

**REQUEST FOR PROPOSALS (RFP)  
For  
Residential Flooding Assistance Program (RFAP)**

**Issued by:  
CITY OF CHICAGO  
Department of Planning and Development  
On  
March 18, 2015**

THE PROPOSAL SHOULD BE SUBMITTED  
VIA <http://www.cityofchicago.org/city/en/depts/obm/provdrs/FundingOpportunities.html>

**Complete detail of the RFP package should be reviewed or uploaded from:**

<http://www.cityofchicago.org/city/en/depts/obm/provdrs/FundingOpportunities.html>;

or, <http://www.cityofchicago.org/dpd>

All proposals must be submitted with supporting documentation including proposed scope of service and budget and uploaded into appropriate link in the online application system.

**All questions regarding to the Program should be directed to:**

Irma L. Morales, Assistant Commissioner  
[irma.morales@cityofchicago.org](mailto:irma.morales@cityofchicago.org)

Technical questions regarding the online application should be directed to the Office of Budget & Management Grant Management Unit at:  
[obmgmu@cityofchicago.org](mailto:obmgmu@cityofchicago.org)

**The submission must be transmitted with the correct program title: “Residential Flooding Assistance Program (RFAP)”, the name and address of the Respondent and the date and time the proposal is submitted.**

**PROPOSALS MUST BE RECEIVED ON-LINE NO LATER THAN  
April 17, 2015 at 4:30pm**



**Andrew J. Mooney**

**Rahm Emanuel**

**Commissioner**

**Mayor**

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## **SECTION I. Invitation**

The Department of Planning and Development (DPD) is soliciting applications from qualified and interested Respondents for grant subrecipients who are able to administer the Residential Flooding Assistance Program (RFAP). RFAP will provide grant awards to eligible primary owners and renters for activities necessary to repair storm-damaged single and multi-unit residential buildings.

### **A. Background**

On April 17<sup>th</sup> and 18<sup>th</sup> of 2013, a storm system swept through Chicago that dropped approximately 5.5 inches of rain on the City, or the equivalent of a “10-year storm,” the type of storm that occurs once every ten years based on historical storm frequency tables. The storm brought extensive damage to certain areas of the city which are highly vulnerable to flooding resulting in basement floods and substantial damages to homes.

The City has received Community Development Block Grant 2013 Disaster Recovery (CDBG-DR) funds under the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) through the U.S. Department of Housing and Urban Development (HUD), including \$10.3 million for housing assistance. CDBG-DR funds are to be used to assist homeowners and renters of single family and multi-family properties damaged by flooding in April 2013 with both recovery from that flood and mitigation against future flooding. This program will focus first on households that still can demonstrate existing unmet needs from the April 2013 flood, for needed repairs and for mitigation against future flooding. Then, additional flood mitigation assistance will be provided to applicants with damage from the April 2013 flood that repaired damage but did not mitigate future risk of flooding.

### **B. Anticipated Term of Contract and Funding Source(s)**

This initiative is administered by DPD through funding received through CDBG-DR via HUD. Consequently, all guidelines and requirements of the City of Chicago and CDBG-DR must be met. Selected Respondents will be required to comply with all laws, regulations, policies and procedures imposed by funding sources. Additionally, all selected Respondents must comply with the A-133 Single Audit Report which is required for delegate agencies that expend \$750,000 or greater in federal funds annually.

Up to \$10.3 million will be awarded, of which up to \$1.545 million will be available to administer this program. The term of contract(s) executed under this RFP will run from June 2015 through December 2016. DPD may extend the term of an agreement for up to one additional year. This extension option is contingent upon successful performance of the program and services provided, and upon availability of funds. Should a Respondent's contract be terminated or relinquished for any reason, DPD reserves the right to return to the pool of Respondents generated from this RFP to select another qualified Respondent.

### **C. Reimbursement**

Funding is subject to the availability and appropriation of funds. Respondents should be aware that payment for services by the City will be made on a reimbursement basis. Respondents should not plan to receive their first payment until up to 60 days after the execution of the contract. Respondent must be able to proceed with program operations upon award notification. **No advances will be given.**

### **D. Eligible Respondents**

This is a competitive process open to all non-profits. Ideal respondents will be able to demonstrate specific knowledge of and experience in administering grant awards funded with CDBG for either single-family buildings (1-4 units) and/or multi-family buildings (over 5 units), from initial intake to completion of the project.

Respondents must demonstrate their ability to provide the services articulated in the Scope of Services (Section III) of this RFP.

Respondent must demonstrate the fiscal capacity to support payment to contractors for repair and/or mitigation work performed, as payment from the City of Chicago will occur on a reimbursement basis. Administration costs, which include both direct and indirect expenses, will be capped at 15 percent as determined by the total cost of the proposed program including payment to contractors.

