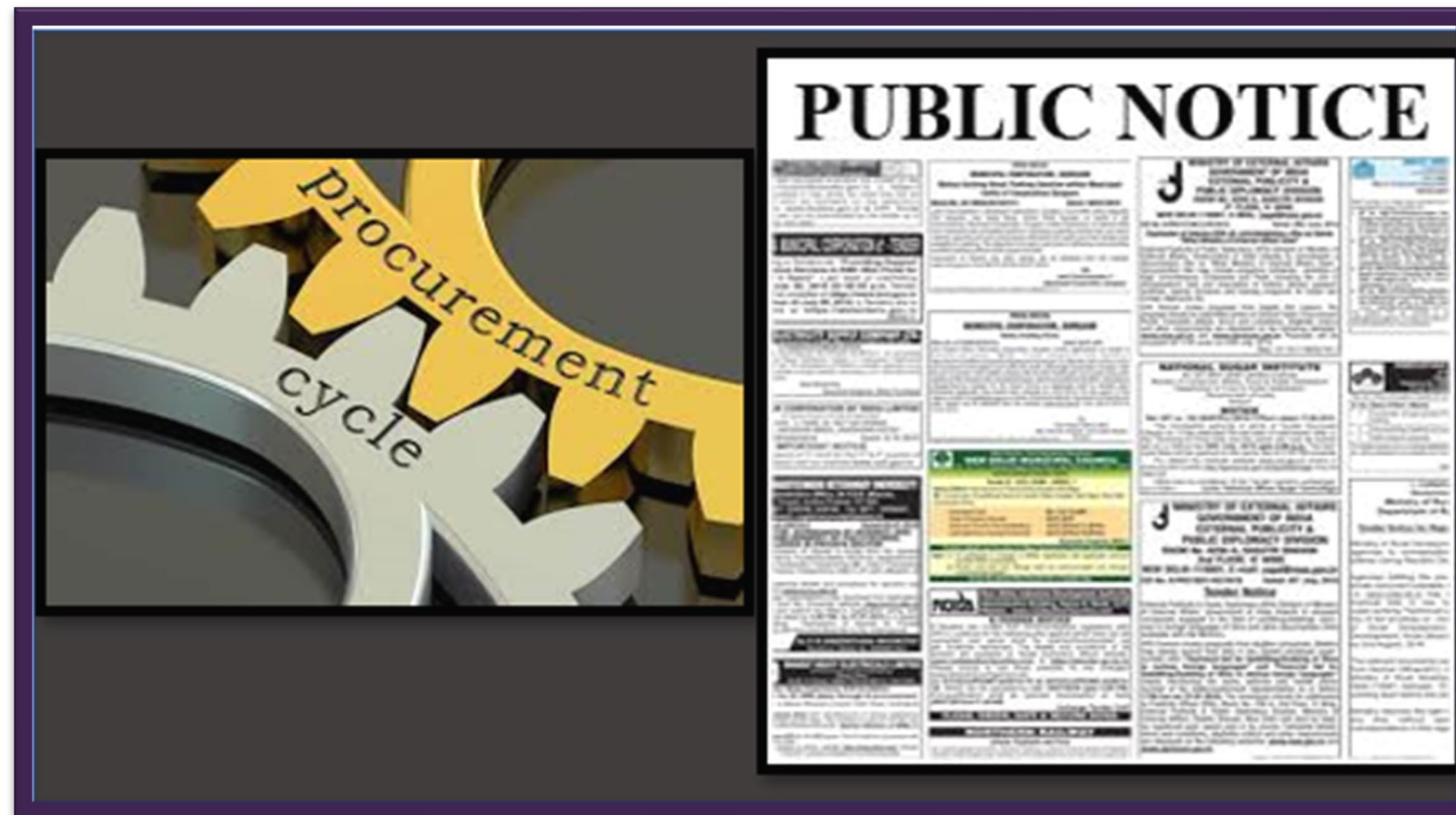


Applicant Compliance Requirements

Professional Procurement
&
Citizen Participation



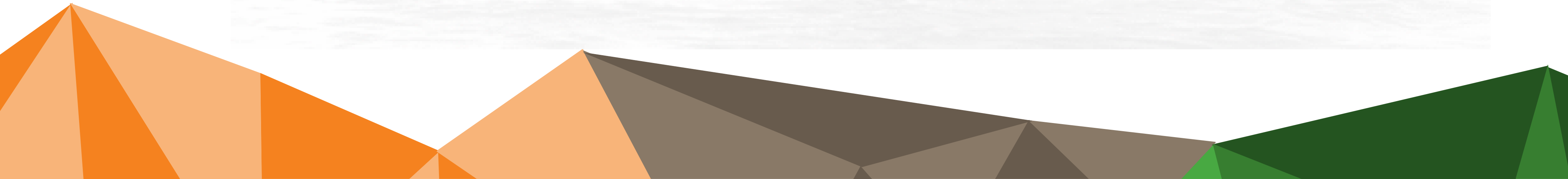
Brittney Hickom, Compliance Officer

2023 CDBG Annual Competition



Procurement

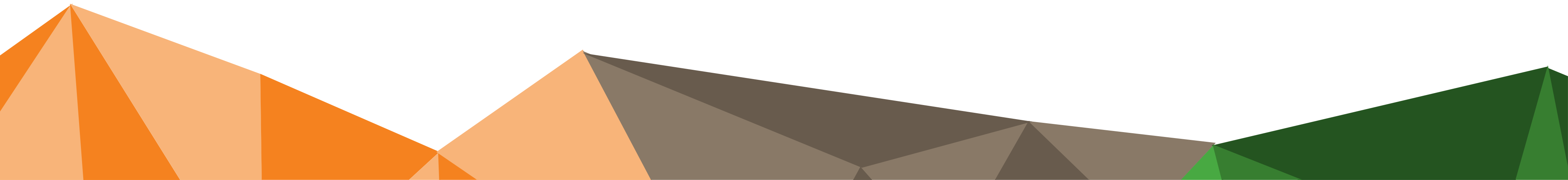
- ✓ Standards
- ✓ Methods
- ✓ Sole Source Requirements
- ✓ Documenting Procurement in the application



Procurement Standards

DCA's procurement policies and procedures implement the requirements of 24 CFR 570.489 (g), which says the State shall establish requirements for procurement policies and procedures for units of general local government, based on full and open competition.

- Identification of Methods of Procurement and their applicability
- Prohibition of cost plus a percentage of cost & percentage of construction costs methods of contracting
- Assurance that all purchase orders and contracts include any clauses required by Federal statutes, Executive orders, and implementing regulations
