

1. DATE ISSUED: 06/25/2009		2. PROGRAM CFDA: 93.703		DEPARTMENT OF HEALTH AND HUMAN SERVICES HEALTH RESOURCES AND SERVICES ADMINISTRATION  NOTICE OF GRANT AWARD AUTHORIZATION (Legislation/Regulation) American Recovery and Reinvestment Act of 2009					
3. SUPERCEDES AWARD NOTICE dated: except that any additions or restrictions previously imposed remain in effect unless specifically rescinded.									
4a. AWARD NO.: 1 C81CS14459-01-00		4b. GRANT NO.: C81CS14459	5. FORMER GRANT NO.:						
6. PROJECT PERIOD: FROM: 06/29/2009 THROUGH: 06/28/2011									
7. BUDGET PERIOD: FROM: 06/29/2009 THROUGH: 06/28/2011									
8. TITLE OF PROJECT (OR PROGRAM): ARRA - Capital Improvement Program									
9. GRANTEE NAME AND ADDRESS: Santa Clara Valley Health and Hospital System 2325 Enborg Ln STE 320 San Jose, CA 95128-2649			10. DIRECTOR: (PROGRAM DIRECTOR/PRINCIPAL INVESTIGATOR) Michael Lipman Santa Clara Valley Health and Hospital System 2325 Enborg Lane # 3H320 San Jose , CA 98128-2659						
11. APPROVED BUDGET: (Excludes Direct Assistance) <input checked="" type="checkbox"/> Grant Funds Only <input type="checkbox"/> Total project costs including grant funds and all other financial participation <hr/> a. Salaries and Wages: \$ 0.00 b. Fringe Benefits: \$ 0.00 c. Total Personnel Costs: \$ 0.00 d. Consultant Costs: \$ 0.00 e. Equipment: \$ 25,000.00 f. Supplies: \$ 0.00 g. Travel: \$ 0.00 h. Construction/Alteration and Renovation: \$ 307,405.00 i. Other: \$ 87,100.00 j. Consortium/Contractual Costs: \$ 0.00 k. Trainee Related Expenses: \$ 0.00 l. Trainee Stipends: \$ 0.00 m. Trainee Tuition and Fees: \$ 0.00 n. Trainee Travel: \$ 0.00 o. TOTAL DIRECT COSTS: \$ 419,505.00 p. INDIRECT COSTS: (Rate: % of S&W/TADC) \$ 0.00 q. TOTAL APPROVED BUDGET: \$ 419,505.00 i. Less Non-Federal Resources: \$ 0.00 ii. Federal Share: \$ 419,505.00			12. AWARD COMPUTATION FOR FINANCIAL ASSISTANCE a. Authorized Financial Assistance This Period \$ 419,505.00 b. Less Unobligated Balance from Prior Budget Periods i. Additional Authority \$ 0.00 ii. Offset \$ 0.00 c. Unawarded Balance of Current Year's Funds \$ 0.00 d. Less Cumulative Prior Award(s) This Budget Period \$ 0.00 e. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION \$ 419,505.00						
13. RECOMMENDED FUTURE SUPPORT: (Subject to the availability of funds and satisfactory progress of project)									
<table border="1"> <thead> <tr> <th>YEAR</th> <th>TOTAL COSTS</th> </tr> </thead> <tbody> <tr> <td colspan="2">Not Applicable</td> </tr> </tbody> </table>						YEAR	TOTAL COSTS	Not Applicable	
YEAR	TOTAL COSTS								
Not Applicable									
14. APPROVED DIRECT ASSISTANCE BUDGET: (In lieu of cash)									
a. Amount of Direct Assistance \$ 0.00 b. Less Unawarded Balance of Current Year's Funds \$ 0.00 c. Less Cumulative Prior Awards(s) This Budget Period \$ 0.00 d. AMOUNT OF DIRECT ASSISTANCE THIS ACTION \$ 0.00									
15. PROGRAM INCOME SUBJECT TO 45 CFR Part 74.24 OR 45 CFR 92.25 SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES:									
A=Addition B=Deduction C=Cost Sharing or Matching D=Other [D] Estimated Program Income: \$ 0.00									
16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY HRSA, IS ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING:									
a. The grant program legislation cited above. b. The grant program regulation cited above. c. This award notice including terms and conditions, if any, noted below under REMARKS. d. 45 CFR Part 74 or 45 CFR Part 92 as applicable. In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.									
REMARKS: (Other Terms and Conditions Attached [X] Yes [] No)									
This award is re-issued to incorporate the ARRA terms and conditions that were inadvertently omitted on the previous Notice of Grant Award dated 6/25/2009 for the period covering 6/29/2009 – 6/28/2011. Please note, all prior terms and conditions remain in effect unless specifically removed.									
<i>Electronically signed by Dorothy M. Kelley, Grants Management Officer on: 06/25/2009</i>									
17. OBJ. CLASS: 41.11		18. CRS-EIN: 1946000533A4		19. FUTURE RECOMMENDED FUNDING:					
FY-CAN	CFDA	DOCUMENT NO.	AMT. FIN. ASST.	AMT. DIR. ASST.	SUBPROGRAM CODE				
09-3981152	93.703	C81CS14459RP	\$ 419,505.00	\$ 0.00	N/A				

