

2018 TxCDBG Project Implementation Manual

Table of Contents

<u>SECTION A- COMMUNITY DEVELOPMENT</u>		
<u>Program Overview</u>		Page
Program Overview		ii
P.1 CDBG Basics		iii
P.1.1 National Program Objectives (NPO)		iii
P.1.2 Beneficiaries		iii
P.1.3 Eligible Activities		iv
P.1.4 Ineligible Activities		iv
P.1.5 Constitutional Prohibition		v
P.1.6 CDBG Expenditure Parameters		v
P.1.7 Performance Measures		v
P.2 The TxCDBG Program		vi
P.2.1 TxCDBG Funding Cycles		vi
P.2.2 Readiness to Proceed		vi
P.2.3 Recordkeeping/Administration		vii
P.2.4 Complaint Procedures		viii
P.3 The Implementation Manual Structure		viii
<hr/>		
<u>Chapter 1 Administration and Review</u>		
1.1 Project Start-Up		1-2
1.1.1 Pre-Agreement		1-2
1.1.2 Contract Execution		1-3
1.1.3 Establish a Local Administrative Structure		1-3
1.1.4 Administrative Thresholds		1-4
1.2 Reporting and Recordkeeping		1-5
1.2.1 Establish a Recordkeeping System		1-5
1.2.2 Progress Report and Requests for Payment		1-6
1.2.3 Four Month Call/Meeting		1-6
1.2.4 Technical Assistance for Contracts Behind Schedule		1-7
1.2.5 Other Technical Assistance		1-7
<hr/>		
<u>Chapter 2 Financial Management</u>		
2.0 Introduction Federal Cost Guidelines – 2CFR Part 200 Uniform Guidance		2-2
2.1 Accounting Procedures		2-2
2.1.1 Establish Internal Controls		2-2
2.1.2 Conflict of Interest		2-3

2.1.3	Establish/Maintain Document Files and Records	2-5
2.1.4	Establish Responsible Persons	2-5
2.1.5	Direct Deposit Authorization	2-5
2.2	Release of Funds	2-6
2.3	Drawdown Procedures	2-8
2.3.1	Submitting a Request for Payment (A203)	2-8
2.3.2	Minimum Drawdown Requests and Disbursement	2-9
2.3.3	Delays, Ineligible Costs, and Denial of Payment	2-9
2.3.4	Accounting Adjustments	2-10
2.4	Matching Funds	2-11
2.4.1	Acceptability of Matching Funds	2-11
2.4.2	Reducing the Commitment of Matching Funds	2-12
2.4.3	Matching Funds Provided by Other Funding Agencies	2-12
2.5	Program Income	2-13
2.6	Investigation of Fraud Allegations	2-14

Chapter 3 Environmental Review

3.0	Introduction	3-2
3.0.1	Basis of Environmental Review	3-2
3.0.2	Timing of the Environmental Review & Choice Limiting Actions	3-3
3.0.3	Option Contracts	3-3
3.1	Environmental Review Process	3-4
3.2	Environmental Laws and Regulations	3-13
3.2.1	Laws	3-13
3.2.2	Regulations	3-14
3.2.3	Resources	3-14

Chapter 4 Contract Special Conditions

4.0	Introduction	4-2
4.1	Special Conditions – Pre-Construction	4-2
4.1.1	Permit and Approval Certification	4-2
4.1.2	Temporary Project Signage	4-2
4.1.3	Direct Benefit Guidelines	4-3
4.1.4	Colonia Street Lighting Funds	4-3
4.1.5	Projects Involving Model Subdivision Rules/Ordinances (Colonia Fund only)	4-3
4.1.6	Projects involving First-Time Water or Sewer Service Beneficiaries	4-4
4.2	Special Conditions – Project Completion	4-4
4.2.1	Water Well Projects	4-4
4.2.2	Septic System Replacement Projects	4-4
4.2.3	Building, Parking Lot, and Sidewalk Projects	4-5
4.2.4	Projects in a Floodplain	4-5
4.2.5	Projects Requiring Designs/Plans/Specifications	4-5
4.2.6	Projects Requiring Permanent Signage	4-6
4.2.7	Texas Capital Fund Aggregate Benefit	4-6
4.2.8	Community Enhancement Fund Reporting	4-6

