**Acknowledgement of Compliance Documents**

[TO BE SUBMITTED ON DEVELOPER’S LETTERHEAD]

*(Project Manager’s Name)*

Housing and Redevelopment Authority

City of Saint Paul

Department of Planning and Economic Development

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102

RE: *(Description of Project)* (“Project”)

Dear:

We acknowledge that the following City/HRA compliance documents (“Compliance Documents”) may be applicable for this Project:

I. Affirmative Action including Workforce Utilization Template

II. Vendor Outreach Program, including Business Opportunity Template (BOT)

III. Labor Standards – Federal Davis Bacon and City Davis Bacon

IV. Two Bid Policy

V. Sustainable Development (Green)

VI. HUD Section 3

VII. Project Labor Agreement

VIII. Living Wage

IX. Business Subsidy

X. Early Notification System (ENS)

XI. Bond Compliance Agreement for Conduit Bonds\*

XII. Affirmative Fair Housing Marketing Plan

*\*Conduit Bonds are defined as any bonds issued by the Housing and Redevelopment Authority (HRA) on behalf of an applicant, this includes rental housing revenue bonds.*

We understand that we will be notified later in the application process of those compliance areas that will actually apply to us and our Project and that will depend in part on the source(s) and amount(s) of public funds that may be awarded by the City or HRA (see Attachment D).

We acknowledge receipt of the attached compliance matrix which provides a summary of the above listed Compliance Documents. We acknowledge the Compliance Documents and attached compliance matrix are summary documents are not exhaustive. We can contact the Project Manager if more detail is desired for any specific Compliance Document except any questions relating to Affirmative Action, Vendor Outreach Program, Labor Standards or HUD Section 3 will be directed to the City’s Department of Human Rights and Equal Economic Opportunity, Deputy Director, Division of Contract Compliance and Business Development, which is located in Room 280 of City Hall, 15 West Kellogg Blvd., St. Paul, Mn. The Division’s phone number is 651-266-8900 and its email address is: contractcompliance@stpaul.gov.

In addition to the foregoing compliance areas that may be triggered by the award of public financing for the Project, the undersigned acknowledges and understands that it must also comply with the City of Saint Paul’s zoning and land use ordinances and regulations, including without limitation the following: site plan review, park dedication, storm water management, etc.

We also understand that the acceptance of our acknowledgement of the Compliance Documents does not (a) constitute or create an agreement by the City of Saint Paul or the HRA to approve the Project or grant any financing for the Project, or (b) constitute any representation by the City or HRA that it will approve the Project or agree to provide financing, or (c) create any legal or equitable cause of action against the City and HRA arising from any failure or refusal by the City and HRA to approve the Project or any financing for the Project.

Instead, we acknowledge that a legally binding contract will be formed only upon formal approval of the Project by the City Council or the HRA Board of Commissioners and execution of a legally binding agreement, the terms of which will be discussed with HRA and City staff. Also, we agree not to make any waiver or estoppel arguments to impose any agreement or binding legal obligation on the City or HRA by actions taken by us in response to the Compliance Documents.

[Signed by applicant]