HRSA Electronic Handbooks (EHBs) Registration Requirements

The Project Director of the grant (listed on this NGA) and the Authorizing Official of the grantee organization are required to register (if not already registered) within HRSA's Electronic Handbooks (EHBs). Registration within HRSA EHBs is required only once for each user for each organization they represent. To complete the registration quickly and efficiently we recommend that you note the 10-digit grant number from box 4b of this NGA. After you have completed the initial registration steps (i.e., created an individual account and associated it with the correct grantee organization record), be sure to add this grant to your portfolio. This registration in HRSA EHBs is required for submission of noncompeting continuation applications. In addition, you can also use HRSA EHBs to perform other activities such as updating addresses, updating email addresses and submitting certain deliverables electronically. Visit <https://grants.hrsa.gov/webexternal/login.asp> to use the system. Additional help is available online and/or from the HRSA Call Center at 1-877-464-4772.

Terms and Conditions

Failure to comply with the special remarks and condition(s) may result in a draw down restriction being placed on your Payment Management System account or denial of future funding.

Grant Conditions:

1. Due Date: Within 60 days of Award Issue Date
For 01-VHHP Alteration and Renovation of Valley Health Center at Bascom:
Please consult with your Project Officer to determine if a SHPO consultation is required for your proposed Alteration/Repair/Renovation Project. If it is determined that a consultation is necessary, funds in this award cannot be drawn down from the Payment Management System (PMS) until the requirements of Section 106 of the Historic Preservation Act are met. To insure that the requirements of the Act are met, a letter from the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) indicating the SHPO's finding of no adverse impact on historic or cultural resource must be submitted. If it is determined that there will be an impact, a signed Memorandum of Agreement (MOA) between the SHPO/THPO and the (grantee) detailing a plan to reduce the adverse effects must be submitted to the Grants Management Specialist at HRSA for review and approval.
2. Due Date: Within 30 days of Award Issue Date
For 01-VHHP Alteration and Renovation of Valley Health Center at Bascom:
If you have not submitted an Environmental Information Documentation (EID) Checklist for your proposed Alteration/Repair/Renovation Project, funds in this award are restricted and cannot be drawn down from the Payment Management System (PMS) until the requirements of NEPA are met. Within 30 days of this Notice provide to BPHC and DGMO the EID checklist found in the program guidance. The National Environmental Policy Act of 1969 (NEPA), 42 USC 4321 (P.L. 91-190, Sec 2, Jan 1, 1970. 83 Stat.852), and Executive Order 11514, requires Federal Agencies to assess the environmental impacts of major Federal actions, including construction projects supported in whole or in part through Federal grants or other forms of funding assistance.
3. Due Date: Within 60 days of Award Issue Date
For 01-VHHP Alteration and Renovation of Valley Health Center at Bascom:
Please consult with your Program Contact to determine if a NEPA Environmental Assessment is required for your proposed Alteration/Repair/Renovation Project. If it is determined that an Environmental Assessment is necessary you will be instructed to prepare a draft Environmental Assessment (EA) in compliance with NEPA. The draft EA must be completed and submitted to HRSA for review and adoption before funds can be drawn down for activities other than completion of architectural and engineering plans, licensing and permitting requirements, SHPO consultation, and preparation of the EA. HRSA has determined that an Environmental Assessment must be completed prior to initiating construction or alteration/repair/renovation.

If an existing Environmental Assessment at the Federal, State or local level, is available, a copy of the analysis and the Finding of No Significant Impact, or Memorandum of Decision must be sent to the HRSA Program Office. The National Environmental Policy Act of 1969 (NEPA), 42 USC 4321 (P.L. 91-190, Sec 2, Jan 1, 1970. 83 Stat.852), and Executive Order 11514, requires Federal Agencies to assess the environmental impacts of major Federal actions, including construction projects supported in whole or in part through Federal grants or other forms of funding assistance.