Respondents may submit a proposal in one or both of the following categories:

- 1) Assistance to Owners and Renters - Single-Family (single family detached homes, townhomes, condominiums and 2- 4 units).
- 2) Assistance to Owners and Renters – Multi-Family five (5) units or more.

Respondents must be willing to participate in the City's on-line grant management system contracting & vouchering trainings, including topics on participation selection, data collection, and researcher observations.

Respondents with existing contracts with the City that are not in good standing thereunder will not be considered for a contract. Agencies not eligible include those that have had a City contract terminated for default, and/or are currently debarred and/or have been issued a final determination by a City, State or Federal agency for performance of a criminal act, abridgement of human rights or illegal/fraudulent practices.

### **E. Project Location**

Respondent must apply to provide services to low to moderate income areas within the City of Chicago affected by the April 2013 flooding. Refer to the map included in Section III of this RFP: Scope of Services.

All funded services are to be linguistically and culturally appropriate for the community being served.

## **SECTION II: RFP and Submission Information**

### **A. Submission Information**

**The due date for submission of proposals is April 17, 2015 at 4:30pm**

Proposals will be accepted prior to the due date, from 9:00 a.m. to 4:30 p.m. Monday – Friday in the application on-line system. All proposals must be complete. Incomplete sections of the proposals will not allow application to be submitted for approval.

***No proposal will be considered complete and therefore reviewed unless completed on-line and you receive an email of submission receipt.***

***The on-line application system will close and not allow submissions after the due date and time. Incomplete application will be deemed NON-RESPONSIVE and, therefore rejected.***

### **B. Questions**

Respondents are strongly encouraged to submit all questions and comments related to the RFP via e-mail. For answers to program-related questions or the administration of this RFP please contact Irma Morales at [Irma.Morales@cityofchicago.org](mailto:Irma.Morales@cityofchicago.org)

### **C. Bidders Conference**

A Pre-Proposal conference will be held on March 25<sup>th</sup>, 2015 from 11:00am to 12:30pm in City Hall, 121 N LaSalle, 10<sup>th</sup> Floor, Room 1003A. Attendance at this conference is not mandatory but is highly advised. Time will be allocated for potential Respondents to meet and discuss specific questions.

To request reasonable accommodation for the pre-submittal conference, please contact Charlene Smith at [Charlene.Smith@cityofchicago.org](mailto:Charlene.Smith@cityofchicago.org). Requests for accommodations will be accepted up to 48 hours prior to the event.

### **D. Timeline**

This is the anticipated timeline for the funded programming:

Proposal Release Date:	March 18, 2015
Bidders Conferences:	March 25, 2015
Proposal Due:	April 17, 2015
Award Notification Date:	May 6, 2015
Anticipated Contract Start Date:	June 15, 2015

## **E. Format of the Proposal**

In addition to the requested information stated in the accompanying application and budget files (constituting the narrative and budget portions of the proposal) through the on-line system, Respondents must supply the additional information identified in the list below. The proposal should consist of the following items, in this order:

1. Electronic responses and supporting documentation to questions.
2. An itemized budget request developed using the guidelines and budget forms.
3. A System for Award Management (SAM) number. For information on how to obtain a SAM number for your organization, please refer to the following website: <https://www.sam.gov/portal/public/SAM/>
4. For non-profit applicants only: proof of 501(c)3 Good Standing from the IRS. This can be accomplished by filling out the following form and printing the result for inclusion. <http://apps.irs.gov/app/eos/mainSearch.do?mainSearchChoice=pub78&dispatchMethod=selectSearch>
5. Copy of Official Articles of Incorporation
6. A copy of the applicant's most recent fiscal audit report
7. Certificate of Insurance
8. A Certificate of Good Standing from the Illinois Secretary of State's Office

A Certificate of Economic Disclosure will be required for all awarded contracts but is **not** required at the time of submission.

Failure to submit a complete proposal and/or to respond fully to all requirements may cause the proposal to be deemed unresponsive and, therefore, subject to rejection.

Receipt of a final proposal does not commit the department to award a grant or to pay any costs incurred in the preparation of an application.

