

PROPOSAL

Tedford Housing Lake Region Homeless Service Study

February 27, 2023



LEVINE PLANNING STRATEGIES
Tools for Building Communities

We offer the following proposal to Tedford Housing to complete a homeless service study for the Lakes Region communities of Baldwin, Casco, Naples, Raymond and Sebago. Our team's experience is a solid match for the needs of Tedford Housing in completing this important work. We have worked closely with communities in Maine and are committed to work with Tedford Housing to ensure this project is a valuable asset to their work and the work of other partners in the region.

Background

Tedford Housing has received ARPA funding from Cumberland County to:

"[E]valuate the need and options for provision of programs and services for people experiencing or at imminent risk of homelessness in the greater Lakes Region, including the towns of Baldwin, Casco, Naples, Raymond, and Sebago. Currently, there are no defined programs or services located within the Lakes Region to aid and support people experiencing homelessness with securing emergency or permanent housing, or to assist those at risk of housing insecurity with successfully maintaining permanent housing."

Specifically, the RFP seeks assistance in the following areas:

1. Analyzing current supply of and demand for homeless services (tenure, type, rentals, demographics, selected economic data, special populations, etc.).
2. Preparing a town-by-town homeless services profile (housing stock, population, housing trends, affordability, rental costs, short-term rentals, selected demographic characteristics, housing quality, and mobile home parks).
3. Using U.S. Census, MaineHousing, and other data, prepare a needs assessment of how different demographic groups in the Lakes Region are impacted by housing supply and cost trends (i.e., low income families, seniors, and disabled residents, for example).
4. Identifying factors contributing to homelessness in the Lakes Region.
5. Using a 20-year timeline, compare the Lakes Region housing affordability data to State and Federal data to identify local and non-local factors in both affordable and unaffordable housing situations.
6. Estimating future demand for different homeless service types and markets, including the County's unmet housing needs (again, for a range of housing types and markets).
7. Assessing the impact of pending State legislation on County housing opportunities, including the potential to increase housing units (both affordable and market rate), impact on municipal zoning ordinances and Comprehensive Plans, and any unintended consequences from the legislation.
8. Recommending immediate and future actions to be taken by Tedford Housing, the County, individual municipalities or multiple towns, and/or other entities.
 - a. Taking into account various town goals (rural values, infrastructure plans, etc.)
 - b. Preparing a map(s) identifying potential areas for the location of homeless services.
 - c. Identifying HUD, MaineHousing, ARPA and other funding sources to be used to implement goals and recommendations.
 - d. Providing strategies to create effective homeless services capacity in the Lakes Region to implement priority goals.

Qualifications

Levine Planning Strategies, LLC (LPS) is a small, Maine-based firm committed to building communities by using good processes and effective planning tools. LPS has experience in drafting and revising zoning bylaws and ordinances, especially in Maine, public finance, and how capital planning, annual budgeting, and use of tools such as tax increment finance can be used for policy objectives.

LPS also has extensive experience on affordable housing policy and have developed housing needs assessments in many communities in Maine. LPS has also refined housing tools ranging from Housing Trusts to inclusionary zoning bylaws to housing needs assessments. Principal and Owner Jeff Levine, AICP, was extensively involved in the process for evaluating alternative sites for the new homeless service center in Portland, including evaluating and amending zoning text; site evaluation; working with the City Council and residents on selection criteria; and site planning for the approved project now under construction.

Please see attached project samples after this narrative.

Capacity to Accomplish Scope of Services

We propose to complete portions of items 2, 3, 5, 7 and 8 in the RFP, renumbered below as 1 through 6 and defined in more detail:

Task 1: Prepare a Housing Profile of Five Lakes Region Towns

We will prepare a town-by-town housing profile of the five towns identified. This profile will include details on the quantity and type of housing available in each community and the affordability of existing housing stock. Data on short-term rentals, housing quality, mobile homes and demographic characteristics of current residents will also be provided if available. This work will be based on generally available data from the U.S. Census, local comprehensive plans, and Maine Housing. Additional data from communities and service providers, if available, will also be utilized in this housing profile task. Any information on individuals experiencing homelessness in these towns will be included in this data, if available from local sources.

Output: Housing characteristics profiles of the five towns as of the most recent available data.

Task 2: Complete a Housing Needs Assessment for Persons at Risk of Homelessness

Based on the information in Task 1 and additional data as provided to us, we will complete a Housing Needs Assessment of these Lakes Region towns, with a focus on the needs of those experiencing, or at risk of experiencing, homelessness. This information will be provided for low-income households, senior citizens and disabled residents, as data is available. Output: Housing Needs Assessment for the Lakes Region.

Task 3: Explore Factors that will Affect Current Needs Over a 20-year Timeframe

Using current projections available, we will explore how current trends might continue or change in the Lakes Region related to homelessness and housing affordability. Output: Environmental scan of homelessness and housing affordability challenges in these towns.

Task 4: Outline Impacts of Changes in State Housing & Zoning Laws

We will summarize recently enacted state housing and zoning laws, most notably LD2003, as well as potential laws under consideration in the current legislative session. We will then look at the impacts of these laws on addressing the issues identified in Tasks 2 and 3. Output: White paper on the opportunities and challenges from changes in state housing & zoning laws on homeless and housing-burdened households in the Lakes Region.

Task 5: Develop Final Recommendations and Action Plan

Based on the information in the previous tasks, we will develop a set of final recommendations and actions for local governments, Tedford Housing, and other organizations to help reduce future homelessness and risk of homelessness in the region. Output: A final action plan for homelessness in the Lakes Region.

Schedule

We expect to be able to start this work in mid-May 2023 with a projected completion of October 2023. As part of this work we anticipate periodic meetings with Tedford Housing as well as meetings and/or focus groups with local officials and homeless service providers as indicated in the schedule. The final meetings indicated in November will be a joint meeting to present our final recommendations to both Tedford staff, local officials, and others:

Task	5/23	6/23	7/23	8/23	9/23	10/23	11/23
1: Housing Profile							
2: Needs Assessment							
3: 20 Year Projection							
4: State Law Impacts							
5: Final Action Plan							
Meetings with Tedford Staff	X			x			X
Meetings with local officials and service providers		X		X			

This schedule will depend on a number of external factors and will require coordination with data providers and others that are able to assist in this study.

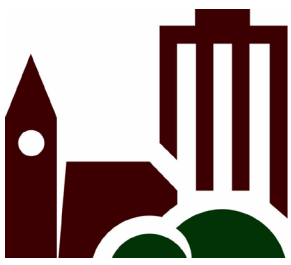
Draft Budget

Our estimated budget is as follow. We will charge a fixed fee for each item, inclusive of travel, subconsultants and contractors for this scope, and other expenses. This budget will permit Tedford to retain a contingent portion of the amount received from Cumberland County for additional services if desired. These additional services may include the addition of a firm or firms to determine the base need for homeless services or other work that was included in the initial RFP and not included in this scope of work.

Task	Budget
1: Housing Profile	\$11,500
2: Needs Assessment	\$10,000
3: 20 Year Projection	\$67,500
4: State Law Impacts	\$5,000
5: Final Action Plan	\$6,500
TOTAL	\$39,500

The final budget will depend on the final scope of work.