4. Due Date: Within 30 days of Budget End Date
For 01-VHHP Alteration and Renovation of Valley Health Center at Bascom:

For projects over \$500,000 a Notice of Federal Interest is required. If the total costs (federal and non-federal) excluding equipment is more than \$500,000, for your proposed Alteration/Repair/Renovation Project, a Notice of Federal Interest must be recorded in the appropriate official records of the jurisdiction in which the property is located before A/R/R begins. Please submit to the Grants Management Specialist a notarized and recorded copy of the Notice. When the Notice of Federal Interest has been properly recorded in the appropriate public records, it should contain the date and place of recordation, the document number, and/or the book and page number. The Notice is designed to notify any prospective buyer or creditor that the Federal Government has a financial interest in the real property acquired under the aforementioned Federal grant and that the property may not be: (1) used for any purpose inconsistent with that authorized by the grant program statute and applicable regulations, (2) mortgaged or otherwise used as collateral without the written permission of the Associate Administrator of the Office of Federal Assistance Management, Health Resources and Services Administration (OFAM, HRSA), or (3) sold or transferred to another party without the written permission of the Associate Administrator of OFAM, HRSA.

For projects under \$500,000, in accordance with 45 CFR part 74, "Property Standards," the Federal Government retains interest in property constructed, acquired, or improved with Federal funds unless or until it is compensated for the Federal interest or takes title to the property. Applicants with costs below \$500,000 are not required to file a Notice of Federal Interest, but will still assume Federal interest in the property. All applicants with leased property must certify that the existing lease for the proposed project will give the health center reasonable control of the project site, is consistent with the scope of the CIP project and certify that they are in compliance with all terms and conditions affecting federal interest. If the approved project is less than \$500,000, the award recipient shall maintain adequate documentation of regarding federal interest in accordance with the standard award terms and conditions. Such documentation shall include communication of Federal Interest between a lessor and recipient, and should be available for subsequent review.

If the project site is leased and the project is an alteration/renovation project with a net project cost (total project cost less equipment costs) of \$500,000 or less, the health center applicant must certify that the existing lease gives the health center reasonable control of the project site, is consistent with the scope of the CIP project, and is in compliance with all terms and conditions affecting the federal interest.

5. Due Date: Within 30 days of Award Issue Date

For 01-VHHP Alteration and Renovation of Valley Health Center at Bascom:

If the site is being leased, for your proposed Alteration/Repair/Renovation Project, the grantee is responsible for providing a letter of consent from the property landlord/owner. If you have not submitted this letter of consent, the grantee must provide this document within 30 days of this Notice of Grant Award. Construction may not begin until receipt of this letter of consent.

Grant Specific Terms:

1. For HRSA funding being provided under the American Recovery and Reinvestment Act of 2009 (the Act), HRSA is permitting a grantee to incur pre-award costs up to 90 calendar days prior to the award of a Federal grant with the prior approval of the HRSA Grants Management Officer. It should be noted that such pre-award costs are undertaken at the applicant's risk as there is no guarantee that an award will be made, or made at the level of funding anticipated by the applicant. If pre-award costs are incurred and the proposed award is issued, these costs may be permitted as long as they are otherwise included in the application, are allowable costs under the authorizing legislation and were not incurred prior to enactment of the Act, February 17, 2009.
2. Following project(s) from your CIP application were categorized correctly with no budget issues:
1 - A/R/R - VHHP Alteration and Renovation of Valley Health Center at Bascom - \$419,505.00

The above summary shows the project categories as described in the application. Initial completeness and eligibility reviews (by program staff) and budget reviews (by grants staff) of each application have focused on whether projects have been accurately presented in one of the five categories described in the guidance, and whether any potentially unallowable costs have been included in the budgets. If the review of the application surfaces significant concerns in one or both areas, the area(s) of concern has been noted in the display above. If any area of concern is shown for a particular project, implementation of the proposed project cannot begin, and grant funds associated with that project cannot be drawn down from the Payment Management System, until the issue has been resolved through the

sion of revised material. The HRSA will contact the grantee within 30 days to explain the specific areas of concern. The revised plan and/or budget must be approved by the DGMO before this restriction is lifted.

3. For 01-VHHP Alteration and Renovation of Valley Health Center at Bascom:
Funds in this award associated with the proposed alteration/repair/renovation project are restricted and cannot be drawn down until certain requirements have been satisfied. Specifically, each grantee must submit a completed and signed Environmental Information Documentation (EID) Checklist. Consult with your Program Contact to determine if the scope of your proposal requires additional compliance with: 1) Section 106 of the Historic Preservation Act, and/or 2) a completed draft Environmental Assessment to meet NEPA requirements. Specific conditions of this NGA address each of these requirements. The only exceptions to this restriction on drawdown are limited activities related to meeting one of these conditions, such as expenses for completing architectural and engineering plans, meeting licensing and permitting requirements, consulting with the SHPO, and preparing the Environmental Assessment
4. For 01-VHHP Alteration and Renovation of Valley Health Center at Bascom:
HRSA's Notice of Federal Interest is subordinate to all pre-existing mortgages or obligations recorded against the property. HRSA's Notice of Federal Interest is also subordinate to loans and obligations identified in the CIP application as sources of financing for the project. Future modifications and new mortgages and obligations will require prior approval.
5. For 01-VHHP Alteration and Renovation of Valley Health Center at Bascom:
Immediately upon acquiring real property, nongovernmental grantee shall, at a minimum, provide the same insurance coverage as provided to other property owned by the recipient. DHHS considers that the coverage described below constitutes minimum prudent insurance coverage of real property acquired with DHHS grant support. The term "immediately upon acquiring real property" means either when the builder turns the facility over to the grantee institution (e.g., the date of the final acceptance of the building) or at the point of beneficial occupancy, whichever comes first.

