Community Development Block Grant

Certified Administrator Training

December 1-2, 2020
Welcome future CDBG Administrators:

Please SIGN-IN by providing your name and email in the CHAT BOX
Community Development Division – CDBG Staff Contact Information

Alicia Hibbets, Director of Programs-Monitoring  
(405)815-5385

Christy Davis, Project Manager  
(405)215-5395 / Contracts A-K

Dekoven Edwards, Project Manager  
(405)215-6176 / Contracts L-Z

Kellon Dixon, Planner  
CDBG-CV1 for Small Cities  
(405)215-5626

Debbie Wade, Project Coordinator  
(405)549-0852

Robin Slawson, Senior Program Monitor  
CDBG-EDIF / 2013 Disaster Recovery  
(405)815-5341

Cody Butler, OKGrants Management System  
(405)213-8667
OKLAHOMA DEPARTMENT OF COMMERCE
COMMUNITY DEVELOPMENT BLOCK GRANT
CERTIFIED ADMINISTRATOR TRAINING

DECEMBER 1, 2020
VIRTUAL ZOOM MEETING

AGENDA

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Presenter</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:30 – 8:45</td>
<td>Sign – In, Greeting &amp; Introductions</td>
<td>Debbie Wade</td>
</tr>
<tr>
<td>8:45 – 9:30</td>
<td>Grant Administration/Management Guide/OKGrants</td>
<td>Kellon Dixon</td>
</tr>
<tr>
<td>9:30 – 12:00</td>
<td>Preparing the Environmental Review (ROF) Requirement 401 &amp; Requirement 403</td>
<td>Robin Slawson</td>
</tr>
<tr>
<td>12:00 – 1:00</td>
<td>Lunch (1:00 sign-in with Name into CHAT)</td>
<td>Debbie Wade</td>
</tr>
<tr>
<td>1:00 – 2:00</td>
<td>Environmental Review RROF Checklist (overview)</td>
<td>Robin Slawson</td>
</tr>
<tr>
<td>2:00 – 3:00</td>
<td>Fair Housing, Civil Rights, Section 3, Section 504, Requirement 404</td>
<td>Christy Davis/Debbie Wade</td>
</tr>
<tr>
<td>3:00 – 4:00</td>
<td>Procurement Requirement 405</td>
<td>Dekoven Edwards</td>
</tr>
<tr>
<td>4:00 – 4:30</td>
<td>Overview/Q &amp; A**</td>
<td>Kellon Dixon/Everyone</td>
</tr>
<tr>
<td>4:30</td>
<td>Adjourn</td>
<td></td>
</tr>
</tbody>
</table>

**PLEASE PUT ANY QUESTIONS IN THE CHATBOX FOR DISCUSSION**
Community Development Block Grant
Grant Administrator
Roles and Responsibilities
The Importance of Administrator Training

Must be certified to get hired
HUD guidance may change
Updates to ODOC policies and procedures
Opportunities to gain further insight by networking
Become familiar with ODOC CDBG Project Manager
Administrator Responsibilities

- Public Hearings
  - Two hearings held during project, at application and closeout.
- Environmental Review
  - All projects will require clearance and forms will need to be uploaded to OKGrants
- Release of Funds
- Request for Funds (advance or drawdown request)
- Monthly Expenditure Report (MER)
- Project Files
  - Stay on track of your project by maintaining organized records. There will be two copies of records; grant administrator records and those that need to kept by the sub-recipient.
- Land Acquisition, if applicable
Administrator Responsibilities

- Bid Documents
  - Ensure correct information is provided to contractors for bidding purposes.
  - Maintain records for Notice of Award, pre-construction conference, and notice to proceed
- Weekly Payrolls (construction)
  - Includes reviewing weekly payrolls for Davis Bacon compliance, on-site interviews
- Closeout Documents
  - Assist with ODOC monitoring before closeout
  - Assist in submitting final documents for review/approval by ODOC before closeout
- Economic Development projects
  - Job Tracking & quarterly reporting
Procurement Requirements

Must be CDBG certified

Avoid Self-Procurement

- Self-Procurement Warning- Any certified administrator who engages in the following will be **de-certified**: 
  - Assisting the sub-recipient in the procurement process to gain an advantage in being selected for services
  - Not charging a fee to prepare a CDBG application in order to get hired
Administrator Fee Schedule

• The following schedule may vary depending on the CDBG set aside (ex. Water/Wastewater vs Capital Improvement Planning) so be sure to review contract between ODOC and Sub-recipient. For most set asides you will use the following administrator fee schedule:

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>20%</td>
<td>Release of Funds achieved within 120 days</td>
</tr>
<tr>
<td>5%</td>
<td>Release of Fund achieved after 120 days</td>
</tr>
<tr>
<td>20%</td>
<td>Construction started within 270 days</td>
</tr>
<tr>
<td>5%</td>
<td>Construction started after 270 days</td>
</tr>
<tr>
<td>40%</td>
<td>Construction as project funds are expended (pro rata)</td>
</tr>
<tr>
<td>20%</td>
<td>Submission and acceptance of Final Closeout documents</td>
</tr>
</tbody>
</table>

*20% of activity delivery costs (administrator fees) can be released only IF the release of funds has been obtained within 120 days. Otherwise, only 5% can be released IF after 120 days.*
Administrator Fee Schedule

Capital Improvement Planning (CIP)
- Up to one-third (1/3) of the total grant amount shall be available after the contract has been executed.
- Up to one-third (1/3) of the total grant amount shall be available after the CIP project fieldwork has been completed.
- The balance shall be available at the end of the CIP project.
The OKGrants system is required for each of the following:

- Application submission
- Implementation of entire CDBG project (ex. Release of funds, Advance request, monthly expenditure reports, contract/budget modifications)
- Closeout

Step-by-step walkthroughs can be obtained from within the OKGrants system or on our website okcommerce.gov

- OKGrants Guides
OKGrants Guides + Logon

All funding opportunities require applicants to complete and submit their respective applications and applicable attachments online using the OKGrants Grant Management System. Paper applications are not accepted.

Program Guidance
See program descriptions and guidance documents on the Community Development Block Grants page.

Program Guidance
See program descriptions and guidance documents on the Community Development Block Grants page.

Module Walkthroughs
- Contract Modification
- Request for Funds
- Reimbursement Claim
- Expenditures
- Grant Monitoring
- Closeout

Guides + Manuals
- CDBG Project Management Guide
- CDBG Manual
- OKGrants for New Users
  A brief presentation providing an introduction to the Grant Management System.
- OKGrants FAQ/Troubleshooting
  A selection of answers and hints for the most common questions and issues.
- Status Glossary
  A breakdown of the various document statuses and their meanings.
- OKGrants Subgrantee User Manual
  An in-depth look at the processes and capabilities of the Grant Management System.

For questions regarding the OKGrants Grant Management System contact Cody Butler at 405-213-8667 or cody.butler@okcommerce.gov.
Who should you contact?

For any questions related to application requirements contact a program planner:

- Karen Adair
  - Water and Wastewater
  - Small Cities
  - Economic Development
- Steven Hoover
  - Community Revitalization
  - Rural Economic Action Plan (REAP)
  - Water and Wastewater
- Mike Sexton
  - Capital Improvement Planning
Who should you contact?

For any questions related to project implementation contact an ODOC CDBG Project Manager

- Christy Davis A-K
- Dekoven Edwards L-Z
- Robin Slawson EDIF
Certified CDBG Administrators Directory

Updated regularly to ensure compliance

Must attend at least one CDBG Continuing Education each year to retain certificate (usually held in April and October).

Administrator Directory
Requirement 401 & 403

Release of Funds & Removal of Contract Conditions
HUD Environmental Regulations

24 CFR Part 50: Protection and Enhancement of Environmental Quality
This is HUD’s basic regulation that implements the National Environmental Policy Act (NEPA), the regulations of the Council on Environmental Quality (CEQ), and other related Federal environmental laws and authorities. It applies to environmental reviews performed by HUD.

24 CFR Part 51: Environmental Criteria and Standards
This regulation provides environmental standards for determining project acceptability and necessary measures to insure that activities assisted by HUD achieve the goal of a suitable living environment. The environmental criteria include noise abatement and control, and the siting of HUD-assisted projects near hazardous operations including explosives, flammables, runway clear zones at civil airports, and accident potential zones at military airfields.

24 CFR Part 55: Floodplain Management and Wetlands Protection - This is HUD’s regulations that implements the executive order on development in floodplains.

78 FR 68719 - Floodplain Management and Protection of Wetlands - On 11/15/2013, HUD published a new rule on the regulations governing the protection of wetlands and floodplains. With respect to wetlands, the rule codifies existing procedures for Executive Order 11990, Protection of Wetlands. 24 CFR Part 55 previously did not cover wetlands protection.

24 CFR Part 58: Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities
The procedures outlined in this regulation are used by entities that assume HUD’s environmental review responsibilities in determining program compliance with the intent of the National Environmental Policy Act (NEPA) and other related statutes. Applicable HUD programs under this regulation include only those in which a specific statute allows governing entities to assume the Federal responsibility.

Preparation of Environmental Review

- Obligating or Expending funds on a proposed project prior to the Environmental Review process is an ineligible use of contract funds, this includes ALL funds provided toward the project. The entire project site must be reviewed and project must obtain Environmental Clearance, a Release of Funds Approval, and provided the “Authority to Use Grant Funds” by ODOC.

- 120 days (approx. 4 months) from CDBG Contract Start date, to complete Environmental Review and Request a “Release of Funds” from ODOC. However, the Environmental Review for projects involving federal funds like CDBG should begin the process ASAP.


- IMPORTANT – HUD’s regulations at 24 CFR 58.22 prohibit grant recipients and their partners from committing or spending HUD or non-HUD funds on any activity that could have an adverse environmental impact or limit the choice or reasonable alternatives prior to completion of an environmental review once a project has become “federal”. This prohibition on “choice-limiting actions” prohibits physical activity, including acquisition, rehabilitation, and construction, as well as contracting for or committing to any of these actions. (Please refer to this regulation for further guidance.)
**Level of Review**

**PROJECT DESCRIPTION** capturing the maximum anticipated **scope** of the proposed project not just a single activity that the grant funds are going toward (See regulation 58.32 for project aggregation). Provide a legal description and maps identifying area. (Refer to Engineering Report and/or community information.)

**LEVEL OF REVIEW** – Once the scope of the project is known, you can determine the appropriate level of review. There are five levels of review:

1. **EXEMPT** – For activities listed at **24 CFR 58.34(a)**
2. **CENS T** - Categorically Excluded from NEPA, **not subject to** 58.5 or 50.4 – For activities listed at **24 CFR 58.35(b) and 50.19(b)**
3. **CEST** – Categorically Excluded from NEPA, but **subject to** related laws and authorities at 58.5 or 50.4 – WORKSHEETS (possibly convert project to exempt) – For activities listed at **24 CFR 58.35(a) and 50.20(a)**
4. **EA** – Environmental Assessment – this includes all other projects that **cannot be determined** as Categorically Excluded or Exempt in Part 58 and Part 50.
5. **EIS** – Environmental Impact Statement – Required when an Environmental Assessment concludes in a **FINDING OF SIGNIFICANT IMPACT**. Mostly found when Noise Levels exceed 75 decibels or a project involves 2,500 or more housing units or beds. Refer to **24 CFR 58.37; 50.42; 58.2(a)(3)**
Type of CDBG Application: (Select One)*

- Water/Wastewater Construction
- CDBG REAP
- Community Revitalization
- Water/Wastewater Engineering (Phase I)
- Water/Wastewater Construction (Phase II)
- CIP – Capital Improvement Planning
- Small Cities

Grant Request Amount : $150,000.00

Brief Description of Project

This project is to construct ADA restrooms, install septic system for restrooms, install electrical for restrooms and general area, construct ADA & general public parking & improve the road at County Fair Show Barn. This is a large show barn without restroom facilities or good public parking. In order to made the area accessible and safe for ADA persons and the general public the county is planning to upgrade the road, parking and install fire protection as required by the State Fire Marshal.
OKCommerce.gov

CDBG Project Management Guide
• This guide works best when opened using Firefox program for access to all forms

HUD Environmental Compliance Training

Environmental Compliance Regulation Handbook (2014)

Resources

Certified CDBG Administrators Directory
The directory lists all administrators certified by the Oklahoma Department of Commerce. Only certified administrators may be hired by CDBG grantees.

Project Management Guide
The Community Development Block Grant (CDBG) Project Management Guide is designed for practitioners of local CDBG contracts. By using this manual, grantees will be able to complete a project according to the contract, state, and federal guidelines.

Environmental Review
An Environmental Review process determines whether a CDBG project meets federal, state, and local environmental standards and is required for all HUD-assisted projects. Not every project is subject to a full Environmental Review, but every project must be in compliance with the National Environmental Policy Act (NEPA).

Davis Bacon Principles
The information provided in this presentation was provided to us by The Department of Labor as a public service. This information and related materials are presented to give the public access to information on the Department of Labor programs in relation to Davis Bacon and other relevant data. This presentation is intended as general information only and does not carry the force of legal opinion.

Section 3
The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent possible, provide training, employment, contracting and other economic opportunities to low-and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low and very low-income persons.

Section 3 Opportunity Portal — For compliance with HUD regulations, ODOC encourages that Section 3 residents and Section 3 employers visit the Section 3 Opportunity Portal to search or post jobs.
Flowchart for Environmental Review Procedures (24 CFR Part 58)

**National Environmental Policy Act (NEPA) of 1969**
42 U.S.C. 4321 et seq

**Environmental Review Flow Chart**
Oklahoma Department of Commerce
Community Development Block Grant

**Project Aggregation, Initial Project Planning and Development, Public Meetings, Discussion of Alternatives, etc.**

1. Establish Local Environmental Certifying Officer and Environmental Review Record (ERR)

**Determination of Project Category (Determination must be done for each activity):**

- Exempt – Prepare Form to upload (CFR 58.34a)
- Categorically Excluded (Not Subject to CFR 58.5) – See CFR 58.35b – Prepare Form to upload

**National Environmental Policy Act (NEPA) of 1969**
42 U.S.C. 4321 et seq

**Section 106 Review**
National Historic Preservation Act 36 CFR PART 610

**Floodplain Management Title 24 CFR 55 “8 step process”**

- 1. Categorical Evaluation/Exempt from Notice of Intent to Release of Funds Publication. (See 58.36(c)(1))
- Prepare Form for CEST 58.35 (a)(2)

**Environmental Assessment (CFR 58.36)**

- Document ERR with detailed project description and existing environmental condition.
  Example: New Construction

- Consultation Review Letter to contact agencies (refer to sample letter)
- Prepare CEST Checklist Form
- Determine of: OR
  - Categorically Excluded - Required Mitigation

**Environmental Review Record (ERR)**

   See 58.34(a)(12)

2. Categorically Excluded Subject to CFR 58.35a (CEST)
   Document ERR - Detailed Project Description and Justification for CEST
   1. Rehabilitation
   2. Acquisition
   3. Repairs
   4. Improvements
   5. Infrastucture

3. Determine of Project Category: (Determination must be done for each activity):
   - Document ERR - Detailed Project Description and Justification for CEST
   - Prepare CEST Checklist Form
   - Determine of OR

- Categorically Excluded - Required Mitigation

**Mitigation Documentation (Permits/Conditions/Mitigation)**
(i.e. the 8-step Flood Process)

- Prepare Certification of Categorical Exclusion
- Publish or Post and distribute Notice of Intent Environmental Certification
- Send copy to distribution list

15 or 18 day State level receipt of comments and/or objections

- State approves documentation and funds are released

- If Finding of Significant Impact, follow special Environmental Impact Study Procedures

**Discussion of alternatives (including no action) and their environmental impact**

- Publish or Post and distribute Combined Notice of Intent to Request Release of Funds, Finding of No Significant Impact & complete the Environmental Certification
- Send copy to distribution list

15 or 18 day local level receipt of comments

- As per comments, update ERR as necessary

- Final Decision or Resolution of CEST

**10 or 15 day State level receipt of comments and/or objections**

- State approves documentation and funds are released

- Final Decision or Resolution of CEST

**Request for Authority to Use Grant Funds Checklist**

- Complete and Submit Request for Authority to Use Grant Funds

**Consultation Review Letter to contact agencies (refer to sample letter)**

- Prepare CEST Checklist Form
- Determine of OR

- Categorically Excluded - Required Mitigation

**Environmental Assessment (CFR 58.36)**

- Document ERR with detailed project description and existing environmental condition.
  Example: New Construction

- Consultation Review Letter to contact agencies (refer to sample letter)
- Prepare CEST Checklist Form
- Determine of OR

- Categorically Excluded - Required Mitigation

**Environmental Review Record (ERR)**

   See 58.34(a)(12)

2. Categorically Excluded Subject to CFR 58.35a (CEST)
   Document ERR - Detailed Project Description and Justification for CEST
   1. Rehabilitation
   2. Acquisition
   3. Repairs
   4. Improvements
   5. Infrastructure

3. Determine of Project Category: (Determination must be done for each activity):
   - Document ERR - Detailed Project Description and Justification for CEST
   - Prepare CEST Checklist Form
   - Determine of OR

- Categorically Excluded - Required Mitigation

**Mitigation Documentation (Permits/Conditions/Mitigation)**
(i.e. the 8-step Flood Process)

- Prepare Certification of Categorical Exclusion
- Publish or Post and distribute Notice of Intent Environmental Certification
- Send copy to distribution list

15 or 18 day State level receipt of comments and/or objections

- State approves documentation and funds are released

- If Finding of Significant Impact, follow special Environmental Impact Study Procedures

**Discussion of alternatives (including no action) and their environmental impact**

- Publish or Post and distribute Combined Notice of Intent to Request Release of Funds, Finding of No Significant Impact & complete the Environmental Certification
- Send copy to distribution list

15 or 18 day local level receipt of comments

- As per comments, update ERR as necessary

- Final Decision or Resolution of CEST

**Request for Authority to Use Grant Funds Checklist**

- Complete and Submit Request for Authority to Use Grant Funds

**Consultation Review Letter to contact agencies (refer to sample letter)**

- Prepare CEST Checklist Form
- Determine of OR

- Categorically Excluded - Required Mitigation

**Environmental Assessment (CFR 58.36)**

- Document ERR with detailed project description and existing environmental condition.
  Example: New Construction

- Consultation Review Letter to contact agencies (refer to sample letter)
- Prepare CEST Checklist Form
- Determine of OR

- Categorically Excluded - Required Mitigation

**Mitigation Documentation (Permits/Conditions/Mitigation)**
(i.e. the 8-step Flood Process)

- Prepare Certification of Categorical Exclusion
- Publish or Post and distribute Notice of Intent Environmental Certification
- Send copy to distribution list

15 or 18 day State level receipt of comments and/or objections

- State approves documentation and funds are released

- If Finding of Significant Impact, follow special Environmental Impact Study Procedures

**Discussion of alternatives (including no action) and their environmental impact**

- Publish or Post and distribute Combined Notice of Intent to Request Release of Funds, Finding of No Significant Impact & complete the Environmental Certification
- Send copy to distribution list

15 or 18 day local level receipt of comments

- As per comments, update ERR as necessary

- Final Decision or Resolution of CEST

**Request for Authority to Use Grant Funds Checklist**

- Complete and Submit Request for Authority to Use Grant Funds
Exempt Activities – Debarment Review is required on all Professional Services Contracts paid with CDBG funds. Completed forms should be submitted in OKGrants with Exempt form.

