

Summary Document

Governor's Grants Office Office of the Governor State of Maryland

of

EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET Initial Implementing Guidance for the **American Recovery and Reinvestment Act of 2009**

March 5, 2009

This summary of the OMB Initial Implementing Guidance for the American Recovery and Reinvestment Act of 2009 (referred to as the Recovery Act) is designed to assist Maryland State Agencies, Local and Municipal Governments, Universities, and Non-profits to better understand the requirements of effective management, monitoring, audit, and transparency of the Recovery Act Funds.

The President's Office of Management and Budget will issue additional guidance providing further detail and covering a fuller range of items but what follows are highlights from this initial guidance. The full document can be accessed at: <http://www.recovery.gov/files/Initial%20Recovery%20Act%20Implementing%20Guidance.pdf>

State and Local governments should pay particular attention to Section 2.9 Recipient Reporting Requirements; Section 3 Governance and Risk Management; Section 5 Grants and Cooperative Agreements; Section 6 Contracts;

Useful websites and links mentioned throughout this document are:

- www.grants.gov *the Federal Government's single portal to find and apply for grants.*
- www.ccr.gov *Central Contractor Registration (CCR) is the primary registrant database for the U.S. Federal Government and a requirement for successful registration in grants.gov.*
- <http://fedgov.dnb.com/webform/displayHomePage.do;jsessionid=C4B229E5FFF42899116143BDAD9857C6> *Dun and Bradstreet Universal Numbering System (DUNS) required for successful registration in grants.gov.*

- www.USASpending.gov the Federal Government's "Google" to see where federal funds are spent.
- www.Recovery.gov the Federal Government's single website to see where all Recovery Act funds are spent.
- <http://www.whitehouse.gov/omb/grants/attach.aspx#which> OMB Circular compliance guidance on grants management

Tools to comply with monitoring requirements:

The *Risk Assessment Monitoring Tool* and the *Financial and Administrative Monitoring Tool* published by the AGA Partnership for Intergovernmental Accountability and Management A-87 Workgroup co-chaired by the Governor's Grants Office are attached to this document as a resource for you to comply with the stringent monitoring, oversight, and audit requirements of this Act.

Questions on this guidance can be directed to Merrill Oliver in Governor's Grants Office moliver@gov.state.md.us at (410)974.5090 or directly to recovery@omb.eop.gov.

Section 1: General Information

1.1 What is the purpose of this guidance?

The Guidance outlines necessary enhancement to standard processes for awarding and overseeing funds to meet accelerated timeframes and other unique challenges posed by the Recovery Act's transparency and accountability framework. More specifically, the Guidance:

- Answers questions and clarifies issues related to the mechanics of implementing the Recovery Act'
- Provides initial clarification on what information will be reported on Recovery.gov and what information will be required to be reported on Federal Government Agency websites [this information will be obtained from grantees in the form of quarterly program and financial reports unless increased frequency is specifically stipulated in authorizing legislation or Code of Federal Regulation (CFR)].
- Instructs Federal agencies on initial steps which must be taken to meet these reporting requirements, including incorporation of recipient reporting requirements in award documents and communications with funding recipients; and
- Establishes a common framework for agencies to manage the risks associated with implementing Recovery Act requirements.

1.2 What is the goal of this Guidance?

- Funds are awarded and distributed in a prompt, fair, and reasonable manner;
- The recipients and uses of all funds are transparent to the public, and the public benefits of these funds are reported clearly, accurately, and in a timely manner;
- Funds are used for authorized purposes and instances of fraud, waste, error, and abuse are mitigated;
- Projects funded under this Act avoid unnecessary delays and cost overruns; and
- Program goals are achieved, including specific program outcomes and improved results on broader economic indicators.

1.3 Under what authority is this Guidance being issued?

Among others, the guidance is issued under authority of the Federal Funding Accountability and Transparency Act of 2006 (P.L. 109-282)

1.4 What are the critical requirements or elements of this Guidance for which agencies must begin to immediately implement or prepare?

[Further detail and explanation on each of the areas identified below are provided in Sections 2 through 7.] Tools have been attached to this document to assist in carrying out these requirements.

