

ESSER State of New Hampshire Frequently Asked Questions

Funds must be used in accordance to the CRRSA ESSER II grant.

Ask yourself: How/Does this prevent, prepare and / or respond to COVID-19?

CRRSA Act ESSER II

Questions from New Hampshire Schools & US Department of Education's Response

1. I am looking for clarification on acceptable salary cost recovery to the school district under the ESSER II funds. Our school board has adopted a policy providing additional COVID-19 related leave. The employee will receive up to 10 days paid time if the following COVID event.

- COVID 19 - Required quarantine
- COVID 19 - Absence while seeking medical diagnosis.
- COVID 19 - Absence when diagnosed.

Documentation is required from health care providers for leave options.

An employee earned sick, personnel, and/or vacation time will not be touched in one of these 3 events up to 10 days.

My questions are:

- a) Can the school district be reimbursement from the ESSER II grant for these days granted even if they are within their contracted salary?
- b) What about an employee who does not have vacation/sick/ or personnel time, could the school district reimburse itself for granting days above and beyond earned time?

ESSER funds can be used to support new positions, as well as continuing to pay existing employees, including paying staff who are on leave due to issues related to COVID-19.

Additionally, for positions where salaries are funded under ESSER, other compensation such as paid time off or other fringe benefits could be allowable, as specified under 2 C.F.R. § 200.431. Please note that 2 CFR 200.431 requires, among other things, that an entity have a written leave policy in place if it wishes to use Federal funds to pay for such fringe benefits. This policy could be a new or existing policy. In addition, the basis of accounting the subrecipient uses also impacts when such costs could be allowable.

2. May ESSER funds be used to cover lost revenue caused by COVID? For example, our food program has lost significant revenue because students are working remotely and we have had to retain our staff to ensure the changing needs of students if they decide to return to school. As a result, our revenues are down significantly.

No, ESSER funds may not be used to cover lost revenue. ESSER funds must be used for the allowable expenses. ESSER funds may be used to support new positions and to continue to pay existing positions, per allowability(s). Please refer to the answer to Question 1, above.

Would that also apply to fees for the food service management company?

Provided the fees are as result in direct relation to COVID-19 and were not budgeted prior to 3/13/2020, this would be an allowable expense.

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Would this also apply to “take out” supplies in food service we would not normally use? [Per question and answer above, yes.](#)

3. If the engineering design for an allowable ESSER I and ESSER II construction project was contracted after March 13 2020 and was not a part of the District’s prior approved budget can you confirm those costs could be reimbursed using ESSER funds?

Yes, a construction project that is necessary to prevent, prepare for, and respond to COVID-19 may be reimbursed using ESSER funds. The U.S. Department of Education does not approve budgets under ESSER or ESSER II. Any use of ESSER funds for construction must meet the requirements in 2 CFR 200.439. That section requires that an SEA, as the pass-through entity, approve the use of funds for construction, which it may do by approving the change to the district’s budget (if the SEA required a budget as part of the LEA application) or by granting the request for reimbursement.

4. If the ESSER construction project is already under contract, I assume 2 CFR 200 bidding requirements cannot be applied retroactively?

If a construction contract necessary to prevent, prepare for, and respond to COVID-19 was in place after March 13, 2020 but prior to the date that the SEA was awarded ESSER funds, the SEA may reimburse the LEA for the cost of the construction contract even though it was not procured under the relevant procurement provisions of the Uniform Guidance as long as it followed the State and local procurement requirements and was an allowable cost. Any obligations made after the date of the award would need to follow federal procurement rules.

5. New Hampshire is still operating under the Governor’s continuing State of Emergency Order. Can a District rely on this to avoid the 2 CFR 200 bidding requirements by using 2 CFR 200.320(f)(2)?

We think the State is referring to 200.320(c)(3). That regulation states, in part:

(c) *Noncompetitive procurement.* There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

...

- c) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation.

If the State determines, through a State of Emergency Order for example, that an emergency exists and that the emergency prevents competitive procurement, then noncompetitive procurement would be permitted under the Uniform Guidance. However, the existence of an emergency in and of itself does not justify noncompetitive procurement; the emergency must necessitate not following competitive procurement requirements (e.g., the nature of the emergency requires faster procurement than can be achieved through the competitive process).

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Moreover, there may be State or local procurement requirements that would continue to apply.

