



# Contract Provisions

*Bureau of Federal Compliance*  
in accordance with Uniform Guidance



New Hampshire  
**Department  
of Education**

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# Overview

- Per 2 CFR 200.327, the non-Federal entity's contracts must contain the applicable provisions described in appendix II to this part.

# Appendix II

- (A) Contracts for more than the SAT, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- (B) Contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
- (C) All contracts that meet the definition of “federally assisted construction contract” must include an equal opportunity clause.

# Appendix II

(D) All price construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act.

- The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation.

(E) All contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance.

(F) If the non-Federal entity wishes to enter into a “funding agreement” regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement”, the non-Federal entity must comply with 37 CFR Part 401 (Right to Inventions).

# Appendix II

(G) Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, order or regulations issues pursuant to the Clean Air Act and the Federal Water Pollution Control Act.

(H) A contract award must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines.

(I) Contracts that apply or bid for an award exceeding \$100,000 must file the required certification (Byrd Anti-Lobbying Amendment).

# Additional Contract Requirements

- Domestic Preference statement per 2 CFR 200.322.
- Bonding Requirements per 2 CFR 200.326
- Funds may not be obligated when the obligations if for:
  - Acquisition of real or personal property
  - Personal services by a contractor who is not an employee of the State or subgrantee
  - Performance of work other than personal services

Until the date on which the State or subgrantee makes a binding written commitment to acquire the property, obtain the services, or obtain the work.

POP

QUIZ!



# Questions # 1

At what threshold does the Davis Bacon Act apply to construction priced contracts?

\$2,000

The David Bacon Act must be complied with for all construction priced contracts exceeding \$2,000.

# Questions #2

Contracts in excess of \$\_\_\_\_\_ must address termination for cause and for convenience.

\$10,000

The contract must also include the manner by which it will be effected and the basis for settlement.

# Questions #3

True or False.

A domestic preference statement must be on all PO's and contracts.

True

Per 2 CFR 200.322 the preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States must be included in all contracts and purchase orders for work or products.

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# Resources

- EDGAR, 2 CFR 200
- NHDOE Federal Funds Fact Sheet. Procurement. [procurement.pdf \(nh.gov\)](#)

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