## **SECTION III. Scope of Service**

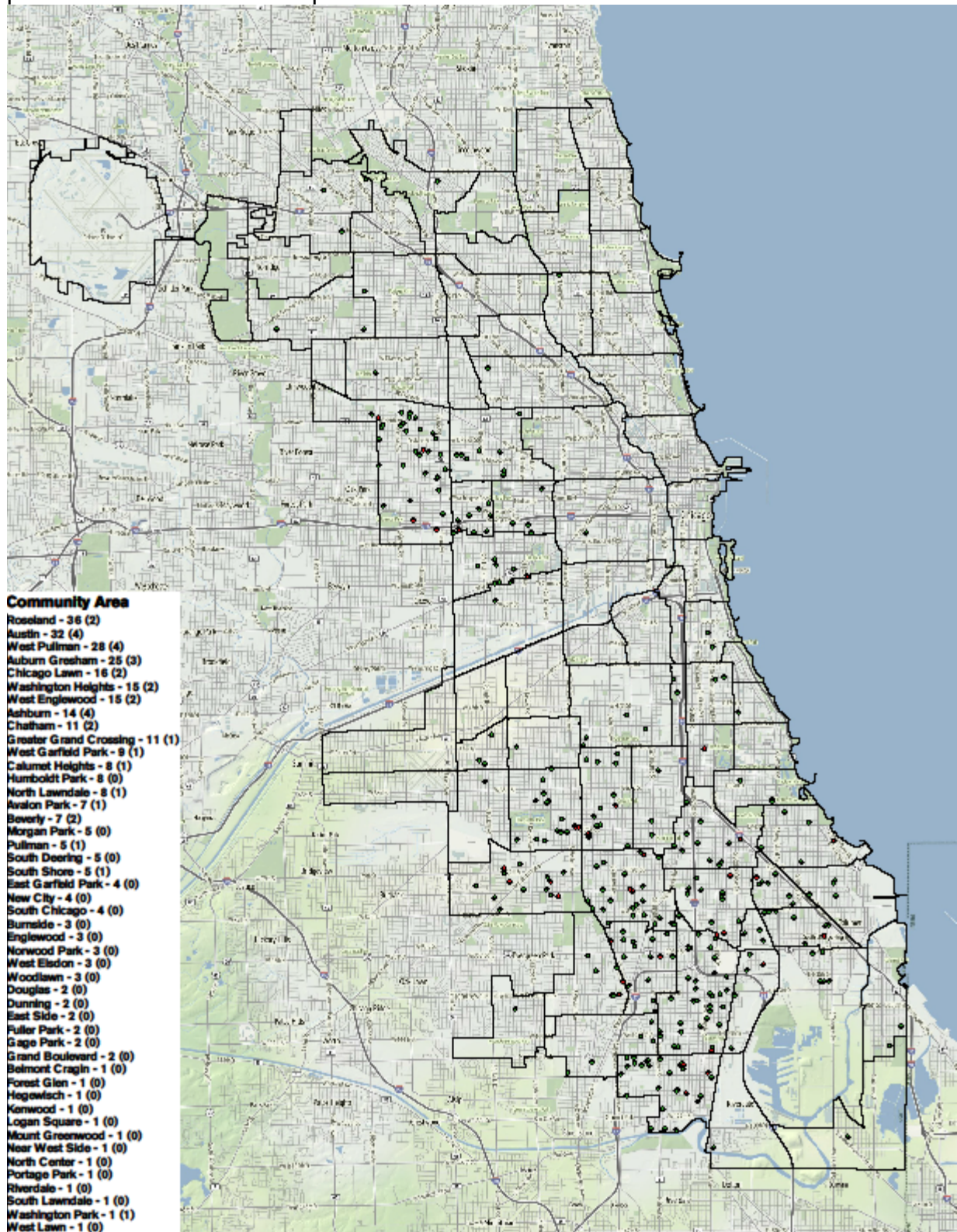
### **A. Program Objectives**

The respondent and its contractors will work on projects that meet the two objectives of this program, regardless of whether the applicant is responding to the single-family and/or multifamily category:

#### Unmet Needs

Provide grant awards to eligible homeowners, tenants, and landlords for activities necessary to repair properties identified as still having unmet needs from the April 2013 flooding. Eligible issues to resolve include but are not limited to: mold, framing/structural, drywall/finishing, flooring, plumbing, electrical, water heaters, HVAC, backflow valves, and appliance / furniture replacement.

The map below provides a geographic overview of the unmet need. Further detail will be provided to the selected respondent.



### Future Prevention

Provide grant awards to eligible homeowners, tenants, and landlords for reducing the risk of future flooding in designated areas. Eligible mitigation efforts include but are not limited to the installation of: backflow valve/ejector pump systems (mostly exterior), foundation wall waterproofing tied to drain tile & pump, rain blockers in catch basins, downspout disconnection, landscaping, permeable pavers, and rain barrels (cisterns).

## **B. Responsibilities**

For both of the program categories listed below, Respondent responsibilities will include:

- (a) Screen applicants received from the city based on criteria provided by the city
- (b) Conduct outreach to potential applicants with FEMA-verified loss
- (c) Verify eligibility of applicants and determine the need for repair and/or mitigation
- (d) Determine the need for repair and/or mitigation and assess applicants' rehab project proposals
- (e) Provide oversight of the selection of contractors, including the bidding of rehab projects to qualified license contractors and assisting property owners with contractor selection
- (f) Confirm that projects are completed properly and are in compliance with all city, state, and federal regulations.
- (g) Manage payments to contractors, including verification that all necessary paperwork is completed, and submit for reimbursement
- (h) Confirm that applicable federal and state environmental laws are followed

In addition, the following will be required:

Previous Programmatic Experience: Respondents should demonstrate knowledge of the populations to be served or similar populations and the way in which these populations should be served.