- Transparency and Reporting
- Information Collection and Dissemination
- Budget Execution
- Risk Management
- Actions Specific to Award Type
 - Contracts
 - Grant and cooperative agreement awards
 - Loans and loan guarantees

1.6 What additional responsibilities exist for Executive Branch agencies (including pass-through entities)?

Funds shall be distributed in accordance with:

- All anti-discrimination and equal opportunity statutes, regulations, and Executive Orders that apply to the expenditure of funds under Federal contracts, grants, cooperative agreements, loans, and other forms of Federal assistance. The full list of applicable Acts is in Sec. 1.6.

1.7 Will additional Guidance be issued?

Yes. OMB is creating the Recovery Act Architecture Package to support shared understanding of technical requirements and solution approaches across all stakeholders.

1.8 Is there specific instruction for transmitting required reporting to OMB or to other appropriate recipients?

Specific reporting instructions are provided in in Appendices 1 and 2 of this Guidance or will otherwise be provided in future guidance.

1.9 Does this Guidance automatically provide Federal agencies with a waiver of existing legislative or administrative requirements?

No.

Section 2: Agency Plans and Public Reporting

2.1 What reporting is required under the Recovery Act?

There are eight different levels of reporting necessary to meet accountability and transparency objectives of the Recovery Act and this Guidance:

- Major Communications (*immediate at the Federal level, recipient levels contingent upon receipt of awards*)
- Formula block grant allocation reports (*Immediate and ongoing at the Federal level, recipient levels contingent upon award notice*)
- Initial weekly reports to help populate early phases of Recovery.gov (*Federal level only 3/3 – 5/12/09*)
- Monthly financial reports (*Federal levels only unless in authorizing language and CFR for existing grant programs at the recipient level. Starting 5/8/09*)
- Award-level reporting consistent with what is currently required for USAspending.gov (*Starting 5/5/05 for Federal level, w/in 30 days of award receipt*)
- Agency-wide Recovery Act plans (*Starting 5/1/09 Federal level; StateState Dates here; Local Govt's TBD at the local level*)
- Program-specific Recovery Act plans (*Starting 5/1/09 Federal level; StateState Dates here; Local Govt's TBD at the local level*)
- **Recipient reporting Starting 7/10/09**

2.2 What communications materials are agencies required for posting to Recovery.gov?

Federal Agencies are to begin immediately to determine information materials to be posted to Recovery.gov.

2.8 What is required for program-specific Recovery Act plans?

Applies to Federal agencies only, but...

Of particular interest to grantees and contractors, Federal agencies will be capturing the following data elements:

- *Objectives: description of the program and relationships with corresponding goals and objectives. Expected public benefits should demonstrate cost-effectiveness and be clearly state in concise, clear and plan language targeted to an audience with no in-depth knowledge of the program.*
- *Activities: kinds and scope of activities to be performed (e.g. construction, provision of services, conduct of research and development, assistance to governmental units or individuals, etc.)*
- *Chararacteristics: types of financial awards to be used, targeted type of recipients, beneficiaries and estimated dollar amount of total Recovery Act funding for non-federal recipients and methodology for award selection.*
- *Delivery Schedule: schedule with milestones for major phases of the programs activities (e.g. procurement phase, planning phase, project execution phase, etc., or comparable) with planned delivery date(s).*
- *Environmental Review Compliance: description of the status of compliance with National Environmental Policy Act, National Historic Preservation Act, and related statutes.*
- *Savings or costs: expected increases or reductions in future operational costs.*
- *Measures: expected quantifiable outcomes consistent with the intent and requirements of the legislation and risk management requirements.*
- *Monitoring/Evaluation: description of the agency process for periodic review of program's progress to identify areas of high risk, high and low performance, and any plans for longer term impact evaluation.*
- *Transparency: description of agency program plans to organize program cost and performance information available at applicable recipient levels.*
- *Accountability: description of agency program plans for holding managers accountable for achieving Recovery Act program goals and improvement actions identified.*
- *Barriers to Effective Implementation: a list and description of statutory and regulatory requirements which may impede effective implementation of Recovery Act activities and proposed solutions to resolve by a certain date.*
- *Federal Infrastructure Investments: (see original document for detail)*

2.9 What reporting will be collected from recipients of Federal funding for reporting on Recovery.gov?

The Recovery Act and this guidance require extensive reporting from recipients of Federal funding. The Recovery Act defines “recipient” as any entity that receives Recovery Act funds directly from the Federal Government (including Recovery Act funds received through grant, loan, or contract) other than an individual and includes a State that receives Recovery Act funds. See Section 1512 of the Recovery Act.

