



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

Texas Community Development Block Grant Program

Group B, Mid-Point and Group C

Administrator Workshop



Group B Components

What is required:

- **Environmental Performance Report**
- **Acquisition Performance Report**
- **Group B Performance Report:**
 - Section 3 Presentation
 - Temporary Photo
 - Construction Award
 - Build American Buy America
- **Construction MSR**



Buy America, Build America

Infrastructure Investment and Jobs Act

- Signed on November 15th, 2021

Purpose of BABA:

- Stimulate investment in manufacturing
- Bolster supply chains
- Support Jobs creation



Buy America, Build America

Item Description. ³⁴	BABA Requirements Apply to New Awards Beginning
All iron and steel	9/1/2023
Specifically listed construction materials: a. Metals other than iron or steel (non-ferrous metals), b. Lumber, c. Composite building materials, and d. Plastic and polymer-based pipe and tube materials, including PVC pipe.	9/1/2024
All construction materials and manufactured products.	9/1/2025
Items not applicable for BABA documentation: a. Tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the <u>infrastructure project</u> . b. Equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project c. Purchases that are not intended for construction, alteration, maintenance, or repair of infrastructure.	n/a



Buy America, Build America

Documents and Compliance

- **Bid tab details / itemized schedule**
- **BABA Compliance Form – Form A400**
 - Must be updated through the project
 - Must be attached to each Payment Request for construction cost.
- **Written evidence from the manufacturer:**
 - Identifies the item purchased;
 - Affirms the location of manufacture;
 - If signed by an authorized representative



Buy America, Build America



BABA Compliance Form

A400

Instructions: For each bid item subject to Build America, Buy America (BABA), complete the below table with the actual supplier cost, identifying the bid item most closely associated with the item. In the event of a change order, update the quantity to reflect the change. New items subject to BABA and added by change order **MUST** be updated on the below table. **NOTE:** Data may be entered in yellow cells, all other cells are locked.

This form is required to be submitted with EACH payment request where the BABA applicable items are drawn down. The Manufacturer's Certification of BABA compliance is required with the **FIRST** payment request for materials subject to BABA. Select "Attached" when submitting the Manufacturer's Certification. For subsequent payment requests where the Manufacturer's Certification is already on file with TDA, select "Submitted". If a material falls under the de minimus waiver (i.e., less than 5% of total material costs), select, "No, %5".

Grant Agreement #:		Payment Request#:						
Grantee Name:								
	Bid Item #	Description	Unit of Measure	Qty.	Unit Cost	Sub Total	%	Mfg's Certification Included?
1	01A	Steel Tank	LS	1	\$ 100,000.00	\$ 100,000.00	86.96%	Attached
2	02A	Stainless steel pipe	LF	1000	\$ 10.00	\$ 10,000.00	8.70%	Submitted
3	CO-01	Fasteners	LS	1	\$ 5,000.00	\$ 5,000.00	4.35%	No, 5%



Agreement Certification

CAPPS Information

Grant Overview

Amendment

Agreement Special Conditions

Condition	Support Documents	TDA Accepted Date
9. The Grant Recipient must comply with the requirements of the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended, if applicable to the Grant Recipient's infrastructure project. Any funds obligated under this grant agreement are subject to BABA requirements as described in Chapter 4 of the TxCDBG Project Implementation Manual, unless excepted by a waiver.	<input type="button" value="Browse"/> Drag Files Here	<input type="text" value="MM/DD/YYYY"/>



Buy America, Build America

Waiver:

- Grant Recipient must request BABA waiver:
 - Cite the relevant exception
 - Provide a narrative justification and supporting documentation



TDA does not have the authority to waive BABA.
Any project delays due to the waiver process will not be considered for proposed Grant Agreement extensions



GBP-Performance Report

NEW Information Requirement

Performance Report

Group B

▼ Status Options

Cancel Performance Report

▼ Tools

Landing Page

Add/Edit People

Status History

Attachment Repository

Modification Summary

Document Validation

Notes

Upload the following documentation prior to requesting construction funds.

Section 3 Presentation to residents * *Drag Files Here*

Temporary Signage (photo) * *Drag Files Here*

Award Date for construction/primary grant activity, as reported on MSR. * MM/DD/YYYY

All pre-construction special conditions have been satisfied *

Describe all materials used in this project that are NOT subject to BABA requirements, per Chapter 4.



GPC-Performance Report

New Note | Print

CDM24-0009-
GPC-01

Group C

Forms

Performance Report

Group C

Status Options

Submit Report

Tools

Landing Page

Add/Edit People

Status History

Attachment Repository

Modification Summary

Document Validation

Notes

Print Document

Document Messages

Related Documents

Work Completed

I have reviewed the actual work anticipated to be completed, including quantities, and compared those to the grant agreement Exhibit A, Section A (Performance Statement).*

List actual project quantities in the table below as described in the grant agreement.