FIRM OVERVIEW AND PROJECT SAMPLES



LEVINE PLANNING STRATEGIES

Tools for Building Communities

PO Box 7215
Portland, ME 04112-7215
617-817-0424

jlevine@levineplans.com
<https://www.levineplans.com>

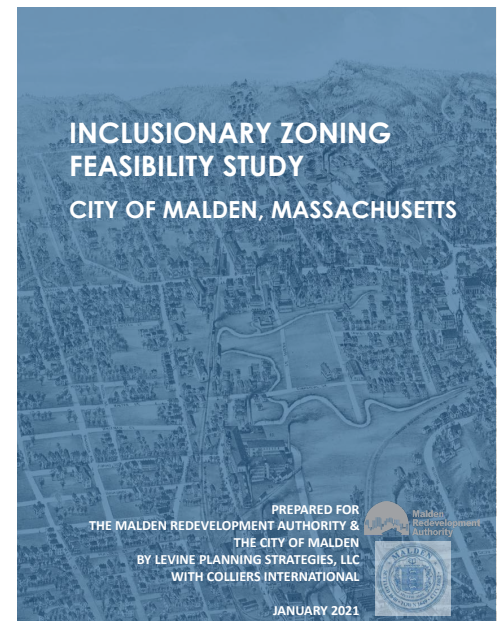
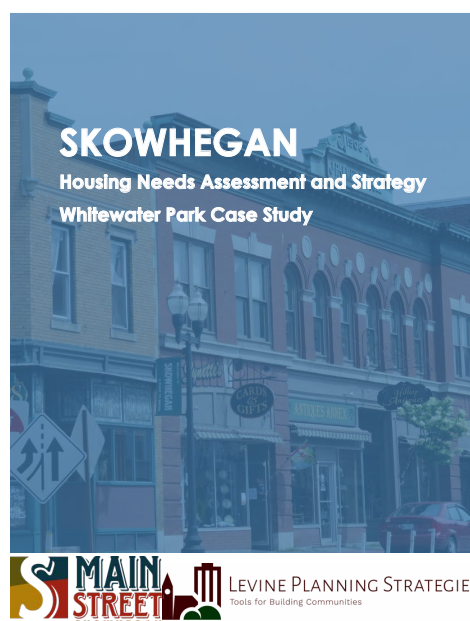
FIRM OVERVIEW

Levine Planning Strategies, LLC, is a small, New England-based firm committed to building communities by using good processes and effective planning tools. Founded by Jeff Levine, AICP, in 2019, Levine Planning Strategies has worked with communities of different sizes across New England on issues of housing, economic development, and land use.

Jeff's career path brought him from his first planning job at the Cape Cod Commission to the head of the largest Planning Department in northern New England. He understands scale and context. At the same time, he knows there are often national models that can be adopted to specific contexts.



We have experience looking at the big picture, with experience in statewide housing laws including the Comprehensive Permit law in Massachusetts (Chapter 40B) and the statewide housing and zoning bill in Maine (LD2003.) At the same time, we've worked in communities on specific housing efforts, including zoning revisions, Comprehensive Plans and creation of local Housing Trusts. We also understand how important it is for coastal communities with economies partially based on tourism to provide affordable year-round and seasonal housing to its workers and residents. Providing safe and accessible housing in a sensitive environment is a challenge, but one that can be met with thoughtful and open-minded planning that is focussed on objectives.



JEFFREY ROBERT LEVINE, AICP
jlevine@levineplans.com
617-817-0424



PROFESSIONAL EXPERIENCE

MASSACHUSETTS INSTITUTE OF TECHNOLOGY 2019-

Faculty, Department of Urban Studies and Planning

Teach courses in the Masters of City Planning curriculum, including 11.407: *Economic Development Planning* and 11.360: *Community Growth and Land Use Planning*.

Developing an entirely reinvented core course for fall 2020 that will be taught to all master's students. These changes will focus on increasing relevance for professional training and incorporating teaching on the racial and economic disparities built into the traditional planning process. Provide student mentoring and advice. Conduct research on urban planning topics.

LEVINE PLANNING STRATEGIES

2019-

Owner and Principal

Operating boutique consulting firm in the areas of land use planning, real estate development, entitlement services, and demographic analysis. Sample projects include:

- Hallowell (ME) Comprehensive Plan (Client: City of Hallowell);
- Malden (MA) Inclusionary Zoning Feasibility Study (Client: Malden Redevelopment Authority);
- Hanson (MA) Zoning Quality Control Audit (Client: Town of Hanson);
- Bath (ME) Housing Study and Policy Development (Client: Bath Housing Development Corporation); and
- Smart Growth consulting for development projects (Clients: Varied)

CITY OF PORTLAND, MAINE

2012 - 2019

Director of Planning and Urban Development

Led a department of 25 staff in urban planning, community development, housing, preservation, inspections and other land use activities in a regional core city. Represent the City in state, regional, and private venues. Worked with the City Manager, Mayor and City Council to advance common core goals.

Accomplishments include:

- Leveraging City and Federal funds through grant writing and seeking in-kind assistance for planning projects. Grantors include the U.S. Environmental Protection agency and Portland (OR) State University. Partnership with the Portland Society for Architecture has resulted in significant leverage of City resources.
- Guiding City through rezoning processes to allow infill development in urban neighborhoods and proactive inclusionary zoning ordinance amendments to address workforce housing issues.
- Completing of new Comprehensive Plan for the City (<https://portlandsplan.me>), awarded "Plan of the Year" in 2019 by the Maine Association of Planners
- Initiated of a City-wide land use code overhaul (<https://www.recodeportland.me>)

- Worked with a variety of stakeholders to update the waterfront zoning in Portland, consistent with City planning goals related to the mixed-use Eastern Waterfront, the working Central Waterfront Zone, and the intermodal terminal area in the western waterfront.

TOWN OF BROOKLINE, MASSACHUSETTS

2004 - 2012

Director of Planning and Community Development (2005-2012)

Oversaw Town's land use planning and development office in a community of 60,000 residents, including dense neighborhoods and commercial areas. Led planning team in affordable housing, economic development, comprehensive planning, zoning, and historic preservation activities. Analyzed land use issues and present recommendations to the Town Boards/Commissions and the public. Represented the Town at state and regional activities. Managed \$1 million annual operating budget and a staff of 15 FTE. Maintained high level of communication with a demanding set of stakeholders, including neighborhood groups, Town Boards/Commissions, Town Meeting, the Board of Selectmen and the public.

Accomplishments included:

- Guiding the \$32 million 40B adaptive reuse project at the former Saint Aidan's church into a 59-unit mixed income development with significant preservation of historic structures and open space.
- Working with commercial and residential developers on several significant new developments valued at over \$250 million.
- Working with selected developer for former Town-owned reservoir site to develop mixed income housing, including financing and marketing of lots.
- Designing and financing approximately \$4 million in public improvements in the Village Square/Gateway East area.
- Completion of neighborhood plan for the Coolidge Corner district of Town, a dense, mixed-use, transit oriented regional center.
- Restructuring of staffing in order to better serve the Town and the public.
- Significant zoning amendments to protect neighborhoods from inappropriate demolition of historic homes.
- Preparing for the launch of Hubway bicycle sharing in Brookline, including fundraising, coalition building, & development of regional partnerships.

