

STATEMENT OF ASSURANCES FOR CONTRACTS AND PROCUREMENTS

The purpose of this Statement of Assurances is to list requirements applicable to programs funded in whole or in part by federal funds. Not all the requirements listed herein shall apply to all activities or work under the Contract.

As used herein, “**Contractor**” refers to any contractors awarded a Contract to provide goods or perform services in connection with the Project and paid with federal funds.

Contractor agrees to comply with all *applicable* federal laws, guidelines, and standards in a manner satisfactory to the State and HUD, including all administration and compliance requirements set forth by this Statement of Assurances. To the extent that Contractor utilizes any subcontractors, Contractor shall require and ensure that each subcontractor comply with all *applicable* federal CDBG-DR laws, guidelines, and standards; any subcontracts entered into by Contractor shall set forth these requirements. The failure to list herein a legal requirement applicable to services performed by Contractor does not relieve the Contractor from complying with that requirement.

A. 2 C.F.R. § 200.327

Contractor agrees to comply with the requirements for contracts funded in whole or in part by federal funds under 2 C.F.R. § 200.327 and Appendix II to 2 C.F.R. Part 200, which are listed in Section 7.0-7.12 of the [State of New Jersey Standard Terms and Conditions Form](#) and incorporated herein by reference.

B. GENERAL PROVISIONS

1. The Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limits certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
2. No federally appointed funds shall be used for lobbying purposes regardless of level of government, in accordance with 2 C.F.R. § 200.450.
3. HUD rules prohibit the use of CDBG funds for inherently religious activities, as set forth in 24 C.F.R. § 570.200(j), except for circumstances specified in the Department to of Housing and Urban Development Allocations, Common Application, Waivers, and Alternative Requirements for Grantees Receiving CDBG Disaster Recovery Funds in Response, 78 FR 14329 (March 5, 2013).
4. HUD rules impose drug-free workplace requirements in 48 C.F.R. Part 23 Subpart 23.5.
5. In accordance with 41 U.S.C. § 4712, Contractor may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a

substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

(a) The list of persons and entities referenced in the paragraph above includes the following:

- i. A member of Congress or a representative of a committee of Congress;
- ii. An Inspector General;
- iii. The Government Accountability Office;
- iv. A Contractor employee responsible for contract or grant oversight or management;
- v. An authorized official of the U.S. Department of Justice or other law enforcement agency;
- vi. A court or grand jury; or
- vii. A management official or other employee of DCA, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.

(b) Contractor shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

C. PERSONALLY IDENTIFIABLE INFORMATION

To the extent the Contractor receives personally identifiable information, it will comply with the Privacy Act of 1974 and HUD rules and regulations related to the protection of personally identifiable information. The term “personally identifiable information” refers to information which can be used to distinguish or trace an individual’s identity, such as their name, social security number, biometric records, etc., either alone or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother’s maiden name, etc. See 2 C.F.R. § 200.79. Contractor shall require all persons that have access to personally identifiable information (including subcontractors and their employees) to sign a Non-Disclosure Agreement.

D. FINANCIAL MANAGEMENT AND PROCUREMENT

1. *To the extent applicable*, Contractor shall adhere to the principles and standards governing federal grant distribution as set forth in the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (2 C.F.R. Part 200).
2. Contractor must maintain a conflict-of-interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict-of-interest policy is applicable to each activity

funded with federal funds.

- a. Contractor must disclose in writing to U.S. Treasury or DCA, as appropriate, any potential conflict of interest affecting the CSFRF Funds in accordance with 2 C.F.R. § 200.112.
3. *To the extent applicable*, Contractor shall comply with 24 C.F.R. Part 570 regarding the management and disposition of cash, real and personal property acquired with CDBG-DR funds.
4. *To the extent applicable*, Contractor shall comply with 24 C.F.R. § 570.489(j) regarding change of use of real property. These standards apply to real property within its control (including activities undertaken by subcontractors). These standards apply from the date CDBG-DR funds are first spent until five years after the close-out of the Program.

E. RECORDS AND RECORDS RETENTION

1. The Contractor shall be responsible for maintaining records, in accordance with N.J.A.C. 17:44-2.2(b) and 2 C.F.R. § 200.334. Records shall be maintained for the longer of:
 - (a) a period of five (5) years from the date of final payment.
2. If any litigation, claim, or audit pertaining to the Contract has been started before the expiration of the five-year record retention period, records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the required five-year period, whichever is later.
3. Contractor shall provide the State and HUD, including their representatives or agents, access to and the right to examine all records, books, papers, or documents related to the Contract and the use of CDBG funds.

