



Office of Healthy Homes and Lead Hazard Control
American Recovery and Reinvestment Act (ARRA)
Grantee Reporting and Program Guidance-Appendix



**OHHLHC ARRA Grantee Program Guidance – 2009-01
September 17, 2009**

Dear Recovery Act Grantee:

The American Recovery and Reinvestment Act of 2009 (ARRA or Recovery Act) was enacted in February 2009 in response to the severe economic conditions affecting our Nation. The Recovery Act has five main purposes to improve the economy. They are:

1. To preserve and create jobs and promote economic recovery.
2. To assist those most impacted by the recession.
3. To provide investments needed to increase economic efficiency by spurring technological advances in science and health.
4. To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.
5. To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

As a recipient of Recovery Act funds, you are an integral part of HUD's investment in creating healthy housing, creating jobs, revitalizing and stabilizing neighborhoods, and stimulating economic development. As you implement your healthy homes programs, the Office of Healthy Homes and Lead Hazard Control remains committed to providing you with the necessary guidance and program support to ensure that you succeed. The *Grantee Reporting and Program Guidance* is the first step in our effort to provide you with the tools needed to achieve the goals of ARRA. Updates and additional guidance will be provided as information from OMB and HUD is received.

Purpose of Guidance Material

The Recovery Act requires transparency and accountability in the use of Recovery Act funding with two specific provisions, Section 1512 and Section 1609 in the Act requiring quarterly reporting on the part of agencies and grantees. Recipients of ARRA funds are required to report on the use of these funds and on the status of compliance with the National Environmental Policy Act (NEPA). These two statutory provisions have been supplemented, as directed by the Recovery Act, by guidance issued by the Office of Management and Budget (OMB). The purpose of the Office of Healthy Homes and Lead Hazard Control (OHHLHC) guidance is to provide OHHLHC Recovery Act Grantees with program specific information necessary to effectively implement the reporting requirements included in Section 1512 and Section 1609 as well as other requirements of the Recovery Act.

The Grantee Reporting and Program Guidance document has two parts and an Attachment:

- | | |
|-------------------|--|
| Part 1 | Provides information and details pertaining to Registration and Reporting as required by Section 1512 and 1609 of the Recovery Act |
| Part 2 | Provides grantee program information related to the Quarterly Progress Reporting System (QPRS), ARRA grant agreements and amendments, waivers, Davis-Bacon, and other Recovery Act information |
| Attachment | Reference and resource materials, Sub-recipient/Vendor Determination Worksheet, and other related Recovery Act information |



Part 1- Registration and Reporting

General Overview: Basic Principles and Requirements:

ARRA grantees are required to report Section 1512 and Section 1609 Recovery Act activities using the following data collection systems:

Recovery Act	General Description of Reporting Required	Data Collection System
Section 1512	Recipients and sub-recipients are to report quarterly on: <ul style="list-style-type: none"> • Funding received and expended • Description of projects undertaken and their completion status • Number of jobs created or retained. • Details on payments made to sub-awards or vendors 	FederalReporting.gov
Section 1609	Recipients of HUD Recovery Act funds are to report quarterly on the status of compliance with the National Environmental Policy Act (NEPA) for all Recovery Act funded projects and activities in accordance with HUD’s environmental regulations at: <ul style="list-style-type: none"> • 24 CFR Part 50 • 24 CFR Part 58 Compliance information is to be entered into HUD’s Recovery Act Management and Performance System (RAMPS)	RAMPS
The reporting required by Sections 1512 and 1609 of the Recovery Act does not take the place of the existing reporting requirements of the Office of Healthy Homes and Lead Hazard Control including the Quarterly Progress Reporting System (QPRS), financial reports, or other required reports.		

A. Section 1609 NEPA Registration and Reporting Requirements Using RAMPS

Section 1609 requires agencies to report quarterly on the status of compliance with the National Environmental Policy Act (NEPA) for all Recovery Act-funded projects and activities. In order to provide this information to the Council on Environmental Quality (CEQ), HUD grantees who complete National Environmental Policy Act (NEPA) reviews according to Part 58 must report related data directly into the HUD-administered Recovery Act Management and Performance System (RAMPS). For environmental reviews performed by HUD staff according to Part 50, HUD will report the necessary data directly. Currently, the primary function of RAMPS is to collect required NEPA reporting data.



Office of Healthy Homes and Lead Hazard Control
American Recovery and Reinvestment Act (ARRA)
Grantee Reporting and Program Guidance-Appendix



How will Office of Healthy Homes and Lead Hazard Control ARRA grantees comply with Section 1609 requirements and register and report NEPA data using RAMPS?

OHHLHC ARRA grantees subject to the environmental review requirements found in 24 CFR Part 58 are not required to register or report directly into RAMPS. The designated OHHLHC Program Environmental Clearance Officer and at least one alternate OHHLHC staff person are registered users and will report NEPA related data directly into RAMPS *for each ARRA grant*. Environmental review data is entered into RAMPS after the tiered environmental review, Request for Release of Funds and Environmental Certification is approved. Alternatively, if the responsible entity (unit of government with land use authority of the target area to receive grant assistance) determines that the grant is exempt from environmental review, the OHHLHC Program Environmental Clearance Officer will review the determination, and if properly assessed, approve the written environmental determination and enter the environmental review data into RAMPS.

OHHLHC ARRA grantees subject to environmental review requirements found in 24 CFR Part 50 are not required to register or report directly into RAMPS at this time. The designated OHHLHC Program Environmental Clearance Officer and at least one alternate staff person are registered users and report NEPA related data directly into RAMPS *for each grant-assisted project*. Environmental review data is entered into RAMPS after the form HUD-4128 *Environmental Assessment and Compliance Findings for the Related Laws* worksheet is fully completed. Alternatively, if the OHHLHC Program Environmental Clearance Officer determines that the grant is exempt from environmental review; environmental review data is then entered into RAMPS.

