

OMB APPROVAL NO. 2529-0005

FAIR HOUSING ASSISTANCE PROGRAM

REQUEST FOR APPLICATION (RFA) NO. RFA-FF2\_\_\_\_\_

DATE ISSUED\_\_\_\_\_

Dear Applicant:

Under this Request for Application (RFA) the U.S. Department Of Housing and urban Development (HUD) is Soliciting applications for funding under the Fair Housing Assistance Program. The awards will be made on a noncompetitive basis to those eligible applicants which submit acceptable applications according to criteria set forth in this RPA. You are invited to submit an application to be received not later than \_:00 p.m. local time, on (date), 19 at the place designated for receipt of offers, in accordance with this Request for Application (RFA) and the following attachments which are incorporated herein and made a part hereof:

Under the FHAP, Capacity Building is a fixed amount and such funds are for first and second year applicants which submit applications. Contributions funds are for applicants beyond the Capacity Building stage. Contributions funds include support for Case Processing, Training, and Incentive funding. An application is not required for Case Processing and Training. An application is required for Incentive funding. Cooperative Agreements will be awarded to those responsible applicants who meet the eligibility criteria established at 24 CFR Section 111.107, as well as Section 111.105 for Capacity Building funding and Section 111.113 for Incentive funding. The level of funding you should anticipate for Capacity Building or Incentive Funds is indicated in Attachment A (Page 5). These agreements are anticipated to be fixed price; however, HUD reserves the right to award the type of agreement most appropriate after negotiations.

This application kit consists of this cover letter and the attachments as follows:

ATTACHMENT A - APPLICATION INSTRUCTIONS

Attachment A provides detailed instructions for completing the application. These instructions are pursuant to program requirements in 24 CFR Part 111, Fair Housing Assistance Program, and administrative requirements in 24 CFR Part 85, Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments.

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ATTACHMENT B - APPLICATION AND BUDGET

Attachment B provides OMB Standard Forms 424 and 424A which must be used by all State and local applicants. A Program Narrative Statement must be attached to the SF-424 describing the scope of work and general objectives to which the application is addressed. It also must include a schedule for completion and the estimated cost of each proposed activity.

ATTACHMENT C - ASSURANCES

Attachment C provides OMB Standard Assurances, SF 424B, which must be signed, a Certification of Drug Free Workplace, and Restrictions on Lobbying Certification which must be completed.

ATTACHMENT D- CERTIFICATION

Attachment D provides certifications required by 24 CFR Section 111.111(e), Certifications. These certifications must be signed.

ATTACHMENT E - SAMPLE COOPERATIVE AGREEMENT PROVISIONS

Attachment E provides a sample of the provisions which will be included in award document, including Appendix A - Statement of Work, Appendix B Criteria for Processing and Appendix C - Administrative Requirements for Grants and Cooperative Agreements to State and local and Federally recognized Indian Tribal Governments.

ATTACHMENT F - LIST OF FAIR HOUSING INITIATIVE PROGRAM (FEIP) AWARDEES

Attachment F is a listing of all agencies and organizations selected for funding under the Education and Outreach and Private Enforcement Initiative Components of the FHIP. Such list must be consulted to ensure that any activities to be funded under the PHIP in the same jurisdiction or geographic area will not be duplicated by activities to be funded under this NOFA.

The place designated for receipt of applications is:

(NAME OF REGIONAL FHEO DIRECTOR)  
\_\_\_\_\_Regional Office  
U.S. Department of Housing and Urban Development  
\_\_\_\_\_street address\_\_\_\_\_  
\_\_\_\_\_city, state. zip code\_\_\_\_\_

Mailed applications are received in a central mail room and then delivered to the Office of Fair Housing and Equal opportunity. Applicants should consider this factor in planning for timely delivery at the place designated for receipt of applications.

To assure that the application arrives at the proper place on time and to prevent opening by unauthorized individuals, your offer must be identified on the envelope or wrapper as follows:

Application submitted in response to RFA FF2\_\_\_\_\_  
Due Date:\_\_\_\_\_19 ,\_\_:00 P.M., local time

LATE APPLICATION WARNING: The conditions applicable to late applications Attachment A, Application Instructions and Conditions, are strictly enforced.

Cooperative Agreements will be awarded to those responsible Recipients who propose activities that are determined to be eligible and have relevance to matters affecting fair housing which are cognizable under Title VIII.

Applications submitted in response to this RFA must be consistent with the criteria issued pursuant to the following sections of the Code of Federal Regulations.

