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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: March 17, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 14(A)(3)

From: George M. Burgess
County Manager

Resolution No. R-311-09

Subject: Resolution Requesting Authorization to issue the FY 2009 Empowerment Zone FY 2009 Request for Applications (RFA)

RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) approve the attached advertisement of the FY 2009 Request for Applications (RFA) process (substantially in the form attached) for the allocation of up to $3.5 million in federal Empowerment Zone (EZ) funds to fund eligible economic development projects that serve EZ residents. The RFA process will allocate funds to priorities (see attached), previously reviewed by each of the eight EZ Neighborhood Assemblies (Allapattah, City of Florida City, City of Homestead, Liberty City/Model City, East Little Havana, Melrose, Overtown and Wynwood).

SCOPE

Miami Dade County received its Empowerment Zone (EZ) designation in 1999. The EZ covers specific census tracts in the following ten neighborhoods: 1) Central Business District/Seaport; 2) Airport; 3) Melrose; 4) Allapattah/Civic Center; 5) Overtown; 6) East Little Havana; 7) Wynwood; 8) Liberty City/Model City; 9) Homestead; and 10) Florida City. In addition, the EZ covers three developable sites:1)Opa Locka Airport (a 902-acre site); 2) Northside/Poinciana Industrial Center (a 259-acre site) and 3) Homestead/Florida City (a 621-acre site). These areas are located in Commission Districts 1, 2, 3, 5, 8, and 9.

Attachments 1 and 2 to this cover memorandum show the Commission District location and geographic description of each neighborhood.

FISCAL IMPACT

There is no fiscal impact to the County.

No more than $3.5 million will be awarded as a result of the FY 2009 RFA process. The amount in the RFA is derived from the $3.9 million remaining federal EZ funds minus the $357,766 being authorized as reimbursements for prior EZ commitments on this same agenda. The EZ program sunsets in December 2009 and the Office of Community and Economic Development (OCED) is working within the guidelines of the US Department of Housing and Urban Development (US HUD) to ensure that all funds are encumbered by December 31, 2009.

MONITORING

Upon final approval of the award process, OCED/EZ Program Manager will perform monthly site inspections, while the Compliance Officer will perform desk audits to ensure the contractors meet the requirements of the contract which include appropriate insurance; sufficient progress, quarterly reporting, and the filing of annual audits.

BACKGROUND

The "Empowerment Zone and Enterprise Community (EZ/EC) Initiative" was established as a strategy to create jobs and business opportunities in the most economically distressed areas of America's inner cities. In 1999, the BCC approved a Memorandum of Understanding (MOU) between the County and the Miami Dade Empowerment Trust, Inc. (MDET) that delegated authority to MDET to govern, direct, and implement the ten-year Empowerment Zone Strategic Plan. However, the County remained as the lead entity of all EZ grant funds. On July 10, 2007, the MOU between MDET and the County was terminated and on March 11, pursuant to County Ordinance 08-56, the County officially designated OCED to continue and monitor the EZ program.

The County is committed to continuing the EZ designation program through its expiration date, December 2009. In its current and final year, the EZ Initiative, through OCED, is soliciting applications under this RFA process for EZ funding. The intent of this RFA is to solicit proposals to provide leverage funding for economic development projects that serve EZ residents. Applicants are asked to address the inventory of priorities which were reviewed by each of the eight Neighborhoods Assemblies at the neighborhood monthly meetings. The priorities were also reviewed and ratified by the Empowerment Zone Strategies Alliance (EZSA), the EZ's advisory board, on February 24, 2009, and subsequently catalogued by OCED/EZ staff and will be funded through this RFA. Attachment 3 to this cover memorandum, which is also part of the RFA document, is a listing of the EZ Priorities.

Projects must show the capability to leverage the amount with other private and/or public sector funding. Verifiable documentation must be submitted for all committed private and or other government funding sources.

PROJECT TIME LINE

Applicants will be considered if their application is responsive to the submission guidelines in the RFA. Failure to comply with the requirements may result in the proposal being considered non-responsive.

The anticipated schedule for this Solicitation is as follows:

March 17, 2009	RFA Submitted to BCC for approval to advertise *(requires HCD Committee waiver)*
March 23, 2009	RFA applications available
March 30-31, 2009	RFA Technical Assistance workshops
April 24, 2009	RFA applications due
May 15, 2009	Complete review of the RFA applications
May 2009	Recommendations for award presented to EDHS Committee
June 2009	Recommendations to BCC for award
June 2009	Enter into contracts with awardees

EVALUATION CRITERIA

Proposals will be evaluated by an Evaluation/Selection Committee which will evaluate and rank proposals on criteria listed below. The Evaluation/Selection Committee will be comprised of appropriate County personnel and members of the community, as deemed necessary, with the appropriate experience and/or knowledge, striving to ensure that the Evaluation Committee Evaluation/Selection Committee is balanced with regard to both ethnicity and gender. The recommendation for contract award, if any, shall be made to the Proposer whose proposal shall be deemed by the County to be in the best interest of the County.

Any contract, resulting from this Solicitation, must be approved by EZSA. Award recommendations will be presented to the Housing and Community Development Committee and the BCC for ratification prior to the contract being executed by the Mayor or the Mayor's designee on behalf of the County.

Attachment

Cynthia W. Curry
Senior Advisor to the County Manager

Attachment 1

EZ NEIGHBORHOOD AREAS
COMMISSION DISTRICTS AND BOUNDARIES

Commission Districts:

Allapattah/Civic Center	Commission District 3
East Little Havana	Commission District 5
Florida City	Commission District 9
Homestead	Commission Districts 8 and 9
Liberty City/Model City	Commission District 3
Melrose	Commission District 2
Overtown	Commission District 3
Wynwood	Commission District 3
Central Business District	Commission District 5
Florida City/Homestead	Commission Districts 8 and 9
Opa-Locka	Commission District 1

Boundaries

The Miami-Dade County Empowerment Zone neighborhoods are located in Overtown, Liberty City/Model City, East Little Havana, Wynwood, Melrose, Allapattah/Civic Center, Homestead and Florida City. The boundaries of the above listed EZ neighborhood areas are as follows:

Overtown: Census Tracts 31.00 and 34.00
31.00 NW 21 Terrace, NW 4 Court, NW 20 Street; Florida East Coast Railroad; NW 14 Street; NW 7 Avenue.
34.00 NW 14 Street; Florida East Coast Railroad, Metrorail Tracks; NW 5 Street, NW 5 Avenue; NW 11 Street; NW 7 Avenue.

Liberty City: Census Tract 19.01
19.01 NW 71 Street; NW 7 Avenue; NW 58 Street; NW 12 Avenue.

Little Havana: Census Tract 36.02
36.02 Miami River; SW 2 Avenue; SW 6 Street; SW 8 Avenue, NW 8 Avenue, Miami River Bridge.

Wynwood: Census Tracts 28.00 and 27.02
27.02 NE 36 Street; Biscayne Boulevard; NE 15 Street, NW 15 Street; Florida East Coast Railroad Tracks.
28.00 NW 28 Street, North Miami Avenue, NE 28 Street; Florida East Coast Railroad Tracks; NW 20 Street, NW 4 Court, NW 21 Terrace; NW 7 Avenue.

Melrose: Census Tract 17.03
17.03 NW 36 Street; NW 27 Avenue; NW 20 Street; Miami Canal; Seaboard Coast Line Railroad Tracks.

Allapattah: Census Tracts 24.02, 29.00 and 30.01
24.02 NW 28 Street; NW 17 Avenue; NW 20 Street; NW 27 Avenue.
29.00 NW 28 Street; NW 7 Avenue; NW 20 Street; NW 17 Avenue.
30.01 NW 20 Street; NW 7 Avenue, Miami River Bridge; Miami River; NW 12 Avenue.

Homestead: Census Tract 113.00 (partial)
113.00 NW 8 Street (SW 312 Street), NW 8 Avenue, NW 6 Street; North Krome Avenue, South Krome Avenue (SW 177 Avenue); N Canal Drive (SW 328 Street); Redland Road (SW 187 Avenue).

Florida City: Census Tract 113.00 (partial)
113.00 N Canal Drive (SW 328 Street); S Krome Avenue (SW 177 Avenue); NW 7 Street (SW 336 Street/Arthur Vining Parkway); Redland Road (SW 187 Ave.).

Attachment 3

EMPOWERMENT ZONE PRIORITIES

The five key commitments to the Zone for full employment, investment and growth are dramatic: (1) Jobs and Pathways; (2) Building in the Zone; (3) Growing New Businesses; (4) Sustainable Community Development: People and Places; and (5) Wired Information Technology in the Zone. These following priorities represent the most current input from the residents, and are consistent with the priorities developed by the newly organized EZ Neighborhood Assemblies.

Category	Project	Objective(s)
Business Expansion	Equipment / Inventory for existing businesses for the purpose of job creation. The business must hire and retain one (1) EZ resident full time for every $35,000.	Create economic opportunities. Employment
Business Expansion and Retention	Equipment / Inventory for existing small to medium sized businesses for the purpose of job creation and retention. Business must show how investment can rehire an EZ resident full time currently in layoff status.	Create economic opportunities; employment opportunities; revive failing EZ businesses; and offer technical assistance to EZ businesses
Business Start Up	Leverage funding for a start up business with site acquisition and a current approved loan from a creditable lending institution.	Create economic opportunities and job Creation
Apprenticeship /Job Training	On the job training /Job Training for immediate placement after training.	Train and employ EZ residents
Job Creation/ Employment	Job Creation and placement for EZ residents	Create employment opportunities for EZ residents
Economic Development	To create a Community Economic Development Center that will serve to develop and improve the short and medium term economic development prospects for the Melrose community	Create economic opportunities; improve the community's economic potential; promote and sustain the long term commercial, economic and employment prospects.
Economic Development	To attract businesses, both retail and office uses providing accessible jobs to residents and bus commuters.	Create economic opportunities
Job Training	To train and employ residents in the security field to improve the safety of the community and business owners.	Increase security in the area to reduce and/or eliminate crime; improvements that sustain a safe living environment Employ EZ residents
Public Facilities and Improvements: Street Lighting	To improve lighting in specified EZ business area.	Improvements that sustain a safe living environment; increase safety for EZ businesses and residents; and facilitate increase in EZ businesses foot traffic
Child Care	Provide temporary child care subsidy payment for the children of EZ residents that are employed or in training	Provide subsidy payment to licensed child care provider for unemployed EZ resident who is in training that will lead to placement for up to 15 days.

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: March 17, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 14(A)(3)

Please note any items checked.

- ✓ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**
- _____ **6 weeks required between first reading and public hearing**
- _____ **4 weeks notification to municipal officials required prior to public hearing**
- _____ **Decreases revenues or increases expenditures without balancing budget**
- _____ **Budget required**
- _____ **Statement of fiscal impact required**
- _____ **Bid waiver requiring County Mayor's written recommendation**
- _____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**
- _____ **Housekeeping item (no policy decision required)**
- _____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(3)
3-17-09

RESOLUTION NO. R-311-09

RESOLUTION AUTHORIZING THE ISSUANCE OF THE FY 2009 EMPOWERMENT ZONE REQUEST FOR APPLICATIONS (RFA) FOR $3.5 MILLION FEDERAL EMPOWERMENT ZONE FUNDS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the issuance of a Request for Applications for the allocation of up to $3.5 million in federal Empowerment Zone (EZ) funds to fund eligible economic development projects that serve EZ residents. Furthermore, the RFA process will allocate funds to priorities as referenced in the attached memorandum to ensure all funds are encumbered by December 31, 2009; and finally, authorizes the Mayor or the Mayor's designee to make recommendations for award(s) and return to the Board with said recommendations.

The foregoing resolution was offered by Commissioner **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman **aye**
Jose "Pepe" Diaz, Vice-Chairman **aye**

Bruno A. Barreiro	**absent**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Barbara J. Jordan	**aye**	Joe A. Martinez	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**absent**
Katy Sorenson	**aye**	Rebeca Sosa	**absent**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of March, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Shannon D. Summerset

MIAMI-DADE COUNTY
OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT
REQUEST FOR APPLICATIONS
FOR FY 2009 FUNDING FROM

EMPOWERMENT ZONE (EZ) INITIATIVE GRANT

APPLICATION FOR:

- ECONOMIC DEVELOPMENT
- COMMUNITY DEVELOPMENT
- JOB TRAINING & WORKFORCE DEVELOPMENT SERVICES

<u>This EZ RFA consists of</u>:

- Part I, Application Document and
- Part II, Attachments

MIAMI–DADE COUNTY PROVIDES EQUAL ACCESS AND EQUAL OPPORTUNITY IN EMPLOYMENT AND SERVICES AND DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY.

The Office of Community and Economic Development (OCED) does not discriminate in admission to, or treatment of employment in its federally assisted program activities, OCED's compliance with these regulations is coordinated by Sr. Human Resources Manager,

Irelene T. King-Allen

You can reach her at (786) 469-2141

MIAMI-DADE COUNTY REQUEST FOR APPLICATIONS FOR FY 2009 EMPOWERMENT ZONE HUD GRANT (EZ) PART I

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PROJECT OVERVIEW
AND
GENERAL TERMS AND CONDITIONS

MIAMI-DADE COUNTY
REQUEST FOR APPLICATIONS
FOR FY 2009 FOR FUNDING FROM:
OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT (OCED)
EMPOWERMENT ZONE (EZ) INITIATIVE U.S. HUD GRANT
FUNDING PROGRAM

1.0 PROJECT OVERVIEW AND GENERAL TERMS AND CONDITIONS

1.1 Introduction

The Empowerment Zone and Enterprise Community (EZ/EC) Initiative is a key element of the job creation strategy for America. Miami Dade County received its Empowerment Zone (EZ) designation in 1999. The Miami-Dade Empowerment Zone (EZ) Initiative was established for the purpose of creating and expanding business opportunities in the EZ communities, (Allapattah, City of Florida City, City of Homestead, Liberty City/Model City, East Little Havana, Melrose, Overtown, Wynwood, Central Business District. In addition, the EZ covers three developable sites:1)Opa Locka Airport (a 902-acre site); 2) Northside/Poinciana Industrial Center (a 259-acre site) and 3) Homestead/Florida City (a 621-acre site). These areas are located in Commission Districts 1,2,3,5, 8, and 9. Attached is a chart which shows which Commission District each neighborhood is located in. (See Part II, Attachment 1 for the boundaries of the above listed EZ neighborhood areas).

In its current and final year, the EZ Initiative, through the Office of Community and Economic Development (OCED), is soliciting applications under a Request for Application (RFA) process for EZ funding. The intent of this RFA is to solicit proposals to fund eligible economic development projects that serve EZ residents. Applicants are asked to address the categories of priorities catalogued in the proposed FY 2009 RFA. These priorities were reviewed and recommended by each of the eight (8) Neighborhoods Assemblies during the Neighborhood Assembly meetings held during the last quarter; the EZ Advisory Board in February 2009; and catalogued by OCED/EZ staff and will be funded through this RFA. (See Part II, Attachment 2 for a listing of the EZ Priorities).

The Federal HUD rule provides that an EZ may use HUD EZ grant funds to assist any project that provides at least 51 percent of its direct benefits to persons who reside within the designated EZ boundaries. Moreover, in any case where the direct benefits to be provided by the project in question will be in the form of jobs, the project may be assisted if at least 35 percent of the jobs, on a full-time equivalent basis, are taken by, or made available to, EZ residents. The new standard requires an EZ resident to be employed by the employer for at least 90 days during the year in order to count the job towards the 35 percent criterion. The required data set will be collected from the recommended proposers after the award has been funded. It is recommended that applicants become familiar with the Federal Register included in Part II, Attachment 3.

1.2 Application to the program

This RFA is for OCED/EZ funds only. All application forms are in this package. Copies are available at the **Office of Community and Economic Development (OCED), Empowerment Zone Initiative**, at the following locations:

- **701 NW 1st Court, 14th Floor, Miami, FL 33136**
- **Miami-Dade County website at www.miamidade.gov/ced**

All funds must benefit residents or individuals of the Miami–Dade Empowerment Zone. All applications for OCED/EZ funds are subject to the policies and regulations approved by HUD and the Board of County Commissioners. Community Based Organizations (CBOs), Community Development Corporations (CDCs), not-for-profit entities, and private-for profit entities are encouraged to respond to this EZ RFA process by submitting applications for an eligible activity.

Applicants are encouraged to coordinate and collaborate with other organizations in carrying out programs funded under this RFA. As part of the proposal a written agreement specifying the role of each organization in the collaboration and executed by each partner organization must be included.

1.3 General Information

OCED/EZ may, at its sole and absolute discretion, reject any and all or parts of any or all responses; accept parts of any and all responses; further negotiate project scope and fees; postpone or cancel at any time this RFA process; or waive any irregularities in this RFA or in the responses received as a result of this process. OCED/EZ reserves the right to request and evaluate additional information from any respondent after the submission deadline as deemed necessary.

Proposals shall be irrevocable until contract award unless the proposal is withdrawn. A proposal may be withdrawn in writing only, addressed to the County contact person for this Solicitation, prior to the proposal due date or upon the expiration of 180 calendar days after the opening of proposals.

Proposers are hereby notified that all information submitted as part of, or in support of proposals will be available for public inspection after opening of proposals, in compliance with Chapter 119, Florida Statutes, popularly known as the "Public Record Law". The Proposer shall not submit any information in response to this RFA which the Proposer considers to be a trade secret, proprietary or confidential. The submission of any information to the County in connection with this Solicitation shall be deemed conclusively to be a waiver of any trade secret or other protection, which would otherwise be available to Proposer. In the event that the Proposer submits information to the County in violation of this restriction, either inadvertently or intentionally, and clearly identifies that information in the proposal as protected or confidential, the County shall endeavor to redact and return that information to the Proposer as quickly as possible, and if appropriate, evaluate the balance of the proposal. The redaction or return of information pursuant to this clause may render a proposal non-responsive.

Any Proposer who, at the time of proposal submission, is involved in an ongoing bankruptcy as a debtor, or in a reorganization, liquidation, or dissolution proceeding, or if a trustee or receiver has been appointed over all or a substantial portion of the property of the Proposer under federal bankruptcy law or any state insolvency law, may be found non-responsible.

1.4 Time Table

OCED/EZ is hereby issuing an RFA for applicants who are interested in applying for FY 2009 EZ Grant funds. OCED/EZ anticipates awarding a contract for up to a twelve (12) month period. The anticipated schedule for this Solicitation is as follows:

- The RFA Application will be available on **March 23, 2009.**
- Two Technical Assistance workshops will be held:
  - **March 30, 2009 from 1:00 p.m. to 3:00 p.m.**
    at the Phichol Williams Community Center,
    951 SW 4th Avenue, Homestead, Florida
  - **March 31, 2009 from 10:00 a.m. to 12:00 noon**
    at the Overtown Transit North Building
    701 NW 1 Court, 14th Floor North Conference Room,
    Miami, Florida
- Deadline for receipt of questions is **April 17, 2009**
- **The Application submission deadline is April 24, 2009, at 2:00 p.m. Prior to April 24, 2009, between the hours of 9:00 a.m. and 4:00 p.m.,** applications may be delivered to the

Clerk of the Board of County Commissioners on the 17th floor, Miami-Dade Center, 111 NW 1st Street, Miami, Florida 33128.

- All applicants must make a presentation to EZ Neighborhood Assemblies and /or community residents they propose to serve in **April or May 2009** (Dates to be determined).

- Starting **April 27, 2009**, staff will review all applications and consult with the EZ Neighborhood Assemblies, the EZ Advisory Board and the appropriate committees of the Board of County Commissioners.

- The Evaluation/Selection Committee will meet to evaluate responsive and responsible proposals. (date to be determined)

- The FY 2009 Implementations Plans for approved projects will be submitted to U.S. HUD not later than July 31, 2009.

- Contract period will begin June 2009.

1.5 Definitions

The following words and expressions used in this Solicitation shall be construed as follows, except when it is clear from the context that another meaning is intended:

1. The word "Contractor" to mean the Proposer that receives any award of a contract from the County as a result of this Solicitation, also to be known as "the prime Contractor".
2. The word "County" to mean Miami-Dade County, a political subdivision of the State of Florida.
3. The word "Proposer" to mean the person, firm, entity or organization, as stated on Form A-1, submitting a response to this Solicitation.
4. The words "Scope of Services" to mean Section 2.0 of this Solicitation, which details the work to be performed by the Contractor.
5. The word "Solicitation" to mean this Request for Application (RFA) document, and all associated addenda and attachments.
6. The word "Subcontractor" to mean any person, firm, entity or organization, other than the employees of the Contractor, who contracts with the Contractor to furnish labor, or labor and materials, in connection with the Services to the County, whether directly or indirectly, on behalf of the Contractor.
7. The words "U.S. HUD" to mean the United States Department of Housing and Urban Development.
8. The words "Work", "Services", "Program", or "Project" to mean all matters and things that will be required to be done by the Contractor in accordance with the Scope of Services and the terms and conditions of this Solicitation.
9. The word "OCED" to mean the Office of Community and Economic Development.
10. The word "EZ" to mean Empowerment Zone.

1.6 Cone of Silence

Pursuant to Section 2-11.1(t) of the Miami-Dade County Code, as amended, a "Cone of Silence" is imposed upon each RFP, RFQ or RFA after advertisement and terminates at the time a written recommendation is issued. The Cone of Silence prohibits any communication regarding RFPs, RFQs or RFAs between, among others:

- potential Proposers, service providers, lobbyists or consultants **and** the County's professional staff including, but not limited to, the County Manager and the County Manager's staff, the Mayor, County Commissioners or their respective staffs;
- the Mayor, County Commissioners or their respective staffs **and** the County's professional staff including, but not limited to, the County Manager and the County Manager's staff; or

- potential Proposers, service providers, lobbyists or consultants, any member of the County's professional staff, the Mayor, County Commissioners or their respective staffs **and** any member of the respective selection committee.

The provisions do not apply to, among other communications:

- oral communications with the staff of OCED, EZ, or the responsible Program Manager, provided the communication is limited strictly to matters of process or procedure already contained in the solicitation document;
- oral communications at pre-proposal conferences, oral presentations before selection committees, contract negotiations during any duly noticed public meeting, public presentations made to the Board of County Commissioners during any duly noticed public meeting; or
- communications in writing at any time with any county employees, official or member of the Board of County Commissioners unless specifically prohibited by the applicable RFA documents.

When the Cone of Silence is in effect, all potential vendors, service providers, bidders, lobbyists and consultants shall file a copy of any written correspondence concerning the particular RFA with the Clerk of the Board, which shall be made available to any person upon request. The County shall respond in writing (if County deems a response necessary) and file a copy with the Clerk of the Board, which shall be made available to any person upon request. Written communications may be in the form of e-mail, with a copy to the Clerk of the Board at CLERKBCC@MIAMIDADE.GOV.

1.7 Public Entity Crimes

Pursuant to Paragraph 2(a) of Section 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal for a contract to provide any goods or services to a public entity; may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work; may not submit proposals on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and, may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 for Category Two ($10,000) for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

1.8 Collusion

Where two (2) or more related parties, as defined herein, each submit a proposal for any contract, such proposals shall be presumed to be collusive. The foregoing presumption may be rebutted by the presentation of evidence as to the extent of ownership, control and management of such related parties in preparation and submittal of such proposals. Related parties shall mean Proposer or the principals thereof which have a direct or indirect ownership interest in another Proposer for the same contract or in which a parent company or the principals thereof of one Proposer have a direct or indirect ownership interest in another Proposer for the same contract. Furthermore, any prior understanding, agreement, or connection between two or more corporations, firms, or persons submitting a proposal for the same services shall also be presumed to be collusive. Proposals found to be collusive shall be rejected. Proposers who have been found to have engaged in collusion may be considered non-responsible, and may be suspended or debarred, and any contract resulting from collusive bidding may be terminated for default.

