We strengthen communities



Zoom meeting technical tips

To ensure a successful meeting:

- Keep your microphone on **MUTE** unless speaking
- Keep your video turned OFF
- Plug your device into a power source
- Plug your device directly into your internet connection instead of using wireless to avoid quality issues and interruptions (whenever possible)
- Familiarize yourself with the Zoom meeting controls at the bottom
 Zoom mobile app users, please be aware you can swipe left and right to switch between participants and screen share



Zoom – Chat

~ Chat	Technical difficulties? Please use the chat feature in Zoom for technical issues.
	Chat: 1. Select Chat on the bottom of your screen
To: Everyone ➤ ··· Type message here	 Type your question or comment into chat panel Recording: We will be recording this session and posting on the CDBG website.
Unmute Start Video	Reave Meeting Participants Share Screen Chat More



CDBG Management Handbook Webinar

Jacquie Andresen, Project Manager Genny Matteson, Project Manager Michelle Reilly, Project Manager

November 19, 2020

Today's webinar...

Cover initial compliance areas:

- Getting Started
- Subrecipients
- Grant Implementation
- Record Keeping
- Financial Management
- Procuring Professional Services
- Environmental Review

Spring Webinar will cover remaining handbook sections



Getting Started

Letter to Incur Cost or Award

- Award based on project defined in CDBG application
- Significant change could lead to rescission of award



Letter to Incur Cost or Award – Cont.

WHEN CAN YOU BEGIN INCURRING COSTS? (CONSTRUCTION/ACQUISITION/LOCAL ASSISTANCE PROGRAMS)

BEFORE CONTRACT IS EXECUTED

- Incurred costs cannot exceed 10% of total CDBG grant until contract is executed
- Incurred costs must meet CDBG requirements

BEFORE NEPA/SEPA IS COMPLETE

- Only general admin, costs related to NEPA/SEPA review, and pre-design
- No costs for "choice-limiting" or construction activities
- Eligible costs will be reimbursed only after NEPA/SEPA are complete

Note: Grants for planning activities cannot incur costs prior to contract execution.

Incur Cost/Award Letter

Prior to contract signing you must submit documents identified in letter:

- Documentation of other funding secured (if applicable)
- Income Survey Documentation (if applicable)
- Greenhouse Gas Emissions Reduction Policy* (Att. 1-E)
- Residential Anti-Displacement and Relocation Assistance Plan* (Att. 11-A)
- Excessive Force Policy* (Att. 1-C)

*Existing documentation may be acceptable if the language and provisions are current

Contract Development

Scope of Work drafted by CDBG Project Manager:

- Draft based on grant application work plan and budget
- Sent to the grantee for review

Grantee reviews:

- Activities to be performed under the grant and results
- Project funding and beneficiary data
- Expected completion schedule for each activity

ATTACHMENT A — SCOPE OF WORK AND BUDGET Grantee: City of South Bend Contract No. 18-62210-035

Section A: Project Description / Deliverable

The city of South Bend is awarded a \$710,650 CDBG General Purpose Grant to reconstruct 4th Street between Pacific and Willapa Avenues. The project will result in improved vehicle and pedestrian safety and water service reliability. Major components of the project include reconstructing approximately 680 linear feet or roadway; adding an American Disabilities Act compliant sidewalk; and replacing the existing water main. The CDBG project will link to a future Transportation Improvement Board project located on Willapa Avenue.

Total project costs are estimated at \$710,650 with funding from CDBG.

The project will provide an area benefit to the city consisting of approximately 1,637 persons with 56.23 percent having low- and moderateincomes based on HUD 2014 LMI data.

Section B: Project Activities, Milestones and Budget					
CDBG Budget Code					
21A General Admin.	\$2,500	 Execute grant contract with Commerce. Establish administrative, financial, reporting, and record keeping systems. 	Before first paymen request		
I		Poymont requests:	••••••••		

Scope of Work Schedule

It is important to provide sufficient time for each activity and for potential delays:

- Environmental Review
- Regulatory Approval
- Meeting CDBG procurement requirements
- Final public hearing and reporting requirements



Getting Started - Questions?

