

OFFICE OF THE GOVERNOR

ROBERT BENTLEY
GOVERNOR



STATE OF ALABAMA

ALABAMA DEPARTMENT OF ECONOMIC
AND COMMUNITY AFFAIRS

JIM BYARD, JR.
DIRECTOR

LETTER OF CONDITIONAL COMMITMENT

September 14, 2012

The Honorable John E. Koniar
Mayor of Foley
Post Office Box 1750
Foley, Alabama 36536-1750

Dear Mayor Koniar:

RE: CDBG Project
No. LR-CM-PF-12-007

Congratulations on the conditional approval of your April 16, 2012, sewer system improvement application for \$450,000.00. It will now be necessary for you to satisfy certain program start-up requirements. To assure timely implementation of the Community Development Block Grant Program, please submit to ADECA the following information no later than seventy-five days from the date of this letter. Upon satisfaction of all conditions, a grant agreement will be issued along with a "Notice of Removal of Grant Conditions," if required.

SUBMISSIONS TO BE MADE TO ADECA

1. A "Local Program Implementation Schedule" showing all major management tasks, persons responsible for accomplishing the tasks, and planned starting and completion dates.
2. A "CDBG Budget/Final Financial Report" showing a detailed breakdown of CDBG and other funds. Please remember to break out all administrative and engineering costs associated with the approved grant activities. You are reminded that costs allocated to project engineering must adhere to limits imposed by the Alabama Rural Development "Approved Median Fees For Professional Engineering Services" scale (Revised 10-01-05). Furthermore, administration costs must conform to the limits set by Alabama CDBG State Policy Letter 12(a) Revision 2, dated October 1, 2008.

NOTE: All hookups to be completed with CDBG funds must be shown as a separate line item on the budget form. Projects using local funds for hookups may include the hookups in the construction line item. However, the community must include a note on the budget form identifying the number of hookups included in the line item.

Please be reminded that CDBG funds can only be used to hook up residences occupied by low and moderate income persons. If residences occupied by high income persons are to be hooked up using local funds, then a declaration of a "public purpose" must be submitted to ADECA.

3. A "Request for Release of Funds and Certification" together with a copy of the newspaper advertisements or posted notices (1) "Notice of Finding of No Significant Impact on the Environment" and (2) "Notice to Public of Request for Release of Funds." For a project located in a flood plain and/or wetland, a copy of the newspaper advertisements or posted notices consisting of "Notice of Early Public Review" and "Notice of Explanation" shall be submitted. For projects not requiring a Request for Release of Funds, please submit an executed Finding of Categorical Exclusion or Finding of Exemption.
4. A completed "Designation of Responsible Officials" form.
5. A standard "Certification" showing signatures to be used on the drawdown forms and DUNS number.
6. An updated "CDBG Disclosure Report" indicating anyone to directly benefit from the project. This probably will be the firms you have selected for engineering and administration.
7. Your taxpayer identification number (TIN) and other pertinent information as requested on the standard form W-9 "Request for Taxpayer Identification Number."
8. A completed acknowledgement of "No Debt of the State" clause.
9. A local "Analysis of Impediments to Fair Housing Choice" based on the enclosed survey/guide.

10. A completed Civil Rights Compliance Questionnaire with required attachments; and Language Assistance Plan, if required.
11. A completed Bidding and Contracting Compliance Questionnaire.
12. Please provide a copy of the Active Status page from sam.gov showing the registration expiration date.
13. As competition for federal funds tightens, visibility of program benefits is essential to continued funding. Therefore, all grantees are being asked to provide a brief narrative and digital photographs of program progress. This information will be submitted electronically at program close out, but it is important to start collecting photographs and other means of telling the project's story at the earliest stages.
14. For all projects conducting new building construction or any activity taking place in a park property, submit a written concurrence from the ADECA Recreation and Conservation Program.
15. Please note that engineering contracts must be reviewed and approved by the ADECA Engineer prior to executing contracts. Further, all bid documents for construction projects must be reviewed and approved by the ADECA Engineer prior to advertising for bids (housing, parks, and buildings are excluded). Engineering contracts and bid materials may be sent by email to jim.tinney@adeca.alabama.gov.
16. Please note: As a condition of your grant, you will be required to comply with The Beason-Hammon Alabama Taxpayer and Citizen Protection Act, as amended. This compliance will require that for every contract or subcontract entered into as part of your CDBG project you need to do the following: 1) include the compliance language, as it appears in your grant agreement, in all contracts; 2) keep the original "Certificate of Compliance with the Beason-Hammon Alabama Taxpayer and Citizen Protection Act (Act 2011-535, as amended by Act 2012-491)" in your CDBG program files for review at monitoring; and 3) keep a copy of the "E-Verify Program for Employment Verification Memorandum of Understanding" between Homeland Security and the contractor/subcontractor. This applies to all vendors, contractors, and subcontracts, including professional services and regional planning and development commissions.

The Honorable John E. Koniar

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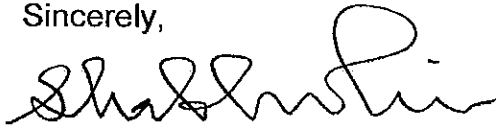
September 14, 2012

Please note that for water and sewer projects it will be necessary to forward plans and specifications to the Alabama Department of Environmental Management for review prior to advertising the project for bids. For any project, please note, other State and Federal agencies may require concurrence as part of your environmental review. All concurrences must be kept in your program files.

Your program may incur reasonable administrative costs beginning from the date of this letter to prepare the above submissions. However, no drawdowns will be permitted until the above submissions are made and the release of funds is accomplished. If for any reason, all of the submissions cannot be made during the prescribed time limit and these CDBG funds are obligated to another community, any administrative cost incurred must be borne locally by the city.

We are sending appropriate blank forms to your program administrator to make the above submissions. Be assured that our staff will assist you in every way to make your program a success. If you have any specific questions about the above submissions, please call me at 334-242-5468.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shabbir Olia', written in a cursive style.

Shabbir Olia
Manager, CED Programs

SAO:WAJ:tn

cc: Cara Stallman, Program Administrator (Enclosures)
Elaine Dobbs-Patterson