



**DANE COUNTY**  
**DEPARTMENT OF ADMINISTRATION**  
**PURCHASING DIVISION**

# REQUEST FOR PROPOSAL (RFP)

Revised 05/2021

**RFP NUMBER:** 121065

**RFP TITLE:** CDBG – Public Facilities

**RFP DEADLINE:** Thursday, July 1, 2021  
2:00 p.m. (CST)

**PROPOSALS  
MUST BE  
UPLOADED TO:** Purchasing Bid Dropbox  
[www.danepurchasing.com](http://www.danepurchasing.com)

**\*Late, faxed, mailed, hand-delivered or unsigned proposals will be rejected\***

**DIRECT  
ALL INQUIRES TO:**

**Megan Rogan**  
Purchasing Officer  
(608)283-1487  
[rogan.megan@countyofdane.com](mailto:rogan.megan@countyofdane.com)  
[www.danepurchasing.com](http://www.danepurchasing.com)

## PROPOSAL SUBMISSION CHECKLIST

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Update Vendor Registration | <input type="checkbox"/> RFP Response<br>(Separate from Cost Proposal) | <input type="checkbox"/> Upload RFP Response and Cost Proposal to Purchasing Bid Dropbox |
| <input type="checkbox"/> Read Entire RFP Document   | <input type="checkbox"/> Cost Proposal<br>(Separate from RFP Response) |  |

**DATE ISSUED** | May 17, 2021

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## 1.0 RFP OVERVIEW

### 1.1 Introduction

The purpose of this document is to provide interested parties with information to enable them to prepare and submit a proposal according to the specifications set forth within this document. *All proposals must include the completed Dane County Application for 2022 CDBG Funds Public Facilities and information requested in [Attachment C](#).*

The County intends to use the results of this process to award a contract or issue of purchase order for the product(s) and or services(s) stated.

**The Dane County Purchasing Division is the sole point of contact for questions and issues that may arise during the RFP process.**

### 1.2 Clarification of the Specifications

All inquiries concerning this RFP must be **emailed** to the **person indicated on the cover page** of the RFP Document.

Any questions concerning this RFP must be submitted in writing by e-mail on or before the stated date on the **Calendar of Events** (Section 1.4).

Proposers are expected to raise any questions, exceptions, or additions they have concerning the RFP document at this point in the RFP process. If a proposer discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in this RFP, the proposer should immediately notify the contact person of such error and request modification or clarification of the RFP document.

Proposers are prohibited from communicating directly with any employee of Dane County, except as described herein. No County employee or representative other than those individuals listed as County contacts in this RFP is authorized to provide any information or respond to any question or inquiry concerning this RFP.

### 1.3 Vendor Conference

[There will not be a vendor conference.](#)

**1.4 Calendar of Events**

Listed below are specific and estimated dates and times of actions related to this RFP. The actions with specific dates must be completed as indicated unless otherwise changed by the County. In the event that the County finds it necessary to change any of the specific dates and times in the calendar of events listed below, it will do so by issuing an addendum to this RFP and posting such addendum on the Dane County [website](#). There may or may not be a formal notification issued for changes in the estimated dates and times.

DATE	EVENT
May 17, 2021	RFP Issued
June 23, 2021	Last day to submit written inquiries (2:00 p.m. CST)
June 25, 2021	Addendums or supplements to the RFP posted on the Purchasing Division <a href="#">website</a>
July 1, 2021	Proposals due (2:00 p.m. CST)
Mid-August 2021	Oral Presentations by invited vendors
Fourth Quarter of 2021	Notification of intent to award sent to vendors
First Quarter of 2022	Contract start date (subject to change based on County's notice of CDBG & Home allocation from HUD).

**1.5 Evaluation Criteria**

The proposals will be scored using the following criteria:

Proposal Requirements	Percent
<b>1. Need and Justification</b>	
a. Need	5%
b. Priorities	5%
c. Targets area greatest need	10%
<b>2. Benefit to Low-and Moderate Income Persons</b>	
	10%
<b>3. Project Approach</b>	
a. Project Description	5%
b. Work Plan	10%
c. Marketing/Outreach	5%
d. Outcomes	8%
e. Displacement	2%
<b>4. Experience and Qualifications</b>	
a. Undertaken projects of similar complexity and scope	3%
b. Staff Resources	5%
c. Oversight and Commitment to quality	2%
d. New applicants	3%

