

CROSSCUTTING CERTIFICATION

Environmental Review Certification

HUD regulations at 24 CFR 58.22 prohibit grant recipients and their partners from committing or spending HUD or non-HUD funds on any activity that could have an adverse environmental impact or limit the choice or reasonable alternatives prior to completion of an environmental review once a project has become “federal”. This prohibition on “choice-limiting actions” includes, but not limited to: real property acquisition, demolition, disposition, rehabilitation, repair, new construction, site preparation or clearance, ground disturbance, and leasing, including a binding legal contract to commit these activities that is not conditioned on successful completion of the environmental review process.

I certify that I understand the above statement and acknowledge that no work may begin on a HUD funded project before receiving notice from the City of Dayton that the environmental review is complete and the project has been granted funding.

Signature

Section 3 Certification

The Section 3 contract threshold for contractors and subcontractors is \$200,000.00 of housing and community development funding. Projects subject to Section 3 requirements include, but are not limited to, housing rehabilitation, housing construction, and other public construction.

The applicant certifies that they will, to the greatest extent feasible, ensure that employment and other economic opportunities generated by their proposed project will be directed to low- and very low-income persons and to business concerns which provide economic opportunities to low- and very low-income persons.

The applicant certifies that if the labor hours benchmarks cannot be met, that they will participate in qualitative efforts to meet the requirements of Section 3. The applicant agrees to include Section 3 language in every subcontract, and will not subcontract with any subcontractor that the applicant has notice or knowledge that the subcontractor has been found in violation of Section 3 requirements. Noncompliance with HUD’s regulations in 24 CFR Part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

Signature

Davis Bacon Certification

Davis Bacon applies to most construction, alteration, or repair work on public and publicly assisted projects exceeding \$2,000. Once triggered for a portion of a project, labor standards apply to the entire project, including non-assisted portions. Davis Bacon applies to the rehabilitation of residential property if the property contains 8 or more units.

“Property” is defined as one or more buildings on an undivided lot or on contiguous lots or parcels, which are commonly-owned and operated as one rental, cooperative, or condominium project.

The applicant agrees to include the clauses contained in 29 CFR 5.5(a)(1) through (11), along with the applicable wage determination(s), in any subcontracts. The applicant agrees that all contractors and subcontractors performing work on the proposed project will submit weekly payroll reports through LCPtracker, or any other electronic labor compliance software utilized by the City.

The applicant understands that even if HUD Davis Bacon labor standards do not apply to a project, State prevailing wage rates may apply depending on other funding within a project.

Signature

Build America, Buy America (BABA) Certification

BABA applies to all CDBG funded infrastructure projects. An infrastructure project is defined as any project that includes construction, alteration, maintenance, or repair of infrastructure regardless of whether infrastructure is the primary purpose of the project.

For FY2024 funding BABA applies to iron, steel, and specifically listed construction materials. For FY2025 funding BABA applies to iron, steel, specifically listed construction materials, not listed construction materials, and manufactured products.

Specifically listed construction materials include: non-ferrous metals, lumber, and plastic- and polymer-based composite building materials, pipe, and tube. Not listed construction materials include: all other plastic- and polymer-based materials (such as polymers used in fiber optic cables), glass, fiber optic cables, optical fiber, engineered wood, and drywall. Manufactured products include: articles, materials, or supplies that have either been processed into a specific form or shape, or combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.

General and project/product specific waiver applicability is reviewed on a case-by-case basis.

The applicant understands the above information and agrees to comply with Build America, Buy America requirements.

Signature
