

**United Way for the Greater New Orleans Area**

**Request for Qualifications**

**Request for Qualifications to Provide Soft Second and Buyer HUD CDBG Eligibility Qualifications for the Homebuyer Assistance Pilot Program for Plaquemines Parish, Louisiana funded pursuant to CEA #699492**

**August 10, 2011**

**RFQ Coordinator: Steve Zimmer  
2515 Canal Street  
New Orleans, LA 70119**

## GENERAL INFORMATION

### 1.1 Purpose

United Way for the Greater New Orleans Area (UWGNOA) issues this Request for Qualifications (RFQ) to secure professional services to qualify individuals (HUD CDBG eligibility qualifications, a financial analysis of creditworthiness for home loans, and financial education and first time home buyer training) for the Homebuyer Assistance Pilot Program for Plaquemines Parish, Louisiana. The Homebuyer Assistance Pilot Program is administered by the Louisiana Office of Community Development (OCD). OCD has committed funding (\$6.698M) to the United Way for the Greater New Orleans Area (UWGNOA) for this project in order to develop housing for purchase by households with incomes predominately at or below 80% of Area Median Income (AMI). The expected number of houses to be built is sixty-five (65). It is anticipated that approximately 1,200 potential buyers will need to be recruited and that the actual number of potential buyers who will follow through to attend information sessions will be 600 potential clients. Of those attendees, it is expected that 50% (300) will be referred to be screened for eligibility determination and that half of these (150) will need to go through intensive creditworthiness assessment. It is further estimated that 130 will need to be loan-qualified and participate in financial education training in order to secure 65 buyers through closing.

### 1.2 Background

Plaquemines Parish was one of the areas in South Louisiana hardest hit in 2005 by Hurricanes Katrina and Rita. As a result of high winds, storm surges, levee breaks, and severe flooding, 72% of owner-occupied homes in Plaquemines Parish were damaged, with 53% of housing destroyed or sustaining major damage. Only 37% of homeowners with damaged homes had both hazard (wind) and flood insurance. According to the US Census Bureau, the parish homeownership rate in 2000 was 78.9%, 9% higher than the rate for the state of Louisiana. In March 2009, the United States Postal Service identified 20% unoccupied residential addresses in the parish. As of May 2009, of 2,948 Road Home closings, 2,721 (92%) elected to stay and rebuild, and 8% chose to sell to the state.

According to the most recent 2010 census report, Plaquemines Parish has had a 14% population decrease from 2000 to 2010, from 26,757 to 23,042. The 2010 American Census Data shows the population self-identified as 62.6% white down from 74.3% in 2000, 32% black or African-American up from 12.3% in 2000, 0.7% Asian down from 4.4% in 2000 and 4.2% Latino down from 15.1% in 2000. Before Katrina devastated the Gulf Coast, the poverty rate for individuals in Plaquemines Parish was 18%, nearly 50% greater than the national rate of 12.4%.



UWGNOA is authorized by the Plaquemines Parish government to manage \$6.698 million in D-CDBG funds for the development of first time homeownership for low and moderate income households. Favorable sites for new housing to meet critical needs for homeownership opportunities for households with incomes at or below 80% of AMI exist on both banks of the Mississippi River in Plaquemines Parish. UWGNOA has explored potential development sites primarily in proximity to four new community centers constructed through a partnership with the Parish in Port Sulphur, Buras, Boothville-Venice, and Davant.

### **1.3 Scope of Services**

UWGNOA seeks an organization to perform some or all of the following functions based upon the assumptions found in Section 5.4 below:

- a. Manage all client intake processes.
- b. Maintain individual case files for each applicant, and maintain all documentation required to support and verify the income determination and certify eligibility in accordance with HUD CDBG and state OCD requirements. Clearly identify for each client the percentage of the AMI.
- c. Perform income eligibility determination and certification for approximately 260 families. The goal is that all homeowners will be at or below 80% of the AMI (area mean income); although some homeowners can be eligible between 80% and 120% of the AMI.
- d. Develop a budget plan with each client.
- e. Pull credit reports to assess creditworthiness; work with selected eligible client's to repair credit.
- f. Substantiate each client's household debt to income ratio and credit rating to assess the client's capacity to secure and repay a mortgage loan.
- g. Provide HUD certified courses of financial education and first time home buyer training to eligible clients.
- h. Recommend clients as eligible and capable to become first time homebuyers for this program.