Subrecipient & Partnerships

Subrecipient

- A non-profit agency or organization provided CDBG funds by the CDBG grantee for use in carrying out agreed-upon, eligible activities.
- The subrecipient has administrative requirements
- The subrecipient is accountable to the CDBG grantee

Partner

Non-profit/organization with an interest in the CDBG funded activity awarded to the grantee.

• The partner's role is managing the facility (for example a food bank), may contribute funding to the grantee, contribute non-budgeted items, or other responsibilities.

Or

• The partner is the owner of the real property that was acquired or improved in whole or in part with CDBG funds.

Grantee Responsibilities

Grantee

- Is wholly responsible for the outcome of the project
- Serves as the prime communication link between the subrecipient and CDBG project manager
- Keeps a full set of original records for the CDBG project on-site
- Monitors subrecipient to ensure compliance with CDBG requirements



Subrecipient Responsibilities

Subrecipient

- Complies with all CDBG requirements
- Communicates with the CDBG Project Manager <u>through</u> the grantee and not on behalf of the grantee
- Provides documentation to grantee for all processes involving the CDBG grant
- Reports to the grantee through a formal processwritten or verbal



Initial Grantee Requirements

- Execute Contract with Subrecipient/Partner
 - Subrecipient Sample (Attachment 18-C)
 - Partnership Sample (Attachment 18-D)
- For Subrecipients
 - Prior to entering into an agreement, document that subrecipient is not excluded from receiving federal funds (check <u>http://www.SAM.gov</u> for eligibility)
 - Develop written Standards of Conduct (Attachment 7-K)
- Enter into a Deed of Trust with the grantee for any facility constructed, acquired, or rehabilitated in whole or in part with CDBG within 30 days of acquisition or substantial completion of activities
- NOTE: Procurement by partners could trigger additional requirements. Contact CDBG project manager

Subrecipient & Partnerships Questions?

Grant Implementation Checklist

Implementation Checklist

- Follows general flow of CDBG activities
- Handbook sections
 referenced
- Guide and reference for ensuring compliance
- Some items may not apply depending on project type

	ACTION	SECTIONS	YES	N/A
1.	Received grant award letter or incur cost letter	1		
2.	Submitted Excessive Use of Force Policy; and Greenhouse Gas Emissions Reduction Policy, if capital construction project	1		
3.	Submitted Residential Anti-Displacement and Relocation Assistance Plan	1, 11		
4.	Negotiated contract's scope of work and budget	1		
5.	Received CDBG contracts from Commerce and returned signed copies	1		
6.	Received an executed contract and placed in CDBG files	1		
7.	Developed local jurisdiction employment policies, procedures and Section 3	10		
8.	Hired grant administrator (If not administered by a city/county employee, or by a quasi-governmental organization, the position must be advertised)	1		
9.	Developed a subrecipient or partnership agreement, if applicable & submitted to Commerce for approval	1, 18		
10.	Attended CDBG management workshop/webinar	1, 18		
11.	Established required CDBG files	3		

Grant Implementation Checklist – Questions?

Record Keeping & Reporting

Record Keeping

- Establish CDBG filing system
- Files should be secured
- Made available to the public
- Maintained for six years after CDBG closeout



Filing System

- List of recommended files on page 3-1
- Sample filing structure starts on page 3-2

Recommended File Breakdown				
Application File	Required Reporting			
CDBG Contract File	Subrecipients/Partnership File			
Environmental Review File	Acquisition File			
Financial Management File	Relocation File			
Procurement and Bonding File	Property Management File			
Labor Standards & Construction Contract Files	Housing Rehabilitation File			
Civil Rights File				