Administrative/Fiscal Capacity and Experience: Respondents should demonstrate the resources and expertise to meet all administrative and fiscal requirements, including technological, management, administrative and staff capabilities.

Program Design and Administration: Respondents should demonstrate the capacity of their key staff to carry out the CDBG-DR activities.

## **C. Program Categories**

Respondents may submit a proposal in one or both of the following categories:

- 1) Assistance to Homeowners and Renters - Single-Family (single family detach homes, townhomes, condominiums and 2- 4 units).
- 2) Assistance to Owners and Renters – Multi-Family five (5) units or more.



## **D. Performance & Data Management**

The selected respondent must secure approval for the use of the “Coordinated Assistance Network” (CAN) case management shared system, which is managed by a multi-organizational partnership between some of the nation's leading nonprofit disaster relief organizations, so that the respondent can access existing FEMA applicants and referrals identified during the 2013 flooding. The CAN system will provide case management, standardization of data, and access to reporting tools. See [www.can.org](http://www.can.org) for additional details.

The selected respondent will be required to submit monthly and quarterly reports under each program objective (unmet need and preventive flood measures) including demographics required by CDBG-DR reporting so that activities can be entered into the Disaster Recovery Grant Reporting (DRGR) system for HUD reporting purposes.

## **E. Monitoring and Compliance Requirements:**

Davis-Bacon Act and Illinois Prevailing Wage Act: The requirements of the Davis-Bacon Act apply to the rehabilitation of residential property if such property contains 8 or more units. However, the requirements do not apply to volunteer work where the volunteer does not receive compensation, expense reimbursements, reasonable benefits, or a nominal fee for such services, and is not otherwise employed at any time in construction work. Refer to 42 USC5310; Section 1606 of the American Recovery and Reinvestment Act; section 1205 of Pub.L.No.11-32; 24 CFR section 570.603.

The requirements of the Illinois Prevailing Wage Act apply to the rehabilitation of residential property if such property contains 7 or fewer units.

Environmental Reviews: Rehabilitation projects must have an environmental review before a “notice to proceed” can be provided to a contractor/vendor to commence work. The selected respondent will be responsible for requesting an environment clearance from the City’s Department of Fleet and Facility Management (2FM) for each project. Projects without an environmental clearance in place will not be eligible for reimbursement.

Lead Abatement Requirements: The Environmental Protection Agency’s (EPA)’s Lead Renovation, Repair and Painting Rule (RRP Rule) requires that firms performing renovation, repair, and painting projects that disturb lead-based paint in homes, child care facilities and pre-schools built before 1978 have their firm certified by EPA (or an EPA authorized state), use certified renovators who are trained by EPA-approved training providers and follow lead-safe work practices. Respondents will need to track and provide the following information for HUD reporting purposes:

Applicable Lead Paint Requirement: (For rehabilitation only)

	# Units
Housing constructed before 1978	[    ]
Exempt: housing constructed 1978 or later	[    ]
Exempt: No paint disturbed	[    ]
Otherwise exempt ( Hard cost less than \$5,000)	[    ]
Total	0

Lead Hazard Remediation Actions: (For rehabilitation only)

	# Units
Lead Safe Work Practices (24 CFR 35.930(b)) (Hard costs <= \$5,000)	[    ]
Interim Controls or Standard Practices (24 CFR 35.930(c)) (Hard costs \$5,000 - \$25,000)	[    ]
Abatement (24 CFR 35.930(d)) (Hard costs > \$25,000)	[    ]
Total	0

Rehabilitation: The Selected Respondent must ensure that the rehabilitation work is properly completed, by:

- Verifying that pre-rehabilitation inspections are conducted describing the deficiencies to be corrected;
- Ascertaining that the deficiencies to be corrected are incorporated into the rehabilitation contract;
- Verifying through a review of documentation that the grantee inspects the rehabilitation work upon completion to assure that it is carried out in accordance with contract specifications, and that CDBG-DR projects were carried out in accordance with rehabilitation standards.

In addition, all rehabilitation projects should apply appropriate construction standards to mitigate risk, which may include: raising utilities or other mechanical devices above the expected flood level; wet flood proofing in a basement or other areas below the Advisory Base Flood Elevation/best available data plus one foot; using water resistant paints or other materials; or dry flood proofing non-residential structures by strengthening walls, sealing openings, or using waterproof compounds or plastic sheeting on walls to keep water out.