A physical destruction policy (e.g., fire and extended coverage) shall insure the full replacement value, as approved by DHHS, of the facility from risk of partial and total physical destruction. When the Federal participation in the construction or acquisition of real property covers only a portion of the building, the insurance should cover the total replacement cost of the facility because any damage to the building could make the building unusable and thus affect the Federal interest. The insurance policy should contain an inflation clause for the insured amount. The insurance policy is to be maintained for the period of time the property is owned or leased by the grantee.

Within five days of the completion of the project, the grantee shall submit to the GMO, DGMO/HRSA, the documentation specified in either a. or b. below. If option a. is selected, the policies shall include a requirement that the insurance company provide copies of policy changes to the GMO, HRSA.

a. Copies of such insurance policies; or

b. A written statement signed by an authorized business official certifying that the grantee (1) purchased the required insurance policies on the Government-funded facility and (2) will maintain the insurance coverage at the full replacement value of the facility throughout the period of time the property is owned by the grantee. Real property acquired with DHHS grant support may not be conveyed, transferred, assigned, mortgaged, or in any other manner encumbered by the grantee, except as expressly authorized in writing by the DHHS awarding component or its successor organization. The Government's interest in real property acquired under grants is described in 45 CFR Parts 74.37 and 92.31.

Program Terms:

1. This Notice of Grant Award (NGA) is issued in support of your application for funds made available under the Capital Improvement Program (CIP) supported by the American Recovery and Reinvestment Act of 2009 (ARRA) and announced under HRSA-09-244. The application submitted by your organization was consistent with the categories described in the announcement, unless noted below. The budgets and plans submitted for the projects presented in your application have been accepted, subject to final review of required certifications, assurances, and supporting documents, unless noted in the Grant Specific Terms section of this NGA.

These funds are awarded for the two-year project period shown on this NGA. No costs incurred prior to February 17, 2009 (the date the ARRA was signed) can be charged to this grant. Grantees may request that allowable pre-award

costs incurred between February 17, 1009 and the effective date of this NGA be charged to this grant; decisions on any such requests will be made by the Grants Management Officer. Grantees are expected to finalize plans for implementing approved CIP projects consistent with a timeline that will assure that all funds are obligated prior to the project period end date.

2. The HRSA has made the decision to identify staff points of contact for the ARRA Capital Improvement Program (CIP) activity who are different staff persons than the contacts for the basic Health Center activity. The CIP DGMO contact for this grantee been identified and is shown below. The Program Contact name for this grantee has not yet been finalized, but in the interim, one BPHC staff person will serve as the focal point for all CIP activity; it is expected that the final decision on grantee-specific CIP Program Contacts will be finalized within the first few weeks of the implementation of the CIP activity. Please be aware that the Program Contact and the DGMO Contact shown on your basic H80 or H8A NGA will continue to be the focal points for all other issues related to your operational Health Center project except those related to CIP activity.
3. If a Change in Scope (CIS) proposal will be required based on the content of any proposed project in the CIP application, please be advised that normal procedures for submitting CIS requests to the HRSA as described in PIN 2008-01 apply. Approval of any CIS request is outside the approval of the CIP application; a grantee should not begin to incur costs and implement the change until HRSA has notified the grantee of approval.

4. Department of Health and Human Services
Standard Terms and Conditions
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
Division A Funds

1. HHS Standard Terms and Conditions

HHS grantees must comply with all terms and conditions outlined in their grant award, including grant policy terms and conditions contained in applicable Department of Health and Human Services (HHS) Grant Policy Statements, and requirements imposed by program statutes and regulations and HHS grant administration regulations, as applicable, unless they conflict or are superseded by the following terms and conditions implementing the American Recovery and Reinvestment Act of 2009 (ARRA) requirements below. In addition to the standard terms and conditions of award, recipients receiving funds under Division A of ARRA must abide by the terms and conditions set out below. The terms and conditions below concerning civil rights obligations and disclosure of fraud and misconduct are reminders rather than new requirements, but the other requirements are new and are specifically imposed for awards funded under ARRA. Recipients are responsible for contacting their HHS grant/program managers for any needed clarifications.

