§ 12.972 Subsequent adjustments and continuing responsibilities.

(a) The closeout of an award does not affect any of the following:

(1) The right of the Federal awarding agency to disallow costs and recover funds on the basis of a later audit or other review.

(2) The obligation of the recipient to return any funds due as a result of later refunds, corrections, or other transactions.

(3) Audit requirements in §12.926.

(4) Property management requirements in §§12.931 through 12.937.

(5) Records retention as required in §12.953.

(b) After closeout of an award, a relationship created under an award may be modified or ended in whole or in part with the consent of the Federal awarding agency and the recipient, provided the responsibilities of the recipient referred to in §12.973(a), including those for property management as applicable, are considered and provisions made for continuing responsibilities of the recipient, as appropriate.

§ 12.973 Collection of amounts due.

(a) Any funds paid to a recipient in excess of the amount to which the recipient is finally determined to be entitled under the terms and conditions of the award constitute a debt to the Federal Government. If not paid within a reasonable period after the demand for payment, the Federal awarding agency may reduce the debt by paragraph (a) (1), (2) or (3) of this section:

(1) Making an administrative offset against other requests for reimbursements.

(2) Withholding advance payments otherwise due to the recipient.

(3) Taking other action permitted by statute.

(b) Except as otherwise provided by law, the Federal awarding agency shall charge interest on an overdue debt in accordance with 4 CFR chapter II, “Federal Claims Collection Standards.”

APPENDIX A TO SUBPART F OF PART 12—CONTRACT PROVISIONS

All contracts awarded by a recipient, including small purchases, shall contain the following provisions as applicable:


2. Copeland “Anti-Kickback” Act (18 U.S.C. 874 and 40 U.S.C. 276c)—All contracts and subcontracts in excess of $100,000 for construction or repair awarded by recipients and subrecipients shall include a provision for compliance with the Copeland “Anti-Kickback” Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal awarding agency.
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3. Davis-Bacon Act, as amended (40 U.S.C. 276a to a–7)—When required by Federal pro-
gram legislation, all construction contracts awarded by the recipients and subrecipients of
more than $2,000 shall include a provision for compliance with the Davis-Bacon Act (40
U.S.C. 276a to a–7) and as supplemented by Department of Labor regulations (29 CFR
part 5, “Labor Standards Provisions Applicable to Contracts Governing Federally Fi-
nanced and Assisted Construction”). Under this Act, contractors shall be required to pay
wages to laborers and mechanics at a rate not less than the minimum wages specified
in a wage determination made by the Secretary of Labor. In addition, contractors
shall be required to pay wages not less than once a week. The recipient shall place a copy
of the current prevailing wage determination issued by the Department of Labor in each
solicitation and the award of a contract shall be conditioned upon the acceptance of the
wage determination. The recipient shall report all suspected or reported violations to
the Federal awarding agency.

contracts awarded by recipients in excess of $100,000 for construction contracts and for
other contracts that involve the employment of mechanics or laborers shall include a pro-
vision for compliance with sections 102 and 107 of the Contract Work Hours and Safety
Standards Act (40 U.S.C. 327–333), as supple-
mented by Department of Labor regulations (29 CFR part 5). Under section 102 of the Act,
each contractor shall be required to compute the wages of every mechanic and laborer on
the basis of a standard work week of 40 hours. Work in excess of the standard work week
is permissible provided that the worker is compensated at a rate of not less than 1 1/2
times the basic rate of pay for all hours worked in excess of 40 hours in the work
week. Section 107 of the Act is applicable to construction work and provides that no la-
borer or mechanic shall be required to work in surroundings or under working conditions
which are unsanitary, hazardous or dan-
gerous. These requirements do not apply to
the purchases of supplies or materials or ar-
ticles ordinarily available on the open mar-
ket, or contracts for transportation or trans-
mision of intelligence.

5. Rights to Inventions Made Under a Con-
tact or Agreement—Contracts or agreements for the performance of experimental, devel-
opmental, or research work shall provide for
the rights of the Federal Government and the recipient in any resulting invention in
accordance with 37 CFR part 401, “Rights to Inventions Made by Nonprofit Organizations
and Small Business Firms Under Govern-
ment Grants, Contracts and Cooperative
Agreements,” and any implementing regu-
lations issued by the awarding agency.

6. Clean Air Act (42 U.S.C. 7401 et seq.) and
the Federal Water Pollution Control Act (33
U.S.C. 1251 et seq.), as amended—Contracts and subgrants of amounts in excess of
$100,000 shall contain a provision that re-
quires the recipient to agree to comply with
all applicable standards, orders or regula-
tions issued pursuant to the Clean Air Act
(42 U.S.C. 7401 et seq.) and the Federal Water
Pollution Control Act as amended (33 U.S.C.
1251 et seq.). Violations shall be reported to
the Federal awarding agency and the Re-

cional Office of the Environmental Protec-
tion Agency (EPA).

1352)—Contracts or agreements for the purchase of supplies or materials or ar-
ticles ordinarily available on the open mar-
ket, or contracts for transportation or trans-
mision of intelligence. These requirements do not apply to
the purchases of supplies or materials or ar-
ticles ordinarily available on the open mar-
ket, or contracts for transportation or trans-
mision of intelligence.

8. Debarment and Suspension (E.O.s 12549
and 12689)—No contracts shall be made to
parties listed on the General Services Ad-
ministration’s “Lists of Parties Excluded from Federal Procurement or Nonprocure-
ment Programs” in accordance with E.O.s
12549 and 12689. “Debarment and Suspen-
dion.” This list contains the names of parties
debarred, suspended, or otherwise excluded
by agencies, and contractors declared ineli-
gible under statutory or regulatory author-
ity other than E.O. 12549. Contractors with
awards that exceed the small purchase
threshold shall provide the required certifi-
cation regarding their exclusion status and
that of their principals.

PART 13—VENDING FACILITIES
OPERATED BY BLIND PERSONS

Sec.
13.1 Authority and purpose.
13.2 Application for permit.
13.3 Cooperation in selection of facilities.
13.4 Terms of permit.
13.5 Protection from competition.
13.6 Appeals.

AUTHORITY: Sec. 4, 68 Stat. 663; 20 U.S.C.
107.

SOURCE: 22 FR 9476, Nov. 27, 1957, unless
otherwise noted.

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