6. If the ESSER construction project is already under contract, do we retroactively apply prevailing wage requirements (Davis Bacon) and have the contract renegotiated by the District?
Even if a construction project was already under contract prior to the SEA receiving ESSER funds, the SEA or LEA must still meet prevailing wage requirements as required under the Davis Bacon Act.

As noted above, if a construction contract necessary to prevent, prepare for, and respond to COVID-19 was in place after March 13, 2020, but prior to the date that the SEA was awarded ESSER funds, the SEA is not required to meet the procurement requirements in the Uniform Guidance. However, the prevailing wage requirements are not a part of the procurement requirements in the Uniform Guidance. In many states the State minimum wage equals or is greater than the amount needed to satisfy the prevailing wage requirements, however, so it is likely that NH already is satisfying the Davis Bacon wage rate requirements even though the contract may not specifically address Davis-Bacon. If you have additional details or questions about the specific contract, please let us know.

7. Are the District's prevailing wage (Davis Bacon) compliance related costs considered an allowable ESSER activity?

We are not sure what "compliance related costs" are, but generally ESSER funds may be used to cover the cost of paying Davis Bacon prevailing wage requirements under contracts that are otherwise allowable under ESSER, e.g. necessary to prevent, prepare for, and respond to COVID19 and entered into after March 13, 2020.

8. When does the reliance on the "retroactive costs" period end? For example, can a District knowing it has an available allocation of \$500,000 for an ESSER funded project, fully complete the project using local funds and only after it is done request approval of the activity and request reimbursement from the NHDOE? In proceeding this way, could the District completely avoid all of the Federal requirements?

The district may seek reimbursement for costs that it incurred beginning on March 13, 2020 that are related to COVID-19 up until the date it receives its ESSER award. Once the district has an ESSER allocation, it cannot "avoid all of the Federal requirements."

9. Do ESSER funded construction projects have to be located on property owned by the District? For example, if a waterline is proposed to be repaired to improve ongoing operations at the school, must that waterline be owned by the District and not the Town/City? If a construction project is necessary to prevent, prepare for, and respond to COVID-19 or necessary for continuity of educational services, then it would be allowable as long as it meets the relevant requirements in the Uniform Guidance. Keep in mind that the project must be to

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benefit the school, and not the Town/City. For example, in maintaining the appropriate documentation that demonstrates such a cost is reasonable and necessary, an LEA could document that the repairs were necessary in order to provide, maintain, or improve water service for the school and its occupants.

10. In response to COVID-19 and the necessity of air quality control within our indoor facilities, the roof must be (tested, repaired, maintained, replaced) due to the direct location of the air quality control systems in order to reduce the transference of poor quality air to the indoor facilities. Ventilation / systems are sited directly on the roof (or run through the roof).

Yes, this is an allowable use of ESSER II funds as it directly relates to COVID and the grant's allowable usage.

11. In response to COVID-19 and the necessity of air quality control within our indoor facilities, the insulation must be (tested, repaired, maintained, replaced) because the air quality control systems venting and duct design runs through the insulation from input to output. This will reduce the transference of poor quality air to the indoor facilities.

Yes, this is an allowable use of ESSER II funds as it directly relates to COVID and the grant's allowable usage.

12. Purchase of clothing and footwear for students in need to ensure they may participate in outdoor recess. Outdoor recess provides exercise, engagement and helps to alleviate stress in a large space that allows for social distancing. The clothing would remain property of the school and inventoried as necessary. A storage container for outdoor clothing, to be returned at the end of the school year or at another time as defined by the school

Yes, this is an allowable use of ESSER II funds as it directly relates to COVID and the grant's allowable usage.

13. May ESSER II Funds be used for the "non-reimbursed" portion of the SPSRF II grant? **No, this is not an allowable use of ESSER II funds.**

14. Would purchases of furniture/equipment required to distance students safely during lunch periods and equipment for other activities like music instruction where larger distances are required to allow for student safety be eligible?

Yes, this is an allowable use of ESSER II funds as it directly relates to COVID and the grant's allowable usage.

15. Last year for the 1st time we provided meals in the summer for students due to COVID through the Food and Nutrition SOS program. We would like to do this again this summer as the need continues. We would like to charge the bus transportation of meals and the staff salaries and benefits to deliver the meals to the ESSER II Grant.

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Yes, this would be an allowable use of ESSER II funds for the purposes of students in needs of the Food and Nutrition SOS program.

