

# 2013 Milwaukee County/CDBG

RFP #: CDBG - 02

Title: Economic Development

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## I. INTRODUCTION AND BACKGROUND

The purpose of this document is to provide interested parties with information to enable them to prepare and submit a proposal and to inform them of basic requirements that the County uses as part of its standard contract process. *Your proposal should include the completed CDBG Application for Economic Development and information requested in Section III below.*

Standard contract requirements concerning Affirmative Action, the Americans with Disabilities Act, Davis/Bacon, contract termination and modification, etc. are included in the County's boilerplate contract. This contract is subject to change.

## II. SCOPE OF THE PROJECT

### A. PROJECT DESCRIPTION

Milwaukee County is soliciting project proposals for a wide range of economic development activities eligible for funding under the Community Development Block Grant (CDBG) program. It is expected that funds in 2013 will be made available for economic development projects that create permanent jobs for low-and-moderate income people residing only in participating communities of the Milwaukee County Urban County CDBG Consortium.

The member communities of the Milwaukee County Urban County CDBG Consortium include the following municipalities:

Village of Bayside	City of St. Francis
Village of Shorewood	City of Cudahy
Village of Whitefish Bay	City of South Milwaukee
Village of Fox Point	City of Oak Creek
Village of River Hills	City of Franklin
City of Glendale	City of Greenfield
City of Brown Deer	Village of Greendale
Village of West Milwaukee	Village of Hales Corners

### ELIGIBLE APPLICANTS

Public or private non-profit agencies or organizations including faith-based organizations, units of local government, and Community-Based Development Organizations.

### NATIONAL OBJECTIVE

the LMI benefit national objective. For example if the grantee is funding a grocery store in a neighborhood that is at least 42.9 percent LMI, the activity may qualify as an area benefit.

If this criterion is used to qualify the activity, the grantee must document the service area of the business and then demonstrate through Census or survey data that 42.9 percent of the residents are LMI.

Additionally, the LMI Limited Clientele category may be used to qualify certain economic development activities under the LMI Benefit national objective.

For example, microenterprise activities may be undertaken under the LMI Limited Clientele category if the owner of the business is LMI. If this criterion is used, then the grantee must document the income of the business owner.

Also, job training and placement or other employment support services such as peer counseling, child care and transportation may qualify under the LMI Limited Clientele category if at least 42.9 percent of the persons benefiting from the activity are LMI.

Finally, economic activities designed to create or retain permanent jobs, at least 42.9 percent of which (computed on a full-time equivalent basis) will be made available to or held by LMI persons may qualify under the Job Creation or Retention category of the LMI Benefit national objective.

The following requirements must be met for jobs to be considered created or retained.

If grantees fund activities that **create** jobs, there must be documentation indicating that at least 42.9 percent of the jobs will be held by, or made available to, LMI persons.

For funded activities which **retain** jobs, there must be sufficient information documenting that the jobs would have been lost without the CDBG assistance and that one or both of the following applies to at least 42.9 percent of the jobs:

The job is held by a LMI person; or

The job can reasonably be expected to turn over within the following two years and steps will be taken to ensure that the job will be filled by, or made available to, a LMI person.

The following requirements apply for jobs to be considered available to or held by LMI persons.

Created or retained jobs are only considered to be **available** to LMI persons when:

- (a) Special skills that can only be acquired with substantial training or work experience or education beyond high school are **not** a prerequisite to fill such jobs, or the business agrees to hire unqualified persons and provide training; and
- (b) The grantee and the assisted business take actions to ensure that LMI persons receive first consideration for filling such jobs.

Created or retained jobs are only considered to be **held by** LMI persons when the job is actually held by a LMI person.

In determining whether a job is made available to or held by a LMI person, grantees may presume that a person is LMI if:

He/she resides in a Census tract that meets certain requirements (see below); or

He/she resides in a Census tract with at least 70 percent LMI persons; or

The assisted business is located in an eligible Census tract (see below) **and** the job will be located within that same Census tract.