HUD Reporting Requirements

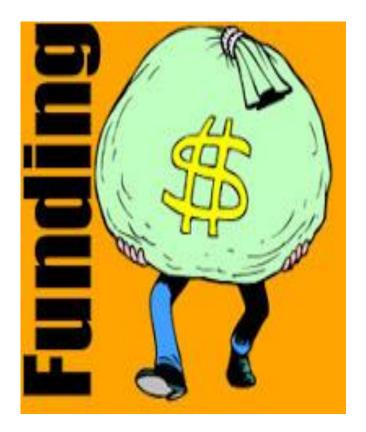
Report/Form	Annually	Reporting Period	Due Date	Section/ Attachment
Contract/Subcontract Activity Form	V	October 1- September 30	October 31	Attachment 7-J
Program Income Reports	Ø	January 1 – December 31	February 15	Attachment 4-A
Section 3 Summary Report	\checkmark	July 1-June 30	August 31	Attachment 7-G
Beneficiary Report				
 Public Services Grant Local Assistance Programs 		Quarterly July 1-June 30	30 days after quarter July 30	Attachment 4-H Attachment 4-D

Record Keeping & Reporting Questions?

Financial Management

Internal Controls

- One person should be designated as the Fiscal Coordinator
- Employees handling CDBG funds must be bonded
- Document your payment approval process and procedures



Internal Controls - Disbursements

- CDBG reimburses grantee for eligible costs already incurred
- Grantee must disburse CDBG funds in a timely manner
 - Three (3) working days upon receipt of funds
 - Do not hold an excess cash balance



Establish CDBG Account

- Set up a separate <u>non-interest bearing</u> account
 - In a FDIC bank Account must be included as part of the grantee's account system, OR
 - As a CDBG account or sub-account within your own accounting system
- The Catalog of Federal Domestic Assistance (CFDA) program number is: 14.228
 - Is listed on your CDBG contract face sheet
 - Used in your financial reports for Schedule of Expenditures of Federal Awards.

Cost Eligibility

- Must follow the Federal Cost Principles outlined in 2 CFR 200
- Eligible costs are limited to activities specified in the contract
- Maintain source documentation for all costs
- Records must be maintained at least 6 years after closeout of CDBG contract

Cost Eligibility - Indirect

- Prior to invoicing for indirect costs, the grantee must submit documentation of cognizant agency approval per 2 CFR 200
- If no approved indirect rate exists, a 10% de minimis rate is allowed

Cost Eligibility - Administration

- Expenses must be documented
- If you pay your staff with CDBG funds, they must document actual time spent on the CDBG activity on their timesheets
- Timesheets should be broken down by employee and indicate hours worked on the CDBG project for each pay period
- Timesheet sample available in Attachment 4-C

Requesting Payment

- Submit complete A-19 Voucher Request (Attachment 4-B (1))
 - Includes:
 - Filled out and signed A-19 Voucher
 - Back-up documentation supporting costs
 - Project Status Report (Attachment 4-B (4))
 - Reportable Expenses Report (4-B (5))
- Include dates of service on A-19
- 1st payment must be within 270 days of CDBG contract execution date.
- Do not submit more than monthly or for expenses less than \$500

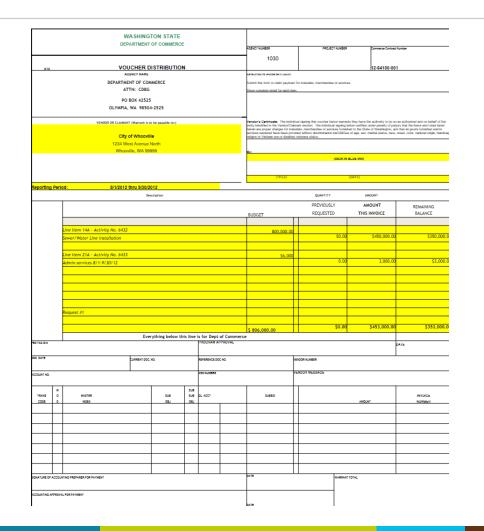
Requesting Payment - Cont.