16. The voters cut our budget for 21-22 by almost one million dollars. We have had to make many cuts to teachers, staff, programs, and supplies. One of the cuts proposed is one half of our only social worker. Would a social worker be an allowable expense under the ESSER II Grant? [This would be an allowable expense provide the social worker is directly working on behalf of the school and the students.](#)

17. One of the other cuts from the million dollar cut was the teacher position in the Elementary Media Center. In exchange we would like to add an Enrichment Unified Arts course with a focus on robotics, coding and literacy enrichment so we would continue to have a 4th Unified Arts class which would support increased engagement in the Elementary School.

[No. As this does not directly relate to COVID-19. ESSER II funds must be utilized for the purpose of preparing, preventing and/or responding to COVID 19.](#)

18. Throughout COVID, we have had, and still have, significant issues with our website, concerning access, ease of use, and integration with the other programs we're using to connect schools and families during the pandemic. We'd like to use ESSER II funds to build a new website that will improve access to COVID-related resources. Of the total website cost, we estimate 25% would be associated by the COVID-related parts of the website. May ESSER II funds be used for this 25% of the total cost.

[Yes, this is an allowable use of ESSER II funds as it directly relates to COVID and the grant's allowable usage. Please ensure the website is built to clearly show, and direct users to, the aforementioned COVID resources.](#)

19. **Applies to ESSER I and ESSER II:** Due to COVID we found that the unit we have in the office and nurse area at our school did not have fresh air coming in and therefore due to COVID we are replacing it. This is in a school that has a building project being done and when the bid was done months ago it was not said that it would abide by prevailing wage – This was bid without prevailing wage. We were going to use the company that won the bid for other items in that school for this project. The cost of this is \$17,000. Is this item allowed?

[This use of funds falls within “Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.”](#)

[Per our Compliance Team:](#) We have been advised that ESSER I/II construction projects (>\$2,000) that are deemed an allowable use of funds are subject to prevailing wage requirements (Davis Bacon) even if they were begun before the District received formal approval of the activity by the NHDOE. It sounds like you will likely have to execute a change order for this additional work. As such, the District will need to work with its engineering firm and the contractor to the pay

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workers for this Federally funded portion of the work the required prevailing wages. Please refer to the Information Sheet on [Prevailing Wages in Construction Contracts](#).

- 18B. When was that decided? Did the other grants have that as well that were the SPSRF ones?
[Per our Compliance Team](#): We received final clarity on the retroactive application of the prevailing wage laws only at the beginning of March from the US Department of Education.

SPSRF was from a different funding source which we were told did not have a prevailing wage requirement so you should be all set there. The retroactive application of the prevailing wage laws is not optional. Failure to properly follow these regulations may result in the entire project being ineligible for reimbursement. In my past experience with the US Department of Labor they proved to be very firm in the application of their regulations. We did confirm that any costs related to meeting the prevailing wage requirements, such as management/engineering firm fees for compliance and any additional worker pay, are an allowable cost under ESSER I/II.

Please note: SPSRF is not the same as, or a part of, ESSER I or ESSER II.

20. Last year for the 1st time we provided meals in the summer for students due to COVID through the Food and Nutrition SOS program. We would like to do this again this summer due to the continued need. We would like to charge the bus transportation of meals and the staff salaries and benefits to deliver the meals to the ESSER II Grant.
[Yes, this is an allowable use of ESSER II funds as it directly relates to COVID and the grant's allowable usage.](#)
21. Our budget was cut significantly. We have had to make many cuts to teachers, staff, programs, and supplies. One of the cuts proposed is one half of our only social worker. Could this be added to the ESSER II Grant since we still have many needs in the community due to various needs caused by the COVID pandemic?
[Yes, ESSER II funds may be used for the purposes of staffing a social worker provided the need is driven by COVID \(not because your budget was cut\). Please ensure your language clearly identifies this as a COVID-related need.](#)
22. What type of signs are allowable for ESSER funds? For instance, our High School has an electronic sign at the school entrance that needs to be replaced. We are in the process of planning the high school graduation as an on-site outdoor socially distanced event and a request was made to replace this sign. Although there is a need for the sign, this is an unbudgeted item so I was wondering if it would be eligible for ESSER II funding, especially in light of the extenuating circumstances surrounding graduation planning & coordination.
[Yes, signs are an allowable expense. Kindly recall that all allowable ESSER I uses are also allowable under ESSER II. Signs that relate to COVID 19 are an allowable use. For example: directional signs \(traffic control signs, school entrance and exit signs, social distancing signs\) –](#)

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signs that are necessary due to the needs caused by COVID and the method in which your school is preparing, preventing and / or responding to COVID-19.