An eligible Census tract is one that is located within a Federally-designated Empowerment Zone or Enterprise Community **or** a Census tract that:

- (a) Has a poverty rate of at least 20 percent;
- (b) Does not include part of a central business district (unless the Census tract has a poverty rate of at least 30 percent); and
- (c) Evidences pervasive poverty and general distress by meeting at least one of the following criteria:
  - (i) All block groups in the Census tract have 20 percent or greater poverty rates;
  - (ii) The activity is undertaken in a block group with a 20 percent or greater poverty rate; or

(iii) HUD determines that the tract shows other signs of distress (e.g., crime, homelessness, deteriorated housing, etc.)

For job training, job placement and other employment support services, the CDBG regulations provide certain circumstances in which these activities can be considered to meet the LMI limited clientele national objective **even** when the percentage of persons assisted is **less** than the 42.9 percent threshold. The special circumstances under which this is allowed are:

Where job training or the provision of supportive services is used to assist businesses, the only use of CDBG funds in the activity is for the job training and/or supportive services; **and**

The proportion of the total cost of the job training or supportive services to be paid with CDBG funds is not greater than the proportion of the total number of assisted LMI persons.

As a general rule, each assisted business shall be considered to be a separate activity for purposes of determining whether the activity qualifies.

However, in certain cases, such as where CDBG funds are used to acquire, develop or improve a real property (e.g., a business incubator or an industrial park), the requirement may be met by measuring jobs in the aggregate for all the businesses, that locate on the property, provided such businesses are not otherwise assisted by CDBG funds.

Additionally, where CDBG funds are used to pay for the staff and overhead costs of an entity making loans to businesses from non-CDBG funds, this requirement may be met by aggregating the jobs created by all of the businesses receiving loans during any one-year period.

## **ELIGIBLE ACTIVITIES**

### **1. Special economic development.**

CDBG funds may be used to undertake certain economic development activities. These activities include:

Acquiring, constructing, reconstructing, rehabilitating, or installing commercial or industrial buildings, structures, and other real property equipment and improvements, including railroad spurs or similar extensions. These are economic development projects undertaken by nonprofit entities and grantees (public entities).

Assisting a private, for-profit business. Assistance may include grants, loans, loan guarantees, and technical assistance; and

Providing economic development services in connection with otherwise eligible CDBG economic development activities.

**Economic development undertaken by community based development organizations (CBDOs).** These are activities designed to assist in neighborhood revitalization or community economic development and are carried out by an organization that qualifies as a CBDO under the regulations at 24 CFR Part 570.204. See chapter 2 for more information about CBDOs.

In addition to meeting one of the organizational types listed above, the entity must be carrying out neighborhood revitalization, community economic development or energy conversation projects.

**Technical assistance to businesses.** This activity involves providing technical assistance and training directly to businesses on topics such as business planning or accounting. This activity may be undertaken under several different eligibility categories, assuming that the activity will meet a national objective:

As a part of a special economic development project;

To the owner of a microenterprise;

As a public service; and

By a CBDO as a part of an eligible project.

**Microenterprise development.** These are activities designed to foster the development, support, and expansion of microenterprise businesses.

A microenterprise is defined as a commercial enterprise that has five or fewer employees, one or more of whom owns the enterprise.

A “person developing a microenterprise” refers to a person who has expressed an interest and who is, or after an initial screening process is expected to be, actively working toward developing a business that will be a microenterprise at the time it is formed.

Eligible microenterprise activities include the provision of:

Grants, loans, loan guarantees and other forms of financial support, for the establishment, stabilization, and expansion of microenterprises;

Technical assistance, advice, and business services to owners of microenterprises and persons developing microenterprises;

General support to owners of microenterprises and persons developing microenterprises including child care, transportation, counseling and peer support groups; and

Training and technical assistance, or other support services to increase capacity of grantees or sub-recipients to carry out microenterprise activities.

**Commercial rehabilitation.** These are activities that are designed to bring commercial structures up to code or improve their facades.

If the commercial structure is owned by a private, for-profit entity, the following limitations apply:

Rehabilitation is limited to the exterior of the building and the correction of code violations; and

Any other improvements are carried out under the special economic development activities category discussed above.