 Direct Deposit or Electronic Funds Transfer (EFT) is available by signing up with OFM at www.ofm.wa.gov/vendors.asp



A-19 Voucher

- CDBG Project Manager will provide project specific template
- Includes: Address and Statewide Vendor (SWV) #
- List items by Activity #
- See Attachment 4-B(2) for instructions



Project Status Report

- Project Status Report reflects current project status
- Required with each A-19
- Attachment 4-B (4)



Attachment 4-B (4)

Washington State Department of Commerce Community Development Block Grant (CDBG) P.O. Box 42525 Olympia, WA 98304-2525

PROJECT STATUS REPORT

This form must be completed each time you submit a reimbursement request. Reimbursement requests will not be processed unless accompanied by a current Project Status Report.

Grantee Name:	
Contract Number:	
Project Name:	
Reporting Period:	

Please describe the progress you have made to date on your project's scope of work (see Attachment A in your contract).

Approximately, what percentage of the project is complete?

Will the project be completed early (month/day/year)?

Reportable Expenses

- Helps assess how Commerce supports diverse businesses
- Required with each A-19 voucher over \$1,000
- Includes data on each contractor and subcontractor by name, contract relationship and Unified Business Identifier (UBI) number
- Attachment 4-B (5)



Final Payment

- 5% of grant is retained until all contract tasks, activities and conditions have been met
- Before final payment (this 5% retainage) is released:
 - All required forms must be submitted
 - All required actions identified in monitoring letter resolved
 - Closeout Report submitted
- CDBG cannot reimburse costs incurred <u>after</u> the contract end date

Program Income

- Revenue earned as a result of receiving CDBG funding
- Typically earned with housing rehabilitation or micro loans
- Any program income available must be used before CDBG grant funds are drawn and shown on the A-19 Voucher
- Grantee cannot retain program income until after grant is closed.

Program Income Reporting

- Reported Annually by February 15 (for previous year)
 - Use Attachment 4-A
- Even if you earned less than \$35,000 must complete and submit report
- Must submit reports on open and closed CDBG contracts

REMINDER: CDBG program income can only be spent on eligible CDBG activities

Financial Management Questions?

Section 4

Procuring Professional Services

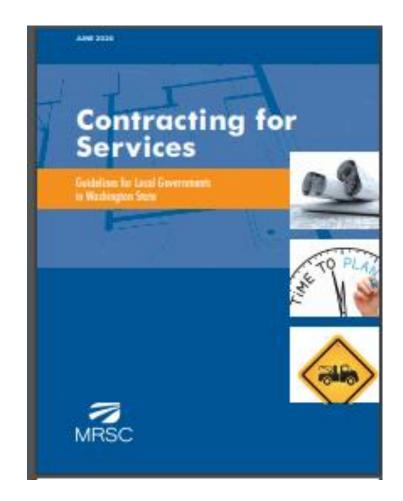
Section 5

Introduction

- Applies to engineers, architects and other consultants
- Required under 2 CFR 200 Subpart D and RCW 39.80
- Develop and implement Standards of Conduct (Attachment 7-K)
- Define and develop scope of services
- Develop written selection criteria (Attachment 5-E for sample)
- Select procurement method and advertise
- Evaluate and select consultant
- Contract and monitor

Procurement Methods

- Request for Qualifications (RFQ) or Proposals (RFP)
 - Architecture & Engineering Services (qualification based selection)
 - Advertise each project or annually
 - Example advertisement (Attachment 5-A)
 - Personal Services (all other consultants)
 - Minimum of two proposals for competition



Advertisements for RFQ or RFP

Include language:

- Encouraging minority- and women-owned business (MWBE) firms to submit proposals
- The grantee and/or subrecipient is an Equal Opportunity and Affirmative Action Employer
- Stating project is funded through the State CDBG program with funds from HUD

Sample language is provided on handbook page 5-3. Advertisement samples are provided in Attachment 5-A

