# SECTION C, PART II
# ON-SITE SEWER FACILITY (OSSF)

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# SECTION C, PART II
# ON-SITE SEWER FACILITY (OSSF)

## C.0 Introduction

For projects that include the provision of first-time on-site sewage facilities or replacement of on-site sewage facilities, the installation of septic systems on private property is considered a housing rehabilitation activity and must meet the housing activity criteria under the TxCDBG Program. TxCDBG funds will only pay for the systems that are located on homeowner private property for Low-to-Moderate Income (LMI) persons.

On the State level OSSF activities are governed by:

- Title 30 Texas Administrative Code (TAC), Chapter 285, Subchapter A contains the rules for OSSF application and permit requirements.
- Title 30 Texas Administrative Code (TAC), Chapter 285, Subchapter D contains the rules for planning, construction, and installation of an OSSF.
- Texas Health and Safety Code Chapter 366, Subchapter D is the state law that governs the OSSF permitting program.

In order to administer the project, the Grant Recipient must develop OSSF Guidelines, which will require TDA approval during the application process prior to a grant award.

## C.1 Steps in OSSF Project Delivery

Below are typical steps involved in the delivery of an OSSF project using CDBG funds. The steps follow in a sequential manner although some may occur simultaneously:

**Step 1. Administrative Start-up:**

- The Grant Recipient procures professional services in accordance with all state and federal laws and guidelines (see Chapter 5.1 Professional Services/Administration Contracts) as needed, including engineering, if applicable, and grant administration services.
- An OSSF Coordinator is designated, which may be an employee of the Grant Recipient or a professional administrator.
- The Grant Recipient completes a broad-level environmental review as described in Chapter 3 and receives clearance from the TDA Environmental Regulatory Officer. In addition, a site-specific environmental review must be completed during Step 3 for each property. The Grant Recipient should consult with TDA's Environmental Regulatory Officer for any guidance required with program environmental review compliance.

**Step 2. Homeowner OSSF Application Process:**

- Outreach – The Grant Recipient publicizes the availability of OSSF installation and replacement assistance for the designated project area.
- Applications are accepted from homeowners.
- The Grant Recipient verifies property ownership, primary residence, and income-eligibility for each application.

- Homeowners qualifying for assistance must certify that they will fully comply with requirements of Texas Commission on Environmental Quality (TCEQ) rule §285.36 pertaining to proper decommissioning of abandoned tanks, boreholes, cesspools, and seepage pits.
- Grant Recipients must maintain an OSSF assisted homeowner case file at the locality (see Form C9-OSSF Case File Review Checklist).

**Step 3**. **Applicant List:**

- The Grant Recipient develops an Applicant List of proposed OSSF assisted homeowners, based on their adopted and TDA-approved OSSF Guidelines. This list must be maintained at the locality.
- The Grant Recipient screens homeowner applications for eligibility to receive assistance on a first-come-first-served basis or according to a scale of qualifying factors (e.g., disabled, elderly, families with minor children, etc.).
- Once the Applicant List has been finalized, the Grant Recipient completes a site-specific environmental assessment for each property. The Grant Recipient should consult with TDA's Environmental Regulatory Officer for any guidance required with program environmental review compliance.

**Step 4. Site Evaluator: Soil Evaluation and Design of OSSF Systems:**

The Grant Recipient shall use the TCEQ certified list and notify at least 3 qualified site evaluators (recommend 5) in the area for quotes. Evaluator must be certified by TCEQ. Search for TCEQ licensing and registration information may be found at the following link: http://www2.tceq.texas.gov/lic_dpa/index.cfm.

- Site evaluation is considered a construction activity and not an engineering cost. The evaluator is also considered a service provider and not a labor contractor.
- Engineering costs for design will not be considered an eligible cost unless the site location and size of the lot requires engineering by TCEQ regulations
    - Evaluator will prepare a soil evaluation report for each OSSF unit
- The Grant Recipient shall prepare and submit to TDA the following for the site evaluation procurement process and reimbursement:
    - Bid tab/schedule or A504 Small Purchase Procurement Record (SPPR)
    - A503 Financial Interest Report (FIR)
    - Service Contract
    - Invoice(s)

**Step 5. Installer/Contractor: Septic System Installation on Private Property:**

- The Grant Recipient must follow all state and federal laws and guidelines when procuring construction services for the installation of the septic systems (see Chapter 5.2 Construction and Materials Contracts). Installers must be certified by TCEQ. TCEQ search for licensing and registration information may be found at the following link: http://www2.tceq.texas.gov/lic_dpa/index.cfm.
- Grant Recipient shall send the soil evaluations for each septic system to be installed to the list of qualified installers for quotes.
- Installer must bid unit prices for the following: 1) plumbing improvements, 2) basic installation and connection, and 3) mitigation.