The successful Proposer will be required to:

- a. Coordinate activities with the third party having primary responsibility for client recruitment, conducting information sessions, holding outreach events, and coordinating with local lenders.
- b. Comply with the UWGNOA Housing Policies and Procedures.
- c. Be responsive to direction from the UWGNOA contract manager.
- d. Use UWGNOA approved forms and documents developed for the intake, creditworthiness, and eligibility determination and documentation processes.
- e. The duties (which may involve "going the extra mile" to the extent necessary to assure the timely and complete processing of the client) will include, but not be limited to:
  - i. Confirm appointments by phone with clients at least one day in advance, and reschedule if necessary.
  - ii. When client is not ambulatory, on a case by case basis identify alternative means to serve clients, e.g., arrange transportation for the client to attend the appointment.
  - iii. Assist clients to obtain required documentation by providing them with solutions and contact information to obtain the documentation, since often the client is unable to produce necessary eligibility documents.
  - iv. Encourage clients to fully participate in the program, while assisting them in obtaining necessary documentation and communicating the importance of meeting deadlines.

## 2 ADMINISTRATIVE INFORMATION

### 2.1 Term of Contract

The period of any contract resulting from this RFQ is tentatively scheduled to begin on or about September 26, 2011 and to continue through project completion on or about April 30, 2012 (the actual date will be determined in part based upon the Proposer's Approach and Methodology – see section 5.4 below.) The contract may also be extended (with a different scope of work) in order to perform income eligibility re-certifications and/or new income eligibility determinations.

### 2.2 Schedule of Events

<u>Event</u>	<u>Date</u>
Release and advertise RFQ	August 10, 2011
Deadline for receipt of proposals	September 1, 2011
Announce award of contractor selection	September 23, 2011
Contract execution	October 1, 2011

(NOTE: UWGNOA reserves the right to change this schedule of RFQ events, as it deems necessary.)

### 2.3 Proposer Inquiries

Written questions regarding RFQ requirements or Scope of Services must be submitted via email to the RFQ Coordinator as listed below.

Steve Zimmer, RFQ Coordinator  
United Way for the Greater New Orleans Area  
2515 Canal Street  
New Orleans, LA 70119  
stevenz@unitedwaynola.org

UWGNOA will consider emailed inquiries and requests for clarification of the content of this RFQ received from potential proposers. All inquiries must be received by 4:30 p.m. CDT August 23, 2011. UWGNOA reserves the right to modify the RFQ should a change be identified that is in the best interest of the agency. Official responses to all questions submitted by potential proposers will be distributed by email to all registered organizations by August 29, 2011. Only the RFQ Coordinator has the authority to officially respond to proposer's questions on behalf of UWGNOA. Any communications from any other individuals are not binding to the agency.

## 3 MINIMUM QUALIFICATIONS

Proposers must meet the following minimum qualifications:

- a. Have a working knowledge of applicable federal laws and authorities.
- b. Possess demonstrated experience in HUD CDBG income eligibility determination and certification policies and procedures, rules and regulations.
- c. Possess demonstrated experience working in the field of affordable housing and working with first time home buyers.
- d. Possess demonstrated experience working with federal and/or state grant funding (*e.g.*, HUD, CDBG, D-CDBG, etc.) and providing HUD certified financial education and first time homebuyer training.
- e. Have a working knowledge of the southeast Louisiana region and particularly Plaquemines Parish, with specific understanding of the housing needs of residents and the local workforce, especially in the lower parts of the parish.
- f. If the Proposer is a not-for-profit organization, it must be a 501 (c)(3) organization in good standing, and provide to UWGNOA the 2010 financial audit (or a financial compilation with footnotes) and the 2010 IRS Form 990.

## **4 PROPOSAL SUBMISSION**

### **4.1 Submittal Instructions**

Proposers who are interested in providing services requested under this RFQ must submit a proposal containing the information specified in this section. The proposal must be received in hard copy (printed) version by the RFQ Coordinator on or before 5:00 p.m. Central Daylight Time on the date specified in the Schedule of Events. FAX or e-mail submissions are not acceptable. Proposers mailing their proposals should allow sufficient mail delivery time to ensure receipt of their proposal by the time specified. The proposal package must be delivered at the proposer's expense to:

Steve Zimmer, RFQ Coordinator  
United Way for the Greater New Orleans Area  
2515 Canal Street  
New Orleans, LA 70119  
Phone: 504-827-6831

It is solely the responsibility of each Proposer to ensure that their proposal is delivered at the specified place and prior to the deadline for submission. Proposals received after the deadline will not be considered.