B. Section 1512 Registration and Reporting Requirements Using FederalReporting.gov

Section 1512 of the Recovery Act requires recipients and sub-recipients to report quarterly on the nature of the projects undertaken with Recovery Act funds, the amount of funds expended for these projects (including details on any sub-awards and vendor payments), the completion status for the project and the number of jobs created or retained. This information **MUST** be reported to FederalReporting.gov, the centralized data collection system created by the Office of Management and Budget (OMB) and the Recovery Accountability and Transparency Board (RATB). OMB administers the system.

Who needs to register and report using FederalReporting.gov?

Direct recipients receiving Recovery Act funds must report quarterly to FederalReporting.gov. These prime recipients may require any sub-recipients to report directly to FederalReporting.gov, or may collect sub-recipient data and report it directly. Vendors (as defined by OMB) are exempt from directly reporting into FederalReporting.gov.

****OHHLHC ARRA Grantees ARE NOT to delegate this reporting requirement to sub-recipients but are to collect sub-recipient data and report it to FederalReporting.gov on their behalf.**



Office of Healthy Homes and Lead Hazard Control
American Recovery and Reinvestment Act (ARRA)
Grantee Reporting and Program Guidance-Appendix



OMB provides the following descriptions for Prime Recipients, Sub-recipients, and Vendors:

Prime Recipients – Non-Federal entity that receives Recovery Act funding as Federal awards in the form of grants, loans, or cooperative agreements directly from the Federal government must register to submit reports. Prime Recipients must also track and monitor reporting that has been delegated to their Sub-Recipients.

Subrecipients – Non-Federal entity that expends Federal awards from another entity to carry out a Federal program. Sub-grantees or sub-recipients are awarded Recovery funding through a legal instrument from the prime recipient to support the performance of any portion of the substantive project or program for which the prime recipient received the Recovery funding. Additionally, the terms and conditions of the Federal award are carried forward to the sub-recipient. Users from organizations that receive Recovery Act awards from Prime Recipients and that have been delegated to report on Recovery Act projects by the Prime Recipient must report to FederalReporting.gov. **If your Prime Recipient will be reporting on your behalf, you will not need to register (see page 3).**

Vendors - are entities or individuals from which the prime recipient or sub-recipient procures goods or services needed to carry out the project or program. Vendors are not awarded funds by the same means as sub-recipients and are not subject to the terms and conditions of the federal financial assistance award. Vendors do not register or report using FederalReporting.gov.

How do I determine whether an entity/organization is a sub-recipient or a vendor? What guidance is available to help in the determination? Why is it necessary to determine whether sub-recipients or vendors provide services for the ARRA grant program?

ARRA grantees are to determine whether a sub-recipient or vendor relationship exists for each entity/organization that receives ARRA funds from your organization. (Use the Sub-recipient and Vendor Determination Worksheet in the Attachment to document the relationship that exists)

The following are the most important considerations in determining whether a sub-recipient or vendor relationship exists between an entity/organization and the prime recipient (grantee):

- The characteristics of a Federal award or payment for goods and services
- The terms and conditions of the grant agreement being carried forward
- The use of judgment in making the determination

Since ARRA grantees provide many grant program services through a number of different organizations, the type of relationship that exists between the prime recipient and the entity/organization determines whether the organization/entity is required to register and report using FederalReporting.gov.

This distinction is necessary to ensure that your grant program correctly and accurately reports on FederalReporting.gov and meets other applicable terms and conditions of the grant.



Office of Healthy Homes and Lead Hazard Control
American Recovery and Reinvestment Act (ARRA)
Grantee Reporting and Program Guidance-Appendix



What guidance is available to help ARRA grantees make the distinction?

Based on previous grant program experience, OHHLHC expects that most of the entities/organizations providing services for the grant program will be vendors. (See the Attachment “*Sub-recipient and Vendor Determination Worksheet*” for a list of the types of services that may be provided by your program).

Key provisions of OMB guidance and Circulars on this subject can help ARRA grantees make the correct determination for each organization/entity that provides “goods and/or services” in support of your grant program.

These key provisions of the OMB guidance and Circulars below should be reviewed carefully before making the determination. This determination should be documented using the “Sub-recipient and Vendor Determination Worksheet” in the Attachment.¹

Key Provisions of OMB guidance and Circular A-133 for sub-recipient and vendor determination

Below are key provisions identified from OMB’s guidance and OMB Circular A-133 that factor into consideration in distinguishing whether subrecipients or vendors provide services for your grant program.

Section 2.2 of OMB’s guidance (OMB M-09-21, June 22, 2009) defines a “**vendor**” as a dealer, distributor, merchant or other seller providing goods or services that are required for the conduct of a Federal program. Prime recipients or sub-recipients may purchase goods or services needed to carry out the project or program from vendors. Vendors are not awarded funds by the same means as sub-recipients and are not subject to the terms and conditions of the Federal financial assistance award.

The characteristics of a vendor that make it distinct from a sub-recipient are summarized below. A vendor:

1. Provides the goods and services within normal business operations;
2. Provides similar goods or services to many different purchasers;
3. Operates in a competitive environment;
4. Provides goods or services that are ancillary to the operation of the Federal program; and
5. Is not subject to compliance requirements of the Federal program.

Similarly, but not identical to OMB guidance, is OMB Circular A-133 that defines “subrecipient” as “a non-Federal entity that expends Federal awards received from a pass-through entity to carry out a Federal program, but does not include an individual that is a beneficiary of such a program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

OMB Circular A-133 defines “vendor” as “a dealer, distributor, merchant or other seller providing goods or services that are required for the conduct of a Federal program. These goods or services may be for an organization's own use or for the use of beneficiaries of the Federal program. Additional guidance on distinguishing between a sub-recipient and a vendor is provided in § __.210.

¹ Determinations can be grouped according to the type of service provided by similar entities (e.g. testing firms, or rehabilitation lead-based paint contractors, laboratory services, data collection services, etc.)



Office of Healthy Homes and Lead Hazard Control
American Recovery and Reinvestment Act (ARRA)
Grantee Reporting and Program Guidance-Appendix



Section __.210 provides:

(a) **General.** An auditee may be a recipient, a subrecipient, and a vendor. Federal awards expended as a recipient or a sub-recipient would be subject to audit under this part. The payments received for goods or services provided as a vendor would not be considered Federal awards. The guidance in paragraphs (b) and (c) of this section should be considered in determining whether payments constitute a Federal award or a payment for goods and services.