23. With the demands caused by COVID and the need to utilize outdoor learning spaces and to physically distance during recesses, we are proposing to modify and expand the outdoor playground space in order to provide social distancing and offer outdoor learning spaces. The landscape architecture company will provide us with a schematic design utilizing existing and open space around the school complex. Is this allowable for ESSER I and /or ESSER III?
Yes, this is allowable. Please reference the Davis-Bacon documents sent to you, and available on the NH DoE ESSER II website to ensure you are in compliance for the procurement process and construction project.
24. May I utilize ESSER I / ESSER II funds for a grant manager and / or administrative service to manage the COVID-related grant(s)?
Yes. Please clearly state the anticipated costs associated with the position.
25. Due to COVID we have a lack of engagement in schooling and we have observed learned helplessness in students who are not problem solving through their work. They don't want to come to school, they don't want to persevere when work is challenging. They would rather be home like in COVID. In order to re-engage them in schooling we would like to offer an enrichment of Coding with a focus on embedding their social skills.
Yes, this is an allowable use of ESSER II funds as it directly relates to COVID and the grant's allowable usage.
26. Can you contract for a program for multiple years that are covered by the grant timeline or do we have to have annual contracts and pay each year? Can you contract with a program for multiple years?
Yes, you may contract with a vendor/contractor for more than one year for one project. You do not need to go through the competitive bid process annually for the same project.
27. As we consider HVAC upgrade, do you have specific guidance on what we are going out for in a competitive bid – are we looking for a vendor to act as our HVAC “contractor” or is the bid for a piece of equipment or both?
The competitive bid should provide a comprehensive response to the entire project need.
28. Paper goods for delivering to classrooms? We have to eat in classrooms because we can't eat in the dining hall due to social distancing requirements.
Yes, this is an allowable use of ESSER II funds as it directly relates to COVID and the grant's allowable usage.

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29. May we use ESSER II funds for the purchase and installation of a generator? When power is lost at our schools, the air ventilation system does not work. We would be able to ensure the safety of our students and staff during power outages.

Yes, this is an allowable use of ESSER II funds as it directly relates to COVID and the grant's allowable usage. This will ensure air quality and safety in your schools, in response to COVID, and provide safe and suitable facilities for on-site learning in the event of a power outage.

30. Can funds be used to purchase core instruction programs in areas where students have demonstrated substantial learning loss (a math program for example)?

Yes, this is an allowable use of ESSER II funds as it directly relates to COVID and the grant's allowable usage.

31. If we do work to our HVAC systems or any other system, do we need to make sure the contractor is paying prevailing wages? According to ESSER II info, it does. That makes a large difference in costs.

Please reference the Davis Bacon documents available on our ESSER II website and within the PowerPoint presentation.

32. When it says we can use for anything under the title grants idea and Perkins funds, then does it still need to be COVID related?

Yes. All uses of ESSER funds must be directly related to COVID and align to one or more of the allowable uses listed.

33. If districts have been open in some capacity, mostly 5 days per week, can we use our re-opening plan requirement or does that document have to be brand new? You may use your existing re-opening plans.

34. May ESSER II funds be used for HVAC costs for a new replacement building?

This *may* be an allowable expense, dependent on the needs based on COVID. For example: if an HVAC system that is necessary due to an allowable COVID related expense requires that it must be located in a separate building, the building would be an allowable expense. If the HVAC system that is necessary due to an allowable COVID related expense requires repairs, etc. Per the ESSER II allowability that requires a building be replaced, the building would be an allowable expense.

35. Supplant vs Supplement?

To supplement: add to, enhance, expand, increase, extend— example: the programs and services offered with state and local funds. To supplant—take the place of, replace – example:

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the state and local funds used to offer those programs and services.

36. May I pay bonuses to our staff?

Hazard pay or bonuses are an allowable expense so long as the amount is reasonable and necessary. As with all grant activities, the use of funds should meet all of the applicable Uniform Guidance requirements and be reasonable and necessary to meet the purpose of the ESSER II grant to prevent, prepare for, or respond to the coronavirus. **The LEA must have a policy in writing, and per the policy, this may be retroactive.**

37. Our staff and students are required to be tested for COVID twice each week. May ESSER funds be used for these expenses?