These requirements apply to:

- Prime recipients. Reporting requirements only apply to the prime non-Federal recipients of Federal funding, and the sub awards (i.e., subgrants, subcontracts, etc.) made by the prime recipients. They do not require each subsequent subrecipient to also report. For instance, a grant could be given from the Federal government to State A, which then gives a sub grant to City B (within State A), which hires a contractor to construct a bridge, which then hires a subcontractor to supply the concrete. In this case, State A is the prime recipient, and would be required to report the subgrant to City B. However, City B does not have any specific reporting obligations, nor does the contractor or subcontractor for the purposes of reporting for the Recovery.gov website. All recipients of Federal funds must continue to comply with existing agency and program reporting requirements.
- Only recipients receiving awards funded through discretionary appropriations. These reporting requirements only apply to non-Federal recipients who receive funding provided through discretionary appropriations. The reporting requirements do not apply to funding received through entitlement or other mandatory programs, except as specifically required by OMB.

As required by Section 1512 of the Recovery Act and this guidance, each recipient, as described above, is required to report the following information to the Federal agency providing the award 10 days after the end of each calendar quarter, starting on July 10th.

These reports will include the following data elements, as prescribed by the Recovery Act:

- 1) The total amount of recovery funds received from that agency;
- 2) The amount of recovery funds received that were obligated and expended to projects or activities. This reporting will also include unobligated allotment balances to facilitate reconciliations.
- 3) A detailed list of all projects or activities for which recovery funds were obligated and expended, including—
 - a) The name of the project or activity;
 - b) A description of the project or activity;
 - c) An evaluation of the completion status of the project or activity;
 - d) An estimate of the number of jobs created and the number of jobs retained by the project or activity; and
 - e) For infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.
- 4) Detailed information on any subcontract or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (P.L. 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of OMB.

The final guidance issued by OMB for the Recovery Act will lay out in more detail specific reporting instructions and how the data collection for this reporting will work government-wide. OMB is pursuing options for collecting some of this information centrally, focusing first on the data required in (4) above in the standard formats currently used by Federal agencies to report to USASpending.gov. OMB is also actively considering how to centralize the collection and reporting of the information required in section (3) above, though the current preference is that, to the extent possible, this data should be collected and reported through existing program level systems. Agencies should develop initial contingency plans for collecting and reporting this information directly on the agency recovery website within the 30 days specified by law.

Instructions for reporting this information will be provided in subsequent guidance. Agencies should be cautious before making investments in new system capabilities before further guidance is issued or before consulting with OMB.

Regarding the reporting requirements in 3(d), usual methods for reporting jobs created by a contract do not take into account the time frame over which the jobs are created. As a result, they are likely to be inconstant with macroeconomic estimates of jobs created at a point in time. For this reason, departments and agencies should use conventional jobs estimates for internal planning purposes only. Uniform reporting requirements for estimates of job creation will be specified at a later time.

Federal agencies must instruct recipients covered by these reporting requirements that Recovery Act funds can be used in conjunction with other funding as necessary to complete projects but tracking and reporting must be separate to meet the reporting requirements of the Recovery Act and this Guidance.

2.13 What impact do the new data reporting requirements under Recovery Act have on pre-existing data collection requirements?

This Guidance is intended to ensure the government-wide reporting requirements in the Recovery Act are fulfilled and that all necessary data to populate Recovery.gov is available.

2.14 What procedures will agencies follow to comply with relevant requirements of the Paperwork Reduction Act?

The collections of information that will be necessary to comply with Recovery Act disclosure and transparency provisions will be subject to OMB review and approve under the Paperwork Reduction Act of 1995 (PRA). In recognition of the need to act quickly to collect information from recipients of Recovery Act funds, OMB will allow agencies to request “emergency processing” of information collection requests under OMB’s PRA regulations (5CFR 1320.13).

Section 3: Governance and Risk Management

3.1 What is the role of Recovery Act Accountability and Transparency Board (the “Board”)

The Board is responsible for coordinating and conducting oversight of Federal spending under the Recovery Act to prevent waste, fraud, and abuse.

