

the day-to-day, as well as major, decisions on matters of management, policy, and operations (management officials). The business shall identify all owners and management officials who are not public housing residents, and shall disclose any relationship that these owners and officials may have to a business (resident- or non-resident-owned) engaged in the type of business activity with which the resident-owned business is engaged. For purposes of this part, "relationship" means employment by, or having an ownership interest in, a business. The business also shall submit such evidence as the PHA may require to verify that the owner or owners identified as public housing residents reside within public housing of the PHA.

(c) *Responsibility to complete contract.* The business shall submit evidence sufficient to demonstrate to the satisfaction of the PHA that the business has the ability to perform successfully under the terms and conditions of the proposed contract. Consideration will be given to various factors, including but not limited to those identified in 24 CFR 85.36(b)(8) and also to such matters as proof of completion of courses in business administration or financial management, and proof of job training or apprenticeship in the particular trade, business, profession, or occupation.

(d) *Limitation on alternative procurement contract awards.* The business shall submit a certification as to the number of contracts awarded, and the dollar amount of each contract award received, under the alternative procurement process provided by this part. A resident-owned business is not eligible to participate in the alternative procurement process provided by this part if the resident-owned business has received under this process one or more contracts with a total combined dollar value of \$1,000,000.

[57 FR 20189, May 11, 1992, as amended at 59 FR 33895, June 30, 1994]

§ 963.12 Alternative procurement process.

(a) *Method of procurement.* In contracting with resident-owned businesses, the PHA shall follow the applicable method of procurement as set

forth in 24 CFR 85.36(d), with solicitation limited to resident-owned businesses. Additionally, the PHA shall ensure that the method of procurement conforms to the procurement standards set forth in 24 CFR 85.36(b).

(b) *Contract awards.* Contracts awarded under this part shall be made only to resident-owned businesses that meet the requirements of §963.10, and that comply with such other requirements as may be required of a contractor under the particular procurement and the Department's regulations. An award shall not be made to the resident-owned business if the contract award exceeds the independent cost estimate required by 24 CFR 85.36(f), and the price normally paid for comparable supplies, services, or construction in the project area.

(c) *Contract requirements.* Any contract entered into between a PHA and a resident-owned business under this part shall comply with: the contract provisions of 24 CFR 85.36(i); the provisions of 24 CFR 85.36(h), 24 CFR 968.240(d) or 24 CFR 968.335(c)(1) governing bonding requirements, where applicable; and such other contract terms that may be applicable to the particular procurement under the Department's regulations. In addition to the recordkeeping requirements imposed by 24 CFR 85.36(i), the PHA also shall maintain records sufficient to detail the significant history of the procurement made under this part. These records will include, but are not necessarily limited to the following: The independent cost estimate and comparable price analysis as required by paragraph (b) of this section; the basis for contractor selection, including documentation concerning the eligibility of the selected resident-owned business under §963.10; and the basis for determining the reasonableness of the proposed contract price.

PART 964—TENANT PARTICIPATION AND TENANT OPPORTUNITIES IN PUBLIC HOUSING

Subpart A—General Provisions

Sec.
964.1 Purpose.
964.3 Applicability and scope.
964.7 Definitions.

§ 964.1

24 CFR Ch. IX (4-1-06 Edition)

- 964.11 HUD policy on tenant participation.
- 964.12 HUD policy on the Tenant Opportunities Program (TOP).
- 964.14 HUD policy on partnerships.
- 964.15 HUD policy on resident management.
- 964.16 HUD role in activities under this part.
- 964.18 HA role in activities under subparts B & C.
- 964.24 HUD policy on FIC Program.
- 964.30 Other Program requirements.

Subpart B—Tenant Participation

- 964.100 Role of resident council.
- 964.105 Role of the jurisdiction-wide resident council.
- 964.115 Resident council requirements.
- 964.117 Resident council partnerships.
- 964.120 Resident management corporation requirements.
- 964.125 Eligibility for resident council membership.
- 964.130 Election procedures and standards.
- 964.135 Resident involvement in HA management operations.
- 964.140 Resident training.
- 964.145 Conflict of interest.
- 964.150 Funding tenant participation.

Subpart C—Tenant Opportunities Program

- 964.200 General.
- 964.205 Eligibility.
- 964.210 Notice of funding availability.
- 964.215 Grant agreement.
- 964.220 Technical assistance.
- 964.225 Resident management requirements.
- 964.230 Audit and administrative requirements.

Subpart D—Family Investment Centers (FIC) Program

- 964.300 General.
- 964.305 Eligibility.
- 964.308 Supportive services requirements.
- 964.310 Audit/compliance requirements.
- 964.315 HAs role in activities under this part.
- 964.320 HUD Policy on training, employment, contracting and subcontracting of public housing residents.
- 964.325 Notice of funding availability.
- 964.330 Grant set-aside assistance.
- 964.335 Grant agreement.
- 964.340 Resident compensation.
- 964.345 Treatment of income.
- 964.350 Administrative requirements.

Subpart E—Resident Board Members

- 964.400 Purpose.
- 964.405 Applicability.
- 964.410 Additional definitions.
- 964.415 Resident board members.
- 964.420 Resident board member may be elected.

- 964.425 Small public housing agencies.
- 964.430 Nondiscrimination.

AUTHORITY: 42 U.S.C. 1437d, 1437g, 1437r, 3535(d).

SOURCE: 59 FR 43636, Aug. 24, 1994, unless otherwise noted.

Subpart A—General Provisions

§ 964.1 Purpose.

The purpose of this part is to recognize the importance of resident involvement in creating a positive living environment and in actively participating in the overall mission of public housing.

§ 964.3 Applicability and scope.

(a) The policies and procedures contained in this part apply to any PHA that has a Public Housing Annual Contributions Contract (ACC) with HUD. This part, except for subpart E, does not apply to PHAs with housing assistance payments contracts with HUD under section 8 of the U.S. Housing Act of 1937.

(b) Subpart B of this part contains HUD policies, procedures, and requirements for the participation of residents in public housing operations. These policies, procedures, and requirements apply to all residents participating under this part.

(c)(1) Subpart C of this part contains HUD policies, procedures, and requirements for residents participating in the Tenant Opportunities Program (TOP) (replaces the Resident Management Program under Section 20 of the United States Housing Act of 1937). Resident management in public housing is viable and remains an option under TOP.

(2) Subpart C of this part is not intended to negate any pre-existing arrangements for resident management in public housing between a PHA and a resident management corporation. On or after September 23, 1994, any new, renewed or renegotiated contracts must meet the requirements of this part, the ACC and all applicable laws and regulations.

(d) Subpart D of this part includes requirements for the Family Investment Centers (FIC) Program which was established by Section 22 of the United States Housing Act of 1937 (42 U.S.C.