ESSER funds can be used to pay for student or teacher testing. Generally, there is no prohibition on using funds for medical services in the CARES Act. As long as the State goes back to the purposes of the program (to prevent, prepare for, and respond to coronavirus) it is allowable. Consider of insurance coverage for COVID testing should be established before the budgeting for such a project. **The LEA must have a policy in writing, and per the policy, this may be retroactive.**

38. May ESSER funds be used to avoid layoffs?

In the CARES Act, the statute specifically addresses this issue. Sec. 18003(d) (12) Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies and continuing to employ existing staff of the local educational agency. This statute is open ended and flexible to allow LEAs the flexibility to address this issue to meet its community needs. **The LEA must have a policy in writing.**

39. We had to pay our contract with the bus company to ensure the drivers were available if they were needed. We never used their services. May ESSER funds be used to cover the contracted expenses for services that were not used?

No. Please see answer above. These were not LEA staff.

40. Would the ESSER 2 cover toilet and urinal fixture replacements so that touch free flushers can be used? Additionally touch free hand towels and soap/sanitizer replacement? These would help to ensure reduced COVID transmission.

Yes, this is an allowable use of ESSER II funds as it directly relates to COVID and the grant's allowable usage.

41. Please provide guidance for a construction project that was in place after March 13, 2020.

If a construction contract necessary to prevent, prepare for, and respond to COVID-19 was in place after March 13, 2020 but prior to the date that the LEA was awarded ESSER funds (State of

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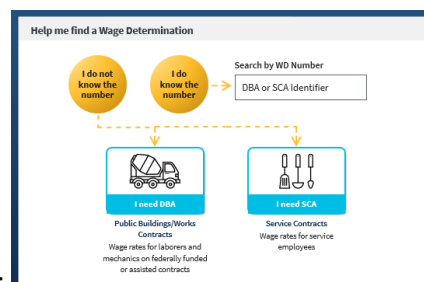
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NH: March 17, 2021), an LEA may use ESSER funds to pay for the cost of the construction contract even though it was not procured under the relevant procurement provisions of the Uniform Guidance as long as it followed the State and local procurement requirements and was an allowable cost. Any LEA obligations made after the date of the award would need to follow federal procurement rules.

Even if a construction project was already under contract prior to receiving ESSER funds, the LEA must still meet prevailing wage requirements as required under the Davis Bacon Act. Specifically, the prevailing wage requirements are not a part of the procurement requirements in the Uniform Guidance. In many states, the State minimum wage equals or is greater than the amount needed to satisfy the prevailing wage requirements, however, so it is possible that the LEA already is satisfying the Davis Bacon wage rate requirements even though the contract may not specifically address Davis-Bacon.

42. If a project, such as repairing the HVAC system, is noted in our school plans as an expected project that will need attention in the future, may ESSER funds be used?
Per a conversation with another State, yes – ESSER funds may be used for projects noted in plans provided the project was never approved within a budget dating prior to March 13, 2020.
43. Where may I find Davis Bacon information for the State of NH?
<https://www.contractorsprevailingwage.com/fag/new-hampshire-prevailing-wage/>
44. Where may I find Davis Bacon information for the State of NH specific to wages?
https://beta.sam.gov/search?index=wd&keywords=&is_active=true&sort=-modifiedDate&date_filter_index=0&date_rad_selection=date&wdType=dbra&state=NH&page=1



Be sure to **scroll down** below the picture:

45. Is replacing carpet an allowable use of ESSER funds?
Yes, replacing carpet is considered an allowable use of ESSER II funds. As is the case with all activities charged to the ESSER I and ESSER II Funds, construction costs must be reasonable and necessary to meet the overall purpose of the program, which is “to prevent, prepare for, and respond to” the COVID-19 pandemic. See CARES Act Department of Education, Education

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Stabilization Fund heading and 2 CFR §§ 200.403-200.405. Therefore, any construction activities, including renovations or remodeling, that would be necessary for an LEA to prevent, prepare for, and respond to COVID-19 would be permissible. This might include renovations that would permit an LEA to clean effectively (e.g., replacing old carpet with tile that could be cleaned more easily) or create a learning environment that could better sustain social distancing (e.g., bringing an unused wing of a school into compliance with fire and safety codes in order to reopen it to create more space for students to maintain appropriate social distancing).