3.2 What is the role of OMB in coordinating government-wide policy on the Recovery Act?

OMB will coordinate Recovery Act activities until the Board is in place.

3.3 Are agencies required to designate a senior accountable official for Recovery Act activities?

Yes.

3.4 Are there certain risks that all agencies must include as part of their risk mitigation process?

Yes.

3.5 What are the reporting requirements for these common risk areas?

There are no specific reporting requirements related to risk management established by this Guidance. However, it is anticipated that the Board may initiate reporting requirements related to risk management at some point in the future. More information on this issue will be available in the next issuance of this Guidance.

To assess how well the Federal government and funding recipients are progressing in meeting the objectives, the agencies should begin considering how they would track progress against accountability measures, such as the following:

- 1) Audits and investigation of Recovery Act funds occurring to identify wasteful spending and minimize waste, fraud, and abuse;
- 2) Qualified personnel overseeing Recovery Act funds;
- 3) Opportunities to use competitive awards maximized;
- 4) Timely award of dollars;
- 5) Timely expenditure of dollars;
- 6) Timely completion of planned work;
- 7) Cost overruns minimized; and
- 8) Improper payments minimized.

3.6 For risks that are common to all agencies, are there specific risk mitigation actions that all agencies must initiate? *State and Local governments should pay particular attention to this set of actions.*

Yes, for the risks that are common to all agencies, specific risk mitigation actions are included throughout this Guidance and include, but are not limited to, the following:

- Ultimately, agencies must determine what award method(s) will allow recipients to commence expenditure and activities as quickly as possible consistent with prudent management and statutory requirements. Agencies may consider obligating funds provided under Recovery Act on an existing grant, including, but not limited to, a continuation or renewal grant.
- To enable timeliness of awards, agencies should engage in aggressive outreach to potential applicants to begin application planning activities, including the process for Central Contractor Registration (CCR) and obtaining a Dun and Bradstreet Universal Numbering System (DUNS) number. Outreach can also include efforts to update and validate existing CCR and DUNS registration data.
- Consider weighting selection criteria to favor applicants for assistance with demonstrated ability to deliver programmatic result and accountability objectives included in the Recovery Act.
- Adapt current performance evaluation and review processes to include the ability to report periodically on completion status of the program or activity, and program and economic outcomes, consistent with Recovery Act requirements. Establish procedures to validate the accuracy of information submitted on a statistical basis and/or risk based approach as approved by OMB.
- Using other than fixed-price contracts requires agencies to pay special attention to ensuring that sufficient qualified acquisition personnel are available to perform contract administration to mitigate the government's risks.
- Agencies should review their internal procurement review practices to promote competition to the maximum extent practicable.
- Agencies must ensure receipt of funds is made contingent on recipients meeting the reporting requirements in Section 1512 of the Act.
- Agencies must structure acquisitions to result in meaningful and measureable outcomes that are consistent with agency plans and that promote the goals of the Recovery Act.
- Consider alternatives to contract financing, including structuring contract line items to allow invoicing and payments based upon interim or partial deliverables, milestones, percent-of- completion, etc.

3.7 Should agencies undertake efforts to identify, prioritize, and mitigate implementation risks associated with the Recovery Act that are specific to their agency and programs?

Yes...whenever possible, agencies should leverage existing practices (e.g., assessments required under OMB Circular A-123) and teams (e.g., senior assessment teams) to manage risk.

For programs that receive Recovery Act funding, agencies should consider the following when assessing risk including but not limited to:

- Which programs are receiving the most funding;
- Are program outputs and outcomes clear and measureable;
- Are existing resources sufficient to achieve program objectives and proper award and management in accordance with statutory and regulatory requirements;
- Who is (are) the final recipient(s) of funds (e.g., contractor, sub-contractor, state, locality, educational institution);
- Are existing internal controls sufficient to mitigate the risk of waste, fraud, and abuse adequately;
- Are there performance issues with (potential) funding recipient; and
- Are there leading indicators or lagging indicators (e.g., error measurements) to monitor ongoing program performance?

Agencies should also develop a plan for monitoring and reassessing risk throughout Recovery Act funding availability and project close-out.

3.8 What risk mitigation actions must agencies take for risks specific to their agency and programs?

Agencies should develop mitigation plans that align with specific risks.