Environmental Review
for Activity/Project that is Exempt or Categorically Excluded Not Subject to Section 58.5
Pursuant to 24 CFR Part 58.34(a) and 58.35(b)

Project Information
Project Name:
Responsible Entity:
Grant Recipient (if different than Responsible Entity):
State/Local Identifier:
Preparer:
Certifying Officer Name and Title:
Consultant (if applicable):
Project Location:
Description of the Proposed Project (24 CFR 58.32; 40 CFR 1508.22):

Engineering design, inspection services for water project. Administrative Services

Level of Environmental Review Determination:

☐ Activity/Project is Exempt per 24 CFR 58.34(a)
☐ Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b)

(3) Administrative costs;
(9) Engineering Design Costs

Funding Information

<table>
<thead>
<tr>
<th>Grant Number</th>
<th>HUD Program</th>
<th>Funding Amount</th>
</tr>
</thead>
</table>

Estimated Total HUD Funded Amount:

This project anticipates the use of funds or assistance from another Federal agency in addition to HUD in the form of (if applicable):

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:

Compliance with 24 CFR §50.4 and §58.6 Laws and Authorities

Record below the compliance or noncompliance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/timeframes of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4 and 58.6

Are formal compliance steps or mitigation required?

Compliance determinations

<table>
<thead>
<tr>
<th>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Runway Clear Zones and Accident Potential Zones</td>
</tr>
<tr>
<td>24 CFR Part 51 Subpart D</td>
</tr>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

| Coastal Barrier Resources                                      |
| Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3301] |
| Yes | No |

| Flood Insurance                                               |
| Yes | No |
Mitigation Measures and Conditions [40 CFR 1505.3(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

<table>
<thead>
<tr>
<th>Law, Authority, or Factor</th>
<th>Mitigation Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Preparer Signature: __________________________ Date: __________

Name/Title/Organization: __________________________

Responsible Entity Agency Official Signature: __________________________ Date: __________

Name/Title: __________________________

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: CFR Part 58.38) and in accordance with recordkeeping requirements for the IUD program(s).
Compliance with 24 CFR §50.4 and §58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates, names, titles of contacts, and page references. Attach additional documentation as appropriate.

<table>
<thead>
<tr>
<th>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4 and 58.6</th>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determinations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Runway Clear Zones and Accident Potential Zones</td>
<td>Yes No</td>
<td>N/A This Activity is not a purchase or sale of an existing property.</td>
</tr>
<tr>
<td>Coastal Barrier Resources</td>
<td>Yes No</td>
<td>N/A Oklahoma is not in a Coastal Barrier Resource Area.</td>
</tr>
<tr>
<td>Flood Insurance</td>
<td>Yes No</td>
<td>N/A Oklahoma Does NOT require Flood Insurance as the State of Oklahoma is a Federal Formulated Grant Funded State from the US Dept. of Housing and Urban Development per 24 CFR Part 58.6(a)(3)</td>
</tr>
</tbody>
</table>

https://www.hudexchange.info/resources/documents/Part-50-CEST-Format.docx
https://www.hudexchange.info/resources/documents/SampleNoticeNOI-RROF.doc
NOTE: Worksheets are used as tool for guidance in preparing and completing the review process for compliance, that in conclusion, the proposed improvements will not cause harm to any of the protected resources. The worksheets are required for completion and submission in OKGrants with all applicable forms for review by ODOC before funds can be used for the activity, i.e., Release of Funds.
Related Federal Laws and Authorities

Choose a topic below to learn more about HUD environmental review compliance with federal related laws and authorities listed at 24 C.F.R 160.4, 58.5, and 58.6.

Find by Topic

- Air Quality
- Airport Hazards
- Coastal Barrier Resources
- Site Contamination
- Sole Source Aquifers

- Coastal Zone Management
- Endangered Species
- Environmental Justice
- Wetlands Protection
- Wild and Scenic Rivers

- Explosive and Flammable Facilities
- Farmlands Protection
- Flood Insurance

- Floodplain Management
- Historic Preservation
- Noise Abatement and Control

City/County Letterhead

(Date)

(Environmental Review Agency)

Re: [Grant Recipient]  
(Project)

(Salutation)

[Grant Recipient] has received a Community Development Block Grant (CDBG) from the Oklahoma Department of Commerce (ODOC) for [project]. Compliance with the National Environmental Protection Act of 1969 (NEPA) and the Environmental Review Procedures for CDBG, 24 CFR 58 is required. The environmental review must cover the following areas: Historic Properties, Floodplains, Wetlands, Noise, Manmade Hazards, Air Quality, Water Quality, Endangered Species, Farmlands protection, Wild and Scenic Rivers, Solid Waste, Fish and Wildlife, Environmental Justice and tribal interests.

A detailed project description and a location map of the project are enclosed. The [Grant Recipient] has determined that this project will have no significant impact on environmental impacts of concern to [historic properties, endangered species etc.]. Please reply with your concurrence or non-concurrence of our determination.

Your immediate attention to this request will be appreciated. If you have any questions or need additional information, please contact [name of contact person] at [telephone number].

Sincerely,

[Name of Sender]  
[Title of Sender]

Attached:  
Project Description and Project Site Location Map
Executive Order 11988 - Floodplain Management requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable. The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs).

100-year floodplain means the floodplain of concern for this part and is the area subject to a one percent or greater chance of flooding in any given year. The area is designated on a Flood Insurance Rate Map (FIRM) under FEMA regulations as Zone A1–30, AE, A, AH, AO, AR, or A99.

If the project occurs in a 100-year floodplain (A Zone), an 8-Step Process is required unless it is inapplicable per 55.12(b) or if the 5-Step Process is applicable per 55.12(a).

If the project occurs in a 500-year floodplain (B Zone or shaded X Zone), the 8-Step Process is required for critical actions unless it is inapplicable per 55.12(b) or if the 5-Step Process is applicable per 55.12(a). If the project occurs in a floodway, federal assistance may not be used at this location unless the project is a functionally dependent use or a 55.12(c) exception applies. The 8-Step Process is required.
<table>
<thead>
<tr>
<th>Type of proposed action (new reviewable action or an amendment)</th>
<th>Floodways</th>
<th>Coastal high hazard areas</th>
<th>Wetlands or 100-year floodplain outside coastal high hazard area and floodways</th>
<th>Non-wetlands area outside of the 100-year and within the 500-year floodplain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Critical Actions as defined in §55.12(b)(2)</td>
<td>Critical actions not allowed.</td>
<td>Critical actions not allowed.</td>
<td>Allowed if the proposed critical action is processed under §55.20.</td>
<td>Allowed if the proposed critical action is processed under §55.20.</td>
</tr>
<tr>
<td>Noncritical actions not excluded under §55.12(b) or (c)</td>
<td>Allowed only if the proposed non-critical action is a functionally dependent use and processed under §55.20.</td>
<td>Allowed only if the proposed noncritical action is processed under §55.20 and is (1) a functionally dependent use, (2) existing construction (including improvements), or (3) reconstruction following destruction caused by a disaster. If the action is not a functionally dependent use, the action must be designed for location in a Coastal High Hazard Area under §55.1(c)(3)</td>
<td>Allowed if proposed noncritical action is processed under §55.20.</td>
<td>Any noncritical action is allowed without processing under this part</td>
</tr>
</tbody>
</table>

1Under Executive Order 11990, the decision-making process in §55.20 only applies to Federal assistance for new construction in wetlands locations.

2Or those paragraphs of §55.20 that are applicable to an action listed in §55.12(a).
8-Step Decision-Making Process for Executive Order 11988

STEP 1: Determine if the proposed action is in the base floodplain
**AVOID FLOODPLAIN DEVELOPMENT IF POSSIBLE**

STEP 2: Early public review

STEP 3: Identify and evaluate alternatives to locating in the base floodplain
- Non-floodplain alternative
- Floodplain proposal

STEP 4: Identify impacts of proposed action

STEP 5: Minimize harm and restore and preserve natural and beneficial values
**Substitute 500 year floodplain for base floodplain for critical actions**

STEP 5a: Reevaluate alternatives
- In the base floodplain

STEP 6: Implement proposed action in compliance with minimization plans and flood insurance requirements
**Limit action - Return to Step 2**

STEP 7: Findings and public explanation

STEP 7a: Does the action have (a) impacts in the base floodplain [See also 24 CFR 55.12(c)(6)] or (b) indirectly support floodplain development?

Yes
- Does the action have (a) impacts in the base floodplain [See also 24 CFR 55.12(c)(6)] or (b) indirectly support floodplain development?

No
- No action
- Return to Step 3
FEMA Flood Map Service Center: Search By Address

Enter an address, place, or coordinates: 

900 N. Stiles Ave., Oklahoma City, OK 73104

Search

To find your flood map, enter an address, a place, or a set of longitude/latitude coordinates. The map will zoom in and show the boundaries of the flood map for the chosen location. You can also use the map to navigate to a place of interest using the pan and zoom functions. When a specific flood map is selected, view and download options for that map will appear.

Locator Map
§55.12 Inapplicability of 24 CFR part 55 to certain categories of proposed actions. (5-STEP)

(a) The decision-making steps in §55.20(b), (c), and (g) (steps 2, 3, and 7) do not apply to the following categories of proposed actions (1, 2, 3 are housing related):

(4) HUD's or the recipient's actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures, in communities that are in the Regular Program of the NFIP and are in good standing, provided that the action does not meet the thresholds for “substantial improvement” under §55.2(b)(10) and that the footprint of the structure and paved areas is not significantly increased.

(b) The decision-making process in §55.20 shall not apply to the following categories of proposed actions:

(3) The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, but only if:

(i) The property is cleared of all existing structures and related improvements;

(ii) The property is dedicated for permanent use for flood control, wetland protection, park land, or open space; and

(iii) A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland from future development.

(4) An action involving a repossession, receivership, foreclosure, or similar acquisition of property to protect or enforce HUD's financial interests under previously approved loans, grants, mortgage insurance, or other HUD assistance;

(5) Policy-level actions described at 24 CFR 50.16 that do not involve site-based decisions;

(6) A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland;

(7) HUD's or the responsible entity's approval of a project site, an incidental portion of which is situated in an adjacent floodplain, including the floodway or Coastal High Hazard Area, or wetland, but only if:

(i) The proposed construction and landscaping activities (except for minor grubbing, clearing of debris, pruning, sodding, seeding, or other similar activities) do not occupy or modify the 100-year floodplain (or the 500-year floodplain for critical actions) or the wetland;

(ii) Appropriate provision is made for site drainage that would not have an adverse effect on the wetland; and

(iii) A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland;

(8) HUD's or the responsible entity's approval of financial assistance for a project on any non-wetland site in a floodplain for which FEMA has issued:

(i) A final Letter of Map Amendment (LOMA), final Letter of Map Revision (LOMR), or final Letter of Map Revision Based on Fill (LOMR-F) that removed the property from a FEMA-designated floodplain location; or

(ii) A conditional LOMA, conditional LOMR, or conditional LOMR-F if HUD or the responsible entity's approval is subject to the requirements and conditions of the conditional LOMA or conditional LOMR:
Floodplain & Wetland Notices

[Note: May also be combined with other notices such as state floodplain or wetland notices so long as it contains the required information]

To: All interested Agencies [Include all Federal, State, and Local], Groups and Individuals

This is to give notice that [HUD under part 50 or Responsible Entity under Part 58] has determined that the following proposed action under [Program Name] and [HUD grant or contract number] is located in the [100-year/500-year floodplain/wetland], and [HUD or the Responsible Entity] will be identifying and evaluating practicable alternatives to locating the action in the [floodplain/wetland] and the potential impacts on the [floodplain/wetland] from the proposed action, as required by [Executive Order 11988 and/or 11990], in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands. [Describe the activity, e.g., purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain/wetland, natural and beneficial values potentially adversely affected by the activity]. [State the total number of acres of floodplains/wetland involved].

[HUD or Responsible Entity] has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: [List (i) ALL of the reasons why the action must take place in a floodplain/wetland, (ii) alternatives considered and reasons for non-selection, (iii) all mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values] [Cite the date of any final or conditional LOMC’s or LOMA’s from FEBA where applicable] [Acknowledge compliance with state and local floodplain/wetland protection procedures]

[HUD or Responsible Entity] has evaluated the alternatives to building in the [floodplain/wetland] and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 to 6 of [Executive Order 11988 and/or 11990], are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in [floodplains/wetlands] and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative sites outside of the [floodplain/wetland], alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about [floodplains/wetlands] can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in [floodplains/wetlands], it must inform those who may be put at greater or continued risk.

Written comments must be received by [HUD or Responsible Entity] at the following address on or before [month, day, year][a minimum 15 calendar day comment period will begin the day after the publication and end on the 16th day after the publication] [HUD or Responsible Entity], [Address] and [phone number]. Attention: [Name of Certifying Officer or designee], [Title]. A full description of the project may also be reviewed from [enter available office hours] at [address or state address is same as above] and [web address if available]. Comments may also be submitted via email at [email address].

Date:

Final Notice and Public Explanation of a Proposed Activity in a [100-Year/500-year Floodplain or Wetland]

To: All interested Agencies [Include all Federal, State, and Local], Groups and Individuals

This is to give notice that the [HUD under part 50 or Responsible Entity under Part 58] has conducted an evaluation as required by [Executive Order 11988 and/or 11990], in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded under the [Program Name] under [HUD grant or contract number]. The proposed project is located at [address or state address is same as above] in [Name of City], [Name of County]. [Describe the activity, e.g., purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain/wetland, natural values]. [State the total number of acres of floodplains/wetland involved].

[HUD or Responsible Entity] has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: [List (i) ALL of the reasons why the action must take place in a floodplain/wetland, (ii) alternatives considered and reasons for non-selection, (iii) all mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values] [Cite the date of any final or conditional LOMC’s or LOMA’s from FEBA where applicable] [Acknowledge compliance with state and local floodplain/wetland protection procedures]

[HUD or Responsible Entity] has evaluated the alternatives to building in the [floodplain/wetland] and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 to 6 of [Executive Order 11988 and/or 11990], are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in [floodplains/wetlands] and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative sites outside of the [floodplain/wetland], alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about [floodplains/wetlands] can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in [floodplains/wetlands], it must inform those who may be put at greater or continued risk.

Written comments must be received by [HUD or Responsible Entity] at the following address on or before [month, day, year][a minimum 7 calendar day comment period will begin the day after the publication and end on the 8th day after the publication] [Name of Administrator], [Address] and [phone number]. Attention: [Name of Certifying Officer or designee], [Title]. A full description of the project may also be reviewed from [enter available office hours] at [address or state address is same as above] and [web address if available]. Comments may also be submitted via email at [email address].