<b>5. Financial Information</b>	
a. Budget and efforts to secure/leverage other funding	13%
b. Financial stability of organization	2%
<b>6. Past Performance (If previously funded, ability to meet timelines and goals in a reasonable fashion, compliance with prior contracts. Maximum points will be awarded to new applicants)</b>	
	7%
<b>7. Partnerships</b>	
	5%
<b>TOTAL</b>	<b>100%</b>

**1.6 Submittal Instructions**

Proposals must be received in the Purchasing – Bid Dropbox located on the [www.danepurchasing.com](http://www.danepurchasing.com) website no later than the date and time indicated within the RFP Deadline field on the RFP Cover Page or addenda. Late, faxed, mailed, hand-delivered, or unsigned proposals will be rejected unless otherwise specified. Dane County is not liable for any cost incurred by proposers in replying to this RFP.

All proposals must be saved in PDF format unless otherwise specified within the RFP document and the file name shall include the RFP# and name of business submitting proposal.

Example of how to name the files:

120012 – Vendor Name – RFP Response

120012 – Vendor Name – Cost Proposal

To Submit a Proposal:

1. Go to [www.danepurchasing.com](http://www.danepurchasing.com) and click on Purchasing – Bid Dropbox or click on the Open RFP’s and Bids page link.
2. Click on the Submit a Bid button within the green Purchasing Bid Dropbox.
3. Type in the Email, First Name, Last Name and Company information and click Continue.
4. Drag and drop the RFP files one at a time into the “Drag files here” box.
5. After all files have been placed into the “Drag files here” box, click on the blue Upload button.
  - a. The file upload status can be seen for each document uploaded.
  - b. After each document reaches 100%, it will say “Uploaded”.
6. Confirm all files have been uploaded and then close out of the window.

## SECTION 2 – PROJECT OVERVIEW AND SCOPE OF SERVICES

### 2.0 PROJECT OVERVIEW AND SCOPE OF SERVICES

#### 2.1 Definitions and Links

The following definitions and links are used throughout the RFP.

**County:** Dane County

**County Agency:** Department/Division utilizing the service or product.

**Dane County Purchasing website:** [www.danepurchasing.com](http://www.danepurchasing.com)

**Fair Labor Practices websites:** [www.nlr.gov](http://www.nlr.gov) and <http://werc.wi.gov>

**Purchasing**

**Proposer/Vendor/Firm/Contractor:** a company submitting a proposal in response to this RFP.

#### 2.2 Scope of Services/Specification Overview

##### Project Description

Dane County is soliciting applications from organizations for the construction or rehabilitation of public facilities projects **located in the participating municipalities of the Dane County Urban County Consortium (see Appendix A)**. Funding is expected to be available under the HUD-funded Community Development Block Grant (CDBG) program.

##### Eligible Applicants

Units of local government and related agencies, such as public schools and libraries; public or private non-profit agencies or organizations including faith-based organizations. Public facilities that are owned by a non-profit must be open to the public during normal working hours.

##### Eligible Public Facilities

Public facilities in the CDBG program are broadly interpreted to include all facilities that are either publicly owned or that are traditionally provided by the government, or owned by a nonprofit and operated so as to be open to the general public. Public facilities include neighborhood facilities such as parks, playgrounds and recreational facilities, public schools, firehouses, and libraries. Facilities designed for use in providing shelter for persons having special needs are also considering public facilities. Such facilities include: shelters for the homeless; convalescent homes; hospitals; nursing homes; battered spouse shelters; halfway houses for runaway children, drug offenders or parolees; group homes for mentally retarded persons and temporary housing for disaster victims. Transitional housing facilities where residents generally reside in the units for up to two years are also considered public facilities.

CDBG funds may be used to renovate closed buildings, such as closed school buildings, for use as an eligible public facility or to rehabilitate such buildings for housing.

CDBG funds may be used for the rehabilitation, preservation, or restoration of historic properties, whether publicly or privately owned. Historic properties are those sites or structures that are listed in or eligible to be listed in the National Register of Historic Places, listed in a State or local inventory of historic places, or designated as a State or local landmark or historic district by appropriate law or

## SECTION 2 – PROJECT OVERVIEW AND SCOPE OF SERVICES

ordinance. Historic preservation, however, is not authorized for buildings for the general conduct of government.

CDBG funds may be used for the construction of tornado safe shelters.