F. FEDERAL LABOR STANDARDS:

To the extent applicable, Contractor shall comply with Federal Labor Standards, including:

1. The Federal Fair Labor Standards Act (29 U.S.C. 201 et seq.), requiring that covered nonexempt employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rate for all hours worked in excess of the prescribed work-week;
2. Department of Labor regulations in parallel with HUD requirements above:
 - a. 29 C.F.R. Part 1: Procedures for Predetermination of Wage Rates
 - b. 29 C.F.R. Part 5: Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also, Labor Standards Provisions Applicable to Non- construction Contracts Subject to the Contract Work Hours and Safety Standards Act)

- c. 29 C.F.R. Part 6: Rules of Practice for Administrative Proceedings Enforcing Labor Standards In Federal and Federally Assisted Construction Contracts and Federal Service Contracts
- d. 29 C.F.R. Part 7: Practice Before the Administrative Review Board With Regard to Federal and Federally Assisted Construction Contracts.

G. SECTION 3 REQUIREMENTS

1. *To the extent applicable*, Contractor shall comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (“Section 3”). Section 3 is intended to encourage recipients of HUD funding to direct new employment, training, and contracting opportunities to the greatest extent feasible to low- and very low-income persons, and to businesses that employ these persons, within their community. Section 3 applies to projects that involve housing rehabilitation, housing construction, and other public construction projects assisted under HUD programs that provide housing and community development financial assistance in excess of \$200,000. A guide to Section 3 applicability and compliance requirements is located at HUD’s website [here](#), under Frequently Asked Questions (FAQs).
2. The corresponding Section 3 regulations are found in 24 C.F.R. Part 75.

H. FAIR HOUSING AND NON-DISCRIMINATION

1. *To the extent applicable*, Contractor shall comply with the following fair housing and non-discrimination laws. Any act of unlawful discrimination committed by Contractor or failure to comply with applicable laws shall be grounds for termination of the Contract.
2. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §200d et seq., and the regulations issued pursuant thereto (24 C.F.R. Part 1), which provide that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which it receives federal financial assistance and shall immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of federal financial assistance extended to it this assurance shall obligate it, or in the case of any transfer of such property, and transferee, for the period during which the property or structure is used for another purpose involving the provision of similar services or benefits.
3. Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601– 3619), which requires administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing. Title VIII further prohibits discrimination against any person in the sale or rental of housing, or the provision of brokerage services, including in any way making unavailable or denying a dwelling to any person, because of race, color, religion, sex, national origin, handicap or familial status.
4. Title II of the Civil Rights Act of 1968 (25 U.S.C. 1301-1303), which prohibits

discrimination because of race, color, religion, or natural origin in certain places of public accommodation.

5. Architectural Barriers Act (“ABA”) of 1968, 42 U.S.C. 4151 et seq. The ABA requires access to buildings designed, built, altered, or leased by or on behalf of the federal government or with loans or grants, in whole or in part, from the federal government. As used in the ABA, the term “building” does not include privately owned residential structures not leased by the government for subsidized housing programs.
6. Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in any federally funded education program or activity.
7. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, which provides that no otherwise qualified individual shall solely by reason of his or her handicap be excluded from participation, denied program benefits, or subjected to discrimination under any program or activity receiving federal funding assistance.
8. Section 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794d, which requires Federal agencies to make their electronic and information technology (EIT) accessible to people with disabilities, and applies to all federal agencies when they develop, procure, maintain or use electronic and information technology.
9. Section 109 of Title I of the Housing and Community Development Act of 1974, and the regulations issued pursuant thereto (24 C.F.R. § 570.602), which provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds provided under that Part. Section 109 further prohibits discrimination to an otherwise qualified individual with a handicap, as provided under Section 504 of the Rehabilitation Act of 1973, as amended, and prohibits discrimination based on age as provided under the Age Discrimination Act of 1975. The policies and procedures necessary to ensure enforcement of section 109 are codified in 24 C.F.R. § 6.
10. Section 104(b)(2) of the Housing and Community Development Act of 1974, 42 U.S.C. 5304(b), which requires communities receiving community development block grants to certify that the grantee is in compliance with various specified requirements.
11. Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq., which prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.
12. Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. 12131 et seq., which prohibits discrimination against people with disabilities by public entities, which includes any state or local government and any of its departments, agencies or other instrumentalities.
13. Housing for Older Persons Act of 1995 (“HOPA”) (42 U.S.C. 3607), which governs housing developments that qualify as housing for persons age 55 or older.
14. Accessibility requirements contained in Title III of the Americans with Disabilities

Act of 1990 (42 U.S.C. 12181 et seq.).