Date:
Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5
Pursuant to 24 CFR 58.35(a)

Project Information

Project Name:

Responsible Entity:

Grant Recipient (if different than Responsible Entity):

State/Local Identifier:

Preparer:

Certifying Officer Name and Title:

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable):

Direct Comments to:

Project Location:

Description of the Proposed Project [24 CFR 58.12 & 58.32, 40 CFR 1508.23]:

Level of Environmental Review Determination:
Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5.

Funding Information

Grant Number | HUD Program | Funding Amount
---|---|---

Estimated Total HUD Funded Amount:

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities
Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<table>
<thead>
<tr>
<th>Compliance Factors</th>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determinations</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airport Hazards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 CFR Part 51 Subpart D</td>
<td>Yes No</td>
<td></td>
</tr>
<tr>
<td>Coastal Barrier Resources</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coastal Barrier Resources Act, as amended by the Coastal Barrier Resources Improvement Act of 1990 [16 USC 3701]</td>
<td>Yes No</td>
<td></td>
</tr>
<tr>
<td>Flood Insurance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</td>
<td>Safe Drinking Water Act of 1974, as amended; particularly section 1423(a); 40 CFR Part 149</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Clean Air</td>
<td>Yes No</td>
<td></td>
</tr>
<tr>
<td>Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Part 6, 51, 93</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coastal Zone Management</td>
<td>Yes No</td>
<td></td>
</tr>
<tr>
<td>Coastal Zone Management Act, sections 307(c) &amp; (d)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contamination and Toxic Substances</td>
<td>Yes No</td>
<td></td>
</tr>
<tr>
<td>24 CFR Part 50.30 &amp; 58.50(d)(7)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endangered Species</td>
<td>Yes No</td>
<td></td>
</tr>
<tr>
<td>Endangered Species Act of 1973, particularly sections 7, 30 CFR Part 402</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Explosive and Flammable Hazards</td>
<td>Yes No</td>
<td></td>
</tr>
<tr>
<td>24 CFR Part 51 Subpart C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farmlands Protection</td>
<td>Yes No</td>
<td></td>
</tr>
<tr>
<td>Farmland Protection Policy Act of 1991, particularly sections 1504(b) and 1541, 7 CFR Part 608</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floodplain Management</td>
<td>Yes No</td>
<td></td>
</tr>
<tr>
<td>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Historic Preservation</td>
<td>Yes No</td>
<td></td>
</tr>
<tr>
<td>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 808</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noise Abatement and Control</td>
<td>Yes No</td>
<td></td>
</tr>
<tr>
<td>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sods Source Aquifers</td>
<td>Yes No</td>
<td></td>
</tr>
</tbody>
</table>

**ENVIRONMENTAL JUSTICE**

<table>
<thead>
<tr>
<th>Environmental Justice</th>
<th>Yes No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Order 12898</td>
<td></td>
</tr>
</tbody>
</table>

**Field Inspection (Date and completed by):**

Summary of Findings and Conclusions:

**Mitigation Measures and Conditions [40 CFR 1505.3(c)]:**

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

<table>
<thead>
<tr>
<th>Law, Authority, or Factor</th>
<th>Mitigation Measure</th>
</tr>
</thead>
</table>

**Determination:**

- This categorically excluded activity/project converts to Exempt, per 38.34(a)(12) because there are no circumstances which require compliance with any of the federal laws and authorities cited at
§58.5 Funds may be committed and drawn down after certification of this part for this (now) exempt project, OR

☐ This categorically excluded activity/project cannot convert to Exempt because there are circumstances which require compliance with one or more federal laws and authorities cited at §58.5. Complete consultation/mitigation protocol requirements, publish NO/RRF and obtain "Authority to Use Grant Funds" (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR

☐ This project is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature: __________________________ Date: ________

Name/Title/Organization: _______________________________________

_______________________________________________________________

Responsible Entity Agency Official Signature:

________________________________________ Date: ________

Name/Title: _________________________________

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).
Finalizing the Review

The following are the steps for finalizing a Part 58 review:

- Obtain the necessary signatures to complete the review.
- Publish or post a Notice of Intent to Request a Release of Funds (NOI-RROF) (applies to CEST, EA, and EIS).
- Publish or post a Notice of Finding of No Significant Impact (Notice of FONSI) if necessary (EA only); this can be combined with the NOI-RROF.
- Wait for the applicable comment period to elapse (see chart below or 24 CFR 58.45).
- Submit the Request for Release of Funds form (7015.15) to HUD (CEST, EA, and EIS).
- HUD will approve the release of funds with an Authority to Release Grant Funds (HUD form 7015.16) after the HUD 15-day public comment period if no valid objections are received.

<table>
<thead>
<tr>
<th>Type of Notice</th>
<th>Level of Review</th>
<th>Length of Comment Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice of Intent to Request for Release of Funds (NOI-RROF)</td>
<td>CEST, EA, and EIS</td>
<td>7 days when published&lt;br&gt;Or 10 days when only mailing and posting</td>
</tr>
<tr>
<td>Notice of FONSI</td>
<td>EA only</td>
<td>15 days when published&lt;br&gt;Or 18 days when mailing and posting</td>
</tr>
<tr>
<td>Concurrent or combined notices</td>
<td>EA only</td>
<td>15 days when published&lt;br&gt;Or 18 days when mailing and posting</td>
</tr>
</tbody>
</table>

Part 50 reviews require the appropriate certifications by HUD staff, which may include the preparer, the supervisor, the environmental clearance officer or field environmental officer if the project involves over 200 lots, units or beds, and the program director. HUD staff will inform the project managers when the environmental review is complete.

In the above Example, replace HUD with ODOC.
Sample Notice of Intent to Request a Release of Funds

The sample language below is HUD’s recommended wording of the Notice of Intent to Request a Release of Funds. This Notice is used to request the environmental release of funds for Categorically Excluded projects [24 CFR Part 58, Section 58.35(a)] or for projects for which a Notice of Finding of No Significant Impact was previously issued. Words in bold type are required language. Words in italics are to be replaced by language appropriate to the particular project and Responsible Entity. The minimum comment period is seven days following publication or ten days if posting and mailing without publication is used.

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Notice

Name of Responsible Entity [RE]

Address (e.g., Street No. or P.O. Box)

City, State, Zip Code

Telephone Number of RE

On or about at least one day after the end of the comment period the name of RE will if the RE is not also the grant recipient, insert the following language here: “authorize the [name of grant recipient] to submit a request to the HUD/State administering agency for the release of name of grant program funds under Title/Section [ ] of the Act of [year], as amended, to undertake a project known as project title for the purpose of nature/Scope of project, estimated funding (include non-HUD funding sources if applicable) and project location if applicable.

The activities proposed alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 55 from National Environmental Policy Act (NEPA) requirements or alternative #2: comprise a project for which a Finding of No Significant Impact on the environment was [published/posted] on [date of Finding publication/posting]. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review and may be examined or copied weekdays _A_M to _P_M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the RE designated office responsible for receiving and responding to comments. All comments received by [date] will be considered by the name of RE prior to authorizing submission of a request for release of funds.

ENVIRONMENTAL CERTIFICATION

The name of RE certifies to HUD/State that name of Certifying Officer in his/her capacity as Official Title consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD’s State’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the name of grant recipient to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD/State will accept objections to its release of fund and the RE’s certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the name of RE; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD/State; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD/State administration office at address of that office. Potential objects should contact HUD/State to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

Note: The seven or ten-day public comment periods are the minimum time periods required by regulation prior to submission of a Request for Release of Funds and Certification [form HUD-7015.15] to HUD/State. The Responsible Entity may choose to allow a longer comment period. The fifteen-day objection period following submission of the request is a statutory requirement. The objection period follows the submission date specified in the Notice or the actual date of receipt by HUD/State, whichever is later. Following completion of the comment period recipients may FAX the form HUD-7015.15 to HUD/State together with a copy of the public notice and a cover letter stating whether comments were received and, if so, how the recipient responded to the comment. The Request for Release of Funds and Certification should not be submitted before the recipient has responded. If the request is sent by FAX, the original signed form should be mailed to HUD/State. The date of receipt by FAX will be counted as the submission date. However, HUD will not issue the 7015.16 “Authority to Use Grant Funds” until after the original signed form is received.
Environmental Assessments are prepared under the National Environmental Policy Act to determine whether a project requires an environmental impact statement or a finding of no significant impact. When conducting an environmental assessment for a HUD-assisted project, refer to the resources below for guidance.

NEPAssist is a tool that facilitates the environmental review process and project planning in relation to environmental considerations. The web-based application draws environmental data dynamically from EPA’s Geographic Information System databases and web services and provides immediate screening of environmental assessment indicators for a user-defined area of interest. These features contribute to a streamlined review process that potentially raises important environmental issues at the earliest stages of project development.

https://www.epa.gov/nepa/nepassist

Part 58 Environmental Assessment Form
The recommended format for conducting Part 58 environmental assessments.

Environmental Assessment Factors and NEPA Analysis
In addition to compliance with the laws and authorities at 24 CFR 58.6 and 58.5 (also known as the Statutory Checklist), environmental assessments must consider an array of additional potential impacts of the project. This resource lists the additional environmental assessment factors and National Environmental Policy Act (NEPA) analysis that would be required of an environmental assessment for HUD-assisted projects. Note: This document presents only the factors not included in a categorically excluded, subject to (CEST) review and should be used for reference only.

Environmental Assessment Factors Guidance
One component of the environmental assessment is an analysis of the project’s impacts on land development, socioeconomic factors, community facilities and services, and natural features. (See the Environmental Assessment Factors section of the recommended form or the Environmental Assessment Factors and NEPA Analysis reference document). This document provides guidance on how to analyze each of those factors.

ENERGY.GOV Website
The Office of NEPA Policy and Compliance provides guidance and requirement documents to the NEPA community https://www.energy.gov/nepa/nepa-guidance-requirements.

**Environmental Assessment**  
**Determinations and Compliance Findings for HUD-assisted Projects**  
**24 CFR Part 58**

### Project Information

**Project Name:**

**Responsible Entity:**

**Grant Recipient (if different than Responsible Entity):**

**State/Local Identifier:**

**Preparer:**

**Certifying Officer Name and Title:**

**Grant Recipient (if different than Responsible Entity):**

**Consultant (if applicable):**

**Direct Comments to:**

### Project Location:

**Description of the Proposed Project** [24 CFR 50.12 & 58.32; 40 CFR 1508.23]:

### Statement of Purpose and Need for the Proposal** [40 CFR 1508.9(b)]:

### Existing Conditions and Trends** [24 CFR 58.40(a)]:

### Funding Information

<table>
<thead>
<tr>
<th>Grant Number</th>
<th>HUD Program</th>
<th>Funding Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Estimated Total HUD Funded Amount:**

**Estimated Total Project Cost (HUD and non-HUD funds)** [24 CFR 58.32(d)]:

### Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/timelines/titles of contacts, and page references. Attach additional documentation as appropriate.

<table>
<thead>
<tr>
<th>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24</th>
<th>Are formal compliance steps or</th>
<th>Compliance determinations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Statutes, Executive Orders, and Regulations Listed at 24 CFR 50.4 and 58.6</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Airport Hazards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 CFR Part 51 Subpart D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coastal Barrier Resources</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coastal Barrier Resource Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 2501)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flood Insurance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 (42 USC 4001-4123 and 42 USC 5164a)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Statutes, Executive Orders, and Regulations Listed at 24 CFR 50.4 &amp; 58.5</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clean Air</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clean Air Act, as amended, particularly section 110(c) &amp; (d); 40 CFR Parts 6, 51, 93</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coastal Zone Management</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coastal Zone Management Act, sections 50(c) &amp; (d)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contamination and Toxic Substances</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 CFR Part 59.30I &amp; 59.30I(C)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endangered Species</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 482</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Explosive and Flammable Hazards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 CFR Part 51 Subpart C</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Farmlands Protection</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 655</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floodplain Management</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Historic Preservation</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noise Abatement and Control</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Safe Drinking Water Act of 1974, as amended, particularly section 1424(c); 40 CFR Part 149</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wetlands Protection</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Order 11990, particularly sections 2 and 5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wild and Scenic Rivers</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Justice</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Justice</td>
<td>Executive Order 12898</td>
<td></td>
</tr>
</tbody>
</table>

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.881508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposal action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and
supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates, names, titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. All conditions, attenuation or mitigation measures have been clearly identified.

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.
(1) Minor beneficial impact
(2) No impact anticipated
(3) Minor Adverse Impact—May require mitigation
(4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

<table>
<thead>
<tr>
<th>Environmental Assessment Factor</th>
<th>Impact Code</th>
<th>Impact Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAND DEVELOPMENT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conformance with Plans / Compatible Land Use and Zoning / Solar and Urban Design</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soil Suitability / Slope / Erosion / Drainage / Storm Water Runoff</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hazards and Mitigations including Site Safety and Noise</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy Consumption</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Assessment Factor</th>
<th>Impact Code</th>
<th>Impact Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOCIOECONOMIC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment and Income Patterns</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Demographic Character Changes, Displacement</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Assessment Factor</th>
<th>Impact Code</th>
<th>Impact Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMUNITY FACILITIES AND SERVICES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational and Cultural Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health Care and Social Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solid Waste Disposal / Recycling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste Water / Sanitary Sewers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Supply</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Safety - Police, Fire and Emergency Medical</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks, Open Space and Recreation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation and Accessibility</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Assessment Factor</th>
<th>Impact Code</th>
<th>Impact Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>NATURAL FEATURES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unique Natural Features, Water Resources</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vegetation, Wildlife</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Factors</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Additional Studies Performed:

Field Inspection (Date and completed by):
List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)];

List of Permits Obtained:

Public Outreach [24 CFR 58.23 & 58.43]:

Cumulative Impact Analysis [24 CFR 58.32]:

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

No Action Alternative [24 CFR 58.40(e)];

Summary of Findings and Conclusions:

Mitigation Measures and Conditions [40 CFR 1505.3(c)]
Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

<table>
<thead>
<tr>
<th>Law, Authority, or Factor</th>
<th>Mitigation Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Determination:

☐ Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

☐ Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature: ___________________________ Date: __________
Name/Title/Organization: _______________________________________

Certifying Officer Signature: ___________________________ Date: __________
Name/Title: __________________________________________

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).
Sample Notice of Finding of No Significant Impact and Notice of Intent to Request a Release of Funds

The sample language below is HUD’s recommended wording of the combined Notice of Finding of No Significant Impact and Notice of Intent to Request a Release of Funds. This Notice is used for projects requiring an Environmental Assessment (24 CFR Part 58, Section 58.30). Words in bold type are required language. Words in italics are to be replaced by language appropriate to the particular project and Responsible Entity.

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Notice

Name of Responsible Entity [RE]

Address (e.g., Street No. or P.O. Box)

City, State, Zip Code

Telephone Number of RE

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the name of RE or grant recipient.

REQUEST FOR RELEASE OF FUNDS

On or about at least one day after the end of the comment period the name of RE will if the RE is not also the grant recipient, insert the following language here: “authorize the [name of grant recipient] to submit a request for the HUD/State administering agency to release of name of grant program funds under Title/Section [ ] of the name of the Act of year,” as amended, to undertake a project known as project title for the purpose of nature/Scope of project, estimated funding (include non-HUD funding sources if applicable) and project location if applicable.

FINDING OF NO SIGNIFICANT IMPACT

The name of RE has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review and may be examined or copied weekdays._.__M to _.__M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the RE designated office responsible for receiving and responding to comments. All comments received by if notice is published: publication date plus fifteen days; if notice is mailed and posted: mailing and posting date plus eighteen days will be considered by the name of RE prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The name of RE certifies to HUD:State that name of Certifying Officer in his/her capacity as Official Title consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD’s State’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the name of grant recipient to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD/State will accept objections to its release of fund and the RE’s certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the name of RE; (b) the RE has omitted a step or failed to make a decision or finding required by 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD/State; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD/State administration office at address of that office. Potential objectors should contact HUD/State to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

Note: The fifteen or eighteen-day public comment periods are the minimum time periods required by regulation prior to submission of a Request for Release of Funds and Certification (form HUD-7015.15) to HUD/State. The Responsible Entity may choose to allow a longer comment period. 24 CFR Part 58 requires, at Section 58.46, “Time delays for exceptional circumstances,” a 30-day comment period for controversial or unique projects or those similar to projects normally requiring preparation of an Environmental Impact Statement. The fifteen-day objection period is a statutory requirement. The objection period follows the submission date specified in the Notice or the actual date of receipt by HUD/State, whichever is later.

