

NIH American Recovery and Reinvestment Act (ARRA) Cheat Sheet

Review and Approvals

All reviews and approvals of proposed contract actions made with ARRA funds must be done prior to award. **(Please use the “Proposed Recovery Act Contract Action Approval Form” located on the OAMP website)** Program Staff must coordinate with their Director, OA, and CO as to whether or not the proposed contract action complies with one or more of the Recovery Act principles listed:

- Preserves and creates jobs and promotes economic recovery
- Assists those most impacted by the recession
- Provides investments to increase economic efficiency by spurring technological advances in science and health
- Invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits or
- Helps to stabilize state and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

There are different approvals and review levels based on the dollar amount and type the actions:

- Research & Development (R&D)
- Non R&D (Over \$500,000)
- Non R&D (Up to \$500,000)

Competition

All actions should be competed to the maximum extent practical. In the event an action is not competed sufficient market research must be conducted to support the award. A sources sought notice shall be posted in FedBizOpps for all ARRA funded contract actions anticipated to be non-competitive and exceed the micro-purchase threshold with the exception of 8(a), Ability One, in-scope modifications and orders issued under multiple award contracts whereby one of the exceptions to fair opportunity applies. Sources sought notices must be posted for a minimum of 10 calendar days.

Terms and Conditions and Federal Acquisition Regulation Requirements

Follow the requirements in FAR Subpart 5.7 for pre-solicitation and award notices – FAR Case 2009-010;

Follow the requirements in FAR Section 4.605(c) to distinguish Recovery Act actions in the Departmental Contract Information System (DCIS) and the Federal Procurement Data System (FPDS);

Use these additional FAR requirements to implement the Recovery Act:

- FAR Case 2009-008, American Recovery and Reinvestment Act – Buy American Requirements for Construction Material;
- FAR Case 2009-009, American Recovery and Reinvestment Act – Reporting Requirements;
- FAR Case 2009-011, American Recovery and Reinvestment Act – GAO/IG Access; and
- FAR Case 2009-012, American Recovery and Reinvestment Act –Whistleblower Protections.

The Recovery Act solicitation provisions and contract clauses are included in the NCI Workforms which can be found on the NCI OA intranet at http://oa-intranet.nci.nih.gov/workforms_set.htm. Additionally, the provisions and clauses for commercial items and simplified acquisitions can also be found on this website. **These provisions and clauses will be mandatory for NIH awards obligating ARRA funds.**

Existing Awards

ARRA funds may be used for acquisitions prior to the effective date of the Recovery Act. However, solicitations must be amended to identify them as ARRA related actions. Also, the ARRA clauses mentioned above must be negotiated into the contracts as part of the award process and award reports must be amended to identify them as ARRA funds related actions. Co-funding of contract actions awarded with ARRA funds is acceptable by two or more ICs as long as co-funders used ARRA funds ONLY and all applicable rules are followed. Co-mingling of Non-ARRA funds with ARRA funds is NOT permitted.

All ARRA funds must be tracked and reported separately from NIH's regular appropriations.

Requirements for Entering Awards into DCIS

- ICs must ensure that all reporting related to the Recovery Act is complete and accurate.
- Use of all ARRA funding must be reported through DCIS/FPDS. **ICs are encouraged to use PRISM to access DCIS.**

Treasury Account Symbol (TAS)

- When entering data in DCIS on any action (including modifications) funded by the Recovery Act, ICs must enter the Treasury Account Symbol (TAS) in the Description of Requirement field (DCIS Item 6M). The TAS code should be entered with TAS:: preceding the code and ::TAS following the code. The code itself should have spaces between the segments, i.e., Agency code (2 characters) would be entered followed by a space then the Account code (4 characters). The entry would appear as follows: TAS::XX XXXX::TAS
- Add the words **“Recovery Act”** to the Description of Requirements field immediately following the TAS.

Please see Attachment G on the OAMP-DAPE website under the “Recovery Act” Guidance located at http://oamp.od.nih.gov/Division/DAPE/dape_links.asp

FedBizOpps Notices & Reporting

The word **“RECOVERY”** must in the title for all FBO notices (sources sought, presolicitation and award notices)

When creating a presolicitation notice in FBO, identify whether or not it is a Recovery Act action by selecting the “yes” radio button for the “Is this a Recovery and Reinvestment Act action” field.

Presolicitation Notices of TO/DOs \$25,000 and above (which includes GWACs, MACs, FSS contracts, whether single or multiple award) must be posted for **“information purposes only”**.

Requirements for Posting Award Notices

Synopses of proposed award notices in Fedbizopps shall follow the procedures at FAR Section 5.301, except that the following supersede the exceptions at FAR Section 5.301(b) (3) through (8):

- For any contract action exceeding \$500,000, including all modifications and orders under task and delivery order contracts, publicize the award notice and ensure that the description required by 5.207(a)(16) includes a narrative of the products and services (including construction) that is clear and unambiguous to the general public.
- For contract actions of \$25,000 but less than and including \$500,000, including all modifications and orders under task and delivery order contracts issued under an existing contract that was both fixed price and competitive, the award notice shall indicate that it is “for information purposes only”.
- Regardless of dollar value, if the contract action, including all modifications and orders under task and delivery order contracts as defined in FAR Section 5.703, is not both fixed-price and competitive, the award notice must include the rationale for using other than fixed-price and/or competitive procedures.
- All award notices must include the word as the first word RECOVERY in the Title field prior to the actual title of the award notice. Additionally, to assist with tracking the use of ARRA funds, the Dun and Bradstreet (D&B) D-U-N-S number for the awardee(s) shall be included in all award notices.
- When creating an award notice in FBO, identify whether or not it is a Recovery Act action by selecting the “yes” radio button for the “Is this a Recovery and Reinvestment Act action” field.