1. 24 CFR Section 111.105, Funding.
2. 24 CFR Section 111.107, Threshold agency eligibility criteria.
3. 24 CFR Section 111.109, Program Administration.
4. 24 CFR Section 111.113, Additional agency eligibility criteria for incentive component.
5. 24 CFR Section 111.115, Eligible activities under incentive component.

If you have any questions concerning this Request for Application, please contact the Regional Office of Fair Housing and Equal Opportunity at:

( ) \_\_\_\_\_ (This is not a toll-free number.)

Sincerely,

(Regional FHEO Director)

\_\_\_\_\_  
Cooperative Agreement Officer

Attachments

ATTACHMENT A

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Application Instructions and Conditions

1. Limitation

This Request For Application (RFA) does not commit the Government to

award an assistance instrument or pay any costs incurred in the preparation of an application to this request. The Government reserves the right to accept or reject any or all applications received as a result of this request, to discuss this effort with all qualified sources, or to cancel in part or in its entirety, this RFA, if it is in the best interest of the Government to do so. The Cooperative Agreement Officer may require applicant(s) to participate in negotiations and to submit such budgetary, technical, or other revisions of their applications as may result from negotiations.

2. Format

Applications should not be submitted in an elaborate format and/or expensive binders. Legibility, clarity and completeness are important and essential.

3. Application Submission

- a. It is very important that the application be properly identified on the face of the envelope as set forth above in order to insure that the date and time of receipt is stamped on the face of the application envelope.
- b. Applications shall be submitted in an original and two copies.
- c. Telegraphic applications will not be considered. However, applications may be modified by telegraphic notice, provided such notice is received prior to the time set forth in paragraph nine (9) of this application instructions and conditions.

4. Threshold Eligibility

To be eligible to apply for funds under the Program, all agencies must meet the criteria prescribed at 24 CFR 111.107. Capacity Building applicants must also meet the criteria at 111.105 and applicants for incentive funds must meet additional criteria at 111.113. Specifically, an agency must:

- a. be certified as a substantially equivalent agency pursuant to 24 CFR Part 115.6 (or, as implemented by 24 CFR 115.4, as in effect before October 8, 1984) or, the Department must have entered into an

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agreement regarding interim referrals of complaints to an agency or other utilization of the services of such agency as described in 24 CFR 115.11, before the enactment of the Fair Housing Amendments Act of 1989. (Agencies which enter into an agreement with the Department as interim agencies for the

referral of complaints or other utilization of services subsequent to the enactment of the Fair Housing Amendments Act of 1988 (Pub.L. 100-43, approved September 13, 1988) are eligible for capacity building funds only.);

- b. have executed a written Memorandum of Understanding with the Department which, at a minimum, describes the working relationship to be in force between the agency and the Department. An agreement in accordance with 24 CFR 115.11 may constitute such a Memorandum of Understanding;
- c. be prepared to develop procedures acceptable to HUD for cooperating with other substantially equivalent agencies having concurrent jurisdiction;
- d. not unilaterally reduce the level of financial resources currently committed to fair housing complaint processing. Budget and staff reductions occasioned by legislative action outside the control of the agency will not result in a per se determination of ineligibility. HUD will, however, take such actions into consideration in assessing the ongoing viability of an agency's fair housing program; and
- e. participate in training sponsored by HUD and designed in consultation with HUD staff and agency representatives to provide uniform skills and technical knowledge.

Additionally, all first and second year program applicants must demonstrate that the agency has (or will receive) a sufficient volume of complaint activity to justify the requested allocation of funds for case processing activities.

5. Additional Eligibility for Incentive Funds

Contributions agencies which apply for incentive funds must demonstrate that they have, during the best 12 consecutive months in the period April, 1987 through September, 1988):

- a. processed the stated minimum number of dual-filed complaints. The number of complaints for localities is 15 and for States, 20. To be considered a processed complaint, a complaint must have been filed in accordance with 24 CFR 103 and accepted by the Regional Office as meeting the requirements under the Cooperative Agreement;

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- b. satisfactory performance in the timely submission of vouchers (except that this provision will not be implemented in FY'89);
- C. completed administrative processing of complaints in a timely

manner (except that this provision will not be implemented in FY'89);

- d. engaged in comprehensive and thorough investigative activities relative to complaints dual-filed with HUD; and
- e. spent (as certified by the head of the agency) during the agency's most recently concluded fiscal year a portion of its funds that are not Federal funds in support of fair housing activities. This portion must be no less than 20% percent of all funds expended by the applicant for fair housing activities.

6. Signature

The application shall be signed by an official authorized to bind the recipient and shall contain a statement that the application is effective for a 90 day (or more) period. The application shall also provide the following information:

Name, title, address, and telephone number of individual(s) with authority to negotiate and accept all assistance provided the organization, and also who may be contacted during the period the application is under evaluation.

