

City of Berlin
Green Lake and Waushara Counties, Wisconsin
REQUEST FOR PROPOSALS (RFP)

Economic Development Plan Update
A Community Development Block Grant
Planning (CDBG-PLNG) Project

July 26, 2021

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Invitation to Submit Proposal

Introduction

The City of Berlin, located in Green Lake and Waushara Counties, Wisconsin, is seeking proposals from consulting firms to update its Economic Development Plan. The City of Berlin has been awarded a Community Development Block Grant (CDBG) – Planning Grant for this project. Proposals will be accepted for planning services to update the City's Economic Development Plan and Grant administration services for a Community Development Block Grant (CDBG) Planning Grant.

Minimum requirements include previous experience in updating Economic Development Plans as well as CDBG Planning Grant Administration. Proposals will be accepted from individuals, firms, or groups of firms with the demonstrated expertise and experience in these areas of practice.

Contact Information

All interested persons and firms should contact Jodie Olson, City Administrator, at 920-361-5400 or jolson@cityofberlin.net to request the RFP. RFPs may also be downloaded from the City of Berlin's website, <https://cityofberlin.net/>.

Please note, persons/firms that intend to submit a proposal should send a notification of intent to Jodie Olson, jolson@cityofberlin.net, with the person's/firm's name and contact information in case of addenda or other changes. Those who the City of Berlin has sent an RFP, those who have provided contact information through a request for a copy of the RFP, and those that have submitted a notification of intent will receive all information regarding the RFP including any addenda to the RFP, questions and answers to inquiries received regarding the RFP, and/or changes to the RFP schedule.

Questions Regarding This RFP

This solicitation contains a description of the project and services required. Interested proposers have the responsibility of understanding what is required by this solicitation. During the review of the RFP, if the Proposer discovers any errors, omissions or ambiguities within the RFP, they should identify them in writing and notify Jodie Olson, City Administrator, prior to the RFP submission deadline. The City of Berlin shall not be held responsible for any person's/firm's lack of understanding of the project.

Questions for clarification concerning this RFP must be submitted via email to Jodie Olson, City Administrator, on or before Tuesday, August 10, 2021 by 2:00 p.m. After this date, questions involving the content or intent of the proposal will not be answered. All questions and responses will be posted to the City's website by Friday, August 13, 2021 by 2:00 p.m. It is the proposer's responsibility to check the City's website for any addenda or questions/responses before submitting its proposal.

The City of Berlin makes no representations as to the conditions of the project other than those representations made herein, and no employee or any other representative of the City of Berlin has the authority to make any oral or written representations as to the conditions of the project. Persons/firms should only contact the City Administrator listed above regarding this RFP and should not contact the Mayor, City Council members, any committee members, or any other City of Berlin staff for clarification on this RFP.

Addenda Interpretations

If it becomes necessary to revise any part of this RFP, a written addendum will be provided. The City of Berlin is not bound by any oral clarifications changing the scope of the work for this project. All addenda issued by the City of Berlin will become part of the official RFP and will be emailed to all Proposers of record based upon contact information on record at the original time of issuance or subsequently provided, as well as posted on the City's website.

Project Background

The City of Berlin, located in Green Lake and Waushara Counties, Wisconsin has been awarded a Planning Grant through the Community Development Block Grant (CDBG) Program to update its Economic Development Plan.

The City of Berlin's 2014 Economic Development Plan was developed to maximize efficiency, coordinate activities, and focus on initiatives that had the greatest chance of improving the City's economy. Recommendations were included in this report based on past market performance, market studies and stakeholder outreach.

The Economic Development Plan is now seven years old. The data is outdated and many of the programs listed in the Chapter 1 overview no longer exist. A copy of the City's 2014 Plan can be downloaded from the City of Berlin's website, <https://cityofberlin.net/community-plans/#Economic-Development-Plan>.

A 2019 Market Analysis provided some insight about issues the City should include in its updated Economic Development Plan, including housing affordability/availability. For example, the 2019 Market Analysis showed that the City needs to analyze its housing market and brainstorm about how to make home ownership more affordable.

Additionally, the 2019 Market Analysis showed that changing demographics within the City have created an increased demand for rental and senior housing. The awarded consultant will need to research these changing demographic trends and suggest targeted development opportunities within the City to address current and future gaps in housing demand.

A copy of the 2019 Market Analysis can be downloaded from the City of Berlin's website, <https://cityofberlin.net/community-plans/#Market-Analysis>.