Eligibility of mold remediation costs: Mold remediation is an eligible CDBG-DR rehabilitation activity; however, the activity encompassing mold remediation must address a direct or indirect impact caused by the April 2013 flooding.

Delegate Monitoring: If your organization has expended federal funds under this and other agreements totaling less than \$750,000 during your fiscal year, you must submit to the City of Chicago Internal Audit at the address below a notarized "Delegate Agency Certification of Federal Expenditures" form certifying that your organization is exempt from Federal audit requirements for that year pursuant to the OMB Super Circular, Section 200.501(d), Exemption when Federal awards expended are less than \$750,000. Copies of this Certification form may be obtained from City of Chicago Internal Audit at the address below.

Selected contractor or sub-recipient will be required to acknowledge that the City may perform, or cause to be performed, various monitoring procedures relating to your award(s) of federal funds, including, but not limited to, any audits, or reviews, site visits related to compliance with the grant requirements.

Awarded contractor will be required to submit the audit reports, whether single audit or program-specific audit, within 6 months after agency's fiscal year-end. Contractor must submit the audit, within this time frame, to the Department and to:

City of Chicago Internal Audit  
Attention: OMB Reviews  
333 South State Street, Suite 320  
Chicago, IL 60604

If an OMB audit is required, you will also submit a copy of the audit via electronic submission, within the same time frame indicated in Sec. 200.512(a), Report submission, or Sec. 200.507(c), Report submission for program-specific audits, as applicable, of the OMB Super Circular, to the Federal Audit Clearinghouse using the Internet Data Entry System. Further, you must submit, with the audit, a report which comments on the findings and recommendations in the audit, including corrective action planned or taken.

The Department will be allowed to perform a variety of techniques to monitor and evaluate its sub-recipient programs. They will include, but not be limited to, the following:

A) FISCAL MONITORING:

- performing desk reviews of voucher supporting documentation;
- conducting onsite fiscal reviews using a risk-based approach;
- regular internal coordination meetings to review delegate agency issues related to program and fiscal performance;
- review and follow up on agency audits conducted by other entities: internal audits, A-133 audits and other audits that may be applicable;

**B) PROGRAM MONITORING:**

- program monitoring will be based on reports generated by the CAN System data and any other techniques which program staff will deem appropriate;
- onsite program reviews will be conducted using a risk-based approach;

**SECTION IV. Evaluation and Selection Procedures**

**A. Evaluation Process**

An evaluation committee created by DPD will evaluate and rate all proposals based on the evaluation criteria outlined below. Each proposal will be evaluated on the strengths of the proposal and the responsiveness to the selection criteria outlined below. DPD reserves the right to consult with other City departments or public or private funders during the evaluation process. Selected Respondent must be ready to proceed with proposed program at the time of contracting.

The Commissioner, upon review of recommended agencies, may reject, deny or recommend agencies that have applied for grants based on previous performance and/or area need. Selections will not be final until the City and the Respondent have fully negotiated and executed a contract. The City assumes no liability for costs incurred in responding to this RFP or for costs incurred by the Respondent in anticipation of a fully executed contract.

**B. General Selection Criteria**

The Proposals will be evaluated on the Respondent’s ability as defined in this RFP. The following criteria will be used in evaluating all proposals:

<b>Points</b>	<b>Criteria</b>
<b>30</b>	<b>Organizational and Fiscal Capacity</b> Does the Respondent have the sufficient controls to administer the program/contract successfully? Does the Respondent have sufficient fiscal capacity to make payment to contractors while waiting for reimbursement?
<b>30</b>	<b>Quality Proposed Program</b> Does the proposed program align with the scope outlined in the RFP? Does the Respondent demonstrate knowledge in how to develop and deliver this type of program? Does the Respondent possess prior experience delivering either this type of service, working with the stated population or both?
<b>20</b>	<b>Quality of Proposed Budget</b> How realistic and accurate is the budget? Does it align with the proposed program’s narrative?
<b>10</b>	<b>Special Considerations (Geography, Special Populations served or Special Expertise/Skills)</b> Does the Respondent identify any special/specific skills towards serving the specific geography applied for?
<b>10</b>	<b>Overall Responsiveness</b> Is the submission complete?

## **C. Additional Evaluation Criteria**

For all providers:

- Quality and variety of Respondent's references concerning past performance.
- Quality and variety of Respondent's current and planned service linkages and resources.
- Prior experience managing programs of similar size and scope.
- Evidence of effectiveness of current programming.
- Quality of training provided to staff.
- Quality of proposed plan for supervision.
- Quality of proposed plan for staffing.
- Geographic region, linguistic or cultural specificity.

The Proposals will be evaluated on the Respondent's ability to provide programming as defined in this RFP. The Respondent will qualify based on demonstrated capacity, competency and a successful history of meeting the requirements outlined in this RFP. Past performance on similar services will be considered as part of the evaluation process. Eligible proposals will be evaluated on the basis of completeness of application.

