

# RIVERSIDE COUNTY

## NOTICE OF FUNDING AVAILABILITY (NOFA)

### 2021-2022 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

## DISTRICT ALLOCATION

### I. Program Description:

The County of Riverside has opened the [Online Application System](#) for the FY 2021-2022 Community Development Block Grant (CDBG) cycle. CDBG is a flexible program that provides communities with resources to address a wide range of unique community development needs. Beginning in 1974, the CDBG program is one of the longest continuously run programs at HUD. The CDBG entitlement program allocates annual grants to larger cities and urban counties to develop viable communities by providing decent housing, a suitable living environment, and opportunities to expand economic opportunities, principally for low- and moderate-income persons.

The CDBG program is a federally funded program administered through the U.S. Department of Housing and Urban Development (HUD). As an Urban County in the Entitlement CDBG program, the County receives an annual formula allocation of CDBG funds from HUD. HUD determines the amount of each grant by using a formula comprised of several measures of community need including the extent of poverty, population, housing overcrowding, age of housing, and population growth lag in relationship to other metropolitan areas.

The program works to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses. CDBG is an important tool for helping local governments tackle serious challenges facing their communities. The CDBG program has made a difference in the lives of millions of people and their communities across the Nation.

CDBG was authorized under the Housing and Community Development Act of 1974, as amended, and is listed under the Catalog of Federal Domestic Assistance (CFDA) as 14.218. Applicable CDBG regulations can be found at 24 CFR Part 570 and 24 CFR Part 91.

CDBG funding has been used by the County and subrecipients for a wide variety of community, economic, and social development activities. Activities include public facilities such as fire stations, parks, community centers, senior centers, homeless shelters, health clinics, water and sewer improvements, and street and sidewalk improvements. CDBG also provides public service activities such as childcare, health care, after school, programs, senior programs, food and clothing distribution, job training, recreation, and many more.

All activities funded with the County's CDBG funds must:

1. serve persons or communities within the County's Urban County area;
2. be an eligible activity under CDBG regulations (24 CFR Part 570.201); and
3. meet a National Objective of the CDBG program (24 CFR Part 570.208).

Most activities meet a National Objective by benefitting low-income persons or low-income communities.

The County's *Urban County CDBG Program* includes all of the unincorporated areas of Riverside County as well as the "cooperating" cities of: Banning, Beaumont, Blythe, Calimesa, Canyon Lake, Coachella, Desert Hot Springs, Eastvale, Indian Wells, La Quinta, San Jacinto, and Wildomar. The cities of Lake Elsinore and Murrieta, participate in the County's Urban County program as a "Metro Cities."

**Please Note: the cooperating cities receive their own CDBG allocation from the County's Urban County CDBG program. Any organization seeking funding from a cooperating city's CDBG allocation must contact that city for application procedures and additional information. Applications for 2021-2022 CDBG funds from the cooperating cities cannot be submitted through the County's Online Application System.**

**CARES Act Funding:** The 2021-22 CDBG allocation (Federal FY 2021) is not impacted by the exclusions, waivers, and special conditions of the CARES Act CDBG funding.

---

## **II. CDBG Award Information:**

Subject to Federal appropriations, the County anticipates receiving approximately \$7,800,000 in CDBG funds for the FY 2021-2022 program, including the cooperating cities' allocations. The amount of CDBG funding to be allocated to the Supervisorial District allocations is expected to be approximately \$2,100,000. The actual amount of the County' allocation is determined by final funding appropriations from Congress and HUD's CDBG allocation formula. For the 2020-2021 Supervisorial District allocations, forty-nine (49) eligible applications were received and thirty-six (36) activities were funded totaling \$2,314,450.

**Depending upon the type of activity to be funded, a successful subrecipient will have approximately ten (10) months to complete, expend, and drawdown their CDBG award for a public service activity, and approximately eighteen (18) months for a public facility or other CDBG activities.**

Typical individual awards for CDBG-funded activities range from \$10,000 for public service activities to \$100,000 or more for public facilities, acquisition, or other eligible activities. All CDBG awards made by the County will be in the form of a grant. Subrecipients will be required to execute an approved subrecipient agreement with the County. A copy of template of the Sponsor's Agreement is available upon request to HHPWS. **Please Note: all grant funding awarded by the County from the 2021-2022 CDBG application cycle will be available to successful subrecipients no earlier than July 1, 2021.**

Organizations that have previously applied for County CDBG funding are eligible to apply, and there is no limit on the number of applications an applicant can submit.