Assistant Director, Planning & Community Development (2004-2005)

Assisted Planning & Community Development Director in day-to-day operations of the Department. Staffed several Boards, Commissions, and citizen advisory committees.

Accomplishments included:

- Managing completion of the *Brookline Comprehensive Plan: 2005-2015*, winner of an award from the Massachusetts Chapter of the APA.
- Completing the Town's Five-Year Consolidated Plan.

CITY OF SOMERVILLE, MASSACHUSETTS

1998 - 2004

Director of Transportation and Long-Range Planning (2000-2004)

Responsible for a division of the City's Office of Housing and Community Development that focused on land use transformations in formerly industrial areas. Completed overall reuse plan for the 145-acre Assembly Square district that began the redevelopment process of the district into a \$30 million mixed-use, transit-oriented development. Represented the Mayor at regional organizations and before citizen groups. Managed disposition of a 9.1-acre site owned by the Somerville Redevelopment Authority, including development of a Request for Proposals and completion of a Land Disposition Agreement.

Land Use Planning Manager (1998-2000)

Worked with developers on site plan review of their proposals to develop improved projects. Represented the City in public meetings on development issues.

CAPE COD COMMISSION

1996 - 1998

Regional/Transportation Planner

Performed a variety of planning and regulatory studies and activities for a regional land use planning and regulatory agency.

OTHER ACADEMIC EXPERIENCE

UNIVERSITY OF SOUTHERN MAINE

2015-

Teach Transportation Planning in summer sessions.

TUFTS UNIVERSITY

2010-2013

Taught graduate-level Local Government Finance in summer sessions, 2011-3. Visiting lecturer in various UEP courses. Taught Tools and Techniques of Regional Planning.

UNIVERSITY OF MASSACHUSETTS

2002 - 2004

Taught graduate-level core in Quantitative Methods in Planning in the Department of Landscape Architecture and Regional Planning, receiving highly positive evaluations.

EDUCATION

University of Minnesota (Humphrey Institute of Public Affairs)

Masters of Planning in Economic Development, 1995.

Awarded Hubert H. Humphrey Scholarship to study public affairs

Wesleyan University

Bachelor of Arts in Public Policy with Departmental Honors, 1991

Washington Semester in Public Policy at The American University

SELECTED PUBLICATIONS AND PRESENTATIONS

Leadership in Planning: How to Communicate Ideas and Effect Positive Change. Oxford: Routledge, 2021.

Training modules in “Leadership in Planning,” “Internal Management,” and “External Management” for Planetizen Courses, Los Angeles, CA, 2017.

“Promoting 21st Century Manufacturing,” presented at the *2017 EPA Brownfields Training Conference*, Pittsburgh, PA.

“Urban Development, Parking and Mobility: The Portland Story,” presented at the *2017 National Planning Conference*, New York, NY.

Faculty, *Planning Leadership Institute*, American Planning Association, Seattle, WA and Phoenix, AZ, 2015-2016.

“Brookline as a Streetcar Suburb,” mobile workshop as part of the *2011 National Planning Conference*, Boston, MA.

“Where is Research Informing Sustainability Planning?” presented at the *2011 National Planning Conference*, Boston, MA.

“Planning Directors in the Hot Seat!” presented at the *2011 National Planning Conference*, Boston, MA.

“Brookline—The Quintessential Streetcar Suburb,” mobile workshop with Michael Dukakis as part of the *2009 RailVolution!* Conference, Boston, MA.

“Encouraging Affordable Housing that Fits,” presented at the *2008 Southern New England Planning Conference*, Providence, RI.

Transportation and Public Participation Chapters in *Preserving and Enhancing Communities*, Elisabeth Hamin, Priscilla Geigis and Linda Silka (eds.), 2007.

Planning without a Comprehensive Plan, *Planning Commissioners Journal*, Fall 2002.

“Community Preservation” is Not Taking Hold in Poorer Communities, *New England Planning*, January 2002.

PROFESSIONAL ACTIVITIES, AWARDS AND MEMBERSHIPS

Commissioner, *Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions*, 2021.

Board Member, Maine Affordable Housing Coalition, 2022-present.

Maine Real Estate & Development Association 2019 *Public Policy Award*.

Maine Association of Planners “Plan of the Year” Award for *Portland’s Plan 2030*, 2019.

Principal Information Officer, Northern New England Chapter, American Planning Association, 2019-present

Muskie School of Public Service Advisory Board, 2015-present.

Lambda Alpha International Land Economics Society, 2009-present.

METRO (Portland, ME) Board of Directors, 2014-2018, 2019-.

Breakwater School Board of Trustees, 2013-2016.

PACTS (Portland, ME) Policy Committee, 2013-2015.

Urban Ring Citizens Advisory Committee, 2002-2012.

Somerville Redevelopment Authority, 2005-2012.

Metropolitan Area Planning Council, 2005-2012; Executive Committee, 2011-2012.

County Roads Regional Adjudicatory Board, 2007-2012.

Member, New Building Committee, Agassiz Cooperative Preschool, 2010-2012.

Somerville Charter Advisory Committee, 2008-2009.

Metropolitan Highway System Advisory Board, 2008-2010.

Organizer and Presenter, *Encouraging Affordable Housing that Fits*, Southern New England American Planning Association Annual Conference, 2008.

Honorable Mention for the *Brookline Comprehensive Plan 2005-2015*, Massachusetts Chapter-American Planning Association Annual Awards, 2006.

Boston Region Metropolitan Planning Organization, 2004-5.

Regional Transportation Advisory Council, Boston MPO, 2001- ; Chair, 2004-2005.

Chair, Inner Core Committee, Metropolitan Area Planning Council, 2002-6.

Beyond Lechmere Citizens Advisory Committee, MBTA, 2004-2005.

Board of Directors, Massachusetts Chapter-American Planning Association, 2000-2003.



LEVINE PLANNING STRATEGIES

Tools for Building Communities

HOUSING MARKET SUMMARY, VISION & BEST PRACTICES

The Augusta Housing Authority asked Levine Planning Strategies to complete an examination of the housing market in Augusta and surrounding communities. Based on that examination, they requested we recommend a vision for housing development priorities and a set of best practices that could be brought to Augusta for implementation. This study identified a gap between existing housing stock and the needs of current and future Augusta residents. This gap was both physical - such as the size and cost of units - and geographical - such as where the housing is located within Augusta.

Top recommendations from this study included:

- Encourage development of smaller and larger units to meet identified needs;
- Explore the possibility of an inclusionary zoning ordinance;
- Establish a municipal or regional Housing Trust;
- Increase staffing capacity focused on housing issues in the City of Augusta; and
- Proactively survey public and institutional land and buildings for future housing development

This study was presented to decision-makers in the City in early 2021. The results were also covered in local TV and print media.

