



# IMPLEMENTATION WORKSHOP

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## PUBLIC FACILITIES

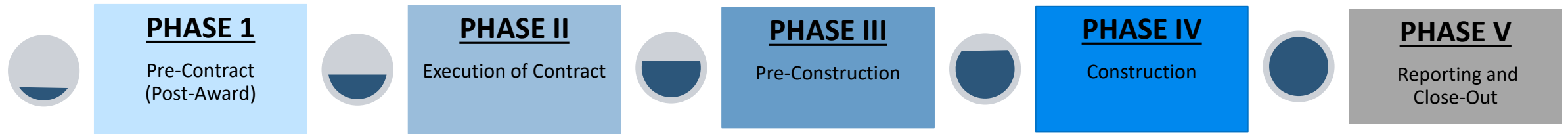
Community  
Resiliency Program (CRP)

April 26, 2022

REVISED: March 1, 2023

# OVERVIEW

- ❑ Eligible Costs
- ❑ Procurement
- ❑ Contract Phases



# ELIGIBLE COSTS

## ELIGIBLE

### Pre-Contract Costs

- Preparation of CRP Application
- Itemized Budget Preparation
- Environmental (including Phase I ESA)
- Title Report with Legal Description
- Land Survey
- Program Income Plan (if applicable)
- Preliminary Architectural Plans

### Project Costs

- Acquisition
- Design Costs
- Construction or Rehab of Public Facilities
- Administration

## INELIGIBLE

- Office space for the general conduct of government
- Operating and maintenance expenses of public facilities improvements and services
- Equipment not permanently installed and furnishings
- Commercial advertising and public relations costs such as the replacement or addition of a logo
- Software, unless it is integral to the function of an improvement and other Operation and Maintenance (O&M) purpose

# PROCUREMENT REQUIREMENTS



## CDBG Procurement Requirements

- 2 CFR §200.317-200.326
- TXGMS
- 10 TAC §1.404



The Procurement Documents may be subject to Monitoring at any time.



Procurement for Admin and Engineering services already completed prior to application submission must be fully documented in the CRP contract file.



Failure to meet procurement requirements may result in **Ineligible Costs.**



All contractors and subcontractors must be verified for eligibility at [www.sam.gov](http://www.sam.gov).

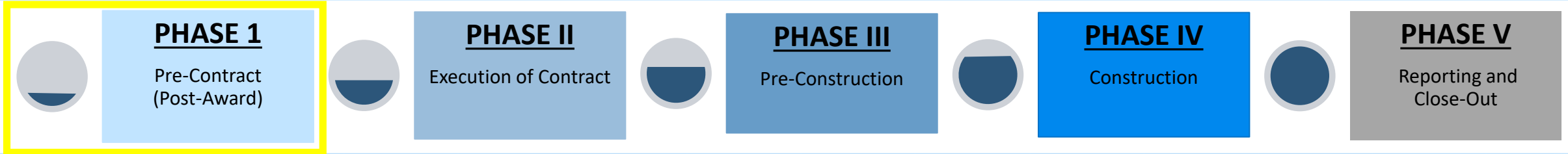
# PROCUREMENT FOR CONSTRUCTION

Procurement Type	Description
Micro-purchase	Less than \$3,000
Small Purchase	Between \$3,000 and \$250,000
Sealed Bids	<ul style="list-style-type: none"><li>Publicly solicited bid with a firm (formal advertising),</li><li>Fixed price: either lump sum or unit price and awarded to the responsible bidder – conforming to all material terms and conditions and is the lowest price.</li></ul>
Noncompetitive Proposals	Sole Source
Competitive Proposals (Services)	<ul style="list-style-type: none"><li>Non-arbitrary process for evaluation</li><li>Steps for traditional procurement by the Subrecipients</li><li>Documentation (i.e. RFP, bid packet, etc.)</li></ul>