**Step 6. <u>Procurement of Group Contracts</u>**:

TDA highly recommends that the Grant Recipient procure the septic installation under one contract for all systems to be installed. Any alternate procurement method will need to be requested and approved by TDA prior to procuring the contracted services.

- Once quotes are received for installation, the Grant Recipient chooses a certified installer from the list of submitted quotes. If the lowest bidder is not chosen from the list, the Grant Recipient must document the reason.
- Davis-Bacon shall apply to all contracts consisting of 8 or more OSSF units for a single property owner. Davis-Bacon will be exempt if less than 8 OSSF units in one contract.
- Grant Recipient shall prepare the following for procurement of several OSSFs in the same contract:
    - Bid tab/schedule or A504 (SPP)
    - Installation contract
    - A503 (FIR)
    - A706 (LSR)

- Grant Recipient shall prepare the following for reimbursement of each OSSF unit:
    - Invoice(s) showing specific line items for services (addresses of systems installed).
    - Documentation of completion with required signatures (Form A709 for group contracts or A709I for individual homeowner contracts).

  For reimbursement purposes, a 10% retainage fee shall be withheld from the contractor's invoice until construction is complete for all OSSF units installed in the group.

**Step 7. <u>Change Orders:</u>**

- When a change to an OSSF contract is necessary, the Grant Recipient shall submit an OSSF Change Order (Form A1103-OSSF) specific to each septic system or each homeowner's address. The Homeowner and TCEQ Designated Representative must sign-off on the OSSF Change Order Request Approval Form prior to submission to TDA for approval.
- Change orders for more than 25% will not be accepted. The Grant Recipient must rebid the project in the event of an increase of 25% or more.

**Step 8. <u>Certificate of Construction Completion (COCC):</u>**

- Grant Recipient shall prepare a Certificate of Construction Completion for OSSF Projects Form A709-OSSF for group contracts or A709I-OSSF for individual homeowner contracts. For individual homeowner contracts, the homeowner and the local TCEQ Designated Representative that certifies the completed installation of the septic system will be required to sign-off on the COCC in addition to the installer/contractor and the Grant Recipient. Grant Recipients do not have to submit Final Wage Compliance Reports for OSSF contracts.
- Installer/contractor and Grant Recipient shall certify that all sewage systems have been decommissioned as inoperable and fully mitigated in accordance with Title 30, Subchapter D, Chapter 285 of the Texas Administrative Code and any applicable local codes by signing and completing Form A709 or A709I.

## OSSF QUARTERLY BENEFICIARY REPORT

## INSTRUCTIONS

Grant Recipient—TxCDBG Grantee.

Contract Number—Assigned TxCDBG contract number.

Contract Period—Start and end date of TxCDBG contract.

Reporting Period—Indicate the quarter and year for which the report is being submitted. The report is due on the twentieth (20th) of the month following the end of the calendar quarter.

Number of Units Completed to Date—Total number of OSSF units completed under the contract.

Number of Units Completed This Period—Number of OSSF units completed during the quarterly reporting period.

Number of Units in Progress—Number of OSSF units that started or continued work during the quarterly reporting period but did not complete construction.

Name of Beneficiary—Name of the resident designated as head of household.

Address—Address of house rehabilitated.

Cost of OSSF Unit—Total cost to install OSSF unit under this program.

Total Beneficiaries—Total number of persons residing in the house.

Income Level—income level of the household based on the Area Median Family Income for the county.

Demographic Information for the Head of Household—Indicate for the Head of Household only:

- Race/Ethnicity;
- Gender;
- Ownership Status (Owner or Renter); and
- Previous Homeless Status (Yes or No) based on residence prior to this program.

Demographic Information for All Persons in the Household—Indicate the <u>number of beneficiaries</u> for each category:

- Male and Female;
- Special Needs;
- Age Groups: under 18 years old, 18 to 61 years old, and 62 years old or over; and
- Race/Ethnicity (add all appropriate lines).

# Sample OSSF Guidelines

**Two Dash County, Texas**

**Guidelines for On-Site Sewage Facilities Assistance Program**

**Texas Community Development Block Grant Program**
**Contract No. 7XXXXX**

## I. INTRODUCTION

Two Dash County, Texas has received Texas Community Development Block Grant (TxCDBG) funds administered by the Texas Department of Agriculture (TDA), to provide On-Site Sewage Facilities (OSSF) assistance to low- and moderate-income (LMI) applicant homeowners who reside in designated areas of the County as described in TxCDBG Contract 7XXXXX – approximately ten (10) on-site septic systems in the following Colonia areas: Grand Acres, Meadow Acres and Green Acres.

