



Uniform Guidance Required Contract Provisions (2 CFR Part 200, Appendix II) and FEMA Recommended Contract Provisions

The information in this chart is specific to contracts for which an entity is seeking reimbursement for disaster recovery expenses under the FEMA Public Assistance Program.

Other requirements may apply to other federal grant programs.

The FEMA Procurement Disaster Assistance Team (PDAT) Contract Provisions Template is available on the FEMA PDAT website at:

<https://www.fema.gov/procurement-disaster-assistance-team>

Entity should consult with its attorney in developing contract provisions.

	<u>Required</u> (2 CFR Part 200 Appendix II)	Type of Contract	Sample Language in FEMA PDAT Contract Template? (Click here for Template)
1.	Legal/contractual/administrative remedies for breach of contract	All contracts costing \$250,000 or more	No. Entity's attorney must write this provision
2.	Termination for cause or convenience	All contracts costing \$10,000 or more	No. Entity's attorney must write this provision
3.	Equal Employment Opportunity	All contracts for construction or repair work	Yes. 41 CFR Part 60-1.4(b). See <u>required</u> language in FEMA PDAT Contract Template
4.	Davis Bacon Act <i><u>Not applicable to FEMA PA</u></i>	All contracts for construction or repair work	Not applicable to FEMA Public Assistance grants
5.	Copeland Anti-Kickback Act <i><u>Not applicable to FEMA PA</u></i>	All contracts for construction or repair work costing \$2,000 or more	Not applicable to FEMA Public Assistance grants
6.	Contract Work Hours and Safety Standards Act	All contracts costing \$100,000 or more for construction or repair work involving employment of mechanics or laborers (does not apply to purchase or service contracts)	Yes. 29 CFR 5.5(b). See <u>required</u> language in FEMA PDAT Contract Template
7.	Rights to inventions made under a contract or agreement <i><u>Not applicable to FEMA PA</u></i>	Funding agreement	Not applicable to FEMA Public Assistance grants



8.	Clean Air Act and Federal Water Pollution Control Act	All contracts costing \$150,000 or more	Yes. See suggested language in FEMA PDAT Contract Template
9.	Debarment and Suspension	All purchase contracts costing \$25,000 or more	Yes. See suggested language in FEMA PDAT Contract Template
10.	Byrd Anti-Lobbying Amendment	Contract provision required for all contracts regardless of cost; Certification Statement by contractor required for contracts costing \$100,000 or more	Yes. See <u>required</u> language in FEMA PDAT Contract Template and Certification Statement to be signed by vendor or contractor
11.	Procurement of Recovered Materials	All contracts costing \$10,000 or more where work involves the use of materials	Yes. See suggested language in FEMA PDAT Contract Template

	<u>Recommended (FEMA)</u>	Type of Contract	Sample Language in FEMA PDAT Contract Template? <i>(Click here for Template)</i>
1.	Access to Records	All contracts regardless of cost	Yes. See suggested language in FEMA PDAT Contract Template
2.	Contract Changes or Modifications	All contracts regardless of cost	No. Entity's attorney must write this provision
3.	DHS Seal, Logo, and Flags	All contracts regardless of cost	Yes. See suggested language in FEMA PDAT Contract Template
4.	Compliance with Federal Law, Regulations and Executive Orders	All contracts regardless of cost	Yes. See suggested language in FEMA PDAT Contract Template
5.	No Obligation by Federal Government	All contracts regardless of cost	Yes. See suggested language in FEMA PDAT Contract Template
6.	Program Fraud and False or Fraudulent Statements or Related Acts	All contracts regardless of cost	Yes. See suggested language in FEMA PDAT Contract Template

Source: Modified from [FEMA PDAT Contract Provisions Template](#)