Following completion of the comment period recipients may FAX the form HUD-7015.15 to HUD/State together with a copy of the public notice and a cover letter stating whether comments were received and, if so, how the recipient responded to the comment. The Request for Release of Funds and Certification should not be submitted before the recipient has responded. If the request is sent by FAX, the original signed form should be mailed to HUD/State. The date of receipt by FAX will be counted as the submission date. However, HUD will not accept the 7015.16 “Authority to Use Grant Funds” until after the original signed form is received.
Request for Release of Funds – This form 7015.15 must be completed and provided with the entire Environmental Review Record to the Chief Elected Official for review, approval, and execution of all the required documents for submission in OKGrants. The Chief Elected official is the sole responsible party for the review as well as the grant performance and compliance. This form is required for CEST or Assessment activities where a Posting to the Public occurred. Once submitted, ODOC must hold the request for a 15 day comment period.
Community Development Block Grant
Release of Funds Checklist (prepare & upload to OKGrants)

Grant Recipient Name:
CDBG Contract Number:
Project Description:

<table>
<thead>
<tr>
<th>Determine Level of Environmental Review - Please complete separate environmental forms for each applicable activity, Reference CDBG Sub-recipient Management Guide and Forms:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Exempt Activity - Complete and upload form into OKGrants</td>
</tr>
<tr>
<td>a. Part 50 Environmental Review - Exempt: [Weblink]</td>
</tr>
<tr>
<td>b. Part 50 Environmental Review - Exempt or Categorical Excluded: [Weblink]</td>
</tr>
<tr>
<td>c. Categorically Excluded Subject to 50.5 Complete and upload Categorically Excluded not subject to Section 50.5 Form (Pursuant to 24 CFR Part 50.5(b):)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submitted Items</th>
<th>Reviewed Items</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a.</td>
<td>1b.</td>
</tr>
<tr>
<td>2a.</td>
<td>2b.</td>
</tr>
<tr>
<td>3a.</td>
<td>3b.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complete and Upload All Review Worksheets checklist below located at [Weblink]:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Natural Hazards</td>
</tr>
</tbody>
</table>

Complete and Upload Categorically Excluded Form:
Fillable Format - Part 50 Environmental Review - format for Activities Exempt or Categorically Excluded under 50.3(b) (CECSE)
Website: [Weblink]

Did your statutory checklist [above form] convert the project to exempt from a notice of intent publication? If YES, skip to items 5 through pg 3 of this checklist.

IF NO, continue steps below and upload with checklist:

a. Historical Clearance
b. Archeological Clearance
c. If applicable, submit documentation for Floodplain Maps, FEMA/FAAAR Maps (Highlight location on map)
d. 8-Step Analysis (24 CFR Part 55.20)

<table>
<thead>
<tr>
<th>Early Notice</th>
<th>Final Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Mandatory notice must be published one time, 15 day comment period]</td>
<td>[Mandatory notice must be published one time, 7 day comment period]</td>
</tr>
</tbody>
</table>

Notice of Intent (If applicable or not covered by regulations)

<table>
<thead>
<tr>
<th>Complete and Upload 7015.15 Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Weblink]</td>
</tr>
</tbody>
</table>

4. Environmental Assessment (EA) Complete and Upload All Review Worksheets checklist below located at [Weblink]:

|---|---|---|---|
Complete and Upload Environmental Assessment Form

- Be sure to ONLY include funds committed to Environmental Assessment activities. Please refer to 58.36 (for new construction)

Complete the following and upload:

a. Historical Clearance
b. Archaeological Clearance
c. If applicable, submit the below for Floodplain Mgmt.
   FEMA PIRM Streets Maps (highlight section on map)
   8-Step Analysis (24 CFR Part 55.20)
   Early Notice (must be published once, 15 day comment period)
   Final Notice (must be published once, 7 day comment period)
d. Assessment Checklist
e. Finding of No Significant Impact
f. Combined Notice (Proof of Publication or Posting)
g. Distribute the Notice to the appropriate agencies and interested parties in relation to the activity and keep in the
   ERR. (Dist. List)

5. Leverage/Matching Funds Upload:
   Leverage Confirmation Form & supporting docs

6. Insurance & Bonding (If applicable) Upload Items:
   Evidence of general liability insurance coverage
   Evidence of City/County Bonding

7. Anti-Displacement Plan
   Upload Executed Plan

8. Engineer Acknowledgement
   Upload Executed Form

Preparer's Signature

ODOC Reviewer Signature

Printed Name

Printed Name

Date

Date

ODOC 2020
Request Wage Rates 45 days prior to bid opening
https://beta.sam.gov

Develop Final Plans & Specs

Prior to Bid Advertisement

Approval of Appropriate Agencies (Permits)

Obtained land, right of way easements (49 CFR 24)

BID ADVERTISEMENT - Federal Labor Standards
Section 3
Section 109
Certificate of Non-Segregated Facility
Equality Opportunity
MBE/WBE
Bonding

Develop Bid Package

2 Consecutive Weekly Issues

Wage Rates

Addendum if Necessary - Mod. to Bidders

30 Days to Select

If bids exceed Budget review options

Review & Tabulate Bids

Go to "C"

Contact Proposed Bidders Including MBE, WBE & SBA

20 Days prior to Opening Bids

Open Bids

If NO award within 30 days Notify ODOC

"B" After ROF

BLUE - ACTION
RED - OKGRANTS
** Construction must start 270 days after CDBG contract start date

BLUE - ACTION
RED - OKGRANTS

***CLOSEOUT TO BE SUBMITTED WITHIN (60) DAYS AFTER CONTRACT END DATE
Review & Questions
Requirement 404

Civil Rights/Fair Housing/EEO/Section 3
In 1974 Congress passed the Housing and Community Development Act (HCDA)

- Created the Community Development Block Grant (CDBG) Program.
- The HCDA requires CDBG grantees and subgrantees to certify that they will affirmatively further fair housing (AFFH).
Local governments, because of their influence and power, are the most effective position to promote fair housing.

Meaningful actions:
• Overcome historic patterns of segregation
• Promote fair housing choice
• Foster inclusive communities that are free from discrimination
The Fair Housing Act prohibits discrimination in housing opportunities for seven (7) protected classes:

- Race
- Color
- Religion
- National Origin
- Gender
- Disability
- Family Status
Fair Housing Requirement

ODOC requires all CDBG grant recipients to:

- adopt a Fair Housing Ordinance or pass a Fair Housing Resolution as the first step in affirmatively furthering fair housing.

- undertake at least one (1) new activity per year to further fair housing.
Fair Housing requirement - examples

- Have a written local complaint and monitoring process and notify the public of its existence through newspaper advertisement, or through notices in utility statements.
- Designate April or any month as “Fair Housing Month” by Proclamation or Resolution along with another sponsoring activity
- Newspaper advertisements, marquis displays or public service announcements
- Poster contest, essay writing contest at local schools
- Display items at local businesses
Resource

https://www.hud.gov/program_offices/fair_housing_equal_opp/marketing

- Posters
- Social Media Advertisements
- Brochures
- Booklets
- Flyers
- Handouts
SECTION 504 OF THE REHABILITATION ACT OF 1973

Summary:
Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities conducted by HUD or that receive financial assistance from HUD.

Purpose:
In addition to its responsibility for enforcing other Federal statutes prohibiting discrimination in housing HUD has a statutory responsibility under Section 504 to ensure that individuals are not subjected to discrimination on the basis of disability by any program or activity receiving HUD assistance. Section 504 charges HUD with enforcing the right of individuals to live in federally subsidized housing free from discrimination on the basis of disability. Further, Section 504 covers employment discrimination based on disability and requires HUD and HUD-assisted agencies to make reasonable accommodations for the known physical or mental limitations of an employee or qualified applicant. It covers all HUD programs except for its mortgage insurance and loan guarantee programs.
SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT (HCD) ACT OF 1974

Summary:

Section 109 of the HCD Act of 1974, Title I, prohibits discrimination on the basis of race, color, national origin, disability, age, religion, and sex within Community Development Block Grants (CDBG) programs or activities.

Purpose:

In addition to its responsibility for enforcing other Federal statutes prohibiting discrimination in housing, HUD has a statutory obligation under Section 109 to ensure that individuals are not subjected to discrimination on the basis of race, color, national origin, disability, age, religion, or sex by recipients of CDBG funds. Section 109 charges HUD with enforcing the right of individuals to live in CDBG-funded housing free from such discrimination. However, this additional statutory authority only applies to CDBG and allied programs, such as Section 108 loan guarantees and the Historically Black Colleges and University programs.
Title II of the Americans with Disabilities Act of 1990
Title II prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance and housing referrals.

Architectural Barriers Act of 1968
The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 must be accessible to and useable by handicapped persons.

Age Discrimination Act of 1975
The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.
Equal Opportunity and Affirmative Action

Evidence of efforts to provide equal opportunity and take affirmative action steps in the recruitment, selection and compensation of employees must be documented.

- All employment notices should be posted in conspicuous places available to both employees and applicants and must contain the following provisions of this discrimination clause: “All qualified applicants will receive consideration for employment without regard to race, color, religion, creed, age, sex, national origin or disability.”

- A copy of the UGLG’s application for Employment must be provided to ODOC for compliance with HUD’s CDBG Regulation in 570.904, Equal Opportunity.

- Employment Policies should exhibit Civil Rights and non-discrimination statutes and are subject for review by the Dept. of Commerce.
Oklahoma Fair Housing Law

The Oklahoma Fair Housing Law (Title 25, article 4A, Section 1451 through article 5, Section 1508) prohibits discrimination in the rental, sales, financing, appraisal, insurance of housing and other housing-related transactions based on the following categories or "protected classes" including race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability). The Oklahoma Fair Housing Law also has "Age" as a "protected class".

The Oklahoma Office of the Attorney General is the state agency empowered to enforce the Oklahoma Fair Housing Law through it's Office of Civil Rights Enforcement. To file a complaint under the state fair housing law, call (405) 521-2029, send an email to orec.help@orec.ok.gov or download a housing discrimination complaint form at www.orec.ok.gov.

CALL HUD
1-800-669-9777 / 1-800-877-8339 TTY
WWW.HUD.GOV
## Discrimination Complaints

<table>
<thead>
<tr>
<th>Complaints Involving Discrimination under the Fair Housing Act</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>How Your Rights May Have Been Violated</strong></td>
</tr>
<tr>
<td>Discrimination in renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities</td>
</tr>
<tr>
<td><strong>Applicable Law and Protected Classes</strong></td>
</tr>
<tr>
<td>Fair Housing Act (race, color, national origin, religion, sex, familial status, disability)</td>
</tr>
<tr>
<td><strong>Who May File a Complaint</strong></td>
</tr>
<tr>
<td>Anyone who has been or will be harmed by a discriminatory housing practice</td>
</tr>
<tr>
<td><strong>Who May Have a Complaint Filed Against Them</strong></td>
</tr>
<tr>
<td>Property owners, property managers, developers, real estate agents, mortgage lenders, homeowners associations, insurance providers, and others who affect housing opportunities</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complaints Involving Discrimination in Housing and Community Development Programs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>How Your Rights May Have Been Violated</strong></td>
</tr>
<tr>
<td>Discrimination and other violations of civil rights in HUD programs (for example, failure to ensure meaningful access by persons with limited English proficiency)</td>
</tr>
<tr>
<td><strong>Applicable Laws and Protected Classes</strong></td>
</tr>
<tr>
<td>Title VI of the Civil Rights Act of 1964 (race, color, national origin); Section 109 of the Housing and Community Development Act of 1974 (race, color, national origin, religion, sex); Section 504 of the Rehabilitation Act of 1973 (disability); Title II of the Americans with Disabilities Act of 1990 (disability); Architectural Barriers Act of 1968 (disability); Age Discrimination Act of 1975 (age); Title IX of the Education Amendments Act of 1972 (sex)</td>
</tr>
<tr>
<td><strong>Who May File a Complaint</strong></td>
</tr>
<tr>
<td>Anyone</td>
</tr>
<tr>
<td><strong>Who May Have a Complaint Filed Against Them</strong></td>
</tr>
<tr>
<td>Any recipient or subrecipient of HUD financial assistance, States, local governments, and private entities operating housing and community development and other types of services, programs, or activities</td>
</tr>
</tbody>
</table>
What is Section 3?

- It is a means by which HUD fosters local economic development, neighborhood economic improvement, and individual self-sufficiency. Section 3 is the legal basis for providing jobs for residents and awarding contracts to businesses in areas receiving certain types of HUD financial assistance.

- Under Section 3 of the HUD Act of 1968, wherever HUD financial assistance is expended for housing or community development, to the greatest extent feasible, economic opportunities will be given to Section 3 residents and businesses in that area.

- To qualify for a Section 3 Business, majority ownership must be held by Section 3 Residents or at least 30% of the permanent full time employees are Section 3.
Section 3 Performance Evaluation and Registry System (SPEARS)

- System created by HUD to capture data on the number of Section 3 residents hired or receiving training positions and the amount of contracts awarded to Section 3 businesses.
- Uses the same information on the Section 3 Report submitted at Closeout
- Reporting period is from April to March
### Section 3 Summary Report

<table>
<thead>
<tr>
<th>Economic Opportunities for Low- and Very Low-Income Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Department of Housing and Urban Development</td>
</tr>
<tr>
<td>Office of Fair Housing and Equal Opportunity</td>
</tr>
<tr>
<td>OMB Approval No: 3520-0043 (exp. 11/30/2010)</td>
</tr>
<tr>
<td>1323 Post Office</td>
</tr>
</tbody>
</table>

#### Part II: Contracts Awards

1. **Construction Contracts:**
   - Total dollar amount of contracts awarded on the Project: 
   - Total dollar amount of contracts awarded to Section 3 businesses: 
   - Percentage of the total dollar amount that was awarded to Section 3 businesses: 
   - Total number of contracts awarded to Section 3 businesses: 
   - Total dollar amount of non-construction contracts awarded: 
   - Percentage of total dollar amount that was awarded to Section 3 businesses: 
   - Total number of contracts awarded to Section 3 businesses: 

#### Part III: Summary

Indicates the status of the employment and other economic opportunities provided by H.U.D. awards. The summary shows the number of persons involved in each economic opportunity and the percentage of those persons who are recipients of government contracts for construction.

---

**Public Reporting**

The information collected in this section is used to determine compliance with the reporting requirements of the Office of Management and Budget. The data collected includes the number of persons involved in each economic opportunity and the percentage of those persons who are recipients of government contracts for construction. The data is used to assess the effectiveness of the economic opportunities provided by H.U.D. awards.

---

**Forms:**

- **RD 2200: Section 3 Summary Report**
- **Economic Opportunities for Low- and Very Low-Income Persons**

---

**Columns:**

- **Total**
- **Construction Contracts**
- **Non-Construction Contracts**

---

**Note:**

The reporting requirements do not contain any sensitive questions. The data collected is used to identify trends and patterns in the economic opportunities provided by H.U.D. awards.
Section 3

- Section 3 Opportunity Portal
- Section 3 Contractor Listing- Updated Annually
- HUD Section 3 Rule
  - Tracks labors hours instead of new hires
  - Increases threshold to $200,000
  - Non-construction services that require an advanced degree or license will be excluded from Section 3
- Direct your communities to the Okcommerce.gov page for updates
FEDERAL REGULATIONS

• CDBG (24 CFR part 570)
• A-133 – Audit of States, Local Governments & Non-profit organizations
  ➢ Increased audit threshold from $500,000 to $750,000 for single audit requirement

• 2 CFR Part 200 – Uniform Administrative Requirements effective date 12/26/2014
  (non-compliance with HUD programs began January 7, 2016)

  Ref: Notice SD-2015-01 dated 2-26-15; Transition to 2 CFR Part 200 for details of below:
  1) Subpart A – Acronyms and Definitions
  2) Subpart B – General Provisions (Highlights
  3) Subpart C – Pre-Federal Award Requirements and Contents of Federal Awards
  4) Subpart D – Post-Federal Award Requirements
  5) Subpart E – Cost Principles
  6) Subpart F – Audit Requirements
PROCUREMENT BASICS – Procurement Regulations for CDBG

24 CFR 570.489(d) Administrative and (g) Procurement for States, plus Fed. Reg. Notice Requirements

• 2 CFR 200.317 - State grantees must make decisions about the rules that apply to themselves and to the sub-grants they provide to local governments and sub-recipients

• 2 CFR 200.318-326 for sub-recipients

  ➢ Also required to follow State & local procurement laws

  ➢ Practice Tip: As a good rule of thumb, where local and state rules address the same matter/requirements as 2 CFR part 200, **follow the most restrictive standard** unless it conflicts with the Federal Requirement (if there is a conflict, follow Part 200 rule or contact ODOC for guidance)
Procurement by States


A State shall have fiscal and administrative requirements for expending and accounting for CDBG funds that:
- Are specific enough to ensure compliance
- Ensure that CDBG funds are spent for reasonable and necessary costs;
- Ensure that CDBG funds are not used for general expenses

A State may satisfy this requirement by:
- Using requirements applicable to the use of its own funds;
- Adopting new requirements; or
- Applying the provisions in 2 CFR part 200 (in which case, the provisions of part 200 apply to the State and its sub-recipients)
24 CFR 570.489(g): Procurement

2 CFR 200.317

- When procuring property or services to be paid for in whole or in part with CDBG funds, the State shall follow its procurement policies and procedures.
- Methods of procurement (e.g., small purchase, sealed bids/formal advertising, competitive proposals, and noncompetitive proposals) and their applicability shall be specified by the State.
Procurement by States

24 CFR 570.489(g): Procurement

• No cost plus a percentage of cost contracts or percentage of construction costs contracts
• Must include standards of conduct governing employees engaged in contract award or administration.
• Must include any clauses required by Federal statutes, Executive Orders, and implementing regulations.
Procurement by States – How can a State Agency comply?