2.0 SCOPE OF SERVICES

2.1 Background

The Office of Community and Economic Development (OCED) administers federal and state funded programs including the Empowerment Zone (EZ) Initiative. The five key commitments to the Zone for full employment, investment and growth are dramatic: (1) Jobs and Pathways; (2) Building in the Zone; (3)

Growing New Businesses; (4) Sustainable Community Development: People and Places; and (5) Wired Information Technology in the Zone.

This Request for Application (RFA) is seeking proposals from qualified existing business firms, community based entities seeking to provide economic development and wealth creation opportunities within the Miami-Dade County EZ neighborhoods. The Proposers' approach to the delivery of services must incorporate the key commitments identified in the Miami-Dade EZ's Strategic Plan/Application.

No more than **$3.5 million** will be awarded as a result of the FY 2009 RFA process. The amount in the RFA is derived from the $3.9 million remaining federal EZ funds minus the $357,766 being authorized as reimbursements for prior EZ commitments on this same agenda. The EZ program sunsets in December 2009 and the Office of Community and Economic Development (OCED) is working within the guidelines of the US Department of Housing and Urban Development (US HUD) to ensure that all funds are encumbered by December 31, 2009.

Funds will be allocated for neighborhood/community based projects within the EZ that meet the priority needs identified in the Priorities (Part II, Attachment 2). These priorities represent the most current input from the residents, and are consistent with the priorities developed by residents during the Federal application process. Each EZ Neighborhood Assembly will provide in aggregate $300,000 in awards. It is anticipated that no single award will exceed $100,000. However, a Proposer may submit more than one proposal, if providing services in more than one EZ service area. The contract period will be for up to one (1) year from the contract execution date.

2.2 Minimum Requirements

The minimum requirements for this RFA are as follows:

- The Proposer must submit a Work Plan for the proposed project, addressing the scope of the projects and its goals, company background and experience as it relates to the above activities, and full project budget and financial plan.
- The Proposer must also submit a full profit and revenue statement indicating clearly the level of profits that the organization generates and the amount of funding requested from the Trust, including other leveraging components. The intent of the Empowerment Zone Initiative is to provide leverage funding which can be combined with funding committed by private and or other government funding sources. Therefore, the project must show the capability to leverage the grant award amount with other private and/or public sector funding. Verifiable documentation must be submitted for all committed private and or other government funding sources.
- The Proposer must clearly identify the Empowerment Zone neighborhood(s) for which they are seeking funding.
- The Proposer must be a business located in the Miami-Dade Empowerment Zone.

2.3 Other Requirements

Sections 598.605 and 598.615(a)(1) of HUD's regulations contain reminders that the resident benefit and economic development requirements must be separately met for each activity supported with HUD EZ grant funds. The decision as to whether the activity is in conjunction with economic development will be made in accordance with the following but not limited to:

- The activity that involves assisting a business to establish or expand (subject to the restrictions in 598.215(c).
- An activity that assists a person to enter or remain in a job
- The provision of workforce development and other kinds of educational assistance, only if it demonstrates that such education will be provided to persons who cannot qualify for available jobs because of the lack of some specific knowledge that would be given them through the course(s) to be provided and at least 51 percent of whom are EZ residents.

- The provision of public improvements, if it is shown that the lack of the improvements clearly is an impediment to the establishment, expansion or retention of one or more businesses, and that the provision of the proposed public improvement would be limited as much as feasible to assisting the business or businesses.

In general, it can be understood that the reviewers of the proposals will find compelling, economic development projects which contain a strategy for revenue generation, job creation and equity participation by the Empowerment Zone and it's successor in rights.

2.4 Reporting

The selected Proposer will provide monthly progress reports on projects. The reports will contain performance measures that are required. The selected Proposer shall also provide reports on an as needed basis to ensure compliance with HUD regulations.

2.5 Measuring Outcomes

Outcome indicators related to the goals established in the EZ Strategic Plan will be used to measure performance. Applicants are encouraged to familiarize themselves with the Federal Register, Part II, Attachment 3, that contain HUD's decision as to whether an activity is in conjunction with economic development. However, OCED will not be restricted to using only the requirements listed therein

2.6 Reimbursements

OCED agrees to reimburse the Provider for services rendered under the Agreement based on a line item budget. The Provider agrees to submit payment requests to OCED accompanied by such documentation as requested by OCED. It is the responsibility of the provider to maintain sufficient cash flow pending receipt of reimbursement. OCED reserves the right to re-negotiate or restructure fees such as allowing for assignments on a fixed fee basis. OCED also reserves the right to modify the scope of services.

3.0 RESPONSE REQUIREMENTS

3.2 Submittal Requirements

In response to this Solicitation, Proposer should **return the entire completed Proposal Submission Package** (see Attached). Proposers should carefully follow the format and instructions outlined therein. All documents and information must be fully completed and signed as required.

The proposal shall be written in sufficient detail to permit OCED to conduct a meaningful evaluation of the proposed services. However, overly elaborate responses are not requested or desired.

Proposers are advised to follow the guidelines listed below:

- The application coversheet needs to list the EZ Neighborhood for which Proposer is submitting application.

  Example: If you are submitting an application for a project in Overtown, you would print **"OVERTOWN"** in bold letters on the application coversheet.

- All Proposers applying for funding under OCED/EZ funding should complete the **General Section**. Proposers must submit both the General Section and **the forms in the application booklet.**

- All Proposers must submit the **Application Cover Sheet** as the **first page** of each application followed by the **Activity Application Submission Form.**

- **All applicants MUST make a three to five minute presentation** in the EZ Neighborhood the project is located in. These presentations must be made in **April and May 2009.** Schedules for these meetings are included in this application. The Activity Summary for Presentation to EZ Neighborhood Assemblies form must be submitted in advance for the purpose of scheduling presentations at Neighborhood Assembly meetings. **You will not be allowed to make an unscheduled presentation**. The completed "Activity Summary Form" on each proposed FY 2009 Activity must be submitted to Lori Weldon, Program Manager, EZ Initiative at least one (1) week before of the selected meetings.

- All Applicants must submit one (1) original and ten (10) copies of the application. **The Original applications must be in a three-ring binder, with the word "ORIGINAL" written on the outside of the binder,** with the name of the agency, EZ Neighborhood, and name of proposed activity on the outside of each binder. **ALL Originals and copies of applications must have all required documents. Please do not exclude any document from any copy**. If submitting more than one application please submit each original activity in a separate binder. The ten copies of the original application can be bound with a binder clip.

- Original applications not submitted in three (3) ring binders will not be accepted. **No pages are to be stapled or clipped.**

- All proposals must be submitted in the legal name of the corporation or agency.

- All applicants must provide Employer Identification Number (EIN/Federal Identification Number) on the application.

- Applicants submitting more than three (3) applications for EZ funding will be awarded negative points for all the applications submitted.

- Applications submitted after the deadline of **April 24, 2009, 2:00 PM** will not be accepted.
- Faxed or electronic applications will not be accepted.
- Proposals must comply with requirements of this RFA. Proposals that are incomplete, lack required documents or have deficiencies and errors will be rejected.

- No changes or additions to the proposals will be accepted after the application deadline.

- Applications will not be accepted anywhere other than as noted below.

- The Board of County Commissioners reserves the right to waive any informality in, or to reject, any and all such applications.

- Miami-Dade County will not fund an entity with outstanding disallowed costs, defaulted loans, debarment actions or any other legal encumbrances regardless of the merits of the submitted proposal.

- Miami-Dade County reserves the right to create partnerships to provide services in an area or enhance the effectiveness of program delivery, should the County determine such action is in the best interest of the County and the community being served.

- **This RFA is not soliciting applications for proposals for Revolving Loan Programs, Micro-Enterprise and Peer Lending Programs.**

Questions on this application may be made to:

- Lori Weldon at (786) 469-2262
- Lydia Osborne at (786) 469-2259

Applications should be labeled as directed below:

Mr. Harvey Ruvin
Clerk of the Board of County Commissioners
17th Floor, Miami-Dade Center
111 N.W. First Street
Miami, Florida 33128

Attention: Karen Moore, Director
Office of Community and Economic Development
Empowerment Zone Initiative

Applications may be submitted to the Clerk's Office by deadline
April 24, 2009, 2:00 p.m.

4.0 EVALUATION PROCESS

4.1 Review of Proposals for Responsiveness

Each proposal will be reviewed to determine if the proposal is responsive to the submission requirements outlined in this Solicitation. A responsive proposal is one which follows the requirements of this Solicitation, includes all documentation, is submitted in the format outlined in this Solicitation, is of timely submission, and has the appropriate signatures as required on each document. Failure to comply with these requirements may result in the proposal being deemed non-responsive.

4.2 Evaluation Criteria

Proposals will be evaluated by an Evaluation/Selection Committee which will evaluate and rank proposals on criteria listed below. The Evaluation/Selection Committee will be comprised of appropriate County personnel and members of the EZ Advisory Board, as deemed necessary, with the appropriate experience and/or knowledge, striving to ensure that the Evaluation Committee Evaluation/Selection Committee is balanced with regard to both ethnicity and gender. The criteria are itemized with their respective weights for a maximum total of one hundred (100) points per Evaluation/Selection Committee member.

Technical Criteria	Points
1. Proposer's relevant experience, qualifications, and past performance.	25
2. Relevant experience and qualifications of key personnel, including key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors	25
3. Proposer's approach to providing the services requested in this	20

Solicitation

4. Proposer's ability to leverage EZ grant funding with other sources of funding.	10

Price Criteria	**Points**
5. Proposer's proposed price	20

4.4 Oral Presentations

Upon completion of the criteria evaluation indicated above, rating and ranking, the Evaluation/Selection Committee may choose to conduct an oral presentation with the Proposer(s) which the Evaluation/Selection Committee deems to warrant further consideration based on, among other considerations, scores in clusters and/or maintaining competition. (See **Form A-2** regarding registering speakers in the proposal for oral presentations.) Upon completion of the oral presentation(s), the Evaluation/Selection Committee will re-evaluate, re-rate and re-rank the proposals remaining in consideration based upon the written documents combined with the oral presentation.

4.5 Price Evaluation

After the evaluation of the technical proposal, the County will evaluate the price proposals of those Proposers remaining in consideration. The price proposal will be evaluated subjectively in combination with the technical proposal, including an evaluation of how well it matches Proposer's understanding of the County's needs described in this Solicitation, the Proposer's assumptions, and the value of the proposed services. The pricing evaluation is used as part of the evaluation process to determine the highest ranked Proposer. The County reserves the right to negotiate the final terms, conditions and pricing of the contract as may be in the best interest of the County.

4.6 Negotiations

The County may award a contract on the basis of initial offers received, without discussions. Therefore, each initial offer should contain the Proposer's best terms from a monetary and technical standpoint.

The Evaluation/Selection Committee will evaluate, score and rank proposals, and submit the results of their evaluation to the County Manager with their recommendation. The County Manager or designee will determine with which Proposer(s) the County shall negotiate, if any. In his sole discretion, the County Manager or designee may direct negotiations wit the highest ranked Proposer, negotiations with multiple Proposers, or may request best and final offers.

Notwithstanding the foregoing, if the County and said Proposer(s) cannot reach agreement on a contract, the County reserves the right to terminate negotiations and may, at the County Manager's or designee's discretion, begin negotiations with the next highest ranked Proposer(s). This process may continue until a contract acceptable to the County has been executed or all proposals are rejected. No Proposer shall have any rights against the County arising from such negotiations or termination thereof.

Any Proposer recommended for negotiations may be required to provide to the County:

a) Its most recent certified business financial statements as of a date not earlier than the end of the Proposer's preceding official tax accounting period, together with a statement in writing, signed by a duly authorized representative, stating that the present financial condition is materially the same as that shown on the balance sheet and income statement submitted, or with an explanation for a material change in the financial condition. A copy of the most recent business income tax return will be accepted if certified financial statements are unavailable.

b) Information concerning any prior or pending litigation, either civil or criminal, involving a governmental agency or which may affect the performance of the services to be rendered herein, in which the Proposer, any of its employees or subcontractors is or has been involved within the last three years.

4.7 Contract Award

Any contract, resulting from this Solicitation, will be submitted to the County Manager or designee for approval. All Proposers will be notified in writing when the County Manager or designee makes an award recommendation to the BCC. The Contract award, if any, shall be made to the Proposer whose proposal shall be deemed by the County to be in the best interest of the County. Notwithstanding the rights of protest listed below, the County's decision of whether to make the award and to which Proposer shall be final.

5.0 PART I, ATTACHMENTS

Checklist
Activity Summary for Presentation
Application Cover Sheet
General Section
Proposal Submission Package
Part II, Attachments

OCED/EZ APPLICATION CHECKLIST

==========

ALL DOCUMENTS MUST BE INCLUDED IN <u>EACH</u> ORIGINAL SUBMISSION BINDER AND IN EACH OF THE TEN COPIES

==========

<u>PLEASE SUBMIT THESE IN THE ORDER AS THEY APPEAR IN THE LIST</u>

1. **Application Cover Sheet**
2. **Activity Application Submission Form**
3. **Form A-1**
4. **OCED/EZ RFA FY 2009 Application**
5. **Proposer's Information**
6. **Scope of Services** - Provide a Full, Detailed Activity Description - <u>Please include, as Attachment A,</u> a full activity description, limited to two (2) pages typed. The description shall include, at the minimum, *who* you are serving, *how* many you are serving, *what* types of services you will be providing, *where* your activities are located, *when* are these services provided and *how* services are administered.
7. **Form A-2**, Affidavit of Miami-Dade County Lobbyist Registration For Oral Presentation
8. **Form A-3**, Acknowledgement of Addenda
9. **Budget/Price Proposal** - The applicant shall submit a full and complete total budget including a listing of any and all funds, which are expected to be utilized as a match or to partially fund the project or program other than the funds that the applicant is requesting in its proposal. In addition, the applicant shall submit written documentation of all anticipated funding sources other than the FY 2009 funds requested. (Part II, Attachment 6)
10. **W-9 Form** -Request for Taxpayer Identification Number and Certification
11. **Tax Exempt Status Letter** - Evidence of the non-profit
12. **IRS 990** - Description of the non-profit status
13. **Governing Board** - names and addresses
14. **Agency's Current Articles of Incorporation**
15. **Agency's Current By-Laws**
16. **Contact information for ALL partners** - Names of the organizations and the specific governmental agencies involved in the partnership, include contact person(s), address and telephone number of each and their role in the project. *Identify non-profits versus for-profits.*
17. **Current Certificate of Good Standing** from the State of Florida

I hereby certify that this proposal is complete as indicated above.

APPLICANT: _____ ***DATE:*** _____

APPLICATION COVER SHEET
FY 2009 REQUEST FOR APPLICATIONS

AGENCY/APPLICANT NAME: _____

AGENCY ADDRESS: _____

_____

AUTHORIZED REPRESENTATIVE: _____

TELEPHONE NUMBER: _____

EZ Neighborhood for the Proposer is requesting funds. _____

List activity for which you are requesting funds in the table below.

ACTIVITY TITLE	AMOUNT REQUESTED	CONTACT PERSON	PHONE NUMBER	EMAIL ADDRESS
TOTAL FUNDS REQUESTED $				

MIAMI-DADE OCED/EZ FY 2009
ACTIVITY SUMMARY FOR PRESENTATION TO
EZ NEIGHBORHOOD ASSEMBLIES

Please submit one (1) form for each proposed activity

AGENCY NAME:

CONTRACT PERSON (NAME AND TITLE):

TELEPHONE NUMBER: _____ FAX NUMBER: _____ E. MAIL: _____

APPLICANT ADDRESS: _____

ACTIVITY TITLE: _____

TYPE OF ACTIVITY:

— Economic Development — Community Development

— Façade Improvements — Job Training/Workforce Development

LOCATION OF ACTIVITY (ADDRESS OR FOLIO NUMBER): _____

CITY: _____ ZIP: _____

ACTIVITY
DESCRIPTION: _____

LIST THE COMMISSION DISTRICTS THE ACTIVITY WILL SERVE (1 thru 13):

_____

LIST THE EZ COMMUNITIES THE ACTIVITY WILL SERVE:

— Allapattah — Central Business District — East Little Havana

— Florida City — Homestead — Liberty City/Model City

— Melrose — Overtown — Wynwood

— Zonewide — Developable Sites — Zonewide

AMOUNT OF FUNDS REQUESTED FOR FY 2009: _____

TOTAL PROJECT COST: _____

The form must be completed for each proposed activity and returned c/o Lori Weldon, Project Manager, EZ Initiative, at OCED, fax 786-469-2265

Form A-1

PROPOSER'S NAME (Name of firm, entity or organization):

FEDERAL EMPLOYER IDENTIFICATION NUMBER:

NAME AND TITLE OF PROPOSER'S CONTACT PERSON:

Name: Title:

MAILING ADDRESS:

Street Address: _____

City, State, Zip: _____

TELEPHONE:	***FAX:***	***E-MAIL ADDRESS:***
(____) _____	(____) _____	_____

PROPOSER'S ORGANIZATIONAL STRUCTURE:

____ Corporation ____ Partnership ____ Proprietorship ____ Joint Venture

____ Other (Explain): _____

IF CORPORATION,
Date Incorporated/Organized: _____

State Incorporated/Organized: _____

States registered in as foreign corporation: _____

PROPOSER'S SERVICE OR BUSINESS ACTIVITIES OTHER THAN WHAT THIS SOLICITATION REQUESTS FOR:

LIST NAMES OF PROPOSER'S SUBCONTRACTORS OR SUBCONSULTANTS FOR THIS PROJECT:

CRIMINAL CONVICTION DISCLOSURE:
Pursuant to Miami-Dade County Ordinance No. 94-34, any individual who has been convicted of a felony during the past ten years and any corporation, partnership, joint venture or other legal entity having an officer, director, or executive who has been convicted of a felony during the past ten years shall disclose this information prior to entering into a contract with or receiving funding from the County.

☐ Place a checkmark here only if Proposer has such conviction to disclose to comply with this requirement.

PROPOSER'S AUTHORIZED SIGNATURE

The undersigned hereby certified that this proposal is submitted in response to this solicitation.

Signed By: _____ Date: _____

Print Name: _____ Title: _____

A-1 Rev. 1/23/07

**** PLEASE NOTE:** THIS RFA IS NOT SEEKING APPLICATIONS UNDER THE PUBLIC SERVICE CATEGORY**

7. What category are you applying for? (Select only one)

☐ Façade Improvements ☐Economic Development

☐Workforce Development ☐Community Development

8. For this application, how much funding are you requesting? _____

9. If previously funded for this activity, how much funding did you receive from the EZ for this activity in prior years? $_____

(Note: You are only considered previously funded if you are requesting funds from the EZ, for the same activity) (Please mark N/A if you did not receive funding from the EZ.) Verification of award will be checked via a Resolution or an executed contract.

10. If previously funded by EZ, has the agency submitted its progress reports and met its contractual requirements in a timely manner?

☐ A. Not previously funded, question does not apply
☐ B. Submitted all required reports and met all performance objectives
☐ C. Submitted no reports and/or has not met performance objectives
☐ D. Has unresolved monitoring findings

11. Please provide EACH of the following documentation, which must adhere to the formats, provided in Part II, Attachments 6

☐ An overall agency budget (from all funding sources)
☐ A detailed activity budget
☐ A detailed activity scope of work, broken down into four (4) quarters
☐ A detailed 10-year operating pro-forma (if applicable)

12. What is the TOTAL project cost? $_____

(Please provide evidence such as: Full, detailed project scope and budget, see Part II, Attachments 6 for appropriate samples.)

13. Has this activity secured documented funding from other sources? (Add additional paper if needed)

From Where?	How Much?
	$
	$
	$
	$

(Please provide evidence such as: *Award letters, signed affidavits if from agency's own resources, letters of commitment that are not contingent upon award or municipal resolutions)*

_____0-25% Leverage **(-2 pt.)** _____26-79% Leverage **(5 pts.)** _____80-100% Leverage **(10 pts.)**

14. What is the primary activity address (or where the project is located)? (If there are multiple activity addresses, you must submit this information for all locations. Please use additional paper and include this as part of Attachment A) P.O. Boxes are not acceptable; a physical activity location must be given.

Street Address: _____

City: _____ State: ☐☐ Zip Code: ☐☐☐☐☐-☐☐☐☐

GENERAL SECTION

*** PLEASE NOTE:** This RFA is not seeking applications under the PUBLIC SERVICE Category**

CENSUS TRACK & CENSUS BLOCK NUMBER: _____

(Census information can be obtained through www.census.gov , Select American Fact Finder, Select Street Address, Type in the activity address, Press Go and your information will come up in a box underneath your address.) or http://qisims2.miamidade.gov/Cservices/CSReport.asp

If there are multiple addresses please provide crossroads information:

_____

15. Are you located within the Federal Empowerment Zone? ☐ Yes ☐ No

(Information can be obtained by going to http://qisims2.miamidade.gov/Cservices/CSReport.asp?CMD=INIT and entering in your activity location. Please provide evidence such as: *Print out of the information obtained via the above website.)*

16. If yes, please check applicable location?

☐ Northside/Poinciana (Developable Site)
☐ East Little Havana (Neighborhood)
☐ Liberty City / Model City (Neighborhood)
☐ Airport
☐ Wynwood (Neighborhood)
☐ Opa-Locka (Developable Site)
☐ Homestead (Neighborhood)
☐ Melrose (Neighborhood)
☐ Florida City (Neighborhood)
☐ Homestead/Florida City (Developable Site)
☐ Allapattah/ Civic Center (Neighborhood)
☐ Overtown (Neighborhood)
☐ Central Business District & Seaport

17. What County Commission District(s) is/are your activity located or where do your clients come from? Please circle all that apply.

(Information can be obtained by going to http://qisims2.miamidade.gov/Cservices/CSReport.asp?CMD=INIT and entering in your activity location)

1 2 3 4 5 6 7 8 9 10 11 12 13 County Wide

18. Will you be creating a minimum of one job per $35,000 of this award?

(Provide a list of the proposed job titles and projected salaries)

☐ Yes, indicate the proposed number of jobs to be created. _____
☐ No

19. Will this activity provide assistance that will result in the retention of jobs?

☐ Yes ☐ No

(If yes, please provide your written statement detailing the hardship imposed on the business that was assisted in this potential loss of jobs)

20. Does the agency have written contractual agreements with businesses the agency is proposing to assist?

(Please provide evidence such as: *Copies of the executed agreements.)*

☐ Yes ☐ No

21. Does the applicant have current agreements with other service providers to enhance the delivery of services to clients who are clearly defined in the proposal?

☐Current agreements ☐Proposed agreements ☐No such proposal

22. Does the applicant have clearly defined benchmarks to measure progress, as evidenced in the scope of services.

☐ Yes (please attach copy of scope of services) ☐ No

23. Does the community support this project? ☐ Yes ☐ No

(If yes, please provide evidence of that support such as letters from community residents, businesses and/or CAC resolutions.

GENERAL SECTION

** **PLEASE NOTE:** This RFA is not seeking applications under the PUBLIC SERVICE Category**

QUESTIONS 24-33 are for **NOT FOR PROFITS ONLY** to determine CBDO eligibility

FOR PROFIT APPLICANTS SKIP TO QUESTION 34

FOR THE FOLLOWING 10 QUESTIONS, (24-33) PLEASE TAB EACH PART OF THE DOCUMENT WITH THE CORRESPONDING QUESTIONS THAT TAB IS ADDRESSING AND HIGHLIGHT THE APPROPRIATE SECTION. *IF THE REQUESTED WRITTEN DOCUMENTATION IS NOT PROVIDED, THE QUESTION WILL BE SCORED AS A NO.*

FOR EXAMPLE, FOR ANY QUESTION THAT STATES BY-LAWS ARE AN ACCEPTABLE SOURCE OF DOCUMENTATION, YOU ONLY NEED TO SUPPLY ONE SET OF BY-LAWS WITH EACH QUESTION APPROPRIATELY TABBED AND HIGHLIGHTED TO DENOTE THE ANSWER TO THAT PARTICULAR QUESTION.