15. Executive Order 11063: Equal Opportunity in Housing, November 20, 1962, as amended by Executive Order 12259, and the regulations issued pursuant thereto, which pertains to equal opportunity in housing and non-discrimination in the sale or rental of housing built with federal assistance.
16. Executive Order 11246: EEO and Affirmative Action Guidelines for Federal Contractors Regarding Race, Color, Gender, Religion, and National Origin, September 25, 1965 and Executive Order 11375: Amending Executive Order No. 11246, October 13, 1967, which provide that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in all phases of employment during the performance of federal or federally assisted construction contracts. Further contractors and subcontractors on federal and federally assisted construction contracts shall take affirmative action to insure fair treatment in employment, upgrading, demotion, or transfer, recruitment or recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training and apprenticeship.
17. Executive Order 12086: Consolidation of contract compliance functions for equal employment opportunity, October 5, 1978.
18. Executive Order 12892: Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing, January 17, 1994.
19. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994.
20. Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency (LEP), August 11, 2000; and Federal Register Notice FR-4878-N-02 (available [online](#)), which require recipients of federal financial assistance to ensure meaningful access to programs and activities by LEP persons. (The State's Language Access Plan (LAP) is available [online](#)).
21. Executive Order 13217: Community-Based Alternatives for Individuals with Disabilities, June 19, 2001.
22. Executive Order 13330: Human Service Transportation Coordination, February 24, 2004.
23. Implementing regulations for the above:
 - a. 24 C.F.R. § 3: Nondiscrimination on the Basis of Sex in Education Programs or Activities receiving Federal Financial Assistance.
 - b. 24 C.F.R. § 5.105: Other Federal Requirements.
 - c. 24 C.F.R. § 6: Nondiscrimination in Programs, Activities Receiving Assistance under Title I of the Housing and Development Act of 1974.
 - d. 24 C.F.R. § 8: Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development.
 - e. 24 C.F.R. § 50.4(l) and 58.5 (j): Environmental Justice.

- f. 24 C.F.R. § 91.225(a)(1): Affirmatively Furthering Fair Housing.
- g. 24 C.F.R. § 91.325(a)(1): Affirmatively Furthering Fair Housing.
- h. 24 C.F.R. § 91.325(b)(5): Compliance with Anti-discrimination laws.
- i. 24 C.F.R. § 91.520: Performance Reports.
- j. 24 C.F.R. § 100-125: Fair Housing.
- k. 24 C.F.R. § 107: Non-discrimination and Equal Opportunity in Housing under Executive Order 11063 (State Community Development Block Grant Grantees).
- l. 24 C.F.R. § 121: Collection of Data.
- m. 24 C.F.R. § 75: Economic Opportunities for Low- and Very Low-Income Persons.
- n. 24 C.F.R. § 146: Non-discrimination on the Basis of Age in HUD Programs or Activities Receiving Federal Financial Assistance.
- o. 24 C.F.R. § 570.206(c): Fair Housing Activities.
- p. 24 C.F.R. § 570.487(b): Affirmatively Furthering Fair Housing.
- q. 24 C.F.R. § 570.487(e): Architectural Barriers Act and Americans with Disabilities Act (State Community Development Block Grant Grantees).
- r. 24 C.F.R. § 570.490(a)-(b): Recordkeeping requirements.
- s. 24 C.F.R. § 570.491: Performance Reviews and Audits.
- t. 24 C.F.R. § 570.495(b): HCDA Section 109 nondiscrimination.
- u. 24 C.F.R. § 570.506(g): Fair Housing and equal opportunity records.
- v. 24 C.F.R. § 570.601: Affirmatively Further Fair Housing.
- w. 24 C.F.R. § 570.608 and Part 35: Lead-Based Paint.
- x. 24 C.F.R. § 570.614: Architectural Barriers Act and Americans with Disabilities Act.
- y. 24 C.F.R. § 570.904: Equal Opportunity and Fair Housing Review
- z. 24 C.F.R. § 570.912: Nondiscrimination compliance

I. CONTRACTING WITH SMALL AND MINORITY FIRMS AND WOMEN'S BUSINESS ENTERPRISES

1. Contractor shall take affirmative steps to ensure contracting opportunities are provided to small and disadvantaged businesses, minority business enterprises, and veteran and women's business enterprises. As used in this contract, the terms "small business" means a business that meets the criteria set forth in section 3(a) of the Small Business Act, as amended (15 U.S.C. 632), and "minority and women's business enterprise" means a business that is at least fifty-one percent (51%) owned and controlled by minority group members or women. For purposes of this definition, "minority group members" are African-Americans, Spanish- speaking, Spanish surnamed or Spanish-heritage Americans, Asian-Americans, and Native Americans. Contractor may rely on written representations by businesses regarding their status as minority and women business enterprises in lieu of an independent investigation.

