



**CERTIFICATION REGARDING LOBBYING
FY 2015 CDBG PROGRAM APPLICATION PROCESS**

By signing and submitting this certification, the undersigned certifies to the best of its knowledge and belief that it and its principals shall be in compliance with the following:

- (1) Agency shall not use, and require its subcontractors not to use, any of the funds, personnel, or materials received in connection with any agreement (contracts, grants, cooperative agreements) awarded by the City of San Diego to influence or attempt to influence any governmental decision or election in any manner whatsoever. This prohibition shall apply to any decision of any kind to be made by any electorate, legislative body, agency, bureau, board, commission, district, or any other instrument of federal, state, or local government. The term "influence or attempt to influence" shall mean the making, with the intent to influence, any communication to or appearance before any officer, employee, or appointee of any governmental entity, as well as any communication made to any electorate, regarding any ballot measure or candidate election.
- (2) Agency acknowledges that federal funds received from the City of San Diego for individual program(s) have been provided pursuant to a federal grant, and shall comply with the laws set forth at 31 USC section 1352 (1989) and 24 CRF 87.
- (3) Agency shall disclose any funds from any other source which have been paid by Contractor or its principals and agents within the last year to influence or attempt to influence decisions of the federal government by completing, signing, and submitting Standard Form LLL, "Disclosure of Lobbying Activities". (24 CFR 87, Appendix B) Contractor understands that the duty to disclose lobbying activities is a continuing requirement, and therefore shall make such disclosures at the end of each calendar quarter in which there occurs any event requiring disclosure.
- (4) Agency shall require the language of this certification be included in the award documents for all subawards at all tiers (including subagreements, subcontracts, subgrants, and cooperative agreements exceeding \$100,000) and that all subrecipients shall certify and disclose accordingly

This certification submitted to the City of San Diego is a material representation of fact upon which reliance was placed when entering into a contract agreement. If it later determined that the Agency rendered an erroneous certification, in addition to other remedies available, the City of San Diego may terminate the contract for default.

Name of Agency

Signature of Authorized Signing Official/Representative

Date

Print/Type Name of Authorized Signing Official/Representative



**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT,
INELIGIBILITY AND OTHER RESPONSIBILITY MATTERS
FY 2015 CDBG PROGRAM APPLICATION PROCESS**

1. By signing and submitting this certification, the undersigned certifies to the best of its knowledge and belief, that it and its principals:
 - a) Are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;
 - b) Have not within a three-year period preceding this award, have been convicted of or had a civil judgment rendered against them for: commission of fraud or criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property;
 - c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in 2. of the certification;
 - d) Have not within a three-year period preceding this award, had one or more contracts (Federal, State, or local) terminated for cause or default;
 - e) Will not knowingly enter into any subcontract with a person who is, or organization that is, debarred, suspended, proposed for debarment, or declared ineligible from award of contracts by any Federal agency; and
 - f) Will require that the language of this certification to be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

2. "Principals", for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity.

3. Where the undersigned is unable to certify to the statements listed in section (1) in this certification, an explanation shall be attached. The Contractor shall provide immediate written notice if, at any time prior to or during the negotiated contract period, the Contractor learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (1) of this provision. The knowledge and information of Contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

5. This certification submitted to the City of San Diego is a material representation of fact upon which reliance was placed when entering into a contract agreement. If it later determined that the Contractor knowingly rendered an erroneous certification, in addition to other remedies available, the City of San Diego may terminate the contract for default.