UWGNOA requests that five copies of the proposal be submitted to the RFQ Coordinator at the address specified. At least one copy of the proposal should contain original signatures of those company officials or agents duly authorized to sign proposals or contracts on behalf of the organization. The copy of the proposal with original signatures will be retained for incorporation in any contract resulting from this RFQ.

### **4.2 Proposal Format**

Submittals should be formatted as follows:

- a. Number of copies required: One (1) original and four (4) copies, for a total of five (5) sets.
- b. Format of submittal: Hard copies are required; black/white format (no color); electronic submittals will not be accepted.
- c. Maximum number of pages: Ten (10); 11x17-inch pages will count as 2 pages; no larger format should be included.
- d. Minimum text size: No smaller than 11 point, with the exception of text in graphics, which may be as small as 6 point, as long as the graphic is generally readable.
- e. Supplemental materials: None; accompanying company brochures, fliers, or advertisements will not be reviewed and should not be included.

### **4.3 Cover Letter**

A cover letter (included in the page limit total) should be submitted on the Proposer's official business letterhead explaining the intent of the Proposer and a succinct statement of the Proposer's approach.

### **4.4 Certification and Assurances**

The Proposer must sign and submit the attached: (1) Certification Statement; and (2) Statement of Assurances. (Neither is included in the proposal page limitation.)

## **5 PROPOSAL CONTENT**

The proposal content should demonstrate the Proposer's approach to this project. Information regarding specific tasks, personnel, schedules, deliverables, and fixed fee rates for performing the functions as defined in the scope of work are expected to be more generalized and may be presented separately within the proposal.

### **5.1 Executive Summary**

This section should serve to introduce the Proposer and the scope of the proposal. It should provide administrative information including, at a minimum:

- a) Proposer's contact information -- name, title, address, e-mail address, and office and cell phone numbers.

- b) Summary of the Proposer's qualifications and ability to meet UWGNOA's overall requirements in the project timeframes.

## **5.2 Background and Experience**

- a) The Proposer should give a brief description of the organization, including a history, structure and organization, number of years in business, and copies of its latest audited financial statement (not included in the page count.)
- b) This section should provide a detailed discussion of the organization's prior experience in working on projects similar in size, scope, and function to the proposed contract. Describe any prior projects in which your non-profit agency had responsibility for CDBG eligibility determination, documentation, and certification, affordable housing, first time homebuyer, and/or financial education projects.
- c) The proposer should be sure to include narrative descriptions that are responsive to the relevant evaluation criteria in Section 6.3 of the RFQ below.

## **5.3 Proposed Project Staff**

- a) Provide an organizational chart identifying the role and responsibilities of each person on this project, their planned level of effort, and their on-site availability.
- b) Provide resumes (not included in the page count) of no more than one (1) page each of the experience and qualifications of the Proposer's assigned personnel considered key to the success of the project, including recent related projects with dates and responsibilities.
- c) Provide professional references (name, title, company name, address, and telephone number) for the cited projects in the individual resumes (not included in the page count.)
- d) The proposer should be sure to include information that is responsive to the evaluation criteria in Section 6.3 of the RFQ below.

## **5.4 Approach and Methodology**

Proposers should indicate their understanding of the specific circumstances and requirements of this project. At a minimum, Proposers should describe:

- a) The approach to the project and how its proposal will best meet the requirements of the Plaquemines Homebuyers Assistance program.
- b) The approach to project management and quality assurance.
- c) A proposed project work plan that reflects the approach and methodology, tasks and services to be performed, deliverables, timetables, and staffing plan guaranteed by individual.
- d) Include sample forms/case files (not included in the page count.) Note: All forms used by the successful Proposer will be either provided or approved by UWGNOA.
- e) The proposer should be sure to include narrative descriptions that are responsive to the relevant evaluation criteria in Section 6.3 of the RFQ below.

### Assumptions:

It is anticipated that approximately 1,200 potential buyers will be recruited and that the actual number of potential home buyers who will follow through to attend information sessions will be 600 potential clients. The recruitment and information sessions will be the responsibility of a third party.