Advertising & Timing

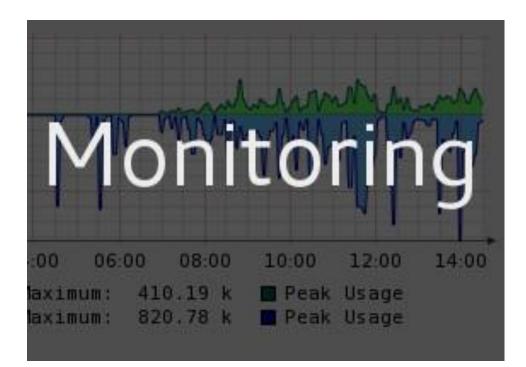
- Published once a week for two weeks
- Major newspaper of general circulation
- Allow 14 days from date of last publication, before due date
- Minority- and women-owned business requirements:
 - Post advertisement on the Office of Minority and Women-owned Business Enterprises (OMWBE) website, OR
 - Develop list of five qualified firms using OMWBE Directory
- Document process in procurement file

Next Steps

- Evaluate and Select
 - Verify firm and owner are eligible to receive federal funds (SAM.gov)
 - Document selection process, including criteria
- Prepare the contract:
 - General administrative provisions
 - Scope of services
 - Method of compensation
 - **Required** federal provisions (Attachment 5-C)
- Sample agreement (Attachment 5-B)

Monitor Performance

- Establish a system for monitoring consultant performance
- At a minimum:
 - Reconcile payment requests against applicable documents and performance targets
 - Receive monthly updates on project status, or issues



Small Purchase Procedures

- Cannot use for engineers or architects
- Only for contracts under \$35,000
- Does not have to be advertised
- Solicit three proposals
- Good faith effort to include MWBE firms
- Encourage Section 3 businesses

FAQ

System of Award Management (SAM.gov):

- Grantees and Subrecipients must be registered
- Vendors/contractors, including second tier, must be eligible to participate in federal or federally-assisted contracts of program
- Verify exclusion in SAM.gov prior to executing contracts
- Registration in the System of Award Management is FREE!
- Does not require third party intermediary to register

Common Issues

- Printed version of SAM.gov verification is not dated
- Required federal provisions (Attachment 5-C) are not included in agreements
- Grantee or subrecipient has not documented selection criteria and process



Procuring Professional Services – Questions?

Section 5

Environmental Review

Section 6

Why is it important?

- Avoid and mitigate environmental effects that may harm your citizens or the surrounding environment
- Prevent delays and cost overruns associated with unknown environmental conditions
- Preclude successful legal action to stop project on environmental grounds
- Secure the value of public investment



National Environmental Policy Act (NEPA)

- Implemented by HUD through Title 24 Code of Federal Regulations (CFR) Part 58
- Includes other applicable regulations and sections of federal laws and authorities (58.5)
- State Environmental Policy Act (SEPA)
 - Implemented by WAC 197.11.800

Relevant Laws & Authorities

- Historic Preservation (Section 106)
- Floodplain Management
- Wetlands Protection
- Coastal Zone Management Act
- Sole Source Aquifers
- Clean Air Act
- Endangered Species Act
- Wild and Scenic Rivers
- Farmland Protection Policy Act
- Environmental Justice

HUD specific regulations:

- Explosives and Flammable Operations
- Toxic chemicals and Radioactive Material
- Noise Abatement and Control
- Airport Clear and Accident Potential Zones

NEPA

- Directs federal agencies to consider environmental impacts of all proposed projects funded with federal dollars
- One federal dollar spent triggers all NEPA requirements
- Applies on the date CDBG receives application
- Each federal agency develops its own environmental regulations



Environmental Review

- Project Aggregation
 - Define and review entire project area
- Level of Review
 - Determine level appropriate for project and understand what procedures must be followed
- Documentation
 - Fully document environmental review process