Chapter 5 Procurement Procedures

5.1 Introduction	5-2
5.1.1 Methods of Procurement	5-3
5.1.2 Conflict of Interest	5-4
5.2 Competitive Proposals (Administration/Professional Services Contracts)	5-6
5.2.0 Procurement – Admin. Services and the Professional Services of Engineering/Architectural/Surveying	5-6
5.2.1 Choosing a TDA Pre-Qualified Grant Administrator	5-8
5.2.2 Step by Step Selection Procedures for Competitive Proposal	5-11
5.2.3 Contract Provisions	5-17
5.3 Micro-Purchases	5-18
5.4 Construction Services & Materials Contracts	5-18
5.4.1 Small Purchase Procurement	5-19
5.4.2 Step by Step Small Purchase Procedures	5-19
5.4.3 Sealed Bid Procurement	5-20
5.4.4 Step by Step Sealed Bid Procedures	5-20
5.4.5 Required Contract Provisions	5-22
5.4.6 Workers' Compensation Requirements	5-23
5.4.7 Bonding Information	5-24
5.4.8 Changes to a Construction Contract	5-25
5.5 Non-Competitive Proposal Procurement	5-26
5.6 Recordkeeping Procedures	5-27
5.6.0 Records and the Financial Interest Report (FIR)	5-27
5.6.1 Micro-purchases	5-27
5.6.2 Competitive Proposal – Professional Services/Administration Services	5-27
5.6.3 Construction & Material Purchases	5-28
5.7 Federal & State Laws Governing Procurement of Services, Supplies and Non-Real Property	5-28
5.7.1 State Laws & Regulations	5-28
5.7.2 Federal Laws & Regulations	5-29

Chapter 6 Acquisition

6.0 Introduction and Purpose	6-2
6.1 Terms and Definitions	6-3
6.2 Methods of Acquisition	6-5
6.3 Step By Step Procedures	6-5
6.3.1 Determining Voluntary or Involuntary	6-5
6.3.2 Step by Step – Voluntary Acquisitions	6-6
6.3.3 Step by Step Procedures - Involuntary Acquisitions	6-8
6.4 Acquisition and Other Program Requirements	6-11
6.5 Best Practices	6-11
6.6 References and Guidance	6-12

Chapter 7 Davis-Bacon Labor Standards

7.0 Introduction	7-2
7.1 Objectives of Davis-Bacon	7-2
7.2 Procedures for Labor Standards Compliance	7-3

7.2.1	Restitution for Underpayment of Wages	7-8
7.2.2	Labor Disputes	7-9
7.3	Exemptions	7-10
7.4	Recordkeeping Requirements	7-11
7.5	Laws and Regulations	7-11
7.5.1	Laws Regarding Labor Standards	7-11
7.5.2	Davis-Bacon Regulations	7-11
<u>Chapter 8 Force Account Labor</u>		
8.0	Introduction	8-2
8.1	Definition of Force Account	8-2
8.2	Allowable Force Account Costs	8-3
8.2.1	Wages	8-4
8.2.2	Fringe Benefits	8-4
8.2.3	Material Costs	8-4
8.2.4	Equipment Costs	8-5
8.2.5	Other Force Account Costs	8-6
8.3	Force Account Record Keeping	8-6
<u>Chapter 9 {Reserved}</u>		
<u>Chapter 10 Civil Rights Requirements</u>		
I.	SYNOPSIS	10-3
Part A.	Step by Step Civil Rights Requirements at Project Start-Up	10-3
Part B.	Step by Step Civil Rights Requirements after Project Start-Up	10-6
II.	APPLICABLE REQUIREMENTS	10-8
10.1	Citizen Participation Requirements	10-8
10.2	Civil Rights Procedures	10-9
10.2.1	Equal Opportunity (EO) & Non-Discrimination Provisions	10-10
10.2.2	Section 3 Requirements	10-10
10.2.3	Participation by Small, Minority, and Women-Owned Businesses	10-12
10.2.4	Excessive Force Policy	10-13
10.2.5	Section 504 Requirements	10-14
10.2.6	Affirmatively Furthering Fair Housing	10-16
10.2.7	Limited English Proficiency (LEP) Standards	10-17
10.3	Monitoring of Discrimination	10-19
<u>Chapter 11 Contract Amendments</u>		
11.0	Introduction	11-2
11.1	Performance Statement Changes	11-3
11.1.1	Performance Statement Modification	11-3
11.1.2	Performance Statement Amendment requiring Citizen Participation	11-4
11.2	Budget Changes	11-5
11.2.1	Budget Modification	11-5
11.2.2	Budget Amendment	11-5
11.3	Contract Period Extensions	11-6