The updated Economic Development Plan will focus on topics such as demographics, manufacturing, retail trade, business recruitment and growth, business retention and support, and housing. The Plan will provide a basis for formulating community wide priorities, policy alternatives and intervention strategies which will help guide the City of Berlin in making decisions related to allocation of public funds and resources.

The awarded consultant will also be responsible for administering the CDBG Planning Grant per the CDBG Implementation Manual available from the Wisconsin Department of Administration's website at: <https://doa.wi.gov/Pages/LocalGovtsGrants/CDBGImplementationHandbook.aspx>

Project Scope

Economic Development Plan Update Scope of Work

The proposed Scope of Work is intended to be a general guideline for the type of work expected to be included in the Economic Development Plan. It is not intended to be prescriptive. The City of Berlin is relying on the consultant's professional expertise to determine the most appropriate Scope of Work. Work efforts may include:

- **Research** – Gather and analyze information about changing demographics, business growth, retention and support, economic development, and housing needs since 2014
- **Engagement** – Interface and communicate with businesses, community stakeholders, residents, and City staff as needed during the project.
- **Public Participation/Public Meetings** – Consultant must hold and attend at least two public hearings (one general public hearing and one CDBG Citizen Participation Committee meeting)
- **Strategies and Implementation** – Propose and develop realistic initiatives and identify implementation strategies to address business, economic, and housing needs and development
- **Benchmarks** – Identify benchmark objectives and goals to measure performance and success

Consultant will provide one (1) electronic copy and ten (10) paper copies of the final Economic Development Plan to the City for review and approval by the Common Council.

Grant Administration Scope of Work

The awarded consultant will also serve as grant administrator for the Planning Grant awarded by the Community Development Block Grant Program. The Scope of Work for Grant Administration includes the following:

- Preparing and submitting CDBG contract and amendment documents, as applicable
- Managing the CDBG Project records
- Preparing and submitting applicable Environmental Record documents for the CDBG Project before starting project
- Coordinating Second Citizen Participation meeting and maintaining and submitting required records for Citizen Participation for the CDBG Project
- Preparing and submitting CDBG reporting documents for the CDBG Project, including but may not be limited to Semi-Annual Reports, Single Audit Statements, and Section 3 Reports by the required due dates listed in the Grant Agreement between the City and CDBG
- Preparing and submitting CDBG monitoring documents and responding to monitoring requirements as applicable for the CDBG Project
- Managing financial records for the CDBG Project and preparing and submitting CDBG requests for payment and related required documentation
- Attending and participating in City Council and Citizen Participation Committee meetings as necessary for the CDBG Project
- Preparing and submitting the CDBG Project Completion Report and supporting documents
- Complying with CDBG regulations and policies applicable to the Project

All work to be undertaken as part of this proposed program must be undertaken in accordance with the Federal Code of Federal Regulations, including but not limited to 24 CFR, Part 570 and 24 CFR, Part 58; and other applicable State and Federal requirements. Federal requirements for CDBG projects regarding Conflicts of Interest, Lobbying, and Section 3 are provided in **Exhibit I** attachments included with this RFP. Applicable requirements must be met by the selected consultant for this RFP, and any entities awarded a contract or subcontract for the CDBG Project.

Consultant will maintain electronic copies of all records, data collected, maps, photos, analyses, and documentation generated for the project, providing copies upon request to the City of Berlin.

Schedule

The proposed timeline is as follows:

Task	Due Date
Release RFP	July 26, 2021
Deadline for written questions	August 10, 2021 by 2:00 p.m.
Deadline for City's responses to written questions	August 13, 2021 by 2:00 p.m.
Proposal Deadline	August 27, 2021 2:00 p.m.
Evaluation of Proposals	August 30 – September 2, 2021
Interviews (if needed)	September 7, 2021
Contract Award	September 14, 2021
Execution of Contract	September 15 – September 30, 2021
Kickoff Meeting	October 5, 2021
Environmental Review Submitted by Consultant and Approved by CDBG	November 5, 2021
Begin Economic Development Plan Update	November 29, 2021
Hold Public Participation Meeting	No later than March 31, 2022
Hold CDBG Citizen Participation Committee Meeting	No later than June 30, 2022
Draft Report to City	November 29, 2022
Final Report to City	January 27, 2023
CDBG Reporting (throughout project)	Per CDBG Grant Agreement Timetable

Minimum Qualifications

The preferred criteria listed below have been established to ensure the City of Berlin will receive the professional expertise, experience and capacity needed for successful completion of the proposed project within the allocated time constraints.