Levels of Environmental Review

	Exempt	Categorically Excluded, not subject to 58.5	Categorically Excluded, subject to 58.5	Environmental Assessment	Environmental Impact Statement
Regulatory Citations	24 CFR Part 58.34	24 CFR Part 58.35(b)	24 CFR Part 58.35(a)	24 CFR Part 58.36	24 CFR Part 58.37
Examples	Administration, Project Planning, Environmental Studies, and Engineering Design	Supportive services, such as health care, housing services, etc., and assistance in accessing local, state and Federal government benefits	Acquisition, repair, improvements, reconstruction or rehab; facilities have same use w/out changes in size or capacity > 20%	New construction, or land acquisition for housing or economic development	Projects having a regional and/or long-term impact, e.g., construction of a power plant or landfill
		Economic development activities, including equipment purchase, operating expenses and similar costs not associated with construction or expansion of existing operations	Rehab of residential buildings (<= 4 units), when density is not increased beyond four units, land use is not changed, and footprint of the building is not increased in floodplain or wetland	Converting a property to another use (e.g. commercial to residential, commercial to public facility, etc.)	Will pose significant or potentially significant impacts on unique resources, e.g., endangered species, unique landforms, etc. Effects are highly uncertain or involve unique or unknown risks.
		Tenant-based rental assistance	Projects to remove barriers restricting mobility & accessibility to elderly and handicapped persons	Rehab that exceeds the thresholds for categorical exclusion	High controversial for scientific or engineering reasons

Responsible Entity (RE)

Assumption of Authority

- The RE is ALWAYS a unit of general local government (grantee)
- RE assumes responsibility for:
 - Environmental review
 - Environmental decision making
 - Environmental action

ASSUMPTION OF AUTHORITY/RESPONSIBLE ENTITY

The CDBG environmental review regulations require grantees to assume the responsibility for meeting the requirements and complying with environmental laws. The grantee is the Responsible Entity (RE) and assumes the responsibility for environmental review, decision-making, and action that would otherwise apply to HUD under NEPA and other provisions of Federal law (24 CFR Part 58).

Responsible Entity (RE) – Cont.

- The RE must determine the technical and administrative capacity to conduct the environmental review:
 - Technical: environmental expertise, either in-house or through professional services
 - Administrative: through record keeping and compliance with CFR 24 Part 58



Reviews Prepared by Other Agencies

Grantee can adopt elements of environmental reviews prepared by or for other agencies to supplement its review. Grantee must ensure it:

- Meets or exceeds CDBG requirements
- Is complete and incorporated into environmental review record and referenced checklists

Note: HUD has four laws listed in 24 CFR 58.5 that may not be in other agency's regulations.

- Explosives and Flammable Operations
- Toxic Chemicals and Radioactive Materials
- Noise Abatement and Control
- Airport Clear Zones and Accident Potential Zones

CDBG also has unique publication and comment periods!

CDBG Environmental Review Steps

- 1. Designate person responsible for carrying out review
- 2. Create the environmental review record
- 3. Complete SEPA
- 4. Complete NEPA
 - Determine project scope and areas of potential effect
 - Determine level of review
 - Conduct review and make a determination/finding
 - Publish notice and submit Request for Release of Funds, if applicable
 - Commit funds and implement project
 - Compliance monitoring

NEPA Designate Environmental Review Officer (ERO)

- Preparer/Analyst
 - Staff
 - Elected Official
 - Consultant
- Certifying Official
 - Chief Administrative Official (CAO) or Designee ERO
 - Designation requires authorization letter from the CAO designating individual as the ERO
 - Certifying officer accepts the jurisdiction of the federal courts for the responsible entity in environmental matters
 - Initiates consultation with tribes and federal agencies

Create Environmental Review Record

- Contains all environmental review documents, including source documentation, and public notices, if applicable
- Document compliance with laws and authorities
- Record the written determination and other review findings
- Be available for public review