Name of Agency

Signature of Authorized Signing Official/Representative

Date

Print/Type Name of Authorized Signing Official/Representative



CERTIFICATION FOR A DRUG-FREE WORKPLACE FY 2015 CDBG PROGRAM APPLICATION PROCESS

- (1) Every person or Agency awarded a contract or grant by the City of San Diego for the provision of services shall certify to the City that it will provide a drug-free workplace. By signing and submitting this certification, the undersigned certifies that it and its subcontractors shall provide a drug-free workplace by doing all of the following:
- 1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person's organization's workplace and specifying the actions that will be taken against employees for violations of the prohibition.
 - 2) Establishing a drug-free awareness program to inform employees about all of the following:
 - a) The dangers of drug abuse in the workplace.
 - b) The person's or organization's policy of maintaining a drug-free workplace.
 - c) Any available drug counseling, rehabilitation, and employee assistance programs.
 - d) The penalties that may be imposed upon employees for drug abuse violations
 - 3) Posting the statement required by Section A.1) of this certification in a prominent place at the Agency's main office. For projects large enough to necessitate a construction trailer at the job site, the required signage would also be posted at the job site.
- B. Agencies shall include in each subcontract agreement language which indicates the subcontractor's agreement to abide by the provisions of Sections A. 1) through 3) if this certification is inclusive of Section A. Agencies and subcontractors shall be individually responsible for their own drug-free workplace programs.
- C. This certification submitted to the City of San Diego is a material representation of fact upon which reliance was placed when entering into a contract agreement. If it later determined that the Agency knowingly rendered an erroneous certification, in addition to other remedies available, the City of San Diego may terminate the contract for default.

Name of Agency

Signature of Authorized Signing Official/Representative

Date

Print/Type Name of Authorized Signing Official/Representative



**CERTIFICATION REGARDING COMPLIANCE WITH
CIVIL RIGHTS ACT AND AMERICANS WITH DISABILITIES ACT
FY 2015 CDBG PROGRAM APPLICATION PROCESS**

The organization listed below certifies that it complies with and prohibits discrimination in accordance with Title VI of the Civil Rights Act of 1964. Written documents outlining this organization's non-discrimination policy are on file and available for review. (See 28 CFR 35.)

It is further certified that this agency has reviewed its projects, programs, and services for compliance with all applicable regulations contained in Title II, Americans with Disabilities Act of 1990. Written documentation concerning this review and corrective actions taken (if any) are on file and available for review.

Name of Agency

Signature of Authorized Signing Official/Representative

Date

Print/Type Name of Authorized Signing Official/Representative



**CERTIFICATION REGARDING SECTION 504
OF THE REHABILITATION ACT OF 1973
FY 2015 CDBG PROGRAM APPLICATION PROCESS**

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with disabilities in the operation of programs receiving federal financial assistance. HUD regulations implementing Section 504 contain accessibility requirements for new construction and rehabilitation of housing as well as requirements for ensuring that the programs themselves are operated in a manner that is accessible to and usable by persons with disabilities. Both individual units and the common areas of buildings must be accessible under Section 504.

Section 504 states that "no qualified individuals with a disability in the United States shall be excluded from, denied the benefits of, or be subject to discrimination under" any program or activity that receives Federal financial assistance. Requirements common to these regulations include program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations (See 24 CFR Part 8). Further information concerning compliance with any of these requirements may be obtained through the HUD web page:

<http://portal.hud.gov/portal/page/portal/HUD/programdescription/sec504>.

Signature and Certification:

The undersigned certifies that it has read and understands all of its obligations under the Section 504 requirements. The undersigned acknowledges that this certification will be relied upon by the City of San Diego in its review and approval of proposed funding and any misrepresentations of information or failure to comply with any conditions stated in this certification could result in disqualification of the application, disallowance of reimbursement requests, or termination of CDBG contract. The undersigned also agrees to cooperate in any compliance review and to provide reasonable access to the premises of all places of business and employment and to records, files, information and employees therein to City of San Diego for reviewing compliance with Section 504 requirements.

- Good faith self-certification**
- Not in compliance with Section 504/ADA requirements, but seeking CDBG funds to address Section 504 issues**
- Not in compliance with Section 504/ADA requirements, but in compliance with City-approved Compliance Plan**

Name of Agency

Signature of Authorized Signing Official/Representative

Date

Print/Type Name of Authorized Signing Official/Representative



THE CITY OF SAN DIEGO

**NON PROFITS - CERTIFICATION REGARDING COMPLIANCE WITH
MINORITY BUSINESS ENTERPRISE (MBE),
WOMEN’S BUSINESS ENTERPRISE (WBE), AND
SMALL BUSINESS CONTRACTING REQUIREMENTS
FY 2015 CDBG PROGRAM APPLICATION PROCESS**

A. The organization listed below certifies that it will comply with 24 CFR Part 84.44(b), as follows:

The organization will take all necessary affirmative steps to assure that minority firms, women’s business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

Positive efforts shall be made by the organization to utilize small businesses, minority-owned firms, and women’s business enterprises, whenever possible. Recipients of CDBG funds shall take all of the following steps to further this goal.

