

Attachment [insert]

DeKalb County – American Rescue Plan Act (ARPA) Contract Addendum

Notice: The Contract to which this addendum is attached is made using federal assistance provided to DeKalb County, Georgia by the U.S. Department of Treasury under the American Rescue Plan Act, H.R. 1319, 117th Cong. §9901 (2021) (the “Act”).

Without limiting the other General Requirements attached to the Contract as Attachment [insert] or any other provision contained in the Contract concerning the applicability of certain laws, ordinances, rules and regulations, Contractor has been explicitly informed and understands that the following laws, ordinances, rules, and regulations apply to the execution and performance of all parts of this Contract and the Work:

1. **Use of Funds.** Contractor understands and agrees to use the funds disbursed under this award in compliance with section 603(c) of the Social Security Act (42 U.S.C. 801 et seq.), Treasury’s implementing regulations, and guidance issued by Treasury regarding the foregoing.
2. **Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.** Contractor understands and agrees to comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as any be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implement the Single Audit Act, shall apply to this award.
3. **Universal Identifier and System for Award Management (SAM).** Contractor has been explicitly informed and understands that 2 CFR Part 25, pursuant to which the award term set forth in Appendix A to 2 CFR Part 25 is hereby incorporated by reference.
4. **Reporting Subaward and Executive Compensation Information.** Contractor has been explicitly informed and understands that 2 CFR Part 170, pursuant to which the award term set for in Appendix A to 2 CFR Part 170 is hereby incorporated by reference.
5. **Debarment and Suspension (Executive Orders 12549 and 12689).** Contractor has been explicitly informed and understands that a contract award must not be made to parties listed on the governmentwide exclusion in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR Part 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.”
6. **Civil Rights Compliance.** Contractor shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury’s Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with “Limited English Proficiency” in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented

by the Department of the Treasury's Title VI regulations, 31CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

Although not required by Title VI or any related authorities, DeKalb County also assures that no person shall on the grounds of sexual orientation or gender identity be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity.

7. **Maintenance of and Access to Records.** County, the U.S. Department of Treasury and the Comptroller General of the United States shall have the right to audit all books and records, including electronic records, relating to or pertaining to this agreement, including but not limited to all financial and performance related records and any documents or materials which support those records. Contractor shall maintain complete and accurate records of expenditures and services provided. Contractor shall allow an authorized representative of County, the U.S Department of Treasury and the Comptroller General to inspect, examine, and copy, and audit such records during regular business hours upon reasonable advance notice. Contractor shall maintain such books and records, together with such supporting or underlying documents and materials, for the duration of this contract and for seven (7) years after termination or expiration, including any and all renewals thereof. The Contractor agrees to supply the County, the U.S Department of Treasury and the Comptroller General with any documentation requested and hereby acknowledges that the documentation may be necessary to comply with any reporting, auditing, monitoring, investigations, review of awards or other compliance by the United States Government.
8. **Byrd Anti-Lobbying Amendment (31 U.S.C. 1352).** Contractor has been explicitly informed and understands that the Byrd Anti-Lobby Amendment (31 U.S.C. 1352) applies to this Contract. Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award. *Contractors must sign the certification on the last page of this addendum and shall cause any subcontractors with a subcontract (at any tier) exceeding \$100,000.00 to file the same certification.
9. **New Restrictions on Lobbying. (Applies to all contracts, grants, loans, or cooperative agreements exceeding \$100,000).** Contractor shall comply with the New Restrictions on Lobbying (31 CFR Part 21) and for any contract exceeding \$100,000 shall file a certification, and a disclosure form, if required.
10. **Conflicts of Interest.** Contractor understands and agrees that it must maintain a conflict of interest policy consistent with 2 CFR 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Contractor must disclose in writing to

the County any potential conflict of interest affecting the awarded funds in accordance with 2 CFR 200.112.

11. **Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708)**. Where applicable, all contracts in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirement of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
12. **Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended**. Contractor has been explicitly informed and understands that the Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended, applies to this Contract and the Work and Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended. Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
13. **Procurement of Recovered Materials (2 CFR 200.323)**. Contractor has been explicitly informed and understands that as a contractor with DeKalb County, Georgia, a political subdivision of a state, it must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation Act. The requirements of Section 6002 include procuring only items designated in the guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the items exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.
14. **Prohibition on certain telecommunications and video surveillance services or equipment (2 CFR 200.216)**. Contractor is prohibited from obligating or expending loan or grant funds to: (i) procure or obtain; (ii) extend or renew a contract to procure or obtain; or (iii) enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications

equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

- (i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
- (ii) Telecommunications or video surveillance services provided by such entities or using such equipment.
- (iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

15. **Domestic preferences for procurement (2 CFR 200.322)**. As appropriate and to the extent consistent with law, Contractor should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award. For purposes of this section:

- a. “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
- b. “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymerbased products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

16. **Governmentwide Requirements for Drug-Free Workplace, 31 CFR Part 20.**

17. **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, as amended, 42 U.S.C. 4601-4655, and the Department of Transportation’s implementing regulations, 49 CFR Part 24, that apply to projects funded with federal financial assistance.