Of those attendees, it is expected that 50% (300) will be referred to be screened for eligibility determination and that half of these (150) will need to go through intensive creditworthiness assessment. It is further estimated that 130 will need to be loan-qualified and participate in financial education training in order to secure 65 buyers through closing. The scope of services for this proposal should focus on these numbers.

## **5.5 Fixed Fee**

Proposers should submit fixed fee per client prices to perform all the functions of the scope of work. The Proposer must submit three fixed prices based upon the number of clients served in each of the following stages in the process:

- Intake and eligibility determination (300)
- Creditworthiness assessment (150)
- Financial education; first time home buyer training (130)

All fixed prices would be inclusive of all costs: personnel; office and files materials, storage, supplies, paper, photocopying, and equipment; travel costs; communications – telephones and internet; financial education and training material and expenses, etc. The successful organization would be allowed to use the office facilities of the YMCA-managed Community Centers in Plaquemines Parish. (Note: Space in the Communities Centers for the tasks of this agreement will be funded separately by UWGNOA and should not be factored into the Proposer's fixed per client fees.)

## **6 PROPOSAL EVALUATION AND SELECTION**

### **6.1 Administrative and Mandatory Requirements Screening**

All proposals will be reviewed to determine compliance with administrative and mandatory requirements as specified in the [RFQ](#). Proposals that are not in compliance will be rejected from further consideration.

### **6.2 Evaluation Team**

The evaluation of proposals will be accomplished by an evaluation team, to be designated by UWGNOA, which will determine the proposal or proposals most advantageous to the agency, taking into consideration evaluation factors set forth in the [RFQ](#).

### **6.3 Evaluation Criteria**

Proposals that pass the preliminary screening and mandatory requirements review will be evaluated based on information provided in the proposal. Scoring emphasis will be placed on the following criteria:

- **33%:** Specialized experience of organization in the type of work to be performed, including in HUD CDBG AMI Income eligibility determination and certification, first time home buyer creditworthiness assessment, and financial education and training.
- **33%:** Costs/Price
- **12%:** NPO's administrative and financial management structure.
- **12%:** Prior experience working in Plaquemines Parish and/or with Plaquemines Parish residents.
- **10%:** Qualifications and experience of the staff assigned by the NPO to work on this program.

### **6.4 Clarification of Proposals**

UWGNOA reserves the right to seek clarification of any proposal for the purpose of identifying and eliminating minor irregularities or informalities.

### **6.5 Announcement of Contractor**

UWGNOA will notify the successful Proposer and proceed to negotiate terms for final contract. Unsuccessful proposers will be notified in writing accordingly. The award of a contract is subject to the approval of the Louisiana Office of Community Development. UWGNOA reserves the right to reject all applicants responding to this RFQ and re-issue a new RFQ if, exclusively in our judgment, a sufficiently qualified applicant is not found through this process.

**United Way for the Greater New Orleans Area**

**Request for Qualifications**

**CERTIFICATION STATEMENT**

***The undersigned hereby acknowledges she/he has read and understands all requirements and specifications of Request for Qualifications.***

**OFFICIAL CONTACT.** UWGNOA requests that the Proposer designate one person to receive all documents and the method in which the documents are best delivered. Identify the Contact name and fill in the information below (print clearly):

Date \_\_\_\_\_ Official Contact Name: \_\_\_\_\_

A. E-mail Address: \_\_\_\_\_

B. Phone number with area code: ( ) \_\_\_\_\_

C. Fax number with area code: ( ) \_\_\_\_\_

D. US Mail Address: \_\_\_\_\_

Proposer certifies that the above information is true and grants permission to the UWGNOA to contact the above named person or otherwise verify the information provided.

By its submission of this proposal and authorized signature below, Proposer certifies that:

1. The information contained in its response to this RFQ is accurate;
2. Proposer complies with each of the mandatory requirements listed in the RFQ and will meet or exceed the functional and technical requirements specified therein;
3. Proposer accepts the procedures, evaluation criteria, mandatory contract terms and conditions, and all other administrative requirements set forth in this RFQ.
4. Proposer's quote is valid for at least ninety (90) days from the date of proposal's signature below;
5. Proposer understands that if selected as the successful Proposer, he/she will have five business days from the date of delivery of final contract in which to complete contract negotiations, if any, and execute the final contract document.