• The States policies and procedures must set out the procurement rules based on full and open competition that apply to its CDBG program.

It can:

1. Follow the procurement rules the State uses when it procures contracts with its own funds; OR

2. Adopt 2 CFR 200, in which case it will follow 2 CFR 200.317 – follow the rules it follows when it procures with its own funds and rules for procurement of recovered materials in §200.322; OR

3. Adopt new requirements for its CDBG program, such as the rules in 2 CFR 200.318-200.326 that apply to local governments.
PROCUREMENT STANDARDS

• Procurement Standards: 200.318 to 200.326

General and specific procurement standards are broken into the following categories:

• 2 CFR 200.318: General Procurement Standards
• 2 CFR 200.319: Competition
• 2 CFR 200.320: Methods of Procurement
• 2 CFR 200.321: Socio-Economic Contracting
• 2 CFR 200.322: Procurement of Recovered Materials
• 2 CFR 200.323: Contract Cost and Price
• 2 CFR 200.324: Review of Procurements
• 2 CFR 200.325: Bonding Requirements
COMPETITION (highlights)

• The non-Federal entity must conduct procurement transactions in a manner providing “full and open competition” – see 2 CFR 200.319

• Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from bidding (2 CFR 200.319(a))

Practice Tip: Scoping and scaling procurements appropriately, e.g., If it is important to have the design firm oversee construction, include both services in the procurement. BUT, consider breaking out procurements to obtain a more economical price (200.318(d)), and take necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible (200.321(a) and (b))
METHODS OF PROCUREMENT

- Micro purchase
- Small purchase
- Sealed Bidding
- Competitive Proposals
- Non-Competitive Proposals
METHODS OF PROCUREMENT

COST AND PRICE (highlights)

• A non-Federal entity must perform a price or cost analysis in connection with every procurement action above the simplified acquisition threshold ($250,000), including contract modifications

• The method and degree of analysis is dependent on the facts and circumstances surrounding the particular procurement

• The non-Federal entity must make independent estimates before receiving bids or proposals

• A non-Federal entity shall negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed (2 CFR 200.323)
# Methods of procurement

<table>
<thead>
<tr>
<th>Procurement Type</th>
<th>Solicitation Method</th>
<th>Applications</th>
<th>Dollar Thresholds if applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Micro Purchases</td>
<td>- No solicitation required&lt;br&gt;- distribute purchases equitably among qualified suppliers&lt;br&gt;- Price considered to be reasonable</td>
<td>Supplies or services</td>
<td>Under $2,000 for construction (Davis-Bacon)&lt;br&gt;Under $10,000 for all other purchases</td>
</tr>
<tr>
<td>2 CFR 200.320(a)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small Purchase</td>
<td>- Price or Rate Quotations - “an adequate number” of sources (at least 3)&lt;br&gt;- Submitted Bids</td>
<td>Services (e.g., single task), Supplies (e.g., produced items)&lt;br&gt;Other property</td>
<td>$250,000 or less for produced items or for non-construction services</td>
</tr>
<tr>
<td>2 CFR 200.320(b)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Methods of procurement

<table>
<thead>
<tr>
<th>Procurement Type</th>
<th>Solicitation Method</th>
<th>Applications</th>
<th>Dollar Thresholds if applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sealed Bid</td>
<td>• Submitted Bids</td>
<td>• Construction Items</td>
<td>• All construction contracts in excess of $2,000</td>
</tr>
<tr>
<td>Formal Advertising</td>
<td>• Firm fixed price (lump sum or unit price) awarded to bidders who complies with terms and has lowest price</td>
<td>• Produced or Designed Items</td>
<td>• Produced or designed items over $250,000</td>
</tr>
<tr>
<td>2 CFR 200.320(c)</td>
<td>** preferred for construction if conditions met</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Competitive Proposals</td>
<td>• Submitted Proposals</td>
<td>• Professional Services</td>
<td>• Professional Services and/or; Multi-task Services over $250,000</td>
</tr>
<tr>
<td>2 CFR 200.320(d)</td>
<td>** use when sealed bid conditions not met</td>
<td>• Multi-Task Services</td>
<td>• Designed Items over $250,000 when Sealed Bid is not appropriate</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Designed Items</td>
<td></td>
</tr>
</tbody>
</table>
Other Requirements

• A non-Federal entity **must not** use a cost-plus-percentage-of-cost or cost-plus-percentage-of-construction-cost method of contracting (2 CFR 200.323(d)).

• Debarment (2 CFR 200.213, [beta.SAM.gov](http://beta.SAM.gov))

• Required Contract Provisions (2 CFR 200.326)

• Contracting with small and minority businesses, women’s business enterprises
  • (2 CFR 200.321)

• Section 3
Construction Contracts $$$$$$

• Small Purchases
  • services, supplies or other items costing **$5,000.00 or less**
    • $5,000.00 and $50,000 the grant recipient must request and receive in writing at least 3 bids or quotes
  
• Construction contract exceeding $50,000.00 requires a competitive sealed bid process.
  • Title 61. State public competitive bidding act of 1974
  • No split bidding

• Davis-Bacon Wage Rate Determinations
  • Construction Contractors are required to pay their laborers at the "prevailing wage rate" for any project involving CDBG funds, if the project costs more than $2,000.00
    • Certified wage rates are valid for 180 days
    • 10 days prior to bid opening to determine if wage decisions included in the bid document are still current
Competitive Bidding

• bid documents are to provide prospective bidders with sufficient information to know what the exact scope of work, as well as performance requirements, will be.
  • Topographic maps
  • Plans and specifications
  • Required wage rates

Competitive Bidding

• a. Title VI of the Civil Rights Act of 1964;
• b. Section 3, Housing and Urban Development Act of 1968, as amended;
• c. Section 504 of the Rehabilitation Act of 1973, as amended;
• d. Age Discrimination Act of 1975;
• e. Section 109, Housing and Community Development Act of 1974, as amended;
• f. Section 402, Veterans of Viet Nam Era (if $10,000.00 or over);
• g. Bonding and Insurance Requirements
Soliciting Bids

Bid Notice

• nature of the proposed project in sufficient detail that all bidders will know exactly what their obligations will be

• Basic info
  • name and location (address) of the officer. Date, time and place of bid open.

Pre-Bid Conferences

• primary purpose of such a meeting is to explain to prospective bidders the requirements of the project and answer any questions of the bidders
  • must be notified at least 10 days prior to holding such a meeting. Notice of Pre-Bid meeting can be included in the Ad for Bid.

Advertising

Title 61 State Public Competitive Bidding Act of 1974

Bid Notices: All proposals to award public construction contracts shall be made equally and uniformly known by the awarding public agency to all prospective bidders and the public in the following manner:

1. Notice thereof shall be given by publication in a newspaper of general circulation and published in the county where the work, or the major part of it, is to be done, such notice by publication to be published in two consecutive weekly issues of said newspaper, with the first publication thereof to be at least twenty (20) days prior to the date set for opening bids;

2. Notice thereof shall be sent to trade or construction publications for their use and information whenever the estimated cost of the contract exceeds Fifty Thousand Dollars ($50,000.00); provided however, that this section shall not be construed as requiring the publication of said notice in such trade or construction publication.
Process for selecting a construction contractor

A. Bid Opening:
   A. The bids must be opened publicly at the time and place stated in the bid advertisement.
   B. Read aloud and the apparent low bidder determined.
   C. Single Bids – require approval from ODOC

A. Evaluation of Responsiveness
   A. Check each proposal to determine that all requirements of the invitation have been met.
   B. Any proposal that fails to pass this threshold test is automatically rejected regardless of price.
   C. Contractor has 30 days from the bid opening date to award a contract or reject all bids.
   D. The Contractor is allowed to extend this period for an additional 90 days, which requires ODOC approval
PROCUREMENT OF PROFESSIONAL SERVICES

Administrative Grant Administrators/Consultants, inspectors other than engineers

- Request for Qualification Proposal shall be used for the procurement of grant administrators and other professional service providers.
- The Grant Recipient may choose to directly solicit from known individuals or firms in place of public advertisement. A minimum of 3 professional service providers must be contacted to obtain proposals.
- If the Grant Recipient chooses to directly solicit these services, they must maintain documentation of the names and dates of the firms or individuals that were contacted.

Engineers, Architects, Landscape architects, and Attorneys, etc.

- Requests for Qualifications
- Public Advertising Requirements vs. Direct Solicitation:
  - A minimum of 3 professional service providers must be contacted to obtain a statement of qualifications.

NOTE: Oklahoma State Law requires a licensed architect be used in planning, designing, drawings, and specifications for the alteration, construction, of any building to be used as assembly hall, municipal building, or county building where the reasonable estimated cost is exceeds $158,000.00.

Self-Procurement Warning: Any Certified Administrator who engages in either of the following practices shall be de-certified consistent with the following procedures listed in the certification regulations: 1. Assisting the municipality or county in the conduct of the procurement process, ultimately resulting in the selection of that administrator to provide CDBG administrative services. 2. Offering to prepare an application to ODOC for CDBG funding assistance with the understanding that no fee for preparing the application will be charged if that administrator is selected to administer the project.
Exemptions from Competitive Procurement Requirements: The following are exempt from competitive procurement procedures:

- Administrative Services: In order for the exemption to apply, Grant Recipients must:
  - Furnish ODOC the names of Certified CDBG Administrator or Apprentice employed by Sub state Planning Districts;

- Purchase of equipment or materials from other units of government, including those on state or county contract/bid list(s)
  - The purchase of used fire equipment when the purchase is made from a reputable company dealing in used vehicles that clearly qualifies as emergency equipment.
  - Vehicles that could be converted to use as an emergency vehicle are not included in this provision.

- If a grant recipient chooses to use their leverage/matching funds to pay for engineering, architecture, and/or grant administration, the grant recipient is exempt from ODOC competitive procurement requirements.

- For exemption from all other competitive procurement requirements written approval from ODOC is required.
File Documentation

- ODOC will want to review documentation for:
  - Procurement of Professional Services
    - Solicitation method & Request for Proposals/Qualifications
    - Review by Board, scoring, and offer extended
    - Contract
    - Be sure to record all efforts of procurement process for each Service
  - Procurement of Construction Services
    - Advertisement for Bids
    - Bid Document & Instructions to Bidders
    - Contract
Questions & Overview
THANK YOU FOR ATTENDING TODAY!
SEE YOU TOMORROW FOR DAY 2
Community Development Block Grant
Certified Administrator Training

December 1-2, 2020
Welcome Day 2

Please SIGN-IN by providing your name and email in the CHAT BOX
OKLAHOMA DEPARTMENT OF COMMERCE
COMMUNITY DEVELOPMENT BLOCK GRANT
CERTIFIED ADMINISTRATOR TRAINING

DECEMBER 2, 2020
VIRTUAL ZOOM MEETING

AGENDA

8:30 – 8:45  Sign – In, Greeting & Opening Remarks  Debbie Wade
8:45 – 9:45  Financial Management            Dekoven Edwards
            Requirement 406
9:45 -12:00  Contract Development            Robin Slawson
            Requirement 407
            &
            Labor Standards & Construction Management  Robin Slawson
            Requirement 408
12:00 - 1:00 Lunch (1:00 Sign-in with Name into CHAT)  Debbie Wade
1:00 – 3:30  Reporting, Monitoring & Closeout   Christy Davis
            Requirement 409, Common Issues
3:30 – 4:30  Overview/Testing/Questions**  Kellon Dixon

**PLEASE PUT ANY QUESTIONS IN THE CHAT BOX FOR DISCUSSION
➢ Participants must sign in the CHAT with Name and Email Address to receive presentation & test.
➢ Email Test – Open Book
➢ Due back by 5:00 pm, Friday, December 4, 2020, Return completed test to:
  Debbie.Wade@okcommerce.gov
➢ If participants have any issues with the test, please contact Debbie Wade by email above.
Financial Management Requirement 406
INTRODUCTION

OKGrants is required for the submission of applications, implementation of projects and subsequent closeout. It is important to note that some documents will be completed on forms that are programmed into OKGrants. Certain documents will be completed by the Grant Recipient and then uploaded into OKGrants. Additional paper documents should be maintained by the Grant Recipient at the Grant Recipient’s office. ODOC will provide guidance as to what documentation must be uploaded in OKGrants and which documentation must be maintained at the Grant Recipients office on paper.
Accounting Records:

- All Grant Recipients are required by State statute to track Federal dollars by fund. This simply means that a separate set of accounting records must be set up for each CDBG contract received,

- Require that the accounting system can accurately account for the receipt and disbursement of CDBG funds. This ledger format should also be used to account for the receipt and disbursement of leveraged funds.

- A complete set of expense accounts for each budgeted line item, i.e., construction, engineering, administration, etc.

- All entries recorded in the cash disbursements journal must be traceable to some form of source documentation, i.e., invoices, partial pay estimates, employee time sheets, etc. Additionally, all original documentation should be filed in an orderly manner and readily available for review in the event ODOC performs a financial monitoring.

- General ledger must contain:
  - PO #
  - Invoice #
  - Check #
ACCOUNT SET-UP – EFT  The sub-recipient is responsible for providing an account for transfer of CDBG funds. If an account exists but hasn’t been used for a while, the account may have been closed by the financial institution, causing a delay in payments. It is strongly recommended that the sub-recipient contact the Oklahoma Management and Enterprise Services agency (OMES) via phone at 405-521-2444 or website for account information. Once CDBG funds are requested, they will be automatically deposited by electronic funds transfer (EFT) into the checking account that has been designated for receipt of CDBG funds.

FUND ACCOUNT – Funds should be placed in a non-interest-bearing checking account and tracked separately from other funds. If funds are placed in an interest-bearing checking account, the interest must be tracked as well. Any interest earned in a one-year period in excess of $500 requires a call to ODOC as these funds will be returned to HUD. The one-year tracking begins from the date of the first deposit into the account and recorded on the ledger. Grant Recipients may keep interest amounts up to $500 per year, (2 CFR Part 200.305), and required to document allowable CDBG administrative expenses in accordance with 24 CFR Part 570.489 and 24 CFR Part 85.21, Interest Earned on Advances.

CASH ON HAND - Grant Recipients, both municipalities and counties, are allowed fifteen (15) working days to expend CDBG funds. Any money not expended after the maximum time allowed is considered excess cash on hand and must be returned to ODOC.
Internal Controls

Adequate internal controls must be established to ensure CDBG funds are properly safeguarded. These controls must include the following:

- Payment approval procedures must be defined.
- CDBG dollars cannot be placed in a petty cash fund.

- All invoices must be approved by the Municipal Council or Board of County Commissioners prior to payment. You may use an authorized official if normal approval procedures by the Council or Board cannot be used.
- An authorized official is defined as any municipal or county officer or employee the Council or Board gives the authority to approve invoices on their behalf.
- Grant Recipient ordinance must reflect any departure from the normal approval procedures. An authorized official may approve all invoices prior to payment by initialing and dating each invoice. All paid invoices must be defaced by writing the check number and date paid on each invoice or purchase order. A copy of the approved purchase order must be attached to each invoice.

  - **Please note:** purchase orders must be signed and dated prior to ordering goods and services and prior to receipt of the invoice (including contracts). If Council or Board members do not sign purchase orders, documentation of approval of purchase orders as reflected in the meeting minutes must be readily available for review. Every purchase order issued for invoices paid from CDBG funds must be identified in the meeting minutes.

- Non-Collusion Affidavits are required to be attached to all contracts for $25,000 or more.
Grant Recipients must use purchase orders as required by Oklahoma Statute, Title 62, Contracts and Expenditures, §310.1. Please note that this is not an optional requirement but rather a statutory requirement.

INVOICES

- The governing body may also authorize the chief executive officer or designee to approve payment of such invoices. In absence of such authority, the governing board shall approve payment.
The term leverage refers to any funds other than CDBG funds to be used on the project. These funds were originally identified in the grant application and were given credit (scoring points) in the rating of that application. Since this commitment was part of the basis upon which ODOC awarded financial assistance, the Grant Recipient is responsible for seeing that those funds are expended on the CDBG project. Failure to expend leverage funds on the project may result in disallowance of any or all CDBG funding.

For economic development projects, financial leverage is defined as new money, recently contributed to the project for the express purpose of implementing the proposed project. The source of the new money may be cash or other valuable consideration, e.g., land, bank loans, proceeds from the sale of stocks or bonds or loans from other public agencies. Private and public investments that do not qualify as financial leverage are existing net worth, existing debt, future operating expenses, and inventory. Additionally, In-Kind Leverage is ineligible.

For community development projects, leverage may consist of cash or in-kind contributions. Cash includes other Federal/State grants and loans and local capital improvement funds set aside for a specified purpose in the Grant Recipient budget.

In-kind includes the value of force account labor, voluntary labor, value of services and supplies provided by another local entity, the fair market value of land, buildings or materials that are a part of the project and the cost of using Grant Recipient owned equipment.

