



Issue List for ARRA Implementation Conference (to be held March 12, 2009)

- Federal Acquisition Regulations (FAR)
 - Will they apply to states' use of stimulus funds?
 - Is there a difference between grants from Federal agencies vs. allocations from discretionary accounts?
 - Will FAR be modified?

- Free Trade Agreements (FTAs)
 - What is the impact of reduced notice times on member states' compliance with various Free Trade Agreements and the WTO IGPAC?
 - How does the Buy America provision in the ARRA affect states' compliance with the WTO IGPAC and other FTAs to which they are party?
 - Does the Buy America provision put them in non-compliance with these agreements? What are the implications of noncompliance? Will there be a retaliatory effect that states should anticipate? (I have attached a PDF of states and the various trade agreements to which they have signed on. This data is current as of 2008.)
 - How will the "use it or lose it" provisions and time periods affect states' compliance with posting/reporting requirements under the WTO IGPAC and other FTAs to which they are party? For instance, the WTO IGPAC is quite prescriptive as to publishing/advertising requirements for all open bids, which in some cases are longer than the time period within which states must allocate and/or spend their stimulus money. Has this issue been addressed in the guidelines, and what can states expect as a result of noncompliance with these standards?

- Accountability
 - How will state central procurement officials be made aware of grant or other funding allocations in their state to which they might possibly be responsible for awarding contracts?
 - Will there be detailed guidelines on audit procedures and requirements to promote complete compliance and to protect central procurement from penalties later?
 - Will there be guidance on capturing and qualifying job creation data?
 - How will OMB ensure consistency of data collection methods and strategies across federal agencies to simplify reporting by state agencies?

- Transparency
 - What additional auditing and reporting requirements will there be?

- Other Issues
 - Concerns about staffing state central procurement offices in order to spend the stimulus money