

CHANGES TO 2019 IMPLEMENTATION MANUAL – 2020 IMPLEMENTATION MANUAL

CHAPTER & SECTION	POLICY ISSUE	DESCRIPTION OF CHANGE
Ch. 1.1.4	Application and 12/24 mo. Thresholds	Added State Urgent Need Fund to the applicant threshold table and changed Disaster Relief Fund references to State Urgent Need Fund. Updated <i>FAST</i> Fund contract period to reflect the change from a 12-month contract term to an 18-month contract term.
Ch. 1.1.5	Public Participation	Added section on public participation.
Ch. 2.1.2	Conflict of Interest	Rearranged existing language and made small additions to language.
Ch. 2.2	Release of funds – Group B Documents	Changed email address submission information for Financial Interest Reports.
Ch. 2.3.1	Submitting a Request for Payment (A203)	Clarification to requirements for submission of support documentation via mail, delivery and email.
Ch. 2.3.3	Ineligible Costs	Clarification adopting broader language for documentation requirements associated with confirmation of first-time service beneficiaries.
Ch. 2.4.1	Acceptability of Matching Funds	Added cost eligibility exception stipulating that costs associated with first-time water/sewer for non-LMI households may count as matching funds at TDA’s discretion.
Ch. 2.4.1	Federal State and Program Requirements	Added clarifying language calling out bulleted items as exceptions.
Ch. 3.0.3	Option Contracts	Addition: “commitment of funds” incorporated into language. Change: commitment of funds and choice limiting actions should be avoided until <u>after TDA has issued a release of funds.</u> Addition: note specifying that any executed instrument, such as an easement document is also considered a choice limiting action.
Ch. 3.1, 8-Step Process, Step 2	Floodplain Management	Addition: Floodplain notices must be published. Posted floodplain notices are not sufficient.
Ch. 3.1, Step 3	SHPO - Historic Preservation Requirements	Added language clarifying that TDA’s determination of a Section 106 waiver request is at the sole discretion of the department and is considered final.

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Ch. 3.1, Step 4	Publication requirements for environmental review process	Deleted requirement specifying publication in a newspaper. Deleted language referring to Limited English Proficiency requirements. Deleted section specifying minimum public comment periods and notice requirements. Added reference to public notice and documentation requirements as detailed in Chapter 1 of the implementation manual. Addition: Form A310 is required for posted notices. Three (3) additional days for public comment period for posted notices. Floodplain notices must be published, not posted.
Ch. 3.1, Step 6	Submit Clearance Documentation to TDA	Clarification: Letters in support of the level of review must come from the Grant Recipient’s Certifying Officer. Addition: The Grant Recipient’s certifying officer must review, acknowledge and sign the HUD checklist(s) prior to publishing the Notice of Intent to Request Release of Funds.
Ch. 4.1.6	Projects Involving First-Time Water or Sewer Beneficiaries	Adopted broader language for the requirement that compels Grant Recipients to document the number of first-time beneficiaries prior to bidding construction. Added language requiring TxCDBG written approval is if fewer than 75% of the beneficiaries proposed in an application do not intend to connect to the TxCDBG funded infrastructure. Changes made to the list of required documentation for approval of first-time service, prior to bidding construction.
Ch. 4.2	Special Conditions	Added reference to Conditional Project Completion Reports, for use in specific circumstances.
Ch. 4.2.8	Reporting	Included the FAST Fund in the existing Community Enhancement Fund Reporting section.
Ch. 5.1.1	Methods of Procurement	Addition: Retainer fees or retainer contracts are not allowable forms of procurement.
Ch. 5.4.4, Step 3	Advertise for Bids	Clarification: Costs associated with advertising may be eligible TxCDBG costs, but they can only be drawn from the administrative activity regardless of purpose.
Ch. 5.4.4	Third Party Procurement Services	Added list of competitive procurement documentation required to be kept on file by the Grant Recipient to document third-party purchases.
Ch. 5.4.9	Performance Bonds & Assignment to New Contractor	Added section describing performance bond requirements and assignability requirements.
Ch. 5.6	Recordkeeping Procedures	Changed Financial Interest Report (FIR) submission instructions.
Ch. 7, 7.2 Step 6	Contract Award	If the construction contract has not been awarded within 90 days after bid opening, any wage decision modification published prior to the award of the construction contract must be effective for that construction contract <u>and a new 10 day call be submitted to TDA.</u>

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Ch. 7, 7.2 Step 11	Submit construction completion reports (COCC & FWCR)	Addition: Failure to submit a fully executed COCC may result in the deobligation of any remaining construction funds, at TDA’s discretion.
Ch. 8.2.4	Equipment Costs	Added clarifying language allowing Grant Recipients to use <u>the most recent FEMA</u> equipment rates for documenting compensation for the use of equipment currently owned by the Grant Recipient.
Ch. 8.3	Material Costs	Deleted: Language requiring that force account documentation, sent as part of a Request for Payment, be printed and mailed and that email attachments won’t be accepted.
Ch. 10, Part A	Civil Rights Requirements	Moved the last two paragraphs of Step 4 (Adopt Policies and Pass Resolutions or Ordinances regarding Civil Rights) to the beginning of the chapter under the Synopsis.
Ch. 10, Part A, Step 6	Civil Rights Publication Requirements	Added reference to detailed instructions regarding public notices and documentation requirements as specified in Chapter 1 of the implementation manual.
Ch. 10	All applicable sections	Updated census website link to data.census.gov in lieu of American FactFinder, which is obsolete.
Ch. 10.2.7	Limited English Proficiency (LEP) Standards	Added language referencing HUD’s FAQ to understand the expectation and purpose of LEP in TxCDBG projects. Updated the instructions to access the appropriate data table (for LEP determinations) on data.census.gov web page
Ch. 11.1	Performance Statement Changes	Clarification: A best practice when providing a map as part of performance statement change request is to mark the service area with black <u>delineating</u> lines.
Ch. 11.1.2	Performance Statement Amendment requiring Citizen Participation	Added reference to detailed instructions regarding public hearings, notices and documentation requirements as specified in Chapter 1 of the implementation manual.
Ch. 11.3	Extensions	Added language clarifying that a request for contract extension will only be considered in two specific circumstances and that a Grant Recipient will have to accept financial penalties (assessed to the administrative line item, regardless of reason) if they don’t comply with both of the listed requirements
Ch. 12.1	Final Public Hearing	Added reference to detailed instructions regarding public hearings, notices and documentation requirements as specified in Chapter 1 of the implementation manual.
Ch. 14.1	Types of Audits	Removed references to “state” financial assistance, “state” programs and “state” awards. The type of audit required is based on the total <u>federal</u> financial assistance, programs and awards.

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Ch. 14.2	Conducting the Single Audit & Preparing the Report	Deleted the list of pages included in the Audit Certification Packet.
Chapter 14.2, Step 1	Audit Certification Packet	Inserted references to “the Simplified” Audit Certification Form. The newly simplified form is located on the TDA website. Inserted language regarding the reporting obligations timeframe and guidance for filling out the form. Provided clarification on when form submission is required. Deleted the CDFA number for TxCDBG contracts and a reference to other methods of submission.
Chapter 14.2, Step 3	Review Financial Documents	Deleted reference requiring submission of Report Submission Checklist when the single audit report is submitted to the Federal Audit Clearinghouse (FAC).
Section B.1, Step 6	Acceptance of Planning Document	Added reference to detailed instructions regarding public hearings, notices and documentation requirements as specified in Chapter 1 of the implementation manual.