Authorized Signature: \_\_\_\_\_

Typed or Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Agency Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE of Proposer's Authorized Representative**

\_\_\_\_\_  
**Date**

**Agency Tax Identification Number:** \_\_\_\_\_

## APPLICANT/GRANTEE/SUB-RECIPIENT STATEMENT OF ASSURANCES

This Applicant/Grantee/Subrecipient hereby assures and certifies that:

1. It possesses legal authority to apply for a Community Development Block Grant (“CDBG”) and to execute the proposed CDBG program.
2. Its governing body has duly adopted, or passed as an official act, a resolution, motion, or similar action authorizing the filing of the CDBG application and directing and authorizing the person identified as the official representative of the Applicant/Grantee/Subrecipient to act in connection with the application, sign all understandings and assurances contained therein, and to provide such additional information as may be required.
3. It has facilitated citizen participation by providing adequate notices containing the information specified in the program instructions and by providing citizens an opportunity to review and submit comments on the proposed application.
4. Its chief executive officer, or other officer or representative of Applicant/Grantee/Subrecipient approved by the State:
  - a. Consents to assume the status of a responsible federal official under the National Environmental Policy Act of 1969 (**42 U.S.C.A. §4331, et seq.**) insofar as the provisions of such Act apply to the proposed CDBG Program; and
  - b. Is authorized and consents, on behalf of the Applicant/Grantee/Subrecipient and himself, to submit to the jurisdiction of the federal courts for the purpose of enforcement of Applicant/Grantee/Subrecipient’s responsibilities and his or her responsibilities as an official.
5. It will develop the CDBG program and use CDBG funds so as to give maximum feasible priority to activities that will benefit low and moderate income families, aid in the prevention or elimination of slums or blight, or meet other community development needs having a particular urgency.
6. It will comply with the following applicable federal grant management regulations, policies, guidelines, and/or requirements as they relate to the application, acceptance, and use of federal funds: OMB Circular A-87 (Cost Principles for State, Local and Indian Tribal Governments) as amended and made part of State regulations; A-102 (Grants and Cooperative Agreements with State and Local Governments), as amended and made part of State regulations; OMB Circular A-133 (Audits of States, Local Governments, and Non-Profit Organizations), revised; OMB Circular A-21 (Cost Principles for Educational Institutions); A-122 (Cost Principles for Non-Profit Organizations); 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments) and 24 CFR Part 84 (Uniform Administrative Requirements For Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations).
7. It will administer and enforce the labor standards requirements set forth in 24 CFR §570.603 and any other regulations issued to implement such requirements.
8. It will comply with the provisions of Executive Order 11988, as amended by Executive Order 12148, relating to evaluation of flood hazards, and Executive Order 12088, as amended by Executive Order 12580, relating to the prevention, control and abatement of water pollution.
9. It will require every building or facility (other than a privately owned residential structure) designed, constructed, or altered with funds provided to Applicant/Grantee/Subrecipient to comply with any accessibility requirements, as required by Title III of the Americans with Disabilities Act of 1990 (42 U.S.C.A. § 12101 et seq.). The Applicant/Grantee/Subrecipient will be responsible for conducting inspections to ensure compliance with these specifications by the contractor.
10. It will comply with:
  - a. Title VI of the Civil Rights Acts of 1964, 42 U.S.C. §2000d et seq., as amended, and the regulations issued pursuant thereto (24 CFR Part 1), which provide that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant/Grantee/Subrecipient receives federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or

improved with the aid of federal financial assistance extended to the Applicant/Grantee/Subrecipient, this assurance shall obligate the Applicant/Grantee/Subrecipient, or in the case of any transfer of such property, any transferee, for the period during which the property or structure is used for another purpose involving the provision of similar services or benefits.