2. Affirmative steps shall include:

- a. Placing qualified small and disadvantaged businesses, minority firms, veteran- and women- owned businesses on solicitation lists;
- b. Ensuring that small and disadvantaged businesses, minority firms, veteran- and women- owned businesses are solicited whenever they are potential sources, for goods and/or services required in furtherance of Sandy recovery programs;
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and disadvantaged businesses, minority firms, veteran- and women-owned businesses;
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and disadvantaged businesses, minority firms, veteran- and women- owned businesses; and
- e. Using the service and assistance of the Small Business Administration, and the Minority Business Development Agency of the U.S. Department of Commerce.

J. ENVIRONMENTAL REGULATORY COMPLIANCE

To the extent applicable, Contractor must comply with HUD regulations found at 24 C.F.R. § Part 58, implementing the National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4321 *et seq.*, and other Federal environmental requirements, including but not limited to:

1. Floodplain management and wetland protection:
 - a. Executive Order 11990, Protection of Wetlands, May 24, 1977, (42 FR 26961), 3 C.F.R., 1977 Comp., p. 121, as interpreted by HUD regulations at 24 C.F.R. § 55, particularly §§ 2 and 5 of the order;
 - b. Executive Order 11988, Floodplain Management, May 24, 1977 (42 FR 26951), 3 C.F.R., 1977 Comp., p. 117, as interpreted in HUD regulations at 24 C.F.R. § 55, particularly § 2(a) of the order;
2. The Coastal Zone Management Act of 1972 (16 U.S.C. § 1451 *et seq.*), as amended, particularly sections 307(c) and (d) (16 U.S.C. §§1456(c) and(d));
3. In relation to water quality:
 - a. The Safe Drinking Water Act of 1974 (42 U.S.C. §§ 201, 300(f) *et seq.* and U.S.C. § 349), as amended, particularly § 1424(e) (42 U.S.C. §§ 300h-303(e)); and
 - b. Sole Source Aquifers (Environmental Protection Agency—40 C.F.R. §149).
4. Endangered Species Act of 1973 (16 U.S.C. §1531 *et seq.*), as amended, particularly § 7 (16 U.S.C. §1536);
5. The Fish and Wildlife Coordination Act of 1958, as amended;
6. Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 *et seq.*), particularly sections 7(b) and (c) (16 U.S.C. §1278(b) and (c));

7. In relation to air quality:
 - c. The Clean Air Act (42 U.S.C. 7401 et. seq.) as amended; particularly §§ 176(c) and (d) (42 U.S.C. 7506(c) and (d)).
 - d. Determining Conformity of Federal Actions to State or Federal Implementation Plans (Environmental Protection Agency—40 C.F.R. §§ 6, 51, and 93).
8. The Farmland Protection Policy Act of 1981, 7 U.S.C.A. §4201 et seq., particularly §§ 1540(b) and 1541 (7 U.S.C. §4201(b) and §4202), and Farmland Protection Policy, 7 C.F.R. Part 658;
9. Noise abatement and control requirements at 24 C.F.R. § 51B;
10. Explosive and flammable operations requirements at 24 C.F.R. § 51C;
11. Requirements at 24 C.F.R. § 58.5(i) relating to toxic chemicals and radioactive materials; and
12. Environmental Justice, Executive Order 12898—Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 (59 FR 7629), 3 C.F.R. , 1994 Comp. p. 859.

K. EQUAL EMPLOYMENT OPPORTUNITY

1. All federally assisted construction contracts must include the equal opportunity clause provided under 41 C.F.R. § 60-1.4(b) as seen in the following paragraph. Federally assisted construction contracts include any agreement or modification thereof between any applicant and a person for construction work which is paid for in whole or in part with funds obtained from the federal government. Construction work is defined as “the construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.” 41 C.F.R. § 60-1.3.
2. **Pursuant to 41 C.F.R. § 60-1.4(b), the following language shall be included in all federally assisted construction contracts and subcontracts:**

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:

Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in

conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary

of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance.

L. INCREASING SEAT BELT USE IN THE UNITED STATES

1. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Contractor should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

M. REDUCING TEXT MESSAGING WHEN DRIVING

1. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Contractor should encourage its employees and subcontractors to adopt and enforce policies that ban text messaging while driving, and Contractor should establish workplace safety policies to decrease accidents caused by distracted drivers.