(b) **Federal award.** Characteristics indicative of a Federal award received by a sub-recipient are when the organization:

- (1) Determines who is eligible to receive what Federal financial assistance;
- (2) Has its performance measured against whether the objectives of the Federal program are met
- (3) Has responsibility for programmatic decision making;
- (4) Has responsibility for adherence to applicable Federal program compliance requirements; and
- (5) Uses the Federal funds to carry out a program of the organization as compared to providing goods or services for a program of the pass-through entity.

(c) **Payment for goods and services.** Characteristics indicative of a payment for goods and services received by a vendor are when the organization:

- (1) Provides the goods and services within normal business operations;
- (2) Provides similar goods or services to many different purchasers;
- (3) Operates in a competitive environment;
- (4) Provides goods or services that are ancillary to the operation of the Federal program; and
- (5) Is not subject to compliance requirements of the Federal program.

(d) **Use of judgment in making determination.** There may be unusual circumstances or exceptions to the listed characteristics. In making the determination of whether a sub-recipient or vendor relationship exists, the substance of the relationship is more important than the form of the agreement. It is not expected that all of the characteristics will be present and judgment should be used in determining whether an entity is a sub-recipient or vendor.

(e) **For-profit sub-recipient.** Since this part does not apply to for-profit sub-recipients, the pass-through entity is responsible for establishing requirements, as necessary, to ensure compliance by for-profit sub-recipients. The contract with the for-profit sub-recipient should describe applicable compliance requirements and the for-profit sub-recipient's compliance responsibility. Methods to ensure compliance for Federal awards made to for-profit sub-recipients may include pre-award audits, monitoring during the contract, and post-award audits.

(f) **Compliance responsibility for vendors.** In most cases, the auditee's compliance responsibility for vendors is only to ensure that the procurement, receipt, and payment for goods and services comply with laws, regulations, and the provisions of contracts or grant agreements. Program compliance requirements normally do not pass through to vendors. However, the auditee is responsible for ensuring compliance for vendor transactions which are structured such that the vendor is responsible for program compliance or the vendor's records must be reviewed to



Office of Healthy Homes and Lead Hazard Control
 American Recovery and Reinvestment Act (ARRA)
 Grantee Reporting and Program Guidance-Appendix



determine program compliance. Also, when these vendor transactions relate to a major program, the scope of the audit shall include determining whether these transactions are in compliance with laws, regulations, and the provisions of contracts or grant agreements.

C. FederalReporting.gov - Registration Requirements:

On August 14, 2009 ARRA grantees were instructed to register on the FederalReporting.gov website www.FederalReporting.gov. **Registration began on Monday, August 17, 2009**, and OHHLHC ARRA grantees were expected to register before the October 10, 2009, deadline date for the submission of the initial quarterly report in compliance with Section 1512 of the Recovery Act.

If you have not yet registered, you will need to have a Data Universal Numbering System (DUNS) number and Central Contractor Registration (CCR) registration before you can register on www.FederalReporting.gov. If you do not have a DUNS or CCR registration, you will first need to register for these before you can be registered for FederalReporting.gov. The chart below provides the necessary information to obtain a DUNS number and CCR registration.

**Section 1512 Registration Requirements
 FederalReporting.gov**

Registration Requirements FederalReporting.gov	If a DUNS Number of CCR Registration Required Prior to FedReporting.gov Registration	Time Frame to Complete
DUNS Number	To obtain a DUNS number please visit the Duns and Bradstreet website: www.dnb.com/us/ and register under the tab “ <i>D&B D-U-N-S Number</i> ”	1-2 days
Central Contractor Registration (CCR)	For CCR Registration please visit: www.bpn.gov/ccr/ and on the right hand side of the screen for New CCR users, click “ <i>Start New Registration</i> ”. You will need to provide the following: <ul style="list-style-type: none"> • DUNS number • Taxpayer or Employer ID Number (TIN/EIN) • Statistical Information about your business • Other information (Electronic funds transfer, information for invoice payments, etc) More complete descriptions of these requirements are available on the website	Up to 2 days (if required data available) Up to 8 days (if new TIN/EIN needed)
Valid Email Address		

If you have a DUNS number, your CCR registration and a valid email address you can register at www.FederalReporting.gov.



Office of Healthy Homes and Lead Hazard Control
American Recovery and Reinvestment Act (ARRA)
Grantee Reporting and Program Guidance-Appendix



Can other individuals within my organization register and use FederalReporting.gov?

Yes. However, if multiple individuals will register, we encourage you to carefully coordinate and control access and use of the site within your organization so that report submissions and corrections made to submitted reports are clearly assigned responsibilities.

Confirmation of Registration for FederalReporting.gov

Once you have your DUNS number, Central Contractor Registration (CCR) and a valid email address submit your registration at www.FederalReporting.gov. You will receive a confirmation email* with a temporary password and logon instructions if your registration is successful.

***Please inform your GTR and Healthy Homes Representative of your successful registration(s).**

D. Reporting Recipient Data (Data Model 3.0)²

What needs to be reported using FederalReporting.gov?

OHHLHC ARRA Grantees are required by Section 1512 of the Recovery Act to provide the following information and data on FederalReporting.gov:

- The amount of Recovery Act dollars received and expended
- A description of the projects or activities being funded with Recovery Act dollars
- The completion status of the projects or activities funded with Recovery Act dollars
- The impact that Recovery Act dollars have on job creation and retention

How will an ARRA Grantee submit reports to FederalReporting.gov?

FederalReporting.gov will allow three basic methods for submitting reports online. They are:

1. Online data entry in the Web browser
2. Excel spreadsheet
3. Custom software system extract in XML (extensible markup language)

Specific details and downloads for the excel spreadsheet and XML schema is available on the website: www.FederalReporting.gov

Please note that all upload submissions require an “FRPIN”. You will need to log into the system and click "Request FRPIN" to obtain your DUNS FRPIN.