| **Compliance** | **Thresholds** | **Requirements** | **Exemptions** |
| --- | --- | --- | --- |
| **Affirmative Action / Equal Employment Opportunity (AA/EEO)** | a)$50,000, total public subsidy or contract, cumulative over 12 months, OR  b)Sales made under HRA Land disposition policy | a. On any project over $50,000, all contractors, prime and sub, have a goal of 32% for minorities and 20% for women participating on the project. b. In addition, the recipient must file an affirmative action program registration to diversify and implement fair employment practices with its workforce. The registration with the city remains in effect for 2 years. | None |
| **Bonds** – revenue and conduit (includes 4% tax credits) | All Bonds – No threshold | Little Davis-Bacon, Affirmative Action, Vendor Outreach, Sustainable Green Policy (for Housing Revenue Bonds) | None |
| **Business Subsidy**  (State Law Chapter 116J.993) | a) $150,000 for grant or other subsidy, yearly reporting is required beginning at $25,000;  b) over $150,000 for loan or loan guarantee, yearly reporting required beginning at $75,000 | Wage and job goals, reporting. | Redevelopment when purchase of the site and site preparation is greater than 70% of assessed value, redevelopment of contaminated property, pollution control or abatement, renovation of old buildings or historic district assistance when assistance is less than 50% of cost, energy conservation, housing, certain non-profit corporations, and other exemptions. |
| **City Labor Standards  (Little  Davis-Bacon)** | $25,000 (total project cost) | Projects over $25,000 consisting of new construction work, demolition work, or repair work; onsite workers whose duties are physical or manual are paid weekly minimum prevailing rates including fringe benefits. Weekly certified payroll and compliance documentation submittal required. | * Housing projects with 7 or fewer units. * Contact Labor Standards in HREEO re possible exemptions |
| **Early notification system** | $250,000 or awarded developer rights | Provides notice to interested persons of applications for HRA financial assistance and developer rights. | Conduit bond |
| **Federal Labor Standards (Davis-Bacon)** | $2,000 (total project cost) | When funding is of federal origin (CDBG, HOME, ARRA, EEC, etc.), all job site construction workers (including owners) whose duties are physical or manual must be paid weekly minimum prevailing wage rates (including fringe benefits). Weekly certified payroll submission is required. | * Housing projects with 7 or fewer units assisted with CDBG funds –  [11 or fewer units assisted with HOME funds]. * Demolition without future reuse is exempt. * *No exemptions for commercial projects.* |
| **HUD Section 3** | Any amount of HUD funding (CDBG, HOME, NSP, HOPWA grants, etc.). Contractors share responsibility at $100,000 construction contract. | When certain federal funding is used (most often CDBG, CDBG-R, HOME, NSP), Section 3 requires that grantees, developers, contractors, and subcontractors direct employment and economic opportunities, to the greatest extent feasible, toward low- and very low-income persons (Section 3 resident) and businesses that provide economic opportunity to Section 3 residents (Section 3 business concerns). | None |
| **Limited English Proficiency (LEP)** | All federal financial assistance | Requirement to provide meaningful access to PED programs, services and activities to persons with limited English proficiency. | None |
| **Living Wage**  (City Ordinance Administrative Code Chapter 98) | $100,000 | In 2021, living wage at 130% of the poverty level for a family of four is $16.56 per hour or 110% ($14.01 per hour) if health benefits are provided.  Wage rates change annually.  Duration is longer of three years or length of subsidy. | Small businesses with   * 20 or fewer full time employees, * gross revenues of less than $1,000,000 or if * professional/technical business then gross revenues less than $2,500,000 * *No exemptions for housing* |
| **Low Income Housing Tax Credits**  – 9% (see Bonds for thresholds and requirements for 4% tax credits) | All | None |  |
| **Project Labor Agreements (PLA)** | $250,000  (Effective June 4, 2009.) | Building and construction projects, parks, public works | Conduit bond |
| **Sustainable Building Policy** | More than $200,000.  All new construction projects and renovation projects of 10,000 sf and greater, and certain projects that include adding square footage to an existing building | Must be certified under one of the eligible green building standards, and comply with the Saint Paul Overlay. **See Ordinance that became effective July 1, 2018.** | Conduit bond except for multi-family housing revenue bonds. |
| **PED/HRA Sustainability Initiative** | All newly constructed commercial buildings over 15,000 square feet  AND | Participate in Xcel Energy Design Assistance | Does not apply if complying with the Sustainable Building Policy |
| All new multifamily buildings  AND | Participate in Xcel Energy Design Assistance or ENERGY STAR New Homes |
| All rehab of single-family and duplex properties | Participate in Home Performance with ENERGY STAR |
| **Two Bid Policy** | $20,000 | Requirement to obtain two bids from general contractors and subcontractors; award contract to lowest responsible bidder. | Exemption of process followed for negotiated contract with general contractor. |
| **Vendor Outreach Program (VOP)** | a)Total project cost in excess of $50,000 or more, regardless of City contribution (eg: if there is a STAR grant award of $25,000 and the total project cost is $60,000, VOP applies).  b)Sales made under HRA Land Disposition Policy | Project goals set on a project-by-project basis. Generally, 25% of Business Opportunities should be awarded to CERT certified Small, Women-owned and Minority-owned businesses, with at least 10% awarded to Small businesses, at least 10% awarded to Women- owned businesses, and at least 5% to Minority-owned businesses.  B2Gnow reporting required.  If at any time the project is not meeting the VOP goals, then Good Faith Efforts are required | None |