18. **Generally applicable federal environmental laws and regulations**. This includes, but is not limited to: Atomic Energy Act, 42 U.S.C. §2011 et seq.; Beaches Environmental Assessment and Coastal Health Act, 33 U.S.C. §1313 et seq.; Chemical Safety Information, Site Security and Fuels Regulatory Relief Act, 42 U.S.C. §7401 et seq.; Clean Air Act, 42 U.S.C. §7401 et seq.; Clean Water Act, 33 U.S.C. §1251 et seq.; Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601 et seq.; Emergency Planning and Community Right-to-Know Act, 42 U.S.C. §11001 et seq.; Endangered Species Act, 16 U.S.C. §1531 et seq.; Energy Independence and Security Act, Public Law 110-140; Energy Policy Act, 42 U.S.C. §13201 et seq.; Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations

and Low-Income Populations, 59 FR 7629; Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks, 62 FR 19885; Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use, 66 FR 28355; Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §301 et seq.; Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §136 et seq.; Food Quality Protection Act, Public Law 104-170; Marine Protection, Research, and Sanctuaries Act, 16 U.S.C. §1431 et seq. and 33 U.S.C. §1401 et seq.; National Environmental Policy Act, 42 U.S.C. §4321 et seq.; National Technology Transfer and Advancement Act, 15 U.S.C. §3701 et seq.; Noise Control Act, 42 U.S.C. §4901 et seq.; Nuclear Waste Policy Act, 42 U.S.C. §10101 et seq.; Occupational Safety and Health, 29 U.S.C. §651 et seq.; Oil Pollution Act, 33 U.S.C. §2701 et seq.; Pollution Prevention Act, 42 U.S.C. §13101 et seq.; Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq.; Safe Drinking Water Act, 42 U.S.C. §300f et seq.; Shore Protection Act, 33 U.S.C. §2601 et seq.; Toxic Substances Control Act, 15 U.S.C. §2601 et seq.; Asbestos Information Act, 15 U.S.C. 2607(f); Asbestos School Hazard Abatement Reauthorization Act; EPA Asbestos Regulations: Restrictions on Discontinued Uses of Asbestos (40 CFR Parts 9 and 721), Asbestos-Containing Materials in Schools Rule (40 CFR Part 763, Subpart E), Asbestos Worker Protection Rule (40 CFR Part 763, Subpart G), Asbestos Ban and Phaseout Rule (Remanded) (CFR Part 763, Subpart I), Asbestos National Emission Standard for Hazardous Air Pollutants (40 CFR Part 61, Subpart M); Construction and Effluent Guidelines and Standards, 40 CFR Part 450; EPA regulations regarding lead-based paint: Lead- Based Paint Poisoning Prevention in Certain Residential Structures (40 CFR Part 745); EPA regulations related to industrial landfills (40 CFR Part 257) and construction and demolition landfills (40 CFR section 258.2).

19. **Publications.** Any publications produced with funds from this award must display the following language: “This project [is being] [was] supported, in whole or in part, by federal award number SLFRP002 awarded to DeKalb County Government by the U.S. Department of Treasury.”
20. **Increasing Seat Belt Use in the United States.** Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Contractor is encouraged to adopt and enforce on-the-job seat belt policies and programs for your employees when operating company-owned, rented or personally owned vehicles.
21. **Reducing Text Messaging While Driving.** Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Contractor is encouraged to adopt and enforce policies that ban text messaging while driving and establish workplace safety policies to decrease accidents caused by distracted drivers.
22. **Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms (2 CFR 200.321).** If subcontracts are to be let, Contractor must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include: (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists; (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;(3)

Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises; (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises and (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce. For purposes of this Contract, a Minority Business Enterprise (MBE) is defined as an enterprise that is at least 51 percent owned and controlled by one or more of the following groups: Black, Hispanic, Asian-Indian American, Asian-Pacific American or Native American. A Women Business Enterprise (WBE) is defined as an enterprise that is at least 51 percent owned and controlled by women. A small business is a business that is independently owned and operated and is qualified as a small business under SBA criteria and size standards at 13 C.F.R. Part 121.

23. **Copeland “Anti-Kickback” Act.** Contractor and any subcontractors performing work under the contract shall comply with 18 U.S.C. §874. The County shall report all suspected or reported violations to Treasury.
24. **Conflicts and Interpretation.** To the extent that any portion of this Addendum conflicts with any term of condition of this Contract expressed outside of this Addendum, the terms of this Addendum shall govern.

**CERTIFICATION REGARDING LOBBYING
(31 CFR Part 21 – New Restrictions on Lobbying)**

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all ties (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the undersigned understands and agrees that the provisions of 31 USC Ch. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.

Name of Contractor

Signature of Contractor's Authorized Official

(Print name and title of person signing above)

Date: _____