**Public facilities and improvements.** These are public works that support economic development endeavors. Public works facilities and improvements includes infrastructure projects such as off-site water, sewer, roads, drainage, railroad spurs and other types of public facilities or improvements.

**Job training.** Job training involves providing skill building classes to employees or potential employees and can be an important part of an economic program. This activity can be undertaken:

As a part of a special economic development project;

As a public service;

By a CBDO as a part of an eligible project; or As a part of microenterprise assistance package to the owner of a micro business for his or her employees.

## 2. **Slum/Blight National Objective**

Economic development activities, such as commercial rehabilitation, which aid in the prevention or elimination of slums or blight in a designated area may qualify under the Area Slum/Blight national objective.

In order to qualify under this national objective category, the economic development activity must take place in an area that:

The designated area in which the activity occurs must meet the definition of a slum, blighted, deteriorated or deteriorating area under state or local law;

Additionally, the area must meet either one of the two conditions specified below:  
Public improvements throughout the area are in a general state of deterioration; or  
At least 25 percent of the properties throughout the area exhibit one or more of the following:

- (a) Physical deterioration of buildings/improvements;
- (b) Abandonment of properties;
- (c) Chronic high occupancy turnover rates or chronic high vacancy rates in commercial or industrial buildings;
- (d) Significant declines in property values or abnormally low property values relative to other areas in the community; or
- (e) Known or suspected environmental contamination.

Documentation must be maintained by the grantee on the boundaries of the area and the conditions that qualified the area at the time of its designation. The designation of an area as slum or blighted must be re-determined every 10 years for continued qualifications.

As stated above, qualified activities must address the identified conditions that contributed to the slum and blight.

Under the Spot Basis category of the Slum/Blight national objective, activities such as acquisition, clearance and building rehabilitation may be undertaken.

When rehabilitation is categorized under the Spot Basis category, it must meet the following requirements:

The rehabilitation must eliminate specific conditions of blight or physical decay on a spot basis, i.e., not be located in a designated slum and blight area; and

The rehabilitation must be limited to only those conditions that are detrimental to public health and safety.

### **Ineligible Activities**

- Buildings for the general conduct of government are ineligible. However, the removal of architectural barriers from government buildings is eligible under the category of public facilities and improvements.
- General government expenses are ineligible.
- Financing for political activities or to engage in other partisan political activities are ineligible. However, a facility assisted with CDBG funds may be used on an incidental basis to hold political meetings, candidate forums, or voter registration campaigns, if the building is available to all community organizations on an equal basis.
- Purchase of equipment is generally ineligible; however:
  - Compensation for the use of construction equipment through leasing, depreciation, or use allowances is eligible.
  - Fire protection that is considered an integral part of public facilities is eligible. This includes fire engines and specialized tools such as "jaws of life" and life-saving equipment as well as protective clothing worn by fire fighters.
- Purchase of personal property, including equipment, fixtures, motor vehicles, furnishings, or other personal property is generally ineligible.

- Operating and maintenance expenses (of public facilities, improvements, and services) are ineligible.

### Eligible Expense Categories

The following categories of expense are generally considered eligible for funding under the program.

- Hard costs including land acquisition and existing structures; site preparations or improvement, including demolition; securing of buildings; construction materials and labor;
- Relocation costs including: payment for replacement housing, moving costs, and out-of-pocket expenses; advisory services; and staff and overhead costs related to relocation assistance and services;
- Architectural, engineering or related professional services including preparing plans, drawings, specifications, work write-ups, and job progress inspections;
- Legal and accounting fees, including cost certification;
- Environmental reviews;
- Builders' or developers' fees;
- Costs of impact fees that are charged to all projects in a jurisdiction;
- Affirmative marketing, initial leasing, and marketing costs;
- Other soft costs for processing and settling the financing for a project, such as credit reports, title binders and insurances, fees for recordation and filing of legal documents, building permits, and private appraisal fees.
- Staff and overhead costs DIRECTLY related to carrying out the activity specified in 24 CFR 570.201-204, such as providing direct services to consumers, work specifications preparation, loan processing inspections, and other services related to assisting potential clients, owners, tenants, and homebuyers. This may include staff time spent supervising staff who are carrying out the activities specified in 24 CFR 570.201-204 when that time is spent addressing a direct consumer, service, or property issue. It does not include supervisory time spent on such functions as employee evaluations.