If additional work items have been added to the project, list the item and identify the Grant Agreement quantity as zero.*

Item	Unit	Grant Agreement Quantity	Construction Contract(s) Quantity, including pending change orders	% Change	TDA Review
<input type="text"/>	<input type="text" value="v"/>	<input type="text"/>	<input type="text"/>	%	<input type="text" value="v"/> <input type="button" value="+"/>

Choose the most appropriate response:*

- All descriptions are appropriate, and quantities are substantially consistent (within 15%).
- An amendment is necessary and has been submitted.
- An amendment is necessary and will be submitted upon completion of the following task(s) currently pending.

Is all construction work for this project performed as Force Account? Yes No*

Special Conditions

I have reviewed the required grant agreement Exhibit A, Section D (Special Conditions):*



GPC-Performance Report

CDM24-0009-
GPC-01

Forms

Performance
Report

Group C

Status
Options

Submit Report

Tools

Landing Page

Add/Edit People

Status History

Attachment Repository

Modification Summary

Document Validation

Notes

Print Document

Document Messages

Related
Documents

Initiate Related Doc

OCSAR

New Note | Print

I have confirmed that the grant recipient has completed the OCSAR (Single-Audit) report. *

NOTE: Consultants cannot view the OCSAR report in TDA-GO, so they should communicate with the grant recipient regarding the status of their OCSAR and/or check the status by pulling the OCSAR status report.

All required OCSAR reports have been submitted.

One or more OCSAR reports are necessary and will be submitted by the date below.

I hereby confirm that the above Work Completed, Special Conditions, and OCSAR information is accurate. *

Signature of Primary Grant Administrator	Title	Date
<input type="checkbox"/>		

Labor Standards

I have completed the Labor Standards Officer tasks to date. *

NOTE: If you cannot confirm any of the tasks below, please contact a TDA labor standards specialist at labors@texasagriculture.gov.

I have reviewed payrolls for all work completed prior to: *

I, or the designated individual, have conducted the required employee interviews. *

I have requested all appropriate wage rates. *

I hereby confirm that the above LSO information is accurate. *

Signature of Labor Standards Officer	Title	Date
<input type="checkbox"/>		



Mid-Point Progress Threshold

Mid-Point Progress Threshold:

- Submit all reports by the Group B date
- TDA will initiate report
- Thirty (30) days to submit
- Initiate MSR

- Forms
 - Performance Report Selection
 - Performance Report
 - Mid-Point Progress
- Status Options
- Tools
- Landing Page
- Add/Edit People
- Status History
- Attachment Repository
- Modification Summary
- Document Validation

The Texas Department of Agriculture (TDA) evaluates open TxCDBG grant projects for compliance with project milestones and agreement special conditions. This grant has reached the milestone identified in the Grant Agreement as *Group B Forms Required to be Complete*. Group B Forms are identified in Chapter 2 of the TxCDBG Project Implementation Manual.

Exhibit A, Section D states:

8. Disbursement of Certain Funds: Funds for construction activities under this Agreement will not be disbursed to Grant Recipient until all requirements identified as Group B in the TxCDBG Project Implementation Manual, Section 2.2, have been satisfied. ***In accordance with Sections 17 and 18 of Exhibit C, the Department may terminate this Agreement immediately if these special conditions are not met by the date identified in the Project Schedule above as Group B Forms Required to be Complete.***

Group B Forms Required to be Complete by: 02/01/2024

To date, information submitted in TDA-GO indicates that the Grant Recipient has failed to meet this key milestone, triggering termination procedures. As a first step towards curing this breach, complete and submit this form within 30 days.

Compliance Status: *

- Near Standard - Procurement for the primary activity is currently underway, including publication of bid ads or appropriate formal steps
- Not Meeting Standard - AUGF, Permits and Clearances are complete, procurement has not begun
- Significantly Non Compliant - AUGF, construction permits, or other clearances are outstanding
- Meeting Standard - TDA-GO documentation has been updated.





Mid-Point Progress Threshold

Provide an explanation of project delays



Engineering design has taken longer than anticipated. Pre Construction Conference was held on 5/16/2024.
A NTP will be issued July 8th once all materials are in.

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Provide a timeline for completion of the project, including all relevant milestones or tasks necessary to complete the project:

Project Milestone	Anticipated Date
All Group B Forms will be Complete *	 07/12/2024
Project Completion *	 10/24/2024

Identify tasks or milestones necessary to successfully complete this project. In particular, identify tasks that must be completed in a particular order, such as purchasing real property prior to bidding construction services.

Other Project-Specific Milestones/Tasks	Anticipated Date of Completion
Pre-Construction Conference	 05/16/2024
NTP	 07/08/2024



Mid-Point Progress Threshold

Provide any other information that TDA should consider when making decisions regarding termination procedures.

MSR-3 will be submitted in the coming days when all subcontractors are finalized.

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TDA Decision:

- Proposed timeline accepted - no grant funds will be disbursed until all Group B Forms have been submitted and approved.
- Proposed timeline accepted with conditions described below
- Proposed timeline not accepted, project is no longer feasible and termination procedures will continue

Approval Conditions / Comments *

MSR 3 for construction and GPB Perf Rpt. submitted and approved. JCM

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In Conclusion

Group B:

- **BABA**
- **GPB Performance Report**

Group C

Mid-Point Progress Threshold

Questions/Comments



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