24. Is the agency organized under state law to engage in community development activities within the community? (Please provide evidence such as: *Articles of Incorporation or By-Laws)*

☐ Yes ☐ No

25. Has there been a tax exemption ruling from the Internal Revenue Service (IRS) under Section 501 (c)(3) or (4) of the IRS Code of 1986? (Please provide evidence such as: *current Tax Exempt Status Letter or letter of application to the IRS)*

☐ Yes ☐ No

26. Does your agency have, among its purposes, the improvement of the physical, social, or economic environment of its service area by addressing one or more critical problems in the area, with particular attention to the needs of EZ residents. (Please provide evidence such as: *Articles of Incorporation or By-Laws)*

☐ Yes ☐ No (-1 pt.)

27. Does your agency have a history of service to the community within an EZ neighborhood, and has community services, economic development, or energy conservation projects? (Please provide evidence such as: *A statement that documents the length of time the organization has had experience in serving the community or for newly created organizations formed by local churches, service or community organizations, or a statement that documents the length of time that its parent organization has experience in serving the community.)*

☐ Yes ☐ No

28. Does your agency currently provide services that increase opportunities for EZ residents? (Please provide evidence such as: *Program Materials, Marketing, Annual Reports, Brochures or other sources, such as news articles, letters of recognition or awards.)*

☐ Yes ☐ No

29. Does your agency have the technical capacity for carrying out the activities?
(Please provide evidence such as: *Resumes and/or statements that describe the experience of key staff members who have successfully completed projects, Contract(s) with consultant firms, non-profit organizations or individuals who possess program knowledge or experience carrying out projects to be assisted, to train appropriate key staff of the organization.)*

☐ Yes ☐ No

30. Does your agency conform to "standards for Financial Management Systems"? (Please provide evidence such as: *Audited Financial Statement, certification from a Certified Public Accountant, A notarized statement by the President or Chief Financial Officer of the organization or an accounting/internal control procedures manual.)*

☐ Yes ☐ No

31. Does your Agency maintain accountability to residents or target population through representation on its governing board or by some other means? (Please provide a list of the Board along with their addresses)

☐ Yes ☐ No

GENERAL SECTION

** **PLEASE NOTE:** This RFA is not seeking applications under the PUBLIC SERVICE Category**

32. Does your agency act as an agency or instrumentality of a unit of state or local government and no more that one-third of the board is elected or appointed public officials or employees of state or local government? (Please provide evidence such as: *Articles of Incorporation, By-Laws or a List of Members of the Government Board with addresses)*

☐ Yes ☐ No

33. Is the Governing body nominated by the general membership of the organization? (1 pt.)
(Please provide evidence such as: *Articles of Incorporation or By-Laws)*

☐ Yes ☐ No

QUESTIONS 34-37 ARE FOR **FOR-PROFIT** ENTITIES ONLY

34. Has a Proforma budget been prepared for the activity showing the debt equity and grant request/award financing structure? (Please provide evidence such as: *Proforma budget)*

☐ Yes ☐ No

35. Does your organization have audited financial statements from the last three (3) years? (Please provide evidence such as: *A notarized statement by the President or Chief Financial Officer of the organization attesting to the structures used and a copy of the latest financial audit.)*

☐ Yes ☐ No

36. Does your organization have the technical capacity for carrying out the activities?
(Please provide evidence such as: *Resumes and/or statements that describe the experience of key staff members who have successfully completed projects, Contract(s) with consultant firms, non-profit organizations or individuals who possess program knowledge or experience carrying out projects to be assisted, to train appropriate key staff of the organization.)*

☐ Yes ☐ No

37. Does your organization conform to "standards for Financial Management Systems"?
(Please provide evidence such as: *Audited Financial Statement, Certification from a Certified Public Accountant, A notarized statement by the President or Chief Financial Officer of the organization or accounting/internal control procedures manual.)*

☐ Yes ☐ No

---

38. How many applications has the agency submitted? *(Note: More than 3 applications results in a (-10) deduction in your overall score, for each application over 3.)*

	Activity Name	Category (ex. Economic Development)	Amount of Request
1.			$
2.			$
3.			$
		TOTAL AMOUNT OF REQUESTS:	$

END OF GENERAL APPLICATION

PROPOSAL SUBMISSION PACKAGE
Request for Applications (RFA) No. 000
Office of Community and Economic Development/Empowerment Zone Initiative

In response to the Solicitation, Proposer shall RETURN THIS ENTIRE PACKAGE completed as follows:

1. **Application Cover Sheet**

2. **Activity Application Submission Form**

3. **Form A-1, Cover Page of Proposal:** Complete and sign (by Proposer or representative of the Proposer who is legally authorized to enter into a contractual relationship in the name of the Proposer) as required.

4. **OCED/EZ RFA FY 2009 Application**

5. **Proposer's Information:** Complete the Proposer Information section following the requirements therein. Note: The Proposer Information document is available in an electronic format (Word) by submitting a written request via e-mail to the County contact person for this Solicitation.

6. **Scope of Services:** Provide a Full, Detailed Activity Description - Please include, as Attachment A, a full activity description, limited to two (2) pages typed. The description shall include, at the minimum, *who* you are serving, *how* many you are serving, *what* types of services you will be providing, *where* your activities are located, *when* are these services provided and *how* services are administered.

7. **Affidavits/Acknowledgements:** Complete and sign the following forms:
   Form A-2, Affidavit of Miami-Dade County Lobbyist Registration For Oral Presentation
   Form A-3, Acknowledgement of Addenda

8. **Budget/Price Proposal Schedule:** Complete and sign (by Proposer or representative of the Proposer who is legally authorized to enter into a contractual relationship in the name of the Proposer) as required. The applicant shall submit a full and complete total budget including a listing of any and all funds, which are expected to be utilized as a match or to partially fund the project or program other than the funds that the applicant is requesting in its proposal. In addition, the applicant shall submit written documentation of all anticipated funding sources other than the FY 2009 funds requested.

9. **Miscellaneous Items**
   W-9 Form -Request for Taxpayer Identification Number and Certification
   Tax Exempt Status Letter - Evidence of the non-profit
   IRS 990 - Description of the non-profit status
   Governing Board - names and addresses
   Agency's Current Articles of Incorporation
   Agency's Current By-Laws
   Contact information for ALL partners
   Current Certificate of Good Standing

10. **Proposal Submission:** Submit in hardcopy format an original, complete Proposal Submission Package and ten (10) copies of the complete package **by the Proposal Due Date** (see front cover of Solicitation) in a sealed envelope/container addressed as follows:

Proposer's Name
Proposer's Address
Proposer's Telephone Number

Clerk of the Board
Stephen P. Clark Center
111 NW 1st Street, 17th Floor, Suite 202
Miami, FL 33128-1983

RFA No.: RFA
RFA Title:
Proposal Due Date: April 24, 2009

Proposer Information

Proposer's Experience and Past Performance

1. Provide the number of years that the Proposer has been in existence, the current number of employees, and the primary markets served.

2. Describe Proposer's experience administering federal, state and other intergovernmental and community/economic development programs.

3. Provide a detailed description of comparable contracts (similar in scope of services to those requested herein) which the Proposer has either ongoing or completed within the past five years. The description should identify for each project:

   a) client,
   b) description of work,
   c) total dollar value of the contract,
   d) dates covering the term of the contract,
   e) client contact person and phone number,
   f) statement of whether Proposer was the prime contractor or subcontractor, and
   g) the results of the project.

   Where possible, list and describe those projects performed for government (excluding any work performed for the County).

4. List all contracts which the Proposer has performed for Miami-Dade County. The County will review all contracts the Proposer has performed for the County in accordance with Section 2-8.1(g) of the Miami-Dade County Code, which requires that "a Bidder's or Proposer's past performance on County Contracts be considered in the selection of Consultants and Contractors for future County Contracts." As such the Proposer must list and describe all work performed for Miami-Dade County and include for each project:

   a) name of the County Department which administers or administered the contract,
   b) description of work,
   c) total dollar value of the contract,
   d) dates covering the term of the contract,
   e) County contact person and phone number,
   f) statement of whether Proposer was the prime contractor or subcontractor, and
   g) the results of the project.

Key Personnel and Subcontractors Performing Services

5. Provide an organization chart showing all key personnel, including their titles, to be assigned to this project. This chart must clearly identify the Proposer's employees and those of the subcontractors or sub-consultants and shall include the functions to be performed by the key personnel. All key personnel includes all partners, managers, seniors and other professional staff that will perform work and/or services in this project.

6. List the names and addresses of all first tier subcontractors or sub-consultants, and describe the extent of work to be performed by each first tier subcontractor. Describe the experience, qualifications and other vital information, including relevant experience on previous similar projects, of the subcontractors who will be assigned to this project.

7. Describe the experience, qualifications and other vital information, including relevant experience on previous similar projects, of all key personnel, including those of subcontractors, who will be assigned to this project.

8. Provide resumes, if available, with job descriptions and other detailed qualification information on all key personnel who will be assigned to this project, including any key personnel of subcontractors.

9. Describe how Proposer will ensure that the proposed key staff will be available for the County's project over the term of the contract. If a key personnel member is replaced or is requested to be replaced by the County, describe how Proposer will ensure that the replacement has, at a minimum, comparable qualifications and experience as the replaced member.

   Note: After proposal submission, but prior to the award of any contract issued as a result of this Solicitation, the Proposer has a continuing obligation to advise the County of any changes, intended or otherwise, to the key personnel identified in its proposal.

Proposed Approach to Providing the Services

10. Describe Proposer's approach to project organization and management, including the responsibilities of Proposer's management and staff personnel that will perform work in projects assigned.

11. Describe how the Proposer will ensure that time schedules and other grant requirements are met.

12. Describe the Proposer's capabilities for providing required County and US HUD reports.

Proposer's Ability to Leverage EZ Grant Funding

13. Describe the Proposer's ability to must show the capability to leverage the grant award amount with other private and/or public sector funding.

14. Provide a full profit and revenue statement indicating clearly the level of profits that the organization generates and the amount of funding requested from the Trust, including other leveraging components. Verifiable documentation must be submitted for all committed private and or other government funding sources.

Form B-1

Price Proposal Schedule

INSTRUCTIONS:
The Proposer's rates shall be submitted on this Form B-1 "Price Proposal Schedule", and in the manner stated herein; ***there is no exception allowed to this requirement.*** *Proposer is requested to fill in the applicable blanks on this form and to make no other marks. In addition, Proposer shall also submit a Line item detailed budget. (use sample shown in Part II, Attachment 6.)*

PROPOSED RATES
The Proposer shall state its hourly rates for staff positions which will perform the services as stated in Section 2.0 of this RFA. The Proposer shall submit its flat, fixed rates which are guaranteed for the initial term of the contract. The rates for any option or renewal periods, as a result of this RFA, will be negotiated.

The positions identified in the following table by the Proposer shall be the same as the key personnel identified in the Proposer's Information form under Key Personnel and Subcontractors Performing Services. The County expects that these key personnel will be performing the services as needed under any Contract.

Name	Title/Description	Proposed Hourly Rate
		$
		$
		$
		$
		$
		$
		$
		$
		$

Attach additional sheets if necessary.

Notes:
1. This portion of the Price Proposal Form will be used for price scoring purposes.
2. The selected Proposer shall be paid as specified in each Contract. The proposed rates do not preclude the selected Proposer and the County from negotiating lower rates or other pricing terms under any Contract.
3. All out-of-pocket expenses, including employee travel, per diem, and miscellaneous costs and fees, are included in the above Proposed Hourly Rates.

Form A-2

AFFIDAVIT OF MIAMI-DADE COUNTY
LOBBYIST REGISTRATION FOR ORAL PRESENTATION

(1) ProjectTitle:_____ Project No.:_____
(2) Department: _____
(3) Proposer's Name: _____
Address: _____ Zip: _____
Business Telephone: (____) _____

(4) List All Members of the Presentation Team Who Will Be Participating in the Oral Presentation:

NAME	TITLE	EMPLOYED BY	TEL. NO.

(ATTACH ADDITIONAL SHEET IF NECESSARY)

The individuals named above are Registered and the Registration Fee is <u>not</u> required for the Oral Presentation ONLY.

Any person who appears as a representative for an individual or firm for an oral presentation before a County certification, evaluation, selection, technical review or similar committee must be listed on an affidavit provided by the County. The affidavit shall be filed with the Clerk of the Board at the time the response is submitted. The individual or firm must submit a revised affidavit for additional team members added after submittal of the proposal with the Clerk of the Board at least two days prior to the oral presentation. Any person not listed on the affidavit or revised affidavit may not participate in the oral presentation.

Other than for the oral presentation, Proposers who wish to address the county commission, county board or county committee concerning any actions, decisions or recommendations of County personnel regarding this solicitation in accordance with Section 2-11.1(s) of the Code of Miami-Dade County MUST register with the Clerk of the Board and pay all applicable fees.

I do solemnly swear that all the foregoing facts are true and correct and I have read or am familiar with the provisions of Section 2-11.1(s) of the Code of Miami-Dade County as amended.

Signature of Authorized Representative: _____ Title: _____
STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____,
by _____, a _____, who is personally known
(Individual, Officer, Partner or Agent) (Sole Proprietor, Corporation or Partnership)
to me or who has produced _____ as identification and who did/did not take an oath.

_____
(Signature of person taking acknowledgement)

_____
(Name of Acknowledger typed, printed or stamped)

_____ _____
(Title or Rank) (Serial Number, if any)

Revised 2/7/05

Form A-3

ACKNOWLEDGEMENT OF ADDENDA

Instructions: Complete Part I or Part II, whichever is applicable.

PART I: Listed below are the dates of issue for each Addendum received in connection with this solicitation.

Addendum #1, Dated _____, 200___

Addendum #2, Dated _____, 200___

Addendum #3, Dated _____, 200___

Addendum #4, Dated _____, 200___

Addendum #5, Dated _____, 200___

Addendum #6, Dated _____, 200___

Addendum #7, Dated _____, 200___

Addendum #8, Dated _____, 200___

Addendum #9, Dated _____, 200___

PART II:

____ No Addendum was received in connection with this solicitation.

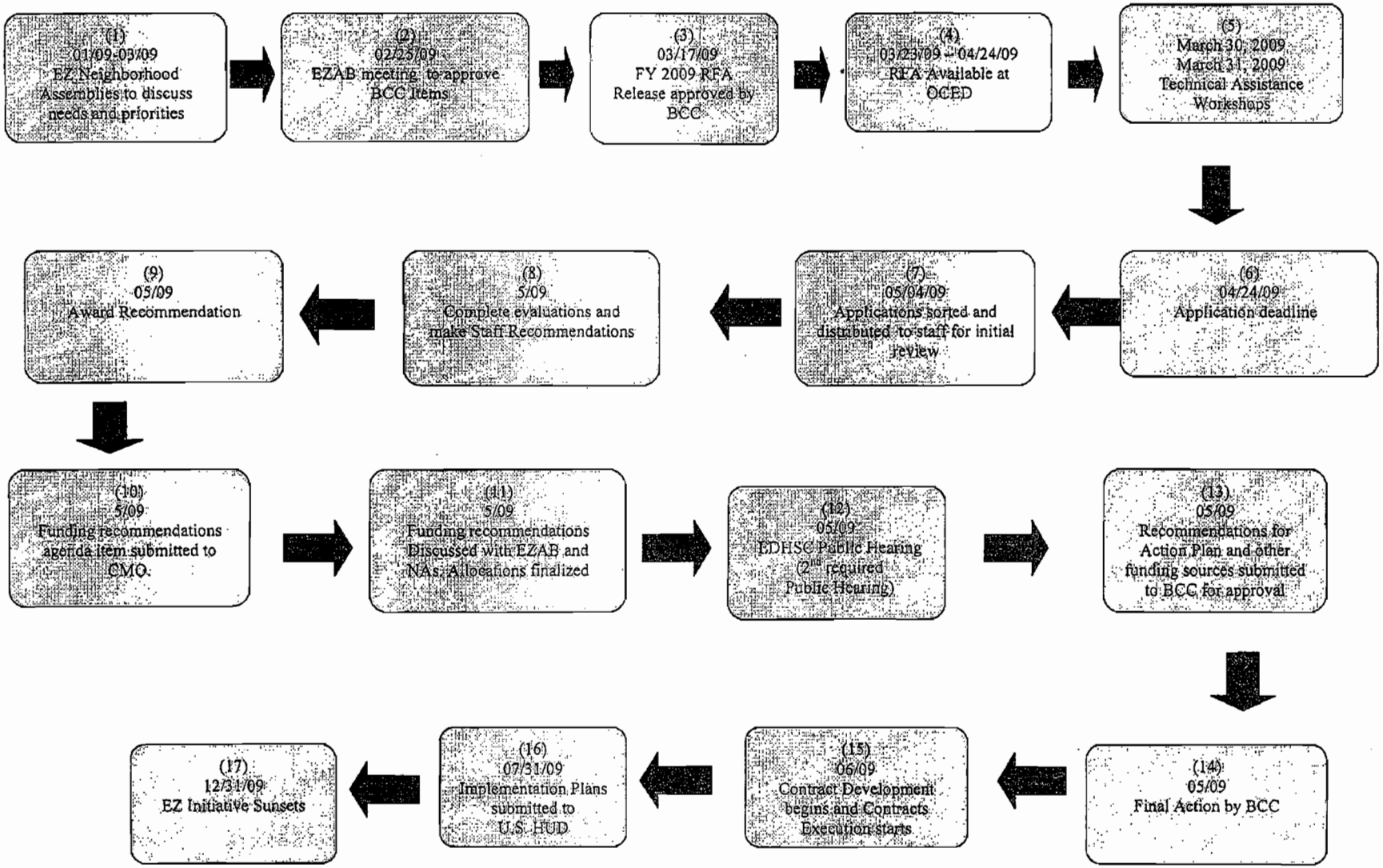
Authorized Signature:_____ Date: _____

Print Name: _____ Title: _____

Firm Name: _____

A-3 - Rev. 1/27/00

FY 2009 PLANNING PROCESS EZ RFA FLOW CHART



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PART II
ATTACHMENTS

ATTACHMENT 1a & 1b

EZ NEIGHBORHOOD AREAS COMMISSION DISTRICTS AND BOUNDARIES

Attachment 1a

Commission Districts:

Allapattah/Civic Center	Commission District 3
East Little Havana	Commission District 5
Florida City	Commission District 9
Homestead	Commission District 8 & 9
Liberty City/Model City	Commission District 3
Melrose	Commission District 2
Overtown	Commission District 3
Wynwood	Commission District 3
Central Business District	Commission District 5
Florida City/Homestead	Commission District 8 & 9
Opa Locka	Commission District 1

Boundaries

The Miami-Dade County Empowerment Zone neighborhoods are located in Overtown, Liberty City/Model City, East Little Havana, Wynwood, Melrose, Allapattah/Civic Center, Homestead and Florida City. The boundaries of the above listed EZ neighborhood areas are as follows:

Overtown: Census Tracts 31.00 and 34.00
31.00 NW 21 Terrace, NW 4 Court, NW 20 Street; Florida East Coast Railroad; NW 14 Street; NW 7 Avenue.
34.00 NW 14 Street; Florida East Coast Railroad, Metrorail Tracks; NW 5 Street, NW 5 Avenue; NW 11 Street; NW 7 Avenue.

Liberty City: Census Tract 19.01
19.01 NW 71 Street; NW 7 Avenue; NW 58 Street; NW 12 Avenue.

Little Havana: Census Tract 36.02
36.02 Miami River; SW 2 Avenue; SW 6 Street; SW 8 Avenue, NW 8 Avenue, Miami River Bridge.

Wynwood: Census Tracts 28.00 and 27.02
27.02 NE 36 Street; Biscayne Boulevard; NE 15 Street, NW 15 Street; Florida East Coast Railroad Tracks.
28.00 NW 28 Street, North Miami Avenue, NE 28 Street; Florida East Coast Railroad Tracks; NW 20 Street, NW 4 Court, NW 21 Terrace; NW 7 Avenue.

Melrose: Census Tract 17.03
17.03 NW 36 Street; NW 27 Avenue; NW 20 Street; Miami Canal; Seaboard Coast Line Railroad Tracks.

Allapattah: Census Tracts 24.02, 29.00 and 30.01
24.02 NW 28 Street; NW 17 Avenue; NW 20 Street; NW 27 Avenue.
29.00 NW 28 Street; NW 7 Avenue; NW 20 Street; NW 17 Avenue.
30.01 NW 20 Street; NW 7 Avenue, Miami River Bridge; Miami River; NW 12 Avenue.

Homestead: Census Tract 113.00 (partial)
113.00 NW 8 Street (SW 312 Street), NW 8 Avenue, NW 6 Street; North Krome Avenue, South Krome Avenue (SW 177 Avenue); N Canal Drive (SW 328 Street); Redland Road (SW 187 Avenue).

Florida City: Census Tract 113.00 (partial)
113.00 N Canal Drive (SW 328 Street); S Krome Avenue (SW 177 Avenue); NW 7 Street (SW 336 Street/Arthur Vining Parkway); Redland Road (SW 187 Ave.).

ATTACHMENT 2

PRIORITY NEEDS FOR EZ NEIGHBORHOOD

Attachment 2

EMPOWERMENT ZONE PRIORITIES

The five key commitments to the Zone for full employment, investment and growth are dramatic: (1) Jobs and Pathways; (2) Building in the Zone; (3) Growing New Businesses; (4) Sustainable Community Development: People and Places; and (5) Wired Information Technology in the Zone. These following priorities represent the most current input from the residents, and are consistent with the priorities developed by the newly organized EZ Neighborhood Assemblies.

Category	Project	Objective(s)
Business Expansion	Equipment / Inventory for existing businesses for the purpose of job creation. The business must hire and retain one (1) EZ resident full time for every $35,000.	Create economic opportunities. Employment
Business Expansion and Retention	Equipment / Inventory for existing small to medium sized businesses for the purpose of job creation and retention. Business must show how investment can rehire an EZ resident full time currently in layoff status.	Create economic opportunities; employment opportunities; revive failing EZ businesses; and offer technical assistance to EZ businesses
Business Start Up	Leverage funding for a start up business with site acquisition and a current approved loan from a creditable lending institution.	Create economic opportunities and job Creation
Apprenticeship /Job Training	On the job training /Job Training for immediate placement after training.	Train and employ EZ residents
Job Creation/ Employment	Job Creation and placement for EZ residents	Create employment opportunities for EZ residents
Economic Development	To create a Community Economic Development Center that will serve to develop and improve the short and medium term economic development prospects for the Melrose community	Create economic opportunities; improve the community's economic potential; promote and sustain the long term commercial, economic and employment prospects.
Economic Development	To attract businesses, both retail and office uses providing accessible jobs to residents and bus commuters.	Create economic opportunities
Job Training	To train and employ residents in the security field to improve the safety of the community and business owners.	Increase security in the area to reduce and/or eliminate crime; improvements that sustain a safe living environment Employ EZ residents
Public Facilities and Improvements: Street Lighting	To improve lighting in specified EZ business area.	Improvements that sustain a safe living environment; increase safety for EZ businesses and residents; and facilitate increase in EZ businesses foot traffic
Child Care	Provide temporary child care subsidy payment for the children of EZ residents that are employed or in training	Provide subsidy payment to licensed child care provider for unemployed EZ resident who is in training that will lead to placement for up to 15 days.

ATTACHMENT 3

FEDERAL REGISTER

Federal Register

Thursday,
December 13, 2007

Part IV

Department of Housing and Urban Development

24 CFR Part 598

Empowerment Zones: Performance Standards for Utilization of Grant Funds; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 598

[Docket No. FR–4853–F–02]

RIN 2506–AC16

Empowerment Zones: Performance Standards for Utilization of Grant Funds

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: This final rule establishes certain planning and performance standards for utilization of grant funds allocated to Empowerment Zones, including planning and performance standards for benefit levels and economic development activities. The standards are designed to ensure that activities undertaken with HUD Empowerment Zone grant funds are consistent with the strategic plans of the Empowerment Zones. This final rule follows publication of a proposed rule, takes into consideration the public comments received on the proposed rule, and makes certain changes in response to public comment.