- (1) Ensure that small businesses, minority-owned firms, and women’s business enterprises are used to the fullest extent practicable.
- (2) Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women’s business enterprises.
- (3) Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women’s business enterprises.
- (4) Encourage contracting with consortiums of small businesses, minority-owned firms and women’s business enterprises when a contract is too large for one of these firms to handle individually.
- (5) Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce’s Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women’s business enterprises.

B. The organization further certifies that it will submit to the City of San Diego at the time of project completion a report of the MBE and WBE status of all subcontractors to be paid with CDBG funds with contracts of \$10,000 or greater, in a format to be provided by the City.

Name of Agency

Signature of Authorized Signing Official/Representative

Date

Print/Type Name of Authorized Signing Official/Representative



THE CITY OF SAN DIEGO

**GOVERNMENTS - CERTIFICATION REGARDING COMPLIANCE WITH
MINORITY BUSINESS ENTERPRISE (MBE),
WOMEN’S BUSINESS ENTERPRISE (WBE), AND
SMALL BUSINESS CONTRACTING REQUIREMENTS
(GOVERNMENTAL AGENCIES)
FY 2015 CDBG PROGRAM APPLICATION PROCESS**

C. The organization listed below certifies that it will comply with 24 CFR Part 85.36(e), as follows:

The organization will take all necessary affirmative steps to assure that minority firms, women’s business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

- (6) Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
- (7) Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;
- (8) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women’s business enterprises;
- (9) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women’s business enterprises;
- (10) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
- (11) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs A.(i) through (v) of this section.

D. The organization further certifies that it will submit to the City of San Diego at the time of project completion a report of the MBE and WBE status of all subcontractors to be paid with CDBG funds with contracts of \$10,000 or greater, in a format to be provided by the City.

Name of Agency

Signature of Authorized Signing Official/Representative

Date

Print/Type Name of Authorized Signing Official/Representative



THE CITY OF SAN DIEGO

CERTIFICATION OF COMPLIANCE WITH CONFLICT OF INTEREST AND PROCUREMENT POLICIES FY 2015 CDBG PROGRAM APPLICATION PROCESS

24 CFR 570.611 and 24 CFR 576.57 (d) — Conflict of Interest

No person who is an employee, agent, consultant, officer, or elected or appointed official of the grantee, nonprofit recipient that received CDBG funds and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect to thereto, or the proceeds thereunder, either for him or herself or for those with whom he or she has family or business ties, during his or her tenure, or for one year thereafter. HUD may grant an exception to this exclusion as provided in 24 CFR 570.611 (d) and (e).

OMB Circular A-110 — Codes of Conduct

The subrecipient shall maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated therein, has a financial or other interest in the firm selected for an award. The officers, employees, and agents of the subrecipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to subagreements. However, subrecipients may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standard of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the subrecipient.

Name of Agency

Signature of Authorized Signing Official/Representative

Date

Print/Type Name of Authorized Signing Official/Representative



THE CITY OF SAN DIEGO

**QUESTIONNAIRE REGARDING
CONFLICT OF INTEREST AND PROCUREMENT POLICIES
FY 2015 CDBG PROGRAM APPLICATION PROCESS**

Federal, State and Local law prohibits employees and public officials of the City of San Diego from participating on behalf of the City in any transaction in which they have a financial interest. This questionnaire must be completed and submitted by each applicant for CDBG funding. The purpose of this questionnaire is to determine if the applicant, its staff, or any of the applicant’s Board of Directors would create conflict of interest.