NEPA Determine Project Scope

Project Scope

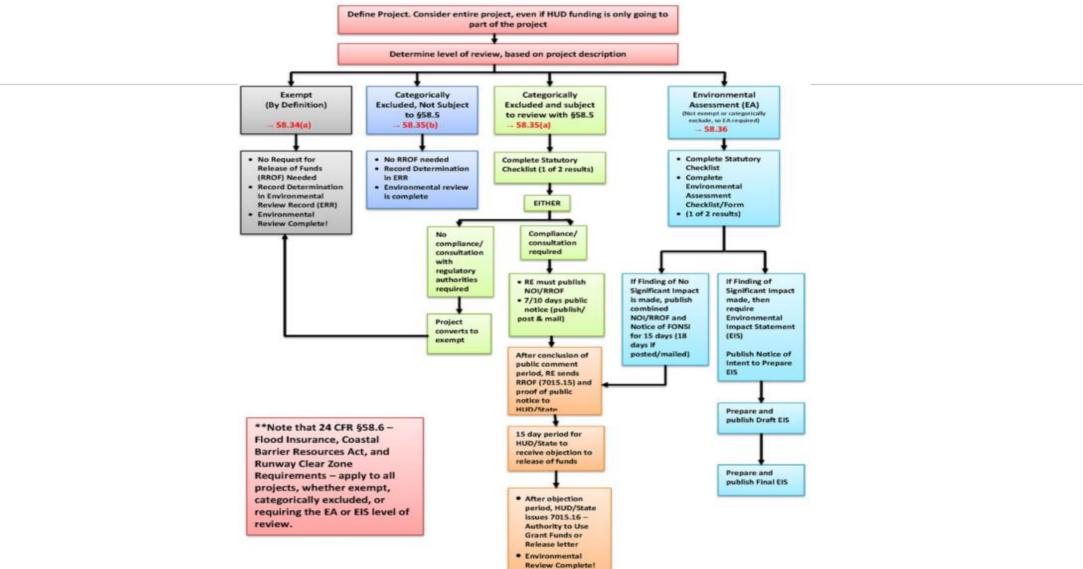
- Describe activities and location in writing
- Define activities, scale, purpose and needs; list other funding sources; define time frames
- Project Aggregation
 - Group and evaluate all related activities
 - Examples of aggregation: Functions, Geography or Logical



NEPA Determine Levels of Review (Federal)

- Exempt
- Categorically Excluded Not subject to laws & authorities at 58.5
- Categorically Excluded Subject to 58.5
 - No laws impacted
 - Laws impacted
- Environmental Assessment (EA)
- Environmental Impact Statement (EIS)
 - NOT eligible for CDBG funding

NEPA Environmental Review Process



NEPA Resources

- Handbook Attachments
- HUD Worksheets
- SEPA Homepage

http://www.ecy.wa.gov/programs/sea/ sepa/e-review.html

NEPA RESOURCES

CDBG recommends grantees use the checklists, tools and contact information available at HUD's websites to determine compliance and complete their environmental review.

HUD's **Related Federal Laws and Authorities** found at:

https://www.hudexchange.info/programs/environmental-review/federal-related-laws-andauthorities/

1 HUD EXCHANGE

ental Review - Environmental Review Federal Related Laws and Authoritie

Related Federal Laws and Authorities

below to learn more about HUD environmental review compliance with Federal related laws and authorities listed at 24 CFR 50.4, 58.5, and 58.6.

Find by Topic



Air Quality

Coastal Barrier Resources

Use the following Region X website for Washington State specific guidance; https://www.hud.gov/states/shared/working/r10/environment/washington

NEPA Request for Release of Funds (RROF)

- Required for non-exempt activities
- Issued once grantee and Commerce comment periods are complete
 - Commerce's comment period begins the day after receipt of the ER packet
 - Grantee can begin submitting A-19 invoices for eligible expenditures once RROF issued



24 CFR 58.22 Limitations on activities pending clearance Cannot limit alternatives or commit HUD or **non-HUD** funds until funds have been released (i.e. go to bid, acquisition)

Compliance Monitoring

Two levels of monitoring

- Level 1: Release of funds desk monitoring
 - Packet is complete for specific level of review
 - Checklists, certifications, publications
 - Section 106, Floodplain and Wetlands
- Level 2: Monitoring
 - Review of full ERR
 - Documentation not reviewed during Level 1
 - Funds not obligated/spent prior to release of funds
 - Objections
 - Mitigation measures/conditions met

Environmental Review Questions?

Section 6

Disclaimer

• This presentation is intended as general information only and does not carry the force of legal opinion.

 While Commerce tries to keep information timely and accurate, there will often be delay between official publications of materials and the modification of these pages. Therefore, we make no express or implied guarantees of the latest documentation. The Federal Register and the Code of Federal Regulations remain the official source for regulatory information. CDBG makes every effort to keep this information current and to correct errors brought to our attention.

Thank you!

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