carried out and results achieved with ARRA funds will be tracked carefully, reported clearly and quantifiably. All Sub-Recipient(s) shall submit backup documentation for expenditures of ARRA funds including such items as timecards and invoices.
- (3) **Wage Rate Requirements.** ARRA Section 1606 requires that all laborers and mechanics employed by Sub-Recipients and sub-contractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to ARRA shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (Davis-Bacon Act). Will comply with the Copeland Act (40 U.S.C. Section 276C and 18 U.S.C. Section 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. Section 327-333), regarding labor standards for federally assisted construction sub-agreements.
- (4) **Whistleblower Provision.** An employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), a court or grand jury, the head of a Federal agency, or their representatives, information that the employee reasonably believes is evidence of:
 - (1) gross mismanagement of an agency contract or grant relating to covered funds;
 - (2) a gross waste of covered funds;
 - (3) a substantial and specific danger to public health or safety related to the implementation or use



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- of covered funds;
- (4) an abuse of authority related to the implementation or use of covered funds; or
 - (5) 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 covered funds.
- (b) A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint regarding the reprisal to the appropriate U.S. Office of the Inspector General.
- (c) Any employer receiving covered funds under ARRA, shall post notice of the rights and remedies as required by Section 1553 of ARRA. See www.recovery.gov.
- (5) **False Claims Act.** Sub-Recipients and sub-contractors shall promptly refer to the U.S. Office of Inspector General any credible evidence that a principal, employee, agent, sub-contractor, sub-recipient, sub-grantee 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 those funds.
- (6) **Environmental and Preservation Requirements.** The Sub-Recipient shall comply with all applicable Federal, State, and local environmental and historic preservation (EHP) requirements and shall provide any information requested by the awarding Federal agency to ensure compliance with applicable laws including: National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, the Clean Air Act, the Federal Water Pollution and Control Act, and Executive Orders on Floodplains (11988), Wetlands (11990) and Environmental Justice (12898). Failure of the Sub-Recipient to meet Federal, State, and local EHP requirements and obtain applicable permits may jeopardize Federal funding. The Sub-Recipient shall not undertake any project having the potential to impact EHP resources without the prior approval of the awarding Federal agency, including but not limited to communication towers, physical security enhancements, new construction, and modification to buildings that are 50 years old or greater. The Sub-Recipient must comply with all conditions placed on the project as a result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the Sub-Recipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the Sub-Recipient will immediately cease construction in that area and notify the Georgia Forestry Commission. Any construction activities that have been initiated prior to the full environmental and historic preservation review will result in a non-compliance finding.
- (7) **No Contracts with Debarred or Suspended Entities.** The Sub-Recipient shall not enter into any contract or subcontract with any party that has been debarred or suspended from either:
 - (a) contracting with the Federal Government or the State of Georgia; or
 - (b) participating in any Federal or State of Georgia assistance programs.
- (8) **Nondiscrimination Provisions.** The Sub-Recipient covenants and agrees that no person shall be denied benefits of, or otherwise be subjected to discrimination in connection with the Sub-Recipient's performance under this Agreement. Accordingly, and to the extent applicable, the Sub-Recipient covenants and agrees to comply with the following:
 - (a) On the basis of race, color or national origin, in Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d et seq.) as implemented by applicable regulations.
 - (b) On the basis of race, color, religion, sex, or national origin, in Executive Order 11246 (3 CFR, 1964-1965 Comp. pg. 339), as implemented by applicable regulations.
 - (c) On the basis of sex or blindness, in Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.), as implemented by applicable regulations.
 - (d) On the basis of age, in The Age Discrimination Act of 1975 (42 U.S.C. Section 6101 et seq.), as implemented by applicable regulations.



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- (e) On the basis of handicap, in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by applicable regulations.
 - (f) On the basis of drug abuse, the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-225) as amended.
 - (g) On the basis of alcohol abuse or alcoholism, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended.
 - (h) On the basis of confidentiality of alcohol and drug abuse patient records, Section 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C., Section 290 dd-3 and 290 ee3).
 - (i) On the basis of any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and
 - (j) **DBE Provisions.** The Sub-Recipient(s) shall comply with all applicable federal Disadvantaged Business Enterprises (DBE) requirements related to DBE programs. In the event this agreement is a grant agreement not covered by federal DBE requirements, the Sub-Recipient(s) shall use reasonable and good faith efforts to solicit and utilize DGS-certified Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) for those contracting, subcontracting and purchase opportunities that exist and report utilization to DGS.
- (9) **Records Retention.** The Sub-Recipient shall retain all such contract records intact in a form, if not original documents, as may be approved by the Federal Government, for at least three (3) years following termination of a project funded by ARRA.
- (10) **Compliance.** The Sub-Recipient shall comply with all applicable laws, regulations and program guidance. A **non-exclusive** list of statutes, regulations and/or guidance commonly applicable to Federal funds follows:
- (a) **General**
 - Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.; 32 CFR part 26, Subpart B
 - Copeland "Anti-Kickback Act", 18 U.S.C. Section 874; 29 CFR Part 3
 - Contract Work Hours and Safety Standards Act, 40 U.S.C. §§327-330; 29 CFR Part 5
 - Americans with Disabilities Act of 1990, as amended; 42 U.S.C. Chapter 126; 28 C.F.R. §35.101 et seq.