The primary objective of the County's OSSF Assistance Program is to provide adequate, safe, and sanitary sewer services for LMI residents through the installation of approved residential OSSFs for single family, owner-occupied dwellings in compliance with rules of the Texas Commission for Environmental Quality (TCEQ). In these guidelines, "County" refers to officers or employees of Two Dash County assigned to work with the Program. Any action by the County that requires Commissioners' Court approval is specifically noted; otherwise any action may be carried out by the appropriate officers or employees. "Grant Manager" refers to the general administration firm hired by the County to assist with the implementation of the Program.

## II. APPLICANT ELIGIBILITY

The following are threshold requirements which must be met for an applicant homeowner to be eligible for assistance. Eligibility does not guarantee funding, as there may be more eligible applicant homeowners than can be served with available funds.

A. Income Eligibility: Eligibility for the OSSF Assistance Program is governed by the most recently available income limits established by HUD for the TxCDBG. Only families with incomes at or below 80% of the area median family income are eligible for assistance. Income from any and all sources must be included for every adult (age 16 or over) living in the residential unit.

| Two Dash County, Texas 2014 Income Limits | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Residents in Unit: | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 80% Median Income | $28,150 | $32,150 | $36,150 | $40,150 | $43,400 | $46,000 | $49,800 | $53,000 |

1. The gross income of households to be benefited must not exceed HUD's current 80% AMFI Income Limits listed above.
2. All income will be verified for all members of the household from independent source documentation such as an employer paycheck stub, letter from employer(s), benefit letter from the Social Security Administration, or valid income tax returns.

B. Proof of Ownership: Applicant homeowners must be a person who owns, in whole or in part, or who has entered into a Contract for Deed agreement, and occupies a single-family residential unit. Ownership or evidence of a Contract for Deed agreement may be documented as follows:

1. Valid deed of trust or mortgage deed which has been filed for record with the County Clerk's office and which includes reasonable rights of redemption and quiet and peaceful possession of the property;
2. Life estate, which has been filed for record at the County Clerk's office;
3. Heir property; if property is in an undivided "heir ownership" situation, the applicant homeowner must be one of the heirs. Clear title is not required but proof of control of the property is necessary and can include evidence that the applicant homeowner paid insurance and property taxes in the prior year;
4. 99-year leasehold interest in the property; or,
5. Fee simple title to the property
6. Tax receipt that indicates ownership of the property.
7. Contract for deed for the property, also known as a land contract, conditional sales contract, or installment contract. Ownership of title may still belong to the Vendor.

C. Proof of Occupancy: Applicant homeowner must furnish a utility bill from within the preceding three (3) months, or other proof of current occupancy of the housing unit to be assisted. Occupancy must be maintained throughout the assistance period.

D. Property Taxes: Applicant homeowner must furnish a valid current tax receipt showing that all property taxes assessed on the property proposed for assistance have been paid prior to the award of the assistance; or notice from the Two Dash County Tax Appraisal District Office that the property owner qualified for and received a tax deferral as allowed under Section 33.06 of the Texas Property Code; or that Applicant has entered into an installment plan with the Tax Appraisal District Office and is current in making payments.

E. 911 Address: Applicant homeowner must furnish documentation showing the current 911-address for the property.

F. Clean Record: Applicants must not have any outstanding complaints, financial balances, or otherwise unresolved matters with the Two Dash County Safety and Inspection Department.

## III. PROPERTY ELIGIBILITY

A. Unit Characteristics: Only single-family owner-occupied units **with no access to a centralized sewer system** will be eligible for assistance. Single-family housing units must have their own kitchens; share no common walls with other housing units; and must not fit the Census definition of “group quarters” (housing units containing ten or more unrelated people or nine or more people unrelated to the head of household). Mobile homes and manufactured housing are considered single-family housing units.

B. Location: Units must be located within the Colonia areas of Grand Acres, Meadow Acres and Green Acres.

C. Inspection: The County will conduct an initial evaluation to verify location and determine whether the condition of the existing OSSF unit merits replacement.

## IV. PROGRAM PARTICIPATION REQUIREMENTS

A. Relocation assistance will not be provided, as this is a voluntary participation program.

B. All debris, abandoned vehicles, and derelict buildings that will interfere with the proposed improvements must be removed from the property prior to the start of construction. The applicant homeowner will be responsible for the removal.

C. Self-help assistance in the form of the applicant homeowner providing the labor and the program providing material will not be permitted under this program.