Sample Excel spreadsheets for the Lead-Based Paint Hazard Control Program, the Lead Hazard Reduction Demonstration Program, the Healthy Homes Demonstration Program and the Healthy Homes Technical Studies Program can be accessed on the OHHLHC ARRA Website (<http://www.hud.gov/offices/lead/arra.cfm>).

² This model is intended for use for the quarter ending September 30, 2009. This model and the report submission templates may not be wholly applicable to future reporting cycles. ARRA grantees will be provided guidance and updates in the event there are changes in future reporting requirements.



What data elements will I specifically be required to submit for reporting under the Recovery Act?

FederalReporting.gov will collect approximately 80 data elements. Most of these elements focus on funding amounts, project details, and job creation. Some of these data elements may be optional. The complete list of data elements can be viewed by viewing and/or downloading the [Data Dictionary](#).

How do I report on Jobs Created or Retained?

Recovery Act grantees are to report on the number of jobs created and jobs retained to support or carry out Recovery Act projects and activities. ARRA grantees are to include the number of jobs created and retained by sub-recipients and vendors. Jobs created or retained are defined as:

Jobs Created – New positions created and filled, or previously existing unfilled positions that are filled, as a result of Recovery Act funding.

Jobs or Positions Retained – Previously existing filled positions that are retained as a result of Recovery Act funding.

- Descriptions may rely on job titles, broader labor categories, or the recipients existing practice for describing jobs as long as the terms used are widely understood and explain the general nature of the work.
- A job cannot be reported as both created and retained.

The number of jobs created and retained shall be expressed as “full-time equivalent” (FTE).

*****OMB is to provide with additional reporting instructions for documenting the number of jobs created or retained. OHHLHC will provide ARRA grantees with this information as soon as it is available.³**

E. Section 1512 FederalReporting.gov Reporting Due Dates and Data Review Process

Grantees are required to report their *cumulative*⁴ data on a quarterly basis, with the initial report due no later than October 10, 2009, for the calendar year period ending September 30, 2009. ARRA grantees will report on activities for each subsequent quarter throughout their 36 month period of performance.

Report deadline dates for each calendar year quarter: **January 10, April 10, July 10, and October 10.**

Note: ARRA grantees should begin entering data as soon as possible after the end of the previous quarter and not wait until the deadline due date to submit their report. Reporting using FederalReporting.gov can begin on the first day after the end of the previous quarter.

The information on the next page provides the details of the timeline and activities that will be followed for the initial and subsequent review of the data submitted online each quarter at FederalReporting.gov:

³ As of September 17, 2009, the OMB guidance is not available.

⁴ To include the cumulative data as reported in the July 10, 2009, ARRA QPRS Report



<u>Time Line</u>	<u>Activity</u>
1-10 days after end of quarter	Prime Recipients (ARRA Grantee) and Sub-recipients (if applicable) submit report to FederalReporting.gov.
11- 21 days after end of quarter	Prime Recipients (ARRA Grantee) review data submitted and make corrections.
22 - 29 days after end of quarter	HUD and OHHLHC will review the data submitted and make comments and recommendations for corrections. Recipients are to make the corrections.
30 days after end of quarter	Recipient (ARRA Grantee) report is published on Recovery.gov.

F. Key Recovery Act Benchmark

The Recovery Act has specific 50% and 100% expenditure benchmarks for funds awarded. They are:

1. Recipients of Recovery Act funds “shall expend at least 50 percent of the funds...within 2 years of the date on which funds became available...”*
2. Recipients of Recovery Act funds are to “expend 100 percent of such funds within 3 years of such date.”

** The Recovery Act also provides that, “If the recipient fails to comply with the 2 year expenditure requirement the Secretary shall recapture all remaining funds awarded to the recipient and reallocate such funds to recipients that are in compliance with those requirements.”*

G. Resources and Support for Entering Data Using FederalReporting.gov website:

Grantees and sub-recipients should take full advantage of the resources available to meet the requirements for reporting data on job creation, funding expenditures and program activities using the www.FederalReporting.gov website. Below is a synopsis of the available resources available to help you in registering and reporting ARRA data in FederalReporting.gov. Specific resource links for each of the Webinars and Recovery Act Reporting is included in the Attachment.

Webinars and FAQs

Recipients of ARRA funds can familiarize themselves with FederalReporting.gov reporting by viewing training webinars posted on the White House website:
www.whitehouse.gov/Recovery/WebinarTrainingMaterials/

Each of the 7 webinars includes an audio file and power point presentation with screen shots and specific instructions for agency, prime recipient and sub-recipient users. You are strongly encouraged to familiarize yourself with these materials in advance of the reporting deadline of Saturday October 10, 2009 (firm date)



Office of Healthy Homes and Lead Hazard Control
 American Recovery and Reinvestment Act (ARRA)
 Grantee Reporting and Program Guidance-Appendix



There are also FAQs published on: www.whitehouse.gov/omb/recovery_faqs where you should read these to become familiar with the reporting requirements and processes.

HUD Recovery Act Information

Additional information on HUD Recovery Act reporting can be obtained by visiting the HUD Recovery Act Reporting Home Page: <http://www.HUD.gov/RECOVERY/Reporting>. Questions pertaining to reporting can also be directed to: Reportinghelp@hud.gov.

Office of Healthy Homes and Lead Hazard Control ARRA Webpage
<http://www.hud.gov/offices/lead/arra.cfm>

ARRA grantees should visit the OHHLHC website to obtain the most recent updates of information related to the Recovery Act, OMB Memoranda, and additional guidance developed to assist you in implementing your program, in meeting benchmark milestones, and in completing required reports.

H. Troubleshooting and Support

As the administrators of FederalReporting.gov, OMB will provide technical support for users experiencing difficulty navigating the site. HUD does not have administrative access to the system and therefore will be unable to answer technical questions about the system. If you need help with registering as a user, submitting a report, reviewing a report, or other website functions, contact the FederalReporting.gov Service Desk. Please visit: www.federalreporting.gov/federalreporting/help.do for assistance or contact the Service Desk directly.

