HOPE Village Revitalization  
Request for Proposal  
Renewable Energy Financial and Feasibility Consultant  
Sustainable Community Builders Project  
Responses Due: August 17, 2020 by 5:00 p.m.

Overview/Background:

HOPE Village Revitalization (HVR) is a nonprofit community development corporation serving the HOPE Village neighborhood – a roughly 107 block neighborhood straddling the border between Detroit and Highland Park on the near northwest side of Detroit (see figure 1). More than 48% of the population of HOPE Village live in poverty, and more than 39% of its residents are both low-income and severely cost-burdened. In general, the housing stock in the HOPE Village has seen significant, decades-long disinvestment caused by absentee ownership and a lack of available capital for replacement of roofs, buildings systems, and more. In addition, because much of the housing stock is between 60 and 75 years old, buildings are typically not well-insulated and use older plumbing systems, resulting in exceptionally high energy bills.

In 2016, HOPE Village residents and local stakeholders came together to co-create a Community Vision and Strategic Plan, with sustainability, livability, equity and resilience as core concepts. The HOPE Village Vision and Strategic Plan also had a clear goal to see renewable energy, particularly solar power, developed in the neighborhood in a way that benefits all residents. During the same year, HOPE Village also became one of only two inaugural Ecodistricts in Detroit.

HVR is a community-controlled, community-driven organization, with a mission to move the HOPE Village neighborhood forward in a way that mitigates disparities in wealth, privilege and educational resources. HVR envisions a sustainable, equitable, healthy neighborhood with a high quality of life for all, where neighbors have access to fresh and local food and affordable, quality housing with energy solutions that reduce utility costs and build resilience against climate change.

Figure 1: HOPE Village Neighborhood/Location
By way of additional background, HVR’s headquarters (the La Salle Eco-Home, located on La Salle Blvd just south of Oakman Blvd) is a formerly fire-damaged and abandoned two family flat with photovoltaic (solar) panels and other energy features. The home is on track to become certified as the first LEED Platinum home rehab in the city. The HOPE Village has been named one of only four EcoDistricts in the city of Detroit.

HVR has identified a number of naturally occurring affordable multifamily buildings in HOPE Village - it anticipates targeting these buildings for sustainable rehabilitation.

HVR’s objective with this Sustainable Community Builders project is to take the lessons learned from the La Salle Eco-Home to the next level by creating a financing plan and structuring plan for rehabbing a critical mass (50 - 100 units) of naturally occurring, affordable, sustainable housing units (first multifamily, and eventually single family units) in the HOPE Village neighborhood that are powered by renewable (community solar) energy and targeted at renters below 80% AMI. The model must also include a community ownership component and may also be feasible to deploy more widely across Detroit and beyond. The project is also part of a broader vision of creating neighborhood resilience and creating a model for equitable, sustainable investment in low/mod income neighborhoods, addressing growing issues of energy poverty caused by high utility costs in older Detroit homes.

HVR has been awarded U.S. Department of Housing and Urban Development (HUD) funding through the Enterprise Community Partners for consulting services to develop a viable financing plan to attract capital, together with (a) draft funding application(s), b) a document describing a viable approach for a renter equity model, c) completion of a business plan for resident participation in ownership of solar panels, d) summary results from four focus groups or community meetings to gauge interest in the concept and provide insight into the size and scale of community investment options.

**Timeframe:** Proposals are due on August 17, 2020. We anticipate awarding a consulting contract or contracts on or before August 24, 2020. Draft deliverables are due on or before November 30, 2020, with final deliverables due on or before December 31, 2020. An optional virtual pre-proposal meeting will be held on July 27 at 10:00 a.m. EDT to review the proposal and answer any questions, and also to meet other interested consultants. The meeting will be virtual, and can be accessed here:

https://us02web.zoom.us/j/85271135397?pwd=bWFBe1dUM3BY3J6Rmp6OWVhdzVNZz09

The project scope includes compliance with all applicable HUD statutory and regulatory requirements and documentation of such compliance.

