Appendix II Contract Clause Checklist

This checklist provides a threshold-based guidance for all required federal contract provisions under 2 C.F.R. § 200 and its corresponding Appendix II (Appendix II). This document is designed to support internal procurement compliance, ensuring municipalities include the correct clauses to procurement methods based on contract type and dollar amount.

For the purposes of this document, the listed thresholds and corresponding policy citations adhere to the most recent guidance regarding procurement thresholds under 2 C.F.R. and similar federal guidance. As of October 1, 2025, the small purchase threshold was amended, increasing the threshold from $10,000 to $15,000, and the Simplified Acquisition Threshold (SAT) remained at $350,000.

Awards (such as ARPA SLFRF) made prior to October 1, 2025, are subject to previous threshold requirements under procurement. As such, all ARPA SLFRF funds are "frozen" at $10,000 for the Small Purchase threshold and $250,000 for the Simplified Acquisition Threshold. If you received an award during the following periods, the listed threshold amount is applicable. Please note that the timing is based on the date of award and not the date of procurement.

Before October 1, 2025	On or After October 1, 2025
Micro Purchase: $10,000	Micro Purchase: $15,0000
Simplified Acquisition: $250,000	Simplified Acquisition: $350,000

For full regulatory guidance, refer to the Procurement General Checklist and 2 C.F.R. § 200.317-200.327.

☐	Threshold	Clause	Policy Reference
☐	All Contracts	***Byrd Anti-Lobbying Amendment.*** Applies to all contracts, but certification is required for contracts greater than or equal to $100,000. This amendment prohibits recipients of federal funds from using the funds to lobby government officials or influence the awarding of federal contracts.	Appendix II(I), 31 U.S.C. § 1352
☐	All Contracts	***Domestic Preferences.*** To the greatest extent possible, implement Buy America preferences during	2 C.F.R. § 200.322

		procurement, seeking out materials manufactured in the United States.	
☐	All Construction Contracts	***Equal Employment Opportunity.*** Requires contactors to adhere to nondiscrimination practices. Contracts must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11375.	Appendix II(C), 41 C.F.R. § 60-1.4(b)
☐	All Contracts	***Prohibition on Certain Telecommunications and Video Surveillance Equipment.*** Recipients and subrecipients are prohibited from using federal funds to procure or obtain or otherwise contract out covered telecommunications equipment or services, as defined in section 889 of Public Law 115-232.	Appendix II(K), 2 C.F.R. § 200.216
☐	All Contracts	***Recovered Materials.*** To the greatest extent practicable, contracts must comply with EPA-designated recycled content standards[1].	2 C.F.R. § 200.323, 40 C.F.R Part 247
☐	All Contracts	***Suspension and Debarment.*** Federal fund recipients must ensure that contracted awards are not made to entities that are listed as suspended or debarred on SAM.gov.	Appendix II(H), 2 C.F.R. § 200.214, 2 CFR Part 180, 31 CFR Part 19
☐	$2,000	***Copeland Anti-Kickback Act.*** Only required for construction contracts. This Act prohibits kickbacks and requires weekly payroll reporting.	Appendix II(D), 29 C.F.R. Part 3 (§3.4)
☐	$2,000	***Davis-Bacon.*** Only required for construction contracts. Contractors must pay prevailing wages and must pay wages at least once per week.	Appendix II(D), 40 U.S.C. 3141-3148
☐	$10,000	***Termination for clause and convenience.*** All contracted awards over this threshold must explicitly	Appendix II(B)

[1] *Note: A recipient or subrecipient that is a State agency or agency of a political subdivision of a State and its contractors must comply with section 6002 of the Solid Waste Disposal Act, procuring only items that contain the highest percentage of recovered materials practicable, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000.*

		include a contract clause permitting them to unilaterally end an agreement, including termination clauses, rights, and procedures.	
☐	$100,000	***Contract Work Hours and Safety Standards Act.*** Where appliable, all awarded contracts of $100,000 or more must include a provision for compliance with 40 U.S.C. 3702 and 3704. This provision guarantees fair hours, overtime pay, and safe working conditions.	Appendix II(E), 40 U.S.C. 3702 and 3704
☐	$150,000	***Clean Air Act.*** Requires that contracts include a provision that contracted entities maintain compliance with all applicable standards in the Clean Air Act (42 U.S.C. 7401-7671q.).	Appendix II(G), 42 U.S.C. 7401
☐	$150,000	***Federal Water Pollution Control Act.*** Requires that contracts include a provision that contracted entities maintain compliance with all applicable standards in the Federal Water Pollution Control Act (33 U.S.C. 1251-1387).	Appendix II(G), 33 U.S.C. 1251
☐	Simplified Acquisition Threshold	***Bonding.*** Only required for construction contracts above the Simplified Acquisition Threshold ($250,000 for SLFRF or $350,000 if awarded after October 1, 2024). If a contract exceeds the Simplified Acquisition Threshold, and federal interests are not protected under the recipient's bonding policy, then contracts must abide by the minimum requirements outlined under 2 C.F.R. § 200.326.	2 C.F.R. § 200.326
☐	Simplified Acquisition Threshold	***Administrative, contractual, or legal remedies.*** Contracts exceeding the SAT must address administrative, contractual, or legal remedies, including sanctions and penalties, for breaches of contracts.	Appendix II(A)
☐	Simplified Acquisition Threshold	***Cost or Price Analysis.*** Contracts more than the SAT must perform a cost or price analysis for every procurement transaction, including contract modifications.	2 C.F.R. § 200.324(a)

☐	Simplified Acquisition Threshold	***Prohibition on Cost-Plus-Percentage-of-Cost Contracts.*** Federal award recipients must not use the "cost plus a percentage of cost" and "percentage of construction costs" methods of contracting.	2 C.F.R. § 200.324(c)

Disclaimer: This quick reference guide summarizes common financial thresholds, required contract clauses and citations under 2 C.F.R. § 200 and Appendix II to 2 C.F.R. § 200, along with other Federal references. It is designed solely as a quick reference aid to help municipal staff verify that procurement actions consider the appropriate federal requirements. This document is not a substitute for the full regulatory text, official program guidance, or agency-specific procurement policies. It does not provide legal interpretation or advice and does not guarantee full compliance and should not be relied upon as the sole source of information when drafting procurement documents. All users are responsible for consulting the authoritative regulations and any applicable state or local procurement rules to confirm the correct procurement action.