DATES: *Effective Date:* January 14, 2008.

FOR FURTHER INFORMATION CONTACT: Lorraine H. Drolet, Office of Community Planning and Development, Department of Housing and Urban Development, Room 7130, 451 Seventh Street, SW., Washington, DC 20410–7000, telephone (202) 708–6339 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background—June 8, 2005 Proposed Rule

On June 8, 2005 (70 FR 33641), HUD published a proposed rule that would amend its regulations at 24 CFR part 598 to add a new subpart G entitled "Empowerment Zone Grants." New subpart G was proposed to be added to establish (1) the requirements for preparation and submission of an implementation plan for the use of funds appropriated by Congress and made available by HUD specifically for the Round II urban Empowerment Zones (EZs), and (2) performance standards that the EZs must meet in the use of those funds. The June 8, 2005, rule proposed to require an EZ to submit to HUD a plan for use of HUD EZ grant funds. These plans would be subject to performance and economic development standards in order to ensure that grant funds are expended in ways that are consistent with the EZ's strategic plan as well as ensure that a certain level of the benefits resulting from the expenditures of these funds accrue to persons who reside within the EZ.

The June 8, 2005, proposed rule was prompted, in part, by numerous comments received by HUD on the subject of utilization of funds for the benefit of EZ residents following HUD's issuance of a policy statement on resident benefit in July 2002. Round I EZs received Social Service Block Grants (SSBG) from the Department of Health and Human Services (HHS). The HHS statute governing the use of SSBG funding, (42 U.S.C. 1397 *et seq.*), states in relevant part that, "an area shall use the grant for activities that benefit residents of the area for which the grant is made." Round II EZs received grant funds from HUD (HUD EZ grant funds) rather than SSBG funds.

This funding distinction created a situation where there is an explicit statutory basis for a resident benefit standard for Round I EZs, but not for Round II EZs. Nevertheless, HUD determined that it was appropriate to establish a performance standard that strives to ensure a certain level of resident benefit is achieved from the use of HUD EZ grant funds. The establishment of such a standard is supported by and consistent with the fact that several of the tax incentives that are the primary benefits for businesses operating in EZs also provide a direct benefit to EZ residents.

Therefore, to enhance achievement of the objectives of an EZ strategic plan and the specific objective of benefiting EZ residents, this rule requires each EZ to submit an implementation plan for HUD approval for each project or activity to be undertaken with HUD EZ grant funds that is proposed by the EZ after the effective date of this rule. The implementation plan is to describe the EZ's planned use of HUD EZ grant funds, and what percentage of the funds specifically will meet the principal benefit standard. The three performance standards are stated as (1) a principal benefit standard, (2) a proportional benefit standard, and (3) an exception criterion for determining the amount of HUD EZ grant funds that may be used to fund a particular project or activity described in an implementation plan. Each of these standards was discussed in detail in the preamble to the June 8, 2005, proposed rule, and a brief summary of each standard is provided in this preamble.

A. Performance Standards

1. Principal Benefit Standard

The principal benefit standard is based on the percentage of the total number of persons projected to benefit from the assisted activity who reside within the boundaries of the EZ. This standard recognizes that for most projects it is not feasible to entirely limit the persons who benefit directly from EZ activities to those who reside within the EZ. The rule therefore establishes a minimum percentage of persons who must benefit in order to determine that EZ residents principally benefit from EZ activities.

The rule provides that an EZ may use HUD EZ grant funds to assist any project that provides at least 51 percent of its direct benefits to persons who reside within the designated EZ boundaries. Moreover, in any case where the direct benefits to be provided by the project in question will be in the form of jobs, the project may be assisted if at least 35 percent of the jobs, on a full-time equivalent basis, are taken by, or made available to, EZ residents.

The emphasis on the benefits to be received by EZ residents derives from HUD's determination that such an emphasis is needed to make the main goal of the EZ program more likely to be achieved. That goal is the long-term, sustainable revitalization of a highly impoverished area. In the case of an EZ, which by definition includes a very high percentage of persons in poverty, this means that many such persons must find a way to raise their income. HUD also recognizes that there may be projects that would be helpful to the overall effort to revitalize an EZ but which cannot meet either of the two proposed resident benefit tests (that is, the 51 percent or 35 percent tests), and therefore the rule provides two other standards to determine resident benefit.

2. Proportional Benefit Standard

In the interest of providing maximum flexibility to an EZ in its effort to achieve the goals of its strategic plan, the June 8, 2005, rule also proposed to establish a proportional benefit standard to assist such an activity to a lesser degree. This standard provides that while a project that will meet either the 51 percent or 35 percent test, as applicable, may be fully assisted with HUD EZ grant funds, a project that cannot meet those tests may nevertheless be eligible for assistance with HUD EZ grant funds.

The level of assistance that may be provided to such projects will be limited so that the percentage of assistance does not exceed the

percentage of EZ residents that are expected to directly benefit from the assisted activity. This standard embodies a practical approach that allows the use of the HUD EZ grant funds at a level commensurate with the extent to which EZ residents will benefit directly from such a project.

The principal benefit standard provides an incentive to EZs to fund projects that will provide at least 51 percent (or 35 percent, where applicable) of the direct benefits to EZ residents because where these percentages are met, there is no limit as to the allowable percentage of HUD EZ grant funding in a project. However, if a project is highly desirable for other reasons, under the proportional benefit standard, the project may still be assisted, in part, using HUD EZ grant funds.

3. Exception Criterion

In any case where a proposed project does not meet the principal benefit standard or the proportional benefit standard, the June 8, 2005, proposed rule advised that HUD would consider a request for exception if an EZ concludes that the project would contribute to its strategic plan in a critical way. The proposed rule provided that where an EZ demonstrates, to HUD's satisfaction, other substantial benefits to the EZ that would result from the project, or other compelling reasons justifying the appropriateness of the implementation plan to its strategic plan, HUD may approve the project notwithstanding inability to meet either the principal or proportional benefit standards.

The proposed rule provides that all requests for exceptions to the two standards must be in writing, accompanied by a statement or narrative that provides the factual information that justifies an exception.

B. Additional Issues

In addition to the three performance standards, the preamble to the June 8, 2005, proposed rule also addressed the following issues, for which this preamble also provides a brief summary for the convenience of the reader.

1. *Amount of benefit.* The question of how much benefit, at minimum, should be derived from the expenditure of HUD EZ grant funds was not proposed in the June 8, 2005, rule to be addressed in the regulatory text. The concern about quantifying in regulation the amount of benefit derives from the fact that the dominant use of HUD EZ grant funds is expected to be for assisting private businesses to establish, expand or remain in place in the EZ and create, increase or retain jobs that would otherwise not be available. In referring to grant funds assisting private businesses in establishing, expanding or remaining in place in the EZ, HUD uses the terms "establish," "expand" or "remain in place" as they are commonly understood in everyday conversation, and more importantly as they are understood by EZs and EZ residents from the outset of the EZ program. "Establish a business" means the employer establishes additional working opportunities or makes investment in a new business within the EZ. The employer may be a new employer within the EZ or an existing employer that starts a business or invests in a business that is different from any that the employer currently operates within the EZ. "Expand a business" means that an employer, within the EZ, provides additional work opportunities or makes investments in an existing business. The expansion of an existing business results in hiring more staff, or generating more business activity. "Remain in place in the EZ" means that the business will not create or expand new hiring opportunities, but there will be no reduction of existing employment opportunities or business activities.

Since private businesses must principally focus on their own profitability, the public sector needs to ensure that the number of jobs that are made available is commensurate with the amount of HUD EZ grant funds provided to such businesses. To date, HUD is not aware of abuses in this regard with respect to the use of HUD EZ grant funds, but in the June 8, 2005 proposed rule, HUD solicited public comment on whether establishing specific requirements in regulation would be desirable to prevent them from occurring.

2. *Types of benefits/service area/location of the project.* Economic development professionals recognize other types of direct benefits besides creation and retention of jobs. For example, a supermarket, drug store, or for-profit medical clinic may provide essential services to support the quality of life and the business climate in the community. Given the type of project that may be proposed to be funded, the proposed rule noted that an EZ may choose which of the two standards, principal benefit or proportional benefit standard, best apply to a proposed commercial project. In addition, the location of a project within the EZ and the nature of the goods and services that the project will provide may justify a presumption that most of its goods and services would benefit the residents of the EZ. If a project is located outside the EZ, the proposed rule noted that HUD would expect the EZ to provide more substantial analysis of its service area and customer base if it claims that a majority of these kinds of benefits would accrue to EZ residents.

3. *Full-time equivalency.* The June 8, 2005, proposed rule recognized that the standards to date for ensuring that sufficient benefit will go to EZ residents from activities assisted with HUD EZ grant funds measure jobs on a full-time equivalent basis. Such measurement standard was considered important because many of the jobs created or increased in an EZ could involve less than full-time employment. Because standards require a calculation of the "percentage" of total jobs resulting from utilization of HUD EZ grant funds that will benefit EZ residents, HUD determined in the June 8, 2005, proposed rule that it was important that provision be made for those cases where one or more of the resulting jobs will be part-time jobs.

4. *Making jobs "available to" EZ residents.* The June 8, 2005, proposed rule provided that the standards for ensuring sufficient benefit to EZ residents allow for inclusion of those jobs made available to residents even if the residents do not accept the available jobs. This standard recognizes that it may not be feasible for a business to hold one or more jobs open indefinitely while the business attempts to fill its available job vacancies with EZ residents. If the EZ can demonstrate that the job referral resources and the business have a good faith plan to provide first consideration to employment of EZ residents who reasonably can be expected to fill 35 percent of the jobs, it will be seen as meeting the principal benefit standard under this regulation. Although the proposed rule did not define "good faith," the proposed rule and this final rule both provide examples that demonstrate how good faith by an EZ will be determined, and these examples include public notification of employment opportunities, job fairs that are targeted to EZ residents, and first source agreements. These examples are consistent with established practices in implementing and monitoring job creation and retention activities funded with HUD's Community Planning and Development (CPD) grants.

The proposed rule noted that qualifying for tax exempt financing, increased deductions for capital equipment in accordance with section 179 of the Internal Revenue Code (26 U.S.C. 1791), and preferential tax treatment for capital gains otherwise available to an EZ business require that

the business meet the tests that define an "Enterprise Zone Business" under the Internal Revenue Code, including having at least 35 percent of its employees residing in the EZ.

C. In Conjunction With Economic Development

As the proposed rule noted, to date, all funds appropriated by Congress for Round II EZs (the HUD EZ grant funds) have generally been accompanied by the explicit requirement that the funds be used "in conjunction with economic development activities consistent with the strategic plan for each EZ."[1] Public Law 106–554 (the Consolidated Appropriations Act, 2001, approved December 21, 2000, which provided FY2001 appropriations for HUD), does not contain this requirement, but HUD has determined to apply a consistent approach to focus the use of all HUD funds made available to EZs.) Over the course of time that such funds have been made available to these EZs, questions have arisen about whether particular planned activities would fall within this statutory restriction. While each question was answered on an individual basis, until this rulemaking, HUD had not attempted to establish specific requirements for adhering to the economic development restriction. Through the June 8, 2005, rule, HUD proposed to establish specific criteria to address the economic development requirement. Specifically HUD proposed to amend the EZ regulations in 24 CFR part 598 to remove references to HHS at 24 CFR 598.215(b)(4)(i)(D) and replace these references with statements that HUD EZ grant funds are to be used in conjunction with economic development activities consistent with an EZ's strategic plan. This rule also provides for economic development activity standards.

In order to ensure that the economic development standard is met, the rule provides that each proposed use of EZ grant funds must be described in an implementation plan and receive prior approval by HUD. In reviewing a proposed use of HUD EZ grant funds, HUD will consider the nature of the activity and, in addition to making a determination that the resident benefit standard is met, will make a decision as to whether the activity is in conjunction with economic development.

While the two requirements governing use of EZ grants funds (resident benefit and economic development) addressed in this rulemaking are independent of each other, they nevertheless have to be considered almost simultaneously by those making decisions about how to spend HUD EZ grant funds. Sections 598.605 and 598.615(a)(1) of HUD's regulations contain reminders that the resident benefit and economic development requirements must be separately met for each activity supported with HUD EZ grant funds. HUD's decision as to whether the activity is in conjunction with economic development will be made in accordance with the following:

1. An activity that involves assisting a business to establish or expand is clearly "economic development" (subject to the restrictions in § 598.215(c).)

2. An activity that assists a person to take, or remain in, a job also meets the economic development standard.

3. The provision of other kinds of educational assistance meets the economic development standard only if the EZ's implementation plan demonstrates that such education will be provided to persons who cannot qualify for available jobs because of the lack of some specific knowledge that would be given them through the course(s) to be provided and at least 51 percent of whom are EZ residents.

4. An activity that is clearly aimed at increasing the capacity of governance board members, or staff of the EZ's lead agency, to carry out their roles with respect to economic development projects expected to be assisted in support of the EZ's strategic plan meets the test as well.

5. The provision of public improvements, such as construction of a parking structure, extension of water or sewer capacity, street widening, etc., meets the economic development standard only if it is shown that the lack of the improvements clearly is an impediment to the establishment, expansion or retention of one or more businesses, and that the provision of the proposed public improvement would be limited as much as feasible to assisting the business or businesses. The benefits provided by such businesses would need to satisfy the resident benefit standard.

6. HUD may also expressly approve a project that does not fall within any of the previous review standards if the EZ provides evidence in the implementation plan that, in some other way, the project can reasonably be seen as meeting the economic development standard. All requests for such an exception must be in writing, accompanied by the facts that the EZ wants HUD to review and consider as justification.

D. Evaluation, Monitoring and Enforcement

The June 8, 2005, proposed rule advised that HUD would review the performance of the EZ's use of HUD EZ grant funds as part of its regular evaluation process under 24 CFR 598.420, through on-site monitoring in accordance with 24 CFR 85.40(e), and by other appropriate means.

Evaluation, monitoring and compliance with the provisions of the proposed rule, as made final by this rule, will be carried out in accordance with established procedures for monitoring CPD programs, as provided in CPD's Monitoring Guidebook. (See HUD CPD Monitoring Guidebook, *http://www.hud.gov/offices/cpd/library/monitoring/handbook.cfm.*) HUD's Performance Measurement System, which contains the designee's implementation plans, is designed to collect information on the project and actual outputs benefiting EZ residents. These monitoring procedures will be enhanced by the performance standards established by this rule.

E. Technical and Conforming Changes

In addition to the establishment of performance standards, the June 8, 2005, proposed rule also described several technical and conforming amendments that were proposed to be made to the regulations in 24 CFR part 598.

II. Changes Made to the Proposed Rule at the Final Rule Stage

Changes Made at Final Rule Stage. The following highlights some of the key changes made at the final rule stage.

- In § 598.600, HUD has revised the "applicability" language to make clear that the standards promulgated by this final rule apply only to projects or activities to be undertaken with HUD EZ grant funds that are proposed by the EZ after the effective date of this rule.
- In § 598.610(a)(2), which addresses the job benefits criterion under the principal benefit standard, HUD has replaced the full-time equivalency standard with a new standard for documenting the number of jobs created and filled by EZ residents. The new standard requires an EZ resident to be

[1] See Public Law 105–277 (providing omnibus and consolidated emergency supplemental appropriations for fiscal year (FY) 1999); Public Law 106–74 (providing FY2000 appropriations for HUD); Public Law 106–377 (providing FY2001 appropriations for HUD); Public Law 107–73 (providing FY2002 appropriations for HUD); Public Law 108–7 (Consolidated Appropriations Resolution, 2003, providing FY2003 appropriations for HUD, among other agencies), Public Law 108–199 (Consolidated Appropriations Act, 2004, providing FY2004 appropriations for HUD, among other agencies); and Public Law 108–447 (Consolidated Appropriations Act, 2005, providing FY2005 appropriations for HUD, among other agencies).

employed by the employer for at least 90 days during the year in order to count the job towards the 35 percent criterion of requiring jobs to be taken by, or made available to, EZ residents.

• In § 598.610(a), HUD adds a new paragraph (3) (paragraph (a)(3)) to provide for a presumed benefit test. The presumed benefit test allows for an EZ administrator to assume that certain commercial revitalization activities located and undertaken in the EZ and that provide services to both EZ residents and non-residents (e.g. supermarkets, drug stores) meet the 51 percent principal benefit standard. The application of the presumed benefit test requires the EZ to maintain documentation that briefly describes the activity, its service area, and the rationale for presuming that the activity meets the 51 percent principal benefit test.

• In § 598.610(c), the circumstances under which an EZ may utilize the exception criterion have been expanded to include activities outside the designated area.

• In § 598.610(c) and § 598.615(b), HUD provides that it will respond to request by an EZ for an exception no later than 60 days from the date of the EZ's request provided that the EZ's request with all relevant information is considered complete no later than 45 days from the date of the EZ's request.

Benefits and Costs/Burdens of this Rule. The benefits to be provided by this rule, as stated in this final rule and the proposed rule, are the establishment of standards that are designed to ensure that activities undertaken with remaining HUD EZ grant funds are consistent with the strategic plans of the EZs. The strategic plans are designed to benefit EZ residents through a broad range of strategies. The purpose of designating EZs is to generate economic development in distressed communities. In an effort to ensure that EZs are fulfilling their obligations, EZs must submit an annual report to HUD to (1) report the EZ's progress in generating economic growth through the utilization of grants and tax incentives (the federal assistance), and (2) describe ongoing and upcoming activities; that is the EZ's plan for implementing new activities through utilization of remaining funds. The implementation plans that are prescribed by this final rule are a component of the annual reporting process. The significant change to be made to the preparation of the current annual reports is that the annual reports and HUD's review of such reports will include greater emphasis on ensuring that the utilization of remaining funds are designed to benefit EZ residents.

As this final rule and the preceding proposed rule describe, EZ residents benefit from EZs primarily through increased employment and business activities that occur within the EZ, which in turn, are prompted or stimulated by the grants and tax incentives provided to the EZs. EZs stimulate growth in communities primarily through the creation of work opportunities and increased business activities. The rule establishes performance goals of 35% percent job placement for EZ residents. The wage tax credits that are offered to EZs are especially attractive to businesses, especially those looking to grow. Businesses within EZs are able to hire and retain EZ residents and apply the credits against their federal tax liability. Employers can claim a federal tax credit up to $3,000, for a full or part-time employee who is an EZ resident. The credit is based on 20% of the first $15,000 in wages earned by the qualifying employee.

The costs or burden associated with this rule are determined to be minimal. The existing regulations, as already noted, require an annual report, and the implementation plans, prescribed by this final rule, are a component of the on-line reporting system (known as PERMS) and incorporated into the annual reports. They are not an independent reporting requirement to be submitted in some other form or at some other date. Under its current Paperwork Reduction Act approval for the EZ annual report, HUD estimates that preparation of the report is 13 hours per EZ at a cost of $70 an hour resulting in a cost of $910.00 for each of the 15 Round II EZs. Although the rule will put in place a new component of the annual report, HUD estimates no significant change in burden hours to preparation of the annual report because the remaining funds that each EZ has to expend are slowly decreasing and there are fewer new activities to report in each succeeding year's report.

III. Issues Raised by Public Commenters and Responses to the Public Comments

The public comment period on the proposed rule closed on August 8, 2005. HUD received four public comments on the proposed rule. Comments were received from an empowerment zone corporation, a community organization, a regional development corporation, and a non-profit organization. The issues raised by the commenters and HUD's responses to these issues are provided in this section of the preamble.

Amount of Benefit

Comment: With respect to the preamble discussion of the amount of benefit, a commenter stated that no minimum benefit return per funding spent should be established because flexibility is imperative for programs addressing the problems of distressed communities. The commenter stated that, "Some programs require large subsidies but are catalytic to redevelopment of an area." The commenter suggested that the final rule should reflect a heavy reliance on the judgment of EZ board of directors to assess projects and the amount of support that the project merits.

Commenters also expressed concern that the proposed rule failed to account for programs identified in strategic plans as central to the revitalization of the distressed area and physical development. Further, commenters expressed concern that the proposed rule would make fulfilling parts of their mission challenging because some of the program activities now fall under the exception criteria.

HUD response: The statutory and regulatory provisions governing all three EZ rounds closely mirror each other in many respects, including areas of program flexibility and local decision-making, which, HUD agrees, are essential to the administration of local EZ programs. The differences among the three rounds largely relate to their funding source and the list of eligible activities. Round I EZs received Social Services Block Grants (SSBG) of $100 million from the Department of Health and Human Services (HHS) to support an array of eligible activities, such as public services, housing, public facilities and economic development activities.

From 1999 to 2005, Round II EZs received annual HUD EZ grants ranging from $3 million to $12 million for activities carried out "in conjunction with economic development." Round III EZs received no funding. The benefits for Round III EZs consist of tax incentives for spurring the EZ economies through business development and job creation and retention.

In having to change essential elements of their strategic plans in response to the changes in the expected source of funds from SSBG funds to HUD EZ grants, Round II EZs were subject to time consuming inconveniences. When Round II EZs learned that their funds would be substantially reduced from the expected $100 million in SSBG funds to the annual increments of $3 million to $12 million, these EZs had to modify

their budgets and rethink the projects/activities already identified in their HUD approved strategic plans. With SSBG funds, Round I EZs were able to carry out an array of activities from public services and facilities to housing. With the change in funding sources from SSBG to HUD Round II EZ grants, however, Round II EZ had to accommodate the change in funding sources by selecting projects and activities that would meet the statutory mandate that HUD Round II EZ grants be used "in conjunction with economic development activities."

As noted in the preamble of the June 8, 2005, proposed rule, "* * * a number of questions have arisen about whether particular planned activities would fall within this statutory restriction. While each question was answered on an individual basis, HUD has not attempted to set forth specific requirements for adhering to the economic development restriction." (70 FR 33644) The proposed rule preamble also stated that "this rule proposes for each EZ to submit an implementation plan for HUD approval, after this rule is issued as final and becomes final. The implementation plan will describe the EZ's planned use of HUD EZ Grant Funds, and how utilization of funds will meet one of three performance standards designed to promote benefit to residents." (70 FR 33642) Consistent with these statements made in the preamble of the proposed rule, the standards promulgated by this final rule apply only to projects or activities to be undertaken with HUD EZ grant funds that are proposed by the EZ after the effective date of this rule.

Section 2007(c) entitled "Use of Grants" of Title XIII, Subchapter C, Section 13761 of Public Law 103–66 (Omnibus Budget Reconciliation Act of 1993) requires that SSBG funds be used for activities benefiting EZ residents. Conversely, there is no explicit statutory language requiring that HUD EZ grants benefit Round II EZ residents. The absence of specific statutory language is not in of itself a barrier in formulating resident benefit requirements. Rather, in developing § 598.610, the statutory eligibility requirements that must be considered for designation and the strong participatory influence allowed EZ residents in the development of the EZ's strategic plan were a strong influence in determining the requirements of resident benefit. The eligibility requirements that must be met are poverty, high unemployment, and general distress in the nominated area.

HUD's conclusion that EZ grant funds should benefit Round II EZ residents is, in part, based on statutory eligibility requirements and on 24 CFR 598.2, which addresses the objective and purpose of the EZ program. Specifically, the objective and purpose of the EZ program is to stimulate the creation of new jobs to empower low-income persons and families to become economically self-sufficient and to promote revitalization of economically distressed areas.

In establishing the EZ performance standards, HUD intentionally avoided the establishment of a hard and fast rule requiring all of a designee's activities supported by a HUD EZ grant to meet a percentage standard without exception. Rather, HUD developed standards that contained viable options based on program flexibility and local decision-making authority, without compromising resident benefit requirements. HUD maintains that the final rule contains the necessary and appropriate restrictions on the use of the HUD EZ grant funds and that the rule is reasonable without unduly compromising local decision-making authority and flexibility by providing the following three options.