FederalReporting.gov Service Desk Information

- Phone: 877-508-7386 (toll free)
- TTY: 877-881-5186 (toll free)
- Email: Support@FederalReporting.gov
- Live Chat:
<https://server.iad.liveperson.net/hc/35342396/?cmd=file&file=visitorWantsToChat&site=35342396&byhref=1&imageUrl=https://server.iad.liveperson.net/hcp/Gallery/ChatButton-Gallery/English/General/1a/>

Service Desk Hours of Operation

The service desk hours of operation will vary according to the schedule below:

Begin Date	End Date	Hours (EST)	Days / Week
August 17, 2009	September 30, 2009	7 AM - 9 PM ET	Monday – Friday
October 1, 2009	October 31, 2009	24 Hours	7 days/week
November 1, 2009	December 31, 2009	8 AM - 6 PM ET	Monday – Friday
January 1, 2010	January 21, 2010	24 Hours	7 days/week
January 22, 2010	March 31, 2010	8 AM - 6 PM ET	Monday – Friday
April 1, 2010	April 21, 2010	24 Hours	7 days/week
April 22, 2010	June 30, 2010	8 AM - 6 PM ET	Monday - Friday



Office of Healthy Homes and Lead Hazard Control
American Recovery and Reinvestment Act (ARRA)
Grantee Reporting and Program Guidance-Appendix



Office of Healthy Homes and Lead Hazard Control

OHHLHC will provide additional program support to resolve programmatic questions pertaining to using FederalReporting.gov and RAMPS, as well as address other issues or questions related to the Recovery Act and your grant program. Please contact your Healthy Homes Representative and/or GTR for any questions you have. You may also send questions or concerns to: ARRA-HealthyHomes@hud.gov.

To ensure that your question can be directed to the appropriate person for a response, please include in the subject line: Your ARRA Grant # , Organization Name, and general topic description. For example:

Subject: ARRA Grant WALHB12345-08, Healthy Homes Program, RE: (e.g. 1512 Reporting, RAMPS, Davis Bacon, sub-recipient-vendor determination etc.)



PART 2 – Program Specific Guidance

In addition to the guidance provided in Part 1 regarding Registration and Reporting as required by Section 1512 and 1609 of the Recovery Act, OHHLHC is providing additional program information related to the ARRA grant program. The following program topics are included in this part of the guidance:

- Grant Agreement – Amendments
- Quarterly Progress Reporting System and Other Reports
- Waiver Requests
- Davis-Bacon Act
- Signage for Projects and Activities

A. Grant Agreement – Amendments

The OHHLHC will review your grant agreement to identify areas where amendments may be necessary as a result of OMB Recovery Act Guidance M-09-21 issued on June 22, 2009 (after your grant agreement was executed). OHHLHC will also review OMB Recovery Act Guidance M-09-15 issued on April 3, 2009 (issued around the time that your grant was executed). After the review is completed, OHHLHC will advise you of what amendments may be necessary.

B. Quarterly Progress Reporting System (QPRS) and Other Reporting Requirements

The reporting required by Sections 1512 and 1609 of the Recovery Act **does not** replace the existing reporting requirements of the Office of Healthy Homes and Lead Hazard Control as identified in your grant agreement. Therefore, the Quarterly Progress Reporting System (QPRS), financial status reports, the Section 3 Report, or other required reports are to be completed according to the established timelines.

C. Waiver Requests

The Recovery Act provides the Secretary with the authority to grant waivers: Specifically:

“The Secretary, in administering appropriated funds under the Recovery Act may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation by the Secretary of the use of these funds (except for requirements related to fair housing, labor standards, and the environment) upon a finding that such a waiver is necessary to expedite or facilitate the use of such funds.”

1. ARRA Lead Hazard Control and Lead Hazard Reduction grantees may request a waiver to eliminate certain income and occupancy requirements under Section 1011. Grantees must provide adequate justification in making the waiver request. The waiver, if granted, will:
 - a. Eliminate the requirement in Section 1011(a)(1) to have at least 50 percent of the rental units be rented by families or made available to families with incomes at or below 50 percent of the area median income, if it demonstrates that this waiver will streamline its enrollment procedures and reduce its overall timeframe to complete lead hazard control in housing units;



Office of Healthy Homes and Lead Hazard Control
American Recovery and Reinvestment Act (ARRA)
Grantee Reporting and Program Guidance-Appendix



b. Reduce the occupancy requirement in Section 1011(a)(2) that, after lead hazard control work, 90 percent of the units assisted with grants under this section be occupied by a child under the age of six years or be units where a child under the age of six years spends a significant amount of time visiting, to 60% for vacant owner-occupied housing, if it demonstrates that this waiver will, in the target area of the grant, facilitate implementation of the Neighborhood Stabilization Program and/or encourage leveraging of funds for implementing the Lead Safe Housing Rule (24 CFR 35, subparts B – R) in other programs that control lead hazards in foreclosed and otherwise vacant housing.

Written requests for either or both waivers must be made by the authorized organizational representative of the ARRA grantee and are to be sent to:

Ms. Michelle M. Miller
Director, Programs Division
Office of Healthy Homes and Lead Hazard Control
451 Seventh Street, SW Room 8236
Washington, DC 20410-3000

The request must include the name of the grantee as shown in the grant award document, the grant number, and a summary and documentary support for the factual and programmatic basis for the request.

Eligible ARRA grantees that wish to request both waivers for a specific grant must include both requests in a single letter. Jurisdictions with more than one eligible grant that wish to request waiver(s) for more than one grant must do so in a separate letter for each such grant. The OHHLHC will respond to requests within 20 days of receipt.

2. OHHLHC is aware of the additional administrative burden on grantees in implementing Recovery Act reporting and other requirements for their program and has requested waiver authority for ARRA lead hazard control grantees of the 10% statutory cap (under the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X; Pub. L. 102-550)) on administrative costs. If the waiver is granted, the administrative cost limit may be raised to 15%. OHHLHC will keep ARRA lead hazard control grantees informed of the status of the waiver request. The administrative cost for ARRA healthy homes grants is not limited by statute, but by the applicable Notice of Funding Availability, so the OHHLHC will be issuing its own waiver determination for these grants.