### AGGREGATE AND INDIVIDUAL PUBLIC BENEFIT STANDARDS

**Standards for Evaluating Public Benefit.** The use of these standards is *mandatory*. Grantees are responsible for ensuring that a minimum level of public benefit is obtained when CDBG funds are used for special economic development and/or public facilities and improvements projects undertaken for economic development purposes. The standards have two levels: standards for individual activities and aggregate standards.

**Standards for Individual Activities**—An activity is considered by HUD to provide *insufficient* public benefit and can *not* be assisted with CDBG funds if:

The amount of CDBG assistance exceeds \$50,000 per full-time equivalent (FTE), permanent job (created or retained) **or** \$1,000 per LMI person to which goods and services are provided by the activity;

In addition, an activity would be considered to have an insufficient benefit if it consists of or includes:

General promotion of the community (as a whole);

Assistance to professional sports teams;

Assistance to privately-owned recreational facilities that serve a predominantly higher income clientele where the benefit to users clearly outweighs the benefit of jobs created or retained;

Acquisition of land for which a specific use has not been identified (i.e., land banking); or

Assistance to a for-profit business owner that is the subject of unresolved findings of noncompliance related to previous CDBG assistance.

**Aggregate Standards**—Activities, in the aggregate, must either:

Create or retain at least one FTE, permanent job per \$35,000 of CDBG funds used; or

Provide goods and services to an area where the number of LMI persons served by the assisted business amounts to at least one LMI person per \$350 of CDBG funds used.

Certain activities can be excluded from the aggregate standards (as discussed below and in 570.209(b)(2)(v)).

### **APPLYING THE PUBLIC BENEFIT STANDARDS**

As discussed previously, when CDBG funds are used for special economic development projects and/or public facilities and improvements projects undertaken for economic development purposes, grantees must ensure that a minimum level of public benefit is obtained.

Note: the public benefit standards do not apply to microenterprise assistance provided under 570.201(o).

The individual **and** aggregate activity standards must be used as follows in order to make this determination.

Applying the standards for **individual** activities:

If an activity both creates/retains jobs and provides goods/services to LMI residents of an area, the activity is ineligible only if it fails both standards (i.e. it must meet one);

The standards are applied to the number of jobs projected or LMI area residents at the time funds are obligated; and

If the activity is limited to job training/placement or employment services, the jobs assisted with CDBG are considered jobs created/retained for the purpose of applying the individual activity standards.

Applying the **aggregate** standards:

Entitlement communities must apply the aggregate standards to all activities for which funds were first obligated during any given program year;

Grantees may elect to apply the standards to the creation/retention of jobs or to the provision of goods and services to LMI residents, but cannot count an activity under both standards;

If the activity is limited to job training/placement or other employment services, the jobs assisted with CDBG are considered as jobs created or retained when applying the aggregate standards;

The following activities may be excluded from the aggregate standards:

Jobs are provided exclusively for unemployed persons or participants of JTPA, JOBS or AFDC programs;

Jobs are provided predominantly for residents of public or Indian housing units;

Jobs are provided predominantly for homeless persons;

Jobs are provided predominantly for low-skilled, LMI persons and the business agrees to provide clear opportunities for promotion and economic advancement (e.g., provision of training);

Jobs are provided predominantly for persons residing in a Census tract with at least 20 percent of the residents in poverty;

Assistance is provided to businesses that operate in a Census tract with at least 20 percent of the residents in poverty;

The activity stabilizes or revitalizes a neighborhood that has at least 70 percent low- and moderate-income residents;

Assistance is provided to a CDFI that serves a predominantly LMI area;

Assistance is provided to a CBDO that serves a neighborhood that has at least 70 percent LMI residents;

Provides services or creates/retains jobs in a HUD-approved Neighborhood Revitalization Strategy Area; or

With prior HUD approval, represents some other innovative approach with substantial benefits to LMI residents.