3.9 What are the reporting requirements for these agency-specific risk areas?

Applies to Federal government only. State and Local governments should prepare and report in a similar fashion as they would for implementation of OMB Circular A-133 Audit Compliance Requirement.

3.10 Does the Office of Personnel Management offer any tools that my agency can use to match the right talent with the right job and hire as quickly as possible?

Applies to Federal government only. State and Local governments should refer to their hiring authority.

Section 4: Budget Execution

While much of this section is devoted to Federal government specific budgeting, Section 4.2 will have flow-down implications that essentially instruct no co-mingling of Recovery Act and non-Recovery Act funds.

4.2 Can agencies co-mingle Recovery Act and non-Recovery Act funds?

No. To maximize transparency of Recovery Act spending required by Congress and the Administration, agencies must not co-mingle Recovery Act funds with other funds in apportionment requests...

Agencies in some cases may need to use Recovery Act funds in conjunction with other funds to complete projects. They may do so, but they must separately track and report the use of Recovery Act funds for these projects.

Section 5: Grants and Cooperative Agreements

5.1 Are there actions, beyond standard practice, that agencies must take while planning for competitive and formula grant awards under Recovery Act?

Yes.

(1) Determining Grant Objectives and Evaluation Criteria for Award

Agencies should structure grants to result in meaningful and measureable outcomes that are consistent with the goals of the Recovery Act.

(2) Competition

...agencies may want to consider the appropriateness of limited competitions among existing high-performing projects versus full and open competitions and formula allocations.

(3) Existing Grants

...agencies must determine what award method(s) will allow recipients to commence expenditure and activities as quickly as possible consistent with prudent management and statutory requirements...

(4) Timeliness of Awards

...to enable timeliness of awards, agencies should engage in aggressive outreach to potential applicants to begin application planning activities, including the process or Central Contractor Registry (CCR) and obtaining a Dun and Bradstreet Universal Numbering System (DUNS) number

(5) Other Planning Activities

- Request and expedited “Recovery Act” Catalog of Federal Domestic Assistance (CFDA) number for new Recovery Act programs or existing programs for which the Recovery Act provides for compliance requirements that are significantly different from the Recovery Act funding;
- Provide notification of existing CFDA program descriptions that will be modified during the next CFDA update cycle to reflect Recovery Act authorities, financial information, etc.;

5.2 Are there actions, beyond standard practice, that agencies must take related to solicitation and evaluation of competitive grants awarded under Recovery Act?

Federal agencies must:

- Provide information in funding opportunity announcements and award notification on Recovery Act-specific reporting requirements.
- Within twenty (20) days after enactment of the Recovery Act, agencies shall post funding opportunity announcements (i.e., “synopses”) to Grants.gov. Information about specific requirements (e.g., use of funds, certification, data reporting, performance measures, etc.) under the Recovery Act should be in the full funding announcement. The Grants.gov synopsis shall link to the full announcement on the agency website within thirty (30) days of enactment. In the interim, the synopsis should link to an agency instruction on where the full announcement is expected to become available.
- Consider weighting selection criteria to favor applicants for assistance with demonstrated ability to deliver programmatic result and accountability objectives included in Recovery Act.

5.3 What are the requirements for use of Grants.gov?

- For “find,” agencies are required to post synopses to Grants.gov, consistent with section 5.2 above.
- For “apply,” agencies should generally use the “apply” feature of Grants.gov, but may, in limited circumstances, link from Grants.gov to an on-line application on the agency website.

5.4 Are Federal agencies expected to initiate additional oversight requirements for grants, such as mandatory field visits or additional case examinations for error measurements, to comply with grant rules and regulations?

Agencies must take steps, beyond standard practice, to initiate additional oversight mechanisms in order to mitigate the unique implementation risks of the Recovery Act.

- (1) Performance Management and Accountability
- (2) Internal Controls Assessment

5.5 Are agencies expected to comply with existing administrative grants requirements?

Agencies are expected to follow administrative requirements as directed OMB Circular A-102, Grants and Cooperative Agreements with States and Local Governments, the agency’s adoption of the grants management common rule; and OMB Circulars A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Learning, Hospitals, and other Non-profit Organizations. (see 2 CFR parts 215)

5.6 What audit tools will be used to drive accountability for Federal awards under the Recovery Act?

Refer to OMB Circular A-133 Single Audit Compliance Requirement

5.7 What steps will be taken to make Single Audit effective in promoting accountability of Recovery Act grants.

OMB will use the OMB Circular A-133 Compliance Supplement to notify auditors of compliance requirements which should be tested for Recovery Act awards.