Documentation of leveraged funds must be maintained on file by the Grant Recipient for review.
Allowable and Unallowable Expenses:

The most important thing to remember is that you can only expend funds on the items that are listed in the detailed budget submitted with your application for funding.
All dollars spent on contract must be accounted for and be able to identified on general ledger

The financial management file should be readily available for any ODOC staff for inspection during a CDBG monitoring visit.

- CDBG General Ledger
- CDBG and leveraged fund bank statements
- Cancelled checks or photocopy representation of the checks or warrants that were issued
- Invoices/purchase orders
- Board/Council meeting minutes indicating approval of the payments.
E. Payments by Contractor for administrative services will be made in conformance with the following schedule:

<table>
<thead>
<tr>
<th>Maximum Fee (Cumulative)</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>20%</td>
<td>Release of Funds achieved within 120 days</td>
</tr>
<tr>
<td>5%</td>
<td>Release of Funds achieved greater than 120 days</td>
</tr>
<tr>
<td>20%</td>
<td>Construction started within 270 days</td>
</tr>
<tr>
<td>5%</td>
<td>Construction started greater than 270 days</td>
</tr>
<tr>
<td>40%</td>
<td>Construction as project funds are expended (Pro rata)</td>
</tr>
<tr>
<td>20%</td>
<td>Submission and acceptance of Final Closeout documents</td>
</tr>
</tbody>
</table>

F. If a question arises as to the validity of any claim made under this contract and the parties are unable to resolve such question by negotiation, then the Contractor may request a resolution of the question pursuant to the terms of this contract and the administrative procedures available through ODOC rules promulgated pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. §§250, et seq.
All requests for payments must be entered into OKGrants. Hard copies will not be accepted. Grant Recipients may request a drawdown of funds necessary to meet immediate needs. This is accomplished through the submission of a Request for Funds initiated and submitted by utilizing OKGrants.
Monthly Expenditure Report

- must be entered on OKGrants by the 10th of every month following a month in which there has been a draw, expenditure, or cash balance of CDBG funds.

- Leverage expenditures must also be included
  Leverage expenditures must be reported when incurred, if there has not been an expenditure of leverage funds please place a zero in the appropriate line item. If there are no CDBG expenses to report during the month, a report for leverage expenditures only must be submitted if leveraged expenditures occurred. Along with the submitted Leverage Expenditure Report, supporting documentation such as invoices, receipts and cancelled checks must be uploaded in OKGrants.

Timely submission of the Monthly Expenditure Report is important. Requests for funds will not be processed if there are any delinquent reports outstanding.
Each ODOC contract includes an audit requirement. Several factors affect the audit that is required including:

1. Whether the jurisdiction is a municipality or county (11 O.S. Subsection 17-105 or 19 O.S. Subsection 171);

2. The total level of funding received in a given year from all sources; and the total level of federal funds expended in a given fiscal year.

3. If the Grant Recipient’s annual revenue is $25,000 or more in funds (from any and all sources), it must conduct an annual audit of all funds received which complies with the Oklahoma statute; or

4. If the Grant Recipient’s revenue is $25,000 or more, but it’s population is less than 2,500, it has the option of having an agreed upon procedures agreement conducted by an independent licensed public or certified accountant in lieu of an independent audit as cited in O.S. 17-105; or

5. 2 CFR Part 200.501 - If the Grant Recipient expends $750,000 or more per fiscal year in federal funds, a single audit must be conducted in accordance with §200.514 Scope of audit or can elect to have a program specific audit conducted.
Requirement 407
Contract Development
Specific Contract Requirements

• Non-Construction Contracts
  The Grant Recipient should carefully review the citations noted in Attachment 22 to determine which provisions will be required in any non-construction contract utilized during the course of the project.
  • Requirement 404 for affirmative action
  • Section 504
  • Section 3 requirements

• Construction Contracts
  The construction contract will include all items included in the bid package as well as the standard terms and conditions, construction contractor certifications and bond and insurance forms. As this is a legal document, the Grant Recipient is strongly advised to consult legal counsel and obtain the attorney's signed letter certifying the review of documents. Remember: Neither the cost-plus-a-percentage nor percentage-of-construction cost method of contracting is allowed.
Appendix II to Part 200.326 - Contract Provisions for non-Federal Entity Contracts Under Federal Awards – In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable:

a) **Contracts for more than the simplified acquisition threshold currently set at $150,000**, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

b) **All contracts in excess of $10,000** must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.


d) **Davis-Bacon Act**, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination in the projects office of the Federal entity including the manner by which it will be effected and the basis for settlement.

e) **Contract Work Hours and Safety Standards Act** (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

f) **Rights to Inventions Made Under a Contract or Agreement**. The Federal award meets the definition of “funding agreement” under 37 CFR 401.2 (a) and the recipient or sub recipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or sub recipient must comply with the requirements of 37 CFR 401, “Right to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

g) **Clean Air Act** (42 U.S.C. 7401-7671q.) and the **Federal Water Pollution Control Act** (33 U.S.C. 1251-1387), as amended—Contracts and sub grants of amounts in excess of $150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

h) **Debarment and Suspension** (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under regulatory authority other than Executive Order 12549.

INTERLOCAL AGREEMENTS

• The grantee (City, Town, County) may need to enter into an agreement with another local entity (i.e., Rural Water District, fire district) a Memorandum of Understanding or interlocal cooperative agreement that details the scope of work, budget, timeframe, etc., is required.

• Grantee must oversee the other entity's performance under the contract.
Construction Management

• Construction Phase occurs in 2 Phases
  • Pre-construction conference and start of construction
  • Monitoring construction progress, including labor compliance.
Contractor Debarment Review Forms

Oklahoma Department of Commerce CDBG Programs

CONTRACTOR DEBARMENT REVIEW CERTIFICATION
(Must be submitted with bid proposal)

CDBG Grantee Name (Owner) and Project Type

CDBG Project Number

ATTENTION ALL BIDDERS:

All CDBG sub-recipients (Cities, Towns, or Counties) are required to conduct debarment reviews on all services procured with CDBG funds by checking the System for Award Management (SAM) website, www.sam.gov, to determine if a potential contractor is excluded from receiving Federal contracts.

A contractor must be registered and updated in the SAM.gov system as this review is conducted by the Owner before any contract award is executed.

This certification is required by the regulations implementing Executive Order 12598, Debarment and Suspension; 7 CFR Part 3017.510, Participants’ Responsibilities. The regulations were published as Part IV of the January 30, 1989 Federal Register (pages 4722-4733).

1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
   - Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
   - Have not within a three-year period preceding this proposal been convicted of or had a civil judgment entered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction, violation of Federal or State antitrust statutes, or commission of embarkement, theft, forgery, bribery, falsification or destruction of records, making false statements, or obtaining property by fraud;
   - Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(a) of this certification; and
   - Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective shall attach an explanation to this proposal.

Certified by:

Name & Title (Please Print) Date

Signature Date

Duns Number

Oklahoma Department of Commerce CDBG Programs

Grantee Debarment Review and Certification

All CDBG sub-recipients are required, by the regulations implementing 24 CFR Part 65.35, to conduct debarment reviews on all services procured with CDBG funds before any contract award is executed. These reviews shall be conducted by using the System for Award Management (SAM) website, www.sam.gov, to determine if the potential contractor is excluded from receiving Federal contracts by using the QUICK SEARCH tool with the DUNS number for that entity. Save/Print the results. Complete this form and attach the SAM results along with the Notice of Award and Contractor’s Certification form from the Bid/Proposal documents.

CDBG Grantee Name and Project Type CDBG Contract Number

Address

City State Zip Code 23456

Contractor’s DUNS Number

Debarment Review Completed By

Title of Reviewer Reviewer’s Organization

Chief Elected Official Title of Chief Elected Official

By signing this certification, both the Reviewer and the Chief Elected Official certify all necessary actions were taken to complete the debarment check and that the contractor listed above is not suspended or debarred from conducting business with, or receiving funding from, the United States government under E.O. 12598.

Signature of Reviewer Date

Signature of Chief Elected Official Date

Please upload this document along with other required documentation into OK-Grants “Release of Funds” and submit using the Notice of Award status. Keep the original in the CDBG project file.

*Contractor is any entity or individual directly procured for contract services by the sub-recipient (grantee), (City, Town, or County), under this CDBG contract award and must be registered in the SAM.gov system.
Notice of Contract Award

- Completed form must be uploaded in OKGrants Release of Funds section with debarment forms.
- A formal method whereby the Grant Recipient reports the execution of contracts
- Notice captures information necessary for HUD reporting
- Requires Action in OKGrants within **seven (7) days** of execution by all parties.
- Must include the excluded party form and supporting document review in SAM.gov

✓ Note: A request for payment of construction funds will not be processed in OKGrants until the Notice of Award and Sam.gov review has been received.
Bonding

- Bonds are negotiable instruments required from construction contractors as a form of insurance. State law requires that, for project contracts over $50,000 construction contractors must secure a maintenance bond, a performance bond and a payment bond from surety companies. [61 O.S. §113] These surety bonds are then turned over to the Grant Recipient to protect against situations such as:
  - Construction contractor bidding low and then, prior to contract execution, requesting a price adjustment due to "unforeseen" events
  - Work not completed as specified and/or the construction contractor refusing to finish the work without a change order or price escalation
  - Laborers or subcontractors not being paid for work and suing the Grant Recipient to recover their loss
  - Payment of liquidated damages arising from labor standards violations
  - Bonding requirements must be satisfied prior to finalizing contract award
  - The law also requires that construction contractors provide public liability and workers' compensation insurance during construction in reasonable amounts.
Change Orders

Lump Sum Bids
  • Allowed if change order does not increase the original contract amount by more than 15%. Change orders or cumulative change orders which exceed 15% shall require re-advertising of bids

Unit Price Bids (most common)
  • Does not require re-advertising
Requirement 408
Labor Standards

Construction Bidding & Labor requirements
Labor Laws and Requirements

• **Davis Bacon Act** - triggered when construction work over $2,000 is financed in whole or in part with CDBG funds. It requires that workers receive no less than the prevailing wages being paid for similar work in the same area.

• **Copeland Anti-kickback Act** - requires that workers be paid weekly, that deductions from workers’ pay be permissible, and that contractors maintain and submit weekly payrolls.

• **Contract Work Hours and Safety Standards Act** - applies to contracts over $100,000 and requires that workers receive overtime compensation (time and one-half pay) for hours they have worked in excess of 40 hours in one week.

• **Section 3 of the Housing and Urban Development Act of 1968** - as amended requires the provision of opportunities for training and employment that arise through HUD-financed projects to lower-income residents of the project area. Also required is that contracts be awarded to businesses that provide economic opportunities for low- and very low-income persons residing in the area.

**NOTE:** Under the labor laws, the prime or general contractor is responsible for full compliance with applicable requirements, including all employers/subcontractors on the project. ODOC and Grantee are responsible for the administration and enforcement of the requirements to ensure compliance.
Grantee Responsibilities - Construction

**Administrative Duties:**

- Preparation and/or oversight to ensure bid docs, contracts, subcontracts contain the following:
  - Federal Labor Standards/clauses
  - Applicable Wage Decisions
  - Advertisement for Bids
  - Pre-bid information/addendums as applicable
  - Bid opening & bid tabulations
    - Bid bond, section 3 plan, addendums
  - Verify contractor eligibility (OKGrants Action)
  - Issue a Notice of Award (OKGrants Action)
  - Conduct a Pre-construction Conference
    - Additional wage classifications needed
    - Discuss grant payment schedule
    - Week payroll submission / employee interviews
  - Bonding, Insurance, Contract execution
  - Issue a Notice to Proceed
  - Review Invoices/Change Orders/Budget

**Enforcement Duties:**

- Conduct on-site employee interviews with laborers
  - One employee in each job classification or at least 10% recommended
  - Document compliance with posting requirements
    - on-site posters/wage rates/EEO, etc.
  - Review Certified Weekly Payrolls for compliance
    - Payroll deduction authorization form
    - Determine wage restitution as applicable -
      - Payment violations between $100-$1000 must be reported to ODOC
    - Require construction contract to provide supplemental payrolls to make restitution, retained a copy of canceled check
    - If construction contractor refuses to pay, sub-recipient must withhold funds to pay restitution
    - If over $1000 must be reported to DOL

---

*Keep all documents and review efforts on file and available for monitoring review by ODOC. Some documents may be required for upload into OKGrants.*
Davis Bacon Act

Any construction activity estimated in excess of $2000 must comply with the Davis Bacon Act and provide the applicable prevailing wage rate in the project bid document.

The prevailing rates can be obtained here: [https://beta.sam.gov/](https://beta.sam.gov/)
Wage Rate Decisions

The Davis-Bacon wage decision that applies to a project contains a schedule of work/job classifications and the minimum wage rates that must be paid to persons performing particular jobs. Some wage decisions cover several counties and/or types of construction work;

1. **Building** construction generally includes construction of sheltered enclosures with walk-in access for housing persons, machinery, equipment or supplies. This includes all construction within and including the exterior walls, both above and below grade.

2. **Residential** projects involve the construction, alteration or repair of single-family houses or apartment buildings no more than four stories tall.

3. **Heavy** construction is generally considered for all construction not properly classified as highway, residential, or building. Water and sewer line construction will typically be categorized as heavy construction.

4. **Highway** projects include construction, alteration or repair of roads.
**Wage Determinations**

**Wage Determination Type**
- Davis-Bacon Act (DBA)
- Service Contract Act (SCA)
- Collective Bargaining Agreement (CBA)

**Location**
- Select State: Oklahoma
- Select County/Independent City: Hughes

**DBA: Construction Type**
- Select Construction Type: Highway

---

**Wage Determinations Search**

The Wage Determination filters to the left ask a series of questions to determine if the best WD is available on the site. If any criteria such as a specific location is not present or the non-standard service does not strictly apply, please click here to submit an e98 form. Users should note that the only WDs applicable to a particular solicitation or contract are those that have been incorporated by the contracting officer in that contract action.

- DBA Rollover Crosswalk
- DBAs to be revised

---

**Search Results**

Showing 1 - 1 of 1 results

**Davis-Bacon Act WD #: OK20200020**

- **State**: Oklahoma
- **County/ies**: Atoka, Bryan, Carter, Choctaw, Coal, Garvin, Haskell, Hughes, Johnston, Latimer, Love, Marshall, McCurtain, Murray, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Seminole

- **Modification #**: 0
- **Construction Type**: Highway
- **Published Date**: Jan 02, 2020
Wage Rate Determination
OKGrants Action:
Wage Rate Decision – In addition to completing the Wage Determination Request, as this pushes this action to ODOC, it is now required to also upload the decision rate(s) from https://beta.sam.gov
**Federal Exclusions** – Before any contract award can be made under a federal award, the agency/contractor must provide a DUNS Number. This number is then used to perform a check in the [https://beta.sam.gov](https://beta.sam.gov) system for excluded parties. If the agency/contractor is found to have an exclusion, the awarding Town should notify the contractor for resolution or an award cannot be made.
Apprentices and Helpers

- Can be compensated at less than the Davis Bacon prevailing wage
- Must be registered in bona fide apprenticeship program
- Trainees must be in a training program
- Helpers are not recognized unless they are contained in the wage determination or a conformable rate has been approved by the USDOL
Additional wage rate classifications...

• Contractors are to submit additional classification requests directly to the contracting agency (Grantee) for the construction project for submission to DOL

• These requests are submitted “after” the construction contract is signed.

• Completed forms will need to be sent to HQ DOL, Wage and Hour Division, Washington, DC at whd-cbaconformance Incoming@dol.gov

• Standard Form SF 1444
  • https://www.gsa.gov/cdnstatic/SF1444-13c.pdf?forceDownload=1

• For questions please contact our DOL Rep:
  • Fannie Woods at 314-418-5261, her email is Fannie.J.Woods@hud.gov
Sub-Recipient – Compliance Monitoring Requirement

The UGLG’s “Labor Standards Officer” must monitor the performance of all contractors in complying with the wage rates and other requirements. The UGLG, any agent working on behalf of the UGLG, and/or the “Labor Standards Officer” has the right to request any additional information from the contractors and subcontractors working on a CDBG funded project to verify compliance with federal labor standards regulations. This information includes, but is not limited to job classification, payroll, benefits and deductions.
To verify compliance, the following steps should be performed by, or on behalf of, the UGLG:

1. Make sure that each contractor and sub-contractor submits, on a weekly basis, payroll records and statements of compliance as required by the law, and that these documents contain all the required information.
   - Payrolls must be numbered sequentially from first to final and must be submitted within seven days after the end of the pay period. Identify the first and final payrolls by the words “First” and “Final.”

2. Review the payrolls weekly to make sure that,
   - at least the minimum wages and fringe benefits as specified in the wage decision are paid to each employee and that any overtime worked is paid at the overtime rate. Fringe benefits include health insurance, retirement, life insurance, vacation. Fringe benefits do not include employer payments or contributions required by other federal, state, or local laws, such as the employer’s contribution to Social Security or some disability insurance payments.