Listed Buyers' Previous Residence October 2019 Recorded Sales	
In-State, not Augusta	25
Out-of-State	2
Augusta	16
TOTAL	43

Listed Buyers' Previous Residence October 2020 Recorded Sales	
In-State, not Augusta	20
Out-of-State	8
Augusta	28
TOTAL	56

Source: Kennebec County Registry of Deeds

CLIENT

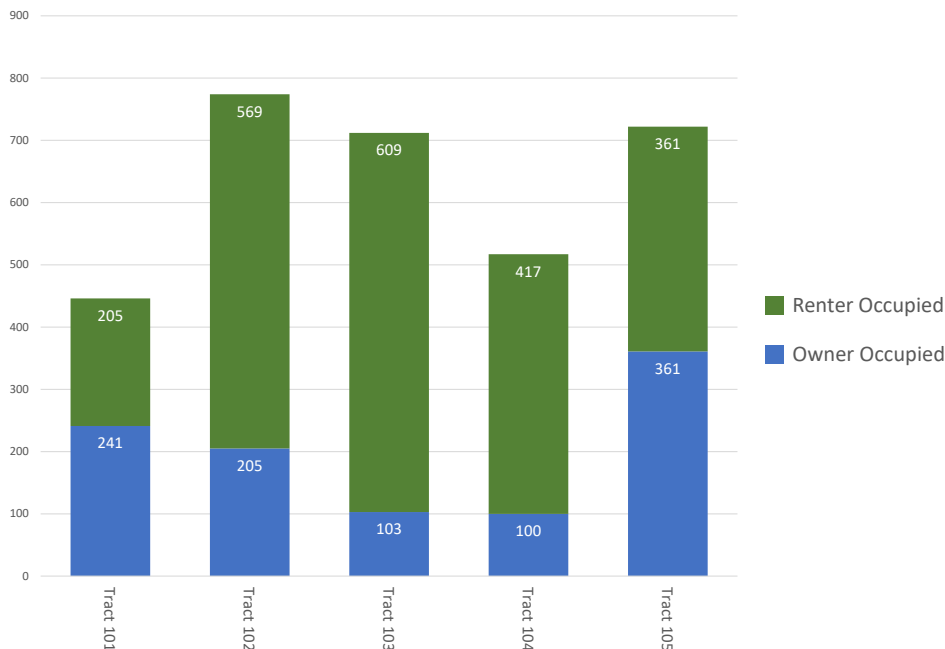
Amanda Olson
Executive Director
Augusta Housing Authority
207-620-8152

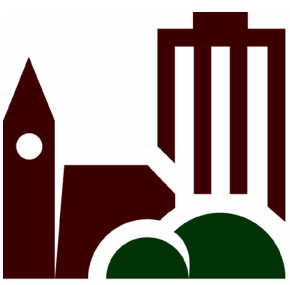
amanda.olson@augustahousing.org

TIMEFRAME

November 2020 to February 2021

Housing Burdened Households by Tract





LEVINE PLANNING STRATEGIES

Tools for Building Communities

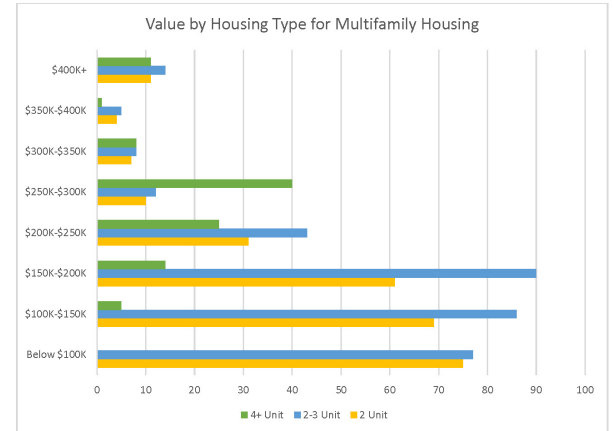
BATH HOUSING NEEDS ASSESSMENT

Housing development is increasingly seen as an important part of the economic health of a city. Downtown redevelopment for housing can be part of a comprehensive recovery plan as well as producing much-needed below-income affordable units.

For the Bath Housing Development Corporation and the City of Bath, Levine Planning Strategies completed a Housing Needs Assessment to determine the current and future needs of Bath residents and workers and examine current city housing policies.

The assessment looks at a number of factors related to housing stock and households in the city, including affordability, unit size, tax burden from housing ownership, and deed restrictions. Levine Planning Strategies will work with Bath Housing and city staff to meet with stakeholders in the community and outline the findings of the assessment.

This effort was conducted in order to guide the investment and development strategies of the Bath Housing Development Corporation, as well as for input into an upcoming comprehensive plan for the City of Bath.



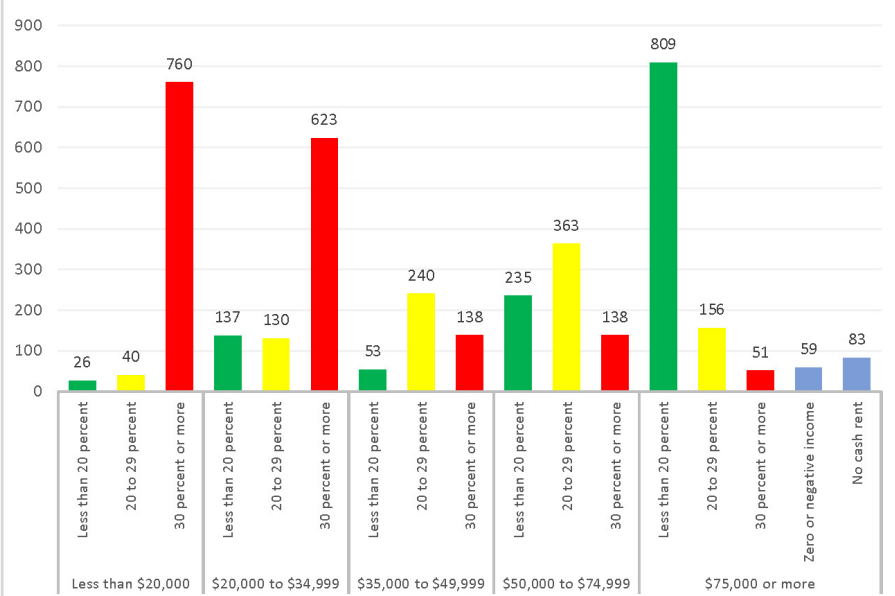
CLIENT

Debora Keller
 Executive Director
 Bath Housing
 80 Congress Avenue
 Bath, ME 04530
 207-443-3116
dkeller@bathhousing.org

TIMEFRAME

February 2020 to December 2020

Percentage of Income Paid on Housing (2017)





LEVINE PLANNING STRATEGIES

Tools for Building Communities

LD2003 GUIDANCE DEVELOPMENT

For the Maine Governor’s Office of Policy Innovation & the Future, we completed a guidance document for local governments for implementing the new statewide housing law known as LD2003. We are also meeting with local officials to help them understand the new law and how their local zoning ordinances may need to be amended to help meet statewide housing goals in their local contexts.

LD2003 sets forth requirements that communities allow Accessory Dwelling Units on lots with single family homes, as well as more than one housing unit on any parcel that permits housing. In addition, LD2003 includes a density bonus for affordable housing developments designed to level the playing field for developers of workforce and other below-market units. However, each of these requirements provides opportunities for local governments to adjust their plans and zoning ordinances and address some of the specifics of how to meet these requirements. For example, communities can increase or decrease their identified growth districts to determine where the affordable housing density bonuses will apply.