Buildings or portions thereof, used for the general conduct of government **cannot** be assisted with CDBG funds. However, a public facility otherwise eligible for assistance under the CDBG program may be provided with CDBG funds even if it is part of a multiple use building containing ineligible uses, if:

- The facility which is otherwise eligible and proposed for assistance will occupy a designated and discrete area with the larger facility; and
- It is possible to determine the costs attributable to the facility proposed for assistance as separate and distinct from the overall costs of the multiple-use building and/or facility.

Allowable costs are then limited to those attributable to the eligible portion of the building or facility.

### National Objective

Four categories, three providing a benefit to low and moderate income persons and one preventing or eliminating slums or blight, are most relevant to the public facilities construction or rehabilitation category:

1. Area benefit activities (LMA)
2. Limited clientele activities (LMC)
3. Housing activities (LMH)
4. Slums and blight spot basis (SBS)

### Area Benefit Activities (LMA)

Under the Area Benefit criteria, the public facility must benefit **all** residents of an area where at least 47.8% of the residents are low-and-moderate income. In addition:

- The area must be clearly delineated and records maintained on the boundaries of the service area;
- The area must be primarily residential in nature (as documented on zoning maps); and
- Census data must support the documentation that at least 47.8% of the residents are low-and-moderate income.

### Limited Clientele Activities (LMC)

Limited Clientele activities benefit a specific targeted group of persons of which at least 51% must be low-and-moderate income. In order to meet the LMI Limited Clientele criteria, the activity must:

- Serve at least 51% low-and-moderate income persons, as evidenced by documentation and data concerning beneficiary family size and income;  
**OR**
- Have income-eligibility requirements that limit the service to persons meeting the low-and-moderate income requirement, as evidenced by the

## SECTION 2 – PROJECT OVERVIEW AND SCOPE OF SERVICES

administering agency's procedures, intake/application forms, income limits, and other sources of documentation; **OR**

- Serve a group primarily presumed to be low-and-moderate income such as abused children, battered spouses, elderly persons, severely disabled adults<sup>1</sup>, homeless persons, illiterate adults, persons living with AIDS, and migrant farm workers; **OR**
- Be of such a nature and in a location that it may be concluded that the activity's clientele are low-and-moderate income, such as a daycare center that is designed to serve residents of a public housing complex.

### Housing Activities

Public facilities may also qualify under the housing national objective if the facility exclusively assists in the provision of housing to be occupied by low-and-moderate income persons or families.

### Slum and Blight Spot Basis (SBS)

These are activities that eliminate specific conditions of blight or physical decay on a spot basis and are not located in a slum or blighted area. Activities under this category are limited to rehabilitation of public buildings and historic preservation of public property that is blighted. Furthermore, rehabilitation is limited to the extent necessary to eliminate a specific condition detrimental to public health and safety. To be considered to be detrimental to public health and safety, a condition must pose a threat to the *public in general*. Examples include: preservation of a deteriorated building of historic significance or rehabilitation of a decayed community center that eliminates code violations that are detrimental to the health and safety of potential occupants, like faulty wiring, falling plaster, or other similar conditions.

### Eligible Activities

Eligible activities include:

Acquisition, construction, reconstruction, installation and rehabilitation of public facilities. In undertaking these activities, design features and improvements that promote energy efficiency may be included. Such activities may also include the execution of architectural design features, and similar treatments to enhance the aesthetic quality of facilities and improvements receiving CDBG assistance, such as decorative pavements, railings, sculptures, pools of water and fountains, and other works of art.

Labor, materials, and other costs of rehabilitation of public facilities, including repair directed toward an accumulation of deferred maintenance, replacement of principal fixtures and components of existing structures, installation of security devices, including smoke detectors and dead bolt locks, and renovation through alterations, additions to, or enhancements of existing structures and improvements, abatement of asbestos hazards (and other contaminants).

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<sup>1</sup> Persons are considered severely disabled if they: use a wheelchair or another special aid for 6 months or longer; are unable to perform one or more functional activities (seeing, hearing, having one's speech understood, lifting and carrying, walking up a flight of stairs or walking; needing assistance with activities of daily living (bathing, transferring, toileting, eating) or instrumental activities of daily living (preparing meals, doing light housework, using the phone, keeping track of money or bills; are prevented from working at a job or doing housework; have a selected condition including autism, cerebral palsy Alzheimer's disease, dementia, or developmental disability; or are under 65 years of age and are covered by Medicare or receive SSI.



## SECTION 2 – PROJECT OVERVIEW AND SCOPE OF SERVICES

Improvements to increase the efficient use of energy in structures through such means as installation of storm windows and doors, siding, wall and attic insulation, and conversion, modification, or replacement of heating and cooling equipment, including the use of solar energy equipment.