- Option #1 allows the Zone to apply the principal benefit standard requiring that the majority of beneficiaries of the project or activity described in the implementation plan reside within the EZ. Where the creation of jobs is the benefit, the resident benefit test is met when at least 35 percent of the jobs are taken by or made available to EZ residents. (See § 598.610(a) "Principal benefit standard" of this final rule.)
- Option #2 provides the EZ further flexibility through the proportional benefit standard by allowing it to carry out activities that are unable to meet the principal benefit standard. Under the proportional benefit standard, the EZ can use HUD EZ grant funds for an activity in proportion to the percent of all persons benefiting from the project or activity who are residents. (See § 598.610(b) "Proportional benefit standard" of this final rule.)
- Option #3 is the exception criteria that enable the EZ flexibility by providing the EZ with the opportunity to make its case for funding activities that cannot meet resident benefit either through principal or proportional benefit standards, but can meet resident benefit by applying the exception criteria. Application of these criteria requires the EZ to demonstrate that the proposed activity can provide substantial benefits to the EZ or provide other compelling reasons for assisting the activity with HUD EZ grant funds. An example of a compelling reason would be an activity that contributes in a critical way to the EZ's strategic plan to increase commerce within the EZ through the establishment of new business and expanded economic activity. (See § 598.610(c) "Exception criterion" of this final rule.)

HUD submits that the availability of the proportional benefit standard and, in particular, the exception criteria, provide additional flexibility and local discretion, which enable EZ governance boards and other local governing entities to assess projects and to determine the amount of support a project/activity merits, while still ensuring that EZ residents are the principal beneficiaries of local EZ programs. Consistent with the EZ program goal of flexibility and local decisionmaking, the exception criteria allows the locality to use EZ grant funds for an activity outside of the designated area if the EZ can demonstrate an activity contributes to its strategic plan.

The above three options support the EZ goals of designee flexibility and local decisionmaking, particularly with respect to the EZ governing boards. In response to a comment from an EZ resident seeking to apply for a business grant, the final rule better ensures that residents are the principal beneficiaries of HUD EZ grants without compromising local authority and decisionmaking.

Consequently, HUD believes that the resident benefit standards as proposed in the June 8, 2005, proposed rule, are needed and reasonable in protecting the interests of EZ residents as beneficiaries of the EZ program. For these reasons, HUD declined to make changes to these standards at this final rule stage.

Full-Time Equivalency

Comment: With respect to the discussion of full-time equivalency in the preamble to the proposed rule, one commenter stated that while appreciative of the intent underlying the conversion of EZ jobs to a full-time schedule equivalent, limited EZ funding and limited staff make such a requirement overly burdensome to monitor. The commenter stated that requiring businesses to report detailed work information on employees and then verifying the data is a time consuming process that will hinder staff from pursuing other development work.

HUD response: Among the benefits of an EZ designation are the tax advantages that an eligible EZ business receives from tax-exempt financing, increased Section 179 deductions, and capital gains exclusions. A business in an EZ is also eligible for a maximum $3,000 wage credit for every EZ resident it employs. In meeting the 35 percent EZ

resident/employee test, the Internal Revenue Service (IRS) generally does not make a distinction between full- or part-time jobs. In this regard, the IRS does not have a full-time equivalency requirement. To meet the 35 percent test of requiring employees to live in the designated EZ area, the IRS provides two methods: the per-employee fraction and the employee actual work hour fraction. An eligible EZ business may use either one. The per-employee fraction is a fraction, the numerator of which is, during the taxable year, the number of employees who work at least 15 hours a week for the employer, who reside in the EZ, and who are employed for at least 90 days, and the denominator of which is, during the same taxable year, the aggregate number of all employees who work at least 15 hours a week for the employer and who are employed for at least 90 days. The employee actual work hour fraction is a fraction, the numerator of which is the aggregate total actual hours of work for the employer of employees who reside in the EZ during a taxable year, and the denominator of which is the aggregate total actual hours of work for the employer of all employees during the same taxable year. *See* 26 CFR 1.1394–1(e)(3)(ii).

The IRS also requires that a business that takes advantage of the tax incentives maintain a record and/or documentation, which evidence that the business has met the 35 percent job requirement. The only documentation that a business maintains as evidence in meeting the 35 percent resident/employee requirement is a statement from the employee, who under the penalty of perjury, provides his or her address as principal residence and an assurance that the employee will notify the employer of a change in the employee's principal residence. In addition, the IRS requires that the employer must not have actual knowledge that the principal residence set forth in the employee's certification is not the employee's principal residence. *See* 26 CFR 1.1394–1(e)(1).

HUD finds merit in the comments regarding full-time equivalency test requiring a business to establish records that document and verify the hours of part-time employees separately from the hours of full-time employees, and agrees that maintaining and monitoring such records is overly burdensome. HUD also agrees that the full-time equivalency test imposes an unreasonable drain on staff and funding resources of a business, particularly for small and start-up businesses.

In view of the fact that the IRS does not require a full-time equivalency test for EZ resident jobs, HUD removed the full-time equivalency requirement and replaced this requirement with a new standard for documenting the number of jobs created and filled by EZ residents. The new standard only requires that an EZ resident be employed by the employer for at least 90 days during the year in order for the applicable business to count the job toward meeting the 35 percent test.

In removing the full-time equivalency test and substituting this test with the 90-day standard, HUD believes that it provides a more reasonable and practical approach in meeting the job benefit requirement of § 598.610(a)(2). This section recognizes the good faith efforts of businesses in opening job opportunities to EZ residents. In order to take advantage of certain tax incentives, however, the business still must meet the IRS 35 percent resident/employee test.

Recordkeeping and evidence of the jobs taken by EZ residents would be limited to a statement from the EZ resident/employee showing the address as the employee's principal residence and the employee's assurance that the employer would be notified of a change in the employee's principal residence.

Section 598.610: Resident Benefit Standards

Comment: One commenter recommends a presumption that the resident benefit test has been met for EZ-based activities consistent with already established strategic plans approved by the local governance board of the EZ. The commenter stated that such a presumption would be consistent with the presumption allowed under Community Development Block Grant (CDBG) funds with respect to qualifying jobs at businesses assisted within an EZ.

HUD response: When an EZ receives CDBG funds in support of an economic development activity involving job creation and retention, § 570.208(a)(4)(iv) of the CDBG regulations (24 CFR part 570) allows the employee to qualify as a low-or-moderate income person under the presumption of benefit standard if that employee resides in an EZ. Consequently, for the purpose of receiving CDBG funds in support of a job creation activity in an EZ, the presumed benefit standard set forth in 24 CFR 570.208 (a)(4)(iv) satisfies the CDBG criteria for national objectives and is one that only applies to CDBG funded job creation or retention activities.

Conversely, when a job creation and retention activity is in whole or part supported with HUD EZ grants, the rule applicable to HUD EZ grants governs. Importantly, funding job creation or retention activities with HUD EZ grants is closely aligned with the benefits of the $11 billion tax incentive package available to businesses in EZs as well as to businesses in Renewal Communities (RCs). Tax incentives and HUD EZ grant funds are dual benefits exclusively for Round II EZ designees.

The objective of Round II benefits is to couple the use of EZ funds for activities "in conjunction with economic development" with the aggressive utilization of tax incentives. HUD believes that this rule will help ensure the empowerment of low-income EZ residents to become economically self-sufficient through job creation and retention.

HUD concludes that the presumption of benefit standard and the resident benefit standards of § 598.610 must be applied separately to each of the portions of assistance provided with CDBG funds and HUD EZ grant funds. Therefore, HUD is not including, in this final rule, the CDBG presumption of benefit, referenced in 24 CFR 570.208 (a)(4)(iv)-(v), as an option for job creation activities funded in whole or in part with HUD EZ grants.

Comment: All four commenters advocated for a provision enabling community revitalization and other activities to meet principal benefit standards as a presumed benefit to EZ residents. According to the commenters, a presumed benefit provision would eliminate the administrative burden of having to document resident benefit, protect the ability of EZ organizations to fulfill critical parts of their mission without having to justify to HUD why an exception to the principal benefit standard is justified, and allow EZs to carry out activities directed at slum and blight reduction.

The commenters objected to the application of undefined exception criteria, viewing it as creating uncertainty resulting in another HUD review of activities already identified in the HUD approved strategic plan. One of the commenters requested clarification of the resident benefit requirement as this requirement relates to place-based redevelopment activities and their accompanying indirect effects on economic development.

HUD response: The proposed rule presented the "presumed benefit" analysis in Section D ("Additional Issues") of the preamble, specifically in subsection 2 of Section D ("Types of benefits/service area/location of the project"), but did not address "presumed benefit" in the text of the rule. HUD believes that many of the

comments regarding presumed benefit have merit and, as noted earlier in this preamble, HUD is revising § 598.610 by adding a new paragraph (a)(3) entitled "presumed benefit" to this section. The addition of a presumed benefit test recognizes other types of direct benefit activities that are located in an EZ and serve both EZ residents and non-residents. The test allows EZ administrators to assume that certain commercial revitalization activities located and undertaken in the EZ and that provide services to both EZ residents and non-residents (e.g. supermarkets, drug stores) meet the 51 percent principal benefit standard. The application of the presumed benefit test requires the EZ to maintain written documentation that briefly describes the activity, its service area, and the rational for presuming that the activity meets the 51 percent principal benefit standard. Important to this issue is the fact that the new paragraph does not extend to activities outside the designated area.

However, HUD recognizes that there may be circumstances where HUD EZ grants assist activities outside the designated area that would benefit EZ residents. For such cases, HUD provides, through this final rule, for an exception criterion in § 598.610(c) to cover activities outside of the designated area. This expansion of coverage of the exception criterion gives an EZ the opportunity to justify why an activity that, on its face, does not appear to benefit EZ residents, would in fact result in substantial benefits to EZ residents upon closer examination. An EZ that wishes to use this exception criterion must provide HUD with a substantial analysis of its service area and customer base to support its claim that the activities outside the designated area would result in substantial benefit to the EZ and meet the goals of its strategic plan. Providing EZs with the opportunity to apply an exception criterion in these situations does not compromise the purpose of the EZ program, which is to stimulate the creation of new jobs, empower the residents to become more economically self-sufficient, and promote the revitalization of distressed areas.

HUD has determined that the exception criterion is a reasonable option to provide EZs that wish to demonstrate that utilizing HUD EZ grant funds for activities outside a designated area (and because the activities are outside the designated area, the activities are unable to meet resident benefit under the principal benefit standard or proportional standard), do, in fact, benefit EZ residents.

In response to the comment for clarification of the relationship of the resident benefit requirement to place-based redevelopment activities and their impact on economic development, HUD believes that the final rule satisfactorily explains this relationship in both the exception criterion described in § 598.610(c) ("resident benefit standard") and the new presumed benefit standard in § 598.610(a)(3).

Comment: One commenter requested that following submission by an EZ of a request for an exception with accompanying documentation, HUD commit to a period of 30 calendar days in which HUD has to respond to the request.

HUD response: There may be times when HUD will need additional information as part of its review of the EZ's exception request. HUD's concern is that to impose a 30-calendar day review period may not allow sufficient time for HUD to request and the EZ to provide additional information or respond to any questions that HUD may have about the proposed activity for which the EZ seeks an exception under § 598.610(c). However, HUD is also aware of the need to respond as promptly as possible to the EZ's request once all information has been provided.

Accordingly, the final rule provides in § 598.610(c) that HUD will notify the EZ of its response to the exception requested under § 598.610(c) within 60 days of the receipt of the EZ request provided that the EZ has promptly provided any additional information requested by HUD and the request is considered complete no later than 45 days from the date of the request. The final rule incorporates the same provision with respect to exceptions requested under § 598.615(b).

Section 598.610(a)(2): Job Benefit

Comment: One commenter stated that the expansion of the resident benefit requirement to include not only jobs filled by EZ residents, but made available to EZ residents is a "great" one. The commenter suggested that this language be incorporated into contracts through a first source type agreement requiring businesses to advertise and recruit from organizations that train and place EZ residents.

HUD response: HUD agrees that a first source type arrangement can be an effective means for an EZ to assure that an assisted business will make jobs available to EZ residents. Such an arrangement is one way for an EZ to satisfy § 598.610(a)(2).

Section 598.615(a)(1)(i)(ii): In Conjunction With Economic Development

Comment: One commenter requested that HUD clarify the relationship of the resident benefit requirement to place-based redevelopment activities and the accompanying indirect effects on economic development.

HUD response: HUD believes that the manner in which place-based redevelopment activities may meet resident benefit standards is clarified by the new paragraph added at this final rule stage to § 598.610(a) on presumed benefit.

Comment: One commenter stated that the economic development standards are unduly restrictive. The commenter stated that activities that qualify as "in conjunction with economic development" should not be limited to traditional economic development activities, but rather should allow for EZ activities to be tied to an economic development strategy that promotes a coordinated initiative. The commenter stated that support for this comprehensive interpretation arises from Congress' use of the words "in conjunction with" rather than requiring that "funds must be used for economic development."

HUD response: HUD disagrees with the premise that the discussion of "in conjunction with economic development" in the preamble to the proposed rule, and § 598.615, which establishes economic development standards present unduly restrictive standards and are contrary to Congressional intent. An interpretation which allows for non-economic development activities to be automatically deemed as meeting the standard of "in conjunction with economic development" because of ties to an EZ's economic development strategy, is contrary to the statutory language, which mandates that HUD EZ grants be used in conjunction with economic development.

The statutory language that describes the purpose and use of HUD EZ grants supports a view that it is the intent of Congress to limit the use of HUD EZ grants to clearly defined activities that primarily and directly promote economic development. It is HUD's view that § 598.615 captures the types of activities/projects that are most likely to promote economic development and business revitalization. Even though some of the comments suggest that these "traditional" type activities are limiting efforts for a coordinated initiative, HUD believes that final rule's economic development standards are in the best

interest of the EZ program in providing economic opportunity to EZs through the retention and creation of jobs and business revitalization.

However, HUD recognizes the need for a provision giving EZs the opportunity to demonstrate that carrying out a non-economic development activity/project is in fact in conjunction with economic development; for example, the construction or rehabilitation of housing, in an area of great potential for economic development, but one where the economic development potential may not be fully realized because of a great need for housing and public improvements, such as water and sewer capacity. In such a case, § 598.615(b) provides the EZ with the opportunity to apply for an exception request, which must be accompanied by documentation that the proposed non-economic development activity also meets the resident benefit requirement of § 598.610.

Section 598.615(b) provides for the opportunity to request an exception for those limited circumstances where a project/activity appearing to have no direct relationship to economic development may still be critical to the EZ's economic strategy as defined in its strategic plan. The exception provision allows the EZ to justify why certain activities that have no readily visible direct connection to economic development may still meet the economic standards of § 598.615. The exception provision also allows scrutiny of the proposed project/activity and for HUD to determine if it can reasonably meet the economic development requirement.

Comment: With respect to § 598.615(a)(1)(i) and (ii), one commenter stated that for this provision to work, the 35 percent EZ resident employment requirement must include a "best effort" clause so that a business can operate if no EZ residents are available.

HUD response: HUD believes that the addition of a "best effort" clause is unnecessary. As noted earlier in this preamble, the final rule recognizes that a business may not be able to hold open indefinitely employment opportunities for EZ residents to fill. However, the EZ should demonstrate that EZ businesses with employment opportunities made a good faith effort to recruit and give first consideration to EZ residents. Examples of good faith efforts may include public notification of employment opportunities targeted to EZ residents and job fairs.

Comment: With respect to §§ 598.615(a)(3); 598.615(a)(4), and 598.615(a)(5), one commenter requested that the final rule modify these sections to: (1) Include, in § 598.615(a)(3), "soft-skill training" and "youth access" as additional activities to be categorized as education resources; (2) allow, in § 598.615 (a)(4), for employees of EZ organizations to undertake capacity building; and (3) include, in § 598.615(a)(5), housing development in conjunction with the appropriate infrastructure.

HUD response: An expectation arose during the Round II EZ designation process that the same funding source and stream that was provided to Round I EZs would eventually also be available to the 15 Round II EZs; that is, that each of the Round II EZs would receive $100 million in SSBG funds.

This expectation resulted in Round II EZs developing strategic plans and activities and projects based on substantially larger funding amounts than the funding that actually became available to the Round II EZs. Since their time of designation, Round II EZs received HUD EZ grants of $25.6 million rather than the anticipated $100 million in SSBG funds.

The receipt of a lower level of funding to carryout an EZ's strategic plan resulted in HUD limiting and restricting the type and range of eligible activities/projects meeting the statutory test of "in conjunction with economic development." For example, use of HUD EZ grant funds for public improvements is permissible "only" if the EZ can show in its implementation plan that the lack of the public improvements clearly presents an impediment to the establishment and or expansion of a business.

Even though this same "only if" restriction is found in the educational assistance provision, it does not preclude "training to youth." The requested modification to expand § 598.615(a)(4) to include employees of organizations serving the EZ is considered beyond the scope of ensuring the most comprehensive and effective use of limited resources. Although HUD did not make the requested modification to § 598.615(a)(5) to include housing development, as noted earlier in this preamble, an EZ may demonstrate that housing development is in conjunction with economic development.

Comment: A commenter requested assurance that the final rule would provide that the standards established by the final rule would only be applied prospectively to implementation plans and activities in order to avoid the hardship that EZs may face in having to redesign programs and resubmit plans of grant-funded programs in accordance with the new standards.

HUD response: Unless there is statutory authority that allows or directs for new regulations to be applied retroactively, all rulemaking is prospective. Nevertheless, HUD has revised the "applicability" language of § 598.600 to make clear that the standards promulgated by this final rule apply only to a project or activity to be undertaken with HUD EZ grant funds that is proposed by the EZ after the effective date of this rule.

IV. Findings and Certifications

Paperwork Reduction Act

The information collection requirements contained in subpart G of 24 CFR part 598 were submitted to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). This submission was reviewed and approved, and provided the following OMB approval number: 2506–0148. Under the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Environmental Review

A Finding of No Significant Impact with respect to the environment for this rule was made at the proposed rule stage in accordance with HUD's regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The Finding of No Significant Impact remains applicable at this final rule stage and is available for public inspection between 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW., Washington, DC 20410–0500.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule only establishes program-specific requirements governing a recipient's use of Federal grant funds and does not impose a Federal mandate that will result in expenditure by State, local, or tribal governments, within the meaning of UMRA.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The rule establishes performance standards for the use of grant funds made available to EZs by HUD, largely pertaining to benefit levels and economic-development activities. There are no anti-competitive discriminatory aspects of the rule with regard to small entities and there are not any unusual procedures that would need to be complied with by small entities. Accordingly, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 13132, Federalism

Executive Order 13132 ("Federalism") prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Executive Order 12866, Regulatory Planning and Review

The Office of Management and Budget (OMB) reviewed this rule under Executive Order 12866 (entitled "Regulatory Planning and Review"). OMB determined that this is a "significant regulatory action," as defined in section 3(f) of the order (although not an economically significant regulatory action under the Order). The docket file is available for public inspection in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW., Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the docket file by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number).

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance Numbers for 24 CFR part 598 is 14.244.

List of Subjects in 24 CFR Part 598

Community development, Economic development, Empowerment zones, Housing, Indians, Intergovernmental relations, Reporting and recordkeeping requirements, Urban renewal.

■ Accordingly, HUD amends 24 CFR part 598 as follows:

PART 598—URBAN EMPOWERMENT ZONES: ROUND TWO AND THREE DESIGNATIONS

■ 1. The authority citation for 24 CFR part 598 continues to read as follows:

Authority: 26 U.S.C. 1391; 42 U.S.C. 3535(d).

§ 598.3 [Amended]

■ 2. In § 598.3, remove the definition of "EZ/EC SSBG funds."

■ 3. In § 598.210, remove paragraphs (e) and (g), redesignate paragraph (f) as paragraph (e), redesignate paragraph (h) as paragraph (f), and revise newly redesignated paragraphs (e) and (f) to read as follows:

§ 598.210 What certifications must governments make?

* * * * *

(e) Provide that the nominating governments or corporations agree to make available all information requested by HUD to aid in the evaluation of progress in implementing the strategic plan; and

(f) Provide assurances that the nominating governments will administer the Empowerment Zone program in a manner that affirmatively furthers fair housing on the basis of race, color, national origin, religion, sex, disability, and familial status (presence of children).

§ 598.215 [Amended]

■ 4. In § 598.215, remove the last sentence of paragraph (b)(4)(i)(D).

■ 5. Revise § 598.405 to read as follows:

§ 598.405 Environmental review.

Where any EZ's strategic plan or any revision thereof proposes the use of HUD EZ Grant Funds for activities that are not excluded from environmental review under 24 CFR 50.19(b), the EZ shall supply HUD with all available, relevant information necessary for HUD to perform any environmental review required by 24 CFR part 50.

■ 6. Add a new subpart G to read as follows:

Subpart G—Empowerment Zone Grants

Sec.

598.600 Applicability.
598.605 Implementation plan.
598.610 Resident benefit standards.
598.615 Economic development standards.
598.620 Evaluation, monitoring, and enforcement.

§ 598.600 Applicability.

This subpart applies to a project or activity proposed by an Empowerment Zone after January 14, 2008 to be undertaken with funds appropriated by Congress and made available by HUD specifically for use by the EZ. These funds are referred to as "HUD EZ Grant Funds."

§ 598.605 Implementation plan.

(a) *Implementation plan content.* An EZ must submit an implementation plan for HUD approval that addresses each project or activity proposed to be undertaken by the EZ with HUD EZ Grant Funds. The implementation plan must:

(1) Describe the project or activity;

(2) Identify the completion date or duration of the project or activity;

(3) Provide the total cost of the project or activity;

(4) Identify the amount of HUD EZ Grant Funds to be used for the project or activity; and

(5) Include a narrative description of how the project or activity meets the resident benefit and economic development standards of this subpart.

(b) *Proposed funded project or activity.* The project or activity proposed in the implementation plan is subject to the following requirements:

(1) The Federal requirements listed in 24 CFR 5.105;

(2) The governmentwide, Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments at 24 CFR part 85;

(3) The requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4601 et seq.);

(4) The environmental review and approval requirements of 24 CFR part 50;

(5) The provisions of the Memorandum of Agreement (MOA) setting forth the obligations and requirements that the state and local governments, as Empowerment Zone designees, have agreed to meet as signatories of the agreement.

(6) Recipients of the HUD EZ Grant Funds also must adhere to the requirements set forth in the provisions of the grant agreement for HUD EZ Grant Funds.

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§ 598.610 Resident benefit standards.

The project or activity described in an implementation plan submitted for HUD approval by an EZ to describe the planned use of HUD EZ Grant Funds must meet one of the following three standards of resident benefit for determining the amount of HUD EZ Grant Funds that may be used to fund a particular project or activity:

(a) *Principal benefit standard*—(1) *Benefits other than jobs.* If a majority (51 percent) of the direct beneficiaries of the project or activity described in the implementation plan reside within the EZ, the project or activity may be fully assisted with HUD EZ Grant Funds.

(2) *Jobs benefit.* In any case where the direct benefits to be provided by a project or activity described in an implementation plan will be in the form of jobs, the project may be fully assisted with HUD EZ Grant Funds if at least 35 percent of the jobs are taken by, or made available to, EZ residents. A job satisfies this 35 percent requirement if the EZ resident is employed by the employer for at least 90 days during the year. For purposes of this 35 percent requirement, an employer may rely on a certification by the employee that provides to the employer the address of the employee's principal residence, and requires the employee to notify the employer of a change of the employee's principal residence.

(3) *Presumed benefit.* Certain commercial revitalization activities that are located and undertaken in an EZ and that provide services to both EZ residents and non-residents (e.g., supermarkets, drug stores) will presume to meet the 51 percent principal benefit standard in paragraph (a)(1) of this section, provided that the EZ maintains written documentation that briefly describes the activity, its service area, and the rationale for presuming that the activity meets the 51 percent principal benefit standard.