Our work includes development of a guidance document in advance of the rulemaking process. That guidance will allow communities to start work on new zoning requirements so they can be in place before July 1, 2023, when many of the LD2003 requirements take effect.

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-TWO

H.P. 1489 - L.D. 2003

An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions

LD2003 in Brief

Statewide Housing Production Goals (5 MRSA §13056, sub-§9)	Affordable Housing Density in Growth Areas (4 30-A MRSA §4364)	Accessory Dwelling Units (6. 30-A MRSA §4364-B)
	Municipal Role: Fair Housing & Short Term Rentals (7. 30-A MRSA §4364-C)	Two to Four Units (5 30-A MRSA §4364-A)

CLIENT

Greg Payne

Office of Policy Innovation & the Future

181 State House Station

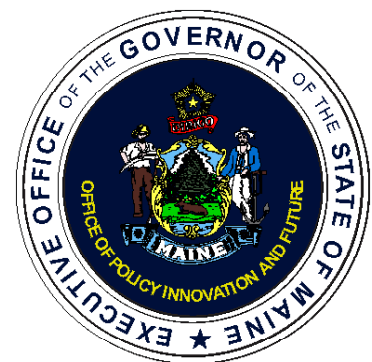
Augusta, ME 04333-0181

(207) 756-0751

greg.payne@maine.gov

TIMEFRAME

July 2022 to date



Governor’s Office of
Policy Innovation and the Future



LEVINE PLANNING STRATEGIES

Tools for Building Communities

MULTIFAMILY HOUSING & LAND USE REGULATION STUDY

The Greater Portland Council of Governments asked us to complete an analysis of the zoning in the seven communities in the Metro Regional Coalition to determine how it impacted production of multifamily housing.

This study involved interviewing planners in each of the communities, and then analyzing each community's land use code to determine how difficult it is to develop multifamily housing in each zone. These results were characterized on a scale, indicating how many regulatory barriers exist based on a reading of the code. After completing an initial draft analysis, GPCOG staff mapped the results and summarized the total land in the region in each category. Those draft results were presented to each community for feedback, and then revised to produce a final report.

This study also took the priority transit corridors from the Transit Tomorrow study and calculated how much land along those corridors was in each category. The findings from this study were presented to the Metro Regional Coalition to inform its discussions about housing issues, as well as to several other organizations. A second phase of this study, looking at six additional communities, was also completed in 2021.

Portland Press Herald
WEATHER: Cloudy, breezy with flurries High 22 Details, A10

5 PERCENT REPORT FINDS ONLY A FRACTION OF GREATER PORTLAND DESIGNATED FOR AFFORDABLE, MULTIFAMILY HOUSING



A crew frames the first floor of a multifamily complex in Westbrook, which amended its zoning regulations last year to allow for denser development downtown. "We as a region have a housing shortage," Mayor Michael Foley said. City planners say land-use restrictions, stringent zoning laws and pushback from neighbors are complicating efforts to make the region more livable.

HOUSING

Continued from Page A1
...stint as Portland's city planner, compiled the 51-page report for the Greater Portland Council of Governments by delving deep into the land-use regulations of Portland and surrounding communities of Falmouth, Westbrook, Gresham, Scarborough, South Portland and Cape Elizabeth. Levine said greater cooperation among these seven municipalities - which make up the council's Metro Regional Coalition - can pave the way for denser development that both addresses affordable housing needs and aligns with other planning goals. "I think the biggest surprise was that if you asked, 'Can you do housing with more than one unit in this part of your community?' the answer was often yes," Levine said. "But when you took it to the next layer and asked, 'What do I have to do to build it?' you find there are those practical impediments to doing so."

ZONING DRIVEN
In Cape Elizabeth, for example, The Stanton Company is proposing construction of a 100-unit apartment building on adjacent lots next to Town Hall, set well back from Route 77. At a special workshop Thursday night, Levine gave a synopsis of his report to the town's planning board in last week as the Town Council heard public comment - pro and con - before voting unanimously to send it to the Planning Board for further examination and potential zoning amendments. Ultimately, the council will decide if the project adheres to the town's comprehensive plan and provides a substantial enough public benefit to justify the TIF and multiple zoning changes. When asked about the possibility of two- and three-bedroom apartments, Stanton said he knows he can't satisfy all needs in one development. "But we know that there is a tremendous need for what we are proposing, and we know it would fill up very quickly," he said. Levine's report are land-use regulations enacted when single-family housing was more affordable, and thus, more desirable. So communities created rules around minimum lot sizes and square footage per acre of the lots. "I think they put them in place to reflect the times," said Matthew Sturgis, town manager of Cape Elizabeth. Levine's study is having an impact on what Greater Portland

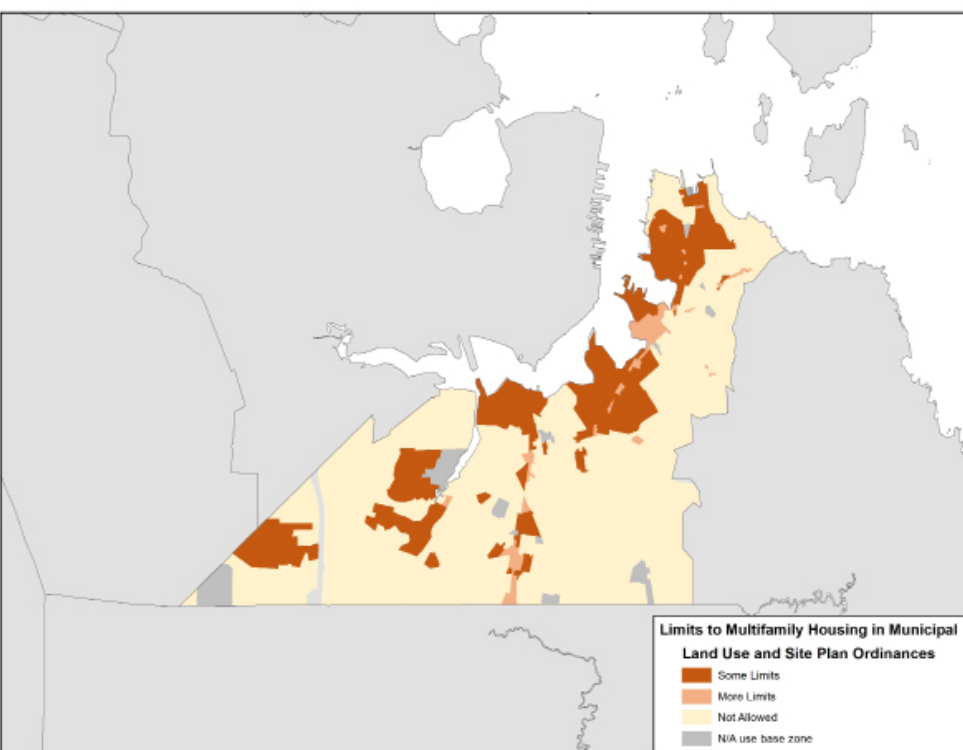
Last week's Regional Council of Governments for 2020-21 GATES Act to expand housing in... as well. Still, despite the state of cities and town in Boston, the Levine's report... **FEAR DRIVEN**... Last month... sets Gov... signed into law... in development... cities that... at address... move housing... the state... ment for... board level... multiple housing... two-thirds... single master... community... area of the... Bay Tronpe... provision re... Bay Tronpe... train station... likely more... on can to ge... "I don't think... direct cause... between the D... said. "And... ended the de... Levine's... is having an... Greater Port...

