

# Special Award Conditions

**Award Number:** NT10BIX5570060

**Amendment Number:** 4

## 1) New and Revised BTOP-wide SACs - 07/09/2010

### 1. Whistleblower Protection Act Requirement: New SAC

The Recipient shall comply with the Whistleblower Protection requirements of the American Recovery and Reinvestment Act (Recovery Act), Section 553 of Division A, Title XV, Public Law 111-5 which provides protection for employees of non-federal employers including employees of state and local governments, contractors, subcontractors, recipients, and any other non-federal employers receiving Recovery Act fund recipients, making specified disclosures relating to possible fraud, waste, or abuse of Recovery Act funds. The act requires any non-federal employer receiving Recovery Act funds to post a notice of the rights and remedies provided under the Act. The Recipient shall post notice of employees rights and remedies for whistleblower protections provided under section 1553 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) and shall include this notice requirement in all contracts with subrecipients, contractors, and subcontractors.

Recipients are reminded that the Office of Inspector General will verify the appropriate place of this poster as part of any field work conducted. Failure to display the poster may result in an audit finding. The poster can be downloaded from the following web site: <http://www.oig.doc.gov/recovery/whistleblower.html>.

### 2. Interest-Bearing Accounts (Applied to those subject to 15 CFR 14.22): New SAC

This award is subject to 15 CFR 14.22 requiring recipients of Federal financial assistance that receive more than \$120,000 in Federal awards per year to maintain advances of Federal funds in interest bearing accounts. Interest earned on Federal advances deposited in such accounts (with the exception of \$250 per year, which may be retained for administrative expenses) shall be remitted promptly.

The complete address for remitting checks for interest earned on Federal advances is Department of Health and Human Services, Payment Management System, P.O. Box 6021, Rockville, MD 20852. Recipients that do not have electronic remittance capability should send a check to this address. In keeping with Electronic Funds Transfer rules (31 USC part 206), interest should be remitted to the HHS Payment Management System through an electronic medium such as the FEDWIR Deposit System. Electronic remittances should be in the format and should include any data that are specified by the HHS as being necessary to facilitate direct deposit in HHS' account at the Department of Treasury.

### 3. For-Profit Recipient Audit Requirement: Replaces Existing SAC

A for-profit organization receiving a BTOP award exceeding \$100,000 in Federal funding shall have a program-specific audit performed based on the Recipient's BTOP program year, beginning with the date of the issuance of the BTOP award. The auditor should follow generally accepted government auditing standards and the requirements for a program-specific audit as described in OMB Circular A-133 ? 235 and any applicable compliance supplements and BTOP audit guidelines. A copy of the program-specific audit shall be submitted to the Grants officer and to the DOC OIG at the following address:

Office of Inspector General  
U.S. Department of Commerce  
Atlanta Regional Office of Audits  
401 West Peachtree Street, N.W., Suite 2742  
Atlanta, Georgia 30308

An audit is required at least once every two years using the following schedule for audit report submission:

- For awards less than 24 months, an audit is required within 90 days of the project expiration and close out period. This audit shall include any costs incurred during the close out period.
- For 2- or 3- year awards, an audit is required:
  1. within 90 days after the end of award year 1, and
  2. within 90 days following the project expiration date and close out period. This audit shall include any costs incurred during the close out period.
- For awards extended beyond 3 years, an audit is required:
  3. within 90 days after the end of award year 1, and
  4. within 90 days after the end of award year 3, and
  5. within 90 days following the project expiration date and close out period. This audit shall include any costs incurred during the close out period.

#### 4. Davis-Bacon Act Requirement: New SAC

The Recipient shall obtain and maintain in its official records documentation of weekly certified payroll reports and the Statement of Compliance from itself and all subrecipients, contractors, and subcontractor(s) in accordance with Section 1606 of the American Recovery and Reinvestment Act of 2009 and the Davis-Bacon Act and related acts.

The Recipient is not required to submit this documentation to NOAA, except in response to a request for this information from its Grants Officer. The authorized representatives and agents of NOAA shall be permitted to inspect all work, materials, payrolls, personnel records, invoices of materials, and other relevant data and records.

Ten days prior to bid opening, any party soliciting a subrecipient, contractor, or subcontractor for work under this Award to which Davis-Bacon wage determinations apply must verify whether there have been any updates to the applicable Davis-Bacon wage determinations by reviewing the Department of Labor Wage Determinations OnLine website, free of charge, at [www.wdol.gov](http://www.wdol.gov). If there have been updates to the wage determinations, then these updated wage rates must be issued in a bid addendum. The Davis Bacon wage rates that are current ten days prior to the bid opening are the wage rates that will govern work performed under such solicitation.