- Subrecipient and contractor determinations shall be made in accordance with the standards in 2 CFR 200.330.



Procurement transactions will be provided in a manner providing full & open competition

Avoid:

- x Unreasonable requirements
- x Noncompetitive pricing practices
- x Noncompetitive awards to consultants that are on retainer contracts
- x Organizational conflicts of interest
- x Specifying only a brand name product
- x Any arbitrary action in the procurement process



Procurement Standards

Documented Conflict of Interest Policy, which states:

- No employee, officer, or agent...
- “May participate in the selection, award, or administration of a contract supported by a Federal award if a real or apparent conflict of interest is present.”

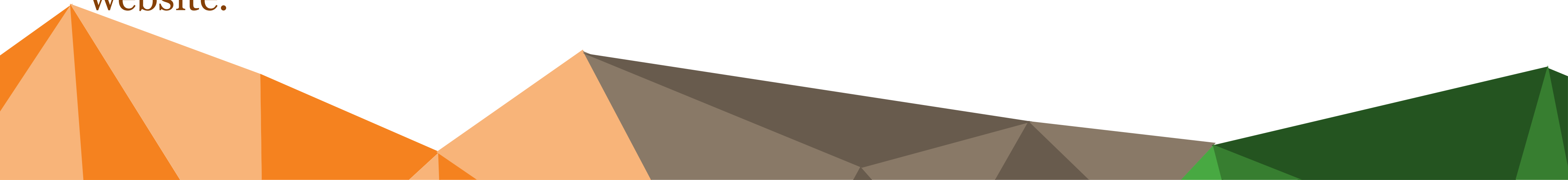
Prohibited Conflicts

Persons with CDBG responsibilities, decision-making power or information may **NOT:**