7. Responsive Applications

In order to be considered responsive, applications must be accompanied by a proposed budget for the required assistance. Submission of a complete application will be construed a certification by the applicant that it meets the threshold eligibility criteria in 111.107.

8. Assistance Award

- a. The Government may award an assistance instrument, based on the applications received, without discussion of such applications. Accordingly, each application should be submitted on the most favorable terms from a budgetary and technical standpoint which the applicant can submit to the Government. However, the Government reserves the right to request additional data, or oral discussion or presentation, in support of the written applications.
- b. Any award made as a result of this Request for Application will contain the special and general provisions made a part of the RFA.

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9. Late Applications, Modification of Applications, Subsequent

## Applications and Withdrawals of Applications

- a. Any application received at the office designated in the solicitation after the exact date and time specified for receipt will not be considered unless it is received before awards are made, and:
  - (1) It was mailed on or before 12:00 midnight of the application deadline date. In such cases, applicants must use registered, certified, or U.S. Postal Service Express Mail Next Day Service - Post Office to Addressee, to substantiate the date of mailing. The only evidence to establish the date of mailing is the label and/or postmark on the wrapper or on the original receipt from the U.S. Postal Service. (The term "postmark" means a printed, stamped, or otherwise placed impression that is readily identifiable without further action as having been supplied and affixed by the U.S. Postal Service). If neither shows a legible date, and the application is received after the date specified, the application shall be deemed to have been mailed late. Private metered postmarks (such as those from Federal Express or other courier companies) shall not be acceptable proof of the date of mailing; or
  - (2) It is the only application received.
- b. Hand-delivered applications must be received in the designated office by the application deadline date and time (documentation is the notation on the application wrapper of the time and date received by the designated office).
- c. Any modification of an application is subject to the same conditions as in paragraphs (a) and (b) of this provision.
- d. Notwithstanding the above, a late modification of an otherwise successful application which makes its terms more favorable to HUD will be considered at any time it is received and may be accepted.
- e. Applications may be withdrawn by written notice or telegram (including mailgram) received at any time prior to award. Applications may be withdrawn in person by an applicant or their authorized representative, provided the person's identity is made known and the person signs a receipt for the application prior to award.

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- a. Applicants must complete the SF-424 (OMB Approval No. 0348-0043) in conformity with the relevant instructions accompanying this form.
- b. Applicants must indicate in Block 11 of the SF-424 the title of the financial assistance program for which they are applying and whether they are applying for Capacity Building or Incentive Funds. Block 11 should be completed as:

Fair Housing Assistance Program  
Capacity Building ( ) or Incentive Funds( )

IMPORTANT NOTE: The categories for which your agency may apply and the maximum amounts for each category are:

		Eligible	Maximum Amount
Capacity	Building	_____	\$_____
Incentive	Funding	_____	\$_____

- c. All agencies seeking support must comply with the program requirements for a description of the applicant agency's proposed activities and objectives and a schedule for completion and estimated cost of each proposed activity, established at 24 CFR Section 111.111(c)(1) and (2). That written statement should be included in an attachment to the SF 424 entitled PROGRAM NARRATIVE STATEMENT. The statement should be sufficiently specific to enable the Cooperative Agreement Officer to determine that the amount applied for is a reasonable cost projection in order to carry out the activities detailed in the statement.

The PROGRAM NARRATIVE STATEMENT should describe the principal task or sub-projects to be undertaken together with a discussion of their relationship to each other. It should discuss how each task will be implemented and when implementation is projected to begin and end. This timetable should be a line item chart showing start/stop dates by tasks. The Applicant must clearly state plans for reporting project progress to HUD during those phases of performance which may require substantial coordination with HUD personnel. If a survey instrument is included in the proposal the questions and usage are subject to OMB review and approval prior to use. If the proposed project is dependent upon the survey, any reward granted as a result of the evaluation process would necessarily be cancelled should OMB approval not be secured. Therefore, careful consideration should be given to any proposal which includes a survey instrument, including provision of approval time (at a minimum of six months) in the timetable and contingency plans for project implementation should OMB approval be unobtainable.

Additionally, the PROGRAM NARRATIVE STATEMENT should include requirements in Section 111.105 for capacity building agencies or the requirements in Section 111.113 for applicants for incentive funding as further explained in (d) and (e) below.