**Scope of Services:** HVR is seeking the services of a qualified consultant team to provide the services described on Exhibit A hereto as part of its Sustainable Community Builders Project. Consultants may submit a combined proposal for all identified
Components of the services, or may propose for one or more of the identified Components (note: a unified/combined proposal from a team of consultants well-qualified to deliver all Components is preferred). If proposing for less than all of the Components, consultants will be required to coordinate with one or more additional consultants conducting other aspects of the services, and should include those costs in their proposal. The services will be subject to all HUD requirements, including those set forth in Exhibit B.

Submission of Proposal: Proposals for this work should be submitted to Debbie Fisher, Executive Director by e-mail at fisherd@hopevillagecdc.org by 5:00 p.m. on August 3, 2020. Your proposal should include:

1. A statement of your firm’s background and experience in providing services of this type, with a particular reference to renewable energy, community engagement and/or financial feasibility, as appropriate.
2. A statement describing your knowledge of the HOPE Village area, and the Michigan context, including any partnerships or specific background you have with respect to the target area.
3. An explanation of the number and size of other projects your firm is currently undertaking, and a discussion of how your firm will be able to meet the timelines required by this proposal.
4. Specific information as to the individuals from your firm who will be assigned to this project, and their capacity (given other projects) to complete work of this type in the required framework.
5. Identification of which subcomponents your proposal relates to, and a description of the proposed deliverables.
6. Proposed timeline to complete the project
7. Project cost proposal form including all consultant fees and all expenses in a not to exceed figure for each Component proposed, together with proposed payment schedule.

Because of the grant funded nature of this project, no project cost overages will be entertained after project award.

After careful review and consideration, HOPE Village Revitalization (HVR) will select the best suited team for the services described herein. HVR reserves the right to reject any and all proposals and is not bound to accept the lowest bidder. HVR may choose to accept a consultant’s proposal with respect to one or more Component(s) of this RFP but not for others. HVR may negotiate with one or more firms with respect to their response to this RFP.
HOPE Village Revitalization is an equal opportunity employer.
Exhibit A - Scope of Services
HOPE Village Revitalization
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Component One: Convene three to four virtual meetings of a local project team, including HVR board members, local architects/engineers, lawyers, real estate experts and city of Detroit representatives, to advise and provide input on the project.

Deliverables: summary of outcomes of the meetings and meeting attendees.

Component Two: Investigate models of renter equity (also known as shared equity or dividend housing) in Ohio and elsewhere. Convene four focus groups of community residents to test ideas regarding the proposed rental equity/dividend housing program and ownership of the solar company. Analyze community ownership options.

Deliverables: a draft, and after comment, final memorandum describing a viable approach for renter equity model for at least 10% of the units. Draft and final memorandum recommending profit sharing/community investment parameters for community solar ownership including appropriate scale for investment, dividend sizing and frequency. Assume no on-bill financing or credits.

Component Three:

- **Analyze market information,** including renovation costs and solar and rehab costs, and results of community focus groups.

- **Analyze potential sources of funding, update and analyze market information,** conduct financial analysis: Include key inputs for developing the value proposition and the financial model with quantitative and qualitative research. Deliver a full financial feasibility analysis with an integrated financial model, showing all assumptions and subsidy dollars required.

- **Develop Business Model:** Create a business case and analyze different types of partnership models that will optimize project economics. Analyze options such as EB-5 and Opportunity Zone funding, as well as explore the possibility of anchor tenants for on-site solar. Recommend the form of the business entity (HVR anticipates that it may be necessary to create a for profit related entity for this model to be financially feasible), and the ownership structure for the business entity and its assets including profit sharing within the HV community. (Our intent is to introduce community solar elements for HV residents whether or not they reside in rehabilitated properties where possible.)
● **Overview of Potential Capital Sources:** Understand the capital pools available in the market for this work and create a list of potential targets in the order of preference.