### **III. Eligibility Information:**

#### **Eligible Applicants:**

The County of Riverside will only accept CDBG applications from the following organizations or entities:

1. Non-Profit organizations subject to 26 U.S.C. 501 (c)(3) of the tax code;
2. County of Riverside Agencies and Departments; and
3. Governmental agencies including Cities, Special Districts, and Tribes.

Individuals cannot apply for County CDBG funding.

Non-profit organizations will be required to submit documentation as part of the CDBG application pertaining to their incorporation, bylaws, board membership, and tax-exempt status.

#### **Cost Sharing and Leveraging:**

Applications for funding under the County's CDBG allocation, excluding the funding from the cooperating cities, must successfully demonstrate a matching contribution of at least 5% of the CDBG request. This matching contribution, referred to as "leveraging", can include other Federal, State, local, or private funding; donations; "in-kind" contributions; and volunteer hours. Leveraging used to match previous CDBG grants cannot be used. The County may consider requests for waivers of the leveraging requirements on a case-by-case basis.

Applicants are encouraged to utilize the greatest amount of leveraging possible to improve the competitiveness of their proposal. However, for the construction or rehabilitation of public facilities, the County may reject proposals where CDBG funding comprises less than 35% of the total project cost due to costs associated with the compliance of CDBG and other Federal regulations.

#### **Real Property Acquisition – Displacement of Tenants:**

In order to comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, applicants considering the submittal of a CDBG application for real property acquisition and/or the displacement of tenants must contact HHPWS prior to the submittal of any application.

#### **Minimum Funding Level:**

In order to ensure the effective, efficient, and appropriate allocation and use of the County's CDBG funding, the County may reject any proposed CDBG activity in an amount less than \$10,000. Exceptions to this policy include traditionally "county-wide" activities which are funded from:

1. both a County Supervisor's allocation and a cooperating city;
2. two or more cooperating cities; or
3. two or more County Supervisor allocations.

## **Compliance with Laws and Regulations:**

The successful applicants will be required to comply with all applicable federal, state, and local laws, regulations, and ordinances. Pursuant to an executed subrecipient agreement, the applicant will certify that it will adhere to and comply with the laws and regulations found in **Attachment 1** as they may be applicable to a subrecipient of funds granted pursuant to the Housing and Community Development Act of 1974, as amended.

## **IV. Application and Submission Information**

### **Application Cycle for the 2021-2022 Program Year**

The County will begin accepting application for the 2021-2022 CDBG cycle starting **August 20, 2020**. **ALL APPLICATIONS must be submitted through the ONLINE APPLICATION SYSTEM. All CDBG applications must be submitted through the Online Application System no later than 5:00 PM PST on November 6, 2020.**

Applicants must visit HHPWS' website link [2020-2021 CDBG/ESG Online Applications](#) to begin the application process. The website offers a brief tutorial to assist applicants in the use of the online application system including setting-up an Online User Profile which is required to use the system.

The County will only accept CDBG applications from 501 (c)(3) non-profit corporation, governmental entities, and Tribes.

### **Questions and Technical Assistance**

For information or questions regarding the County's CDBG program, the 2021-2022 CDBG application cycle, or for questions or assistance with the online application system, please contact Susana Orozco at [sorozco@rivco.org](mailto:sorozco@rivco.org) or 951-955-5933.

Individuals with hearing or speech disabilities may contact the CDBG program staff by utilizing the California Relay Service (711).

### **Paper Application Submittals**

Because the County does provide technical assistance to organizations wishing to submit CDBG applications through the Online Application System, it is unlikely that prospective applicants will not be able to effectively use the system. However, the County will consider requests to receive and submit paper copies of the 2021-2022 CDBG application for those applicants that can document the need for a paper application.

Requests for paper applications can be submitted to:

Nicholas Fonosch, Office Assistant  
P.O. Box 1528  
Riverside, CA 92502  
(951) 955-5936  
(951) 955-9177 FAX  
[nfonosch@rivco.org](mailto:nfonosch@rivco.org)

## Online Application System:

Applicants for the County's 2021-2022 CDBG application must use the Online Application System which can be accessed at [2020-2021 CDBG/ESG Online Applications](#). All forms necessary to apply are available online with the exception of the documents required to be uploaded by the applicant (e.g., bylaws, authorizations, back up information, etc.).