Improvements to increase the efficient use of water through such means as water savings faucets and shower heads and repair of water leaks.

Connection of residential structures to water distribution lines or local sewer collection lines.

Improvements designed to remove material and architectural barriers that restrict the mobility and accessibility of severely disabled persons to buildings.

### **Ineligible Activities**

Ineligible activities include:

- CDBG funds may not be used to pay for the operation, repair, or maintenance of public facilities.
- Buildings or portions thereof, used for the general conduct of government (such as Town Halls, Village Halls, etc.) cannot be assisted with CDBG funds...except for the removal of architectural barriers per 24 CFR 570.207 (a)

### **Eligible Costs**

Eligible costs include the documented costs of labor and materials necessary to complete the authorized work including:

- Costs of environmental reviews.
- Architectural, engineering, or related professional services required to prepare plans, drawings, specifications, or work write-ups;
- Costs to process and settle the financing for a project, such as private lender origination fees, credit reports, fees for title evidence, fees for recordation and filing of legal documents, building permits, attorneys fees, private appraisal fees, and fees for an independent cost estimate, builders or developers fees.
- Monitoring of Davis-Bacon Act requirements.
- Impact fees that are charged to all projects within Dane County.
- Construction/rehabilitation costs including labor, materials, and permits.
- Relocation costs for individuals or businesses displaced by the project.

## SECTION 2 – PROJECT OVERVIEW AND SCOPE OF SERVICES

Please note that Federal Labor Standards, including the payment of prevailing wages under Davis-Bacon, may apply to the project.

### Project Basics

Organizations selected as subrecipients to undertake a public facilities project will be expected to comply with the CDBG requirements. These include, in part:

- Not beginning any work until a Notice to Proceed has been issued by the County. The County is required to complete an environmental review that may require publication and approval by HUD.
- Establishing written selection procedures for procurement transactions.
- Establishing written protest procedures to handle and resolve disputes relating to procurement.
- Establishing written standards of conduct governing the performance of employees engaged in the award and/or administration of contracts.
- Designating a Labor Standards Officer (if applicable).
- If Project award from County is greater than \$200,000 and any contract is to be over \$100,00, then discuss Section 3 preference in contracting with the County.
- Following Federal procurement guidelines and maintaining appropriate documentation.
- Obtaining any necessary permits.
- Following Federal Labor Standards and reporting guidelines.
- Monitoring of the construction/rehabilitation.
- Maintaining all required documentation (copies for the County) and submitting reports in a timely fashion to the County.

### Type of Assistance

Grants for the amount of the project costs not covered by other funding sources are typically provided.

#### 2.2.2 Objectives

To provide assistance to construct or rehabilitate senior centers, youth centers, and other public facilities.

#### 2.2.3 Needs

1. Projects must assist low- and moderate-income persons in the participating municipalities of the Dane County Urban County Consortium.
2. It is expected that projects will meet documented community needs. This includes needs documented through “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 - 2021.

## SECTION 2 – PROJECT OVERVIEW AND SCOPE OF SERVICES

5. Projects must be delivered in a cost effective manner with measurable performance outcomes.
6. It is expected that all or a portion of funds will be targeted to areas of greatest need.

### 2.2.4

#### Current Operations

Awards for 2021 are Little John's Commissary Kitchen and Sunshine Place, Inc.

## SECTION 3 – PROPOSAL PREPARATION REQUIREMENTS

### 3.0 RFP RESPONSE PREPARATION REQUIREMENTS

Proposals shall be organized to comply with the section numbers and names as shown below. Each section heading should be clearly marked. Graphics may be included. The RFP sections which should be submitted/responded to are:

#### 3.1 Attachment A – Vendor Information

#### 3.2 Need and Justification

The project need and justification adequately describes the problem that is being addressed by the proposed project. Statements are substantiated with “hard” data sources. Provides a description of how funds may be targeted to areas of greatest need.

#### 3.3 Beneficiaries

The application describes the population to be served. Additional points will be given to projects located in census tracts where 47.8% of the population are considered low-and-moderate income.

#### 3.4 Project Approach

The application provides:

- A detailed description of the scope of work that will be undertaken and a description of how the work will address the identified problems.
- A description of any partnerships that have been or will be formed to ensure the success of the project.
- Plans for notice and the relocation process for tenants, if needed.
- 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 in 2022.