D. Applicant homeowners who provide false information regarding income or residency status may be disqualified by the Commissioners’ Court at any time prior to the installation of the OSSF, and may be subject to criminal prosecution.

## V. TYPE OF ASSISTANCE

OSSF Assistance will be in the form of a grant from the County to the applicant homeowner for the express purpose of installing a new OSSF and related house connection on the applicant's single-family owner occupied property. The grant funds will be paid directly from the County to the OSSF contractor upon satisfactory completion of the installation.

## VI. CONFLICT OF INTEREST

A. The conflict of interest regulations contained in the TxCDBG contract(s) between the County and TDA prohibit local elected officials, County employees, and Program or Grant Managers who exercise functions with respect to TxCDBG activities or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, from receiving any benefit from the TxCDBG activity either for themselves or for those with whom they have family or business ties, during their tenure or for one year thereafter.

B. For purposes of this section only, the TxCDBG has defined "family" to include parents (including mother-in-law and father-in-law), grandparents, siblings (including sister-in-law and brother-in-law), and children of an official covered under the TxCDBG conflict of interest regulations at 24 CFR Sec. 570.489(h).

## VII. SELECTION OF APPLICANTS

A. Application Policies and Procedures:

1. Eligible applicants placed on a waitlist from the previous OSSF grant will be considered for this grant. Waitlisted applicants will need to provide updated financial information and proof of occupancy in order for their application to be considered complete.
2. In order to obtain additional applications, the Grant Manager and the County will host application in-take session(s) at an accessible location(s) within the County. Following the first application intake session, the County will accept applications on a rolling basis at the Two Dash County Safety and Inspection Department office located in the basement of the County Courthouse at 200 N. Almond, Alice, Texas, and at the Two Dash County Commissioner Precinct 1 office located at 1203 S. Highway 281 Business, Alice, Texas.
3. Via the local newspaper and with public postings the Grant Manager will advertise the availability of OSSF Assistance to potential program beneficiaries at the beginning of the application acceptance period.
4. Each complete application will be marked with the date and time of receipt. A complete application means that the application form and all documentation required in sections II and III of these guidelines have been provided to the Grant Manager. All complete applications will be placed on an applicant list based upon the order in which they were received. Waitlisted applicants that provide updated financial and occupancy information prior to the in-take session(s) will be considered complete and will be placed at the top of the list. If waitlisted applicants do not have a complete application prior to the in-take session(s), they will be placed on the list in the order their information is received
5. Because applicants will be providing confidential information during application intake, the application and associated information shall be made available only to the County, the Grant Manager, and TDA.

B. Applicant Evaluation and Approval:

1. The Grant Manager will review all applications for Applicant Eligibility (Section II).
2. The County will review all applications for Property Eligibility (Section III). Only applications that include all required documentation will be accepted. Applicants will be notified of missing information and instructed to submit the missing items to the Safety and Inspection Department office, Precinct 1 office, or directly to the Grant Manager. Only when all missing items are submitted will the application be considered complete and eligible for placement on the applicant list.

3. Applicant homeowners who are eligible but are not offered assistance due to depletion of grant funds will be notified of this situation in writing.
4. Applicant homeowners who are not eligible for assistance will be removed from the applicant list and provided written notification of the reason for their ineligibility.
5. Funding will be offered to the applicant homeowners in applicant list order. If at any time complete application information is submitted simultaneously by different eligible homeowners the applicant with the lowest percentage of AMFI for his or her family size will be placed on the list first, followed by the applicant with the next lowest percentage, and so on until all applicants are listed. Complete applications submitted during the same applicant intake session are considered to be simultaneously submitted.
6. The Grant Manager will seek approval of homeowner applicants by Commissioners' Court, grouped in the order that the Grant Manager determines that the applications are complete and eligible for assistance; once approved by Court the applicants will be invited to enter into Assistance Agreements with the County for OSSF assistance. The process of creating applicant lists may be completed several times during the grant contract period as new applications are received.

Assistance Agreements:

After Court approval, the County will execute an Assistance Agreement-Right of Entry Form with each member of the applicant group selected to receive assistance. The Assistance Agreement will include the terms and conditions required to receive OSSF grant assistance from the County. A homeowner's refusal to sign the Assistance Agreement-Right of Entry Form disqualifies the homeowner from receiving assistance under this grant. The eligible applicant is referred to as an "assisted homeowner" after signing the Assistance Agreement. The assisted homeowner must occupy the property where the OSSF is located throughout the assistance period, which begins with the submittal of the application and ends with execution of the Certificate of Construction Completion.

