



## **POLICY FLASH 2010-11**

DATE: November 12, 2009

TO: Procurement Directors

FROM: Office of Procurement and Assistance Policy, MA-61  
Office of Procurement and Assistance Management

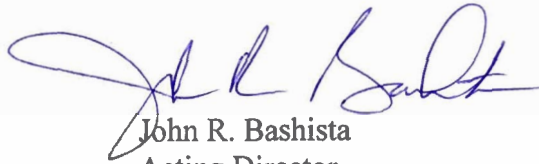
SUBJECT: Davis-Bacon Award Term for Financial Assistance Awards under the American Recovery and Reinvestment Act (ARRA) of 2009

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

To implement this requirement, OMB issued an award term that requires the inclusion of 29 CFR 5.5 into all financial assistance awards. DOE worked with the Department of Labor to craft 29 CFR 5.5 into an award term that reflects financial assistance awards instead of contracts. The attached award term should be used in all grants, cooperative agreements, and technology investment agreements, except for Weatherization (Weatherization has its own award term), that funding under ARRA. The award term is being added to STRIPES.

This flash and its attachment will be made available online at the following website:  
[http://www.management.energy.gov/policy\\_guidance/policy\\_flashes.htm](http://www.management.energy.gov/policy_guidance/policy_flashes.htm).

Questions concerning this policy flash should be directed to Jackie Kniskern at (202) 287-1342 or [jacqueline.kniskern@hq.doe.gov](mailto:jacqueline.kniskern@hq.doe.gov).



John R. Bashista  
Acting Director  
Office of Procurement and  
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Attachment