

GRANT AWARD – GENERAL PROVISIONS:

The Contractor, by signature of its authorized representative or by acceptance of the City of Portland's (City) purchase order (Contract), hereby acknowledges that he/she has read these requirements, understands them, and agrees to be bound by these terms and conditions (including all references to other documents). Failure to comply with these requirements and with applicable federal and state law, regulations, and rules may result in the withholding of reimbursement, the termination or suspension of any agreement(s), denial of future contracts, and/or damages to the United States of America, the State of Oregon, and the City.

Contractor agrees to abide and be bound by the applicable terms, conditions, and requirements of OMB 2 CFR Chapters I and II, including Appendix II of Part 200 (Contract Provisions for Non-Federal Entity Contracts under Federal Awards), Circular A-87, OMB Circular A-102, OMB Circular A-133, including but not limited to the following:

(1) *Equal Employment Opportunity* -- Contractor shall comply with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60).

(2) *Copeland "Anti-Kickback" Act* -- Contractor shall comply with the Copeland "Anti-Kickback" Act (18 U.S.C. 874, and 40 U.S.C. 276c) as supplemented in Department of Labor regulations (29 CFR Part 3).

(3) *Davis-Bacon Act* -- Contractor shall comply with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR Part 5). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The City shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The City shall report all suspected or reported violations to the Federal awarding agency.

(4) *Contract Work Hours and Safety Standards Act* - Contractor shall comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333) as supplemented by Department of Labor regulations (29 CFR Part 5). Under section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1 1/2 times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(5) Contractor shall comply with all awarding agency requirements and regulations pertaining to reporting.

(6) *Rights to Inventions Made Under a Contract or Agreement* – Contractor, if performing any experimental, developmental, or research work shall provide for the rights of the Federal Government and the City in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," 42 U.S.C. 7401 and any implementing regulations issued by the awarding agency.

(7) *Contracting Breach Clause* - Contractor shall comply with all awarding agency requirements and regulations as found in 2 CFR Part 200 Appendix II pertaining to breach of the contract.

(8) *Copyrights and Rights in Data* -- The Federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Federal Government purposes:

(A) The copyright in any work developed under a grant, subgrant, or contract under a grant or subgrant; and

(B) Any rights of copyright to which a grantee, subgrantee or a contractor purchases ownership with grant support.

(9) *Access to Records* -- Contractor shall provide for access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the Contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

(10) *Records Retention* -- Contractor shall retain all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.

(11) *Clean Air Act, Clean Water Act, and the Federal Water Pollution Control Act* – Contractor shall comply with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.), Executive Order 11738, Environmental Protection Agency regulations (40 CFR part 15) and 42 U.S.C. 7401.

(12) *Energy Policy and Conservation Act* -- Contractor shall comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871) and 2 CFR Part 200 Appendix II.

(13) *Byrd Anti-Lobbying Amendment* -- Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the City.

(14) *Debarment and Suspension* -- A contract award with an amount expected to equal or exceed \$25,000 and certain other contract awards (see 2 CFR 180.220) shall not be made to parties listed on the government-wide Excluded Parties List System, in accordance with the OMB guidelines at 2 CFR part 180 that implement E.O.s 12549 (3 CFR, 1986 Comp., p. 189) and 12689 (3 CFR, 1989 Comp., p. 235), "Debarment and Suspension." The Excluded Parties List System contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than E.O. 12549.

(15) *Recycling* - Contractor shall comply with all awarding agency requirements and regulations pertaining to recycling.

Contractor further agrees to abide and be bound by any applicable additional terms, conditions, and requirements of any grant providing funding for this Contract.