2. Preference for Quick Start Activities

In using funds for this award for infrastructure investment, recipients shall give preference to activities that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds for activities that can be initiated not later than 120 days after the date of the enactment of ARRA. Recipients shall also use grant funds in a manner that maximizes job creation and economic benefit. (ARRA Sec. 1602)

3. Limit on Funds

None of the funds appropriated or otherwise made available in ARRA may be used by any State or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool. (ARRA Sec. 1604)

4. ARRA: One-Time Funding

Unless otherwise specified, ARRA funding to existent or new awardees should be considered one-time funding.

5. Civil Rights Obligations

While ARRA has not modified awardees civil rights obligations, which are referenced in the HHS' Grants Policy Statement, these obligations remain a requirement of Federal law. Recipients and subrecipients of ARRA funds or other Federal financial assistance must comply with Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination), Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination), Title IX of the Education Amendments of 1972 (prohibiting sex discrimination in education and training programs), and the

Age Discrimination Act of 1975 (prohibiting age discrimination in the provision of services). For further information and technical assistance, please contact the HHS Office for Civil Rights at (202) 619-0403, OCRmail@hhs.gov, or <http://www.hhs.gov/ocr/civilrights/>.

6. Disclosure of Fraud or Misconduct

Each recipient or sub-recipient awarded funds made available under the ARRA shall promptly refer to the HHS Office of Inspector General any credible evidence that a principal, employee, agent, contractor, sub-recipient, subcontractor, 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. The HHS Office of Inspector General can be reached at <http://www.oig.hhs.gov/fraud/hotline/>

7. Responsibilities for Informing Sub-recipients

Recipients agree to separately identify to each sub-recipient, and document at the time of sub-award and at the time of disbursement of funds, the Federal award number, any special CFDA number assigned for ARRA purposes, and amount of ARRA funds.

8. Recovery Act Transactions listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Sub-recipients

(a) To maximize the transparency and accountability of funds authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)(Recovery Act) as required by Congress and in accordance with 45 CFR 74.21 and 92.20 "Uniform Administrative Requirements for Grants and Agreements", as applicable, and OMB A-102 Common Rules provisions, recipients agree to maintain records that identify adequately the source and application of Recovery Act funds.

(b) For recipients covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," recipients agree to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. This shall be accomplished by identifying expenditures for Federal awards made under Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(c) Recipients agree to separately identify to each sub-recipient, and document at the time of sub-award and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of Recovery Act funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to sub-recipients shall distinguish the sub-awards of incremental Recovery Act funds from regular sub-awards under the existing program.

(d) Recipients agree to require their sub-recipients to include on their SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor sub-recipient expenditure of ARRA funds as well as oversight by the Federal awarding agencies, Offices of Inspector General and the Government Accountability Office.

II. Standard award terms and conditions to be included in ALL awards EXCEPT for those that are classified, awarded to individuals, or awarded under mandatory and entitlement programs, except as specifically required by OMB, or expressly exempted from the reporting requirement in the Recovery Act

Recipient Reporting

Reporting and Registration Requirements under Section 1512 of the American Recovery and Reinvestment Act of 2009, Public Law 111-5

(a) This award requires the recipient to complete projects or activities which are funded under the American Recovery and Reinvestment Act of 2009 ("Recovery Act") and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(b) The reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the

assistance award funded in whole or in part by the Recovery Act.

(c) Recipients and their first-tier recipients must maintain current registrations in the Central Contractor Registration (www.ccr.gov) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (www.dnb.com) is one of the requirements for registration in the Central Contractor Registration.

(d) The recipient shall report the information described in section 1512(c) using the reporting instructions and data elements that will be provided online at www.FederalReporting.gov and ensure that any information that is pre-filled is corrected or updated as needed.

III. Standard award term when issuing announcements or requesting applications for Recovery Act programs and activities that may involve construction, alteration, maintenance, or repair

As indicated in 2 CFR 176.180-.190, when issuing announcements or requesting applications for Recovery Act programs and activities that may involve construction, alteration, maintenance, or repair OPDIVs shall use the following award term:

Wage Rate Requirements under Section 1606 of the American Recovery and Reinvestment Act of 2009

a) Section 1606 of the Recovery Act requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the Recovery Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. 3145, the Department of Labor has issued regulations at 29 CFR Parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. Federal agencies providing grants, cooperative agreements, and loans under the Recovery Act shall ensure that the standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are incorporated in any resultant covered contracts that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).