- Obtain a financial interest or benefit from CDBG activity
- Have any interest in contract or subcontract
- Applies to family members and business ties
- Applies during tenure and 1 year after

Example: Grant Administrator cannot assist grantee with drafting statements of work or RFPs for grant administration if they intend to submit proposal.

May explain process, discuss instructions/process publicly available on DCA website.



Standards – Selection Procedures

- ✓ Accurate description of the technical requirements for material, product, or service without restricting competition
 - ✓ Clear requirements and evaluation factors
 - ✓ The review of proposed procurement actions by Recipient officials to avoid purchasing unnecessary or duplicative items.
 - ✓ A cost or price analysis for every procurement action
 - ✓ Consideration of contractor integrity, compliance with public policy, record of past performance, and financial and technical resources in the selection process
- 

DCA's Section 3 Policy

Economic Opportunities for Low & Very Low-Income Persons

- Applies when Recipient's award exceeds \$200,000

Section 3 Business - A business concern meeting at least one of the following criteria, documented within the last six-month period:

- 51% or more owned by low-income persons
- Over 75 % of the labor hours are performed by Section 3 workers over the prior three-month period
- at least 51% owned by current public housing residents

<https://portalapps.hud.gov/Sec3BusReg/BRegistry/SearchBusiness>

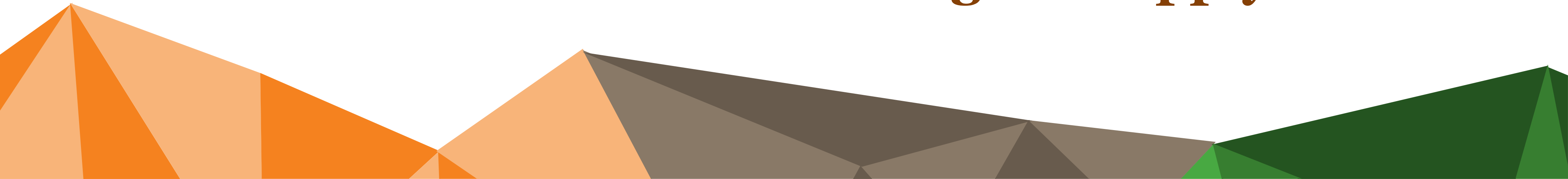
DCA's Section 3 Policy – Cont'd

Advertising Requirements

- Contract Opportunities must be posted to at least 3 locations
 - GPR, your website, Dodge Room, newspaper, DOL, DFCS, local workforce board

All ads must include this Section 3 language:

“This is a Section 3 Covered Contract. Section 3 Business Concerns are encouraged to apply.”



Methods of Procurement

- **Small purchase:** Procurements under \$100,000 (if allowed by local policy).
 - Require that price or rate quotations be obtained at least three (3) sources.
 - Not appropriate for procurement of administrative or professional services
- **Competitive Proposals:** Professional Services
- **Competitive Sealed Bids:** Public Works Construction
- **Sole Source:** Requires DCA Approval
 - The item or service is available from only one source;
 - Urgent public need will not allow for the delay caused by advertising;
 - Although a number of bids/responses were solicited, only one response was received.

Procurement – Competitive Negotiation

□ CDBG payments for Professional services are subject to the “competitive negotiation” requirements of [24 CFR 570.489 \(g\)](#).