5.8 How will transparency be providing for the results of Single Audits?

For fiscal years ending September 30, 2009 and later, all Single Audit reports filed with the Federal Audit Clearinghouse (FAC) will be made publicly available on the internet.

5.9 Are there terms and conditions, beyond standard practice, that must be included in competitive and formula grant agreements under Recovery Act?

Agencies must:

- Use the agency's standard award terms and conditions on award notices, where applicable, unless they conflict with the requirements of the Recovery Act.
- Agencies must ensure receipt of funds is made contingent on recipients meeting the reporting requirements in Section 1512 of the Act.
- Ensure that there is an award term or condition requiring first tier subawardees to begin planning activities, including obtaining a DUNS number (or updating the existing DUNS record), and registering with the Central Contractor Registration (CCR). Prime recipients and Federal agencies must establish mechanisms to meet Recovery Act data collection requirements. Agencies should work with prime recipients to ensure that DUNS and CCR requirements for first tier sub awardees are met on later than the first time Recovery Act data requirements are due.
- In the case where the Recovery Act requirement conflicts with an agency's standard award term or condition, the agency's award term or condition should be modified, as necessary, to ensure compliance with the Recovery Act requirement. A modification may not be necessary if the award term and condition is sufficiently rigorous to meet Recovery Act requirements.
- Make clear that any funding provided through the Recovery Act that is supplements to an existing grant is one-time funding.
- Include the requirement that each grantee or sub-grantee awarded funds made available under Recovery Act shall promptly refer to an appropriate inspector general any credible evidence that a principal, employee agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act.

Section 6: Contracts

6.1 Are there actions, beyond standard practice, that agencies must take while planning for contract awards under the Recovery Act?

- Mitigate schedule, cost, and performance risk;
- Define contract requirements consistent with goals of Recovery Act;
- Obtain maximum practicable competition;
- Maximize opportunities for small businesses to compete
- Use supplies and services provided by nonprofit agencies employing people who are blind or severely disabled as provided in FAR Subpart 8.7;
- Expeditiously award contracts;
- Apply sufficient and adequately trained workforce to responsibly plan evaluate, award, and monitor contracts;
- Ensure an adequate number of qualified government personnel are available to perform inherently governmental function during the acquisition life-cycle; and
- Provide appropriate agency oversight at critical decision points.

Key considerations during the acquisition planning process include the following:

1. Contract Type Selection
2. Competition
3. Determine Acquisition Objectives and Evaluation Criteria for Award
4. Existing Contracts
5. Interagency Agreements
6. Small Business Participation
7. Javits-Wagner-O'Day Act – Ability One (*maximize blind and severely disabled*)
8. Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace
9. Contract Financing and Structuring Contract Deliverables

6.2 Are there actions, beyond standard practice, that agencies must take related to solicitation of offers and award of contract under the Recovery Act?

The Recovery Act imposes unique transparency requirements that change the pre-solicitation and award notice process, beyond standard practice.

6.3 through 6.6 provide further detail on sections 6.1 and 6.2.

State and Local government contracting officers should expect to embed Recovery Act contracting criteria throughout the entire acquisition process. Further instruction will come directly from the Federal Agencies and future OMB guidance.

Section 7: Loans and Loan Guarantees

7.1 through 7.7 provide detail description on management and monitoring of Loans and Loan Guarantees.

State and Local government contracting and loan officers should expect to embed Recovery Act terms and conditions to Loans and Loan Guarantees. Particular attention should be paid to:

- *Performance Measurement;*
- *Data Collection;*
- *Loan and Loan Guarantee Award Selection and Evaluation Criteria*
- *Statement of Expected Benefit/Outcome;*
- *Face Value of Loan or Loan Guarantee;*
- *Subsidy cost to Government of the Loan or Loan Guarantee;*
- *Congressional District*
- *Competitive Award Process Determination;*
- *Justification of Non-Competitive Selection Process;*
- *Internal Controls Assessment*
- *Compliance with OMB Circular A-133*