(b) For additional guidance on the wage rate requirements of section 1606, contact your awarding agency. Recipients of grants, cooperative agreements and loans should direct their initial inquiries concerning the application of Davis-Bacon requirements to a particular federally assisted project to the Federal agency funding the project. The Secretary of Labor retains final coverage authority under Reorganization Plan Number 14.

IV. Standard award term when awarding Recovery Act funds for construction, alteration, maintenance, or repair of a public building or public work that DOES NOT involve iron, steel, and/or manufactured goods covered under international agreements

As provided by 2 CFR 176.140, when awarding Recovery Act funds for construction, alteration, maintenance, or repair of a public building or public work that does not involve iron, steel, and/or manufactured goods covered under international agreements, the agency shall use the following award term:

REQUIRED USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS—SECTION 1605 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

(a) Definitions. As used in this award term and condition—

"Manufactured good" means a good brought to the construction site for incorporation into the building or work that has been--

(1) Processed into a specific form and shape; or

(2) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials.

"Public building" and "public work" means a public building of, and a public work of, a governmental entity (the United States; the District of Columbia; commonwealths, territories, and minor outlying islands of the United States; State and local governments; and multi-State, regional, or interstate entities which have governmental functions). These

ngs and works may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction, alteration, maintenance, or repair of such buildings and works.

“Steel” means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

(b) Domestic preference.

(1) This award term and condition implements Section 1605 of the American Recovery and Reinvestment Act of 2009 (Recovery Act)(Pub. L. 111-5), by requiring that all iron, steel, and manufactured goods used in the project are produced in the United States except as provided in paragraph (b)(3) and (b)(4) of this term and condition.

(2) This requirement does not apply to the material listed by the Federal Government as follows:

[Award official to list applicable excepted materials or indicate “none”]

(3) The award official may add other iron, steel, and/or manufactured goods to the list in paragraph (b)(2) of this term and condition if the Federal government determines that—

(i) The cost of the domestic iron, steel, and/or manufactured goods would be unreasonable. The cost of domestic iron, steel, or manufactured goods used in the project is unreasonable when the cumulative cost of such material will increase the cost of the overall project by more than 25 percent;

(ii) The iron, steel, and/or manufactured good is not produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(iii) The application of the restriction of section 1605 of the Recovery Act would be inconsistent with the public interest.

(c) Request for determination of inapplicability of Section 1605 of the Recovery Act.

(1)(i) Any recipient request to use foreign iron, steel, and/or manufactured goods in accordance with paragraph (b)(3) of this term and condition shall include adequate information for Federal Government evaluation of the request, including—

(A) A description of the foreign and domestic iron, steel, and/or manufactured goods;

(B) Unit of measure;

(C) Quantity;

(D) Cost;

(E) Time of delivery or availability;

(F) Location of the project;

(G) Name and address of the proposed supplier; and

(H) A detailed justification of the reason for use of foreign iron, steel, and/or manufactured goods cited in accordance with paragraph (b)(3) of this term and condition.

(ii) A request based on unreasonable cost shall include a reasonable survey of the market and a completed cost comparison table in the format in paragraph (d) of this term and condition.

(iii) The cost of iron, steel, and/or manufactured goods material shall include all delivery costs to the construction site and any applicable duty.

(iv) Any recipient request for a determination submitted after Recovery Act funds have been obligated for a project for construction, alteration, maintenance, or repair shall explain why the recipient could not reasonably foresee the need for such determination and could not have requested the determination before the funds were obligated. If the recipient does not submit a satisfactory explanation, the award official need not make a determination.

(2) If the Federal government determines after funds have been obligated for a project for construction, alteration, maintenance, or repair that an exception to section 1605 of the Recovery Act applies, the award official will amend the award to allow use of the foreign iron, steel, and/or relevant manufactured goods. When the basis for the exception is nonavailability or public interest, the amended award shall reflect adjustment of the award amount, redistribution of budgeted funds, and/or other actions taken to cover costs associated with acquiring or using the foreign iron, steel, and/or relevant manufactured goods. When the basis for the exception is the unreasonable cost of the domestic iron, steel, or manufactured goods, the award official shall adjust the award amount or redistribute budgeted funds by at least the differential established in 2 CFR 176.110(a).

(3) Unless the Federal Government determines that an exception to section 1605 of the Recovery Act applies, use of foreign iron, steel, and/or manufactured goods is noncompliant with section 1605 of the American Recovery and Reinvestment Act.

(d) Data. To permit evaluation of requests under paragraph (b) of this term and condition based on unreasonable cost, the Recipient shall include the following information and any applicable supporting data based on the survey of suppliers:

FOREIGN AND DOMESTIC ITEMS COST COMPARISON

Description Unit of Measure Quantity Price (Dollars)*

Item 1:

Foreign steel, iron, or manufactured good _____

Domestic steel, iron, or manufactured good _____

Item 2:

Foreign steel, iron, or manufactured good _____

Domestic steel, iron, or manufactured good _____

[List name, address, telephone number, email address, and contact for suppliers surveyed.]