D. Davis-Bacon Act

Section 1606 of the American Recovery and Reinvestment Act of 2009 (ARRA) requires OHHLHC grantees to comply with the prevailing wages established under the Davis-Bacon Act (40 USC 31) for the area in which your grant is focused. Your grant’s “Terms and Conditions” stipulate this added requirement (HUD 1044). The Davis-Bacon and Related Acts (DBRA) requires all contractors and subcontractors performing work on federal or District of Columbia *construction contracts*, or federally-assisted contracts in excess of \$2,000, to pay their laborers and mechanics not less than the prevailing wage rates and fringe benefits for corresponding classes of laborers and mechanics employed on similar projects in the area. The prevailing wage rates and fringe benefits are determined by the Secretary of Labor for inclusion in covered contracts.



Office of Healthy Homes and Lead Hazard Control American Recovery and Reinvestment Act (ARRA) Grantee Reporting and Program Guidance-Appendix



Office of Healthy Homes and Lead Hazard Control (OHHLHC) grantees have historically not been covered by the DBRA. Because the ARRA requires lead hazard control grantees to comply with Davis-Bacon, this guidance will assist your grant program in complying with these requirements. OHHLHC understands that compliance with Davis-Bacon may result in increased per-unit costs and other unforeseen administrative costs, and, therefore, will affect your budgets. In this case, once you have determined the impact of Davis-Bacon compliance upon your program, you are advised to contact your Healthy Homes Field Representative (HHR) and Government Technical Representative (GTR) to establish new program benchmarks and budget.

It is important to note that OHHLHC grantees must still comply with requirements stipulated under the FY2008 NOFA, such as the requirement that a minimum percentage of funds must be used on direct lead hazard control activities, in accordance with the NOFA, and no more than 10% may be used on administrative costs. Your HHR and GTR will work with you to revise your work plan and associated budget to ensure that you have a viable program. For recipients of Healthy Homes Demonstration and Healthy Homes Technical Studies grants, the requirement to comply with the DBRA will depend upon the nature of work being conducted. Typically, since the DBRA applies to construction laborers and mechanics, whether a specific activity is covered under DBRA will vary. OHHLHC advises you to consult with your local labor relations specialist to discuss the extent and nature of your project. Some, or all, of your grant's activities may be exempt from DBRA. Labor Relations staff can assist you in making that determination; do not assume your grant is exempt. Contact information for HUD's Labor Relations staff in your area is provided at www.hud.gov/offices/olr/laborrelstf.cfm.

Taking the First Step

The first step to take in complying with Davis-Bacon is to become familiar with resources available. OHHLHC has a Davis-Bacon Resource page (www.hud.gov/offices/lead/recovery/davis-bacon.cfm) for ARRA grantees, where documents, required forms, and links to helpful websites are provided.

There are also other resources available in your local government and community that will be able to assist you. Your local Community Block Grant (CDBG) Administrator and HUD Labor Relations Specialists in each region are available to help you gain familiarity with Davis-Bacon's requirements and assist you in meeting Davis-Bacon requirements. HUD Labor Relations Specialists in each region can be located at www.hud.gov/offices/olr/laborrelstf.cfm.

The Davis-Bacon Wage Determination Process

ARRA grantees must determine prevailing wages to be paid for lead hazard control work *prior to* bidding that work. The following is an overview of the process that is to be followed to determine the prevailing wages in the community where work will be conducted.

Because Davis-Bacon is concerned with establishing the minimum prevailing wages for your community, you will want to know what those wages are for lead hazard control projects. Some communities already have wage determinations for "lead abatement workers" or some other labor category specifically applicable to lead paint remediation activities. However, many communities do not have these categories established. The first thing to do is visit the Department of Labor's (DOL) "Wage Determination" website for Davis-Bacon.

The Wage Determination Online website is located at www.wdol.gov. On the main page, select “Selecting DBA WDs” from the center column “Davis-Bacon Act”. The URL for this page is www.wdol.gov/dba.aspx.

Follow the steps below:

1. Select your state.
2. Select your county (if working in more than one county, you may either identify a state-wide wage rate or use wage rates for each county in which you will be working).
3. Under the “Construction Type” pull-down, select either “Residential” or “Building.”
 - a. If you are working in a building with FOUR OR LESS floors, select “**Residential.**”
 - b. If you are working in a building with FIVE OR MORE floors, select “**Building.**”
 - c. This selection is not based on the particular floor the work occurs on, but the size of the structure.
4. Now select “**Search.**” You will be shown all the wage determinations for established labor categories.
5. Scroll through this list and locate the applicable lead hazard control wage category for your work location, if one exists.
 - a. For example, in Orange County, NY, the wage category for “Lead Abatement Worker” is already established. You will follow the wage and fringe determinations when bidding your lead project. When your community has an established wage category for lead painter/laborer or lead abatement worker, or some other applicable labor category, you will be able to process with bidding out your projects.
 - b. If your locale does NOT have an existing labor category for “lead paint” worker, or other applicable labor category, you will select either “painter”, “carpenter” or “laborer” as the labor category. Use whatever makes most sense based on the type of work being done in the unit.

Activities Subject to Davis-Bacon

Only actual construction activities fall under the Davis-Bacon prevailing wage requirements, such as those commonly associated with lead-based paint hazard control. Associated non-construction activities are not subject to DBRA. For example, risk assessments, lead inspections, staff used in the relocation of occupants, carpet cleaning, installation of smoke/carbon monoxide detectors and so forth, are exempt from Davis-Bacon prevailing wage compliance. A word of caution: since the applicability under DBRA is new for OHHLHC and grantees alike, you are advised to contact your local HUD Labor Relations Specialist in your region (contact information on the website) before making any assumptions.

Frequently Asked Questions: Davis-Bacon’s Impact on OHHLHC Programs

Reporting: Davis-Bacon will increase the amount of reporting your program must perform. Take this into consideration when discussing any work plan/budget revisions with OHHLHC staff. Specific details about reporting requirements are contained in “Making Davis-Bacon Work: A Practical Guide for States,



Office of Healthy Homes and Lead Hazard Control
American Recovery and Reinvestment Act (ARRA)
Grantee Reporting and Program Guidance-Appendix



Indian Tribes and Local Agencies” (on the Resource website), but your local HUD Labor Relations contact will be able to guide you through this, as well.