## VIII. PRELIMINARY INSPECTION, WORK ASSESSMENT AND CONTRACTING PROCESS

A. A required site evaluation and design will be conducted for each assisted homeowner by a third party site evaluator selected by the County. The contract for site evaluation and design services will be between the County and the lowest qualified bidder and will include all site evaluations to be carried out under this program.
B. The successful site evaluation and design services bidder must be able to provide proof of vehicular and general liability insurance. Proof of insurance must be obtained within 30 days of notice of award.
C. In addition to the OSSF evaluation, the site evaluator shall assess, to the best of his ability, the need to replace yard piping and house plumbing connections in order to convey all wastewater and gray-water from the house to the new OSSF. These items, where known, shall be included in the design for bidding.
D. Once the site evaluation is complete it will be submitted to the Two Dash County Safety and Inspection Department for review and approval through the authority granted by TCEQ.
E. Site evaluations and designs will be used as the basis when bidding for OSSF installations.
F. The County will require that OSSF installation bidders obtain a 5% bid bond. A certified or cashier's check or U.S. Savings bond may be submitted in lieu of the bid bond
G. The County and the Grant Manager will conduct the bid process and bid opening according to all required federal, state and local procurement procedures for OSSF installation on private property. Bids must include all work indicated by the site evaluator's design including OSSF replacement and any sewer yard line or house connection plumbing improvements, where indicated.
H. Once bids are received, the Grant Manager will create a bid tabulation. The contract for OSSF installation will be between the County and the lowest qualified bidder. The construction contract will be executed on forms approved by the County and will include all TxCDBG program requirements and technical specifications.

I. For contracts in excess of $100,000.00, the successful bidder must be able to obtain a performance bond equal to the amount of the construction contract. The performance bond must reference Two Dash County TxCDBG contract #713085 and be filed within 30 days of notice of award.

J. The successful bidder must be able to provide proof of vehicular and general liability insurance. Proof of insurance must be obtained within 30 days of notice of award.

K. For contracts in excess of $50,000, the County will require the contractor to execute a payment bond in the amount of the contract before beginning the work.

L. In order to be eligible to participate in the construction work financed under this OSSF Assistance Program, contractors must meet the following minimum requirements:

1. The contractor must not be a debarred, suspended or ineligible contractor according to U.S. General Services Administration list of Parties Excluded from Federal Procurement and Non-Procurement Programs. Verification of contractor eligibility will be obtained from TDA prior to awarding any contract.
2. The contractor will comply with relevant state and federal laws. The contractor must have a current and valid OSSF license issued by the State of Texas (TCEQ) appropriate to the type of OSSF being installed.

## IX. CONSTRUCTION PHASE PROCEDURES

A. Changes to the OSSF replacement contract scope of work between the County and the contractor must be approved in writing by the County and the contractor via Change Order. All Change Orders require prior approval by the County and the Texas Department of Agriculture (TDA). Reasons for Change Orders may include but not be limited to adding days to a construction contract in order to account for inclement weather. All change orders will be reviewed on a case-by-case basis.

B. Construction Inspections serve three purposes: 1) to evaluate the contractor's progress; 2) to confirm that OSSF installation codes or standards have been satisfactorily met and that any pre-existing septic systems replaced through this program have been mitigated in accordance with Title 30 Texas Administrative Code Chapter 285 Subchapter D rule 285.36(b) so that a permit may be issued; and 3) to confirm that all requirements of the contract have been met to all parties' satisfaction. The County has established inspection procedures according to the type of OSSF and the Safety and Inspection Department will be responsible for all OSSF inspections through the authority granted to it by TCEQ. The County's established OSSF procedures shall be followed for interim and final inspections with the following modifications:

1. When work on each OSSF is nearing completion, the contractor will notify the County inspector regarding the specific date when the job will be ready for a final inspection. The County will schedule final inspections for each OSSF.
2. Once the OSSF installation has been approved by the County's inspector and the permit issued, the assisted homeowner will confirm acceptance of the work in writing.
3. Once Construction of all OSSFs within the construction contract are complete and permitted by the County, a Certificate of Construction Completion (COCC) will be signed by Two Dash County and the contractor. The COCC and OSSF permits will constitute evidence that the work was completed in accordance with TCEQ standards and the site evaluator's designs.

C. Warranties and Liens

1. Once permits are issued by the County for all OSSFs included in the construction contract, then the OSSF contractor will provide an "affidavit of all bills paid" and the final request for payment to the Grant Manager.
2. All work performed by the OSSF contractors will be guaranteed for a period of one (1) year. Once the COCC is fully executed the warranty will be transferred to the Grantee as specified in the Assistance Agreement-Right of Entry.