● **Investor Outreach:** Create an outreach plan for potential capital sources (e.g., foundations, impact investors, CDFIs) identified above. Draft at least one financing application for the top priority target.

  **Deliverables:** Draft and final feasibility analysis and business plan including the aspects described in the bullet points above.
Consultant shall comply with and be bound by the following requirements that bind HOPE Village Revitalization (“HVR”) pursuant to the Section 4 grant (“Grant”) funding received from the U.S. Department of Housing Development (“HUD”), through Enterprise Community Partners (“Enterprise”). This Exhibit B shall be made a part of the agreement (“Contract”) entered into by Consultant and HVR for the Project and the applicable provisions shall flow through to and bind the Consultant. Consultant shall include the same provisions in any contract that it executes for the performance of the work.

**ADMINISTRATIVE REQUIREMENTS**
Pursuant to the Federal Grant Agreement, unless excepted under 24 CFR chapters through IX, this Contract shall be governed by 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) and Federal Acquisition Regulations at 48 CFR part 31.2 (for Commercial/For-profits).


**ALLOWABLE COSTS**
Consultant will be paid only for allowable, allocable and reasonable costs incurred in the performance of this award in accordance with 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards).

**FLOW DOWN PROVISIONS**
Consultant is required, to the extent feasible, to include these in all contracts of employment with persons who perform any part of the work under the Grant and the Contract, and with all contractors or other persons or organizations participating in any part of the work under the Grant and the Contract.

**HIGH RATE CONTRACTORS AND CONSULTANTS**
Section 4 program funds may not be used, directly or indirectly, to pay or provide reimbursement for payment of the salary of a consultant or a contractor at more than the daily equivalent of the rate paid for the level IV of the Executive Schedule, without prior written approval from Enterprise and HUD. For more information on the Executive Schedule, please see the Office of Personnel Management (OPM) website at [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2018/executive-senior-level](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2018/executive-senior-level). If the Consultant believes there is sufficient need or cause for hiring a consultant or contractor at a high rate, it may submit a request to HVR and a written
justification for review and consideration. In all cases, the Consultant must receive approval from HVR, Enterprise and HUD before commencing any Section 4 program work with a high rate consultant or contractor.

**DEVELOPABLE PRODUCTS**
Consultant shall timely submit all required reports and other documentation to enable HVR and Enterprise to comply with its reporting requirements under the Federal Grant Agreement. Failure to submit required reports on time may jeopardize funding under the Federal Grant Agreement and therefore funding under the Grant and the Contract.

**COPYRIGHT**
a. The Consultant may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under the Federal Grant Agreement. HUD reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use for federal government purposes. HVR and Enterprise Community Partners, Inc. reserve a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use any work developed by the Consultant under the Contract.

b. The Consultant is subject to applicable regulations governing patents and inventions, including government wide regulations issued by the Department of Commerce at 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Awards, Contracts and Cooperative agreements."

**PRIVACY ACT OF 1974 (5 U.S.C. 552a)**
The Consultant is required to design, develop, or operate U.S. Housing & Urban Development (HUD) data subject to the Privacy Act of 1974 (5 U.S.C. 552a) and applicable agency regulations. Violation of the Act may result in criminal penalties and a fine of up to $5,000.

a) The Consultant agrees to:

1) Comply with the Privacy Act of 1974 (the Act) and HUD rules and regulations issued under the Act in the design, development, or operation of a system of records on individuals.

2) Include the Privacy Act notification contained in the Contract in every solicitation and resulting subcontract and in every subcontract awarded without a solicitation, when the work statement in the proposed subcontract requires the redesign, development, or operation of a system of records on individuals that is subject to the Act and

3) Include this clause in all subcontracts awarded under the Contract which requires the design, development, or operation of such a system of records.

b) Any person who knowingly or willfully requests or obtains any record
concerning an individual from an agency under false pretenses shall be subject to criminal penalties under the Privacy Act and may be subject to prosecution under other statutes such as 18 U.S.C.§ 494, §495, and §1001. In the event of improper use or disclosure of HUD data, the Consultant agrees to report the incident and to cooperate fully with HUD.