- d. All Capacity Building agencies (first and second year program participants) must comply with program application requirements applicable to Capacity Building agencies in Section 111.105. Specifically, the Capacity Building application must:
1. Demonstrate, in HUD's determination, that the agency has (or will receive) a sufficient volume of complaint activity to justify HUD's provision of funds for complaint processing activities;
  2. State the objectives and activities to be carried out by the applicant which must include:
    - (a) Participation in HUD-sponsored training. Applicants are required to participate in HUD-sponsored training at National and Regional levels. As the sites for training are not established in advance, applicants should budget the cost of participation at the rate of \$800 for each person to be attending. The justification for this training allotment should be that the agency will use these training funds to support the participation of staff in HUD-sponsored training at National and Regional levels. (Note: If the cost of participating in the training is less than the amount projected in the budget, the agency must use any remaining funds for other fair housing activities. Failure to budget for training money will not delete your obligation to participate in the training.
    - (b) Creation, modification, or improvement of the agency's complaint monitoring and reporting system (CMRS) to result in a system compatible to HUD'S. HUD anticipates the establishment of a computer network between the Department and FHAP agencies using a DOS operating system. The applicant should purchase at least an IBM-compatible computer with at least 640K (preferably a hard disk or hard board in the modem), PC-DOS or MS-DOS, a Hayes compatible modem with at least a 1200 baud rate, and D-Base III+ or other data base software capable of networking. Applicants which already own such equipment should specify what hardware they currently have and that it is available for use by the fair housing staff if they have current requisite capability. Funds can also be used for computer training, development of computer applications, purchase of other hardware and software or any other need related to automated data processing.

- (c) Case processing - Any funds proposed for investigation of complaints should be based on a level of support of \$650/case. Additionally, applicants can propose activities designed to improve investigations of housing discrimination such as development of new compliance techniques.
  - (d) Other fair housing activities - The primary purpose of Capacity Building funds is to develop and enhance an agency's capability to enforce its fair housing law. Agencies should propose other fair housing activities in accordance with the needs of their jurisdiction, such as activities that produce increased awareness of fair housing rights and remedies. The proposal should be expected to result in an on-going capacity to enforce the agency's fair housing law.
3. All activities proposed for funding must address, or have ultimate relevance to matters affecting fair housing which are cognizable under the Federal Fair Housing Act.
- e. All contributions agencies (third year and beyond program participants) seeking incentive funding must meet the eligibility criteria in 111.113. The agency must include the most recently concluded fiscal year's budget data showing non-Federal funds allocated to the applicant's fair housing program and certification that at least 20% of funds expended by the applicant for fair housing activities were from non-Federal sources. That expenditures information should be included in the Program Narrative Statement.

The Program Narrative Statement should cover the scope of work and general objectives to which the application is addressed. It should clearly and thoroughly explain why the issues addressed by the application are significant fair housing issues within the jurisdiction. It should describe how the proposed project results, upon completion, can be expected to impact on the targeted subject areas identified below and how the results can be of continuing use in dealing with housing discrimination.

- (f) The primary purpose of capacity building and incentive funds is to support activities that produce increased awareness of fair housing rights and remedies. All activities proposed for funding must address or have ultimate relevance to matters affecting fair housing which are cognizable under Title VIII. These activities include, but are not limited to the following:

1. Activities designed to develop and implement outreach efforts to heighten public awareness of all forms of housing discrimination prohibited under Title VIII of the Civil Rights Act of 1968, and of fair housing rights and responsibilities.

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2. Activities designed to create, modify, or improve local, regional, or national information systems concerned with fair housing matters.
3. Activities designed to improved an agency's capability to ensure fair housing through new or re-directed approaches to the agency's internal structure or compliance techniques.
4. Activities to develop and conduct a testing and auditing program for specific protected classes or special market areas for fair housing enforcement or litigation.
5. Activities designed to identify new or subtle practices of housing discrimination and to implement programs to eliminate such practices.
6. Activities designed to address violence and intimidation in the sale or rental of housing against persons because of their race, color, religion, sex, or national origin. These activities may include education, technical assistance, or the development of programs for prevention and response.
7. Activities designed to coordinate fair housing enforcement efforts of government enforcement agencies with various community resources which have an impact on the prevention or elimination of discriminatory housing practices.
8. Technical assistance to enable agencies to work with private fair housing groups, educational institutions, the real estate industry, similar constituents, and other governmental entities to eliminate or prevent housing discrimination.
9. Activities to provide services to aggrieved individuals by persons in specialized professions consistent with rights and remedies under applicable Federal, State, and local laws and ordinances prohibiting discrimination in housing.
10. Affirmative marketing activities to inform persons of housing opportunities with respect to government

assisted housing and the private housing market.

11. Activities designed to conduct investigations of systemic discrimination for further processing by State and local agencies, HUD, or the Department of Justice.
12. Fair housing training for enforcement agency staff.
13. Activities designed to create, modify, or improve an agency's complaint information and monitoring capacity to result in a system compatible with that of HUD's for internal monitoring of fair housing complaint activity.