- Private grant writers/administrators
- Engineers and Architects
- Not applicable if contracting with Regional Commissions

Competitive Negotiation

Avoid the appearance of a conflict of interest:

- Prior to CDBG application submission, both grant application services and grant administration services should be solicited using the same Request for Proposal (RFP).
- For Engineering/Architectural services, preliminary reports and design and construction services should all be procured upfront using the appropriate RFP or Request for Qualification (RFQ) process.

STEP-BY-STEP

- 1) Establish or appoint a local Selection Review Committee
- 2) Determine the Selection Criteria
 - Prepare a Ratings Criteria Score Sheet
- 3) Develop the Request for Proposals (RFP) Package
 - May choose Request for Qualifications (RFQ) for engineering/architectural services
 - Include the evaluation factors, level of importance, deadlines, and contact information.

STEP-BY-STEP

4) Publicize the RFP or RFQ.

- Federal Section 3 requires communities to advertise the RFP in three locations.
- The publication must state this is a Section 3 contract opportunity.
- Allow 30 days for responses.
- **NEW:** If equal to or greater than \$100,000 place on Georgia's Procurement Registry, (HB 322)

All GPR advertisements must state this is a Section 3 contract opportunity

STEP-BY-STEP

- 5) Distribute the RFP or RFQ to known providers
 - Consultants/Administrators sent to at least seven (7) known providers.
 - Engineering/architectural sent to at least ten (10) know providers.
 - Email delivery - use Request Delivery Receipt & Request Read Receipt
 - Mail delivery – send Certified Return Receipt
 - DCA Consultant List - <https://www.dca.ga.gov/node/5515>

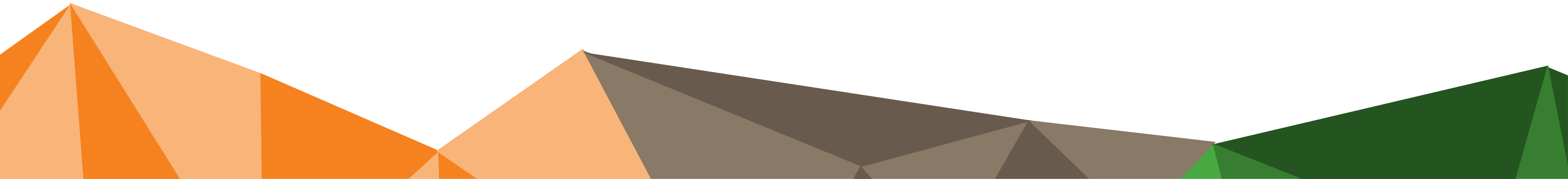
STEP-BY-STEP

6) Review & Rate Proposals

- Give priority, to the greatest extent feasible, to Section 3 businesses.


7) Approve the Selection

- Consult city or county attorney about recommendation and proposed contract
- Based upon established reasons and attorney's recommendation, obtain full council/commission approval and execute contract.
- Notify unsuccessful applicants in writing



STEP-BY-STEP

8) Maintain Complete Records

- RFP
 - Proof of Publication
 - Proof of Distribution
 - Copies of Proposals Received
 - Scoring Sheets
 - Meeting Minutes – Council/Board Approval
 - Executed Contracts
 - Correspondence with Section 3 businesses
- 

Statements of qualifications and proposals are being requested from **engineering/architectural** firms with a strong record in successfully assisting local governments with the implementation of Community Development Block Grant (CDBG) programs. Responding firms should be technically qualified and licensed in the State of Georgia to provide these services.

Plans are to contract for **engineering/architectural** preliminary design services required for a potential **FY20__ CDBG** project and, if funded, for engineering/architectural services for the implementation of the project. The purpose of the project is to provide **TYPE OF IMPROVEMENTS**.

