§ 84.11 Pre-award policies.

(a) Use of Grants and Cooperative Agreements, and Contracts. In each instance, HUD shall decide on the appropriate award instrument (i.e., grant, cooperative agreement, or contract). The Federal Grant and Cooperative Agreement Act (31 U.S.C. 6301-08) governs the use of grants, cooperative agreements and contracts. A grant or cooperative agreement shall be used only when the principal purpose of a transaction is to accomplish a public purpose of support or stimulation authorized by Federal statute. The statutory criterion for choosing between grants and cooperative agreements is that for the latter, “substantial involvement is expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.” Contracts shall be used when the principal purpose is acquisition of property or services for the direct benefit or use of the Federal Government.

(b) Public Notice and Priority Setting. HUD shall notify the public of its intended funding priorities for discretionary grant programs, unless funding priorities are established by Federal statute.

§ 84.12 Forms for applying for Federal assistance.

(a) HUD shall comply with the applicable report clearance requirements of 5 CFR part 1320, “Controlling Paperwork Burdens on the Public,” with regard to all forms used by HUD in place of or as a supplement to the Standard Form 424 (SF-424) series.

(b) Applicants shall use the SF-424 series or those forms and instructions prescribed by HUD.

(c) For Federal programs covered by E.O. 12372, “Intergovernmental Review of Federal Programs,” the applicant shall complete the appropriate sections of the SF-424 (Application for Federal Assistance) indicating whether the application was subject to review by the State Single Point of Contact (SPOC). The name and address of the SPOC for a particular State can be obtained from the Catalog of Federal Domestic Assistance. The SPOC shall advise the applicant whether the program for which application is made has been selected by that State for review.

§ 84.13 Debarment and suspension; Drug-Free Workplace.

(a) Recipients and subrecipients shall comply with the governmentwide non-procurement debarment and suspension requirements in 2 CFR part 2424. These governmentwide requirements restrict subawards and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

(b) Recipients and subrecipients shall comply with the requirements of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701, et seq.), as set forth at 2 CFR part 2429.

§ 84.14 Special award conditions.

If an applicant or recipient:

(a) Has a history of poor performance;

(b) Is not financially stable;

(c) Has a management system that does not meet the standards prescribed in this part;

(d) Has not conformed to the terms and conditions of a previous award; or

(e) Is not otherwise responsible, HUD may impose additional requirements as needed, provided that such applicant or recipient is notified in writing as to: the nature of the additional requirements, the reason why the additional requirements are being imposed, the nature of the corrective action needed, the time allowed for completing the corrective actions, and the method for requesting reconsideration of the additional requirements imposed. Any special conditions shall be promptly removed once the conditions that prompted them have been corrected.

§ 84.15 Metric system of measurement.

The Metric Conversion Act, as amended by the Omnibus Trade and Competitiveness Act (15 U.S.C. 205) declares that the metric system is the preferred measurement system for U.S. trade and commerce. The Act requires each Federal agency to establish a date or dates in consultation with the Secretary of Commerce, when the metric
system of measurement will be used in
the agency’s procurements, grants, and
other business-related activities. Met-
ric implementation may take longer
where the use of the system is initially
impractical or likely to cause signifi-
cant inefficiencies in the accomplish-
ment of federally-funded activities.
HUD shall follow the provisions of E.O.
12770, "Metric Usage in Federal Gov-
ernment Programs."

§ 84.16 Resource Conservation and Re-
covery Act.
Under the Resource Conservation and
Recovery Act (RCRA) (Pub. L. 94–580,
42 U.S.C. 6962), any State agency or
agency of a political subdivision of a
State which is using appropriated Fed-
eral funds must comply with Section
6002. Section 6002 requires that pref-
erece be given in procurement pro-
grams to the purchase of specific prod-
ucts containing recycled materials
identified in guidelines developed by
the Environmental Protection Agency
(EPA) (40 CFR parts 247 through 254).
Accordingly, State and local institu-
tions of higher education, hospitals,
commercial organizations and inter-
national organizations when operating
domestically, and non-profit organiza-
tions that receive direct Federal
awards or other Federal funds shall
give preference in their procurement
programs funded with Federal funds to
the purchase of recycled products pur-
suant to the EPA guidelines.

§ 84.17 Certifications and representa-
tions.
Unless prohibited by statute or codi-
fied regulation, HUD is authorized and
encouraged to allow recipients to sub-
mit certifications and representations
required by statute, executive order, or
regulation on an annual basis, if the re-
cipients have ongoing and continuing
relationships with the agency. Annual
certifications and representations shall
be signed by responsible officials with
the authority to ensure recipients’ com-
pliance with the pertinent require-
ments.