

CONTRACT PROVISIONS BY CRITERIA REQUIREMENTS

Use with the FEMA Contract Provisions Template and the Quick Reference Table for the Contract Provisions Template

CONSTRUCTION DEFINITION:

A construction contract for the purposes of contract provisions is defined as a contract for >\$2,000 for the construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings, or other changes or improvements to real property, including supervision, inspection, and other onsite functions incident to the actual construction

When Provision is Required/Recommended	FEMA Ref. #	Provision Title
Not Required for Public Assistance or Mitigation Grants	4	Davis Bacon Act
	5	Copeland Anti-Kickback Act
	7	Rights to Inventions Made Under a Contract or Agreement

PROVISIONS REQUIRED BY 2 CFR 200.326 AND APPENDIX II

Required for All Contracts	9	Debarment and Suspension
	10	Byrd Anti-Lobbying Amendment (<i>Certification required if >\$100,000</i>)
Required for All Construction Work (use the exact language provided)	3	Equal Employment Opportunity
Required for Construction Contracts > \$2,000	4	Davis Bacon Act
	5	Copeland Anti-Kickback Act
Required for contracts > \$10,000	2	Termination for cause or convenience
Required for contracts > \$100,000 when hiring mechanics and laborers	6	Contract Work Hours and Safety Standards Act
Required for contracts > \$150,000	8	Clean Air Act and Federal Water Pollution Control Act
Required for contracts > \$250,000	1	Remedies <i>Legal contractual/administrative remedies for breach of contract</i>
Required for County and Local Government Procurement	11	Procurement of Recovered Materials
Required for Funding Agreement	7	Rights to Inventions Made Under a Contract or Agreement. <i>Does not pertain to MSP/EMHSD subrecipients</i>

PROVISIONS RECOMMENDED BY FEMA

FEMA Recommended Provisions for all Contracts	1	Access to Records
	2	Contract Changes or Modifications
	3	DHS Seal, Logo, and Flags
	4	Compliance with Federal Law, Regulations, and Executive Orders
	5	No Obligation by Federal Government
	6	Program Fraud and False or Fraudulent Statements or Related Acts