The CDBG application consists of eight (8) primary sections:

1. Applicant Profile
2. General Information
3. Uploading Organizational Documents
4. Project Narrative
5. National Objective Compliance
6. Financial Information (Budget)
7. Leveraging – Matching Funds
8. Application Certification and Authorization

Applicants are limited to the space available for each required response in the application. Applicants can upload additional supporting documentation, including third party verifications, if desired.

**Please Note: because the application is submitted online, the applicant must certify that he or she has been authorized to submit the application on behalf of the organization applying for CDBG funds. This electronic certification MUST be accompanied by a minute order, resolution, or other official authorization to submit the application.**

## V. Additional Information:

Successful applicants may be required to submit additional documentation to the County, prior to the receipt of their CDBG grant award. This documentation may include evidence or documentation related to:

- Liability Insurance
- Workmen's Compensation Insurance
- Flood Insurance
- Other documentation for NEPA and CEQA environmental reviews
- 501 (c)(3) Status
- Incorporation Documents

## Dun and Bradstreet Data Universal Number System (DUNS) and System for Award Management (SAM)

Pursuant to Federal regulations, all applicants for CDBG funds must comply with the following requirements **prior to submitting** their CDBG application to the County for the 2021-2022 program year:

1. Be registered in the System for Award Management (SAM) system;
2. Provide a valid DUNS number in the application; and

3. Must maintain an active SAM registration, with current information, at all times during the performance period of the CDBG grant.

The County and the Cooperating Cities will not make any CDBG grant awards to any organization or government entity that fails to comply with the SAM and DUNS requirement.

### **System for Award Management (SAM):**

The System for Award Management (SAM) is combining Federal procurement systems and the Catalog of Federal Domestic Assistance into one new system. This consolidation is being done in phases. The first phase of SAM includes the functionality from the following systems:

1. Central Contractor Registry (CCR)
2. Federal Agency Registry
3. Excluded Parties List (EPLS)
4. Online Representations and Certifications Application

How does SAM benefit organizations? The overarching benefits of SAM include streamlined and integrated processes, elimination of data redundancies, and reduced costs while providing improved capability.

<https://www.sam.gov/portal/SAM/#1>

### **Data Universal Number System (DUNS):**

The Federal government requires all applicants for Federal grants have a DUNS number. The Federal government uses the DUNS number to better identify related organizations that are receiving funding under Federal grants and to provide consistent name and address data for electronic grant application systems.

If you do not already have a DUNS number, contact Dun and Bradstreet toll free at 1-866-705-5711.

### **Intergovernmental Review**

Applications submitted under the County's Urban County CDBG program are not subject to intergovernmental review pursuant to Executive Order 12372.

### **Other Submission Requirements**

Applicants can request CDBG funding from the County for any eligible CDBG activity listed under 24 CFR Sections 570.201-570.204, including real property acquisition, construction, and other activities

The County of Riverside utilizes an Online Application System for the 2021-2022 CDBG grant applications. All applications must be submitted through the online system unless an applicant has been previously authorized by the County to submit a paper application.

## VI. Eastern Coachella Valley Community Empowerment Initiative (ECVCEI)

For the 2021-2022 program year, the County will continue with the ECVCEI set aside. The purpose of the ECVCEI is to focus CDBG funds towards community-based activities in the Eastern Coachella Valley that build capacity, increase awareness and participation, develop strategies and plans, and other activities that address issues of housing, healthy communities, employment, infrastructure, transportation, etc.

The goals of the ECVCEI are to improve the quality of life, encourage and develop community empowerment, revitalize communities, and increase self-sufficiency for persons living in the Eastern Coachella Valley. The boundaries of the Eastern Coachella Valley area are generally described as the unincorporated communities of Mecca, North Shore, Thermal, and Oasis.

The County intends to allocate a portion of its annual CDBG allocation to eligible ECVCEI activities. The amount available to ECVCEI activities is subject to the availability of CDBG funds including administrative and public service spending caps. The annual allocation cannot exceed 1.5% of the County's total CDBG allocation and may be less. Further, the funded activities must comply with all CDBG regulations including eligible activities and national objectives.

Eligible applicants include non-profits organizations and government agencies. If requesting funding under the ECVCEI, please add "(ECVCEI)" to the name of the project in Section III of the online CDBG Application. The County will make the final determination if a proposed activity meets the requirements of ECVCEI funding and will serve the residents of the Eastern Coachella Valley.

Should you have questions regarding the **Eastern Coachella Valley Community Empowerment Initiative**, please contact John Thurman, CDBG/ESG Program Administrator – CDBG/ESG Programs, at [jthurman@rivco.org](mailto:jthurman@rivco.org).

