



# Oregon

Theodore R. Kulongoski, Governor

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DATE: September 16, 2009

Addenda No. 1

TO: PLAN HOLDERS

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SUBJECT: Wasco County Roads: Pavement Overlay  
Wasco County  
Various Highways  
Paving Project  
(Bids to be opened and read October 8, 2009)

**The following changes are made to the Project Special Provisions:**

1. **American Recovery and Reinvestment Act (ARRA) Funding Provisions** – These Provisions are replaced with the attached **American Recovery and Reinvestment Act (ARRA) Funding Provisions**. See attachment for full text.
2. Subsection **00180.21(d) Terms of Subcontracts** - This subsection is replaced with the following subsection:

**00180.21(d) Terms of Subcontracts** - Add the following paragraph to the end of the subsection:

As required by the American Recovery and Reinvestment Act (ARRA) of 2009, all subcontracts (including subcontracts at all lower-tiers) shall include the provisions of 00170.06 concerning ARRA Participation. In addition, all subcontracts shall require job recruitments to be published through "WorkSource Oregon" unless the subcontractor fills a job opening with a present employee, a laid-off former employee, or a job candidate from a previous recruitment.

These changes will be included in the Contract for this Project. It is understood that your Bid will be submitted accordingly.

Attachments: ARRA Funding Provisions

## AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDING PROVISIONS

**Contractor's Reporting Obligations under 2009 ARRA Federal Stimulus Funding** - This project includes American Recovery and Reinvestment Act (ARRA) funding. As the use of ARRA funding is conditioned upon following federal requirements, and as ARRA funding requirements and required contract provisions are still being developed and issued by the federal government, this Contract will be amended by Contract Change Order to make the provisions consistent with the ARRA funding requirements as they become available.

**Reporting** - States must collect and analyze certain employment data for each ARRA funded contract.

The prime Contractor shall complete a separate Oregon Department of Transportation ARRA Employment Report (Form 734-2763) for each ARRA project once each month from the date of the Notice to Proceed until completion of the Contract. The form is available at the Agency web site at:

[http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/arra\\_forms.shtml](http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/arra_forms.shtml)

The Contractor shall provide, aggregated on one form per project, the required information for their own workforce as well as the workforce of all subcontractors (including all sub-tiers) that were active on their ARRA funded project(s) for the reporting month.

One copy of the Monthly ARRA Employment Report form shall be e-mailed to the Agency at [ARRAReporting@odot.state.or.us](mailto:ARRAReporting@odot.state.or.us) and one copy of the report shall be e-mailed to the Agency Project Manager no later than the tenth of each month to report on the previous month.

The Contractor's timely, complete, accurate, and truthful compliance with the reporting obligations constitutes a material element of the Contractor's performance of this Contract. The Agency may withhold any amounts otherwise due to the Contractor under this Contract until the Contractor has submitted late reports.

The monthly report for each project includes, but is not limited to the following data:

- Project ID Number/Name
- Contractor name and address
- Contractor DUNS Number for prime only (but may include subcontractors if requirements change).
- Employment data: The prime Contractor shall report information concerning work performed directly on the project for their workforce and the workforce of their subcontractors active during the reporting month. The data includes employee actively engaged in the project who work on the jobsite, in the project office, in the home office or telework from a home or other alternative office location. This also includes any engineering personnel, inspectors, sampling and testing technicians, and lab technicians performing work directly in support of the ARRA funded project.

This does not include commercial material suppliers such as steel, culverts, guardrail, and tool suppliers. Do not include indirect labor and overhead. The form requests specifically:

**a. Subcontractor name:** The name of each subcontractor that was active on the project for the reporting month.

**b. Employees:** The number of project employees on the Contractor's workforce that month, and the number of project employees for each of the active subcontractors for the reporting month. Do not include commercial material suppliers. Total field at bottom will be automatically calculated and reported as a whole number.

**c. Hours:** The total hours on the specified project for all employees reported on the contractor's project workforce that month, and the total hours for all project employees reported for each of the active subcontractors that month.

**d. Payroll:** The total dollar amount of wages paid by the Contractor that month for employees on the specified project, and the total dollar amount of wages paid by each of the active subcontractors that month. Payroll only includes wages and does not include overhead or indirect costs.

**DUNS Number** - Before the Agency will execute the Contract, the Contractor shall obtain a Data Universal Numbering System (DUNS) number according to special provision subsection 00130.40(d-5). DUNS number registration is available at Dun & Bradstreet, Inc. web site: <http://fedgov.dnb.com/webform/index.jsp>

**U.S. Comptroller and Inspector General** - The Contractor shall allow the U.S. Comptroller and the inspector general to examine records and interview employees according to special provision subsection 00170.06.

**Local Roads and Rural Minor Collector Projects** - The Contractor shall comply with the provision of FHWA Form 1273, "Required Contract Provisions Federal-Aid Construction Contracts according to special provision subsection 00170.65(b).

**Subcontract Terms** - The Contract and all subcontracts (including all lower-tiers) shall contain provisions to allow the inspection of documents relating to the Contract and interviewing of employees and shall also contain a provision that job recruitments be published through "WorkSource Oregon" according to special provision subsection 00180.21(d).

**ARRA Sign Requirements** - The Contractor shall furnish and install identification signs according to special provision subsection 00225.02.

**Job Recruitment** - In addition to normal recruitment processes, on all ARRA funded projects, the Contractor and all subcontractors shall also list job openings through "WorkSource Oregon" with the exception that job listings are not necessary when the Contractor or subcontractor fills a job opening with a present employee, a laid-off former employee, or a job candidate from a previous recruitment.