(b) *Proportional benefit standard.* If a project or activity described in an implementation plan cannot meet the principal benefit standard of paragraph (a) of this section, the percent of the cost of the project or activity that may be assisted with HUD EZ Grant Funds may not be greater than the percent of all persons benefiting directly from the project or activity who reside within the EZ.

(c) *Exception criterion.* In any case where a proposed project or activity, including activities outside of the designated area, would not meet the standards of paragraph (a) or paragraph (b) of this section, HUD EZ Grant Funds may be used where HUD determines that an implementation plan, accompanied by the facts that the EZ requests HUD to review and consider as justifying the exception, demonstrates substantial benefits to the EZ that would result from the project or other compelling reasons justifying the appropriateness of the implementation plan to the EZ's strategic plan. A request by an EZ for an exception under paragraph (c) of this section will receive a response by HUD no later than 60 days from the date of the EZ's request provided that the EZ's request with all relevant information is considered complete no later than 45 days from the date of the EZ's request.

§ 598.615 Economic development standards.

(a) *Economic development standards.* The project or activity in an implementation plan submitted for HUD approval by an EZ to describe the planned use of HUD EZ Grant Funds must meet one of the following economic development standards:

(1) *Business development assistance.* An activity that involves assisting a business in the EZ meets the standard, whether or not the business will create any new jobs. Any such activity must also meet the standards for benefiting a sufficient portion of EZ residents as required under § 598.610. Qualifying activities include the use of HUD EZ Grant Funds to:

(i) Assist in establishing a business;

(ii) Expand a business, including efforts to stimulate the development or expansion of microenterprises; and

(iii) Assisting businesses that provide goods or services within the EZ to remain within the EZ.

(2) *Employment training and assistance.* An activity that assists a person to take, or remain in, a job, subject to meeting the standards for benefiting a sufficient proportion of EZ residents as required under § 598.610, including:

(i) Job training;

(ii) Provision of child care;

(iii) Transportation to or from the place of employment or the place where job training is taking place; or

(iv) Counseling persons on job-related skills, such as how to interview successfully for a job, and dress and act appropriately in the conduct of a job.

(3) *Educational assistance.* The provision of educational assistance meets the economic development standard only if the EZ's implementation plan demonstrates that such education will be provided to persons who cannot qualify for available jobs because of the lack of some specific knowledge that would be given them through the course(s) to be provided. Any educational assistance provided must also meet the standard for benefiting a sufficient portion of EZ residents as required under § 598.610.

(4) *EZ administrative capacity.* An activity that increases the capacity of governance board members or staff of the EZ's lead agency to carry out their roles with respect to economic development projects expected to be assisted in support of the EZ's strategic plan is eligible. This includes the cost of attending a conference on economic development. The use of HUD EZ Grant Funds for capacity building under this paragraph is deemed to provide adequate benefit to EZ residents.

(5) *Public improvements.* The provision of public improvements, such as extension of water or sewer capacity, or street widening, meets the economic development standard only if it is shown in the implementation plan that the lack of the improvements clearly is an impediment to the establishment, expansion or retention of one or more businesses in the EZ, and that the provision of the proposed public improvement would be limited as much as feasible to assisting the business or businesses. Any public improvements must also meet the standard for benefiting a sufficient portion of EZ residents as required under § 598.610.

(b) *Exception request.* HUD may approve a project or activity that does not fall within any of the previous review standards of this section if the EZ provides evidence that, in some way, the project or activity can reasonably be seen as meeting the economic development standard. Such a project or activity must also meet the standards for benefiting a sufficient portion of EZ residents as required under § 598.610. All requests for such an exception must be in writing, accompanied by the facts that the EZ wants HUD to review and consider as justification. A request by an EZ for an exception under this paragraph (b) will receive a response by HUD no later than 60 days from the date of the EZ's request provided that the EZ's request with all relevant information is considered complete no later than 45 days from the date of the EZ's request.

§ 598.620 Evaluation, monitoring, and enforcement.

(a) *Progress, evaluation, and monitoring.* HUD will review the performance of an EZ's use of HUD EZ Grant Funds for compliance with this subpart as part of its regular evaluation process under 24 CFR 598.420, through on-site monitoring under 24 CFR 85.40(e), and by other appropriate means.

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(b) *Warning letter.* If HUD has reason to believe that an EZ is not carrying out its funded activities in accordance with any applicable requirements, including the resident benefit and economic development standards of this subpart, HUD may forward a warning letter to the EZ informing it of a potential violation and recommending action to avoid a violation. A warning letter is not a prerequisite for any other action HUD may take.

(c) *Notice of violation.* If HUD determines that there appears to be a violation in the use of HUD EZ Grant Funds, it will notify the EZ of the alleged violation and the action HUD proposes to take under 24 CFR 85.43 or its successor regulation or if appropriate, 24 CFR 598.430.

(d) *Response to notice.* A notice sent to an EZ under paragraph (c) of this section will provide the EZ with at least 30 calendar days from the time HUD sends the notice to respond with any information to rebut or mitigate the alleged violation.

(e) *Final action.* If the EZ does not respond within the period specified pursuant to paragraph (d) of this section, HUD will make a final determination of the violation and may proceed to take the action proposed in the notice. If the EZ responds, HUD will consider the information received from the EZ and may request additional information. After considering the information received from the EZ, HUD will notify the EZ of HUD's final determination and action, affirming, modifying, or repealing HUD's initial determination of an alleged violation and proposed action.

Dated: November 13, 2007.

Roy A. Bernardi,

Deputy Secretary.

[FR Doc. E7–24112 Filed 12–12–07; 8:45 am]

BILLING CODE 4210–67–P

ATTACHMENT 4

EMPOWERMENT ZONE ADVISORY BOARD AND EMPOWERMENT ZONE NEIGBORHOOD ASSEMBLIES

EMPOWERMENT ZONE

EZAB and Empowerment Zone Neighborhood Assembly Members

Dr. W. Dean Goldsby, Sr., **Chairperson** 6365 Collins Avenue Apt 2111 Miami Beach, FL 33141 T: (786) 299-1523 Email: DGoldsby@atlanticbb.net **FL City Mayoral Appointee**	Mr. Irby McKnight, **Vice Chairperson** Overtown EZ Neighborhood Assembly 1600 NW 3 Avenue Miami, FL 33136 T: (305) 573-8217/(305) 372-4553 F: (305) 576-8640 C: (786) 443-9861 Email: IrbyM@hotmail.com **Overtown**	Ms. Sallye G. Jude, **Secretary** East Little Havana EZNA 200 Edgewater Drive Coral Gables, Florida 33133 T: (305) 325-0045/(305) 667-3233 F: (305) 325-9227 Email: miamihotel@aol.com **East Little Havana**
Ms. Marva Wiley 125 NW 89th Street Miami, FL 33150 O: (305) 762-5339 C: (305) 793-0701 Email: marvawiley@bellsouth.net **Miami Dade Mayoral Appointee**	Ms. Carol Fine 1115 Venetia Avenue Coral Gables, FL 33134 O: (305) 577-7231 H: (305)448-9019 C: (305) 205-9328 Email: Carol.fine@citynational.com **Miami Dade Mayoral Appointee**	Eileen Calvo Homestead Police Department 4 South Krome Avenue Homestead, FL 33030 T: (305) 244- 5432 F: (305) 247-1894 E-mail: ecalvo@homesteadpolice.com **Homestead Mayoral Appointee**
City of Miami Mayoral Appointee	Ms. Eleanore Kluger, President American Gift 6600 NW 74 Avenue Miami, Florida 33166 T: (305) 884-6800 ext. 245 F: (305) 884-1200 Email: EKluger@agiftcorp.com **City of Miami Mayoral Appointee**	Charles Flowers, Jr., Chairperson Allapattah/Civic Center EZ NA 1000 N. River Drive, #106 Miami, FL 33136 T: (305) 326-1718 F: (305) 325-0047 C: (305) 213-8290 Email: Chazjflow@aol.com **Allapattah/Civic Center**
Carolyn Hayes, Chairperson Florida City EZNA 24830 SW 26 Court Princeton, FL 33032 T: (305) 248-6222 C: (305) 397-7780 Email: lovinghands489@aol.com mscarolynusa@yahoo.com **Florida City**	Mr. Gary Ferguson, Chairperson Homestead EZ 1114 N Flagler Avenue Homestead, FL 33030 T: (305) 247-4535 F: (305) 247-6959 Email: fjeweler@bellsouth.net **Homestead**	Roy Hardemon, Chairperson Liberty City/Model City EZ Neighborhood Assembly Dade Professional Lawn Care 710 NW 62nd Street Miami, FL 33127 (786) 356-0707 Email: Hardemonmm@aol.com **Liberty City/Model City**
Mr. Joe Chi, Chairperson Melrose EZ Neighborhood Assembly 2340 NW 27th Avenue Miami, FL 33136 T: (305) 636-0902 C: (786) 554-8001 JoeChi888@yahoo.com **Melrose**	Paul Velez, Chairperson Wynwood EZ Neighborhood Assembly 3601 Federal Highway Miami, FL 33137 T: (305) 576-6611 ext 611 F: (305) 576-0008 C: (305) 788-5055 Email: Pvelez@borinquenhealth.org **Wynwood**	

Empowerment Zone Advisory Board (EZAB) cont'd

The Honorable Carlos Alvarez Mayor, Miami-Dade County 111 NW First Street, 29th Floor Miami, FL 33128 T: (305) 375-5058 F: (305) 375-3618 **Ex-officio Member**	The Honorable Manny Diaz Mayor, City of Miami 3500 Pan American Drive Miami, FL 33133 T: (305) 250-5301 F: (305) 854-4001 **Ex-officio Member**	The Honorable Otis T. Wallace Mayor, City of Florida City 404 W. Palm Drive Florida City, FL 33034 T: (305) 247-8221/Jennifer F: (305) 242-8133 Ex-officio Member
The Honorable Linda Bell Mayor, City of Homestead 790 North Homestead Boulevard Homestead, FL 33030 **Ex-officio Member**	Mr. George Burgess County Manager Miami-Dade County 111 NW First Street, 29th Floor Miami, FL 33128 T: (305) 375-5311/Leatha White F: (305) 375-1262 **Ex-officio Member**	Mr. Adoniram (Don) Vargas U. S. Department of Housing & Urban Development Florida State Office Brickell Plaza Federal Building 909 SE First Avenue, Room 500 Miami, FL 33131-3028 T: (305) 536-5678 ext. 2271 F: (305) 536-5765 **Ex-officio Member**
Mrs. Cynthia W. Curry Senior Advisor for Economic Development and Housing Initiatives Miami-Dade County 111 NW First Street, 29th Floor Miami, FL 33128 T: (305) 375-4126 / Ingrid F: (305) 679-7554 **County Manager / Stand-in**		

➢ ALLAPATTTAH/CIVIC CENTER EMPOWERMENT ZONE NEIGHBORHOOD ASSEMBLY

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Mariano Cruz 1227 NW 26 Street Miami, FL 33142 T: (305) 354-8047/(305) 635-4735 C: (786) 546-4365 F: (305) 948-7847 R	R	R

➢ EAST LITTLE HAVANA EMPOWERMENT ZONE NEIGHBORHOOD ASSEMBLY

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Demetrio J. Perez 904 SW 23rd Avenue, Suite 200 Miami, FL 33135-4926 T: (305) 643-4888, Ext. 226 – Voice F: (305) 643-0581 djp@lincoln-marti.com	**NR**	

➢ FLORIDA CITY EMPOWERMENT ZONE NEIGHBORHOOD ASSEMBLY

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Nimmond Lockhart 766 NW 10th Street Florida City, FL 33034 T: (305) 246-8393 C: (786) 728-4729 R	Aleslal Lubin 137 S. Redland Road Apt. 108 Florida City, FL 33034 T: (305) 245-5801 R	Tomas Mesa 406 SW 1st Street Florida City, FL 33034 T: (786) 243-2527 F: (786) 243-2849 NR

➢ HOMESTEAD EMPOWERMENT ZONE NEIGHBORHOOD ASSEMBLY

Gary Ferguson, Chairperson Homestead Neighborhood Assembly 1114 N. Flagler Avenue Homestead, FL 33030 T: (305) 247-4535 F: (305) 247-4571 – job F: (305) 247-6959 – home C: (305) 989-1565 Email: fjeweler@bellsouth.net NR	Michael Taylor, Vice Chairperson Work Safe Solutions 1480 NE 10th Street Homestead, FL 33033 T: (305) 510-8165 F: (305) 242-8188 H: (305) 242-8188 NR	Hilda Dennis, Secretary Carrie P. Meek Business & Technology Center 301 Civic Court Homestead, FL 33030 T: (786) 261-5618 NR
Almener Hom 230 NW 7 Avenue Homestead, FL 33030 T: (305) 297-8177 / (305) 246-1618 C: (305) 416-7114 Email: mena230@juno.com R	Willie Brown, Jr. 424 SW 11th Avenue Homestead, FL 33030 T: (786) 217-5574 C: (305) 242-1302 R	Stephen DeGrave Stick & Stein Sports Rock Café 28 S. Krome Avenue Homestead, FL 33030 T: (305) 797-2360 F: (305) 248-1052 NR
Alfredo Correro Homestead Concrete & Drainage 221 SW 4th Avenue T: (305) 248-9649 F: (305) 248-9650 C: (305) 218-8627 NR		

➢ LIBERTY CITY/MODEL CITY EMPOWERMENT ZONE NEIGHBORHOOD ASSEMBLY

Roy Hardemon, Chairperson Liberty City/Model City EZ Neighborhood Assembly Dade Professional Lawn Care 710 NW 62nd Street Miami, FL 33127 (786) 356-0707 Hardemonmm@aol.com NR	Eric Thompson 6511 NW 12th Ave Apt. 4 Miami, FL 33150 (305) 694-2757 LibertyCouncil@aol.co R	Carol Young 6512 NW 11th Avenue Miami, FL 33150 (786) 285-6808 YoungCarol@bellsouth.net R
Gerald Delancy 1005 NW 58 Street Miami, FL 33127 T: (305) 635-7745 Email: seat312@bellsouth.net R	Patty Wilson 1221 NW 61st Street Miami, FL 33142 H: (305) 691-2565 C: (786) 371-8488 R	Bobby McGhee 6400 NW 11th Avenue Miami, FL 33150 T: (305) 759-1745 C: (305) 786-252-4303 F: (305) 759-1745 Email: mcghee1745@bellsouth.net R
David Chiverton MLKEDC 6114 NW 7th Avenue Miami, FL 33127 O: (305) 758-5777 O: (305) 757-7652 C: (305) 343-5666 DChiverton@aol.com NR		

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Juana Marrero 2982 NW 30 Street Miami, FL 33142 T: R	Adelaida Gonzalez 3074 NW 33rd Street Miami, FL 33142 R	Esther Gonzales 3351 NW 35 Street Miami, FL 33142 T: (305) 638-7035 R
Ana Alfonso 2790 NW 29th Street Miami, FL 33142 T: (305) 635-9420 R	Ibis Alech 3071 NW 32 Street Miami, FL 33142-5856 T: (305) 633-8240 R	Raquel Capote 3010 NW. 33 St. Miami, Fl. 33142 T: (305) 634-7519 R
Oscar Llerena 2851 NW 27th Avenue Miami, FL 33142 T: (305) 633-6627 C: (786) 273-6075 F: (305) 633-6217 NR	Mario Delgado 3110 NW 35 Street Miami, FL 33142 T: (305) 638-1956 R	

➢ OVERTOWN EMPOWERMENT ZONE NEIGHBORHOOD ASSEMBLY

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Rodolfo Lorenzo 1327 NW 3rd Avenue Miami, FL T: (305) 371-8397 **NR**	Lillian Slater 1640 NW 4th Avenue, Apt. #10C Miami, Florida 33056 T: (305) 324-4201 **R**	

➢ WYNWOOD EMPOWERMENT ZONE NEIGHBORHOOD ASSEMBLY

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William Lopez 4300 Biscayne Blvd Suite 301 Miami, FL 33128 T: (305) 219-2305 WLopez@buenavistasecurity.com NR	Sid Hoeltzel 120 NW 25th Street Miami, FL 33137 T: (305) 573-0715 C: (305) 733-7518 SidPhoto@mac.com R	R

2009 Empowerment Zone Meetings

ALLAPATTAH
1st Thurs of Each Month
Jan. 22, 2009- 6:00-8:00 pm
Feb. 11, 2009- 6:00-8:00 pm
March 5, April 2, May 7, June 4, July 2, Aug 6, Sept 3, Oct 1, Nov 5, Dec 3, 2009
Duarte Park
1776 NW 28th Street
Miami, FL

EAST LITTLE HAVANA
2nd Thurs of Each Month
Jan. 8, 2009- 6:00-8:00 pm
Feb. 19, 2009- 6:00-8:00 pm
March 12, April 9, May 14, June 11, July 9, Aug 13, Sept. 10, Oct 8, Nov 12, Dec 10, 2009
Miami Dadè CAA Accion Center
858 West Flagler Street
Miami, FL

FLORIDA CITY
2nd Wed of Each Month
Feb. 24, 2009 - 6:30-8:00 pm only at the
Phichol Williams Community Center
951 SW 4th Street
March 11, April 8, May 13, June 10, July,8, Aug. 12, Sept. 9, Oct. 14, 2009
6:30-8:00 pm at
Florida City Commission Chambers
404 West Palm Drive
FL City, FL

HOMESTEAD
2nd Tues of Each Month
Feb. 10, March10, April 14, May 12, June 9, July 14, Aug 11, Sept 8, Oct 13, 2009
6:00-8:00 pm
Phichol Williams Community Center
951 SW 4th Street
Homestead, FL

LIBERTY CITY/MODEL CITY
4th Thurs of Each Month
Feb. 26, March 26, April 20, May 28, June 25, July 23, Aug 27, Sept 24, Oct 22, 2009
6:00-8:00 pm
Miami Dade CAA
6100 NW 7th Avenue
Miami, FL

MELROSE
1st Wed of Each Month
Feb. 5, 2009- 6:00-8:00 pm
March 4, April 1, May 6, June 3, July 1, Aug 5, Sept. 2, Oct 7, Nov 4, Dec 2, 2009
7:00 pm-8:30 pm
Transit Central
3300 NW 32 Avenue
Miami, FL

OVERTOWN
3rd Wed of Each Month
Feb 18, March 18, April 15, May 20, June 17, July 15, Aug. 19, Sept. 16, Oct. 21, 2009
5:30-7:30 pm
Culmer Center
1600 NW 3 Avenue
Miami, FL

WYNWOOD
1st Tues of Each Month
Feb. 9, March 3, April 7, May 5, June 2, July 7, Aug. 4, Sept. 1, Oct 6, 2009
5:00-7:00 pm
Borinquen Health Clinic
3601 N. Federal Highway
Miami, FL

EMPOWERMENT ZONE ADVISORY BOARD (EZAB)
4th Wed of Each Month
Feb 25, March 25, April 22, May 27, June 24, July 22, Aug 26, Sept 23, Oct 28, Nov 25, Dec 23
6:00-8:00 pm
Overtown Transit Village
701 NW 1st Ct
Miami, FL

All meetings are subject to change

Attachment 6

BUDGET SAMPLES AND FORMS

AGENCY NAME
OUR BUDGET SUMMARY SAMPLE FOR ED PROJECT

OCED FY 2007

January 1, 2007 – December 31, 2007

BUDGET CATEGORY	CDBG 2007	OTHER FUNDING	TOTAL FUNDING
PERSONNEL	$100,000	$50,000	$150,000
CONTRACTUAL EXPENDITURES	$25,000	$10,000	$35,000
OPERATING EXPENDITURES	$15,000	$15,000	$30,000
CAPITAL OUTLAY	$0	$0	$0
TOTALS	$140,000	$75,000	$215,000

OTHER FUNDING SOURCES

SOURCE	AMOUNT
City National Bank	$40,000
Ford Foundation	$10,000
Rand Corporation	$25,000
Totals:	$75,000

AGENCY WIDE BUDGET
DETAILED DESCRIPTION OF SOURCES AND USES FOR E.D. PROJECT
FY 2007

BUDGET CATEGORY	CDBG 2007	City National Bank	Ford Foundation	Rand Corporation	Totals	Total Project Costs	Total Funding Shortage
PERSONNEL							
Clerk (NAME)	$10,000	$15,000	$636	$636	$26,272	$26,272	$0
Employment Coordinator (NAME)	$38,178	$5,454	$4,000	$4,000	$51,632	$51,632	$0
Employment Coordinator (NAME)	$38,178	$5,453	$4,000	$4,000	$51,631	$51,631	$0
FICA	$7,586	$2,306	$769	$769	$11,630	$11,530	$0
MICA	$4,836	$1,450	$483	$483	$7,252	$7,252	$0
Withholding Tax	$1,122	$337	$112	$112	$1,683	$1,683	$0
Sub-Totals:	$100,000	$30,000	$10,000	$10,000	$150,000	$150,000	$0
CONTRACTUAL SERVICES							
External Audit	$5,000	$2,000	$0	$3,000	$10,000	$10,000	$0
Accounting Services	$13,000	$3,000	$0	$2,000	$18,000	$18,000	$0
General Liability Insurance	$7,000	$0	$0	$0	$7,000	$7,000	$0
Sub-Totals:	$25,000	$5,000	$0	$5,000	$35,000	$35,000	$0
OPERATING EXPENSES							
Electricity	$10,000	$3,000	$0	$4,000	$17,000	$17,000	$0
Telephone	$2,000	$1,000	$0	$2,000	$5,000	$5,000	$0
Water and Sewer Services	$3,000	$1,000	$0	$4,000	$8,000	$8,000	$0
Sub-Totals:	$15,000	$5,000	$0	$10,000	$30,000	$30,000	$0
CAPITAL OUTLAY	$0	$0	$0	$0	$0	$0	$0
Sub-Totals:	$0	$0	$0	$0	$0	$0	$0
TOTALS:	$140,000	$40,000	$10,000	$25,000	$215,000	$215,000	$0

Attachment 7

SAMPLE OF SCOPE OF SERVICES, ACTION STEPS

NOTE: YOU MUST USE THE ACTION STEP FORMAT THAT IS DESCRIBED ON THE FOLLOWING PAGE

INSTRUCTIONS FOR ECONOMIC DEVELOPMENT ACTIVITIES

ACTION STEP FORMAT

1)	AGENCY NAME	The legal name of your agency
2)	ACTIVITY	The title of the activity being funded though OCED
3)	FUNDING SOURCE	The OCED funding source (e.g., CDBG, HOME, ESG, HATF, HDG, etc.,...)
4)	AMOUNT	Indicate the amount of funding that was awarded for the activity
5)	ACCOMPLISHMENT UNITS	Indicate the total number of service units that your project will achieve throughout the grant period
6)	TYPE	Indicate the service unit type (e.g., Jobs, Businesses, etc.,...)
7)	COLUMN I QUARTER	Indicate the quarter of operation.
	COLUMN II ACTION STEP CATEGORY	Identify in 3-4 words each service that the project will conduct during each quarter.
8)	COLUMN III SERVICE FREQUENCY	Using only one of the following categories - quarterly, monthly, weekly, daily - identify the frequency of the proposed service. If the project will provide a specific service several time within a service interval, then indicate so as part of Column II (e.g., Counseling services that will occur twice per week should be stated as "Counseling Services (2) Weekly").
9)	COLUMN IV NUMBER OF BUSINESSES	Indicate the number of persons out of the project's population that will be affected by each action step.
10)	COLUMN V CUMULATIVE QUARTERLY SERVICE UNITS	Indicate on each of the shaded lines for each quarter the total number of service units that the project will accomplish year to date.
11)	COLUMN VI CUMULATIVE NUMBER OF BUSINESSES	Indicate on each of the shaded lines for each quarter the total number of clients that the project will serve year to date.
12)	COLUMN VII CUMULATIVE PROJECTED PAYMENT LEVEL	Indicate on each of the shaded lines for each quarter the portion of the project's total allocation that the project will expend year to date.