## **B. OBJECTIVES**

To promote a range of economic development projects that create permanent jobs for low-and-moderate income residents of the participating communities of the Milwaukee County Urban County CDBG Consortium.

## **C. NEEDS/EXPECTATIONS**

1. Projects must assist low-and-moderate-income persons in the participating municipalities of the Milwaukee County Urban County CDBG Consortium.
2. It is expected that projects will meet documented community needs. This includes needs identified in the *Milwaukee County Consolidated Plan 2010-2014* available on the County web site at:  
<http://county.milwaukee.gov/HealthampHumanServic7753/HousingDivision/Programs/CDBG-Program/Planning.htm> and through other "hard" data sources.
3. Any additional funding needed to make the project viable must be secured in order for a contract to be executed.
4. Projects must be shovel-ready, meaning that work will begin in the year in which the contract is awarded.
5. Projects must be delivered in a cost effective manner with measurable performance outcomes.
6. It is expected that all or a significant portion of funds will be targeted to areas of greatest need.

## **D. CURRENT OPERATIONS**

Awards for 2012 are pending approval by HUD. Projects recommended for funding include the Wisconsin Women's Business Initiative Corporation (WWBIC).

## **E. MAXIMUM FUNDING**

The amount of funding available for this project is unknown at this time.

The County reserves the right to reject any and all proposals and to negotiate the terms of the contract, including the award amount, with the selected proposer prior to entering into a contract. If contract negotiations cannot be concluded successfully with the highest scoring proposer, the County may negotiate a contract with the next highest scoring proposer.

### III. APPLICATION

#### Proposal Organization and Format – Required Form

Proposals should be submitted using the *Milwaukee County Application for 2013 CDBG Funds Economic Development*.

This application requires that **resumes of key staff be attached** to the application.

#### Multiple Proposals

Multiple proposals from a vendor will be permissible; however each proposal must conform fully to the requirements for proposal submission. Each such proposal must be separately submitted and labeled as Proposal #1, Proposal #2, etc.

#### Required Copies

Proposers must submit **an original and six (6) of copies, three-hole punched** of all materials required for acceptance as stated in this RFP. Proposers are required to submit one electronic copy in either PDF or Word format to [Damon.Dorsey@Milwcnty.com](mailto:Damon.Dorsey@Milwcnty.com).

### IV. EVALUATION CRITERIA

Proposals will first be reviewed for project eligibility; those that are deemed eligible will then be scored. Scoring of proposals will be as follows:

<b>Application Review Criteria</b>	
<b>Item</b>	<b>Available Points</b>
1. Need and Justification	15
2. Benefit to Low-and-Moderate Income	5
3. Program/Project Approach	24
4. Jurisdiction	20
5. Experience and Qualifications	16
6. Program Budget and Other Sources of Funds	5
7. Past Performance	15
<b>TOTAL POINTS</b>	<b>100</b>

1. **Need and Justification (15 points maximum):** The proposed activity overview adequately describes the problem that is being addressed by the proposed project (worth up to 5 points). Statements are substantiated and related to the needs and the priorities in the 2010 – 2014 Consolidated Plan (worth up to 5 points). Provides a description of how funds may be targeted to areas of greatest need (worth up to 10 points)
2. **Benefit to Low-and-Moderate Income Persons (5 points maximum):** The application describes the population to be served. Additional points will be given to projects located in census tracts where 42.9% of the population is considered low-and-moderate income.
3. **Project Approach (24 points maximum):** The application describes what the program/project will do; how it will be implemented, operated, and administered within a realistic time period; and how low-income participants will access services. The description should include:
  - A description of the work that will be undertaken and a description of how the work will address the identified problem (worth up to 10 points).
  - Identifies any partnerships that have been or will be formed to ensure the success of the project. (worth up to 5 points).