DPD reserves the right to seek clarification of information submitted in response to this Application and/or to request additional information during the evaluation process and make site visits and/or require Respondents to make an oral presentation or be interviewed by the review subcommittee, if necessary.

## **SECTION V. Legal and Submittal Requirements**

### **A. City of Chicago Economic Disclosure Statement (EDS)**

Respondents are required to execute the Economic Disclosure Statement annually through The City's on-line EDS system. Its completion will be required for those Respondents who are awarded contracts as part of the contracting process. More information about the on-line EDS system can be found at:

<https://webapps.cityofchicago.org/EDSWeb/appmanager/OnlineEDS/desktop>

### **B. Disclosure of Litigation and Economic Issues**

Legal Actions: Respondent must provide a listing and brief description of all material legal actions, together with any fines and penalties, for the past five (5) years in which (i) Respondent or any division, subsidiary or parent company of Respondent, or (ii) any officer, director, member, partner, etc., of Respondent if Respondent is a business entity other than a corporation, has been:

1. A debtor in bankruptcy; or
2. A defendant in a legal action for deficient performance under a contract or in violation of a statute or related to service reliability; or

3. A Respondent in an administrative action for deficient performance on a project or in violation of a statute or related to service reliability; or
4. A defendant in any criminal action; or
5. A named insured of an insurance policy for which the insurer has paid a claim related to deficient performance under a contract or in violation of a statute or related to service reliability; or
6. A principal of a bond for which a surety has provided contract performance or compensation to an obligee of the bond due to deficient performance under a contract or in violation of a statute or related to service reliability; or
7. A defendant or Respondent in a governmental inquiry or action regarding accuracy of preparation of financial statements or disclosure documents.

Any Respondent having any recent, current or potential litigation, bankruptcy or court action and/or any current or pending investigation, audit, receivership, financial insolvency, merger, acquisition, or any other fiscal or legal circumstance which may affect their ability currently, or in the future, to successfully operate the requested program, must attach a letter to their proposals outlining the circumstances of these issues. Respondent letters should be included in a sealed envelope, directed to the Commissioner. Failure to disclose relevant information may result in a Respondent being determined ineligible or, if after selection, in termination of a contract.

### **C. Grant Agreement Obligations**

By entering into this grant agreement with the City, the Respondent is obliged to accept and implement any recommended technical assistance. The grant agreement will describe the payment methodology. DPD anticipates that payment will be conditioned on the Respondent's performance in accordance with the terms of its grant agreement.

### **D. Funding Authority**

These initiatives are administered by the DPD through funding received from the CDBG-DR. Consequently, all guidelines and requirements of the City of Chicago and HUD must be met. The Selected Respondent will be required to comply with all laws, regulations, policies and procedures imposed by the funding sources. Additionally, all delegate agencies must comply with the Single Audit Act where applicable, including OMB Circular A-133, (entitled "Audits of States, Local Governments and Non-Profit Organizations"), the compliance requirements set forth in the OMB Compliance Supplement, and any additional testing and reporting required by the City. Other City monitoring measures such as fiscal and programmatic site visits will apply.

## **E. Insurance Requirements**

Funded Respondents will provide and maintain, at their expense, the insurance coverage and requirements specified by the City of Chicago in the "Insurance Requirements and Insurance Certificate" included in the on-line application. The Insurance Certificate of Coverage is only required for those Respondents who are selected for a grant agreement award at which time more information will be given. However, a preliminary version of this certificate must be provided when responding to the RFP as the City of Chicago cannot enter into contracts with Respondents without the insurance.

## **F. Indemnity**

The successful Respondent will be required to indemnify City of Chicago for any losses or damages arising from the delivery of services under the grant agreement that will be awarded. The City may require the successful Respondent to provide assurances of performance, including, but not limited to, performance bonds or letters of credit on which the City may draw in the event of default or other loss incurred by the City by reason of the Respondent's delivery or non-delivery of services under the grant agreement.

## **G. False Statements**

### **1. 1-21-010 False Statements.**

Any person who knowingly makes a false statement of material fact to the city in violation of any statute, ordinance or regulation, or who knowingly falsifies any statement of material fact made in connection with an proposal, report, affidavit, oath, or attestation, including a statement of material fact made in connection with a bid, proposal, contract or economic disclosure statement or affidavit, is liable to the city for a civil penalty of not less than \$500.00 and not more than \$1,000.00, plus up to three times the amount of damages which the city sustains because of the person's violation of this section. A person who violates this section shall also be liable for the city's litigation and collection costs and attorney's fees. The penalties imposed by this section shall be in addition to any other penalty provided for in the municipal code. (Added Coun. J. 12-15-04, p. 39915, § 1)