1. The person(s)/firm(s) – Experience of at least five years of economic development planning preferred. The person/firm may not be selected if there have been any unresolved issues relative to the services previously provided.
2. The person(s)/firm(s) - Experience of at least three CDBG grant administration projects is preferred. The person/firm may not be selected if there have been any unresolved issues relative to the services previously provided.
3. The principal responsible for coordination of the Economic Development Plan - at least three years of experience with this specific type of work is preferred.
4. The principal responsible for providing CDBG Grant Administration services - at least three years of experience with the CDBG Program **or** other federal/state funded programs or projects is preferred.

5. The person(s)/firm(s) must submit references as to their professional qualifications from a minimum of three, but no more than five, previous clients for which the person(s)/firm(s) has/have performed work (include contact name, title, firm/organization/government name, email address, mailing address and telephone number).

Proposal Requirements

Person(s)/firm(s) submitting proposals should include the following documents in their proposal, in the order listed:

Proposal Contents

1. Cover Letter
2. Firm Profile
3. Project Understanding and Approach
Describe the work to be undertaken, including the services outlined in the RFP, and any modifications or expansion of the Scope provided in order to deliver an updated Economic Development Plan **and** Grant Administration Services to the City of Berlin.
4. Description of the final plan
5. Project Timeline (if different than what is proposed in this RFP)
6. Experience
Include 3-5 examples of the Proposer's related work/services in other communities
7. Project Team and Resumes
Include the team's professional and technical qualifications who will be assigned to the project and their responsibility within the Scope of Services. Resumes for key personnel should be limited to two pages.
8. References
Include a list of at least three (3) client references for which Proposer provided similar services as described in the RFP.
9. Project Costs
10. Fee Schedule for personnel involved in the project
11. CDBG forms (See Exhibit I, Items 1, 3 and 4)
12. Copy of proposed Professional Services Agreement

Proposal Format

The proposal must be submitted in typed format with the items to be included in the proposal placed in the same order as described in above. The proposal must be signed by the submitter or authorized representative and dated. The pages of the proposal must be numbered in consecutive order and should not exceed the maximum sheet size of 8.5" x 11." The name, mailing address, phone number and email address of the Proposer should be placed in the upper left corner on the cover page of the Proposal.

Selection Process Schedule

A team of City of Berlin staff will review and score firm's qualifications/technical proposals. The proposals will then be short-listed and top scoring firms may be interviewed to verify firm's qualifications, understanding of the requirements of this request and to aid in making final award determination. It is at the City's discretion to hold interviews. If interviews are conducted, they will be no longer than 1 hour for each firm, at the firm's expense. If interviews are held, it is anticipated that short-listed firms will be notified of their interview date and time on or

before September 2, 2021. Interviews, if required, are tentatively scheduled for September 7, 2021 at Berlin City Hall.

The City of Berlin anticipates awarding a contract for this work on September 14, 2021.

Work should begin by November 29, 2021 after consultant has an approved Environmental Review Certification Letter from CDBG. The City of Berlin's goal is to have a draft Economic Plan Update completed by November 29, 2022 with the final Plan submitted by January 27, 2023.

Responding persons/firms should comment on the above schedule as part of their proposal and state its availability to meet the estimated completion dates or identify why the estimated completion dates are not realistic.

Other Conditions of Proposal Submittal

1. Only one proposal will be accepted from any person, firm, or entity.
2. No proposal will be accepted from any person, firm or entity that is in arrears for any obligation to the City of Berlin, is debarred from contracting for federally funded projects, or that otherwise may be deemed irresponsible or unresponsive by the City of Berlin Common Council or City of Berlin staff.
3. All Proposals submitted become public information and may be reviewed by anyone requesting to do so at the conclusion of the evaluation process.
4. Requirements and conditions of employment and contracting to be observed for compliance with Conflict of Interest, Lobbying, and Section 3 regulations apply to this project. These forms should be completed and submitted with the proposal. Refer to **Exhibit I** attachments for the CDBG Project requirements.