Information which should be submitted for our evaluation is as follows:

- 1) History of firm and resources
- 2) CDBG/EIP/RDF experience, including other DCA grant programs
- 3) Key personnel/qualifications
- 4) Current workload
- 5) Scope and level of service proposed
- 6) Experience with similar projects and list of references
- 7) Fees and/or Percentages (if any) associated with the Preliminary Engineering Report (PER) for the application, and Design and Construction Management Services, if the project is funded. The draft PER would be needed no later than _____).
- 8) Errors and Omissions Insurance
- 9) Statement of Qualifications Form
- 10) Section 3 Certification Form (Only Submit with your Proposal if you are claiming Section 3 Status.)

All contracts are subject to Federal and State contract provisions prescribed by the Georgia Department of Community Affairs. This project is covered under the requirements of Section 3 of the HUD Act of 1968, as amended and Section 3 Business Concerns are encouraged to apply.

CITY/COUNTY also abides by the following laws as they pertain to HUD Assisted Projects: Title VI of the Civil Rights Act of 1964; Section 109 of the Housing and Community Development Act of 1974, Title 1; Title VII of the Civil Rights Act of 1968 (Fair Housing Act); Section 104(b)(2) of the Housing and Community Development Act of 1974; Section 504 of the Rehabilitation Act of 1973 as amended; Title II of the Americans with Disabilities Act of 1990 (ADA); and the Architectural Barriers Act of 1968.

Interested parties should request copies of the Statement of Qualifications Form and Section 3 Solicitation Package prior to preparing and submitting their proposal. Proposals should be received no later than 5:00 PM on **[30 DAYS AFTER PUBLICATION]**. Proposals received after the above date and time may not be considered. We reserve the right to accept or reject any and all proposals and to waive informalities in the proposal process. Questions, Statement of Qualifications and Section 3 Certification form requests (i.e., request for Section 3 preference), and proposal packages should be submitted to the name and address listed below:

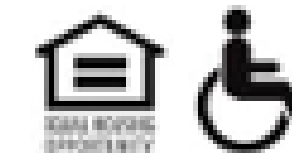
CLIENT CONTACT

CLIENT

ADDRESS

Phone:

Email:



Appeal Sample Email Request

Copy and paste the "email" below, include the "Subject" line, and send to your selected Engineering/Architecture Firm. Attach the Statement of Qualifications Form to your email.

***Subject: PLEASE RESPOND: **CITY/COUNTY**
 GRANT SERVICES –

FROM: **CITY/COUNTY**, Georgia
 RE: **CITY/COUNTY** Solicitation Package
FY20 CDBG/EIP/RDF

PLEASE REPLY TO THIS EMAIL to let us know when you are submitting a proposal.

Thank you,
CITY/COUNTY CONTACT
CITY/COUNTY NAME

CITY/COUNTY
REQUEST FOR PROPOSALS
ENGINEERING AND/OR ARCHITECTURE

Date: **DATE**

Statements of qualifications and proposals are being reviewed for a strong record in successfully assisting local government with the Development Block Grant (CDBG) programs. Respondents are licensed in the State of Georgia to provide these services.

Plans are to contract for **engineering/architectural services** if funded. The purpose of the project is to provide **_____**.

- Information which should be submitted for our review:**
- 1) History of firm and resources**
 - 2) CDBG/EIP/RDF experience, including other projects**
 - 3) Key personnel/qualifications**
 - 4) Current workload**
 - 5) Scope and level of service proposed**
 - 6) Experience with similar projects and list of references**
 - 7) Fees and/or Percentages (if any) associated with the application, and Design and Construction if funded. The draft PER would be needed for the application.**
 - 8) Errors and Omissions Insurance**

9) Statement of Qualifications 10) Section 3 Certification Form

All contracts are subject to Federal Equal Opportunity Act of Community Affairs. This project is as amended and Section 3 Business Concern.

CITY/COUNTY also abides by the Fair Housing Act of 1964; Section 1 of the Civil Rights Act of 1964; Section 1 of the Fair Housing Act of 1968 (Fair Housing Act); Section 504 of the Rehabilitation Act of 1990 (ADA); and the Architectural Barriers Act of 1990.