RIGHT TO AUDIT AND DISALLOW OR RECOVER EXPENDITURES
HVR, Enterprise Community Partners, Inc., HUD, the Comptroller General of the United States, or any of their duly authorized representatives shall be permitted to inspect and photocopy all books, accounting records, invoices, receipts, payroll records, personnel records, and any other project data and/or records pertaining to all matters covered in the Contract. Such records and information must be made available during normal business hours at a reasonable location, and as often as the aforementioned officials deem necessary. HVR, Enterprise, HUD or U.S. Government officials must be permitted to make excerpts or copies of such records and data that are related in whole, or in part, to the executed grant agreement or the Contract. HUD must keep any copies of the recipient's data and records in the strictest confidence allowed by law. HVR and Enterprise reserves the right to seek from the Consultant recovery of any expenditures found unallowable under the cost principles found in 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) and Federal Acquisition Regulations at 48 CFR part 31.2 (for Commercial/For-profits) or the provisions of the HUD Grant Agreement and the Contract, based upon the final audit or any other special audits.

PRE-AWARD COSTS AND FEES
Notwithstanding any other provision of this Agreement, Consultant may not collect funds for activities performed prior to the effective date of its contract with HVR. Mandatory fees, interest, and profit are prohibited under the Section 4 Grant.

DAVIS-BACON ACT, AS AMENDED (40 U.S.C. 3141-3148)
When required by Federal program legislation, all prime construction contracts in excess of $2,000 awarded by the Consultant must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144 , and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The Consultant must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The Consultant must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the COPELAND "ANTI-KICKBACK"
ACT (40 U.S.C. 3145), 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 must 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 or she is otherwise entitled. The Consultant must report all suspected or reported violations to the Federal awarding agency.

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (40 U.S.C. 3701-3708)
Where applicable, all contracts awarded by the Consultant in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must 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.

CLEAN AIR ACT (42 U.S.C. 7401-7671q) and the FEDERAL WATER POLLUTION CONTROL ACT (33 U.S.C. 1251-1387), AS AMENDED
Contractors and subgrantees with award amounts in excess of $150,000 must comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

DEBARMENT AND SUSPENSION (EXECUTIVE ORDERS 12549 AND 12689)
A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

RELIGIOUS CONTROL OR INFLUENCE
Consultant must ensure that all activities undertaken pursuant to the executed HVR grant agreement and the Contract are free of religious control or influence, and that no monies,
property, materials or services that are provided under the grant agreement and Contract are applied to religious establishment or purpose.

**IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY**

Consultant shall take reasonable steps to ensure meaningful access to their programs and activities to LEP individuals. As an aid to recipients, HUD published Final Guidance to Federal Financial Assistance Recipients: Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Guidance) in the Federal Register on January 22, 2007 (72 FR 2732). LEP Guidance and LEP information is available here: Federal Register.

**ACCESSIBLE TECHNOLOGY**

Section 508 of the Rehabilitation Act of 1973, as amended (Section 508) requires HUD to ensure, when developing, procuring, maintaining, or using electronic and information technology (EIT), that the EIT allows persons with disabilities to access and use information and data comparably to those without disabilities unless an undue burden would result to the Federal agency. HUD encourages its recipients to adopt the goals and objectives of Section 508 by ensuring comparable access whenever EIT is used.

**EQUAL ACCESS TO HOUSING REGARDLESS OF SEXUAL ORIENTATION OR GENDER IDENTITY**

The Equal Access Rule at 24 CPR 5.105(a)(2) requires that a determination of eligibility for housing that is assisted by HUD or subject to a mortgage insured by HUD shall be made in accordance with the eligibility requirements provided for such program by HUD, and such housing shall be made available without regard to actual or perceived sexual orientation, gender identity or marital status. Furthermore, under 24 CFR 5.106, any recipient, sub-recipient, owner, operator, manager or service provider funded in whole or part by any Community Planning and Development (CPD) program may not deny equal access to programs, activities, services, or facilities based on a person's gender identity. Thus, the aforementioned parties must comply with 24 CFR 5.105(a)(2) when determining eligibility for housing assisted by HUD or insured by FHA and, and, in addition, with 24 CFR 5.106 when receiving assistance from CPD programs.