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14. Activities designed to achieve substantial equivalency certification (e.g., amending relevant laws).
- g. Applicants must sign and submit the standard Assurances contained in Attachment C of this application kit as SF-424B. Applicants must also complete the Certification of Drug Free Workplace contained in this Attachment. Where an agency has more than one work site, the agency may use the address of its headquarters office for this certification.
  - h. Applicants must also sign and submit the certification contained in Attachment D of this application kit as required pursuant to 24 CFR Section 111.111(e).
  - i. Submission of an application for Incentive funds will be construed as certification by the applicant that it also meets all the additional criteria established in 24 CFR 111.113.
11. Completion instructions - Standard Form SF-424A, Budget Information
    - a. Applicants must complete the SP-424A (OMB Approval No. 0348-0044) in conformity with the relevant instructions accompanying this form in a manner consistent with their Program Narrative Statement.
    - b. Capacity Building applicants should use Section A Line 1 and Incentive funds applicants should use section A Line 2. Use Column (e) for total Federal funds applied for and Column (f) for any non-Federal funds you intend to provide. Column (g) should be the total of these two columns.
    - c. Section B is to provide a category breakout of the budget categories. The figures given in Lines 6a-h should be for usages consistent with your Program Narrative Statement. Additionally, all applicants are requested to submit a summary of the development of the individual cost elements

reflected in this breakout.

While the government recognizes that the costs are based on estimates, the summary should include detailed information on the individual elements of the costs proposed to establish the basis for your estimates. Include information such as quotes obtained from various vendors or historical data relied upon. All direct labor or salaries must be supported with time sheets or mandated city/State pay scales. All indirect cost rates must be supported by audited data which should be submitted for our review.

- d. Line 6i should show the total of lines 6a to 6h.
- e. Line 6j should include indirect costs only where the agency has a provisional, predetermined, final or fixed rate of indirect costs. That amount is NOT in addition to the maximum for which your agency is eligible. Where your agency has an indirect cost rate, the rate must be absorbed in the maximum for which you are eligible to apply.

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- f. Line 6k should be the total project cost. Where the amount on this line exceeds the amount for which your agency is eligible to apply, you must complete Section C to show the source of the remaining funds.
- g. An award under this RFA will not be made unless the applicant's financial management system meets the prescribed standards required by 24 CFR Section 85.20, Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments.

Awards can be expedited if all applicants submit with their application, a certification from an Independent Public Accountant (IPA) or the cognizant government auditor stating that the financial management system employed by the Agency meets the standards for fund control and accountability set forth in 24 CFR Section 85.20 and OMB Circular A-128, Audits of State and Local Governments.

The applicant shall provide a written assurance that timely submission of vouchers for payment will be in accordance with the applicable provisions of Article IV of the Cooperative Agreement (See Attachment D) and that all personnel involved in the development and submission of vouchers for payment are thoroughly familiar with the terms of Article IV of the Cooperative Agreement.

12. Depositary Form

Voucher payments will be sent to the depository designated by the recipient to receive Treasury checks. Applicants which do not have a current HUD-274 Designation of Depository form on file with HUD's Regional Accounting Division should submit a completed "Depository Form" or a statement saying: "The applicant will submit the required Depository Form prior to the execution of a Cooperative Agreement."

13. Freedom of Information Notification

Applications submitted in response to this solicitation are subject to disclosure under the Freedom of Information Act (FOIA). To assist the Department in determining whether to release information contained in an application in the event FOIA requests are received, applicants may, through clear earmarking or otherwise, indicate those portions of their applications which they believe should not be disclosed. While an applicant's advice will be considered by the Department in its determination whether to release requested information, it must be emphasized that the Department is required by FOIA to make an independent evaluation as to the release of all information requested, and that accordingly, information may be released notwithstanding the applicant's views. It is suggested that if an applicant believes that confidential treatment is appropriate, the basis for this view should be provided, where possible, because general assertions or blanket requests for confidentiality,

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without more, are not particularly helpful to the Department in making determinations concerning the release of information under the Act. It should also be noted that the Department is required to segregate disclosable information from nondisclosable information. Therefore, particular care should be taken in the identification of each portion for which confidential treatment is requested. Applicants' views concerning confidentiality will be used solely to aid the Department in preparing its response to FOIA requests. Further, offerors should note that the presence or absence of such comments and/or earmarking regarding confidentiality will have no bearing whatsoever on the evaluations of applications submitted pursuant to this solicitation, nor will the absence of this earmarking automatically result in greater disclosure.