3. Review the payrolls weekly to make sure that,
   - no deductions are made from any employee’s pay other than those permitted by DOL Regulations [29 CFR 3]. These regulations prohibit the employer from requiring employees to “kick-back” any of their earnings. Allowable deductions include employee obligations for income taxes, Social Security payments, insurance premiums, retirement, savings account, and any other legally-permissible deduction authorized by the employee in writing (Payroll Deduction Form 8.5 ODOC CDBG Project Management Guide).

4. Review the payrolls weekly to make sure that,
   - employee classifications conform to the wage decision and rates.
5. Apprentices and trainees may be paid less than the full journeyman rate only if they are registered in bona fide programs approved by and registered with the Employment and Training Administration of the USDOL.

   Make sure all necessary apprenticeship indentured papers and training certifications have been filed for employees on the job, and that the documents are valid.

6. Interview workers on the job using the **HUD-11 Employee Interview Form** (English & Spanish versions are available) to determine if the wages paid and/or the classification reported by the contractor are correct and correspond to the payrolls submitted.

7. Employees should be encouraged to produce pay stubs that document the wages received. Do this in such a way as not to interfere with the conduct of the work and so as to provide reasonable privacy.

   It is recommended to interview at least one of each classification of worker on the job for each contractor and sub-contractor. More than one is desirable as assurance that the requirements continue to be met.

8. For persons classified as apprentices or trainees, get a detailed statement of duties and tools used. Compare the interview data with the corresponding payrolls to identify any discrepancies.

9. Check the work site to make sure that the required wage rates and other required posters are posted in a clearly visible location.

10. Keep the site investigation report, payroll sheets, certifications, and employee interviews in the labor standards file for compliance monitoring.
How to Correctly Fill Out a WH-347 Payroll Form for CDBG Projects

The Completion of the WH-347 Payroll Form is optional; contractors may utilize their own payroll system as long as it conforms to the WH-347 Payroll Form and contains all the necessary information.

Payrolls must be numbered sequentially and should be based on the weeks worked under a contract.

Type the word "Final" when the last payroll is submitted for the project.

No skipping weekly numbered reports: Include a numbered report for all weeks even ones not worked.

The last day of the payroll period.

Check one of the boxes and list the name of contractor or subcontractor

Fill out completely with contractor or subcontractor address

The name and location of project.

The prime contractor should include the GRANT PROJECT number as listed in the CDBG Bid Documents.

Indicate the days and dates of the pay period. (should match week ending directly above)

Source:
https://www.youtube.com/watch?v=wI9ekEHoAvg

Example WH-347 Payroll - Fillable Form located:
www.dol.gov/whd/forms/wh347.pdf

Source:
List each worker's name
Only laborers and mechanics performing construction work under the contract should be listed.

Please note: Business Owners need only include their name, work classification including "owner" and the daily total hours worked.

List hourly wage rate and fringes paid in cash (not those paid to plans)

Specify the job classification located in the contract wage decision and/or the corresponding job title.

Specify the net amount paid to the employee for the pay

Specify the total overtime and straight time hours worked on the project.

Specify the gross earnings for the hours worked under the contract.

<table>
<thead>
<tr>
<th>Name and Individual ID (last four digits social security number or work number)</th>
<th>Work Classification</th>
<th>Hours Worked</th>
<th>Rate</th>
<th>Total Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alex Diner</td>
<td>Present Equipment Dist Driver Group 2</td>
<td>2.00</td>
<td>$62.03</td>
<td>$124.06</td>
</tr>
<tr>
<td></td>
<td>General Laborer</td>
<td>27.50</td>
<td>$8.59</td>
<td>$237.95</td>
</tr>
<tr>
<td></td>
<td>General Laborer</td>
<td>4.00</td>
<td>$8.89</td>
<td>$35.56</td>
</tr>
<tr>
<td></td>
<td>General Laborer</td>
<td>40.00</td>
<td>$8.89</td>
<td>$355.60</td>
</tr>
<tr>
<td></td>
<td>Original Equipment Dist Driver Group 2</td>
<td>1.50</td>
<td>$60.16</td>
<td>$90.24</td>
</tr>
<tr>
<td></td>
<td>Carpenter 1st MOC at 40%</td>
<td>40.00</td>
<td>$13.22</td>
<td>$528.80</td>
</tr>
<tr>
<td></td>
<td>Plumber</td>
<td>20.00</td>
<td>$67.88</td>
<td>$1,357.60</td>
</tr>
<tr>
<td></td>
<td>Boomtender</td>
<td>20.00</td>
<td>$69.13</td>
<td>$1,382.60</td>
</tr>
<tr>
<td></td>
<td>Power Equipment Rotary Dist Driver Group 4</td>
<td>24.00</td>
<td>$80.80</td>
<td>$1,939.20</td>
</tr>
</tbody>
</table>

Overtime and straight time hours worked under contract must accurately reflect overtime and straight time hours worked under contract.

For Contractor's Optional Use: See Instructions at www.dol.gov/whd/forms/wh347Instr.htm

All forms are not required to report all the collection of information unless it displays a currently valid OMB control number.

For Retail Endorsed Projects: Street Address: 8573 N. St. Paul, WI 53008
If part of a worker’s weekly wage was earned on projects other than the project described on this payroll, enter the gross amount earned on this contract in the top half of column 7. Enter the gross amount earned during the week for all projects in the bottom half.

Alex Driver worked 29.5 hours on this contract and 12.5 hours on another contract. The gross wages earned on this project, $1,422.84, is entered in the top half of column 7. The gross wages earned on all projects, $2,012.46, is entered in the bottom.

If an employee performs multiple work classifications under the contract, use two or more lines to distinguish the different job classifications, hours worked, and hourly wage earned for each.

Combine the two classifications when recording the gross amount earned for this pay period, deductions, and net wages.
A registered apprentice performing work under a contract must be reported. The payroll must include the current pay scale & provide a copy of the apprenticeship agreement.

Provide explanation of "other" deductions on signatory page.

Fringe benefits are not paid as cash to Bart Turner: explanation is included under "(c) exceptions" on signatory page.
Explanation of fringe benefits

Explanation of "other"

Explanation of exception to fringe benefits

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

Each labor or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section (c) below.

EXCEPTION (CRAFT)  EXPLANATION

Power Equipment Rotary Drill Group 4 paid directly to plan: health & dental at $12.50 per hour and Pension at $5.25 per hour

Explanation of exception to fringe benefits

(2) That any payroll otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

In addition to the basic hourly wage rates paid to each labor or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section (c) below.
Record of Employee Interview

U.S. Department of Housing and Urban Development
Office of Labor Relations

OMB Approval No. 2501-0009 (exp.01/31/2021)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. The information collected will assist HUD in the conduct of compliance monitoring; the information will be used to test the veracity of certified payroll reports submitted by the employer.

Sensitive Information. The information collected on this form is considered sensitive and is protected by the Privacy Act. The Privacy Act requires that these records be maintained with appropriate administrative, technical, and physical safeguards to ensure their security and confidentiality. In addition, these records should be protected against any anticipated threats or hazards to their security or integrity that could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom the information is maintained.

The information collected herein is voluntary, and any information provided shall be kept confidential.

---

1a. Project Name
Fall County - Community Building

2a. Employee Name
12345 CDBG 21

2b. Employee Home Number (including area code)

2c. Employee Home Address & Zip Code

3a. How long on this job?
3rd or 4th day

3b. Last date on this job before today?
2/21/2020

3c. No. of hours last day on this job?
8 hours

4a. Hourly rate of pay?
13.00

4b. Fringe benefits?
     Vacation Yes  No  ✔
     Medical Yes  No  ✔
     Pension Yes  No  ✔

4c. Pay stub?
     Yes  ✔

5. Your job classification(s) (list all) -- continue on a separate sheet if necessary
     Laborer
     Rake & Shovel Dirt/Sand

6. Your duties
     shovel & rake

8. Are you an apprentice or trainee?
     Y  N  ✔

9. Are you paid for all hours worked?
     Y  N  ✔

10. Are you paid at least time and ½ for all hours worked in excess of 40 in a week?
     Y  N  ✔

11. Have you ever been threatened or coerced into giving up any part of your pay?
     Y  N  ✔

12a. Employee Signature
2/24/2020

Payroll Examination

OK20190040 Building Rates dated 7/26/2019 show common laborer hourly rate at $11.00/no fringe. The weekly payroll ending 2/26/2020 Payroll #9 reflects that the employee's hourly pay is $13.00/no benefits.

13c. Date of interview
2/24/2020

Example HUD-11 Form
Record of Employee Interview Instructions

Instructions

General:
This form is to be used by HUD and local agency staff for recording information gathered during on-site interviews with laborers and mechanics employed on projects subject to Federal prevailing wage requirements. Typically, the staff that will conduct on-site interviews and use this form are HUD staff and fee construction inspectors, HUD Labor Relations staff, and local agency labor standards contract monitors.

Information recorded on the form HUD-11 is evaluated for general compliance and compared to certified payroll reports submitted by the respective employer. The comparison tests the veracity of the payroll reports and may be critical to the successful conclusion of enforcement actions in the event of labor standards violations. The thoroughness and accuracy of the information gathered during interviews is crucial.

Note that the interview itself and the information collected on the form HUD-11 are considered confidential. Interviews should be conducted individually and privately. All laborers and mechanics employed on the job site must be made available for interview at the interviewer’s request. The employee’s participation, however, is voluntary. Interviews shall be conducted in a manner and place that are conducive to the purposes of the interview and that cause the least inconvenience to the employer(s) and the employee(s).

Completing the form HUD-11

Items 1a - 1c: Self-explanatory

Items 2a – 2d: Enter the employee’s full name, a telephone number where the employee can be reached, and the employee’s home address. Many construction workers use a temporary address in the locality of the project and have a more permanent address elsewhere from which mail may be forwarded to them. Obtain a more permanent address, if available. Ask the employee for a form of identification (e.g., driver’s license) to verify their name.

Items 3a – 4c: Enter the employee’s responses. Ask the employee whether they have a pay stub with them; if so, determine whether the pay stub is consistent with the information provided by the employee.

Items 5 – 7: Be certain that the employee’s responses are specific. For example, job classification (#5) must identify the trade involved (e.g., Carpenter, Electrician, Plumber) – responses such as “journeyman” or “mechanic” are not helpful for our purposes.

Items 8 – 12b: Self-explanatory

Items 13 – 15c: These items represent some of the most important information that can be gathered while conducting on-site interviews. Please be specific about the duties you observed the employee performing. It may be easiest to make these observations before initiating the interview. Please record any comments or remarks that may be helpful. For example, if the employee interviewed was working with a crew, how many workers were in the crew? Was the employee evasive?

The level of specificity that is warranted is directly related to the extent to which interview(s) or other observations indicate that there may be violations present. If interviews indicate that there may be underpayments involving a particular trade(s), the interviewer is encouraged to interview as many workers in that trade(s) that are available.

Items 16 – 17b: The information on the form HUD-11 may be reviewed for general compliance, initially. For example, are the job classification and wage rate stated by the employee compatible with the classifications and wage rates on the applicable wage decision? Are the duties observed by the interviewer consistent with the job classification?

Once the corresponding certified payroll reports are received, the information on the HUD-11 shall be compared to the payroll reports. Any discrepancies noted between the HUD-11 information and that on the payroll report shall be noted in Item 16, Remarks. If discrepancies are noted, follow-up actions to resolve the discrepancies must be taken.

Example HUD-11 Form
Below is a snippet of the appropriate Wage Decision and what rate to look for when conducting payroll examination as highlighted on the previous slides. Please Note: the wage rate shows multiple laborer rates and no fringe, thus why it is important to review the weekly payrolls as well as conduct on-site visits and interviews as you may receive those payrolls that list General Laborer throughout when it is known that the project calls for a pipe layer and concrete work. In that case, more investigation with possible revisions to the payroll and restitution may be necessary.

<table>
<thead>
<tr>
<th>Base Rate</th>
<th>Fringes</th>
</tr>
</thead>
<tbody>
<tr>
<td>LABORER: Common or General......$ 11.00</td>
<td>0.00</td>
</tr>
<tr>
<td>LABORER: Mason Tender - Brick...$ 12.00</td>
<td>0.00</td>
</tr>
<tr>
<td>LABORER: Mason Tender - Cement/Concrete..............$ 13.04</td>
<td>0.00</td>
</tr>
<tr>
<td>LABORER: Pipelayer.............$ 11.65</td>
<td>0.00</td>
</tr>
</tbody>
</table>

https://beta.sam.gov/
Labor Standards

• Violations
  • Violations between $100-$1000 must be reported to ODOC
    • Require construction contract to provide supplemental payrolls to make restitution, retained a copy of canceled check
    • If construction contractor refuses to pay, sub-recipient must withhold funds to pay restitution
  • If over $1000 must be reported to DOL
Progress Payments

• Upon receipt of requests for payment during construction, the UGLGs should check that labor standards compliance is being met.
• All weekly payrolls and Statements of Compliance have been received, reviewed and any discrepancies resolved; and
• Employee interviews have been conducted as necessary, checked against payrolls and the wage rate decisions, and all discrepancies corrected.
• Although retainage is not a requirement, many UGLSs have found it helpful to maintain 5 percent retainage from partial payments until after final inspection, in case of any unresolved problems.
Final Payment

When construction work has been completed, the contractor will submit a final request for payment.

Before making final payment, the UGLG must ensure that:

1. All Weekly Payroll and Statements of Compliance have been received and any discrepancies have been resolved;
2. All discrepancies identified through job site interviews have been resolved; and
3. All files are complete including Section 3 and final wage compliance reports.
Monitoring & Closeout
Requirement 409
Monitoring

What initiates a Monitoring?

Risk Assessment

Percent of Funds Expended - 50-60%

Timeframe since last monitoring

Closeout in Process
What are the types of monitoring's

- **Desk Monitoring**
  - Town is given 2-3 weeks to provide ODOC with accurate documentation of their CDBG Grant.
  - More condensed than on site monitoring.
  - Files are audited at ODOC office.

- **On site Monitoring**
  - ODOC on site to review Grant recipients Grant Documents.
  - Within **thirty (30) days** of the monitoring visit, the Grant Recipient will receive a formal monitoring result(s) letter through OKGrants. This letter will summarize the area(s) reviewed, performance expectations, an analysis of what was discovered on-site, a conclusion or finding and, if necessary, required Grant Recipient responses or actions.

- **Monitoring waiver**
  - Not all contracts are monitored each year.
  - Previous monitoring and Grant Administrators performance are factored when waived.
• ALL MONITORINGS ARE DESK MONITORINGS UNTIL FURTHER NOTICE

• MONITORING TOOL IS ATTACHED WITH THE NOTIFICATION LETTER

• EMAIL SUPPORTING DOCUMENTATION TO ASSIGNED PROJECT MANAGER
November 13, 2020

Mayor
City of Anadarko
501 W. Virginia
Anadarko, OK 73005-0647

RE: Desk Monitoring
17506 CDBG 19

Dear Mayor:

This letter serves as a notification that Christy Davis from the Oklahoma Department of Commerce has scheduled a Desk Monitoring of your CDBG W/S Construction contract on November 30, 2020. Your grant administrator, [Redacted], has been notified and is aware of the necessary documents that should be available for this monitoring. Attached you will find desk monitoring tool that needs to be completed, signed and documents will need to be emailed to Christy.Davis@okcommerce.gov no later than December 24, 2020.

Please contact Christy Davis at 405-215-5395 if you have any questions or concerns.

Sincerely,

Alicia Hibbets, Director of Programs, Monitoring
Community Development Division

Cc: [Redacted]
• CREATED FROM ON-SITE MONITORING TOOL

• EACH SECTION NEEDS TO BE ANSWERED BY THE CITY/TOWN/COUNTY AND SIGNED BY AUTHORIZED OFFICIAL

• SIX SECTIONS – FINANCIAL INFORMATION, PROCUREMENT, CONSTRUCTION CONTRACTS, CITIZENS PARTICIPATION, EQUAL OPPORTUNITY/CIVIL RIGHTS & FAIR HOUSING

• CHECK BOXES – DOCUMENTS THAT NEED TO BE SUBMITTED
Community Development Block Grant Desk Monitoring Checklist

Grantee:
Contract #:
Due Date:

In the following sections, the Grantee will need to check each item as applicable to their project and answer each question. Items that are checked will need to be emailed to your project manager at ____________________ to complete your CDBG Desk Monitoring.

- GRANTEE
- CONTRACT #
- DUE DATE
- ASSIGNED PROJECT MANAGER & EMAIL ADDRESS LISTED
Financial Information (Upload Documents)

CDBG Grant Funds: 

Leveraged Funds: 

Leveraged Funds Source: (Town/City/County) 

- General CDBG Ledger to include match
- Purchase Orders/Board authorized payments in accordance to 11 O.S. 17-102
- Non-collusion affidavit for payments of $25,000.00 provided by the Vendor
- Invoices
- Cancelled Checks – including leverage funds
- Davis Bacon Payroll Sheets – All weeks (including sub-contractors)
- Employee Interview Sheets – 10% of each classification on project
- Change Orders
- Board Minutes of Meetings approving Purchase Orders, Invoices pertaining to above referenced contract.
- IN-KIND Leverage – Volunteer Time Sheets, Written log of each day equipment was used with hours
- Inter-Local agreement
1. Who maintains the General Ledger? (Name & Title)

2. Is the CDBG funds kept in a separate account from other funding?  
   □ Yes  □ No

3. Are Bank Statements Reconciliations performed?  
   □ Yes  □ No
   If yes, who performs this duty? (Name & Title)

4. Are separate persons performing bank statement reconciliations and accounting duties?  
   □ Yes  □ No

5. Are any municipal/county employees paid with CDBG funds?  
   □ Yes  □ No
   *If yes please provide copies of employee time sheets to ODOC.

