



ROBERT BENTLEY
GOVERNOR

JIM BYARD, JR.
DIRECTOR

STATE OF ALABAMA

LETTER OF CONDITIONAL COMMITMENT

January 15, 2013

The Honorable Walter Maddox
Mayor of Tuscaloosa
Post Office Box 2089
Tuscaloosa, Alabama 35403-2089

Dear Mayor Maddox 

RE: CDBG Tornado Disaster Recovery
Project Number: DTR-12-08

On December 19, 2012, Governor Robert Bentley awarded \$3,470,000 to the City for disaster recovery assistance related to the tornadoes of April 2011. The assistance is provided for an economic development loan pool and multi-family housing. The award is based on the request in your disaster application, which was reviewed in accordance with the criteria established in the State's HUD approved Disaster Action Plan.

We have enclosed two copies of the grant agreement. Please sign both copies and return one copy to us; Attention: Shabbir Olia, and retain the second copy for your files. In addition to signing the grant agreement, it will be necessary for you to submit certain start-up requirements. Policies and procedures for economic development activities should be submitted within forty-five days from the date of this letter. Requirements for multi-family activities should be satisfied within ninety days of this letter unless HOME or tax credit funds are to be sought to be used in conjunction with disaster recovery funds. **No funds can be obligated until ADECA has received all of the start-up requirements and provided for the release of funds in writing.** If the City's program is comprised of more than one activity, ADECA will consider a separate release for each primary activity in order to accommodate the specific timing needs of individual activities.

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 for each primary activity.

2. A "CDBG Budget/Final Financial Report" showing a detailed breakdown of CDBG and other funds. If your program is comprised of more than one primary activity, please identify these activities separately on the budget form. Please remember to break out all activity delivery and engineering costs associated with the approved primary activities. Activity delivery costs include items necessary to ensure compliance with laws and regulations governing the CDBG Disaster Recovery Program. These include bidding and contracting, environmental, labor, equal opportunity, acquisition and relocation, applicable OMB Circulars, and others. **A full and complete accountability of Tornado Disaster Recovery Funds is required.** In the case of disallowed costs due to fraud, abuse, or mismanagement, or the activity subsequently being ruled ineligible, the local unit of government will be held responsible for the repayment of funds. 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)".
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. For a program comprising more than one primary activity, a separate environmental assessment requirement may apply to specific activities.
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 grant management.
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. 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.
13. 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.
14. 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 subcontractors, including professional services and regional planning and development commissions.

January 15, 2013

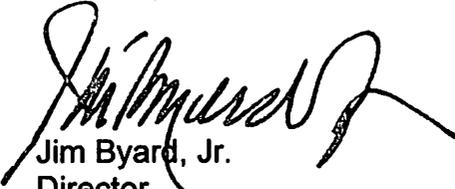
15. A signed subrogation agreement allowing the State to recapture any funds deemed duplicative.
16. Please provide a copy of the Active Status page from sam.gov showing the registration expiration date.
17. ADECA's HUD approved Action Plan for Disaster Recovery allows for a waiver to the minimum of four units under one roof requirement for multi-family housing. The City's application for disaster recovery funds indicates a need for one unit under one roof for housing in the Hurricane Creek Trace project. This waiver is approved.

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 activity delivery 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 Al Jones at 334-353-2028.

Sincerely,



Jim Byard, Jr.
Director

JB:WAJ:tn

cc: Robin Edgeworth, Program Administrator
(Enclosures)