Interested parties should request copies of the RFP prior to preparing and submitting their proposals. **[AFTER PUBLICATION]**. Proposals are subject to the right to accept or reject any and all proposals. Statement of Qualifications and Section 3 Certification Form to the name and address listed below:

CITY/COUNTY CONTACT
CITY/COUNTY
ADDRESS
Phone: / Email:

Engineer Sample State

NAME OF FIRM: _____

ADDRESS: _____

1. Years in Business in Present Form: _____
2. Firms History and Resource Capability to _____
3. Titles, Names, and Addresses of all Officers _____
4. List categories in which firm is legally qualified to provide services where applicable. _____
5. Does your firm carry Errors and Omissions Insurance? _____
6. If you were awarded the design, bid phase of project, would you be able to complete the project? _____
7. Does your firm charge for the preliminary design? If yes, what would the charge be? \$_____ Can your firm meet the draft PER deadline? _____
8. List up to five (5) projects which demonstrate your firm's capability. Name, location, owner, year, contract amount _____

1. _____
2. _____
3. _____
4. _____
5. _____
9. List key personnel (with qualifications) likely to be involved on these projects and explain their specific role in CDBG work. _____
10. List three (3) references for the Firm.
 1. _____
 2. _____
 3. _____
11. Are you a Section 3 Business Concern? Yes _____ No _____
 If yes, the Attached Section 3 Business Concern Certification, Previous Certification and Action Plan must be filled out, signed, notarized, and submitted with your proposal.
 Is the signed and notarized Section 3 Business Concern Certification, Previous Certification and Action Plan attached to your proposal? Yes _____
 If no, you will only need to submit the Section 3 forms if you are the successful proposer.
12. Certifying that:
 Mr./Mrs./Ms. _____ (signature) being duly sworn deposes and states that he/she is the _____ (title) of _____ (name of firm) and that answers to the foregoing questions and all statements herein contained are true and correct.

ENGINEERING/ARCHITECTURAL SAMPLE RATINGS CRITERION

CONTACT: _____

NAME OF FIRM: _____

FIRM ADDRESS: _____

Evaluate the Architectural and/or Engineering Firm based on the points assigned to each of the following selection criterion

	CRITERION	CIRCLE POINTS			POINTS ASSIGNED
		POOR	GOOD	EXCELLENT	
1.	Ability to provide the disciplines necessary for this project.	0	1	2	_____
2.	Firm's experience with this type of construction.	0	1	2	_____
3.	Key personnel experience with this type of construction	0	1	2	_____
4.	Quality of reference information.	0	1	2	_____
5.	Has Firm had experience with Community Development Block Grant (CDBG) projects?	0	1	2	_____
6.	Is price competitive?	0	1	2	_____
TOTAL POINTS					

Firm can meet PER/PAR deadline? Yes No

Firm carries Errors and Omissions insurance? Yes No

COMMENTS ON WHY FIRM SHOULD BE SELECTED: _____

NAME: _____

DATE OF REVIEW: _____

NAME	DATE SENT	RECEIVED	SCORE/COMMENTS
██████████	10/02/2019	YES	65
██████████	10/02/2019	NO	
██████████	10/02/2019	NO	
██████████	10/02/2019	NO	
██████████	10/02/2019	YES	70
██████████	10/02/2019	NO	
██████████	10/02/2019	NO	
██████████	10/02/2019	NO	
██████████	10/02/2019	NO	
██████████	10/02/2019	NO	
██████████	10/02/2019	YES	67
██████████	10/02/2019	YES	72 Selected as Project Architect
██████████	GA Procurement Registry Request	NO	

Sole Source Requests

- Chief Elected Official request letter
- Description of Procurement Methodology
- Tear Sheet of the Bid Advertisement or RFPs/RFQs (proof of posting in 3 locations)
- Local Government's Attorney Opinion
- Professional Services Procurement
 - list of the active, qualified consultants or engineers / architects that were mailed the RFPs/RFQs (7 for grant administrators and 10 for engineers/architects)
 - certified return receipt documentation or adequate email documentation