CLIENT

Chris Hall
Director of Regional Initiatives
Greater Portland Council of Governments
207-774-9891 x 204
chall@gpcog.org

TIMEFRAME

March 2020 to January 2021



MULTIFAMILY HOUSING & LAND USE REGULATION
METRO REGIONAL COALITION
GREATER PORTLAND COUNCIL OF GOVERNMENTS

PREPARED BY THE
LEVINE PLANNING STRATEGIES, LLC
AND THE
GREATER PORTLAND COUNCIL OF GOVERNMENTS

GPCOG
GREATER PORTLAND
COUNCIL OF GOVERNMENTS

JANUARY 2021

CUMBERLAND COUNTY REQUIRED DOCUMENTS

Required Document Checklist

The American Rescue Plan Act

Each bidder, prospective contractor, or proposed subcontractor shall state as an initial part of the bid or negotiations of any federal award or contract, compliance with PART 200 - Uniform Administrative Requirements, Cost Principles, & Audit Requirements for Federal Awards. All bidders' submissions must contain all of the following documents, signed and completed.

1. Certification of the Bidder regarding Disbarment (**Please include a print out from SAMs, showing standings**)
2. Certification of the Bidder regarding conflict of interest
3. Certification of the Bidder regarding EEO
4. Certification of the bidder regarding Federal Provisions

NOTE: BIDDERS MUST READ THE FEDERAL PROVISIONS REQUIREMENTS OF THIS PACKET PRIOR TO BIDDING ON THIS PROJECT

CUMBERLAND COUNTY
Maine

COMPLIANCE AND AUDITING MANAGER

CONTRACTOR DISBARRED OR SUSPENSION

Applicable to bidder

Contractor: Levine Planning Strategics, LLC

Telephone: 617-817-0424 Ext. _____

Contact Person: Jeff Levine

Fax: _____

E-mail: jlevine@levineplans.com

Tax ID: 84-2864338

BID PRICE: \$ 39,500

BID DATE: 02 / 27 / 2023

PROJECT LOCATION: Lakes Region, Maine

PROJECT # _____

THIS CERTIFICATION IS REQUIRED BY THE REGULATIONS IMPLEMENTING EXECUTIVE ORDER 12549, DEBARMENT AND SUSPENSION, 29 CFR PART 98, SECTION 98.510, PARTICIPANTS' RESPONSIBILITIES. THE REGULATIONS WERE PUBLISHED AS PART VII OF THE MAY 26, 1988 FEDERAL REGISTER (PAGES 19160-19211).

1. THE PROSPECTIVE PRIMARY PARTICIPANT CERTIFIES TO THE BEST OF ITS KNOWLEDGE AND BELIEF THAT IT AND ITS PRINCIPALS:

- a) ARE NOT PRESENTLY DEBARRED, SUSPENDED, PROPOSED FOR DEBARMENT, DECLARED INELIGIBLE, OR VOLUNTARILY EXCLUDED FROM COVERED TRANSACTIONS BY ANY FEDERAL DEPARTMENT OR AGENCY;
- b) HAVE NOT WITHIN A THREE-YEAR PERIOD PRECEDING THIS PROPOSAL BEEN CONVICTED OF OR HAD A CIVIL JUDGMENT RENDERED AGAINST THEM FOR COMMISSION OF FRAUD OR A CRIMINAL OFFENSE IN CONNECTION WITH OBTAINING, ATTEMPTING TO OBTAIN, OR PERFORMING A PUBLIC (FEDERAL, STATE OR LOCAL) TRANSACTION OR CONTRACT UNDER A PUBLIC TRANSACTION, VIOLATION OF FEDERAL OR STATE ANTI-TRUST STATUTES OR COMMISSION OF EMBEZZLEMENT, THEFT, FORGERY, BRIBERY, FALSIFICATION OR DESTRUCTION OF RECORDS, MAKING FALSE STATEMENTS, OR RECEIVING STOLEN PROPERTY;
- c) ARE NOT PRESENTLY INDICTED FOR OR OTHERWISE CRIMINALLY OR CIVILLY CHARGED BY A GOVERNMENT ENTITY (FEDERAL, STATE OR LOCAL) WITH COMMISSION OF ANY OF THE OFFENSES ENUMERATED IN PARAGRAPH 1.B OF THIS CERTIFICATION; AND
- d) HAVE NOT WITHIN A THREE-YEAR PERIOD PRECEDING THIS APPLICATION/PROPOSAL HAD ONE OR MORE PUBLIC TRANSACTIONS (FEDERAL, STATE OR LOCAL) TERMINATED FOR CAUSE OR DEFAULT.

2. WHERE THE PROSPECTIVE PRIMARY PARTICIPANT IS UNABLE TO CERTIFY TO ANY OF THE STATEMENTS IN THIS CERTIFICATION, SUCH PROSPECTIVE PARTICIPANT SHALL ATTACH AN EXPLANATION TO THIS PROPOSAL.

Jeff Levine, Owner

NAME AND TITLE, AUTHORIZED REPRESENTATIVE



SIGNATURE & DATE

Please attached a print out of good standing from SAMs.

CUMBERLAND COUNTY
Maine

COMPLIANCE AND AUDITING MANAGER

CONFLICT OF INTEREST

2 CFR 200.112 and 2 CFR 200.318

Conflicts of interest arise when officials or staff stand to benefit either directly themselves or indirectly through business partners or relatives from the awarding or contracting of grant funds. When conflicts of interest arise, ARPA Staff will identify, disclose, and manage them in compliance with Super Circular (2 CFR Part 200.112 Conflict of Interest) and 24 CFR Part 570.611 Conflict of Interest for ARPA.

In the procurement of supplies, equipment, construction, and services by the subrecipients, the conflict of interest provisions in 2 CFR 200.318 shall apply. In all cases not governed by 2 CFR 200.318, this policy will be followed. Such cases include the acquisition and disposition of real property and the provision of assistance by its subrecipients/entities to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to §570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to §570.203, 570.204, 570.455, or 570.703(i)).

A Conflict of Interest is a real or apparent incompatibility between a person's private interests and his/her public or fiduciary duties. For the purposes of ARPA, the rule is that no persons who are a (n):

- Employee,
- Agent,
- Consultant,
- Officer,
- Elected Official, and/or
- Appointed official

CUMBERLAND COUNTY
Maine

COMPLIANCE AND AUDITING MANAGER

OF THE:

- Town, City or County under the Cumberland County jurisdiction.
- Recipient of ARPA funds (applies to all non-profit agencies)
- Federal Government

WHO:

- Exercise or have exercised any functions or responsibilities with respect to ARPA activities, and/or
- Are in a position to participate in decision making process or gain inside information with regard to such activities,

SHALL NOT:

- Obtain a financial interest or benefit from a ARPA -assisted activity,
- Have a financial interest in any contract, subcontract, or agreement with respect to a ARPA -assisted activity, or with respect to the proceeds of the ARPA -assisted activity.