SAMPLE ACTION STEP FORMAT FOR ECONOMIC DEVELOPMENT ACTIVITY
JANUARY 1, 2007 THROUGH DECEMBER 31, 2007

ATTACHMENT "A1"

AGENCY NAME: [redacted]

ACTIVITY: [redacted]

FUNDING SOURCE: CDBG 2007

AMOUNT: [redacted]

ACCOMPLISHMENT UNITS TYPE: [redacted] JOBS

QUARTER	ACTIONS TO ACCOMPLISH	FREQUENCY OF REPORTING	CUMULATIVE QUARTERLY NUMBER OF BUSINESSES APPROVED	CUMULATIVE QUARTERLY SERVICE UNITS APPROVED	CUMULATIVE QUARTERLY NUMBER OF BUSINESSES APPROVED	CUMULATIVE PROJECTED ACCOMPLISHMENT LEVEL APPROVED	ACTUAL QUARTERLY CUMULATIVE PERCENTAGE OF COMPLETION	ACCOMPLISHMENTS QUARTERLY CUMULATIVE SERVICE UNITS	ACCOMPLISHMENTS QUARTERLY CUMULATIVE REIMBURSEMENTS
1ST	PARTICIPANT RECRUITMENT	QUARTERLY							
	1ST TRAINING CYCLE-11 WK.	WEEKLY							
	TECHNICAL ASSISTANCE/COACHING	MONTHLY							
	LINK CLIENTS TO ENTERPRISE COMMUNITY CENTER	WEEKLY							
	EXECUTE AGREEMENT WITH BUSINESS FOR THE CREATION OF ONE JOB	QUARTERLY							
	BUSINESS FAIR	QUARTERLY							
2ND	PARTICIPANT RECRUITMENT	QUARTERLY							
	2ND TRAINING CYCLE – 11 WK.	WEEKLY							
	MENTORS W/1ST CYCLE GRADS	WEEKLY							
	TECHNICAL ASSISTANCE/COACHING	MONTHLY							
	LINK CLIENTS TO ENTERPRISE	WEEKLY							
	BUSINESS FAIR	QUARTERLY							
3RD	PARTICIPANT RECRUITMENT	QUARTERLY							
	3RD TRAINING CYCLE-11 WK.	WEEKLY							
	TECHNICAL ASSISTANCE/COACHING	MONTHLY							
	LINK CLIENTS TO ENTERPRISE COMMUNITY CENTER	WEEKLY							
	JOB FILLED	QUARTERLY							
	BUSINESS FAIR	QUARTERLY							
4TH	MENTORS W/2ND CYCLE GRADS	WEEKLY							
	INTAKE AND ASSESSMENT	QUARTERLY							
	MENTORS W/3RD CYCLE GRADS	WEEKLY							
	FOLLOW-UP 1ST CYCLE GRADS	MONTHLY							
	LINK CLIENTS TO ENTERPRISE	WEEKLY							
	SPECIALTY WORKSHOP	QUARTERLY							
	ASSESS RETENTION OF JOB	QUARTERLY							

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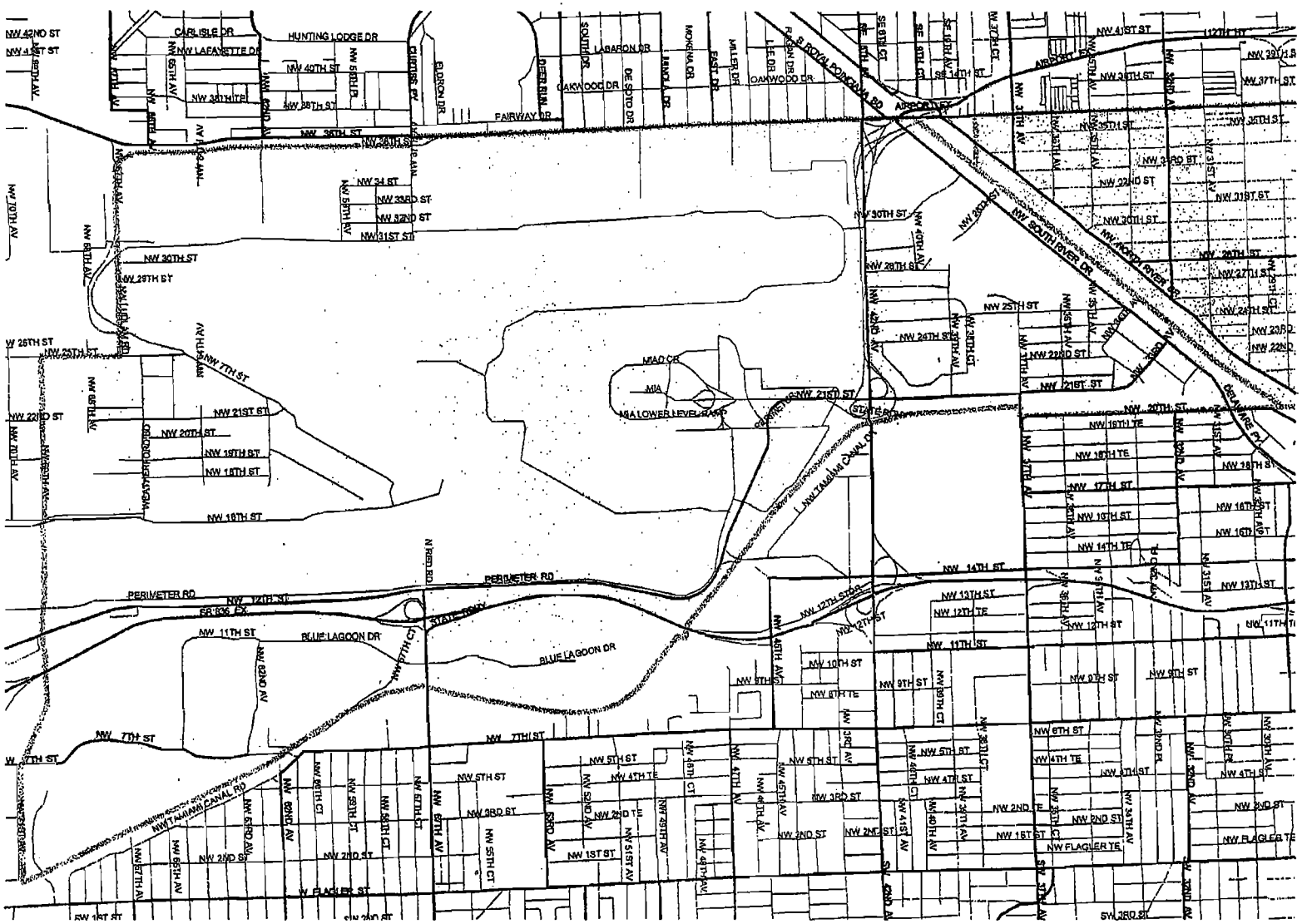
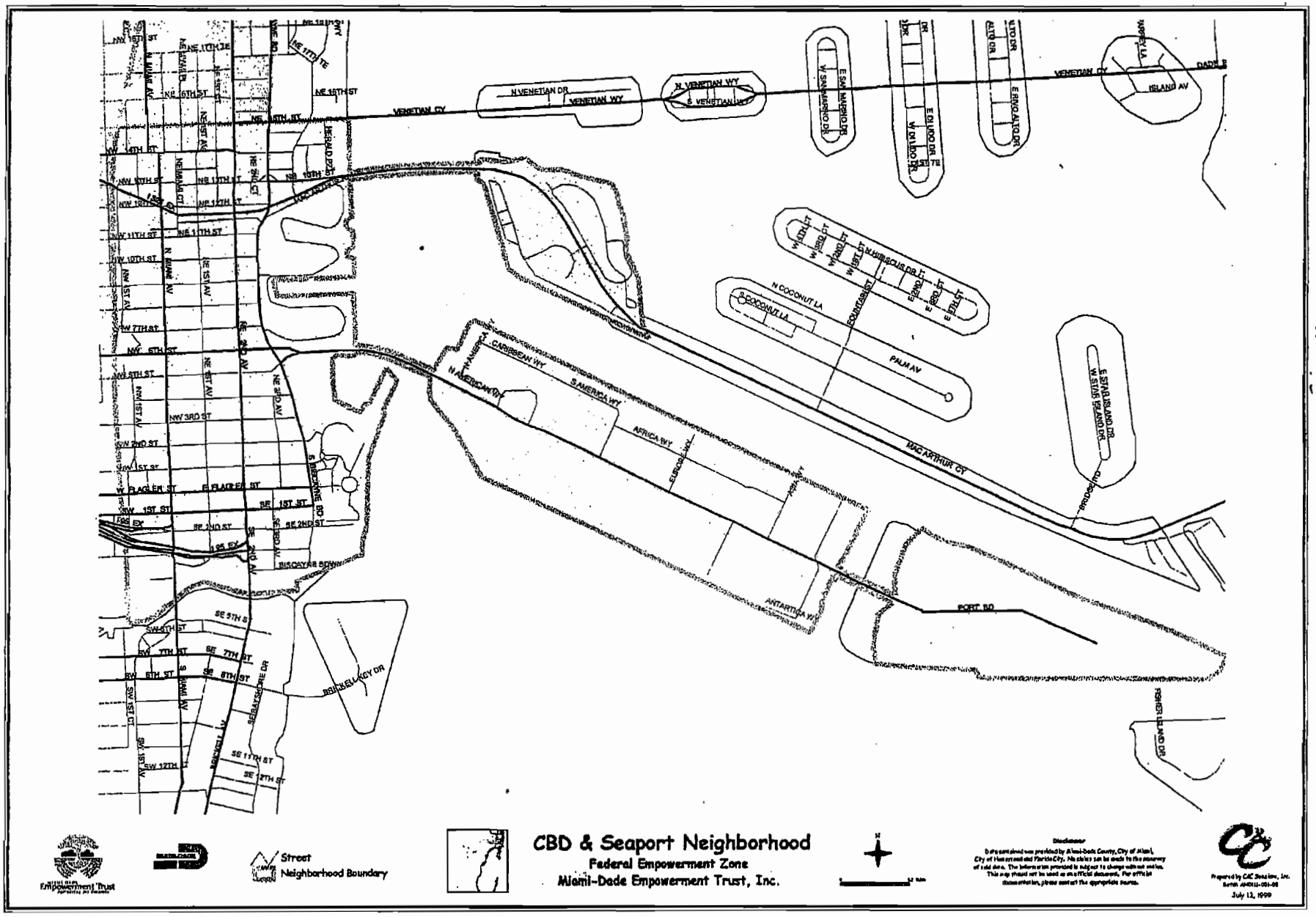
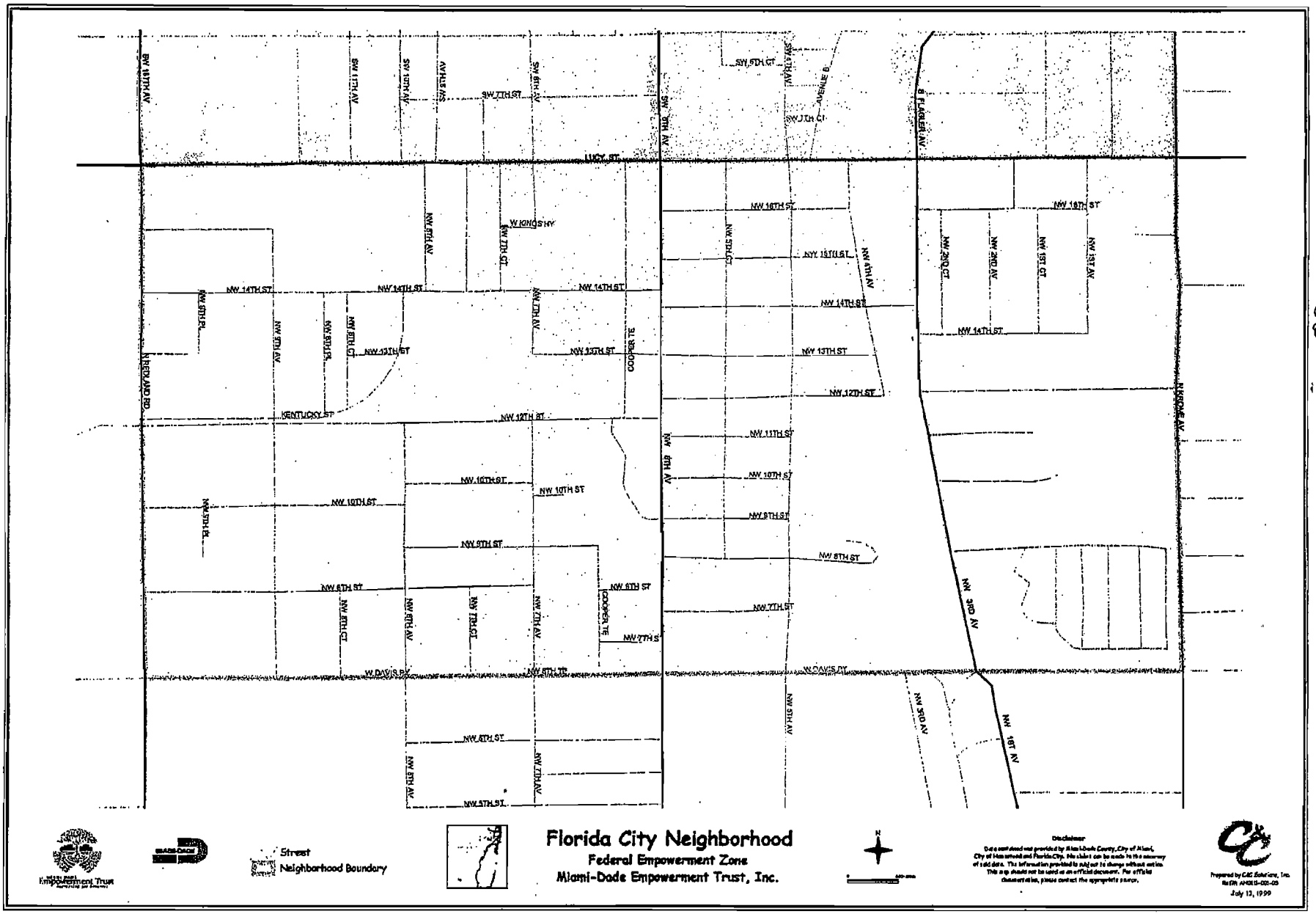
ATTACHMENT 8

MAPS OF FEDERAL EMPOWERMENT ZONE AND DEVELOPABLE SITES


Airport Neighborhood
Federal Empowerment Zone
Miami-Dade Empowerment Trust, Inc.
Street
Neighborhood Boundary
Disclaimer
Prepared by CIC Solutions, Inc.
July 13, 1999



CBD & Seaport Neighborhood
Federal Empowerment Zone
Miami-Dade Empowerment Trust, Inc.
Street
Neighborhood Boundary
Empowerment Trust
Disclaimer
Prepared by CAC Solutions, Inc.
July 12, 1999
VENETIAN CY
N VENETIAN DR
VENETIAN WY
N VENETIAN WY
S VENETIAN WY
E SAN MARINO DR
W SAN MARINO DR
E DI LIDO DR
W DI LIDO DR
E RIVO ALTO DR
ISLAND AV
DADE BD
N COCONUT LA
S COCONUT LA
PALM AV
FOUNTAIN ST
N HIBISCUS DR
CARIBBEAN WY
N AMERICA WY
S AMERICA WY
AFRICA WY
EUROPE WY
ANTARTICA WY
MAC ARTHUR CY
E STAR ISLAND DR
W STAR ISLAND DR
BRIDGE RD
PORT BD
FISHER ISLAND DR
NE 16TH ST
NE 15TH ST
NE 10TH ST
NW 14TH ST
NW 13TH ST
NW 12TH ST
NW 11TH ST
NW 10TH ST
NW 7TH ST
NW 6TH ST
NW 5TH ST
NW 3RD ST
NW 2ND ST
NW 1ST ST
W FLAGLER ST
E FLAGLER ST
SW 1ST ST
SE 1ST ST
SE 2ND ST
SE 5TH ST
SW 6TH ST
SW 7TH ST
SE 7TH ST
SW 8TH ST
SE 8TH ST
SE 11TH ST
SE 12TH ST
SW 12TH ST
NE 1ST AV
NE 2ND AV
NW 1ST AV
N MIAMI AV
S MIAMI AV
S BISCAYNE BD
BISCAYNE BDWY
BRICKELL KEY DR
SEABRAY SHORE DR
BRICKELL AV



Florida City Neighborhood
Federal Empowerment Zone
Miami-Dade Empowerment Trust, Inc.

Street
Neighborhood Boundary

Disclaimer

Prepared by C&C Solutions, Inc.
July 13, 1999

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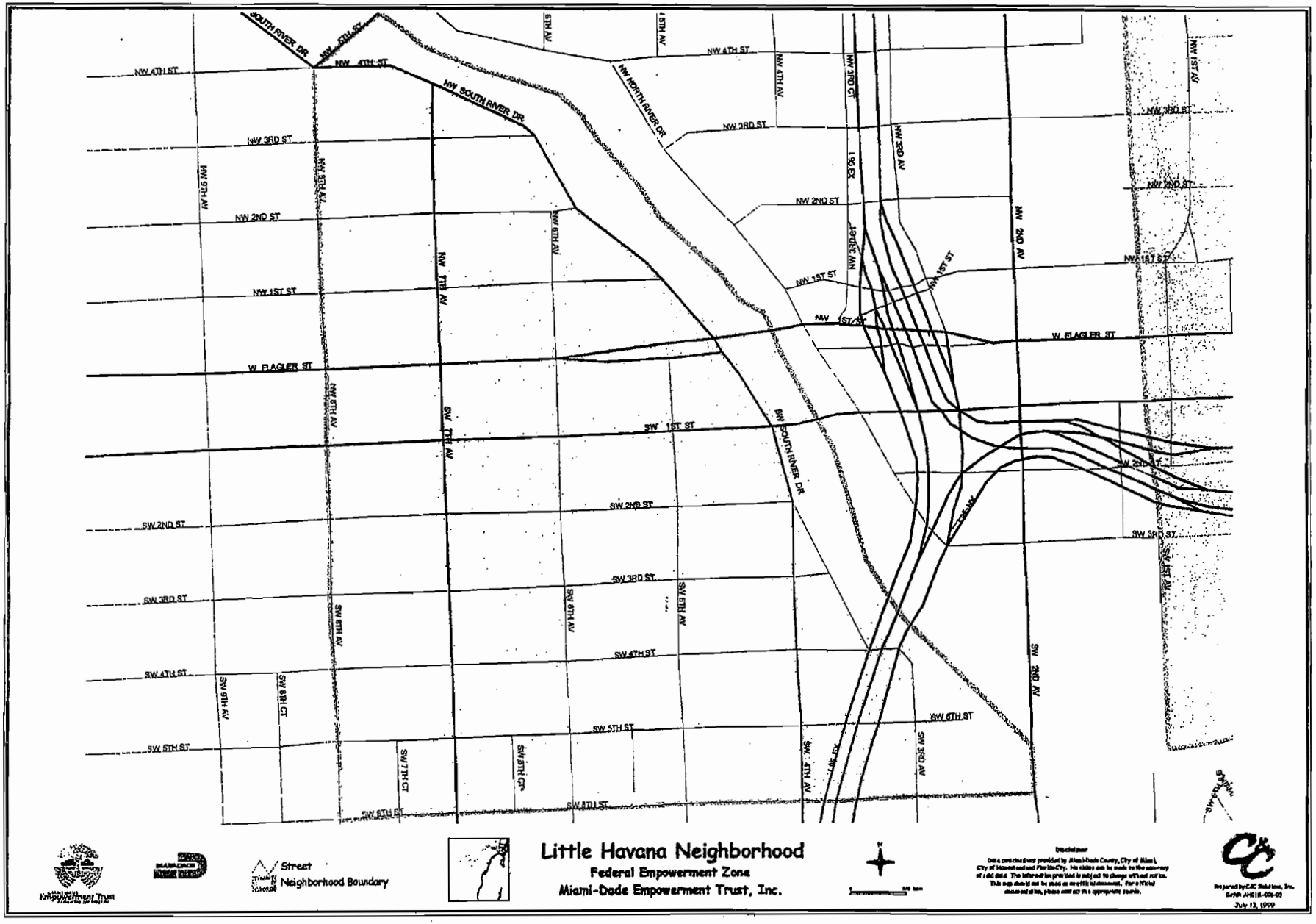
SOUTH RIVER DR
NW 4TH ST
NW SOUTH RIVER DR
NW NORTH RIVER DR
NW 3RD ST
NW 2ND ST
NW 1ST ST
W FLAGLER ST
SW 1ST ST
SW 2ND ST
SW 3RD ST
SW 4TH ST
SW 5TH ST
SW 6TH ST
SW SOUTH RIVER DR
NW 4TH AV
NW 5TH AV
NW 6TH AV
NW 7TH AV
NW 1ST CT
NW 2ND AV
NW 3RD AV
SW 4TH AV
SW 5TH AV
SW 6TH AV
SW 7TH AV
SW 8TH AV
SW 2ND AV
SW 3RD AV
SW 4TH CT
SW 5TH CT
SW 6TH CT
SW 7TH CT
SW 8TH CT
Street
Neighborhood Boundary
Little Havana Neighborhood
Federal Empowerment Zone
Miami-Dade Empowerment Trust, Inc.
July 13, 1999