State Prevailing Wages: If your State has issued prevailing wage requirements for lead hazard control work, and those prevailing wages are higher than the Davis-Bacon prevailing wage, you must use the higher of the two wages. However, you must obtain a wage determination from the DOL website regardless, and not from your state’s labor department alone.

Exemptions and Unit Thresholds: Davis-Bacon requirements are applicable to ALL housing units for which OHHLHC ARRA funds in excess of \$2,000 will be spent. When OHHLHC funds are used in part or in whole with other program funds that are exempt from ARRA requirements for the DBRA (e.g., some CDBG and HOME funds), DBRA prevailing wages must be complied with for ALL funds used in the project. This requirement applies not only to the lead hazard control work, but also extends to the work being done using CDBG and/or HOME funds.

E. Signage Identifying Recovery Act Funded Projects and Materials

One of the critical goals in implementing Recovery Act-funded programs is transparency. In support of that goal, we encourage ARRA grant recipients to identify and HUD Recovery-funded projects or materials, to the extent possible and reasonable, with clear signage. Although this is not a requirement, we are recommending that you consider placing signage on ARRA. This is not a HUD requirement, however it is suggested.

In order to facilitate this request; we have provided, as an attachment to the electronic transmission of the guidance material to the OHHLHC ARRA grantees, the 2 PDF files to be used as resources in this process. OHHLHC is also including these files on the OHHLHC ARRA webpage.

- A sample signage graphic, in which you can add partner and project info and print to desired size using desired materials; and
- A sample decal graphic which can be printed and added to existing signage.

Please use past practice for labeling HUD-funded projects, as well as grant guidelines and your own judgment to inform your decision about where and how to post signs.

If you plan on placing the American Recovery and Reinvestment Act logo on publications and brochures you can download the logo (4 file formats) at: arts.endow.gov/manageaward/logos/ARRAlogo.html



Attachments



Office of Healthy Homes and Lead Hazard Control
American Recovery and Reinvestment Act (ARRA)
Grantee Reporting and Program Guidance-Appendix



A. Selected Definitions

Jobs Created – New positions created and filled, or previously existing unfilled positions that are filled, as a result of Recovery Act funding.

Jobs or Positions Retained – Previously existing filled positions that are retained as a result of Recovery Act funding.

- Descriptions may rely on job titles, broader labor categories, or the recipients existing practice for describing jobs as long as the terms used are widely understood and explain the general nature of the work.
- A job cannot be reported as both created and retained,

Prime Recipient/Grantee: Non-Federal entity that receives Recovery Act funding as Federal awards in the form of grants, loans, or cooperative agreements directly from the Federal government

Sub-recipients/Sub-grantees: Non-Federal entity that expends Federal awards from another entity to carry out a Federal program. Sub-grantees or sub-recipients are awarded Recovery funding through a legal instrument from the prime recipient to support the performance of any portion of the substantive project or program for which the prime recipient received the Recovery funding. This sub-award could be in the form of a sub-grant or sub-contract, but it is not considered a “federal government contract,” as it is not awarded directly by a Federal agency. Additionally, the terms and conditions of the Federal award are carried forward to the sub-recipient.

Vendors are entities (dealer, distributor, merchant or other seller) providing goods or services that is required for the conduct of a Federal program. “Prime Recipients or sub-recipients may purchase goods or services needed to carry out the project or program from vendors.” Vendors are not awarded funds by the same means as sub-recipients and are not subject to the terms and conditions of the federal financial assistance award.

Source: Implementing Guidance for the Reports on Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009 (OMB M-09-21, June 22, 2009)

Additional information on the characteristics of sub-recipients and vendors are found in OMB Circular A-133 §____.210. Sub-recipient and vendor determinations.

<http://www.whitehouse.gov/omb/assets/omb/circulars/a133/a133.pdf>

B. References and Resources:

HUD Recovery Act Reporting Home Page

<http://www.hud.gov/recovery/reporting>

HUD Recovery Act – Fact Sheet

http://portal.hud.gov/portal/page/portal/RECOVERY/REPORTING_RESOURCES/ARRA_Reporting_Fact_Sheet.pdf



Office of Healthy Homes and Lead Hazard Control
American Recovery and Reinvestment Act (ARRA)
Grantee Reporting and Program Guidance-Appendix



RAMPS

Additional information on RAMPS is also available on HUD's Recovery Act website under the "Reporting" tab: www.hud.gov/recovery

OMB FY 2009 Memoranda

<http://www.whitehouse.gov/omb/memoranda/>

The relevant Recovery Act related OMB Memoranda

- [M-09-21, Implementing Guidance for the Reports on Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009](#) (June 22, 2009) (41 pages, 551 kb)
 - [Supplement 1, List of Programs Subject to Recipient Reporting](#) (15 pages, 168 kb)
 - [Supplement 2, Recipient Reporting Data Model](#) (22 pages, 211 kb)
- [M-09-15, Updated Implementing Guidance for the American Recovery and Reinvestment Act of 2009](#) (April 3, 2009) (175 pages, 1,588 kb)
- [M-09-10, Initial Implementing Guidance for the American Recovery and Reinvestment Act of 2009](#) (February 18, 2009) (62 pages, 547 kb)

C. Sub-recipient and Vendor Determination Worksheet

The Sub-recipient and Vendor Determination Worksheet is designed to document the relationship that exists between your organization and the organizations/entities that provide grant program services for your program. Please complete the Sub-recipient and Vendor Determination Worksheet for the types of organizations/entities providing these services. Maintain a copy of the worksheet and any documentation supporting your determination for your files. Please send a copy of the signed worksheet to: ARRA-HealthyHomes@hud.gov by Monday September 28, 2009 with the following information in the subject line:

Subject: ARRA-Grant #, Organization/Program Name, RE: Submission of the signed Sub-recipient and Vendor Determination Worksheet

The signed copy of the Sub-recipient and Vendor Determination Worksheet will be included in the Government Technical Representative (GTR) and Grant Officer files.