1. Is there any member(s) of the applicant’s staff or any member(s) of the applicant’s Board of Directors or governing body who currently is or has/have been within one year of the date of this application a City employee or consultant, or a member of the City Council, a City Advisory Board, a City Commission, and/or a City Committee?

Yes No If yes, list the name(s) and affiliation below:

NAME	POSITION	AFFILIATION WITH CITY

2. Will the CDBG funds requested by the applicant be used to award a subcontract to any individual(s) or business affiliate(s) who currently is or has/have been within one year of the date of this application a City employee or consultant, or a member of the City Council, a City Advisory Board, a City Commission, and/or a City Committee?

Yes No If yes, list the name(s) and affiliation below:

NAME	POSITION	AFFILIATION WITH CITY

3. Is there any member(s) of the applicant’s staff or member(s) of the applicant’s Board of Directors or other governing body who are business partners or family members of a City employee, consultant, or a member of the City Council, a City Advisory Board, a City Commission, and/or a City Committee?

Yes No If yes, list the name(s) and affiliation below:

NAME	POSITION	AFFILIATION WITH CITY

If you have answered “YES” to any of the questions listed in this form, the CDBG Program Office, alongside the City Attorney’s Office, will need to determine whether a real or apparent conflict of interest exists.

Name of Agency

Signature of Authorized Signing Official/Representative

Date

Print/Type Name of Authorized Signing Official/Representative



Agencies awarded with Community Development Block Grant (CDBG) funding that expend \$500,000 or more in total federal financial assistance in a year are responsible for obtaining an independent audit in accordance with the Single Audit Act of 1984 and OMB Circular A-133. The computation of the total of such assistance includes all Federal funds received by the entire entity. For purposes of determining the amount of Federal assistance expended, all federal assistance should be considered, including that which is received directly from a federal agency, or passed through a state or local government, or through non-profit organizations, or any combination thereof

If a subrecipient expends less than \$500,000 per year in federal financial assistance, it is exempt from Federal audit requirements. However, the subrecipient must still have records available for review by HUD or the City, and must comply with the CDBG Program audit requirements.

- The undersigned attest that the listed applicant agency expended \$500,000 or more in the prior fiscal year (FY 2012) in federal financial assistance as defined above, and therefore an audit is required.
- The undersigned attest that the listed applicant agency expended less than \$500,000 in the prior fiscal year (FY 2012) in federal financial assistance as defined above, and therefore an audit is not required.

The Agency's most recent fiscal year ended on: _____

Name of Applicant Agency

Signature of Authorized Certifying Official/Representative

Date

Print/Type Name and Title of Authorized Certifying Official/Representative



**CERTIFICATION REGARDING SECTION 3
FY 2015 CDBG PROGRAM APPLICATION PROCESS**

Section 3 contract thresholds for contractors and subcontractors is \$100,000. Some of the types of projects that are subject to Section 3 requirements include: housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine repair and replacement), housing construction and other public construction.

- 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 USC 1701(u)(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 agency 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 worker's 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 agency 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 agency 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 USC 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest 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 clause 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).

Name of Applicant Agency

Signature of Authorized Certifying Official/Representative

Date

Print/Type Name and Title of Authorized Certifying Official/Representative



THE CITY OF SAN DIEGO

**CERTIFICATION REGARDING PURCHASING/PROCUREMENT
FY 2015 CDBG PROGRAM APPLICATION PROCESS**

The undersigned certifies that they will follow a free and open competitive process in securing goods and services. In addition, the undersigned shall maintain documentation of procurement activities and decisions, observe special rules for particular types of purchases (small purchases, competitive sealed bids, competitive proposals, and sole source procurement), properly bond and insure work involving large construction contracts and/or subcontracts, and contract with minority and/or women-owned businesses to the maximum extent feasible. Nonprofit agencies shall comply with 2 CFR Part 215.44 and 24 CFR 84 and government agencies shall comply with 24 CFR Part 85. The undersigned certifies that a current copy of their Procurement Policy documenting compliance with federal requirements is maintained and is available for submission upon request.

Name of Agency

Signature of Authorized Signing Official/Representative

Date

Print/Type Name of Authorized Signing Official/Representative