HUD’s definitions of sexual orientation and gender identity are at 24 CFR 5.100. HUD's definition of family is at 24 CFR 5.403. (See other regulatory changes made through HUD's Equal Access Rules: Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity and amended by Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs, 81 Fed. Reg. 64763 (Sept. 21, 2016)).

HUD’s Native American and Native Hawaiian programs are covered by the rule Equal Access to Housing in HUD's Native American and Native Hawaiian Programs-Regardless of Sexual Orientation or Gender Identity, 81 Fed. Reg. 80989 (Nov. 17, 2016).
ENSURING THE PARTICIPATION OF SMALL DISADVANTAGED BUSINESSES AND WOMEN-OWNED BUSINESSES

HUD is committed to ensuring that small businesses, small disadvantaged businesses, and women-owned businesses, and Labor Surplus Area Firms participate fully in the direct contracting and contracting opportunities generated by HUD’s financial assistance. Recipients (except States) and subrecipients are required by 2 CFR 200.321 to take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and Labor Surplus Area Firms are used whenever possible.

EMINENT DOMAIN

Section 407 of Div. K, Title IV of the Consolidated Appropriations Act, 2016 (Public Law 114-113) prohibits the use of funds to support any Federal, state, or local project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use. Public use shall not be construed to include economic development that primarily benefits private entities. Use of funds for mass transit, railroad, airport, seaport, or highway projects, and utility projects which benefit or serve the general public (including energy-related, communication-related, water-related, and waste water-related infrastructure), other structures designated for use by the general public or with other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields, as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. 107-118), will be a public use for Section 407 purposes.

ACCESSIBILITY FOR PERSONS WITH DISABILITIES

For all HUD-funded activities:

a. All meetings must be held and services provided in facilities that are physically accessible to persons with disabilities. Where physical accessibility is not achievable, successful applicants must give priority to alternative methods of product or information delivery that offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate in accordance with HUD’s implementing regulations for section 504 of the Rehabilitation Act of 1973 (29 U.S.C.§794) at 24 CFR part 8, subpart C; and,

b. All notices of and communications during all training sessions and public meetings shall be provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities or provide other means of accommodation for persons with disabilities consistent with section 504 of the Rehabilitation Act of 1973 and HUD’s Section 504 regulations. Recipients must provide appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large type, assistive listening devices, sign language interpreters, accessible
VIOLENCE AGAINST WOMEN ACT
The Violence Against Women Reauthorization Act of 2013 amended the Violence Against Women Act of 1994 (VAWA) to provide housing protections for victims of domestic violence, dating violence, sexual assault, and stalking in many of HUD's housing programs. HUD's implementing regulations for VAWA are found in the applicable program regulations and 24 CFR Part 5, Subpart L, Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (collectively, the VAWA rule). The specific HUD programs that are subject to the VAWA rule are listed in the "covered housing program" definition at 24 CFR 5.2003. In general, the VAWA rule provides that an applicant for assistance or tenant assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy. The VAWA rule also requires the establishment of emergency transfer plans for facilitating the emergency relocation of certain tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. For the specific requirements of the VAWA rule, please refer to 24 CFR Part 5, Subpart L, and the applicable program regulations.

CONDUCTING BUSINESS IN ACCORDANCE WITH ETHICAL STANDARDS

Code of Conduct for Procuring Property and Services
Consultant must have a code of conduct (or written standards of conduct) for procurements that meets all requirements in 2 CFR 200.318(c).

