

Table of Contents

PART I: GENERAL PROVISIONS	4
A. Construction Award Purpose	4
B. Authorities.....	4
1. In General.....	4
2. PWEDA	4
3. EDA Regulations	4
4. Conflicts Among Authorities	4
C. Updates to Authorities.....	4
1. Updates to Regulations and Requirements	4
2. Applicability to the Award.....	5
D. Variances	5
E. Recipient as Trustee.....	5
F. Additional Funding.....	5
G. Definitions	5
H. Reaffirmation of Application and Award Acceptance.....	5
PART II: SPECIAL REQUIREMENTS FOR EDA CONSTRUCTION PROJECTS	7
A. Financial Requirements	7
1. Financial Reports	7
2. Disbursements.....	7
3. Federal and Non-Federal Cost Sharing	8
4. Budget Revisions and Transfer of Funds	8
5. Indirect Costs and Facilities and Administrative Costs	9
6. Incurring Costs Prior to Award.....	10
7. Program Income.....	10
B. Programmatic Requirements	10
1. Project Progress and Performance Reporting	10
2. Time Extensions.....	11
3. Interim Reporting of Significant Project Developments.....	12
4. Programmatic Changes	12
5. Government Performance and Results Act	12
6. Beneficiary Compliance.....	13
7. Hold Harmless	13
8. Prohibition on Use of Third Parties to Secure Award.....	13
9. Payment of Attorneys' or Consultants' Fees	13
10. Recipient's Duty to Refrain from Employing Certain Government Employees.....	13
11. Commencement of Construction	14
12. Project Sign and Use of EDA Logo	14
13. Efficient Administration of Project.....	15
14. Conflicts-of-Interest Rules.....	15

15.	Records-Keeping Requirements	16
16.	Termination Actions	17
17.	Project Closeout Procedures	18
18.	Freedom of Information Act	20
C.	Additional Requirements Related to Construction Projects	20
1.	The Davis-Bacon Act, as amended (40 U.S.C. §§ 3141–3144, 3146, 3147; 42 U.S.C. § 3212)	20
2.	The Contract Work Hours and Safety Standards Act, as amended (40 U.S.C. §§ 3701-3708)	20
3.	The National Historic Preservation Act of 1966, as amended (54 U.S.C. § 300101 et seq.), and the Advisory Council on Historic Preservation Guidelines (36 CFR part 800)	20
4.	Preservation of Historical and Archeological Data (54 U.S.C. § 312502)	20
5.	The Architectural Barriers Act of 1968, as amended (42 U.S.C. § 4151 et seq.)	21
6.	The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. § 4601 et seq.)	21
7.	The Energy Conservation and Production Act (42 U.S.C. § 6834 et seq.)	21
8.	Executive Order 13717, “Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction	21
9.	Compliance with Local Construction Requirements	21
D.	Non-Discrimination Requirements	21
E.	Audits.....	21
1.	General	21
2.	Requirement to Submit a Copy of the Audit to EDA	22
F.	Tribal Employment Rights Ordinances	22
G.	EDA Contracting Provisions for Construction Projects	22
H.	Property	22
1.	Standards.....	22
2.	Title	23
3.	EDA’s Interest in Award Property	23
4.	Insurance and Bonding	25
5.	Leasing Restrictions.....	25
6.	Eminent Domain	26
7.	Disposal of Real Property	26
8.	Reporting on Property	26
I.	Environmental Requirements	27
1.	General	27
2.	Compliance with Other Applicable Environmental Requirements	27
J.	American-Made Equipment and Products.....	28
	PART III: DEPARTMENT OF COMMERCE STANDARD TERMS AND CONDITIONS.....	29