Either for themselves or those with *whom they have business or immediate family ties*, during their tenure or for one year thereafter.

EXCEPTIONS

Upon the written request of the recipient, Treasury may grant an exception to the provisions of this section on a case-by-case basis when it has satisfactorily met the threshold requirements below:

Treasury will consider an exception only after the recipient has provided the following documentation:

1. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and description of how the public disclosure was made. AND
2. An opinion from the Cumberland County-Legal Department must be obtained indicating the interest for which the exception is sought would not violate State or local law.

CUMBERLAND COUNTY
Maine

COMPLIANCE AND AUDITING MANAGER

IMPORTANT: *Mere submission of a request for an exception does not authorize a recipient to engage in any activity or enter into any contract that constitute a conflict. An exception is not granted until the subrecipient receives such determination in writing from the County as instructed by Treasury.*

In order to successfully obtain an exception from Treasury, the following points must be addressed:

- Significant cost benefit or essential expertise to the project.
- Opportunity for open competitive bidding or negotiation
- Person affected:
 - Member of low or moderate income class of persons intended to be beneficiaries of the assisted activity.
 - Exception will permit such person to receive same benefits as the class.
- Person affected has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the assisted activity.
- Interest or benefit was present *before* affected person was in the conflicting position.
- Undue hardship to subrecipient or person affected which weighed against public interest served by avoiding the prohibited conflict.
- Any other relevant considerations.

**** CONFLICT OF INTEREST FORMS MUST BE SIGNED BY ADMINISTRATION, STAFF AND BOARD OF DIRECTORS.**

CUMBERLAND COUNTY
Maine

COMPLIANCE AND AUDITING MANAGER

CONFLICT OF INTEREST

2 CFR 200.112 and 2 CFR 200.318

No employee, officer or agent of Cumberland County, or its set a sides communities, sub-grantee or subrecipient shall participate in selection, award or administration of contract or conduct business with a vendor if a conflict of interest, real or apparent would be involved.

- A. the employee, officer or any agent
- B. a member of his/her immediate family
- C. his or her partner
- D. an organization, which employs or is about to employ, any of the above, has financial or other interest in the firm selected for award.

Cumberland County's, sub-grantee or subrecipient, officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements, vendors or potential vendors. Depending on gravity, violation of this Conflict of Interest could result in dismissal, probation or suspension of officers, employees or agents involved or termination of contractual agreements with subrecipients.

Non-disclosure Policy any Cumberland County employee, sub-grantee or subrecipient shall make no disclosure of verbal or written price quotations. Violation of the nondisclosure policy shall be subject to disciplinary action as provided by the County or termination of contractual agreements when a subrecipient/sub-grantee employee is involved.

CUMBERLAND COUNTY
Maine
COMPLIANCE AND AUDITING MANAGER

Personal Interest No member of the County Commissioners or any officer or employee of the County, sub-grantee or subrecipient shall have a financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract or in the sale to the County of Cumberland, sub-grantee or subrecipient or to a contractor supplying the County of Cumberland, sub-grantee or subrecipient of any land or rights or interest in any land, material, supplies, or services, or in any matter in which he acts for the County of Cumberland. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the County of Cumberland, sub-grantee or subrecipient found guilty shall there by forfeit his or her office. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the County of Cumberland, sub-grantee or subrecipient shall render the contract void by the Compliance and Audit Director or the County Commissioners.

Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Jeff Levine, Owner

Employee, Subrecipient or

Print or type Name and Position/Title

Agent Acknowledgment

Levine Planning Strategies, LLC

2/27/23

Entity/Organization Name

Date

CUMBERLAND COUNTY
Maine
COMPLIANCE AND AUDITING MANAGER

**CERTIFICATION OF CONTRACTOR REGARDING
EQUAL EMPLOYMENT OPPORTUNITY**

Certification by Bidders

Name of prime contractor: Levine Planning Strategies, LLC

Address of prime contractor: PO Box 7215, Portland, ME, 04112-7215

Tax ID # of prime contractor: 84-2864338

1. Bidder has participated in a previous contract or subcontract subject to the EEO Clause.
 Yes No
2. Compliance reports were required to be filed in connection with such contract or subcontract.
 Yes No
3. Bidder has filed all compliance reports due under applicable instructions, including SF-100.
 Yes No
4. Have you ever been or are you being considered for sanction due to violation of Executive Order 11246, as amended?
 Yes No

Note: If you have never before filed an Equal Employment Opportunity compliance report, and are subject to said provision you must do so within seven calendar days of the date our bidding period's starts. **We are not allowed to award a contract to anyone for whom we don't have an EEO compliance report on file.** You are subject to said provision if you can answer yes to the following questions: You have 50 or more employees, and are prime contractors or first-tier subcontractors, and have a contract, subcontract, or purchase order amounting to \$50,000 or more; or Serve as a depository of Government funds in any amount, or is a financial institution that is an issuing and paying agent for U.S. Savings Bonds and Notes.

By signing below, you are certifying your answers to the four questions above were truthful:

Jef Levine, Owner

Name and Title of Authorized Representative (print or type)



Signature of Authorized Representative

2/27/23

Date of Signature

CUMBERLAND COUNTY Maine

COMPLIANCE AND AUDITING MANAGER

FEDERAL REQUIREMENTS FOR SLFRF

1. **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

(P.L. 88-352), as amended, (42 USC 2000d) and the requirements imposed by the Regulations of the Department of Commerce (15 CFR Part 8) issued pursuant to that Title. In accordance therewith no person in the United States shall, on the grounds of race, handicap, color, sex, national origin or familial status be excluded from participation in, be denied the benefits or be otherwise subjected to discrimination under any program or activity which is paid for with federal funds. The Owner further adds that there shall not be any form of discrimination by any party in any ARPA contract on the basis of familial status, sexual orientation or sex.

2. **REHABILITATION ACT OF 1973**

29 USC 794, Executive Order 11914, Section 504. No otherwise qualified handicapped individual shall, solely by reason of his/her handicap, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity receiving federal financial assistance.

3. **SECTION 202 OF EXECUTIVE ORDER 11246** Applicable to Federally assisted construction contracts and related subcontracts. During the performance of this contract, the contractor agrees as follows:

- A. The contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor shall take affirmative action to ensure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of Compensation; and selection for training, including apprenticeship.
- B. The contractor shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this non-discrimination clause. The Contractor shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
- C. Contractors shall incorporate foregoing requirements in all subcontracts.
- D. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration without regard to race, color, religion, sex, or national origin.
- E. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Contract Compliance Officer advising the said labor union or workers' representative of the contractor's commitment under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- F. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- G. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Department and the

CUMBERLAND COUNTY
Maine
COMPLIANCE AND AUDITING MANAGER

Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

- H. In the event of the contractor's noncompliance with the non-discrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
 - I. The contractor will include the provisions of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provision, including sanctions for non-compliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Department the contractor may request the United States to enter into such litigation to protect the interest of the United States.
 - J. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor." The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on -the credit of the Federal Government pursuant to a grant, contract, loan insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:
 - (b)The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor; state that all qualified applicants WM receive considerations for employment without regard to race, color, religion, sex, or national origin.
 - (c) The contractor will send to each labor union or representative of workers. With which he has a collective bargaining agreement or other contract.
4. **Disbarment & Suspension.** Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
5. **CERTIFICATION OF NONSEGREGATED FACILITIES AS REQUIRED BY THE MAY 19, 1967, ORDER (32 F.R. 74390 ON ELIMINATION OF SEGREGATED FACILITIES, BY THE SECRETARY OF LABOR.** Prior to the award of any construction contract or subcontract, the Contractor shall submit signed Certification of Nonsegregated Facilities Forms for him/herself and all subcontractors.

