

CHANGE REQUEST COVER SHEET

Change Request Number: 09-61

Date Received: 4/21/2009

Title: Update American Recovery and Reinvestment Act

Name: Larry Wyborski

Phone: 202-493-4638

Policy OR Guidance: Guidance

Section/Text Location Affected: T3.17

Summary of Change: Add information on processing forms and Congressional notification.

Reason for Change: Further guidance for FAA COs.

Development, Review, and/or Concurrence: N/A.

Target Audience: FAA contracting offices.

Potential Links within FAST for the Change: None.

Briefing Planned: No

ASAG Responsibilities: None

Potential Links within FAST for the Change: None.

Links for New/Modified Forms (or) Documents (LINK 1) [null](#)

Links for New/Modified Forms (or) Documents (LINK 2) [null](#)

Links for New/Modified Forms (or) Documents (LINK 3) [null](#)

SECTIONS EDITED:

Procurement Guidance:

T3.17 American Recovery and Reinvestment Act (Revision 1, April 2009)

Implementation of Recovery and Reinvestment Act for Contracts

Section 3 : Solicitation and Award [\[Old Content\]](#) [\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.17 American Recovery and Reinvestment Act (Revision 1, April 2009)

Section C : Forms [\[Old Content\]](#) [\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.17 American Recovery and Reinvestment Act (Revision 1, April 2009) [\[Old Content\]](#) [\[New Content\]](#) [\[RedLine Content\]](#)

SECTIONS EDITED:

Section 3 : Solicitation and Award

Old Content: Procurement Guidance:

T3.17 American Recovery and Reinvestment Act (Revision 1, April 2009)

Implementation of Recovery and Reinvestment Act for Contracts

Section 3 : Solicitation and Award

a. Competition and Fixed Price Awards. To the extent practicable, Recovery Act awards should be competitive and fixed priced. The CO should properly document the rationale when competition or a fixed priced arrangement is not appropriate for Recovery Act-funded awards.

b. Separate Tracking of Recovery Act Funds. To maximize transparency of Recovery Act funds required for reporting by the contractor, the CO should structure contract awards to allow for separate tracking Recovery Act funds and projects. For example, the CO should consider awarding dedicated separate contracts when using Recovery Act funds or establishing CLIN structures to so that Recovery funds are not co-mingled with other funds.

c. Contractor Reporting Clause. The CO must insert AMS clause 3.17-1 “American Recovery and Reinvestment Act-Reporting Requirements” in all solicitations, contracts, orders, and modifications funded in whole or in part with Recovery Act funds, except classified solicitations, contracts, and orders. FAA-generated forms and instructions must be used in conjunction with this clause. COs must not use Recovery Act funds on new or existing contracts and orders if this clause is not incorporated.

d. Buy American Act for Recovery Construction. Existing FAA Buy American-Steel and Manufactured Products guidance and clause meet the intent of Recovery Act requirements for domestic preference for steel and manufactured products. All solicitations, contracts, orders, and modifications must include the AMS clause 3.6.4-5 “Buy American--Steel and Manufactured Products” and AMS provision 3.6.4-18 “Certification Regarding Steel and Manufactured Products.”

e. *Inspector General and Comptroller General Oversight.* To allow for oversight on use of Recovery Act funding, all solicitations, contracts, orders, and modifications must include the AMS clause 3.17-2 “Authority of the Inspector General and Comptroller General Relating to Contracts Using American Recovery and Reinvestment Act Funding.”

f. *Procurement Milestones.* Upon receiving a procurement request (PR) that cites Recovery Act funds, the CO must send notification to the requesting program office to include:

PR Number and date PR was received;

Planned date of SIR issuance; and

Planned date of award.

Program offices will use these milestones to track the obligation of their Recovery Act funded requirements and report on the status of the funds. After the milestones are established, the CO should prepare updates to program offices upon request.

g. *Management Notification.* The CO must notify senior management, e.g., ATO Vice President or Associate Administrator, through his or her respective management chain, of any award over \$25,000 using recovery funds. Notification should occur before signing the award. The notification will be through email and include a subject line “Information - Recovery Act Contract Award,” and the contractor’s name, brief description of service/supplies, dollar amount, contract type, whether a new award or modification to an existing contract, and period of performance. A courtesy copy of this notification must also be sent to ATO Capital Program Formulation Group (AJF-25) at headquarters (send to: kelly.holliday@faa.gov).

h. *Congressional Notification.* Regardless of dollar value, all awards using recovery funds must follow the procedures for Congressional Affairs notification specified in Procurement Guidance T13.1.A.4. The notification form, DOT-4220.41, Contract Award Notification, must also include “RECOVERY” in bold on line (1) "Operating Administration."