- A work plan for how the project/program will be organized, implemented, operated, and administered, and the timeline and milestones from initiation to completion. Work on the project – meaning funds will be spent – will begin 2012 (worth up to 5 points).
  - Outreach and marketing initiatives that will be implemented to inform potential participants and to ensure that they are aware of the services/activities to be provided (worth up the 5 points.)
  - Outcomes are identified and can reasonably be expected to be achieved (worth up to 3 points).
4. **Jurisdiction (20 points maximum):** The degree to which the proposed project served residents in the Milwaukee County CDBG jurisdiction. The greater the jurisdictional impact the higher the score.
  5. **Experience and Qualifications (16 points maximum):** The application provides documentation to justify the organization's capacity to conduct this project. The project is consistent with the mission of the organization. The organization has undertaken projects of similar complexity to the one for which funds are being required (worth up to 3 points). There are staff resources with the skills and experience to administer and conduct an accountable and responsible project (worth up to 10 points). There appears to be adequate board and management oversight along with a commitment to quality and service improvement (worth up to 2 points).
  6. **Budget and Other Sources of Funds (5 points maximum):** The application clearly explains and justifies each proposed budget line item and why CDBG and/or HOME funding is required to make the project viable. The budget is realistic. Efforts have been made to secure other funding for the project. Projects that leverage resources will score higher.
  7. **Past Performance (15 points maximum):** If the organization has been previously funded, a review of past expenditures and performance shows that the organization has been able to meet timeless and goals in a reasonable fashion, i.e., no unexpended dollars from 2011. Compliance with the contract will include but not be limited to submission of reports and adherence to scope of services (Worth up to 10 points with maximum points being awarded to projects.)

## V. SPECIAL CONTRACT TERMS AND CONDITIONS

### Procurement

1. Contractors of County HOME funding will comply with the procurement standards under 24 CFR 85.36 for governmental contractors and 24 CFR 84.40-48 for contractors that are non-profit organizations, including the requirements for bonding in procurement.
2. The Contractor is the responsible authority, without recourse to HUD or the County regarding the settlement of all contractual and administrative issues arising out of the procurement entered in support of the award or other agreement.
3. The Contractor shall conduct all procurement in a manner to provide to the maximum extent practicable, open and free competition. Contractors that develop or draft specifications, requirements, statement of work, invitations for bids or requests for proposals shall be excluded from competing for a project.
4. General requirements for procurement include, but are not limited to:
  - a. Contractors must maintain records to detail the significant history of procurement. These records include, but are not limited to: files on the rationale for selecting the method of procurement used, selection of the contract type, the contractor selection/rejection process, and the basis for the cost or price of a contract.
  - b. Pre-qualified lists of vendors/contractors, if used, must be current, developed through open solicitation, include adequate numbers of qualified sources, and must allow entry of other firms to qualify at any time.
  - c. Steps should be taken to assure that women and minority businesses are utilized when possible as the sources of supplies, equipment, construction and services.

- d. Contractors must ensure that awards are not made to any party that is debarred or suspended or is otherwise excluded from or ineligible for participation in the Federal assistance programs under Executive Order 12549.
- e. There must be written selection procedures for procurement transactions.
- f. Contractors must not use *cost plus a percentage of cost* pricing for contracts. In addition, Contractors should use *time and material* type contracts only after a determination is made that no other contract type is suitable and the contract includes a ceiling price that the contractor exceeds at its own risk.
- g. Contractors must have protest procedures in place to handle and resolve disputes relating to their procurement and in all instances report such disputes to the County.
- h. There must be a documented system of contract administration for determining the consistency of contractor performance.
- i. Contractors must have a written code of conduct governing employees, officers, or agents engaged in the award or administration of contracts.

#### Excluded Parties List System (EPLS)

No contracts may be awarded to any party that is debarred or suspended or is otherwise excluded from participation on federal assistance programs.

#### Federal Labor Standards

These HUD requirements apply to projects with 12 or more HOME-assisted units and apply to the entire project, not just the portion funded by County HOME funds. If a grant contract is awarded and Davis-Bacon will be triggered, labor standards requirements will be described in detail in the contract with the County. Additional information also can be obtained in the HUD *Contractor's Guide to Prevailing Wage Requirements for Federally-Assisted Construction Projects* at <http://www.hud.gov/offices/olr/library.cfm> .