- b. Section 104 (b) (2) of Title VIII of the Civil Rights Act of 1968 (**42 U.S.C.A. §3601, et seq.**), as amended, which requires administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing. Title VIII further prohibits discrimination against any person in the sale or rental of housing, or the provision of brokerage services, including in any way making unavailable or denying a dwelling to any person, because of race, color, religion, sex, national origin, handicap or familial status.
  - c. Section 109 of Title I of the Housing and Community Development Act of 1974 (42 U.S.C. §5309), and the regulations issued pursuant thereto (24 CFR Part §570.602), which provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds provided under that Part. Section 109 further prohibits discrimination to an otherwise qualified individual with a handicap, as provided under Section 504 of the Rehabilitation Act of 1973, as amended, and prohibits discrimination based on age as provided under the Age Discrimination Act of 1975. The policies and procedures necessary to ensure enforcement of section 109 are codified in 24 CFR part 6.
  - d. Executive Order 11063, as amended by Executive Order 12259, and the regulations issued pursuant thereto, which pertains to equal opportunity in housing and non-discrimination in the sale or rental of housing built with federal assistance.
  - e. Executive Order 11246, as amended by Executive Orders 11375 and 12086, and the regulations issued pursuant thereto, which provide that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of federal or federally assisted construction contracts. Further, contractors and subcontractors on federal and federally assisted construction contracts shall take affirmative action to insure fair treatment in employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training and apprenticeship.
  - f. Section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified individual shall, solely, by reason of his or her handicap be excluded from participation, denied program benefits or subjected to discrimination on the basis of age under any program or activity receiving federal funding assistance.
11. The work to be performed by Grantee is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

Grantee agrees to comply with HUD's regulations in 24 CFR part 135, which implement section 3. Grantee also certifies that there are under no contractual or other impediment that would prevent it from complying with the part 135 regulations.

Grantee agrees to send to each labor organization or representative of workers with which the Grantee has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the Grantee's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

Grantee agrees to include this section 3 clause in every subrecipient agreement and contract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of such contract or in this section 3 clause, upon a finding that the subrecipient or contractor is in violation of the regulations in 24 CFR part 135. Grantee will not contract with any subrecipient or contractor where the contractor has notice or knowledge that the subrecipient or contractor has been found in violation of the regulations in 24 CFR part 135.

The Grantee will certify that any vacant employment positions, including training positions, that are filled (1) after the Grantee is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the Grantee's obligations under 24 CFR part 135.

Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this Agreement for default, and debarment or suspension from future HUD assisted contracts.

With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this Agreement. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this Agreement that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

12. It will minimize displacement of persons as a result of activities assisted with CDBG funds. In addition, it will:
  - a. Comply with Title II (Uniform Relocation Assistance) and Sections 301-304 of Title III (Uniform Real Property Acquisition Policy) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. Chapter 61), and HUD implementing instructions at 24 CFR Part 42 and 24 CFR §570.606; and
  - b. Inform affected persons of their rights and of the acquisition policies and procedures set forth in the regulations at 24 CFR Part 42; and
  - c. Provide relocation payments and offer relocation assistance as described in Section 205 of the Uniform Relocation Assistance Act to all persons displaced as a result of acquisition of real property for an activity assisted under the CDBG Program. Such payments and assistance shall be provided in a fair, consistent and equitable manner that ensures that the relocation process does not result in different or separate treatment of such persons on account of race, color, religion, national origin, sex or source of income; and
  - d. Assure that, within a reasonable period of time prior to displacement, comparable decent, safe and sanitary replacement dwellings will be available to all displaced families and individuals and that the range of choices available to such persons will not vary on account of their race, color, religion, national origin, sex, or source of income; and
  - e. Assure that if displacement is precipitated by CDBG funded activities that require the acquisition (either in whole or in part) of real property, all appropriate benefits required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq., Pub. L. 91-646) and amendments thereto shall be provided to the displaced person(s). Persons displaced by rehabilitation of "Non-Uniform Act" acquisition financed (in whole or in part) with CDBG funds shall be provided relocation assistance in accordance with one of the following: (1) the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as required under 24 CFR Section 570.606 (a) and HUD implementing regulations at 24 CFR Part 42; (2) the requirements in 24 CFR Section 570.606 (b) governing the Residential Antidisplacement and Relocation Assistance Plan under Section 104 (d) of the Housing and Community Development Act of 1974; (3) the relocation requirements of Section 104 (k) of the Act; (4) the relocation requirements of 24 CFR Section 570.606 (d) governing optional relocation assistance under Section 105 (a) (11) of the Act; and (5) the provisions of 24 CFR Part 511.10 (h) (2) (iii) rental Rehabilitation Program.

