



# Clarifying Guidance for NIST ARRA Construction Grant Reporting

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## 1. Background:

The Office of Management and Budget (OMB) issued Memorandum M-09-21 entitled: *Implementing Guidance for the Reports on Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009* (OMB Memorandum).

The memorandum transmitted government-wide guidance for carrying out the reporting requirements included in Section 1512 of the American Recovery and Reinvestment Act of 2009 (Recovery Act). The memorandum may be found at:

[http://www.whitehouse.gov/omb/assets/memoranda\\_fy2009/m09-21.pdf](http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21.pdf)

## 2. Purpose:

This Guidance is issued to clarify reporting requirements listed in the OMB Memorandum as they apply for Awardees of NIST American Recovery and Reinvestment Act (ARRA) Construction Grant awards. This clarifying guidance is intended to supplement, and not be inconsistent with, the OMB Memorandum.

## 3. Clarifications:

- a. The “Prime Recipient” in the OMB memo is considered to be *the Awardee* who has received the NIST ARRA Construction Grant.
- b. No sub-recipients or sub-awards have been proposed or approved in this construction grant program to date. Such designations therefore do not apply to these awards.
- c. Consistent with the referenced OMB memo, and its definitions of “vendor”, *those business entities providing design, construction, or consultant services, or materials and equipment, are considered to be vendors.* These goods or services are provided within normal business operations requisite to the construction of the Research Facility. There is no re-granting of funds in these awards. Vendors are not subject to the terms and conditions of the Federal financial assistance award.



- d. Since the OMB Memorandum does not provide for the delegation of ARRA reporting to vendors, Awardees may not delegate reporting responsibility to any vendor (designer, prime or sub- construction contractor, or consultant).

#### **4. Reporting Requirements:**

- a. The Awardee is responsible for the reporting of all data required by Section 1512 of the Recovery Act, Section 2.3 of the OMB Memorandum and this Guidance. Specifically, the Awardee is responsible as the “Prime Recipient” for reporting on data elements 1-17 on page 10 of the OMB Guidance. As necessary, information shall be aggregated from the Awardee and its designers, consultants, prime construction contractor and construction sub-contractors for data elements 10-14. In addition, an Awardee is responsible for reporting data elements 1-3 under “Recipient Vendors” on page 10 of the OMB Memorandum for contracting directly with the Awardee in amounts greater than \$25,000.
- b. No waivers will be granted for any Awardee required to report under Section 1512 of the Recovery Act. If an Awardee anticipates issues with meeting the reporting deadline, it should contact the Program Officer as soon as practicable to discuss how the reporting requirement will be met.
- c. Awardees shall aggregate reporting on payments to vendors of less than \$25,000 in accordance with section 2.4 of the OMB Memorandum.
- d. All data contained in each quarterly recipient report will be cumulative in order to encompass the total amount of ARRA funds expended to date.
- e. These items are to be cumulatively reported each period no later than 10 days after the end of each calendar quarter (Beginning October 10, 2009).

#### **5. Consistent with the OMB Memorandum’s Section 5.3, Instructions for Reporting of ARRA Jobs Created:**

- a. Provide data only for direct jobs created or retained by ARRA funding; do not attempt to report on the employment impact on materials suppliers and central service providers (so called “indirect jobs”) or on the local community (“induced



jobs). For example, do not attempt to estimate jobs created or retained by direct-purchases by either the Awardee or its vendors for materials or equipment.

- b. Direct jobs created or retained are to be reported under data element 13 on page 10 of the OMB Guidance as aggregated for the Awardee and its vendors as follows:
  - i. Jobs created or retained shall be reported as Full Time Equivalent (FTE) Jobs, which are calculated as total hours worked in jobs created or retained divided by the number of hours in a full-time schedule, as defined by the Awardee or its vendors (designers, consultants, prime construction contractor, and construction sub-contractors). See formula and example on page 35 of Section 5.3 of the OMB Memorandum.
  - ii. Direct jobs created or retained shall be reported on a full-time equivalent basis for the entire reporting period.

#### **6. Consistent with the OMB Memorandum's Section 4.9,**

NIST will need to review the reporting processes and procedures of Awardees.

#### **7. Follow-up:**

NIST Construction Grant ARRA Awardees may direct specific questions to:

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