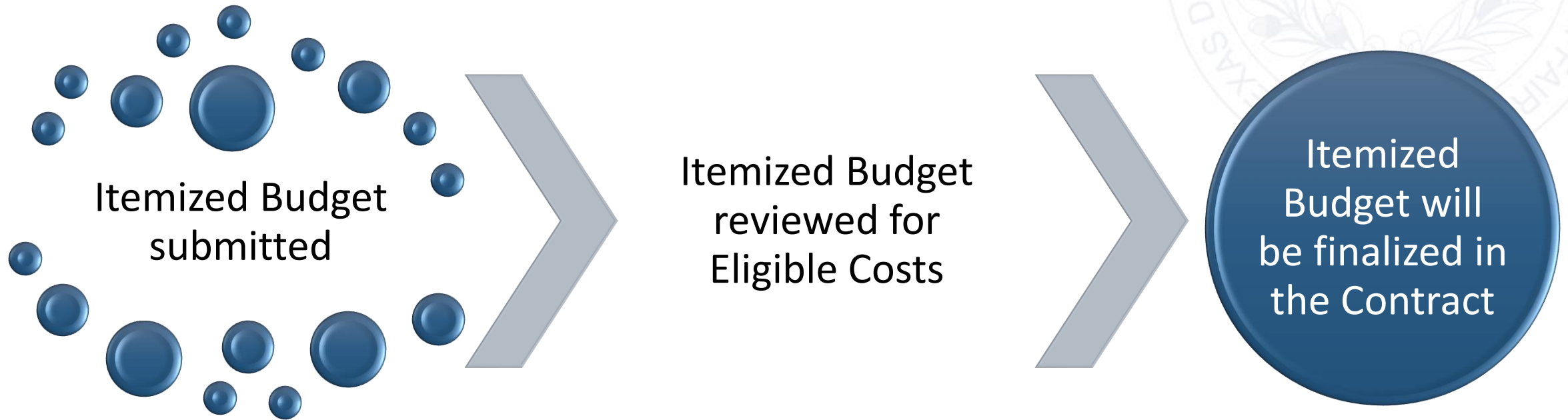
[Texas Grant Management Standards](#) and 2 CFR 200

# PHASE I – PRE-CONTRACT (POST-AWARD)



- Itemized Budget
- Environmental Review & Clearance – TDHCA
- Title Report and Land Survey
- Program Income Plan submitted (*if applicable*)

# Itemized Construction Budget



## PHASE I: PRE-CONTRACT (POST-AWARD)

# Environmental Review & Clearance

- CDBG-CV grantees are required to comply with the following statutory and regulatory requirements:

24 CFR Part 58

The National Environmental Policy Act of 1969 (NEPA)

- Determine and complete the appropriate level of Environmental Review.
- Conduct Phase I ESA.
- CRP Funds CANNOT be disbursed before an Environmental Review has been conducted and cleared by TDHCA.
  - “Choice-Limiting Actions” such as Acquisition or Construction before the Environmental Review is complete are considered a commitment of funds and a choice limiting action and would result in an Ineligible Cost.

24 CFR §58.22(a)

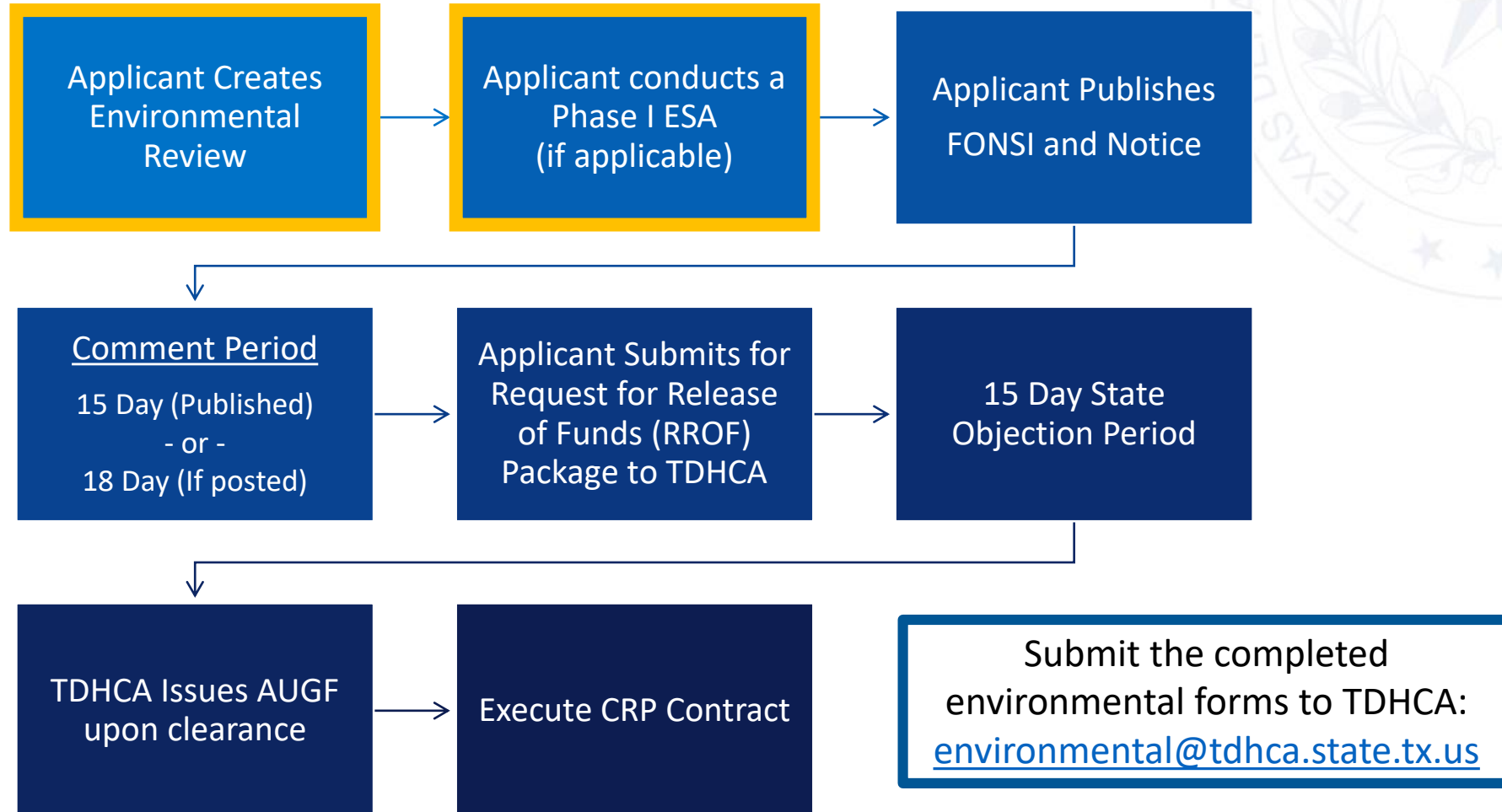
- Environmental Review for Administrative and Design Engineering Activities Funding Exempt for Activities.