6. Is city/county equipment used on the project paid for with CDBG funds?  
   □ Yes  □ No

August 1, 2020
**Procurement** (Upload Documents)
- Grant Administrator contract along with the Direct Solicitation Proposals or Advertisement Proposal.
- Engineering Contract along with the Direct Solicitation Proposals or Advertisement Proposal or Sealed Bids
- Architect Contract along with the Direct Solicitation Proposals or Advertisement Proposal or Sealed Bids

**Construction Contract(s)** (Upload Documents)
- Bid Advertisements
- Bids Tabulations
- Bid Packet Document – awarded bidder’s bid documents to include bid, bonding, insurance and affidavits
- Board Minutes of Meetings in relation to selection and award of contracts
- Pre-Construction Conference Report
- Written Section 3 Plan – if over $100,000
- Change Orders – Board approved
- Change of Scope
Citizen Participation (Upload Documents)
1. Public Hearing Notice – □ Application □ Closeout
2. Public Hearing Minutes – □ Application □ Closeout
3. Public Hearing Attendance Sheet – □ Application □ Closeout
4. Were all public hearings accessible to handicapped? □ Yes □ No
5. Were more than 15% of attendees non-English speaking? □ Yes □ No
6. Interpreter Provided? □ Yes □ No
7. Have any written complaints been received and was there action taken? □ Yes □ No
   Comment:

Equal Opportunity/Civil Rights (Provide answers & Upload Documents)
1. How many full time employees? _______________________
   a. If 10 full time employees or more, is there a Personnel Policy in place? □ Yes □ No
   b. If Yes – Please upload document in OKgrants.
2. If so, does Policy and Job application include EO statement to include all groups? (Mental/Physical Handicap – Age – Sex – Race – Religion – National Origin) □ Yes □ No
3. Have any EEO complaints been filed against the City? □ Yes □ No
**Fair Housing** (Provide answers & Upload Documents)

1. Does City have an Ordinance or Resolution?  □ Yes  □ No  Date passed

2. Have any complaints been received?  □ Yes  □ No

3. Identify steps to further Fair Housing:

August 1, 2020

---

4. Were CDBG funds expended for further fair housing?  □ Yes  □ No
Comments:

The City ensures that the above information is correct and that the files and all related documents (Requirement 401, V. Records and Attachment 5 of the CDBG Contractor’s Implementation Manual) are in place and will be maintained for three years after project closeout.

Signature (Mayor or Clerk)  Date
Financial Information (Upload Documents)

CDBG Grant Funds: [Blank]
Leveraged Funds: [Blank]
Leveraged Funds Source: (Town/City/County) [Blank]

- General CDBG Ledger to include match
- Purchase Orders/Board authorized payments in accordance to 11 O.S. 17-102
- Non-collusion affidavit for payments of $25,000.00 provided by the Vendor
- Invoices
- Cancelled Checks – including leverage funds
- Davis Bacon Payroll Sheets – All weeks (including sub-contractors)
- Employee Interview Sheets – 10% of each classification on project
- Change Orders
- Board Minutes of Meetings approving Purchase Orders, Invoices pertaining to above referenced contract.
- IN-KIND Leverage – Volunteer Time Sheets, Written log of each day equipment was used with hours
- Inter-Local agreement
1. Who maintains the General Ledger? (Name & Title) 

2. Is the CDBG funds kept in a separate account from other funding? □ Yes □ No 

3. Are Bank Statements Reconciliations performed? □ Yes □ No 
   If yes, who performs this duty? (Name & Title) 

4. Are separate persons performing bank statement reconciliations and accounting duties? □ Yes □ No 

5. Are any municipal/county employees paid with CDBG funds? □ Yes □ No 
   *If yes please provide copies of employee time sheets to ODOC. 

6. Is city/county equipment used on the project paid for with CDBG funds? □ Yes □ No 

August 1, 2020
**Procurement** (Upload Documents)
- Grant Administrator contract along with the Direct Solicitation Proposals or Advertisement Proposal.
- Engineering Contract along with the Direct Solicitation Proposals or Advertisement Proposal or Sealed Bids
- Architect Contract along with the Direct Solicitation Proposals or Advertisement Proposal or Sealed Bids

**Construction Contract(s)** (Upload Documents)
- Bid Advertisements
- Bids Tabulations
- Bid Packet Document – awarded bidder’s bid documents to include bid, bonding, insurance and affidavits
- Board Minutes of Meetings in relation to selection and award of contracts
- Pre-Construction Conference Report
- Written Section 3 Plan – if over $100,000
- Change Orders – Board approved
- Change of Scope
Citizen Participation (Upload Documents)
1. Public Hearing Notice – □ Application □ Closeout
2. Public Hearing Minutes – □ Application □ Closeout
3. Public Hearing Attendance Sheet – □ Application □ Closeout
4. Were all public hearings accessible to handicapped? □ Yes □ No
5. Were more than 15% of attendees non-English speaking? □ Yes □ No
6. Interpreter Provided? □ Yes □ No
7. Have any written complaints been received and was there action taken? □ Yes □ No
Comment:

Equal Opportunity/Civil Rights (Provide answers & Upload Documents)
1. How many full time employees? ________
   a. If 10 full time employees or more, is there a Personnel Policy in place? □ Yes □ No
   b. If Yes – Please upload document in OKgrants.
2. If so, does Policy and Job application include EO statement to include all groups? (Mental/Physical Handicap – Age – Sex – Race – Religion – National Origin) □ Yes □ No
3. Have any EEO complaints been filed against the City? □ Yes □ No
Fair Housing (Provide answers & Upload Documents)

1. Does City have an Ordinance or Resolution? ☐ Yes ☐ No Date passed ________________
2. Have any complaints been received? ☐ Yes ☐ No
3. Identify steps to further Fair Housing:

August 1, 2020

4. Were CDBG funds expended for further fair housing? ☐ Yes ☐ No
Comments:

The City ensures that the above information is correct and that the files and all related documents (Requirement 401, V. Records and Attachment 5 of the CDBG Contractor’s Implementation Manual) are in place and will be maintained for three years after project closeout.

Signature (Mayor or Clerk)  Date
Procurement Professional Services

1. Procurement Professional Services
   1. Grant Administrator procurement used
      A. Signed contract

2. Engineer Procurement
   A. Signed contract
Environmental

- Environmental
  - Environmental review form/s
    - *58.5

- Agency Letter
  - Historical
  - Archaeological

- 100 year flood plain info
  - Early Publication
  - Notice of Explanation date
  - Written justification
Citizen Participation Plan

- Citizen Participation Plan
  - Public Hearings/ Notices
  - Posting/ Publishing documentation
  - Sign in sheet
  - Minutes
Civil Rights

• Civil Rights
  • Agency personnel policies
    • (if over 10 full time employees)

• Questions from Equal Opportunity page
  • Did employment data indicate possible deficiencies in providing employment opportunities to any group?
  • Were Training and employment opportunities made available to lower income residents?
Fair Housing

- Ordinance Vs. Resolution
  - Ordinance
    - Laws passed in Code Book
  - Resolution
    - Action go before City Council
      - Only good for one year

- Affirmative Action Steps to Further Fair Housing
  - [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing)
Land Acquisition/Disposition

- Land Acquisition/Disposition
  - Requires pre-discussion before monitoring
Construction Contract

- Construction Contract
  A. Bid Advertisements
    A. Check for dates published, bid opening, and Federal regulation
    B. Notice of Award, date, and amount
    C. Date of 10 day call
    D. DEQ Permits
    E. Contractors Completed Section 3 plan (if over 100k)
  F. Pre-Construction conference
    A. Sign in sheet
    B. Agenda
    C. Minutes
  G. Change orders
    1. Type of Bid, Lump sum or line item.
    2. Amount. Does it require bidding?
  H. Change in Scope
    1. Request with reason for change
    2. ODOC approval
  I. Bid Documents with Fed Regulation
  J. Affirmative Action Steps
    1. Check for affirmative action steps
    2. Contact small, minority, and women owned businesses.
Payroll

• Payroll
  A. Number of Contractor
     A. Including sub contractors
  B. Copies of all Certified weekly payrolls.
     A. For both main contractor and sub
     B. Signature
  C. Payroll examiner
  D. Authorization forms
     i. Payroll Deduction Authorization
     ii. Certificate From Contractor Appointing Officer or Employee to Supervise Payment of Employees

C. Interviews
  A. Both sub and main contractor
  B. Person conducting interviews
  C. 3 different interviews

• Payroll
  D. Date of 10 day call
  E. Wage Decision Rate
Record keeping

• ODOC has to ensure HUD your records contain the follow:
  • Application file
  • Environmental review
  • Property Acquisition
  • Construction/Labor
  • Rehabilitation
  • State Monitoring
  • Equal opportunity
  • Fair Housing

• Closeout report
• ODOC Contact
• Professional services contract
• Relocation
• Financial
• Citizens Participation
• Audits
• Personnel
• Civil Rights
• Files maintained by grant recipient
On-Site Monitoring's

• Entrance meeting are required for all on sight Monitoring's.
  • Entrance meeting will require the follow people associated with the CDBG Grant.
  • Present
    • ODOC personnel
    • Grant Administrator
    • Authorized official (recommended)
    • Town personnel
      • (clerk, financial officer, etc...)
The purpose of the entrance meeting is to get everyone associated with the CDBG grant in the know about hold ups and current status of project.

- We need all team members at the table.
- Face to face communication
- Concerns are brought up early
- Problems are identified before closeout
Exit Conference

Who should be present?

Town representative

Discuss problems identified
Closeout documents are to be uploaded into OKGrants within sixty (60) days after the contract expiration date or completion of the project.

Project must be monitored before project is closed.

If you need additional time to closeout project, please submit Contract Modification.

- Particularly important if you expect to receive another invoice after contract expiration
- Contract Extension must be submitted by Authorized Official.
  - This includes signing the contract extension in OkGrants
Required Documentation

- CDBG Closeout Checklist
- Proof Second Public Hearing
  - Must be posted at 3 different addresses
  - Must have sign-in sheet even if blank
- Section 3 Report (if construction contract over $100,000)
- Final Wage Compliance Report – Must be signed by AO
- Proof of Insurance – If above ground
- Engineer/Architect Completion Report
- Signed Board Minutes or Closeout Resolution
  - Be sure to include brief description of project and CDBG contract #
ODOC CDBG
Closeout Checklist

- Checklist is used to help make sure all required documents are submitted
## Section 3 Summary Report

**Economic Opportunities for Low - and Very Low-Income Persons**

<table>
<thead>
<tr>
<th>1. Recipient Name &amp; Address: (street, city, state, zip)</th>
<th>2. Federal Identification: (grant no.)</th>
<th>3. Total Amount of Award:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town of Carmen</td>
<td>17532 CDBG 2019</td>
<td>$274,834.00</td>
</tr>
<tr>
<td>421 Main St / PO Box 98</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carmen, OK 73726</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. Contact Person</th>
<th>5. Phone: (include area code)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheryl Gahr - Clerk</td>
<td>580-987-2321</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6. Length of Grant:</th>
<th>7. Reporting Period:</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/13/19 - 8/12/21</td>
<td>October 14, 2020</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8. Date Report Submitted:</th>
<th>9. Program Code: (Use separate sheet for each program code)</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 14, 2020</td>
<td>CDBG</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10. Program Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDBG</td>
</tr>
</tbody>
</table>

**Part I: #3 Total Amount of Award**

- **CDBG CONTRACT AMOUNT**
SECTION 3
SUMMARY REPORT

PAGE 2 – Part II:
1.A. Total dollar amount of all contracts awarded on the project.

CDBG & LEVERAGE amount spent on Construction

PAGE 2 – Part II:
2.A. Total dollar amount of all non-construction contracts awarded on the project.

ALL CDBG & LEVERAGE total amounts spent on non-construction.
## Part II: Contracts Awarded

1. **Construction Contracts:**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Total dollar amount of all contracts awarded on the project</td>
<td>$448,567.47</td>
</tr>
<tr>
<td>B. Total dollar amount of contracts awarded to Section 3 businesses</td>
<td>$</td>
</tr>
<tr>
<td>C. Percentage of the total dollar amount that was awarded to Section 3 businesses</td>
<td>%</td>
</tr>
<tr>
<td>D. Total number of Section 3 businesses receiving contracts</td>
<td></td>
</tr>
</tbody>
</table>

2. **Non-Construction Contracts:**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Total dollar amount all non-construction contracts awarded on the project/activity</td>
<td>$64,256.57</td>
</tr>
<tr>
<td>B. Total dollar amount of non-construction contracts awarded to Section 3 businesses</td>
<td>$</td>
</tr>
<tr>
<td>C. Percentage of the total dollar amount that was awarded to Section 3 businesses</td>
<td>%</td>
</tr>
<tr>
<td>D. Total number of Section 3 businesses receiving non-construction contracts</td>
<td></td>
</tr>
</tbody>
</table>
Indicate the effort made to direct the employment and other economic opportunities generated by HUD financial assistance for housing and community development programs.

CHECK ALL THAT APPLY – Four options

- 4th option has to give a description
COMMON ISSUES
COMMON ISSUES

1. NOTICE OF AWARD
2. CONTRACT MODIFICATION REQUEST
3. BOARD MEETING MINUTES
4. OKGrants CONTRACT SIGNATURES
5. SITE VISITS
6. GENERAL LEDGER “SAMPLE” WORKSHEET
7. ODOC REVIEW COMMITTEE
NOTICE OF AWARD
AWARDING YOUR CONSTRUCTION CONTRACT AT A HIGHER COST THAN WHAT IS BUDGETED IN THE DETAIL LINE ITEM BUDGET.
EFFECTS

- Expenditures
- Closeout Documents
  - Section 3 Summary Report
  - Final Wage Compliance Report
FOUR THINGS HAVE TO HAPPEN
1. SUBMIT CONTRACT MODIFICATION REQUEST

Select Type of Modification

Detailed Description of reason for the change including dollar amounts listed.
2. LETTER OF REQUEST

- Detailed letter from the Town/City/County requesting the modification.
- Has to be on Letterhead
- Has to be signed by Mayor or Commissioner
3. LEVERAGE CERTIFICATION FORM

Update bottom portion of the Leverage Certification form showing the Amended Leverage/Match Amounts. Signed by Mayor or Commissioner.
4. **DETAILED BUDGET & SUMMARY**

- Once ODOC approves modification, the status will change to Modification in Process.
- Update the Detailed Line Item Budget. Remember to “SAVE”.
- Budget summary page – click save button.
- Submit back to ODOC
• Select Change in Contract Date
• Detailed Description of reason for the change along with Month, Date, & Year that you would like to extend to.
• Upload Letter of Request
  • Letterhead
  • Details in the letter along with date
  • Signed by Mayor/Commissioner
• Submit
BUDGET MODIFICATION

STEP 1
Select Budget Revision
Detailed Description of reason for the change along with dollar amounts and who is covering.
Upload Letter of Request
Leverage Certification Form
Submit
STEP 2

• Once ODOC approves modification, the status will change to Modification in Process.

• Update the Detailed Line Item Budget. Remember to “SAVE”.

• Budget summary page – click save button.

• Submit back to ODOC
• CDBG Contract will need to be specifically written out when the board is approving items for the contract.
OKGRANTS CONTRACT
SIGNATURES
OKGRANTS CONTRACT SIGNATURES

Authorized Official

- Updated with current email addresses
- Each AO has to have their own log in
City/Town/County Clerk Signature

Board meeting minutes approving the clerk to sign/submit document on behalf of the AO/Community
SITE VISITS
SITE VISITS

Communication via email verifying dates for all parties availability

Formal notification letter sent confirming date of monitoring.

Be Prepared. City/Town/County must have all documentation on-site.
Not Prepared for Monitoring

• Regardless if Grant Administrator just took over project, all documents should be available at City/Town/County.

• Rescheduled monitoring

• City/Town/County may be required to bring all documents to ODOC for on-site visit.
GENERAL LEDGER
“SAMPLE” WORKSHEET
GENERAL LEDGER “SAMPLE” WORKSHEET

Signed by Mayor/Commissioner or Treasurer

All expenses have to be able to be traceable

Worksheet does not replace General Ledger
ODOC REVIEW COMMITTEE
ODOC REVIEW COMMITTEE

- Expired Contract
- Contract is idle
- Disallowable Costs
- Falsified Documents/Dates/Signatures
Who is the ODOC Review Committee?
ODOC Review Committee Outcomes

- SPECIAL CONDITIONS ADDED TO CONTRACT.
- DE-OBLIGATION
Overview & Questions

That's All Folks!