New Content: Procurement Guidance:

T3.17 American Recovery and Reinvestment Act (Revision 1, April 2009)

Implementation of Recovery and Reinvestment Act for Contracts

Section 3 : Solicitation and Award

a. *Competition and Fixed Price Awards.* To the extent practicable, Recovery Act awards should be competitive and fixed priced. The CO should properly document the rationale when competition or a fixed priced arrangement is not appropriate for Recovery Act-funded awards.

b. *Separate Tracking of Recovery Act Funds.* To maximize transparency of Recovery Act funds required for reporting by the contractor, the CO should structure contract awards to allow for separate tracking Recovery Act funds and projects. For example, the CO should consider awarding dedicated separate contracts when using Recovery Act funds or establishing CLIN structures to so that Recovery funds are not co-mingled with other funds.

c. *Contractor Reporting Clause.* The CO must insert AMS clause 3.17-1 “American Recovery and Reinvestment Act-Reporting Requirements” in all solicitations, contracts, orders, and modifications funded in whole or in part with Recovery Act funds, except classified solicitations, contracts, and orders. FAA-generated forms and instructions must be used in conjunction with this clause. COs must not use Recovery Act funds on new or existing contracts and orders if this clause is not incorporated.

d. *Buy American Act for Recovery Construction.* Existing FAA Buy American-Steel and Manufactured Products guidance and clause meet the intent of Recovery Act requirements for domestic preference for steel and manufactured products. All solicitations, contracts, orders, and modifications must include the AMS clause 3.6.4-5 “Buy American--Steel and Manufactured Products” and AMS provision 3.6.4-18 “Certification Regarding Steel and Manufactured Products.”

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h. *Congressional Notification.* Regardless of dollar value, all awards, including modifications or delivery/task orders, that use recovery funds must follow the procedures for Congressional Affairs notification specified in Procurement Guidance T13.1.A.4. (Note: the T3.13.1 exemption for modifications/orders under previously announced awards does not apply to Recovery Act awards). The notification form, DOT-4220.41, Contract

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Section C : Forms

Old Content: Procurement Guidance:

T3.17 American Recovery and Reinvestment Act (Revision 1, April 2009)

Section C : Forms

Forms (MS Excel file combining all forms):

[Monthly Prime and Subcontractor Employment Report; Quarterly Subcontractor Report; and Prime and Subcontractor Highly Compensated Officers Report](#)

Instructions for Forms:

[Monthly Prime and Subcontractor Employment Report](#)

[Quarterly Subcontractor Report](#)

[Prime and Subcontractor Highly Compensated Officers Report](#)

New Content: Procurement Guidance:

T3.17 American Recovery and Reinvestment Act (Revision 1, April 2009)

Section C : Forms

Based on the notification required by T3.17.A.3.g, a "Monthly Prime and Subcontractor Employment Report" form, will be pre-populated by ATO-F with awardee site specific FAST Version 04/2009

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information from the ATO-F Corporate Work Plan (CWP) tool. The form will then be forwarded to the CO.

COs must follow T3.17.A.4, Reporting, to obtain information from the awardee for the three forms - "Monthly Prime and Subcontractor Employment Report" form (with the pre-populated information provided by ATO-F), the "Quarterly Subcontractor Report " form and the "Prime and Subcontractor Highly Compensated Officers Report" form.

Forms (MS Excel file combining all forms):

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Instructions for Forms:

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Red Line Content: Procurement Guidance:

T3.17 American Recovery and Reinvestment Act (Revision 1, April 2009)

Section C : Forms

Based on the notification required by T3.17.A.3.g, a "Monthly Prime and Subcontractor Employment Report" form, will be pre-populated by ATO-F with awardee site specific information from the ATO-F Corporate Work Plan (CWP) tool. The form will then be forwarded to the CO.

COs must follow T3.17.A.4, Reporting, to obtain information from the awardee for the three forms - "Monthly Prime and Subcontractor Employment Report" form (with the pre-populated information provided by ATO-F), the "Quarterly Subcontractor Report " form and the "Prime and Subcontractor Highly Compensated Officers Report" form.

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T3.17 American Recovery and Reinvestment Act (April 2009)

Old Content: Procurement Guidance:

T3.17 American Recovery and Reinvestment Act (April 2009) New Content: Procurement Guidance:

T3.17 American Recovery and Reinvestment Act (Revision 1, April 2009) Red Line Content: Procurement Guidance:

T3.17 American Recovery and Reinvestment Act (*Revision 1*, April 2009)