24 CFR §58.34(a)



# PHASE 1: PRE-CONTRACT (POST AWARD)

## Environmental Review



# PHASE I: PRE-CONTRACT (POST-AWARD)

## Program Income Plan

**Program Income (PI) is defined as gross income directly generated from a CDBG funded activity.**

- Program Income Plan is only required if CRP project will generate income.
- Subject to all CDBG Cross-Cutting Requirements
- Guidance - Program Income Plan (*Link - Coming Soon!!*)
- Annual Net Program Income < \$35K Threshold
  - Program Year (September 1 through August 31)
  - NOT considered Program Income

### \$35K Threshold Equation

Gross Program Income  
- Incidental Program Costs

**Net Program Income**

### Example for \$35K Threshold Calculation

City of ABC generated an **annual gross program income** of \$50,000 by renting the Community Center for private events. A portion of the rental payments was used for incidental program costs for maintenance and staff. The total amount needed to cover **incidental program costs** was \$25,000.

#### City of ABC – Annual Net Program Income 9/1/2022 – 8/31/2023

\$50,000	Gross Program Income
- \$25,000	Incidental Program Costs
<b>\$25,000</b>	<b>Net Program Income</b>

(Source: Basically CDBG for States Ch. 16)

# Title Report

### Title Report should include:

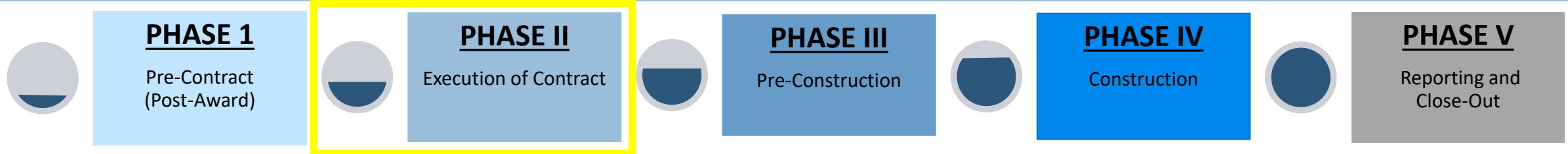
- **Dated within 60 days prior to contract execution**
- Information about both the property and the owner
- A legal description of the property
- Notice of any liens or encumbrances against the title
- Tax information, including whether back taxes are owed
- Information about the existence and location of easements
- A list of exclusions, covenants, restrictions, conditions, historical rules, and oversight