#### Domestic Partner Equal Benefits Requirement

The contractor [or grant beneficiary] agrees to provide the same economic benefits to all of its employees with domestic partners as it does to employees with spouses, or the cash equivalent if such a benefit cannot reasonably be provided. The contractor [or grant beneficiary] agrees to make available for County inspection the contractor's payroll records relating to employees providing services on or under this contract or subcontract [or grant]. If any payroll records of a contractor [or grant beneficiary] contain any false, misleading or fraudulent information, or if a contractor [or grant beneficiary] fails to comply with the provisions of s. 25.016, D. C. Ords., the contract compliance officer may withhold payments on the contract; terminate, cancel or suspend the contract in whole or in part; or, after a due process hearing, deny the contractor the right to participate in bidding on future County contracts for a period of one year after the first violation is found and for a period of three years after a second or subsequent violation is found.

#### Lobbying Certification

Prior to entering into an agreement to provide services, the contractor will be required to sign a certification attesting to the following:

1. No federally appropriated funds have been paid, or will be paid, by or on behalf of the undersigned, 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 the awarding of any federal contract, the making of any federal contract, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
2. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of

Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The contractor shall require that the language of this CERTIFICATION be included in the award documents for all sub-awards at all tiers (including subcontractors, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

#### Equal Opportunity Clause

During the performance of this contract, the contractor agrees as follows:

1. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
3. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order 11246 of Sept. 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967 and with the rules, regulations, and relevant orders of the Secretary of Labor.
5. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965 as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his/her books, records, and accounts by the contracting agency, County of Milwaukee, HUD, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
6. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, the contract may be cancelled, terminated, or suspended in whole or in part and the contract may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965 as amended, and such other sanctions may be imposed or remedies invoked as provided in Executive Order No. 11246 of September 24, 1965 as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

The contractor will include the provisions of paragraphs 1 through 7 in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965 as amended, so that such provisions will be binding upon each subcontract or vendor. The contractor will take such action with respect to any

subcontract or purchase order as the contracting agency and/or County of Milwaukee may direct as a means of enforcing such provisions, including sanctions for noncompliance.

Affirmative Action to Ensure Equal Employment Opportunity (EO 11246)

This section is applicable to construction contracts/subcontracts exceeding \$10,000..

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Goals for Women = **5.0 percent** (this goal applies nationwide)

Goals for minority participation = **20.0 percent** (this goal applies county-wide)

These goals are applicable to all the contractor's construction work (whether or not it is federal or federally assisted) performed in the covered area. If the contractor performs construction work in a geographic area located outside of the covered area, it shall apply the goals established for such geographic area where the work is actually performed. The contractor is also subject to the goals for both its federal and nonfederal construction.

3. The contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3 (a), and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from contractor to contractor or from project to project for the sole purpose of meeting the contractor's goals shall be a violation of the contract, the Executive Order, and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.
4. The contractor shall provide written notification to the awarding agency and the County of Milwaukee within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address, and telephone number of the subcontractor; employer identification number; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the contract is to be performed.

Job Pirating

Job pirating is prohibited under Section 588 of the Quality Housing and Work Responsibility Act of 1998. The County is prohibited from providing assistance that will result in the relocation of a plant, facility, or operation from one Labor Market Area to another, within three years of the date of assistance, if such relocation will result in a significant loss of jobs in the labor market area from which the relocation occurs. A significant loss is defined as the loss of 500 or more jobs or equal to or greater than one-tenth of one percent of the total number of persons in the labor force of that Labor Market Area.

Section 3

New construction of rental housing is considered a covered project for the purposes of Section 3. As such, a Section 3 Project Implementation Plan will be required by the Subrecipient and Statements of Commitment will be required by each Prime Contractor and any subcontractors.

Section 3 is triggered when the normal completion of construction and rehabilitation projects creates the need for new employment, contracting, or training opportunities.

HUD considers recipients of covered funding to be in compliance with Section 3 if they meet the numerical goals set forth at 24 CFR Part 135.30. Specifically:

- a. 30 percent of the aggregate number of new hires shall be Section 3 residents;
- b. 10 percent of the total dollar amount of all covered construction contracts shall be awarded to Section 3 business concerns; and
- c. 3 percent of the total dollar amount of all covered non-construction contracts shall be awarded to Section 3 business concerns.