Approved construction projects must comply with applicable Uniform Guidance requirements, as well as the Department's regulations regarding construction at 34 CFR § 76.600. As is the case with all construction contracts using laborers and mechanics financed by federal education funds, an LEA that uses ESSER funds for construction contracts over \$2,000 must meet all Davis-Bacon prevailing wage requirements and include language in the construction contracts that all contractors or subcontractors must pay wages that are not less than those established for the locality of the project (prevailing wage rates). (See 20 U.S.C. 1232b Labor Standards.)

46. May ESSER funds be used to recoup funds from decreased enrollment?

Yes, this would be considered allowable as the Charter LEA will be receiving fewer state and local resources as a result of the declining enrollment due to COVID-19. ESSER funds may be used to make up the difference.

47. Same Charter School (North Country Charter School) Rents all of their school buildings. Can the school use ESSER II funds to install windows and a door? (No windows or door currently exist). The school got air purifiers but would like to increase air circulation.

Yes, installing windows and a door would be an allowable expense to increase air circulation and improve air quality.

48. It has not yet been decided whether or not we will be using these funds for construction. We, currently, have not yet identified any projects. Should I return this with a NO and submit an update if we identify and decide to move forward with any construction project?

If you do not yet have a construction project planned, but know that you will later within the life of the CRRSA Act ESSER II grant, please do not return the form. The form must be received by the CRRSA grant administrator before receipt of your request to use the funds.

49. May ESSER funds be used to recoup funds from decreased enrollment?

Yes, this would be considered allowable as the Charter LEA will be receiving fewer state and local resources as a result of the declining enrollment due to COVID-19. ESSER funds may be used to make up the difference.

50. Can the non-public school use ESSER II funds to install windows and a door? (No windows or door currently exist in that space).

Yes, installing windows and a door would be an allowable expense to increase air circulation and

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improve air quality.

51. May an LEA or SEA use ESSER funds for a pre-kindergarten or other early childhood education program?

Yes. Because an early childhood education program is an allowable use of funds under the ESEA, it is allowable under the ESSER Fund if the need for the program is in response to COVID-19, and the costs of the program are reasonable and necessary. CARES Act section 18003(d)(1); 2 CFR §§ 200.403-200.405. ESEA section 8101(16) defines “early childhood education program” as it is defined in the Higher Education Act of 1965. Under that definition, an “early childhood education program” is: (A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), including a migrant or seasonal Head Start program, an Indian Head Start program, or a Head Start program or an Early Head Start program that also receives State funding; (B) a State licensed or regulated child care program; or (C) a program that— (i) serves children from birth through age six that addresses the children’s cognitive (including language, early literacy, and early mathematics), social, emotional, and physical development; and (ii) is— (I) a State prekindergarten program; (II) a program authorized under section 619 or part C of the Individuals with Disabilities Education Act; or (III) a program operated by [an LEA]. To be an allowable use of funds under section 18003(d)(1) of the CARES Act, an early childhood education program funded under ESSER must meet this definition. CARES Act section 18007(8).

52. If a contractor is from out of state, must they use the New Hampshire prevailing wages, or the prevailing wages in their business’ state?

Prevailing wages must be for the state in which the work is done.

53. Are utility costs (fuel) allowable due to keeping windows open to generate airflow during colder months?

Yes, it would be an allowable use of funds based on the schools specific points. The expense must be reasonable, allowable and necessary.

54. Are construction-related costs an allowable use of ESSER funds? For example: shipping and handling.

Yes. The entire cost of installation and transportation related to the project would be an allowable use of funds. Federal rules related to construction costs needs to be adhered too.

55. Our school is installing technology into our schools using ESSER funds. The price includes installation, labor and removal of the old technology. Is this subject to Davis Bacon?

If the project is \$2,000 or greater, the project must align to Davis Bacon. View the [ESSER II website](#) for more details. This contract may already be satisfying the Davis Bacon wage rate requirements even though the contract may not specifically address Davis-Bacon. Please confirm this with your Contractor / Vendor.

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56. We would like to use ESSER funds for an HVAC project. If we use ESSER funds to purchase materials, and another source of funding to pay for installation/labor, will this allow us to avoid Davis Bacon?

No. As ESSER funds are used within the project, if the project exceeds the threshold, the project must be in Davis Bacon requirements.