---

## VII. Applications for 4<sup>th</sup> District CDBG Funding

Organizations seeking CDBG funding from the 4<sup>th</sup> Supervisorial District CDBG allocation should note the following:

Pursuant to a request made by 4<sup>th</sup> District Supervisor V. Manuel Perez, applicants seeking CDBG public service funding for "staff salaries, administrative, and operational expenses" will not receive priority consideration for CDBG funding.

Consequently, applicants should consider requests for 4<sup>th</sup> District CDBG funding that can demonstrate direct benefit to low and very-low income persons and families. Should you have questions regarding the 4<sup>th</sup> District CDBG Funding, please contact John Thurman at [jthurman@rivco.org](mailto:jthurman@rivco.org).

## VIII. Application Due Date:

ALL online applications MUST be completely submitted through the Online Application System no later than 5:00 PM (PST) on **Friday, November 6, 2020.**

All pre-authorized paper applications must be delivered to the County by either method listed below:

**1. Postmarked no later than Friday, November 6, 2020, and addressed to:**

Riverside County HHPWS  
ATTN: CDBG Program  
P.O. Box 1528  
Riverside, CA 92502

**2. Delivered to the County, no later than DATE 5:00 PM (PST) at the following address (If office is closed to the public due to COVID-19 restrictions, please contact CDBG Program Staff for delivery instructions):**

Riverside County HHPWS  
ATTN: CDBG Program  
3403 10<sup>th</sup>. St. Suite 300  
Riverside, CA 92501

**CDBG applications for the 2021-2022 program year that are received after the deadline date and time, whether submitted through the Online Applications System or delivered to the County, will not be accepted.**

Applicants submitting their applications through the Online Application System will receive an electronic receipt at the time of submission. Applicant submitting a paper application in person or through a third-party courier can request a receipt at the time of delivery.

## IX. Application Review Information

The County of Riverside uses a Priority Evaluation and Project Rating System for all CDBG proposals. As part of the review and evaluation process, HHPWS staff will review and evaluate all proposals utilizing the following checklist:

**1. ACTIVITY EVALUATION:**

Does the activity address an established need?

Is the proposed activity eligible (24 CFR 570.201) under the CDBG program?

Does the proposed activity meet one of the three broad National Objectives?

Principally benefit low and moderate-income persons;

Prevents or eliminates slum and blight; or



Addresses an urgent need or problem in the community.

Has the applicant provided sufficient explanation concerning their ability to adequately and accurately document the benefit to low- and moderate-income persons?

Can the project be implemented and completed within a reasonable amount of time (Public Service activities 1 year / all other activities 2 years maximum)?

Has the applicant identified all the major tasks or components that will be required in carrying out the activity? Are there any potential issues or concerns?

Has the applicant provided a reasonable estimate of the resources necessary for each component of the project, and has it developed a realistic budget that reflects these resources? Are other sources of funds (leveraging) committed to this project?

Is the proposed budget for the CDBG-funded activity separate from other activities undertaken by the applicant?

## **2. APPLICANT (ORGANIZATIONAL) EVALUATION**

Has the applicant ever undertaken the proposed activity before? What were the results?

Does the applicant have experience with CDBG or other Federal programs? Has the applicant conducted a Single Audit pursuant to 2 CFR Part 200 within the last two years?

Does the applicant and prospective staff understand the additional requirements associated with Federal funding?

Does the applicant have qualified staff for all the necessary functions associated with the proposed activity? Is there adequate staff time available?

Does the applicant possess adequate administrative structures, management systems, and policies & procedures?

Does the applicant possess adequate financial stability? Will the applicant be overly dependent upon CDBG funding?

## **3. ELIGIBLE ACTIVITIES**

Applicants should refer to HUD regulations found at 24 CFR Sections 570.201-204 regarding eligible uses of CDBG funding.

## **4. MINIMUM ACTIVITY FUNDING LEVEL**

In an effort to ensure effective, efficient, and appropriate allocation and use of CDBG funds, the County may reject any proposed CDBG activity in an amount less than \$10,000. Exceptions to this policy include traditionally county-wide activities (city/county, multiple city, etc.) or a project or activity serving a very remote location. These exceptions must be pre-approved by HHPWS prior to the application submittal.

## **5. LEVERAGE/MATCHING FUNDS**

Verification of at least five percent (5%) matching funds must be provided prior to the date of the grant awarded to the grantee. Funds used to match a previous CDBG grant may not be used to match a subsequent grant award. Applications with zero leverage will be disqualified. Leverage may include, but is not limited to, the following: Federal, State, and local government funding; private donations; and in-kind contributions (e.g., volunteer hours at \$5.00 hour, etc.).