Chapter 12 Contract Closeout

12.0 Introduction	12-2
12.1 Final Public Hearing	12-2
12.2 Closeout Report	12-3
12.2.1 Part I General Reports	12-3
12.2.2 Part II Performance Report	12-6
12.2.3 Part III Beneficiary Report	12-9
12.2.4 Part IV Final Financial Interest Report (FIR)	12-9
12.2.5 Conditional Project Completion	12-10
12.3 Acceptance of Closeout Reports	12-11

Chapter 13 Monitor Review

13.0 Introduction	13-2
13.1 Monitor Review Methods	13-3
13.1.1 Self-Monitoring Review	13-3
13.1.2 Desk Review	13-4
13.1.3 On-Site Review	13-4
13.1.4 Monitor Checklist	13-5
13.2 Results of the Monitor Review	13-5
13.2.1 Decision Categories	13-5
13.2.2 Non-Compliance Procedures	13-6
13.2.3 Administratively Complete	13-6
13.3 CDBG Contract Support Documents	13-7

Chapter 14 Audit Requirements

14.0 Introduction	14-2
14.1 Types of Audits	14-2
14.1.1 Program Specific Audit	14-2
14.1.2 Single Audit (SA)	14-2
14.1.3 Annual Financial Statement Audit	14-2
14.2 Conducting the Audit & Preparing the Report	14-3
14.3 Audit Tracking & Resolution	14-6
14.3.1 Single Audit Review	14-6
14.3.2 Sanctions for Delinquent Single Audit Requirements	14-8
14.3.3 Audit Costs	14-8
14.4 Laws and Regulations	14-10

SECTION B- PLANNING

B.0 Introduction	B-2
B.1. Planning Procedures – Step by Step	B-3

SECTION C-Housing Rehabilitation

C.0 Introduction	C-2
C.1 Eligible Activities	C-2
C.1.1 Property Eligibility	C-2
C.1.2 Eligible Activities	C-3
C.2 Ineligible Activities	C-4
C.3 Special Requirements	C-4
C.3.1 Beneficiary Report	C-4
C.3.2 Costs	C-4
C.3.3 Required Improvements	C-5
C.3.4 Rehabilitation vs Reconstruction	C-5
C.3.5 Change Orders	C-6
C.3.6 Historic Preservation	C-6
C.3.7 Environmental Review	C-6
C.3.8 Age of Property/Lead-based Paint	C-6
C.4 Steps in Housing Rehabilitation	C-8

SECTION C- Part II - On-Site Sewer Facility (OSSF)

C.0 Introduction	CII-2
C.1 Steps in OSSF Project Delivery	CII-2
C.2 Beneficiary Report	CII-5

SECTION D- Texas Capital Fund

D.0 Introduction	D-2
D.1 Infrastructures & Real Estate Programs	D-2
D.1.1 LMI (Low/Mod) Jobs National Program Objective	D-2
D.1.2 Quarterly Job Creation Reporting Requirements	D-4
D.1.3 Contract Special Conditions Prior to Release of Funds	D-4
D.1.4 Funds Committed by the Business	D-5
D.1.5 Evidence of Business Occupancy	D-6
D.1.6 Repayment Requirements	D-7
D.1.7 Contract Special Conditions Prior to Close-out	D-8
D.1.8 Closeout	D-8
D.2 Downtown Revitalization & Main Street Programs	D-9
D.2.1 Slum/Blight National Program Objective	D-9
D.2.2 Closeout	D-10

SECTION E- SELF HELP CENTERS

E.0 Introduction	E-2
E.1 Colonia Self-Help Center (SHC) Administration	E-2
E.2 Eligible Activities	E-3

SECTION F- STEP FUND

F.0 Introduction	F-2
F. 1 Eligible Activities	F-2

F.2 STEP Procedures	F-3
F.2.1 Allowable Costs	F-3
F.2.2 Force Account	F-5
F.2.3 Pre-Construction STEP Meeting	F-5
F.2.4 Amendments and Modifications	F-5
F.2.5 Closeout	F-5
F.3 Record Keeping and Reporting	F-5
F.3.1 Local Contribution	F-6
F.3.2 Progress Report	F-6
F.3.3 Volunteer Time	F-6