D. Contractor Payment:

1. The County may approve progress payments to the contractor and may set aside a retainage not to exceed five percent (5%) of the contract price.
2. Final payment of retainage will be approved after a Certificate of Construction Completion (COCC) and affidavit of all bills paid is executed by the relevant parties and the contractor's standard written warranty for OSSF installation is provided to each assisted household.
3. The County shall not execute the COCC until all OSSF systems are fully completed and the County has verified through its OSSF inspection process that the OSSF systems are in compliance with relevant TCEQ and County requirements.

E. Contractor Performance

1. Should the contractor fail to perform work in accordance with an OSSF contract, the County may serve written notice upon the Contractor of its intention to terminate the contract. The notice shall contain the reasons for such intention to terminate the contract, and unless such violation or delay shall cease and satisfactory arrangement of correction be made within ten days, the contract shall, upon the expiration of said ten (10) days, cease and terminate. In the event of any such termination, the County shall immediately serve notice thereof upon the Contractor. The County may then take over the work and complete the project by bid/contract or by force account at the expense of the Contractor. In such event the County may take possession of and utilize in completing the work, such materials, appliances, and plant as may be on the site of the work and necessary therefore.
2. Should the contractor fail to correct any warranty issues in accordance with an OSSF contract, the contractor shall be barred from bidding on future OSSF contracts and payment for any pending OSSFs under construction will be suspended until the warranty issues are addressed to the satisfaction of the County.
3. Contractors with open OSSF contracts that are out of compliance for any reason (construction not complete by contract deadline, installation does not meet TCEQ standards or project specifications, etc.) shall be barred from bidding on future OSSF contracts until the issues are resolved to the satisfaction of the County and the contract is back in compliance.

## X. COMPLAINTS AND DISPUTES

The County and the Grant Manager will investigate all complaints, whether verbal or written, using the following procedures:

1. All complaints will be submitted in writing.
2. The Grant Manager will attempt to resolve the complaint. If they are unable to resolve the complaint to the satisfaction of the complainant, the complainant will have five (5) working days to appeal the Grant Manager's decision to the Head of the Two Dash County Safety and Inspection Department. If the Two Dash County Safety and Inspection Department Head is unable to resolve the complaint to the satisfaction of the complainant, the complainant will have five (5) working days to appeal the decision to TDA. The decision of TDA will be binding upon all parties involved.
3. Each step of the complaint resolution process will be documented and maintained in the program files.

## XI. FILES AND REPORTS

The County will maintain accurate files and records on the program and on each applicant homeowner as required by TDA. Such files will be open for inspection as to qualifications, bids, and awards. The Grant Manager will ensure that the files are intact at the time the OSSF Assistance Program activities are completed and will ensure that the files are updated during the implementation period.

## XIII. CHANGES, WAIVERS, AND/OR CONFLICTS

The Commissioner's Court will have the right to change, modify, or revoke all or any part of these guidelines by a majority vote of the Commissioner's Court. However, TDA must be informed of such changes and must grant permission for any changes that affect the County's fulfillment of its TxCDBG contract requirements.

Passed and approved this ____ day of _____, 2014 by the Commissioner's Court of Two Dash County, Texas.

| Approved: | Attest: |
|---|---|
| _____ | _____ |
| County Judge | County Clerk |

C9

# TxCDBG On-site Sewer Facility Case File Checklist

Grant Recipient: _____ TxCDBG Contract No: _____

Homeowner: _____ Address: _____

| | ORDER OF ITEMS IN PROJECT CASE FILE | Y | N | N/A | DOCUMENT SOURCE |
|---|---|---|---|---|---|
| 1. | Homeowner's Application for Assistance | | | | Date Received: |
| 2. | Determination of Primary Residence | | | | ☐ Utility Bill Copies<br>☐ Other _____ |
| 3. | Proof of Ownership Documentation | | | | ☐ Deed of Trust or Mortgage Deed<br>☐ Fee Simple Title<br>☐ 99 Year Leasehold<br>☐ Life Estate<br>☐ Tax Receipt Verifying Ownership<br>☐ Other _____ |
| 4. | Verification of Non-delinquent Tax Receipts | | | | Date paid: |
| 5. | Income and Asset Verification Summary Sheet (must be within 6 months of assistance)<br>Year of Income Limits _____<br>Annual Income $_____<br>Family Size _____ Max Income $_____ | | | | ☐ Check Stub Copies<br>☐ SSI Letters<br>☐ IRS Forms<br>☐ Bank Records<br>☐ Third Party Verification Statement<br>☐ Other: |
| 6. | Approval of OSSF Assistance Notice | | | | |
| 7. | Site-Specific Environmental Review Checklist | | | | |
| 8. | Soil Evaluation Report | | | | |
| 9. | Small Purchase Request Record with Quotes | | | | |
| 10. | Was there an executed contract between the OSSF installer and homeowner? | | | | Date Executed: |
| 11. | Payment Request Contractor Invoices | | | | ☐ Invoices |
| 12. | Change Order Approval | | | | Amount Approved _____ |
| 13. | Warranty with Expiration Date | | | | ☐ Included in Construction Contract<br>☐ Separate Document |
| 14. | Documentation of decommissioned abandoned septic tank, cess pool, seepage pit, etc. | | | | |
| 15. | Copy of Permit issued for OSSF by TCEQ Permitting Authority (e.g., County Health Dept.) | | | | |
| 16. | Certificate of Construction Completion for OSSF Projects Fully Executed | | | | |