CUMBERLAND COUNTY
Maine
COMPLIANCE AND AUDITING MANAGER

6. THE AGE DISCRIMINATION ACT OF 1975

No person in the United States shall, on the basis of age, be excluded from participation or be denied the benefits of, or be subjected to discrimination under, any program or activity undertaken with federal funds.

7. LABOR STANDARDS

Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

- A. Specific to ARAP and when it is the sole source of federal funds, Davis Bacon is application **only to Projects over 10 Million dollars For projects over \$10 million:**
 - B. recipient may provide a certification that, for the relevant project, all laborers and mechanics employed by contractors and subcontractors in the performance of such project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law (commonly known as “baby Davis-Bacon Acts”). If such certification is not provided, a recipient must provide a project employment and local impact report detailing:
 - (a) The number of employees of contractors and sub-contractors working on the project;
 - (b) The number of employees on the project hired directly and hired through a third party;
 - (c) The wages and benefits of workers on the project by classification; and
 - (d) Whether those wages are at rates less than those prevailing.
 - (e) The County must maintain sufficient records to substantiate this information upon request.
 - (f) A recipient may provide a certification that a project includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)).
8. **Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333).** All laborers and mechanics employed by contractors or subcontractors shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours and Safety Standards Act, and the contractors and subcontractors shall comply with all regulations issued pursuant to these acts and with other applicable

CUMBERLAND COUNTY Maine

COMPLIANCE AND AUDITING MANAGER

Federal laws and regulations pertaining to labor standards. Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

9. **Rights to Inventions Made Under a Contract or Agreement.** If the Federal award meets the definition of “funding agreement” under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.
10. **Copeland Anti-Kickback Act** requires that workers be paid at least once a week, and without any deductions or rebates except permissible deductions. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency

11. SPECIAL CONDITIONS PERTAINING TO HAZARDS, SAFETY STANDARDS AND ACCIDENT PREVENTION TITLE IV OF THE LEAD BASED PAINT POISONING PREVENTION ACT

A. Lead-Based Paint Hazards (Applicable to contracts for construction or rehabilitation of residential structures) The construction or rehabilitation of residential structures is subject to the HUD Lead-Based Paint regulations, 24 CFR Part 35. The contractor and Subcontractors shall comply with the provisions for the elimination of lead-based paint hazards under sub-part B of said regulations. The Owner will be responsible for the inspections and certifications required under Section 35.14(f) thereof.

B. Use of Explosives When the use of explosives is necessary for the prosecution of the work, the Contractor shall observe all local, state and federal laws in purchasing and handling explosives. The Contractor shall take all necessary precautions to protect completed work, neighboring property, water lines, or other underground structures. Where there is danger to structures or property from blasting, the charges shall be reduced and the material shall be covered with suitable timber, steel or rope mats. The Contractor shall notify all owners of public utility property of intention to use explosives at least eight hours before blasting is done, close to such property. Any supervision or direction of use of explosives by the Engineer does not in any way reduce the responsibility of the Contractor or his Surety for damages that may be caused by such use.

C. Danger Signals and Safely Devices The Contractor shall make all necessary precautions to guard against damages to property and injury to persons. They shall put up and maintain in good condition, sufficient red or warning lights at night, suitable barricades and other devices necessary to protect the public. In case the Contractor fails or neglects to take such precautions, the Owner may have such lights and barricades installed and charge the cost of this work to the Contractor. Such action by the Owner does not relieve the Contractor of any liability incurred under these specifications or contract.

CUMBERLAND COUNTY
Maine

COMPLIANCE AND AUDITING MANAGER

12. **THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970.** (P.L. 91-646 as amended), 15 CFR Part 916 including amendments thereto and regulations there under, as provided by 1. M.R.S.A 901 et seq. The Contractor and Grantee will ensure that all work performed under this Agreement will be done in accordance with this act.
13. **ARCHITECTURAL BARRIERS ACT (P.L 90-480), 42 USC 4151, AS AMENDED,** and the regulations issued or to be issued there under, prescribing standards for the design and construction of any building or facility intended to be accessible to the public or which may result in the employment of handicapped persons therein.
14. **THE CLEAN AIR ACT AS AMENDED, 42 USC 1857 ED SEQ.9 THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED, 33 USC 1251 et seq., and the regulations of the Environmental Protection Agency with respect thereto, at 40 CFR Part 15, as amended from time to time.** Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA). In no event shall any amount of the assistance provided under this Agreement be utilized with respect to a facility, which has given rise to a conviction under section 113(c) (1) of the Clean Air Act or section 309(c) of the Federal Water Pollution Control Act.
15. **MINORITY BUSINESS ENTERPRISES** Referenced in Executive Order #11625, OMEB Circular A-102 Attachment 0 Procurement Standards. Grantees are to give priority to Minority Business Enterprises in purchase of supplies, equipment, construction, and services.
16. **SECTION 319 OF PUBLIC LAW 101-121**The grantee shall comply with the requirements of Section 319 of Public Law 101-121 regarding government wide restrictions on lobbying.
17. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award. See: § 200.323. See § 200.216. See § 200.322. [78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014; 85 FR 49577, Aug. 13, 2020]
18. **Remedial Actions.** In the event of Recipient's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.
19. **Hatch Act.** Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
20. **False Statements.** Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines,

CUMBERLAND COUNTY
Maine
COMPLIANCE AND AUDITING MANAGER

imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

21. **Publications.** Any publications produced with funds from this award must display the following language: “This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury.”
22. **Debts Owed the Federal Government.** Any funds paid to Recipient
1. in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award;
 2. that are determined by the Treasury Office of Inspector General to have been misused; or
 3. that are determined by Treasury to be subject to a repayment obligation pursuant to section 603(e) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.
23. **Disclaimer.** The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.
24. **Protections for Whistleblowers.**
- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
 - b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; or
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
 - c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

25. **Increasing Seat Belt Use in the United States.** Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

26. **Reducing Text Messaging While Driving.** Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

CUMBERLAND COUNTY
Maine
COMPLIANCE AND AUDITING MANAGER

The Bidder hereby agrees, to and will comply with the terms and use of the federal program and its provisions hereto as a condition of the Bid and thereby award. The bidder acknowledges that they have read and understand said provisions hereto.

Insert Name Here:



Authorized Representative: Jeff Levine

Title: Owner

Date signed: 2/27/23