Office of Healthy Homes and Lead Hazard Control
 American Recovery and Reinvestment Act (ARRA)
 Grantee Reporting and Program Guidance-Appendix



Grantee Organization:		Grant Number:	
Sub-recipient and Vendor Determination Worksheet			
Type of Organization/Entity*	Service(s) Provided*	Sub-recipient	Vendor
Federal Award Characteristics indicative of a Federal award received by a sub-recipient are when the organization: (1) Determines who is eligible to receive what Federal financial assistance; (2) Has its performance measured against whether the objectives of the Federal program are met (3) Has responsibility for programmatic decision making; (4) Has responsibility for adherence to applicable Federal program compliance requirements; and (5) Uses the Federal funds to carry out a program of the organization as compared to providing goods or services for a program of the pass-through entity.		Payment for Goods and Services Characteristics indicative of a payment for goods and services received by a vendor are when the organization: (1) Provides the goods and services within normal business operations; (2) Provides similar goods or services to many different purchasers; (3) Operates in a competitive environment; (4) Provides goods or services that are ancillary to the operation of the Federal program; and (5) Is not subject to compliance requirements of the Federal program.	

*The services provided to the prime recipient (or if applicable to sub-recipients) may include but is not limited to the following types of entities/organizations:

- Testing firms (inspections, risk assessments, environmental sample collection, etc)
- Lead abatement contractors and/or similar entities (rehabilitation contractors, remodelers, renovators, painters, and cleaning services, etc)
- Education, outreach, intake, enrollment, quality assurance, or client follow-up,
- Services provided by community-based organizations, non-profits, etc.
- Laboratory analytical services (blood, environmental and other sampling)
- Training/Skill Development
- Data collection services
- Goods and services obtained in support of the program

Typically, ARRA grantees obtain services to perform certain activities related to the overall program. These services are generally obtained through a procurement process using contracts, purchase orders or other instruments.

Based on the review of the types of organizations/entities that provide services for our program, the characteristics of the payment for their services, and our judgment, we have determined that the relationship documented above exists.

_____ Name (Signature) Title	_____ Date
Note: Please maintain a copy of the worksheet and any back up documentation for your files. Send a copy of the signed worksheet to: ARRA-HealthyHomes@hud.gov – See instructions for submission on Page 20.	



Office of Healthy Homes and Lead Hazard Control
American Recovery and Reinvestment Act (ARRA)
Grantee Reporting and Program Guidance-Appendix



RECOVERY.GOV AND OMB WEBSITE INFORMATION

RECIPIENT REPORTING INFORMATION:

http://www.recovery.gov/FAQ/recipient/Pages/Recipient_Reporting.aspx

<https://www.federalreporting.gov/federalreporting/home.do?recipient>

Recipients of funds received under the Recovery Act may now register at www.federalreporting.gov. For registration assistance, download the registration guides, guidance, reporting documents, and FAQs issued to date.

The following resources are available on the Recipient Reporting website at Recovery.gov

- Registration Quick Reference Card
- Registration Guide
- Recipient Point of Contact Guide
- Registration Guide (Accessible)
- Recipient Point of Contact Guide (Accessible)
- XML Schema - A standard structure for machine-to-machine transfer of data
- Excel Spreadsheet Templates (Revised 8/14/2009) – These allow for manual data entry

[Office of Management and Budget Guidance on Reporting](#)

[Office of Management and Budget Clarification of M-09-21 Guidance](#)

[Data Dictionary](#) – Data elements that recipients will report from October 1, 2009 to October 10, 2009

[Recipient FAQs](#) – Answers to Frequently Asked Questions



Office of Healthy Homes and Lead Hazard Control American Recovery and Reinvestment Act (ARRA) Grantee Reporting and Program Guidance-Appendix



Recovery Act - Webinar Training Materials: www.whitehouse.gov/Recovery/WebinarTrainingMaterials/

To ensure that the public receives as much information as possible on the implementation of the American Recovery and Reinvestment Act (ARRA), Federal Agencies and recipients of ARRA funding are required to report dozens of data elements. Because such a wide variety of information is required – and since some elements are being reported for the first time – the Office of Management and Budget (OMB) prepared a series of webinars to train Federal Agencies and recipients of ARRA funding on how to comply with their reporting responsibilities. This series – "Implementing Guidance for the Reports on Use of Funds Pursuant to the American Reinvestment and Recovery Act of 2009" – is divided into 7 parts:

General Overview

The first webinar in the series summarizes the reporting requirements and sets the stage for the rest of the series. *Presentation was held on July 20, 2009.*

[Download the Audio File \(mp3\)](#) | [Download the Presentation \(PDF\)](#)

Basic Principles and Requirements of Recovery Act Recipient Reporting

The second webinar explains the responsibilities of recipients of ARRA funding as well as how to calculate and report Job Creation Estimates.

Presentation was held on July 20, 2009.

[Download the Audio File \(mp3\)](#) | [Download the Presentation \(PDF\)](#)

Recipient Reporting Process Overview

The third webinar provides an overview of the technical solutions and required data elements for reporting on ARRA funds.

Presentation was held on July 21, 2009.

[Download the Audio File \(mp3\)](#) | [Download the Presentation \(PDF\)](#)

Federal Agency Report Review

The fourth webinar explains the technical solutions, data elements, and key aspects of ARRA reporting from the perspective of a Federal Agency.

Presentation was held on July 21, 2009.

[Download the Audio File \(mp3\)](#) | [Download the Presentation \(PDF\)](#)

Prime Recipient Reporting

The fifth webinar explains the technical solutions, data elements, and key aspects of ARRA reporting from the perspective of a Prime Recipient.

Presentation was held on July 22, 2009.

[Download the Audio File \(mp3\)](#) | [Download the Presentation \(PDF\)](#)

Sub-Recipient Reporting

The sixth webinar explains the technical solutions, data elements, and key aspects of ARRA reporting from the perspective of a Sub-Recipient.

Presentation was held on July 22, 2009.

[Download the Audio File \(mp3\)](#) | [Download the Presentation \(PDF\)](#)

Data Quality Requirements

The seventh webinar explains the procedures that ensure all submitted data is accurate.

Presentation was held on July 23, 2009.

[Download the Audio File \(mp3\)](#) | [Download the Presentation \(PDF\)](#)