**Form A504-OSSF**

# OSSF Small Purchase Procurement Record

Scope of Service/Item Description:

_____

_____

_____

Contacts Made:

| | | | |
|---|---|---|---|
| 1 | _____ Name of Firm/Supplier | _____ Date Contacted | Homeowners Choice (sign & date) |
| | _____ Name of Person Contacted | _____ Quoted Price | |
| 2 | _____ Name of Firm/Supplier | _____ Date Contacted | Homeowners Choice (sign & date) |
| | _____ Name of Person Contacted | _____ Quoted Price | |
| 3 | _____ Name of Firm/Supplier | _____ Date Contacted | Homeowners Choice (sign & date) |
| | _____ Name of Person Contacted | _____ Quoted Price | |

Based on the contacts made concerning the above-referenced scope of services/item description, I acknowledge that the homeowner has chosen _____, to begin work on their home located at _____, on _____, 20____.

_____ _____

Signature of Chief Elected Official Date

**A505-OSSF**

# Texas Department of Agriculture
# OSSF Construction Contract Change Order

| | | |
|---|---|---|
| Locality (Name & Address): | Contract For(project description): | Region:<br><br>TxCDBG Contract No.: |
| Contractor: (Name & Address)<br><br>Agreement Date:<br>Phone #: | Homeowner: (Name & Address)<br><br>Phone #: | Change Order No. |

Owner is requesting TDA review to determine eligibility of change order expenses.

**<u>Changes to Existing Line Items</u> (Items from original bid or added in previous change order only)**

| Item No. | Item Description | Current Quantity | Unit | Unit Price | Change in Quantity (+/-) | Change in Contract Price |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

**<u>New Items Requested</u> (Items without a unit price in the original bid)**
**Provide Explanation (attach separate documentation if necessary):**

| Item No. | Item Description | Unit | Unit Price | Change in Quantity (+/-) | Change in Contract Price |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

| **<u>Change in Contract Price</u>** | **<u>Change in Contract Time</u>** |
|---|---|
| Original Contract Price: $ | Original Contract Time: days |
| Previous Change Order(s)<br>No. to No. $ | Net Change From Previous<br>Change Orders days |
| Contract Price Prior to<br>this Change Order $ | Contract Time Prior to<br>this Change Order days |
| Net Increase/Decrease of<br>this Change Order $ | Net Increase/Decrease of<br>this Change Order days |
| Contract Price With all<br>Approved Change Orders $ | Contract Time With all<br>Approved Change days |
| Cumulative % Change in Contract Price: % | |

**Notice:** * Generally, a cumulative change in the contract price in excess of 25% cannot be approved.
* Reimbursement of costs submitted in this change order are subject to approval by the Department.

**See TxCDBG Project Implementation Manual Section 5.2.5.**

| Region: | TxCDBG Contract No.: |
|---|---|
| Grant Recipient: | Change Order No. |

| **JUSTIFICATION FOR CHANGE** | **Increase** | **Decrease** | **No Change** |
|---|---|---|---|
| 1. Effect of this change on scope of work: | ☐ | ☐ | ☐ |
| 2. Effect on operation and maintenance costs: | ☐ | ☐ | ☐ |
| | **Yes** | **No** | **N/A** |
| 3. Will this Change Order change the number of beneficiaries or TxCDBG contract Performance Statement? If yes, please attach Performance Statement modification request. | ☐ | ☐ | ☐ |
| 4. Has this change created new circumstances or environmental conditions which may affect the project's impact, such as concealed or unexpected conditions discovered during actual construction? | ☐ | ☐ | - |
| If "Yes", is an Environmental Re-assessment required? | ☐ | ☐ | |
| 5. Is the TCEQ clearance still valid? | ☐ | ☐ | ☐ |
| | | | |
| 6. Are other TxCDBG contractual special condition clearance still valid? (If no, specify): | ☐ | ☐ | - |
| 7. If new items are included that were not included in the competitive bid, have the prices been determined to be reasonable? | ☐ | ☐ | ☐ |

| **RECOMMENDED**: | **APPROVED**: | **APPROVED:** | **ACCEPTED**: |
|---|---|---|---|
| **By:**_____ | **By:**_____ | **By:**_____ | **By:**_____ |
| LOCALITY (Designated Representative) | LOCALITY (Chief Elected Official) | HOMEOWNER (Authorized Signature) | CONTRACTOR (Authorized Signature) |
| Date _____ | Date _____ | Date _____ | Date_____ |

