§ 105–72.802 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.


5. Records retention as required in §105–72.603.

(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 §105–72.803(a), including those for property management as applicable, are considered and provisions made for continuing responsibilities of the recipient, as appropriate.

§ 105–72.803 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 PART 105–72—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 subgrants in excess of $2000 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
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 $2000 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 Applica-
table 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 Sec-
retary 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 re-
port all suspected or reported violations to
the Federal awarding agency.

4. Contract Work Hours and Safety Standards
Act (40 U.S.C. 327–333)—Where applicable, all
contracts awarded by recipients in excess of
$2000 for construction contracts and in ex-
cess of $2500 for other contracts that involve
the employment of mechanics or laborers
shall include a provision for compliance with
Sections 102 and 107 of the Contract Work
Hours and Safety Standards Act (40 U.S.C.
327–333), as supplemented 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 stan-
dard work week of 40 hours. Work in excess of
the standard work week is permissible pro-
vided 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 laborer or mechanic shall be
required to work in surroundings or under
working conditions which are unsanitary,
hazardous or dangerous. These requirements
do not apply to the purchases of supplies or
materials or articles ordinarily available on
the open market, or contracts for transpor-
tation or transmission of intelligence.

5. Rights to Inventions Made Under a Con-
tract or Agreement—Contracts or agreements
for the performance of experimental, develop-
mental, 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 regula-
tions 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-

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

1352)—Contractors who apply or bid for an
award of $100,000 or more shall file the re-
quired certification. Each tier certifies to
the tier above that it will not and has not
used Federal appropriated funds to pay any
person or organization for influencing or at-
tempting to influence an officer or employee
of any agency, a member of Congress, officer
or employee of Congress, or an employee of a
member of Congress in connection with ob-
taining any Federal contract, grant or any
tier shall also disclose any lobbying with
non-Federal funds that takes place in con-
nection with obtaining any Federal award.
Such disclosures are forwarded from tier to
tier up to the recipient.

8. Debarment and Suspension (E.O.s 12549
and 12689)—No contract shall be made to par-
ties listed on the General Services Adminis-
tration’s List of Parties Excluded from Fed-
eral Procurement or Nonprocurement Pro-
grams in accordance with E.O.s 12549 and
12689, “Debarment and Suspension.” This list
contains the names of parties debarred, sus-
pended, or otherwise excluded by agencies,
and contractors declared ineligible under
statutory or regulatory authority other than
E.O. 12549. Contractors with awards that ex-
ceed the small purchase threshold shall pro-
vide the required certification regarding its
exclusion status and that of its principal em-
ployees.

PART 105–74—GOVERNMENTWIDE
REQUIREMENTS FOR DRUG-FREE
WORKPLACE (FINANCIAL ASSIST-
ANCE)

Subpart A—Purpose and Coverage

Sec.
105-74.100 What does this part do?
105-74.105 Does this part apply to me?
105-74.110 Are any of my Federal assistance
awards exempt from this part?