Directions for Submittal

Proposals must be received at the Berlin City Hall by 2:00 p.m. on Friday, August 27, 2021. Proposers should submit one (1) electronic copy and three (3) paper copies of their proposal to:

Jodie Olson, City Administrator
City of Berlin
108 N. Capron Street
P.O. Box 272
Berlin, WI 54923

Proposals should be labeled "Economic Development Plan Update." The City assumes no liability for submittals received after that time or which are not received. Faxed and/or emailed proposals will not be accepted. The City of Berlin reserves the right to reject any Proposals not meeting the requirements of this Request for Proposals for consulting and grant administration services.

Persons requesting ADA assistance accommodations for hearing and speech impaired may contact Jodie Olson at 920.361.5400 or jolson@cityofberlin.net.

Evaluation and Selection

Final selection of the planning and grant administration consultant will be based upon the following criteria, with a maximum total score of 100 points:

- Project Understanding and Approach (20)
- Experience of Key Personnel (20)
- Similar Project Experience (20)
- Project Costs (15)
- Quality and Completeness of Proposal (15)
- Proximity to, and consultant's familiarity with City (10)

The City of Berlin reserves the right to negotiate a contract with the services provider selected to perform the professional services required.

The City of Berlin reserves the right to reject any and all responses submitted.

EXHIBIT I

State and Federal Regulatory Requirements for CDBG-Assisted Projects

1. POTENTIAL CONFLICT OF INTEREST DISCLOSURE [ATTACHMENT 3-B IN CDBG IMP. HANDBOOK]
2. CONFLICT OF INTEREST CLAUSE [ATTACHMENT 3-C IN CDBG IMP. HANDBOOK]
3. LOBBYING CERTIFICATION [ATTACHMENT 3-D IN CDBG IMP. HANDBOOK]
4. DISCLOSURE OF LOBBYING ACTIVITIES (IF APPLICABLE) [ATTACHMENT 3-E IN CDBG IMP. HANDBOOK]
5. SECTION 3 CLAUSE [ATTACHMENT 6-B IN CDBG IMP. HANDBOOK]

Proposers should complete Items 1, 3 and 4 (if applicable) and include them in their proposal. Items 2 and 5 must be included in the Professional Services Agreement between the City and awarded consultant.

The CDBG attachments listed above are from the CDBG Implementation Handbook and Handbook Chapter Attachments. They may also be obtained from the Department of Administration, Bureau of Community Development website:

<https://doa.wi.gov/Pages/LocalGovtsGrants/CDBGImplementationHandbook.aspx>

Division of Energy, Housing and Community Resources (DEHCR)

Community Development Block Grant – Potential Conflict of Interest Disclosure

POTENTIAL CONFLICT OF INTEREST DISCLOSURE

City of Berlin

Economic Development Plan Update and CDBG Planning Grant Administration

Do you have family or business ties to any of the people listed below?

Yes ☐

No ☐

If yes, please check the box next to the name(s) of the individual(s) and describe the relationship in the space provided below:

ELECTED OFFICIALS:

- ☐ Joel Bruessel, Mayor
- ☐ Jim Lehr, Alderperson
- ☐ Roberta Erdmann, Alderperson
- ☐ Kristina Boeck, Alderperson
- ☐ Edmund Marks, Alderperson
- ☐ Joshua Nigbor, Alderperson
- ☐ Catrina Burgess, Alderperson

CITY OF BERLIN ADMINISTRATION, DEPARTMENT HEADS AND LEGAL COUNSEL:

- ☐ Jodie Olson, City Administrator
- ☐ Lindsey Kemnitz, Community Development Director
- ☐ Brian Malnory, Utilities Superintendent
- ☐ Scott Zabel, Street Superintendent
- ☐ Jeffrey Engel, Chief of Police
- ☐ Robert Paugels, Fire Chief
- ☐ Evan Vandenlangenberg, EMS Director
- ☐ Gary Podoll, Director of Emergency Management
- ☐ Atty. Matt Chier, City Attorney
- ☐ Sarah Rutkowski, Senior/Recreation Programming Director
- ☐ Hon. Jerome Jaye, Municipal Court Judge
- ☐ Chris Kalupa, Library Director

Division of Energy, Housing and Community Resources (DEHCR)

Community Development Block Grant – Potential Conflict of Interest Disclosure

Description of Relationship(s):

Please Note: The name of any bidder with a potential conflict of interest will be disclosed at the City of Berlin Common Council meeting in which bids are discussed. Potential conflicts of interest will be reviewed in accordance with 24 CFR 570.489(h).