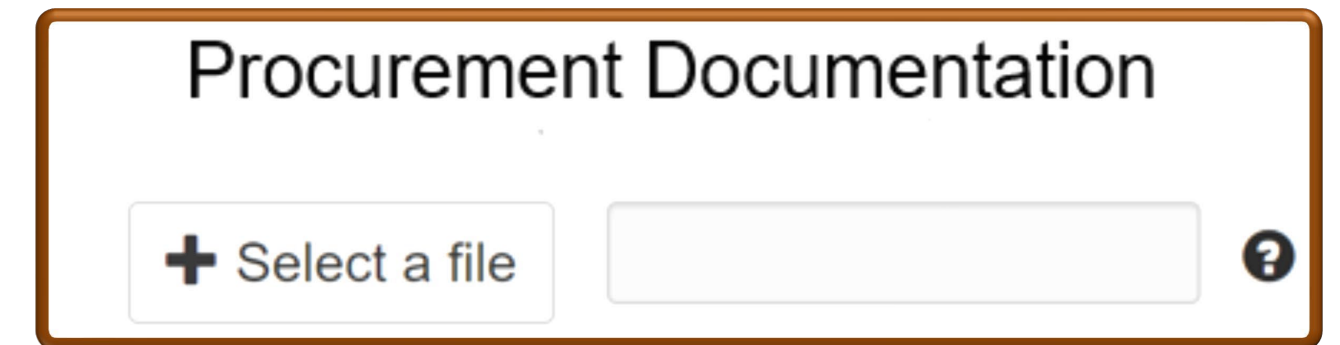
Procurement – Other Considerations

Unsuccessful grant applicants from the previous year can use same grant administrator and engineer or architect :

- Must be for previous application cycle
- Any older procurements will not be valid, and a new advertisement and solicitation of RFPs is required
- Followed acceptable procurement process
- Application must be for same (improved!!) project

Documenting Procurement in the Application

- Copy of the advertisement
- Georgia Procurement Registry evidence, if applicable
- Summary of all Request for Qualification/Proposal responses
- Award & Contract Documents
 - Include local government meeting minutes approving committee recommendation



Procurement Documentation

+ Select a file ?

Sole Source requests must be received prior to Application deadline.



Common Mistakes

- Did not allow at least 30 days for responses
- Did not retain proof of solicitation delivery (read receipts)
- Meeting minutes indicated the highest scored respondent was not selected without explanation

Resources

- CDBG Manuals & Local Government Officials' Handbook:
<https://www.dca.ga.gov/node/2341/documents/2254>
- HB322:
<https://gov.georgia.gov/document/signed-legislation/hb-322pdf/download>
- DCA's Professional Procurement Instructional Materials:
<https://www.dca.ga.gov/node/3741/documents/10>
- DCA Section 3 Certification & Action Plan:
<https://www.dca.ga.gov/node/3741/documents/10>



Citizen Participation

Public Hearings

Applicants must hold at least one public hearing to allow citizen participation, views, questions and input

- Hearing should be held early in process to take citizen input into consideration
- Hearings held after application is prepared are not allowing citizen participation
- Include estimated amount of funds proposed
- Discuss plan to minimize displacement and assist any displaced persons
- Sample hearing notices in Appendix of Applicants' Manual – English & Spanish



Public Hearings

- Notices must provide five (5) full days notice prior to hearing
 - 1st day begins on the day following the published notice
 - Monday – Ad appears in newspaper
 - Tuesday – Day 1
 - Wednesday – Day 2
 - Thursday – Day 3
 - Friday – Day 4
 - Saturday – Day 5
 - Sunday – Hearing can take place today or any subsequent day

Placed in non-legal section of the general circulation local newspaper in block form

**NOTICE
OF
PUBLIC
HEARING**

Public Hearings

- Must be held at time and locations convenient to potential or actual beneficiaries with accommodation of the handicapped (notices should include information to accommodate special needs).
- Virtual Hearings must allow questions in real time, with answers coming directly from the elected representatives to all “attendees” (should be used as a supplement only).
- The needs of non-English speaking residents should be met in areas of significant concentration.
- Must maintain evidence of compliance.
- Certified minutes must be kept.



