



MEMORANDUM

June 23, 2010

TO: Recipients of Department of Energy Recovery Act Funding

FROM: Matt Rogers, Senior Advisor to Secretary for Recovery Act Implementation

On February 17, 2009 President Obama signed into law the [American Recovery and Reinvestment Act of 2009](#) (Recovery Act), as an unprecedented effort to jump-start our economy and create and save millions of jobs. Through the Recovery Act, the Department of Energy received \$36.7 billion in appropriations, to invest in quality projects that will make a meaningful down-payment on the nation's energy and environmental future. With these funds, the Department of Energy and our Recovery Act recipients received a new set of oversight responsibilities in order to ensure the protection of our taxpayers' interests. Most projects are performing well. This note provides a reminder of the urgency to create jobs, develop quality projects in a timely fashion and abide by key Recovery Act provisions to ensure we can deliver on this shared accountability.

As a recipient of Recovery Act funding it is critically important that you comply with all applicable regulations, policies and practices that pertain (but not limited) to the following:

- **Davis-Bacon Act**—Davis-Bacon wage laws apply to Recovery Act contracts, grants, loans, and financial assistance awards involving construction —details are available on line: <http://www1.eere.energy.gov/wip/wap.html>, <http://www1.eere.energy.gov/wip/sep.html> and <http://www1.eere.energy.gov/wip/eecbg.html>; or contact your Contracting or Project Officer.
- **Buy American Provision**—similarly, Buy American restrictions attach to most awards involving construction, alteration, maintenance, or repair of a public building or public work —detailed guidance is available on line: http://www1.eere.energy.gov/recovery/buy_american_provision.html
- **Environment, Health, and Safety**—safe and environmentally sound operating practices are essential for Recovery Act success—we expect all projects to ensure worker safety and sound environmental stewardship every day.
- **NEPA**—Many projects are subject to National Environmental Policy Act requirements and timely compliance is important to ensure these projects deliver on time and with appropriate environmental safeguards—details on NEPA reviews are available at <http://nepa.energy.gov/>
- **Federal Reporting**—as part of the efforts to increase government transparency and accountability, each Recovery Act award comes with quarterly reporting requirements and many have monthly requirements—ensuring accurate and timely reporting is essential. Reporting guidance is also available:
 - Official OMB Guidance: <https://www.federalreporting.gov/federalreporting/downloads.do>
 - DOE Recovery Act Clearinghouse Call Center: 1-888-363-7289 or <https://recoveryclearinghouse.energy.gov>
 - DOE Webinars: http://www.energy.gov/recovery/ARRA_Reporting_Requirements.htm

- **Invoicing/Payment** – Contractors and recipients should draw funds or submit invoices in a prompt and timely manner.

Please contact your DOE project or contract officer with any questions pertaining to compliance of these regulations and provision.

You should also be aware that you have a shared responsibility along with the DOE to help prevent fraud, waste and abuse of Federal resources. You should report issues related to the following:

- Contract, Procurement, and Grant Fraud
- Environment, Health, and Safety Violations
- Computer Crimes
- Product Substitution and Suspect/Counterfeit Parts
- Bribery, Kickbacks, and Gratuities
- False Statements and False Claims
- Conflicts of Interest and Ethics Violations
- Travel Fraud
- Theft and/or Abuse of Government Property
- Other Violations of Federal Laws and Regulations

To report issues of waste, fraud, or abuse of Recovery Act funds, please contact the DOE Office of the Inspector General's Hotline at (800) 541-1625. If you have any questions pertaining to compliance of Recovery Act requirements, regulations and provisions, please contact the named Project Officer or Contracting Officer's Representative in the contract, grant, or cooperative agreement awarded you by DOE. Your diligence in the management of these issues will ensure these investments create benefits for the U.S. today and for generations to come.