## **X. Application Rating:**

Each complete CDBG application is rated by CDBG program staff to determine if the proposal meets the minimum score rating. The County uses a 200-point rating system with four (4) rating criteria with a minimum rating score of at least 100 points. The rating criteria are:

- Quality of Program Design/ four sub-criteria (40 points)
- Quality of Proposal Elements/ four sub-criteria (60 points)
- Capacity and Experience/four sub-criteria (40 points)
- Proposed Funding Request/five sub-criteria (60 points)

There are three (3) threshold sub-criteria that all applications must receive at least five (5) points each, or the proposal will not be funded:

- Does the proposed program/project comply with the overall regulations, goals and objective of the CDBG program? Application describes how the identified need relates to the objectives of the CDBG program?
- Does the proposed activity address a priority community development need as identified in the Five-Year Consolidated Plan?
- Does the organization have the demonstrated capacity to successfully implement and complete the proposed activity in a timely manner?

## **XI. Application Review and Selection Process:**

For the County's allocation, each CDBG application is received, reviewed, evaluated, and rated. CDBG program staff and EDA management then meet with the individual District Supervisors for their CDBG funding decisions. EDA staff will provide background information on each proposal, answer questions, and provide funding recommendations if requested.

## **XII. Anticipated Announcement, Award Date, and Notice:**

The Board of Supervisors for the County of Riverside will make all final CDBG funding decisions for the County's 2021-2022 CDBG allocation. This is anticipated to occur in April or May of 2021, during a regular meeting of the Board of Supervisors when the Board approves the 2021-2022 One Year Action Plan.

After the approval date, applicants will be notified by mail of the Boards funding decisions. The One Year Action Plan is then submitted to the U.S. Department of Housing and Urban Development (HUD) for review and approval.

Those applicants that have been approved for CDBG funding will be notified by mail. The letter will clearly indicate the amount of their award, and that this is not a notification to proceed or to incur costs. The letter will inform the successful applicants that a subrecipient agreement will be prepared and forwarded to them in the near future with further instructions.

### **XIII. Administrative and National Policy Requirements:**

All CDBG awards made by the County and the cooperating cities will be in the form of a grant. Subrecipients will be required to execute a Sponsor's Agreement with the County. A copy of template of the Sponsor's Agreement is available upon request to HHPWS staff.

The Cooperating Cities must execute a Supplemental Agreement with the County each year. Subrecipients of the Cooperating Cities' CDBG funding will enter into an approved subrecipient agreement with the awarding city.

### **XIV. Post Award Reporting Requirements:**

To ensure compliance with the CDBG program National Objective requirements, all subrecipients of CDBG funds will be required to comply with the applicable CDBG reporting requirements. The type, amount, frequency, format (paper or electronic), and detail of the reporting requirements depends upon the specific use of the CDBG funds and corresponding National Objective. All specific reporting requirements will be stated in the subrecipient agreement.

**In addition, all CDBG-funded projects using CDBG for facility construction, renovation, or improvements will be considered as "Public Works," and therefore, subject to applicable State of California Department of Industrial Relations requirements.**

### **XV. Points of Contact**

For information about the CDBG program or the 2021-2022 application cycle, please contact the following:

Nicholas Fonosch, Office Assistant  
3403 10<sup>th</sup> St. Suite 300  
Riverside, CA 92501  
(951) 955-5936  
[nfonosch@rivco.org](mailto:nfonosch@rivco.org)

Susana Orozco, Principal Program Manager  
3403 10<sup>th</sup> St. Suite 300  
Riverside, CA 92501  
(951) 955-5933  
[sorozco@rivco.org](mailto:sorozco@rivco.org)

John Thurman, CDBG/ESG Program Administrator  
Riverside County Department of Housing, Homelessness Prevention, Workforce Solutions

## ATTACHMENT I

### Additional Federal Requirements

Whereas, the work under this Agreement is subject to applicable Federal, State, and local laws and regulations, including but not limited to the regulations pertaining to the Community Development Block Grant (24 CFR Part 570) and the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR 200). All contractors, sub-contractors, consultants, and sub-consultants agree to comply with, and are subject to, the following Federal requirements (if applicable):

1. **Equal Employment Opportunity** - Compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity", as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). The Contractor/Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. Contractor/Consultant will ensure that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin. The Contractor/Consultant will take affirmative action to ensure that applicants are employed and the employees are treated during employment, without regard to their race color, religion, sex, or national origin. Such actions shall include, but are not limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor/Consultant agrees to post in a conspicuous place, available to employees and applicants for employment, notices to be provided by the County setting forth the provisions of this non-discriminating clause.