To receive an email copy of the TDA response, provide information below:

| | Name | Email address |
|---|---|---|
| Grant Recipient | | |
| Admin Consultant | | |
| Engineering Consultant | | |

| **For office use only:** | **Eligible Change Order** | | |
|---|---|---|---|
| Net Increase/Decrease of this Change Order Requested | $_____ | Net Increase/Decrease of this Change Order Requested | _____ days |
| Net Increase/Decrease of this Change Order Approved | $_____ | Net Increase/Decrease of this Change Order Approved | _____ days |
| Contract Price With all Approved Change Orders | $_____ | Contract Time With all Approved Change Orders | _____ days |
| Notes: | | | |

| | |
|---|---|
| _____ Regional Coordinator | _____ Date |
| _____ Manager | _____ Date |

**A709-OSSF**

# Certificate of Construction Completion for OSSF Projects

(Group Contract)

Grant Recipient: _____ TXCDBG Contract No: _____

This is to certify that a final inspection of the project described below was conducted on the ___ day of _____,_____.

Contract was entered into on the _____ day of ____, ____ between the city/county of _____ and _____ for the construction of _____

This is to further certify that:

1. The work has been completed in accordance with the plans and specifications and all addenda, change orders and supplemental agreements thereto, with the following exceptions: _____

2. The decommissioned sewage system has been rendered inoperable (fully mitigated) in accordance with Title 30, Chapter 285, Subchapter D of the Texas Administrative Code and any applicable local codes.

3. The sum of $ _____, deducted from the final payment to the Contractor is a fair and equitable settlement for the foregoing excepted work.

4. The Contractor has presented on behalf of itself and its sureties, satisfactory evidence that he or she will repair, replace and make good any faulty workmanship and/or materials discovered in the work within a period of ___months from this date, as provided in the Contract.

5.

| | |
|---|---|
| Amount of Original Contract | $_____ |
| Cumulative Change Orders | $_____ |
| Final Amount of Contract | $_____ |
| Less Previous Payments | $_____ |
| Less Deductions (from #2 above) | $_____ |
| FINAL PAYMENT (Balance) | $_____ |

6. The Final Payment in the amount above is now due and payable.

Certified by: *(sign & date below)*

| Local TCEQ Designated Representative | Contractor | Chief Elected Official |
|---|---|---|
| Date | Date | Date |

**A709I-OSSF**

# Certificate of Construction Completion for OSSF Projects

(Individual Homeowner Contract)

Grant Recipient: _____ TXCDBG Contract No: _____

This is to certify that a final inspection of the project described below was conducted on the ___ day of _____,_____.

Contract was entered into on the _____ day of ____, ____ between the city/county of _____ and _____ for the construction of _____

This is to further certify that:

1. The work has been completed in accordance with the plans and specifications and all addenda, change orders and supplemental agreements thereto, with the following exceptions: _____

2. The decommissioned sewage system has been rendered inoperable (fully mitigated) in accordance with Title 30, Chapter 285, Subchapter D of the Texas Administrative Code and any applicable local codes.

3. The sum of $ _____, deducted from the final payment to the Contractor is a fair and equitable settlement for the foregoing excepted work.

4. The Contractor has presented on behalf of itself and its sureties, satisfactory evidence that he or she will repair, replace and make good any faulty workmanship and/or materials discovered in the work within a period of ___months from this date, as provided in the Contract.

5.

| | |
|---|---|
| Amount of Original Contract | $_____ |
| Cumulative Change Orders | $_____ |
| Final Amount of Contract | $_____ |
| Less Previous Payments | $_____ |
| Less Deductions (from #2 above) | $_____ |
| FINAL PAYMENT (Balance) | $_____ |

6. The Final Payment in the amount above is now due and payable.

Certified by: *(sign & date below)*

| | | | |
|---|---|---|---|
| Local TCEQ Designated Representative | Homeowner | Contractor | Chief Elected Official |
| Date | Date | Date | Date |