Other Conflicts of Interest
In all cases not governed by 2 CFR 200.317 and 200.318(c), Consultant must comply with the conflict of interest requirements in the applicable program regulations. If there are no program-specific regulations for the award, the following conflict of interest requirements apply in all cases not governed by 2 CFR 200.317 and 200.318(c):

i. General prohibition. No person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or subrecipient and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has immediate family or business ties, during his or her tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including a stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild, and in-laws of a covered person.
Il  Exceptions. HUD may grant an exception to the general prohibition in paragraph (i) upon the recipient's written request and satisfaction of the threshold requirements in paragraph (iii), if HUD determines the exception will further the Federal purpose of the award and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effects of the factors in paragraph (iv).

iii. Threshold requirements for exceptions. HUD will consider an exception only after the recipient has provided the following documentation:

a. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

b. An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

iv. Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the threshold requirements in paragraph (iii), HUD will consider the cumulative effect of the following factors, where applicable:

a. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;

b. Whether an opportunity was provided for open competitive bidding or negotiation;

c. Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

d. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;

e. Whether the interest or benefit was present before the affected person was in a position as described in paragraph (i);

f. Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

g. Any other relevant considerations.

Consultant must disclose in writing any potential conflict of interest to HVR.
CERTIFICATIONS AND ASSURANCES

By signing the contract document Consultant certifies the following:

1. Consultant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

2. Consultant will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

3. Consultant will initiate and complete the work within the applicable time frame after receipt of approval of HVR.

4. Consultant will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:

   a) Federal Executive Order 11246, as amended by Executive Order 11375, relating to Equal Employment Opportunity

   b) 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor"

   c) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin;

   d) Title IV and Title VII of the Civil Rights Act of 1974, as amended Americans with Disabilities Act of 1990 (42 U.S.C. 1201 et seq.)

   e) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex;

   f) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps;

   g) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age;

   h) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
i) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;

j) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;

k) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;

l) Any other nondiscrimination provisions in the specific statute(s) under award is being made; and

m) The requirements of any other nondiscrimination statute(s) which may apply to the award.


6. Consultant will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

7. Consultant will comply with environmental standards which may be prescribed pursuant to the following:

a) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;

b) Notification of violating facilities pursuant to EO 11738;

c) Protection of wetlands pursuant to EO 11990;

d) Evaluation of flood hazards in floodplains in accordance with EO 11988;

e) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.);

f) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air
Act of 1955, as amended (42 U.S.C. §§7401 et seq.);

g) Protection of underground sources of drinking water under the safe Drinking Water Act of 1974, as amended (P.L. 93-523); and


8. Consultant will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.


10. Consultant will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

11. Consultant will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm-blooded animals held for research, teaching, or other activities supported by this award of assistance.

12. Consultant will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

13. Consultant will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the Section 4 program.

**Certification Regarding Debarment and Suspension.** Consultant certifies to the best of its knowledge that neither it nor its principal employees and officers:

1. Are presently, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal department or agency;

2. Within a three year period preceding this Contract, have been: convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or grant under a public transaction; or in violation of federal or state antitrust statues or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making
false statements or receiving stolen property;
3. Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any offenses enumerated in paragraph two of this certification; and
4. Within a three-year period preceding this Contract, have had one or more public (federal, state or local) transactions terminated for cause or default.

**Certification of Payments to Influence Federal Transactions/Lobbying.**

2. No Federal appropriated funds may be paid, by or on behalf of the Consultant, to 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.
3. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Contract, the Consultant shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

**Certification of Drug-Free Workplace Requirements.**

Consultant certifies that as a condition of this Contract it will comply with the drug-free workplace requirements in accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 701) and with HUD's rule at 2 CFR Part 2429.

**Fair Housing and Civil Rights Laws.** Consultant certifies that it shall comply with all fair housing and civil rights laws, statutes, regulations and executive orders as enumerated in 24 CFR 5.105(a). Federally recognized Indian tribes must comply with the nondiscrimination requirements listed at 24 CFR 1000.12.