13. It will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties, in accordance with CDBG regulations.
14. It will comply with the provisions of the Hatch Act that limit the political activity of employees and the HUD regulations governing political activity at 24 CFR §570.207.
15. It will give the State and HUD, and any of their representatives or agents, access to and the right to examine all records, books, papers, or documents related to the grant.
16. It will ensure that the facilities under Applicant/Grantee/Subrecipient's ownership, lease or supervision utilized in the accomplishment of the CDBG Program are not listed on the Environmental Protection Agency's (EPA) list of violating facilities and that it will notify HUD of the receipt of any communication from the EPA Office of Federal Activities indicating that a facility to be used in the CDBG Program is being considered for listing by the EPA as a violating facility.
17. With regard to environmental impact, it will comply with the National Environmental Policy Act of 1969 (42 U.S.C. §4321-4347), and Section 104(f) of the Housing and Community Development Act of 1974 ( 42 U.S.C. §5304(d)).
18. It will comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), as amended, Executive Order 11593, and the Preservation of Archaeological and Historical Data Act of 1966 (16 U.S.C. §469a-1 et seq.), as amended, by:
  - a. Consulting with the State Historic Preservation Office to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800) by the proposed activity; and
  - b. Complying with all requirements established by the State to avoid or mitigate adverse effects upon such properties.
19. It will comply with the provisions in 24 CFR §570.200(c) regarding special assessments to recover capital costs.
20. It will adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individual engaged in non-violent Civil Rights demonstrations and will enforce applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within its jurisdiction.
21. It certifies that no federally appropriated funds will be used for any lobbying purposes regardless of the level of government.
22. It will abide by and enforce the conflict of interest requirement set forth in 24 CFR §570.611, 24 CFR §85.36 and 24 CFR §84.42.
23. It will comply with HUD rules prohibiting the use of CDBG funds for inherently religious activities, as set forth in 24 CFR §570.200(j).
24. Activities involving new building construction, alterations, or rehabilitation will comply with the Louisiana State Building Code.
25. In relation to labor standards, it will comply with:
  - a. Section 110 of the Housing and Community Development Act of 1974, as amended and as set forth in 24 CFR §570.603.
  - b. Davis-Bacon Act, as amended (40 U.S.C. §3141 et seq.).
  - c. Contract Work Hours and Safety Standards Act (40 U.S.C. §327 et seq.).
  - d. Federal Fair Labor Standards Act (29 U.S.C. §201 et seq.)

26. It will comply with the flood insurance purchase requirement of Section 102(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. §4001 et seq., which requires the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of HUD as an area having special flood hazards. The phrase "federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect federal funding.
27. It will comply with the Farmland Protection Policy Act, 7 U.S.C.A. §4201 et seq., which requires recipients of federal assistance to minimize the extent to which their projects contribute to the unnecessary and irreversible commitment of farmland to nonagricultural uses.
28. It will comply with Sections 1012 and 1013 of Title X of the Housing and Community Development Act of 1992 (Public Law 102-550, as amended). The regulation appears within Title 24 of the Code of Federal Regulations as part 35 (codified in 24 CFR 35). The purpose of this regulation is to protect young children from lead-based paint hazards in housing that is financially assisted by the Federal government or sold by the government. This regulation applies only to structures built prior to 1978.
29. It will comply with the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. §6901, et seq.).
30. It will comply with the Clean Air Act (42 U.S.C. §7401, et seq.), which prohibits engaging in, supporting in any way, or providing financial assistance for, licensing or permitting, or approving any activity which does not conform to the State implementation plan for national primary and secondary ambient air quality standards.
31. In relation to water quality, it will comply with:
  - a. The Safe Drinking Water Act of 1974 (42 U.S.C. §§ 201, 300(f) et seq. and U.S.C. §349), as amended, particularly Section 1424(e) (42 U.S.C. §§ 300h-303(e)), which is intended to protect underground sources of water. No commitment for federal financial assistance can be entered into for any project which the U.S. Environmental Protection Agency determines may contaminate an aquifer which is the sole or principal draining water source for an area; and
  - b. The Federal Water Pollution Control Act of 1972, as amended, including the Clear Water Act of 1977, Public Law 92-212 (33 U.S.C. §1251, et seq.) which provides for the restoration and maintenance of the chemical, physical and biological integrity of the nation's water.
32. It will comply with HUD Environmental Standards (24 CFR, Part 51 and 44 F.R. 40860-40866).

Signing these assurances means that Applicant/Grantee/Sub recipient agrees to implement its program in accordance with these provisions. Failure to comply can result in serious audit and/or monitoring findings that require repayment of funds to the State or expending Applicant/Grantee/Sub recipient funds to correct deficiencies.

GRANTEE

By: \_\_\_\_\_

Title: \_\_\_\_\_

This \_\_\_\_ day of \_\_\_\_\_, 2011.