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ATTACHMENT B

APPLICATION AND BUDGET

TO REVIEW THE COMPLETE PACKAGE REFER TO APPENDIX 12a AND 12b

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ATTACHMENT C

OMB STANDARD ASSURANCES - SF 424B

DRUG FREE CERTIFICATION

TO REVIEW THE COMPLETE CERTIFICATION REFER TO APPENDIX 12c

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ATTACHMENT C

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS  
AND COOPERATIVE AGREEMENTS

TO REVIEW THE COMPLETE CERTIFICATION REFER TO APPENDIX 12d

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ATTACHMENT E

APPLICABLE COOPERATIVE AGREEMENT PROVISIONS

It is contemplated that the Cooperative Agreement awarded as a result of this RFA will contain the specific provisions for Capacity building and Contributions Agreements that are included in the following pages. These articles are included for illustrative purposes only. Final agreement articles may be altered subsequent to negotiations and appropriate articles will be substituted where appropriate. All agreements with State and local agencies will incorporate by reference, where applicable, the Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognize Indian Tribal Governments. Those provisions which are anticipated to be applicable are identified in this attachment.

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CONTRIBUTIONS AGREEMENT

SCHEDULE OF ARTICLES

1. SCOPE OF WORK (FIXED PRICE)

2. PERIOD OF PERFORMANCE
3. INSPECTION AND ACCEPTANCE
4. CONDUCT OF WORK
5. INSTRUMENT AMOUNT, PAYMENT AND SUBMISSION OF INVOICES
6. USE OF GRANT FUNDS
7. MAINTENANCE OF EFFORT
8. HUD'S SUBSTANTIAL INVOLVEMENT
9. USE OF CONSULTANTS
10. PUBLICATIONS AND NEWS RELEASES
11. REPRODUCTION OF REPORTS
12. FLOW DOWN PROVISIONS
13. DISPUTES
14. LOBBYING PROHIBITION PROVISION

APPENDICES;

- STATEMENT OF WORK (APPENDIX A)
- CRITERIA FOR PROCESSING (APPENDIX B)
- ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS (APPENDIX C)

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1. SCOPE OF WORK (FIXED PRICE)

The Recipient shall furnish the necessary personnel, materials, services, equipment, facilities, (except as otherwise specified herein) and otherwise do all things necessary for or incidental to the performance of the work set forth in the Statement of Work for the firm fixed price set forth herein (APPENDIX A).

2. PERIOD OF PERFORMANCE

The Recipient shall provide all services hereunder for a period of twelve (12) months from the effective date of the instrument.

3. INSPECTION AND ACCEPTANCE

Inspection and acceptance of all but the final products may be accomplished by the GTMS, if so delegated. Final acceptance is the responsibility of the GTR.

4. CONDUCT OF WORK

A. During the effective period of this instrument, the Government Technical Representative and/or the Government Technical Monitor identified in Block 9 of the cover page shall be responsible for monitoring the technical effort of the Recipient, unless the Recipient is notified in writing by the G/CAO of a replacement.

B. Only the G/CAO has the authority to authorize deviations from

this instrument, including deviations from the Statement of Work. In the event the Recipient does deviate without written approval of the G/CAO, such deviation shall be at the risk of. and any costs related thereto, shall be borne by the Recipient.

5. INSTRUMENT AMOUNT, PAYMENT AND SUBMISSION OF INVOICES

A. The maximum amount for performance of the Statement of Work and all other requirements of this instrument is \$\_\_\_\_\_ to be distributed as follows:

1. The Recipient shall be paid the firm fixed amount of \_\_\_\_\_ to support the agency's fair housing effort in accordance with Appendix A, Statement of Work, Part A (General Requirements) and Part B (Contributions). Payments shall be made in accordance with paragraph B. below.
2. The Recipient shall be paid the firm fixed amount of \_\_\_\_\_ for attendance at HUD-sponsored training at National and Regional training sites. These monies may also be used to support additional in-house training by agencies for agency-specific problems and for training of staff unable to attend National or Regional training.

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subject to approval of the GTM. Failure to send the specified number of participants to training (See Statement of Work), will result in a \$1,000 deduction for each non-attendant below the minimum. Payments shall be made in accordance with paragraph B, below.

3. The Recipient shall be paid the firm fixed amount of \$\_\_\_\_\_ to support Incentive Funds activities in accordance with the Statement of Work, Part D (Incentive Funds). Payments shall be made in accordance with paragraph B, below.

B.	DATE FOR RECIPIENT'S SUBMISSION OF SF 270	CONTRIBUTIONS AMOUNT	TRAINING	INCENTIVE FUNDS
	90 days after the effective date of instrument	\$ _____	\$ _____	\$ _____
	180 days after the effective date of instrument	\$ _____	\$ _____	\$ _____
	270 days after the effective date of instrument	\$ _____	\$ _____	\$ _____

Final submission on or       \$                               \$                               \$  
before the completion  
date of instrument.

