

## **NOTICE TO BIDDERS ARRA MONTHLY EMPLOYMENT/DBE PAYMENT REPORTS**

The American Recovery and Reinvestment Act of 2009 (ARRA), requires states receiving stimulus funds for highway projects to provide monthly reports to the Federal Highway Administration (FHWA) regarding the number of employees of prime contractors, all-tier subcontractors and consultants on ARRA funded projects.

The cost for complying with this Notice to Bidders must be borne by the prime contractor, and all-tiers of subcontractors and consultants, as part of their overhead and is deemed to be included in the payments made under this contract.

Within 10 days after the end of each month in which work is performed on this contract, all prime contractors, and all-tier subcontractors and consultants, must provide the Engineer a monthly report, in a format and on forms approved by the Engineer, which shall include, for work performed in that preceding month:

- The total number of employees who performed work on this contract
- The total number of hours worked by employees who performed work on this contract
- The total wages of employees who performed work on this contract

In addition, the prime contractor must provide a total payment amount made to any subcontractor who is a certified DBE in that preceding month.

This Notice to Bidders shall be included as a part of each subcontract executed by the prime contractor, and all-tiers of subcontractors and consultants.

If necessary to conform to guidance provided by FHWA concerning the ARRA reporting requirements, the prime contractor, and all-tiers of subcontractors and consultants will revise their reporting as directed by the Engineer.

**Failure to comply with the reporting requirements under ARRA would jeopardize the Department's continued receipt of ARRA funding.**

**Accordingly, if a contractor or any-tier of subcontractor or consultant fails to comply with this Notice to Bidders, the Department may withhold contract payments until compliance is achieved. If the Department is compelled to incur costs because of such a breach, the amount of those costs may be deducted from payments otherwise to be made under this contract. Additional sanctions may include reduction or elimination of prequalification ratings and removal of bidding privileges.**