### **2. 1-21-020 Aiding and Abetting.**

Any person who aids, abets, incites, compels or coerces the doing of any act prohibited by this chapter shall be liable to the city for the same penalties for the violation. (Added Coun. J. 12-15-04, p. 39915, § 1)

### **3. 1-21-030 Enforcement.**

In addition to any other means authorized by law, the corporation counsel may enforce this chapter by instituting an action with the department of administrative hearings. (Added Coun. J. 12-15-04, p. 39915, § 1)

## **H. Compliance with Laws, Statutes, Ordinances and Executive Orders**

Grant awards will not be final until the City and the respondent have fully negotiated and executed a grant agreement. All payments under grant agreements are subject to annual appropriation and availability of funds. The City assumes no liability for costs incurred in responding to this RFP or for costs incurred by the respondent in anticipation of a grant agreement. As a condition of a grant award, respondents must comply with the following and with each provision of the grant agreement:

1. Conflict of Interest Clause: No member of the governing body of the City of Chicago or other unit of government and no other officer, employee, or agent of the City of Chicago or other government unit who exercises any functions or responsibilities in connection with the carrying out of the project shall have any personal interest, direct or indirect, in the grant agreement.

The respondent covenants that he/she presently has no interest, and shall not acquire any interest, direct, or indirect, in the project to which the grant agreement pertains which would conflict in any manner or degree with the performance of his/her work hereunder. The respondent further covenants that in the performance of the grant agreement no person having any such interest shall be employed.

2. Governmental Ethics Ordinance, Chapter 2-156: All respondents agree to comply with the Governmental Ethics Ordinance, Chapter 2-156 which includes the following provisions: a) a representation by the respondent that he/she has not procured the grant agreement in violation of this order; and b) a provision that any grant agreement which the respondent has negotiated, entered into, or performed in violation of any of the provisions of this Ordinance shall be voidable by the City.

3. Selected respondents shall establish procedures and policies to promote a Drug-free Workplace. The selected respondent shall notify employees of its policy for maintaining a drug-free workplace, and the penalties that may be imposed for drug abuse violations occurring in the workplace. The selected respondent shall notify the City if any of its employees are convicted of a criminal offense in the workplace no later than ten days after such conviction.

4. Business Relationships with Elected Officials - Pursuant to Section 2-156-030(b) of the Municipal Code of Chicago, as amended (the "Municipal Code") it is illegal for any elected official of the City, or any person acting at the direction of such official, to contact, either orally or in writing, any other City official or employee with respect to any matter involving any person with whom the elected official has a business relationship, or to participate in any discussion in any City Council committee hearing or in any City Council meeting or to vote on any matter involving the person with whom an elected official has a business relationship. Violation of Section 2-156-030(b) by any elected official with respect to the grant agreement shall be grounds for termination of the grant agreement. The term business relationship is defined as set forth in Section 2-156-080 of the Municipal Code.



Section 2-156-080 defines a “ business relationship” as any contractual or other private business dealing of an official, or his or her spouse or domestic partner, or of any entity in which an official or his or her spouse or domestic partner has a financial interest, with a person or entity which entitles an official to compensation or payment in the amount of \$2,500 or more in a calendar year; provided, however, a financial interest shall not include: (i) any ownership through purchase at fair market value or inheritance of less than one percent of the share of a corporation, or any corporate subsidiary, parent or affiliate thereof, regardless of the value of or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended; (ii) the authorized compensation paid to an official or employee for his office or employment; (iii) any economic benefit provided equally to all residents of the City; (iv) a time or demand deposit in a financial institution; or (v) an endowment or insurance policy or annuity contract purchased from an insurance company. A “contractual or other private business dealing” shall not include any employment relationship of an official’s spouse or domestic partner with an entity when such spouse or domestic partner has no discretion concerning or input relating to the relationship between that entity and the City.

5. Compliance with Federal, State of Illinois and City of Chicago regulations, ordinances, policies, procedures, rules, executive orders and requirements, including Disclosure of Ownership Interests Ordinance (Chapter 2-154 of the Municipal Code); the State of Illinois - Certification Affidavit Statute (Illinois Criminal Code); State Tax Delinquencies (65ILCS 5/11-42.1-1); Governmental Ethics Ordinance (Chapter 2-156 of the Municipal Code); Office of the Inspector General Ordinance (Chapter 2-56 of the Municipal Code); Child Support Arrearage Ordinance (Section 2-92-380 of the Municipal Code); and Landscape Ordinance (Chapters 32 and 194A of the Municipal Code).

6. If selected for grant award, respondents are required to (a) execute the Economic Disclosure Statement and Affidavit, and (b) indemnify the City as described in the grant agreement between the City and the successful respondents.