C. The Recipient shall submit Standard Form 270 "Request for Advance Reimbursement", to the Government Technical Monitor (GTM) at the address specified in Block 9 of the cover page of this Agreement on the dates stipulated above. All requests for payment shall be submitted in an original and three (3) copies, as indicated below. The final voucher shall be approved by the GTR and Cooperative Agreement Officer prior to final payment.

Interim Public Voucher	Attention of	Address Shown on Cover Sheet
Original & one copy	GTM	Block 9
One copy	GTR	Block 9
One copy	CAO	Block 8

All requests for payment of the final voucher shall be submitted in an original and three (3) copies as indicated below.

Final Public Voucher	Attention of	Address Shown on Cover Sheet
Original & one copy	GTR	Block 9
One copy	GTM	Block 9
One copy	CAO	Block 8

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Each voucher shall clearly set forth the instrument number shown in Block 3 of the HUD 1044 and the appropriation number in Block 15 and shall show the address of the depository to which the check is to be mailed. Requests for reimbursement shall be submitted on a Standard Form 270, showing the amount presently and previously vouchered for. Copies of this form are available upon request through contacting the administrator shown in Block 8 of the cover page.

Payment of item A.2 shall be made at the next available billing period after the training participation has occurred. Payment is subject to being withheld if it is the judgement of the GTM that the Recipient is not complying with all terms of the Cooperative Agreement. The Recipient shall identify the Cooperative Agreement Number in Block 4 of the SF 270 on all invoices. The final invoice shall be submitted on or before the completion date of the instrument.

D. Each Standard Form 270 shall be accompanied by a Narrative Report. This report shall not be more than one typed page for each activity pursuant to which payment is requested, and

shall describe the activities undertaken by the Recipient during the billing period. The reports for contributions toward case processing should be accompanied by a listing of all processed complaints, including the name of complainant, name of respondent, date closed or date conciliation failed subsequent to a finding of discrimination, and docket number. The Contributions Reports should also include a description of activities undertaken in support of its case processing and the Statement of Work Part A (General Requirements) and Part 8 (Contributions). The Reports for Training should be accompanied by a listing of agency participants with names and dates attending. The Reports for Incentive Funds should include a description of activities undertaken in support of its funding application and the Statement of Work, Part D (Incentive Funds).

- E. The Criteria for Processing is hereby incorporated as an attachment to the Schedule of Articles (APPENDIX B ATTACHMENT E).
- F. The Government shall remit all payments to the following address shown on the depository form:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. USE OF GRANT FUNDS

The agency is entitled to receive the fixed amount stated in the Cooperative Agreement for satisfactory completion of the work to be

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performed regardless of cost incurred. However, the program regulations and this Schedule of Articles require that all activities for which FHAP funds are used must address, or have relevance to, matters affecting fair housing which are cognizable under the Fair Housing Act (42 U.S.C. 3600-20).

7. MAINTENANCE OF EFFORT

The agency must not unilaterally reduce the level of financial resources currently committed to fair housing complaint processing. Budget and staff reductions occasioned by legislative action outside the control of the agency will not, alone, result in a determination of ineligibility. However, HUD will take such actions into consideration in assessing the ongoing viability of an agency's fair housing program.

8. HUD'S SUBSTANTIAL INVOLVEMENT

- A. HUD intends to have substantial involvement in the review and approval of all aspects of the work to be carried out as a

result of an award under this agreement.

- B. Anticipated substantial involvement may include, but not be limited to the following:
  - 1. Review and guidance in progress and upon completion of case investigations;
  - 2. Development and presentation of National and Regional fair housing training;
  - 3. Participation in the development and presentation of in-house training; and
  - 4. Participation in presentation of education and outreach programs.

9. USE OF CONSULTANTS

As required by BUD's Appropriations Act, salary payments to consultants under this instrument shall not exceed the equivalent of the maximum daily rate paid to GS-18 Federal Employees. The current rate is \$285.00 per day.

10. PUBLICATIONS AND NEWS RELEASES

- A. Definition. For the purpose of this clause, "publication" includes:
  - 1. Any document containing information for public consumption; or,
  - 2. The act of, or any act which may result in, disclosing information to the public.

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- B. The results of this program are planned to be made available to the public through dedication, assignment by the Government, or such other means as the Secretary shall determine.

C. Government Ownership of official Products of Work

All interim and final-reports and Information, data analyses, special methodology, findings, and their related documents and work products, including reports, work sheets, survey instruments, computer tapes, and any other physical materials and products produced directly under the Statement of work of this instrument are considered official Products of Work, owned by the Government and held for the benefit of the public.