# Land Survey

### Land Survey should include:

- Current survey
- Show improvements
- Class 1A-Urban or Class 1A-As Built
- Indicate the floodplain
- Show encroachments
- Have certifications

# Phase II: EXECUTION OF GRANT CONTRACT



- Authorized Signatory/Executor was identified in the CRP Application and will need to sign all grant-related documents via DocuSign
- Monthly Reports due on the 5<sup>th</sup> of each month

## Benefit to Low to Moderate Income Persons

### ➤ MEETING & SUSTAINING NATIONAL OBJECTIVE

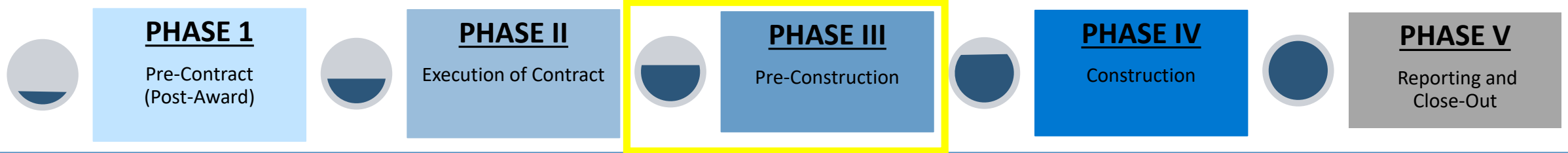
- ❑ Project must continue to meet the National Objective for 5 years after close-out.

NATIONAL OBJECTIVES	
LMA	Area is 51% LMI <i>**If you do not meet the 51% in any given year, a survey should be conducted</i>
LMC – INCOME	Area is not 51% LMI, at least 51% of Clientele must be LMI
LMC – PRESUMED BENEFIT	<ul style="list-style-type: none"><li>• Seniors</li><li>• Abused and Neglected Children</li></ul>



If the project fails to continue to meet the National Objective, the Subrecipient shall reimburse TDHCA the total CDBG funds expended.

# PHASE III: PRE-CONSTRUCTION



- Architectural Plans for Accessibility Review\*
- Plans and Specs Completed
- Acquisition and Report
- Section 3 Meeting and Map
- Civil Rights and Equal Opportunity Requirements
- Labor Standards Requirements
- Title Report
- Survey
- LURA

# Design and Plans

### ➤ **FINAL PLANS AND SPECS COMPLETED**

Completed by a Professional Architect or Engineer.

### ➤ **ACCESSIBILITY REVIEW – TDHCA APPROVAL**

Requirement for newly constructed or altered facilities by, on behalf of, or for use of a public entity, be designed and constructed in a manner that makes the facility readily accessible to and usable by persons with disabilities.





# Acquisition

Subrecipient must document compliance with Uniform Relocation Act (URA)

**Acquisition Report Required** – [TDHCA Form](#)

No release of construction funds until the appropriate form is submitted.



Acquisition and Relocation Requirements *24 CFR Part 42 and 24 CFR 570.606*

# PHASE III: PRE-CONSTRUCTION

## Section 3

Requires that to the greatest extent feasible, economic opportunity generated by CDBG-CV funds and other HUD assistance, most importantly employment, is directed to low- and very low-income persons.

All projects and activities involving housing construction, rehabilitation, or other public construction that is funded with covered HUD funding

Section 3 is triggered when the normal completion of construction and rehabilitation projects creates the need for **new** employment, contracting, or training opportunities

Section 3 Service Area Map

Section 3 Public Meeting

Section 3 Reporting (Project Completion Report)

# Civil Rights and Equal Opportunity Requirements

- (1) Comply with Civil Rights requirements
- (2) Provide Documentation to the file

Section 504

Equal  
Opportunity

Fair Housing


Citizen  
Participation

Limited  
English  
Proficiency

# PHASE III: PRE-CONSTRUCTION

## Group A Documents Checklist

Documents Checklist can be found on the CRP website [here](#)

