

S T A T E

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T E N N E S S E E

September 4, 2024

January 1, 2021

SPECIAL PROVISION

REGARDING

AMERICAN RESCUE PLAN ACT (ARPA)

The federal American Rescue Plan Act (ARPA) grant authorized and appropriated American Rescue Plan (ARP) fiscal recovery funds the associated provisions required for Non-Federal entity contracts. These provisions are fully detailed in Appendix II of 2 CFR 200.327 (§200.327 Contract provisions). The Contract must also comply with all applicable Federal Law, Regulations, and Executive Orders.

The Department must obtain a Minority/Women-owned Business Enterprises (MWBE) Certification and a Byrd Anti-Lobbying Amendment Certification for the ARPA funded contract.

By submitting a bid, Contractors certify the following:

1. Minority/Women Owned Business Enterprises subcontractors. It is required for the Contractor to demonstrate that when subcontractors are to be used on the project, an attempt will be made to utilize women/minority owned firms. Documentation must be on file to show who has been contacted.
2. Byrd Anti-Lobbying Amendment. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and

contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. Chap. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.