#### 3.5 Experience and Qualifications

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 requested. There are staff resources with the skills and experience to administer and conduct an accountable and responsible project. There appears to be adequate board and management oversight.

#### 3.6 Financial Information

The application clearly explains and justifies each proposed budget line item and why CDBG funding is required to make the project viable. An explanation of the bases of the cost estimates for the project is included. The budget is realistic. The organization is financially stable. Efforts have been made to secure and to leverage other funding for the project.

## SECTION 3 – PROPOSAL PREPARATION REQUIREMENTS

### 3.7 **Mandatory Requirements**

The following general requirements are mandatory and must be complied with. NOTE: Programs not meeting the mandatory requirements will not be evaluated.

3.7.1 Be an eligible activity.

3.7.2 **Be located in, or provide services to residents of one of the member communities of the Dane County Urban County Consortium identified in Appendix A.**

3.7.3 Address one of the funding priority areas established by the CDBG Commission.

3.7.4 Not be a HUD listed debarred or ineligible contractor.

3.7.5 If CDBG eligible, meet one of the three national objectives.

4.0 SPECIAL CONTRACT TERMS AND CONDITIONS

4.1 Procurement

1. Contractors of County CDBG 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.

4.2 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. More information may be found at: <https://www.sam.gov/portal/public/SAM/> .

## SECTION 4 – SPECIAL CONTRACT TERMS AND CONDITIONS

### 4.3 **Federal Labor Standards**

These HUD requirements apply to CDBG-funded construction projects in excess of \$2,000 or more and apply to the entire project, not just the portion funded by CDBG. 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://portal.hud.gov/hudportal/documents/huddoc?id=4812-LRguide.pdf>

### 4.4 **Lobbying Certification**

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

- 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.
- 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.

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.

### 4.5 **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

## SECTION 4 – SPECIAL CONTRACT TERMS AND CONDITIONS

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 Dane, 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 Dane may direct as a means of enforcing such provisions, including sanctions for noncompliance.

### 4.6 **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.



## SECTION 4 – SPECIAL CONTRACT TERMS AND CONDITIONS

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 = **6.9 percent** (this goal applies nationwide)

Goals for minority participation = **2.2 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 Dane 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.

### 4.7 **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:**

## SECTION 4 – SPECIAL CONTRACT TERMS AND CONDITIONS

- 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).

### 4.8 **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.

### 4.9 **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA)**

The Uniform Act is a federal law that establishes minimum standards for federally funded programs and projects that require the acquisition of real property (real estate) or displace persons from their homes, businesses, or farms. The Uniform Act's protections and assistance apply to the acquisition, rehabilitation, or demolition of real property for federal or federally funded projects.

Generally a displaced person under the URA is an individual, family, partnership, association, corporation, or organization which moves from their home, business, farm, or moves their personal property as a direct result of acquisition, demolition, or rehabilitation for a federally funded project. Displaced persons are eligible for relocation assistance under the URA.

Agencies conducting a program or project under URA must carry out their legal responsibilities to affected property owners and displaced persons. Agencies should plan accordingly to ensure that adequate **time, funding, and staffing** are available to carry out their responsibilities.

Some of those responsibilities include:

#### **For Real Property Acquisition**

- Appraise property before negotiations
- Invite the property owner to accompany the appraiser during the property inspection
- Provide the owner with a written offer of just compensation and a summary of what is being acquired
- Pay for property before possession
- Reimburse expenses resulting from the transfer of title such as recording fees, prepaid real estate taxes, or other expenses.

Please note that agency responsibilities for voluntary acquisitions differ.

### **For Residential Displacements**

- Provide relocation advisory services to displaced tenants and owner occupants
- Provide a minimum 90 days written notice to vacate prior to requiring possession
- Reimburse for moving expenses
- Provide payments for the added cost of renting or purchasing comparable replacement housing

### **For Nonresidential Displacements (businesses, farms, and nonprofit organizations)**

- Provide relocation advisory services
- Provide a minimum 90 days written notice to vacate prior to requiring possession
- Reimburse for moving and reestablishment expenses

More information may be found on HUD's web site at:

<http://www.hud.gov/offices/cpd/affordablehousing/training/web/relocation/overview.cfm> .

### **4.10 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.

**5.0 Required Forms**

The following forms must be completed and submitted in accordance with the instructions given in Section 1.6.

**Attachment A      Vendor Information Form**

**Attachment B      Dane County Application for 2022 CDBG Funds**