 <b>TX COMMUNITY RESILIENCY PROGRAM (CRP) CONSTRUCTION PROJECT - Group A Documents Checklist (before 1st Draw)</b> <i>Effective 11/31/2023</i> <i>All Group A documents must be received by TDHCA <u>before</u> submitting 1st Draw</i>						
Subrecipient:		Revised Date:				
Category	Sample Documents	Submitted (Y/N)	Notes	Instructions	How to Submit	
Group A	Civil Rights Policies	<a href="#">A1015</a>			<ol style="list-style-type: none"> <li>Adopt any Civil Rights Policies not currently in effect</li> <li>Pass Resolution to adopt/affirm/reaffirm the Civil Rights Policies listed are effective for the Grant Recipient (TDA Form A1014)</li> <li>Per submission, the Department prefers all documents submitted as one PDF file</li> <li>An updated CRP Documents Checklist must be submitted with each submission</li> </ol>	<a href="#">CRP Documents Submission Portal</a>
		<a href="#">A1007</a>		Best practice: Plan at least one activity within the contract term to Affirmatively Further Fair Housing		
		<a href="#">A1009</a>				
		<a href="#">A1006</a>		Required if the subrecipient has 15 or more employees		
		<a href="#">A1004</a>		Required if the subrecipient has 15 or more employees		
		<a href="#">A1003</a>				
		<a href="#">A1005</a>		Notice 1 (15 or more employees) Must identify Civil Rights Officer; Notice 2 (all) Citizen Participation Plan & Grievance Procedures (A1013) - Post Notice after adoption of plan/procedure		
		<a href="#">A1013</a>		In addition to public hearing requirements, publish Notice (Notice 2) to make citizens aware of location/hours in which they may obtain copy of grievance procedures and address, phone, and time to file complaints		
		<a href="#">A1002-22</a>				
		<a href="#">HUD link</a>		Follow HUD LEP guidance provided in link		
Section 3	<a href="#">A1021</a>					
Labor Standards (Davis-Bacon)	<a href="#">DB01</a>					
Civil Rights & Section 3 Resolution and Responsibilities	<a href="#">A1014</a>		Adopting new policies and re-affirming existing policies can be completed in the same resolution. All required resolutions, ordinances and/or policies regarding civil rights, equal opportunity, and citizen participation must be in effect throughout the CRP grant agreement period			
Other	n/a					

# Labor Standards Checklist – 1A

- Designate a Labor Standards Officer.
- Obtain Wage Decision for the project at [SAM.gov | Wage Determinations](#)  
Confirm with TDHCA.
- Complete 10 day call.  
10 days prior to bid opening to ensure the wage is still prevailing.
- Verify eligibility of contractor and subcontractors at [www.sam.gov](http://www.sam.gov).
- Administer and enforce Davis-Bacon requirements.

# Labor Standards Checklist – 1B

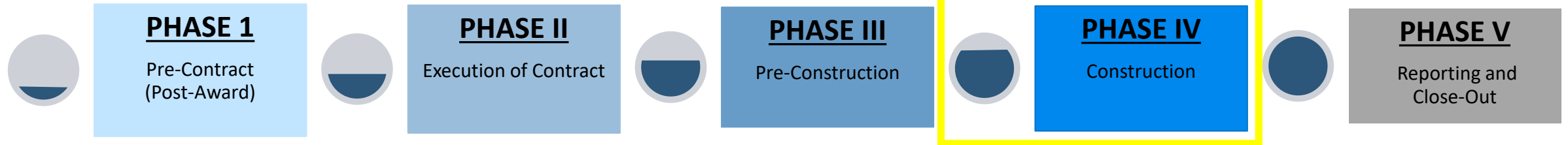
- Conduct Pre-Construction Conference. Include Assigned TDHCA Staff.
- Notice to Proceed – issued by TDHCA.
- Subcontractors responsibilities identified.

# Land Use Restriction Agreement

- Title Report – Must be dated within 60 days of LURA
- Survey – Must be a class 1A urban survey and/or a Class 1A As-built survey showing all land encroachments
- LURA – must be hand signed by Subrecipient and TDHCA, then sent back to Subrecipient for official Recording



# PHASE IV: CONSTRUCTION



- Labor Standards & Checklists
- Project Signage



# PHASE IV: CONSTRUCTION

## Labor Standards

Davis-Bacon Act for construction work over \$2,000, must pay prevailing wage rates.

Copeland Anti-Kickback Act requires that workers are paid weekly and contractors must maintain and submit weekly payrolls.

\*\*Contractors over \$100,000 and requires workers receive overtime compensation. Time and one-half for hours in excess of 40 hours. Liquidated damages of \$10 per day per violation.

Section 3 requires the provision of employment opportunities for low-income residents of the project area.