Printed Name of Individual

Title

Signature

Name of Business/Firm/Company

Date Signed [MM/DD/YYYY]

24 CFR 570.489(h) CONFLICT OF INTEREST CLAUSE FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS

Code of Federal Regulations Title 24 570.489(h) Program administrative requirements

(h) Conflict of interest:

(1) Applicability. (i) In the procurement of supplies, equipment, construction, and services by the States, units of local general governments, and sub-recipients, the conflict of interest provisions in paragraph (g) of this section shall apply.

(ii) In all cases not governed by paragraph (g) of this section, this paragraph (h) shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance with CDBG funds by the unit of general local government or its sub-recipients, to individuals, businesses and other private entities.

(2) Conflicts prohibited. Except for eligible administrative or personnel costs, the general rule is that no persons described in paragraph (h)(3) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this subpart or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

(3) Persons covered. The conflict of interest provisions for paragraph (h)(2) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or sub-recipients which are receiving CDBG funds.

(4) Exceptions: Thresholds requirements. Upon written request by the State, an exception to the provisions of paragraph (h)(2) of this section involving an employee, agent, consultant, officer, or elected official or appointed official of the state may be granted by HUD on a case-by-case basis. In all other cases, the state may grant such an exception upon written request of the unit of general local government provided the state shall fully document its determination in compliance with all requirements of paragraph (h)(4) of this section including the state's position with respect to each factor at paragraph (h)(5) of this section and such documentation shall be available for review by the public and by HUD. An exception may be granted after it is determined that such an exception will serve to further the purpose of the Act and the effective and efficient administration of the program or project of the state or unit of general local government as appropriate. An exception may be considered only after the state or unit of general local government, as appropriate, has provided the following:

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

(ii) An opinion of the attorney for the state or the unit of general local government, as appropriate, that the interest for which the exception is sought would not violate state or local law.

(5) Factors to be considered for exceptions. In determining whether to grant a requested exception after the requirements of paragraph (h)(4) of this section have been satisfactorily met, the cumulative effect of the following factors, where applicable, shall be considered:

(i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;

(ii) Whether an opportunity was provided for open competitive bidding or negotiation;

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

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

(v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (h)(3) of this section;

(vi) Whether undue hardship will result either to the State or the unit of general local government or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(vii) Any other relevant considerations.

Division of Energy, Housing and Community Resources

Lobbying Certification

GRANTEE/UGLG NAME: City of Berlin
DEHCR GRANT AGREEMENT #: CDBG-PLNG 21-02

LOBBYING CERTIFICATION

FROM THE

☐ Municipality/UGLG: _____
☐ Contractor/Sub-Contractor
☐ Other: _____

The undersigned certifies, to the best of his/her knowledge and belief, that:

1. 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 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 grant, 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 federal 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 undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Name of Municipality/UGLG/Business/Firm

Signature of the Chief Elected Official, Owner, or Chief Executive Officer

Title

Date Signed

Printed Name of the Chief Elected Official, Owner, or Chief Executive Officer

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance		2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award		3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____	
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known:			5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known:		
6. Federal Department/Agency:			7. Federal Program Name/Description: CFDA Number, if applicable: _____		
8. Federal Action Number, if known:			9. Award Amount, if known: \$ _____		
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI):			b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):		
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.			Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____		
Federal Use Only:				Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)	

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity 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 a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

ATTACHMENT 6-B: SECTION 3 CONTRACT LANGUAGE REQUIREMENTS

Include the following language in all contracts and sub-contracts funded with CDBG dollars:**

1. Section 3 of the Housing and Urban Development Act of 1968. 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.
2. The parties to this contract agree to comply with HUD's regulations in 24 CFR 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 regulation.
3. 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.
4. The contractor agrees to include this Section 3 clause in every sub-contract subject to compliance with regulations in 24 CFR 135, and agrees to take appropriate action, as provided in an applicable provision of the sub-contractor in this Section 3 clause, upon a finding that the sub-contractor is in violation of the regulations in 24 CFR 135. The contractor will not sub-contract with any sub-contractor where the contractor has notice or knowledge that the sub-contractor has been found in violation of the regulations in 24 CFR 135.
5. 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 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR 135.
6. Non-compliance with HUD's regulations in 24 CFR 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
7. 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 sub-contracts 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).

****** This language is only required for those contracts and sub-contracts regarding project activities that are funded with CDBG dollars. However, it is strongly recommended that this language be included in ALL contracts regardless of the funding source to avoid any unnecessary problems later in the project cycle.