2. **Copeland "Anti-Kickback" Act** (18 U.S.C. 874 and 40 U.S.C. 276c: All contracts and subgrants in excess of \$2,000 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 HUD.

3. **Davis-Bacon Act, as amended** (40 U.S.C. 276a to a-7: When required by Federal program 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 Applicable to Contracts Governing Federally Financed 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 HUD.

4. **Contract Work Hours and Safety Standards Act (40 U.S.C. 327 through 333):** Where applicable, all contracts awarded by recipients in excess of \$2000 for construction contracts and in excess 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 standard workweek of 40 hours. Work in excess of the standard workweek 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 workweek. 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 transportation or transmission of intelligence.

5. **Rights to Inventions Made Under a Contract or Agreement**— Contracts or agreements for the performance of experimental, developmental, 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 Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by HUD.

6. **Rights to Data and Copyrights** – Contractors and consultants agree to comply with all applicable provisions pertaining to the use of data and copyrights pursuant to 48 CFR Part 27.4, Federal Acquisition Regulations (FAR).

7. **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 requires the recipient to agree to comply with all applicable standards, orders or regulations 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 HUD and the Regional Office of the Environmental Protection Agency (EPA).

8. **Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)**— Contractors who apply or bid for an award of \$100,000 or more shall file the required 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 attempting 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 obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to-tier-up to the recipient.

9. **Debarment and Suspension (E.O.s 12549 and 12689)**—No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Non-procurement Programs in accordance with E.O.s 12549 and 12689, “Debarment and Suspension,” as set forth at 24 CFR Part 24. This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other

than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

**10. *Drug-Free Workplace Requirements***—The Drug-Free Workplace Act of 1988 (42 U.S.C. 701) requires grantees (including individuals) of federal agencies, as a prior condition of being awarded a grant, to certify that they will provide drug-free workplaces. Each potential recipient must certify that it will comply with drug-free workplace requirements in accordance with the Act and with HUD's rules at 24 CFR Part 24, subpart F.

**11. *Access to Records and Records Retention***: The Consultant or Contractor, and any sub-consultants or sub-contractors, shall allow all duly authorized Federal, State, and/or County officials or authorized representatives access to the work area, as well as all books, documents, materials, papers, and records of the Consultant or Contractor, and any sub-consultants or sub-contractors, that are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts, and transcriptions. The Consultant or Contractor, and any sub-consultants or sub-contractors, further agree to maintain and keep such books, documents, materials, papers, and records, on a current basis, recording all transactions pertaining to this agreement in a form in accordance with generally acceptable accounting principles. All such books and records shall be retained for such periods of time as required by law, provided, however, notwithstanding any shorter periods of retention, all books, records, and supporting detail shall be retained for a period of at least four (4) years after the expiration of the term of this Agreement.

**12. *Federal Employee Benefit Clause***: No member of or delegate to the congress of the United States, and no Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit to arise from the same.

**13. *Energy Efficiency***: Mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94A 163, 89 Stat. 871).

**14. *Procurement of Recovered Materials (2 CFR 200.322.)*** A non-Federal entity 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, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

**15.** The Housing and Community Development Act of 1974, as amended, and the regulations issued thereto;

**16.** Executive Order 11063, as amended by Executive Order 12259, and implementing regulations at 24 CFR Part 107;

**17.** Section 504 of the Rehabilitation Act of 1973 (PL 93-112), as amended, and implementing regulations;

**18.** The Age Discrimination Act of 1975 (PL 94-135), as amended, and implementing regulations;

- 19.** The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and the implementing regulations at 24 CFR Part 42;
- 20.** The labor standard requirements as set forth in 24 CFR Part 570, Subpart K and HUD regulations issued to implement such requirements;
- 21.** Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control and abatement of water pollution;
- 22.** The flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (PL 93-234);
- 23.** Title VI of the Civil Rights Act of 1964 (PL 88-352) and implementing regulations issued at 24 CFR Part 1;
- 24.** Title VIII of the Civil Rights Act of 1968 (PL 90-284) as amended; and
- 25.** The lead-based paint requirements of 24 CFR Part 35 issued pursuant to the Lead-based Paint Poisoning Prevention Act (42 USC 4801, et seq.);