Labor Standards Regulations, *24 CFR 570.603*

\*\* Contractors over \$100,000 - Contract Work Hours and Safety Standards Act

# Labor Standards Checklist – 2a

- Ensure all required signs are posted at construction sites.
- Classify all workers according to the wage decision.
- Request Additional classifications if needed.
- Review Weekly Payroll.
  - Weekly payrolls for the prime and all subcontractors must be submitted (dated and initialed on a weekly basis).
  - Workers must be paid at least minimum wage (including fringe, if applicable) according to the wage decision.
  - Workers must be paid time and one-half if they work over 40 hours a week.
  - Payrolls should be numbered sequentially with first payroll marked “initial” and last payroll marked as “final”.

# Labor Standards Checklist – 2b

- Conduct employee interviews and check against payrolls.
- If violations or discrepancies are found, take corrective action and notify TDHCA.
- Determine if any Restitution is outstanding.

# Labor Standards Checklist – 2c

- Ensure that all work is completed.
- Verify payrolls are reviewed for compliance with Labor Standards.
- Ensure that all payments have been made.
- Determine if any labor standards complaints are outstanding.

# PHASE IV: CONSTRUCTION

## ON-SITE POSTING REQUIREMENTS

### Davis-Bacon Poster

- WH Publication 1321; Must be placed in a visible location at the job site on a notice board. Should be displayed at the job site on a notice board with the Contractor's and sub-contractors' Affirmative Action Plans when applicable.

### Davis-Bacon Prevailing Wage Rates

- Displays the Federal Wage Rates that apply to each individual type of project. Federal wage rates must be displayed for employee view. Must be placed in a visible location at the job site on a notice board.

### Executive Order 11246

- Sets forth the anti-discrimination policy of this project. Parts II and III are applicable along with Executive Order 11375 concerning employment discrimination on the basis of race, color, sex, religion, and national origin. Must be placed in a visible location at the job site on a notice board.

### Section 3 Notice

- To inform works of Economic Opportunities for Low and Very-Low Income Persons. Must be placed in a visible location at the job site on a notice board.

### Equal Employment Opportunity

- Know Your Rights: Workplace Discrimination is Illegal poster. Must be placed in a visible location at the job site on a notice board.

### Workers Compensation Information

- Required for all contractors and subcontractors during the life of the construction contract.

# PHASE IV: CONSTRUCTION

## CRP PROJECT SIGN

- Placement in a prominent visible public area that is not blocked or obscured.
- Constructed of durable materials.
- Minimum size of 4' x 8'
- Submit picture of signage to CDBG staff.

This project is funded by the Texas Department of Housing & Community Affairs with funds allocated by the U.S. Department of Housing and Urban Development through the Community Development Block Grant Program.

The diagram shows a rectangular sign layout. The top section is a solid red horizontal band containing the text 'PROJECT NAME' and 'Project Address' in white. Below this is a white section containing the text 'NAME OF CITY/COUNTY' and a paragraph: 'This project is funded by the Texas Department of Housing & Community Affairs with funds allocated by the U.S. Department of Housing and Urban Development through the Community Development Block Grant Program.' Below the paragraph are two fields: 'CDBG FUNDS: \$' and 'Total Project Cost: \$'. The bottom section is a solid dark blue horizontal band containing the text 'Contractor:', 'Address:', and 'Phone Number:' in white.

# PHASE V: CLOSE-OUT



- Project Completion Report (within 45 days of contract end date)
  - Expenditures (retainage)
  - Accomplishments
  - Beneficiaries
  - Section 3 Reporting
- Final Public Hearing
- Final Inspection and Certificate of Occupancy

# Citizen Participation Requirements

### **Conduct Public Hearings**

Public Notice requires a minimum 5-day comment period.

#### Annual

Conduct a public meeting at least once annually to seek public comment on the needs or uses of CDBG-CV funds.

#### Final

### **Follow Complaint Procedures**

#### Local

#### State – TDHCA

#### Federal - HUD



# Inspections and Monitoring

## INSPECTIONS

- Site Inspection can take place before, during, and after construction
- Compliance Inspection
- Final Inspection and Accessibility Review

## MONITORING

- CDBG-CV Monitoring Checklist coming soon from HUD
- TDHCA Monitoring
  - Desk Review
  - On-Site
- [TDA Monitoring Checklist](#)

# CRP Project Teams

**Erica Garza**

CDBG-CARES Manager

**Katie Wilkison**

CDBG-CARES Program Coordinator

**Lauren Rabe**

CDBG-CARES Program Coordinator

**Raul Salazar**

CDBG-CARES Manager

**Allison Shurr**

CDBG-CARES Program Administrator

**Kendall Kauten**

CDBG-CARES Program Coordinator

**Fatima Andrade**

CDBG-CARES Program Coordinator

# Q&A Session