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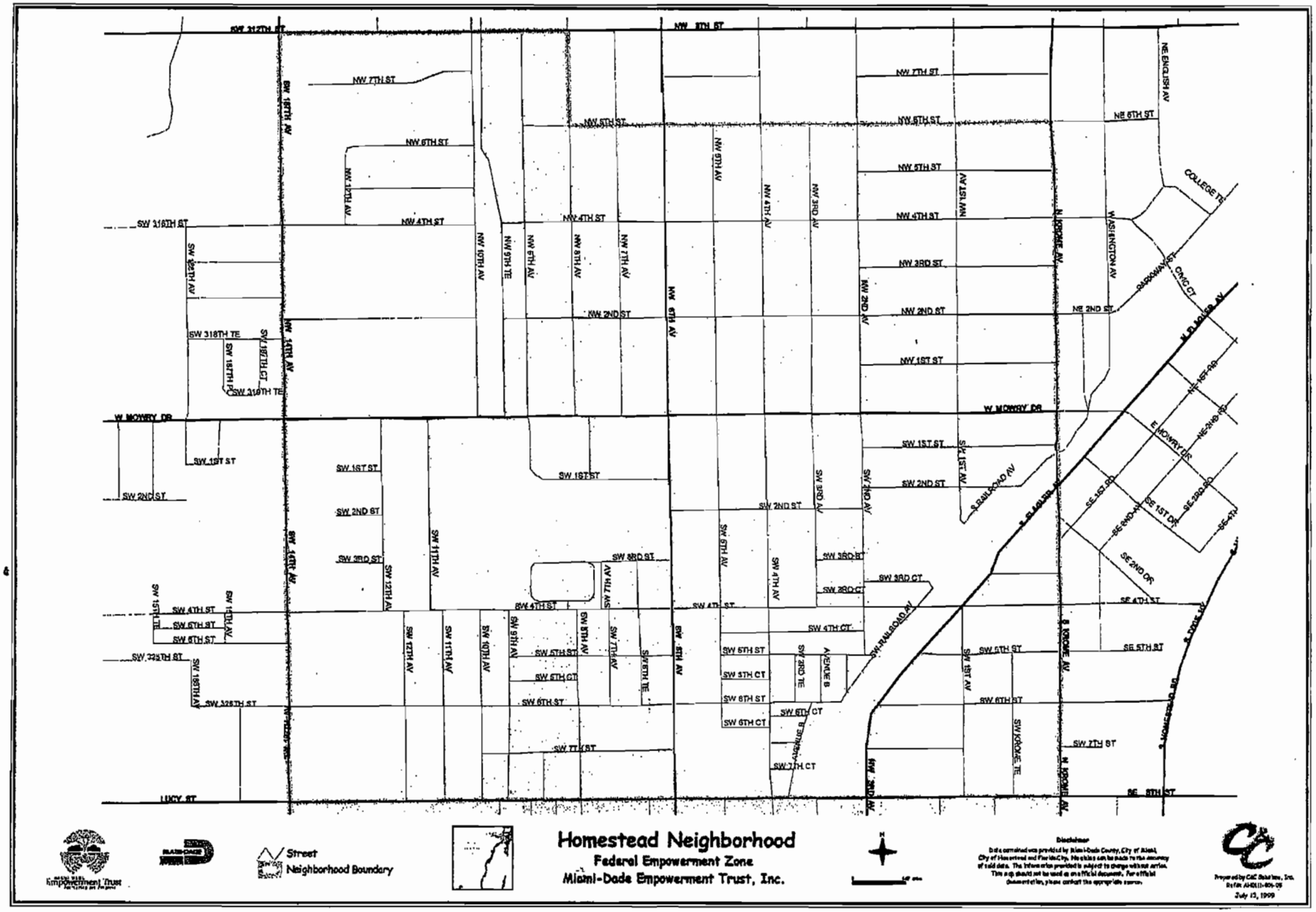
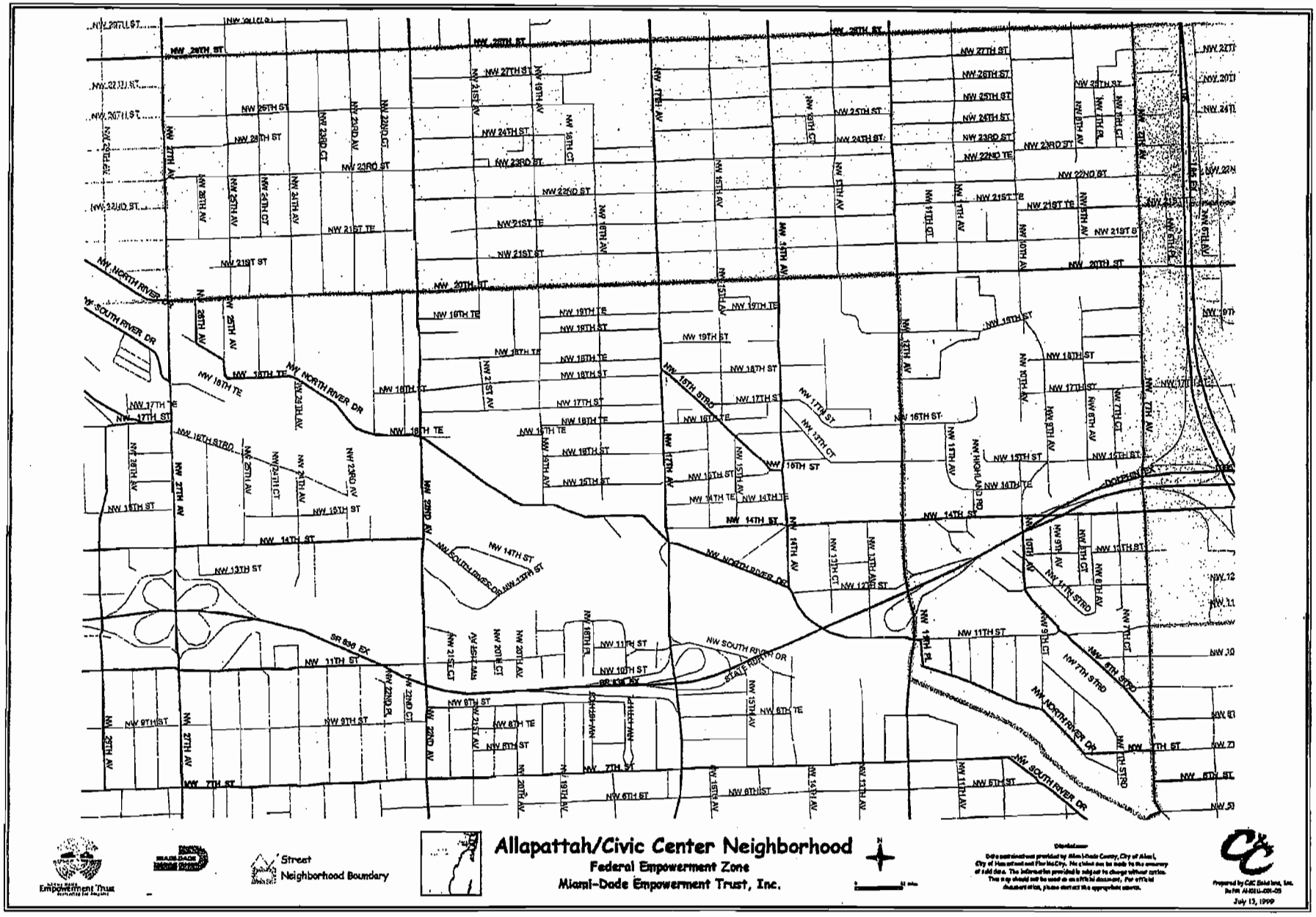
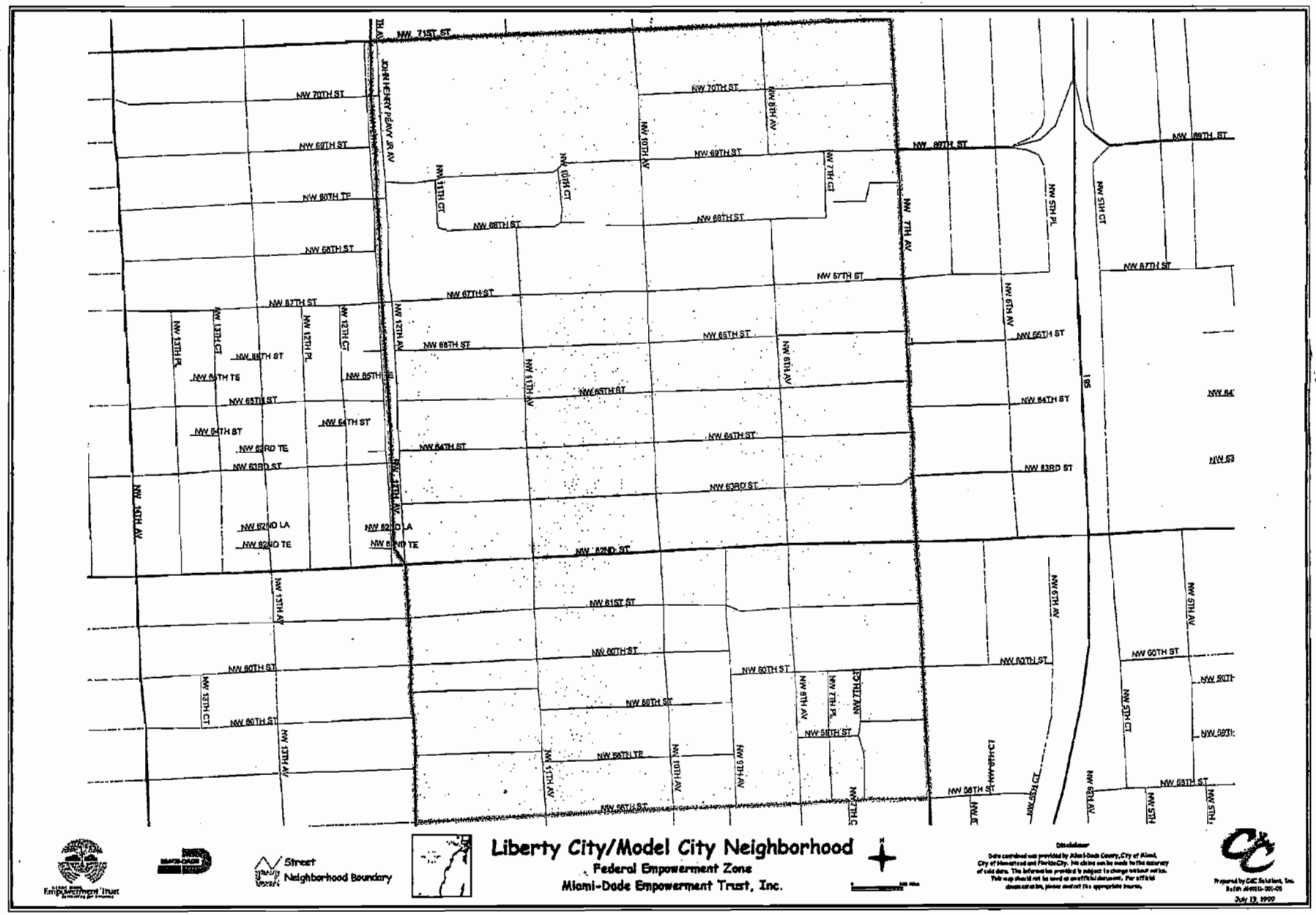

Homestead Neighborhood
Federal Empowerment Zone
Miami-Dade Empowerment Trust, Inc.
Street
Neighborhood Boundary
Disclaimer
Prepared by CAC Solutions, Inc.
July 13, 1999

Melrose Neighborhood
Federal Empowerment Zone
Miami-Dade Empowerment Trust, Inc.
Street
Neighborhood Boundary
Miami River
NW NORTH RIVER DR
NW SOUTH RIVER DR
NW 36TH ST
NW 35TH ST
NW 34TH ST
NW 33RD ST
NW 32ND ST
NW 31ST ST
NW 30TH ST
NW 29TH ST
NW 28TH ST
NW 27TH ST
NW 26TH ST
NW 24TH ST
NW 23RD TE
NW 23RD ST
NW 22ND ST
NW 21ST TE
NW 21ST ST
NW 20TH ST
NW 37TH AV
NW 36TH AV
NW 35TH AV
NW 34TH AV
NW 33RD AV
NW 32ND AV
NW 31ST AV
NW 30TH AV
NW 29TH AV
NW 27TH AV
NW 26TH AV
NW 25TH AV
NW 29TH CT
NW 36TH CT
N DOUGLAS RD
NW 22ND STRD
July 13, 1999


Allapattah/Civic Center Neighborhood
Federal Empowerment Zone
Miami-Dade Empowerment Trust, Inc.
Street
Neighborhood Boundary
July 13, 1999

Overtown Neighborhood
Federal Empowerment Zone
Miami-Dade Empowerment Trust, Inc.
Neighborhood Boundary
Street
Disclaimer
July 19, 1999


NW 71ST ST
NW 70TH ST
NW 69TH ST
NW 68TH ST
NW 67TH ST
NW 66TH ST
NW 65TH ST
NW 64TH ST
NW 63RD ST
NW 62ND ST
NW 61ST ST
NW 60TH ST
NW 59TH ST
NW 58TH ST
NW 57TH ST
JOHN HENRY PEAVY JR AV
NW 14TH AV
NW 13TH AV
NW 12TH AV
NW 11TH AV
NW 10TH AV
NW 9TH AV
NW 8TH AV
NW 7TH AV
NW 6TH AV
NW 5TH AV
NW 15TH TE
NW 15TH PL
NW 15TH CT
NW 13TH PL
NW 13TH CT
NW 12TH PL
NW 12TH CT
NW 11TH CT
NW 10TH CT
NW 7TH CT
NW 5TH PL
NW 5TH CT
NW 65TH TE
NW 65TH ST
NW 64TH TE
NW 64TH ST
NW 63RD TE
NW 62ND LA
NW 62ND TE
NW 13TH CT
NW 8TH PL
NW 7TH PL
NW 5TH TE
NW 5TH TER
NW 5TH ST
NW 5TH AV
NW 5TH CT
NW 84TH AV
NW 83RD AV
NW 82ND AV
NW 81ST AV
NW 80TH AV
NW 79TH AV
NW 78TH AV
NW 77TH AV
NW 76TH AV
NW 75TH AV
NW 74TH AV
NW 73RD AV
NW 72ND AV
NW 71ST AV
NW 70TH AV
NW 69TH AV
NW 68TH AV
NW 67TH AV
NW 66TH AV
NW 65TH AV
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NW 61ST AV
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NW 43RD AV
NW 42ND AV
NW 41ST AV
NW 40TH AV
NW 39TH AV
NW 38TH AV
NW 37TH AV
NW 36TH AV
NW 35TH AV
NW 34TH AV
NW 33RD AV
NW 32ND AV
NW 31ST AV
NW 30TH AV
NW 29TH AV
NW 28TH AV
NW 27TH AV
NW 26TH AV
NW 25TH AV
NW 24TH AV
NW 23RD AV
NW 22ND AV
NW 21ST AV
NW 20TH AV
NW 19TH AV
NW 18TH AV
NW 17TH AV
NW 16TH AV
NW 15TH AV
NW 14TH AV
NW 13TH AV
NW 12TH AV
NW 11TH AV
NW 10TH AV
NW 9TH AV
NW 8TH AV
NW 7TH AV
NW 6TH AV
NW 5TH AV
NW 4TH AV
NW 3RD AV
NW 2ND AV
NW 1ST AV
I 95
Street
Neighborhood Boundary
Liberty City/Model City Neighborhood
Federal Empowerment Zone
Miami-Dade Empowerment Trust, Inc.
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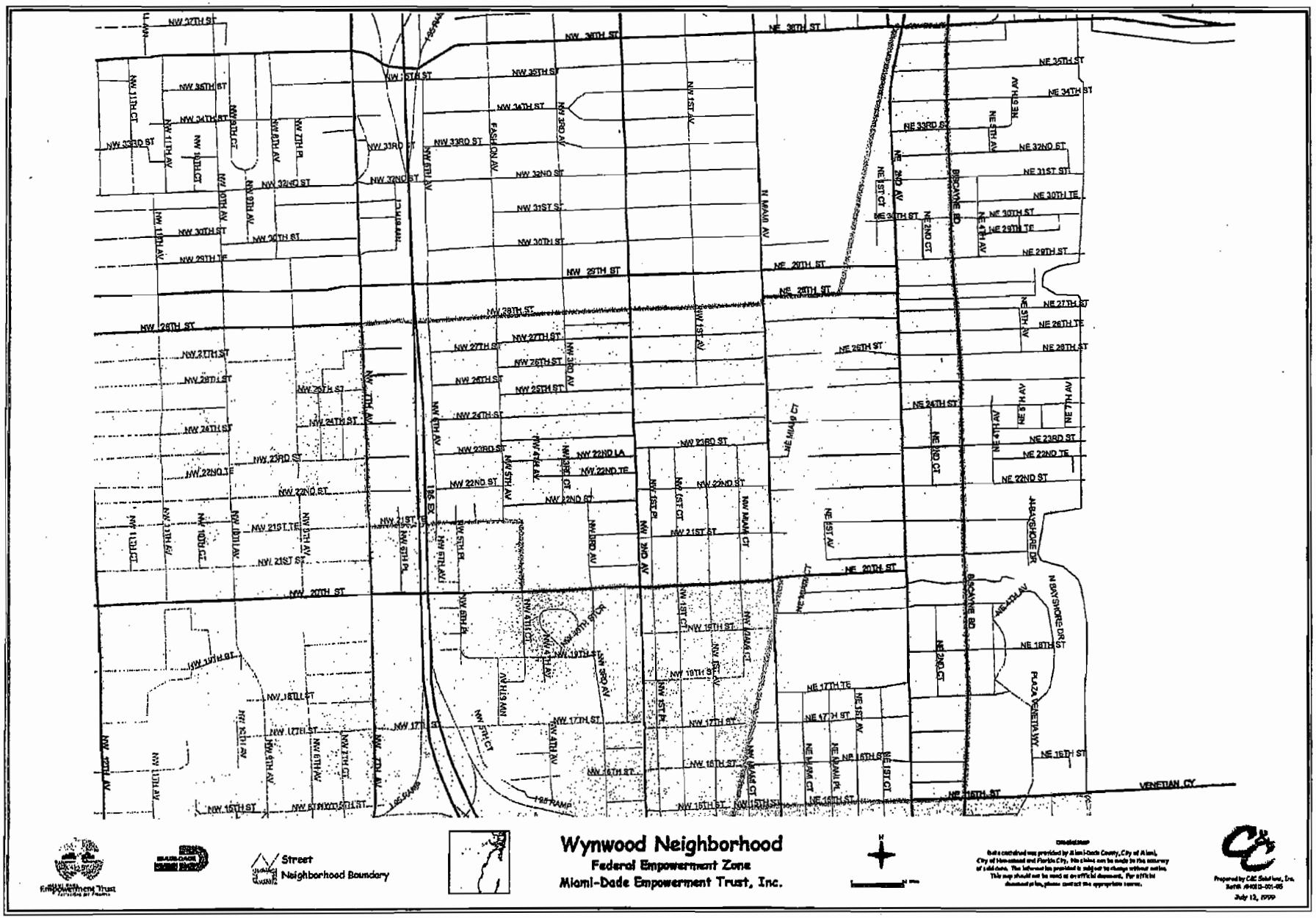
Prepared by C&C Solutions, Inc.
July 13, 1999

Miami-Dade County
Federal Empowerment Zone
Developable Site
Homestead/Florida City


Wynwood Neighborhood
Federal Empowerment Zone
Miami-Dade Empowerment Trust, Inc.
Street
Neighborhood Boundary
N
Prepared by CAC Solutions, Inc.
July 13, 1999

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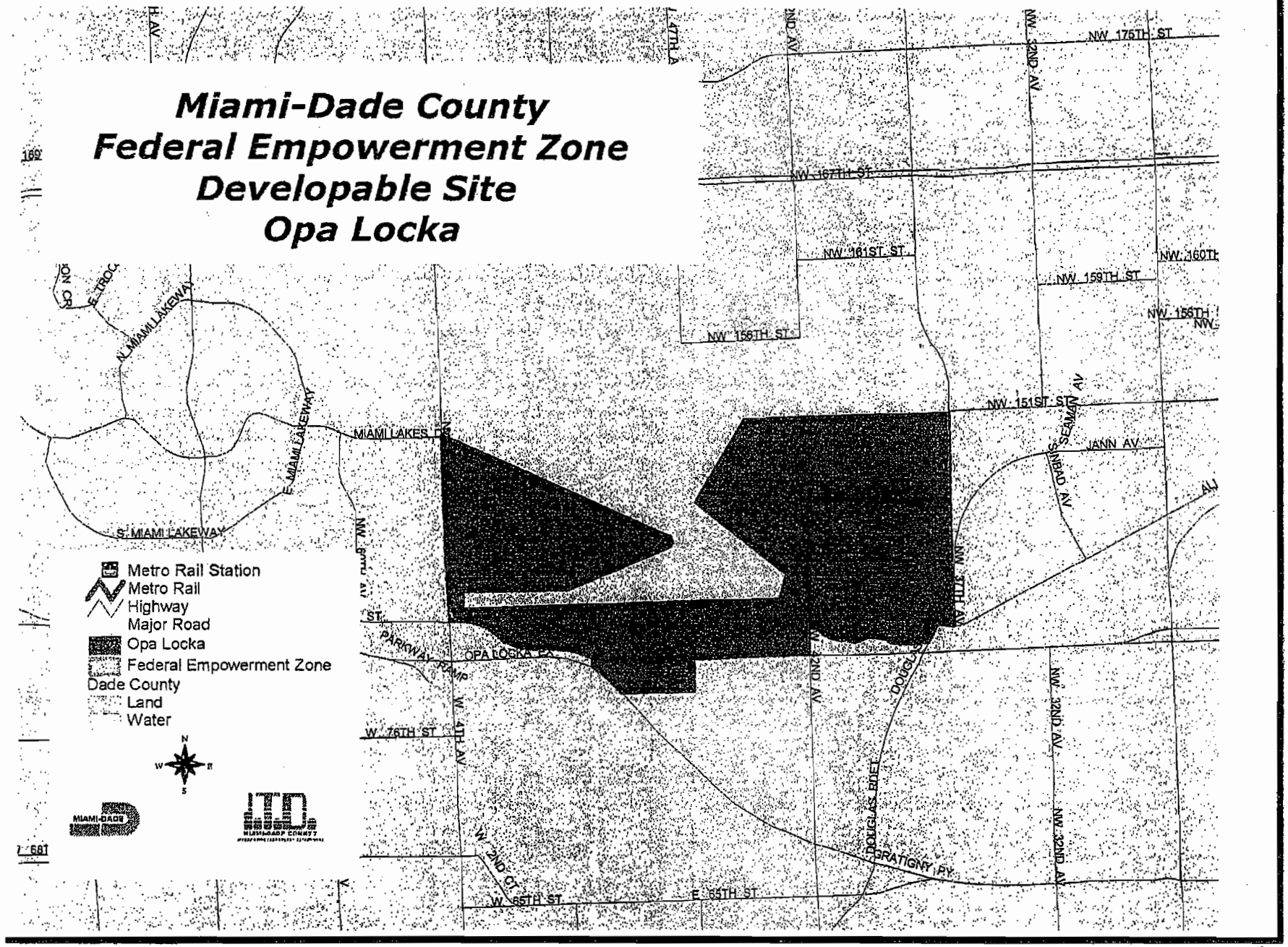
Miami-Dade County
Federal Empowerment Zone
Developable Site
Opa Locka
Metro Rail Station
Metro Rail
Highway
Major Road
Opa Locka
Federal Empowerment Zone
Dade County
Land
Water
N
S
W
E
MIAMI-DADE
MIAMI-DADE COUNTY
NW 175TH ST
NW 167TH ST
NW 161ST ST
NW 159TH ST
NW 156TH ST
NW 151ST ST
JANN AV
SEAMAN AV
SINBAD AV
NW 32ND AV
NW 37TH AV
NW 42ND AV
DOUGLAS
DOUGLAS RDET
GRATIGNY PY
W 4TH AV
W 2ND CT
W 65TH ST
E 65TH ST
W 76TH ST
PARKWAY RAMP
OPA LOCKA EX
MIAMI LAKES DR
N MIAMI LAKEWAY
E MIAMI LAKEWAY
S MIAMI LAKEWAY
NW 60TH AV
NW 32ND AV
NW 156TH
NW 160TH

92

converted to green space, turn into or added to adjacent parks, or used to enhance neighboring community centers.

IV. Neighborhood Redevelopment Activities

NSP funds budgeted for Neighborhood Redevelopment will be directed toward the Scott Carver HOPE VI affordable housing project, which will produce 236 rental units for households at or below 60% of area median income. NSP funds will be leveraged with other public and private funds. At least 59 units will be set-aside for 50% of AMI. The NSP funds are specifically targeted towards covering the cost of public infrastructure for the development. In addition, a portion of the funds will be used for housing development within the expanded HOPE VI footprint.

A. Scott Carver HOPE VI Affordable Housing Project

Neighborhood Stabilization Program funds in the amount of $8.6 million have been approved by the Miami-Dade Board of County Commissioners pursuant to Resolution No. R-1151-08 and have been allocated to cover the cost of public infrastructure (i.e. roads, sidewalks, water and sewer) for the Scott Carver HOPE VI affordable housing project. On December 11, 2008, the Board also approved Resolution R-1414-08, authorizing the County to execute a Master Development Agreement RFQ 8345 with McCormack, Baron Salazar, Inc. for Scott-Carver Revitalization Phase II (HOPE VI). This agreement specifies that the County would be responsible for the infrastructure cost, but did not include the funding amount. Through this implementation, the County will use the Master Development Agreement and additional closing documents as a contracting vehicle and as such will approve the budget for the public infrastructure per the contract. OCED will execute the closing documents for the funds upon approval of the plans and the budget. The County will amend the Master Development Agreement to include the $8.6 million in NSP funds.

B. Affordable Housing Development in the Expanded HOPE VI Footprint

NSP funds in the amount of $5 million will be used within the expanded HOPE VI footprint to develop 40 units of multi-family housing, such as but not limited to youth transitioning out of the state foster care system. A developer/provider will be solicited through an RFA process. The County Mayor, through OCED will advertised for qualified builders for the redevelopment of vacant property in the expanded HOPE VI area. The County Mayor or the Mayor's designee will negotiate a contract with the selected developer.

V. County Mayor Report to Board of County Commissioners

The County Mayor or County Mayor's designee will provide a report on the status of the Program to the Board of County Commissioners monthly.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

County Manager