D. Publication of official Products of Work

Official Products of Work, quotations therefrom, paraphrasing, or disclosures of interim findings may not be published without the approval of the GTR for a period of sixty (60) days after acceptance of the product by the GTR. Thereafter, the Recipient shall be free to publish without HUD approval.

E. Acknowledgement and Disclaimer

All Official Products of Work, or any part thereof, and any independent Products and Special Products arising out of this instrument, when published by Recipient or other participants in the work, shall contain the following acknowledgement and disclaimer:

"The work that provided the basis for this publication was supported by funding under a Cooperative Agreement with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Government."

F. Additional Grantee Publicity Requirement

Section 8136 of the Department of Defense Appropriations Act, 1989 (Pub. L. 100-463, approved October 1, 1988, 102 Stat. 2270-46) contains a new requirement applying to "all grantees receiving Federal funds." Section 8136 provides:

"When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state

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(1) the percentage Of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

This provision shall have no force or effect beyond fiscal year 1989, i.e. September 30, 1989.

G. Notice of News Release and Public Announcements

Two copies of all press releases, formal announcements, and other planned, written issuances containing news or information concerning this instrument that may be made by the Recipient or its staff, or any subcontractor or other person or organization participating in the work of this Instrument shall be provided to the GTR at the earliest possible time.

News releases and other public announcements way not disclose any interim finding or quote or paraphrase any part of any official Product of Work without complying with Paragraph E, above.

11. REPRODUCTION OF REPORTS

In accordance with Government Printing and Binding Regulations, reproduction of reports, data or other written materials, if required herein, is authorized provided that the materials produced do not exceed 5,000 production units of any page and the items consisting of multiple pages do not exceed 25,000 production units in aggregate.

12. FLOW DOWN PROVISIONS

The Recipient shall include provisions to carry out the purposes of this instrument in all contracts of employment with persons who perform any part of the work under this instrument, and with all subcontractors and other persons or organizations participating in any part of the work under this instrument. There shall be provisions for a further flow down of such requirements to each subtier of employees and subcontractors to the extent feasible.

13. DISPUTES

During performance of the instrument, disagreements may arise between the Recipient and the G/CAO on various issues, such as the allowability of costs. if a dispute concerning a question of fact arises, the G/CAO shall prepare a final decision, taking into account all facts and documentation presented. The decision shall be mailed to the Recipient. The Recipient may appeal the decision within thirty (30) days to the Assistant Secretary for Fair Housing and Equal Opportunity.

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APPENDIX A

STATEMENT OF WORK

A. GENERAL REQUIREMENTS

The Recipient agrees to process those housing discrimination complaints arising within its jurisdiction, except an otherwise stated in this Statement of Work. The Recipient agrees to cooperate with HUD in the handling of housing discrimination complaints under the Fair Housing Act and the fair housing law enforced by the jurisdiction in accordance with the Memorandum of Understanding entered into between HUD and the Recipient, and any amendments or revisions thereto executed during the course of this agreement by the signatories.

B. CONTRIBUTIONS

The Recipient agrees to process housing discrimination complaints in accordance with "A" above (General Requirements), and in accordance with the Criteria for Processing which are incorporated herein as an attachment to the Schedule of Articles.

The Recipient also agrees to augment its fair housing enforcement efforts by engaging in outreach, education, training and technical assistance pursuant to the Memorandum of Understanding.

C. TRAINING

The Recipient agrees to enroll a minimum of 4 employees in HUD-sponsored training at National and Regional training sites. Failure to send the specified number of participants to training will result in a \$1,000 deduction for each non-attendant below the minimum.

D. INCENTIVE FUNDING

The Recipient agrees to utilize the funds provided for this activity in accordance with the criteria established in 24 CFR Section 111.105(b)(3) and the RFA. The Recipient further agrees to implement the Incentive Fund activities set forth in Its application for funding. A list of product deliverables and timetables in a part of this Statement of Work.

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INCENTIVE FUND PRODUCTS

PRODUCT DELIVERABLE	DATE DUE
1.	
2.	
3.	
4.	
5.	

(CONTINUE TO LIST ALL SIGNIFICANT WORK PRODUCTS IN THE APPLICATION AND A DUE DATE FOR COMPLETION AS SET FORTH IN THE TIMETABLE.)

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APPENDIX B

CRITERIA FOR PROCESSING

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APPENDIX C

UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS  
AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

TO REVIEW EITHER THE SHORT OR LONG VERSION OF THIS  
MATERIAL SEE APPENDIX 6

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