

EXHIBIT "E"
FEDERAL/CDBG CONTRACT PROVISIONS

FAIN Grant No.: B-20-MC-06-0571

CFDA No.: 14.218

CFDA Name: Community Development Block Grants/Entitlement Grants

DUNS No.: (LDM Associates, Inc.) 040003738

DAVIS-BACON ACT

The Department shall comply fully with the requirements of Title I of the Housing and Community Act of 1974, as amended, and other applicable laws which include Section 110 of the Act covering Davis-Bacon, as amended, (40 U.S.C. 276a – 276a-7) and related acts; the Contract Work Hours and Safety Act (40 U.S.C. 327-333); the Copeland Act (40 U.S.C. 276(c)); and U.S. Secretary of Labor Regulations (20 CFR, part 3 and 5). Davis-Bacon and related acts will be enforced, and, if the State and Federal wage rates are applicable, then the higher of the two will be used. Any contractor or sub-contractor working on a federally assisted project must be eligible to participate in the award of the contract.

SECTION 3 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1968

Contractor will make every effort to provide training opportunities for low- and moderate-income persons residing within the community where the project is located and contracts awarded to local businesses therein, to the greatest extent feasible as required under the provisions of Section 3 of the Housing and Urban Development Act of 1968, the regulations set forth in 24CFR135, and all applicable rules and orders issued hereunder prior to the execution of this contract. Compliance with the foregoing Section requirements shall be a condition of the federal financial assistance provided under this contract and binding on the Contractor. Failure to fulfill these requirements shall subject the Contractor, their successors and assignees, to those sanctions specified by the agreement through which federal assistance provided. The Contractor certifies and agrees that no contractual or other disability exists which would prevent compliance with these requirements. Contractor shall make every effort to ensure that all projects funded wholly or in part by Community Development Block Grant funds shall provided equal employment opportunities for minorities and women.

CERTIFICATION REGARDING LOBBYING

The Contractor certifies, to the best of their no funds provided, nor personnel employed under this Contract, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V United States Code, and that no federal 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 any agency, Member of Congress, an office or employee of Congress in connection with the awarding of any Federal contract, the making of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

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If any funds other than federal appropriated funds have been paid or will be paid to any, person for influencing or attempting to influence any officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or any employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.

The undersigned 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 agrees to take all actions necessary to ensure that all Contractors shall similarly certify and disclose accordingly.

PROCUREMENT (SUPPLIES AND EQUIPMENT)

Supplies and/or equipment purchased with grant funds shall be procured in accordance with the methods prescribed by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards found at 2 CFR 200 (previously required under the Uniform Administrative Requirements found at 24 CFR Part 85.36). all contracts/ purchases shall be made from the supplier/vendor that provides the lowest price. Sole source procurement is not permitted without prior written authorization from the City and the U.S. Department of Housing and Urban Development. A small/informal bid solicitation by phone or in writing may be conducted to document compliance for purchased that do not exceed the lesser of 1) the Contractor's small purchase threshold, 2) the City's small purchase threshold, or 3) the Federal Simplified Acquisition threshold (currently \$150,000). The procurement file shall include a written summary of not less than three (3) price/rate quotations received from vendors/suppliers. For purchases exceeding the small purchase circulation and other places as appropriate to facilitate and promote competition.

For Contractors seeking to use the Micro-Purchase option available under 2 CFR Park 200.37, Contractors shall first obtain approval by the City of their Micro-Purchase plan through the submittal of a Micro-Purchase form and shall follow the sequential order of the listed vendors as agreed upon.

MINORITY AND WOMEN OWNED BUSINESS

Contractors are required to document their status as a Minority Business Enterprise (MBE), a Women-owned Business Enterprise (WBE) or a non-MBE/WBE firm. It is the policy of the Awarding Agency to encourage MBE and WBE participation to the greatest extent feasible on this project in accordance with Executive Order 11625 and Executive Order 12138.

COMPLIANCE WITH CLEAN AIR AND WATER ACTS

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During the performance of this contract, the contractor and all subcontractors shall comply with the requirements of the Clean Air Act, as amended, 42 USC 1857 et seq., the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq., and the regulations of the Environmental Protection Agency with respect thereto, at 40 CFR Part 15, as amended.

In addition to the foregoing requirements, all nonexempt contractors and subcontractors shall furnish to the owner, the following:

- 1) A stipulation by the contractor or subcontractors, that any facility to be utilized in the performance of any nonexempt contract or subcontract, is not listed on the List of Violating Facilities issued by the Environmental Protection Agency (EPA) pursuant to 40 CFR 15.20.
- 2) Agreement by the contractor to comply with all the requirements of Section 114 of the Clean Air Act, as amended, (42 USC 1857c-8) and Section 308 of the Federal Water Pollution Control Act, as amended, (33 USC 1318) relating to inspection, monitoring, entry, reports and information, as well as all other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued there under.
- 3) A stipulation that as a condition for the award of the contract, prompt notice will be given of any notification received from the Director, Office of Federal Activities, EPA, indicating that a facility utilized, or to be utilized for the contract, is under consideration to be listed on the EPA List of Violating Facilities.
- 4) Agreement by the contractor that he will include, or cause to be included, the criteria and requirements in paragraph (1) through (4) of this section in every nonexempt subcontract and requiring that the contractor will take such action as the government may direct as a means of enforcing such provisions.

EQUAL EMPLOYMENT OPPORTUNITY

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 setting forth the provisions of this nondiscrimination clause.

The Equal Employment Opportunity Act empowers the Equal Employment Opportunity Commission (EEOC) to bring civil action in Federal court against private sector employers

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after the EEOC has investigated the charge, found "probable cause" of discrimination, and failed to obtain a conciliation agreement acceptable to the EEOC. It also brings Federal, State, and local governments under the Civil Rights Act of 1964.

DEBARMENT AND SUSPENSION

Executive order 12549 provides for a government-wide system of non-procurement (grants and cooperative agreements) debarment and suspension. A person who is debarred or suspended is excluded from activities involving Federal financial and nonfinancial assistance and benefits. Activities covered by this Order included, but are not limited to grants, cooperative agreements, contracts of assistance, loans, loan guarantees.

Debarment or suspension of a participant in a program by one agency has government-wide, reciprocal effect.

END OF EXHIBIT "E"