Attach copy of response; if oral, attach summary.]

[Include other applicable supporting information.]

[* Include all delivery costs to the construction site.]

V. When requesting APPLICATIONS OR PROPOSALS for Recovery Act programs or activities that may involve construction, alteration, maintenance, or repair of a public building or public work, and DO NOT involve iron, steel, and/or manufactured goods covered under international agreements
 As provided in 2 CFR 176.150, when requesting applications or proposals for Recovery Act programs or activities that may involve construction, alteration, maintenance, or repair of a public building or public work, and do not involve iron, steel, and/or manufactured goods covered under international agreements, the agency shall use the following notice in its solicitations:

REQUIRED USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS—SECTION 1605 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

(a) Definitions. "Manufactured good," "public building and public work," and "steel," as used in this notice, are defined in the 2 CFR 176.140.

(b) Requests for determinations of inapplicability. A prospective applicant requesting a determination regarding the

inapplicability of section 1605 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5)(Recovery Act) should submit the request to the award official in time to allow a determination before submission of applications or proposals. The prospective applicant shall include the information and applicable supporting data required by paragraphs (c) and (d) of the award term and condition at 2 CFR 176.140 in the request. If an applicant has not requested a determination regarding the inapplicability of 1605 of the Recovery Act before submitting its application or proposal, or has not received a response to a previous request, the applicant shall include the information and supporting data in the application or proposal.

(c) Evaluation of project proposals.

If the Federal government determines that an exception based on unreasonable cost of domestic iron, steel, and/or manufactured goods applies, the Federal Government will evaluate a project requesting exception to the requirements of section 1605 of the Recovery Act by adding to the estimated total cost of the project 25 percent of the project cost, if foreign iron, steel, or manufactured goods are used in the project based on unreasonable cost of comparable manufactured domestic iron, steel, and/or manufactured goods.

(d) Alternate project proposals.

(1) When a project proposal includes foreign iron, steel, and/or manufactured goods not listed by the Federal Government at paragraph (b)(2) of the award term and condition at 2 CFR 176.140, the applicant also may submit an alternate proposal based on use of equivalent domestic iron, steel, and/or manufactured goods.

(2) If an alternate proposal is submitted, the applicant shall submit a separate cost comparison table prepared in accordance with paragraphs (c) and (d) of the award term and condition at 2 CFR 176.140 for the proposal that is based on the use of any foreign iron, steel, and/or manufactured goods for which the Federal Government has not yet determined an exception applies.

(3) If the Federal government determines that a particular exception requested in accordance with paragraph (b) of the award term and condition at 2 CFR 176.140 does not apply, the Federal Government will evaluate only those proposals based on use of the equivalent domestic iron, steel, and/or manufactured goods, and the applicant shall be required to furnish such domestic items.

Standard Terms:

1. All discretionary awards issued by HRSA on or after October 1, 2006, are subject to the HHS Grants Policy Statement (HHS GPS) unless otherwise noted in the Notice of Award (NoA). Parts I through III of the HHS GPS are currently available at <http://ftp.hrsa.gov/grants/hhsgrantspolicystatement.pdf> and it is anticipated that Part IV, HRSA program-specific guidance will be available at the website in the near future. In addition, HRSA-specific contacts will be appended to Part III of the GPS which identifies Department-wide points of contact. Please note that the Terms and Conditions explicitly noted in the award and the HHS GPS are in effect. Once available, Part IV, HRSA program-specific guidance will take precedence over Parts I and II in situations where there are conflicting or otherwise inconsistent policies.
2. The HHS Appropriations Act requires that when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state the percentage of the total costs of the program or project which will be financed with Federal money, the dollar amount of Federal funds for the project or program, and percentage and a dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.
3. Recipients and sub-recipients of Federal funds are subject to the strictures of the Medicare and Medicaid anti-kickback statute (42 U.S.C. 1320a - 7b(b) and should be cognizant of the risk of criminal and administrative liability under this statute, specifically under 42 U.S.C. 1320 7b(b) Illegal remunerations which states, in part, that whoever knowingly and willfully:
 - (A) Solicits or receives (or offers or pays) any remuneration (including kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind, in return for referring (or to induce such person to refer) an individual to a person for the furnishing or arranging for the furnishing of any item or service, OR

(B) In return for purchasing, leasing, ordering, or recommending purchasing, leasing, or ordering, or to purchase, lease, or order, any goods, facility, services, or item

....For which payment may be made in whole or in part under subchapter XIII of this chapter or a State health care program, shall be guilty of a felony and upon conviction thereof, shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.