All Section 3 covered contracts (contracts to direct recipients in excess of \$200,000, for Section 3 covered projects, and subcontracts excess of \$100,000) shall include the following clause (referred to as the Section 3 clause) in all bid documents, contracts, and subcontracts:

- A. The work to be performed under this contract 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.
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
- C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor'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.
- D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.
- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor 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 contractor's obligations under 24 CFR part 135.

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

#### Federal Funding Accountability and Transparency Act of 2006 (FFATA)

The Federal Funding Accountability and Transparency Act of 2006 (FFATA) and associated amendments requires that information on subawards related to Federal contracts, sub-contracts, grants, and sub-grants be made publicly available. Specifically, the Transparency Act's section 2(b)(1) requires the Office of Management and Budget to establish a publicly available website that contains the following information about each Federal award:

- Name of the entity receiving the award;
- Amount of the award;
- Information on the award including transaction type, funding agency, the Catalog of Federal Domestic Assistance number, program source, descriptive award title;
- Location of the entity receiving the award and primary location of performance under the award including City, State, congressional district, and country;
- Unique identifier (Dun & Bradstreet DUNS Number) of the entity receiving the award and the parent recipient of the recipient, should the entity be owned by another entity; and
- Names and total compensation of the five most highly compensated officers of the entity, if the entity in the preceding fiscal year received 80% or more of its annual gross revenues in Federal awards; and \$25 million or more in annual gross revenues from Federal awards; and the public does not have access to this information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 or section 6104 of the Internal Revenue Code of 1986.

Vendors awarded funds will be required to provide this information prior to the issuance of a contract.

## VI. CONTACT INFORMATION

Please check the website routinely to receive any updates or changes to this RFP. For clarifications or questions concerning this application your contact is listed below. Responses to questions submitted will be posted to the website.

**Contact:** Damon Dorsey  
**E-Mail:** [Damon.Dorsey@Milwcnty.com](mailto:Damon.Dorsey@Milwcnty.com)

## VII. APPLICATION WORKSHOPS

Three application workshops will be held to assist applicants. Space is limited. Please contact Damon Dorsey at 278 – 4780 to reserve seat.

July 2, 2012 10:00 am	Application Workshop Housing Division
July 11, 2012 1:00 pm	2711 W. Wells St Rm 100 Milwaukee, WI
July 18, 2012 3:00 pm	Call (414) 278 – 4780 to RSVP, space limited

**VIII. TIMELINE**

June 25 <sup>th</sup>	Applications Available
7/2, 7/11, 7/18	Application Workshop
July 27, 2012, 4 p.m	Applications due from vendors
Sep. 17, 20012	Public Hearing #2: Presentation of CDBG projects Community and Economic Development Committee meeting (regularly scheduled committee meeting)
Sep. 24, 2012(tentative date)	Community and Economic Development Committee approval of allocation recommendations of CDBG and HOME funds for 2013 program year activities (special committee meeting)
Sep 27, 2012	County Board of Supervisors approves CDBG and HOME funds for 2013 program year activities (regularly scheduled full board meeting)

**Your completed proposal should include the following:**

- 1) **An electronic copy of the application and supporting materials submitted to:  
Damon.Dorsey@Milwcnty.com**
- 2) **Six (6), 3-hole punched, copies of the completed Milwaukee County Application for 2013 CDBG Funds Economic Development.**
- 3) **Incomplete or inadequate applications are subject to rejection.**
- 4) **Late applications (submitted after the 4 pm, July 27<sup>th</sup> deadline) will not be accepted.**
- 5) **No applications will be accepted via electronic transmission media.**
- 6) **Additional information requested in Section III above.**

**Submit your completed proposal to:  
Milwaukee County  
Housing Division/CDBG  
Attn: Damon Dorsey  
2711 W Wells St Rm 100  
Milwaukee, Wisconsin 53211**

**Proposals are due no later than July 27th, 2012 at 4 p.m.**