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of Engineers®

# ENGINEERING AND CONSTRUCTION BULLETIN

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**Subject:** Assuring Compliance by Architect-Engineering (A-E), Service, Supply and Construction Contractors on Recipient Reporting Requirements for ARRA-Funded Contracts

**Applicability:** Information

1. The purpose of this Engineering and Construction Bulletin (ECB) is to provide information on USACE directions regarding the responsibilities of A-E, service, supply, and construction contractors for recipient reporting for all ARRA funded contracts and required actions of the USACE project delivery team to assure compliance with program and contract requirements.
2. Reference.
  - a. FRAGO #20 to OPERATIONS ORDER 2009-11 (USACE Execution of the ARRA 2009), dated 261500R May 2009. <https://kme.usace.army.mil/CW/EO/default.aspx>
  - b. Army PARC Policy Alert 10-3: Recovery Act Reporting Requirements, dated 1 October 2009.
3. Background. Section 1512 of the American Recovery and Reinvestment Act of 2009 (ARRA) as implemented by FAR 4.1500 and FAR clause 52.204-11 requires recipients of ARRA funds to register promptly on the [www.FederalReporting.gov](http://www.FederalReporting.gov) website and submit to the website a report covering 18 specific data elements regarding their contract and their firm. The prime contractor is also required to report on 10 data elements about first-tier sub-contractors receiving ARRA funds under their prime contract. The interim FAR clause setting forth ARRA reporting requirements must be included in each ARRA-funded contract action (all ARRA-funded acquisitions including new single contract acquisitions, task orders under IDCs, modifications to existing contracts, etc., except for classified procurements and transactions under the micro-purchase threshold). A check for inclusion of appropriate ARRA clauses should be performed during Biddability, Constructibility, Operability, and Environmental (BCOE) reviews and should be discussed at any initial post-award conferences with contractors.
4. Contractor Registration and Reporting. Contractor **registration** must be completed promptly after award of the contract and updated as first-tier sub-contractors are identified. Contractors must **report** during each quarter of the calendar year, even if work has not yet started. Additionally, after work is performed by the registered prime contractor and first-tier subcontractors under ARRA-funded engineering or construction contracts, the reporting data are to be submitted by the contractor not later than 10 calendar days after the end of each quarter of the calendar year during the duration of the contract. The first reporting deadline for contractors was 10 October 2009. The **reporting deadlines** for contractors during CY 2010 are 10 January, 10 April, 10 July, and 10 October. Note that A-E firms funded with ARRA funds to perform planning, design, studies, and investigations also must register promptly and submit quarterly updates. This includes A-E design and/or A-E design-build work. Also, ARRA-funded service contractors performing construction management or other services must register promptly and submit quarterly updates. The intent of

the recipient registration and reporting prescribed by FAR is to identify all employment sustained by the ARRA Stimulus funds. (Note: ARRA-financed Government labor is not reported.)

5. Federal Agency Review. FRAGO #20 (reference a. above) describes the Federal Agency review process for ARRA recipient registration and reporting data. Federal agencies (e.g. USACE) are required by policy to validate recipient registration and recipient reports for compliance, accuracy, and consistency with Federal data on contract awards. In accord with the ARRA policy on Federal Agency Review Process, USACE has data access and the responsibility to monitor, review, and direct contractor correction to the contractor registration and reporting data during a 10 day time period that runs from day 11 to day 21 after the end of each quarter of the calendar year.

6. USACE Status. An initial review in early October 2009 by HQUSACE ARRA program management and contracting staffs indicates that about 65 % of USACE's existing ARRA contractors had registered in [www.FederalReporting.gov](http://www.FederalReporting.gov) and about 7% had successfully submitted recipient reports. The standard is 100% and these low numbers reflect the challenges and the attention required by ARRA contractors and USACE managers to assure compliance with contract requirements outlined in FAR clause 52.204.11. Current USACE progress is available by going to <https://kme.usace.army.mil/CW/EO/default.aspx> and selecting the ARRA Recipient Registration spreadsheet. This spreadsheet lists contractors, by program and district, who have NOT registered.

7. Roles. Compliance with the recipient registration and reporting requirements of ARRA programs is one important part of the overall transparency goal of the Stimulus program. As more of the ARRA program reaches contract award, start up, substantial on-site progress, and contract completion, the critical attention on recipient reporting is increasing proportionally by both the Administration and the Public. Accordingly, program and project managers and contract managers at districts need to closely manage this important feature of the overall ARRA program. Select program managers and contract managers at the district have been notified to become registered on the [www.FederalReporting.gov](http://www.FederalReporting.gov) site in order to access the recipient reporting data for performing the required Federal Agency recipient reviews. On the [www.FederalReporting.gov](http://www.FederalReporting.gov) website there are FAQs and informative You Tube videos that explain how a contractor would fill out his/her report (check out <https://www.federalreporting.gov/federalreporting/downloads.do#webinars> ).

8. Field construction and A-E contract managers are part of the project delivery team and need to take effective steps to help assure compliance. These steps should include asking contractors to submit a paper copy of the [www.FederalReporting.gov](http://www.FederalReporting.gov) screen shot of the contractor's initial completed recipient reporting registration along with their other post-award submittals. Recipient reporting requirements and processes should be discussed during the pre-construction conference and the field office staffs need to ensure that registration of first-tier subcontractors and timely completion of quarterly recipient reporting is addressed as part of the contractor's quality control plan. Additionally, paper copies of the appropriate [www.FederalReporting.gov](http://www.FederalReporting.gov) screen shots of the contractor's quarterly recipient report input could be made a part of their progress payment request process. Contractors should be encouraged to use the Excel spreadsheet option as the method to upload reporting data to the [www.FederalReporting.gov](http://www.FederalReporting.gov) website. This Excel spreadsheet option allows more recipient control in preparing and reviewing their data prior to upload to the website. During contract close-out, CORs must verify that the contractor has completed registration and all quarterly reporting prior to close-out. Effective communication with district program and contract managers on recipient reporting is also vital to success in accomplishing the ARRA programs.

9. HQUSACE contact for this ECB is Jim Lovo, CECW-CE, (202) 761-0505. HQUSACE contact for USACE ARRA recipient reporting is Peter Glycer, CERM-Z, (202) 761-0549. HQUSACE National Contracting Organization contact is Dwight Dukes, CECT-E, (202) 761-4242.

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