4. Items that require prior approval from the awarding office as indicated in 45 CFR Part 74.25 [Note: 74.25 (d) HRSA has not waived cost-related or administrative prior approvals for recipients unless specifically stated on this Notice of Grant Award] or 45 CFR Part 92.30 must be submitted in writing to the Grants Management Officer (GMO). Only responses to prior approval requests signed by the GMO are considered valid. Grantees who take action on the basis of responses from other officials do so at their own risk. Such responses will not be considered binding by or upon the HRSA.

In addition to the prior approval requirements identified in Part 74.25, HRSA requires grantees to seek prior approval for significant rebudgeting of project costs. Significant rebudgeting occurs when, under a grant where the Federal share exceeds \$100,000, cumulative transfers among direct cost budget categories for the current budget period exceed 25 percent of the total approved budget (inclusive of direct and indirect costs and Federal funds and required matching or cost sharing) for that budget period or \$250,000, whichever is less. For example, under a grant in which the Federal share for a budget period is \$200,000, if the total approved budget is \$300,000, cumulative changes within that budget period exceeding \$75,000 would require prior approval). For recipients subject to 45 CFR Part 92, this requirement is in lieu of that in 45 CFR 92.30(c)(1)(ii) which permits an agency to require prior approval for specified cumulative transfers within a grantee's approved budget. [Note, even if a grantee's proposed rebudgeting of costs falls below the significant rebudgeting threshold identified above, grantees are still required to request prior approval, if some or all of the rebudgeting reflects either a change in scope, a proposed purchase of a unit of equipment exceeding \$25,000 (if not included in the approved application) or other prior approval action identified in Parts 74.25 and 92.30 unless HRSA has specifically exempted the grantee from the requirement(s).]

5. Payments under this award will be made available through the DHHS Payment Management System (PMS). PMS is administered by the Division of Payment Management, Financial Management Services, Program Support Center, which will forward instructions for obtaining payments. Inquiries regarding payment should be directed to: Payment Management, DHHS, P.O. Box 6021, Rockville, MD 20852, <http://www.dpm.psc.gov/> or Telephone Number: 1-877-614-5533.
6. The DHHS Inspector General maintains a toll-free hotline for receiving information concerning fraud, waste, or abuse under grants and cooperative agreements. Such reports are kept confidential and callers may decline to give their names if they choose to remain anonymous. Contact: Office of Inspector General, Department of Health and Human Services, Attention: HOTLINE, 330 Independence Avenue Southwest, Cohen Building, Room 5140, Washington, D. C. 20201, Email: Htips@os.dhhs.gov or Telephone: 1-800-447-8477 (1-800-HHS-TIPS).
7. Submit audits, if required, in accordance with OMB Circular A-133, to: Federal Audit Clearinghouse Bureau of the Census 1201 East 10th Street Jefferson, IN 47132 PHONE: (310) 457-1551, (800)253-0696 toll free <http://harvester.census.gov/sac/facconta.htm>
8. EO 13166, August 11, 2000, requires recipients receiving Federal financial assistance to take steps to ensure that people with limited English proficiency can meaningfully access health and social services. A program of language assistance should provide for effective communication between the service provider and the person with limited English proficiency to facilitate participation in, and meaningful access to, services. The obligations of recipients are explained on the OCR website at <http://www.hhs.gov/ocr/lep/revisedlep.html>.
9. This award is subject to the requirements of Section 106 (g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104). For the full text of the award term, go to <http://www.hrsa.gov/grants/trafficking.htm>. If you are unable to access this link, please contact the Grants Management Specialist identified in this Notice of Grant Award to obtain a copy of the Term.

NGA Email Address(es):

Michael.Lipman@hhs.co.santa-clara.ca.us;Michael.Lipman@HHS.SCCGOV.ORG

Note: NGA emailed to these address(es)

Contacts:

Program Contact: For assistance on programmatic issues, please contact Marie Legaspi at:

17C-26

Bureau of Primary Health Care/Office of Policy and Program Development

5600 Fishers Ln

Rockville, MD 20852-1750

Phone: (301)594-4319

Email: mlegaspi@hrsa.gov

Division of Grants Management Operations: For assistance on grants administration issues, please contact Nancy Gaines at:

HRSA/OFAM/DGMO

5600 Fishers Ln RM 11A-02

Rockville, MD 20857-0001

Phone: (301)443-5382

Email: ngaines@hrsa.gov

Fax: (301)446-6343

Responses to reporting requirements, conditions, and requests for post award amendments must be mailed to the attention of the Office of Grants Management contact indicated above. All correspondence should include the Federal grant number (item 4 on the award document) and program title (item 8 on the award document). Failure to follow this guidance will result in a delay in responding to your request.