7. Prohibition on Certain Contributions, Mayoral Executive Order 2011-4. Neither you nor any person or entity who directly or indirectly has an ownership or beneficial interest in you of more than 7.5% ("Owners"), spouses and domestic partners of such Owners, your Subcontractors, any person or entity who directly or indirectly has an ownership or beneficial interest in any Subcontractor of more than 7.5% ("Sub-owners") and spouses and domestic partners of such Sub-owners (you and all the other preceding classes of persons and entities are together, the "Identified Parties"), shall make a contribution of any amount to the Mayor of the City of Chicago (the "Mayor") or to his political fundraising committee during (i) the bid or other solicitation process for the grant agreement or Other Contract, including while the grant agreement or Other Contract is executory, (ii) the term of the grant agreement or any Other Contract between City and you, and/or (iii) any period in which an extension of the grant agreement or Other Contract with the City is being sought or negotiated.

You represent and warrant that since the date of public advertisement of the specification, request for qualifications, request for proposals or request for information (or

any combination of those requests) or, if not competitively procured, from the date the City approached you or the date you approached the City, as applicable, regarding the formulation of the grant agreement, no Identified Parties have made a contribution of any amount to the Mayor or to his political fundraising committee.

You shall not: (a) coerce, compel or intimidate your employees to make a contribution of any amount to the Mayor or to the Mayor's political fundraising committee; (b) reimburse your employees for a contribution of any amount made to the Mayor or to the Mayor's political fundraising committee; or (c) bundle or solicit others to bundle contributions to the Mayor or to his political fundraising committee.

The Identified Parties must not engage in any conduct whatsoever designed to intentionally violate this provision or Mayoral Executive Order No. 2011-4 or to entice, direct or solicit others to intentionally violate this provision or Mayoral Executive Order #. 2011-4.

Violation of, non-compliance with, misrepresentation with respect to, or breach of any covenant or warranty under this provision or violation of Mayoral Executive Order No. 2011-4 constitutes a breach and default under the grant agreement, and under any Other Contract for which no opportunity to cure will be granted. Such breach and default entitles the City to all remedies (including without limitation termination for default) under the grant agreement, under any Other Contract, at law and in equity. This provision amends any Other Contract and supersedes any inconsistent provision contained therein.

If you violate this provision or Mayoral Executive Order No. 2011-4 prior to award of the Agreement resulting from this specification, the Commissioner may reject your bid.

For purposes of this provision:

"Other Contract" means any agreement entered into between you and the City that is (i) formed under the authority of Municipal Code Ch. 2-92; (ii) for the purchase, sale or lease of real or personal property; or (iii) for materials, supplies, equipment or services which are approved and/or authorized by the City Council.

"Contribution" means a "political contribution" as defined in Municipal Code Ch. 2-156, as amended.

"Political fundraising committee" means a "political fundraising committee" as defined in Municipal Code Ch. 2-156, as amended.

8. (a) The City is subject to the June 24, 2011 "City of Chicago Hiring Plan" (the "2011 City Hiring Plan") entered in *Shakman v. Democratic Organization of Cook County*, Case No 69 C 2145 (United States District Court for the Northern District of Illinois). Among other things, the 2011 City Hiring Plan prohibits the City from hiring persons as governmental employees in non-exempt positions on the basis of political reasons or factors.

(b) You are aware that City policy prohibits City employees from directing any individual to apply for a position with you, either as an employee or as a subcontractor, and from directing you to hire an individual as an employee or as a subcontractor. Accordingly, you must follow your own hiring and contracting procedures, without being influenced by City employees. Any and all personnel provided by you under the grant agreement are employees or subcontractors of you, not employees of the City of Chicago. The grant agreement is not intended to and does not constitute, create, give rise to, or otherwise recognize an employer-employee relationship of any kind between the City and any personnel provided by you.

(c) You will not condition, base, or knowingly prejudice or affect any term or aspect of the employment of any personnel provided under the grant agreement, or offer employment to any individual to provide services under the grant agreement, based upon or because of any political reason or factor, including, without limitation, any individual's political affiliation, membership in a political organization or party, political support or activity, political financial contributions, promises of such political support, activity or financial contributions, or such individual's political sponsorship or recommendation. For purposes of the grant agreement, a political organization or party is an identifiable group or entity that has as its primary purpose the support of or opposition to candidates for elected public office. Individual political activities are the activities of individual persons in support of or in opposition to political organizations or parties or candidates for elected public office.

(d) In the event of any communication to you by a City employee or City official in violation of paragraph (b) above, or advocating a violation of paragraph (c) above, you will, as soon as is reasonably practicable, report such communication to the Hiring Oversight Section of the City's Office of the Inspector General ("IGO Hiring Oversight"), and also to the head of the Department. You will also cooperate with any inquiries by IGO Hiring Oversight related to this Agreement.