Bonus Points - Robust Citizen Participation

Extra efforts to provide an opportunity for citizens, especially LMI citizens, to participate in an advisory role in the planning, implementation, and assessment of the programs and projects funded through CDBG activities.

- Water Bill Announcements
- Social Media Announcements
- Meeting times and frequency
- Flyers - when, where, how often
- Informative / interactive webinars

Bonus Point Documentation

Evidence of Release of Funds

Evidence of EIP/RDF Revolving Loan Fund Closure

Evidence of Additional Citizens Participation Efforts

Language Access Requirements

Title VI of the Civil Rights Act of 1964 and pursuant to EO 13166 requires meaningful access to information and services for Limited English Proficiency (LEP) persons.

- Persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English, and may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.
- Noted as speaking English less than “very well” in America Community Survey (ACS) Data Table S1601: Language Spoken at Home

Language Access Requirements

- The size of the language group determines the recommended provision for written language assistance:
- **Translate vital documents**
 - 1,000 or more in a single language or more than 5% of the eligible population or beneficiaries and more than 50 in number.
- **Translated written notice of right to receive free oral interpretation of documents.**
 - More than 5% of the eligible population or beneficiaries and 50 or less in number
- **No written translation is required.**
 - 5% or less of the eligible population or beneficiaries and less than 1,000 in number

Meaningful Access - Data

- ✓ **American Community Survey Data Table S1601 5-Year Estimates**
 - B16001 no longer updates
 - Now hosted on <https://data.census.gov/>
- ✓ **DCA's CDBG Applicant Concentration Maps:**
 - <https://georgia-dca.maps.arcgis.com/home/index.html>

$$708 / 3,873 = .1828 \times 100 = 18.28\%$$

LANGUAGE SPOKEN AT HOME

Survey/Program: American Community Survey TableID: S1601 Product: 2019: ACS 5-Year Estimates Subject Tables

Notes | Selections | 1 Geo | Years | Topics | Surveys | Codes | 123 | Hide | Transpose | Restore | Excel | Download | Print | More Data | Map

Cornelia city, Georgia							
Total				Percent of specified language speakers			
Speak English less than "very well"				Percent speak English less than "very well"			
Label	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	
Population 5 years and over	3,873	±128	823	±337	21.2%	±8.8	
Speak only English	2,478	±483	(X)	(X)	(X)	(X)	
Speak a language other than English	1,395	±441	823	±337	59.0%	±12.6	
SPEAK A LANGUAGE OTHER THAN ENGLISH							
Spanish	1,086	±453	708	±344	65.2%	±13.0	
5 to 17 years old	421	±248	187	±159	44.4%	±26.7	
18 to 64 years old	665	±270	521	±230	78.3%	±14.8	
65 years old and over	0	±13	0	±13	-	**	
Other Indo-European languages	8	±16	0	±13	0.0%	±100.0	
5 to 17 years old	0	±13	0	±13	-	**	

Columns | Cell/Column Notes

Find address or place

Layers

- Block Groups 2021
- Low to Moderate Income 51%
- Housing Facility Deficiency 89%
- Minority Concentration 51%+
- City Language Spoken 2021
- County Language Spoken 2021
- Cities
- Counties

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population	Translated vital documents
More than 5% of the eligible population or beneficiaries and more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries and 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.

Note: In the case where the overall jurisdiction numbers fall below the threshold to provide translated written documents but existing or planned DCA target areas exist, the DCA Sub recipient must evaluate whether there are limited English proficient households within the target areas that may need notification or other LAP services. The Sub recipient's evaluation should use local knowledge or data or other relevant data in conducting its evaluation and should indicate its conclusions regarding the steps necessary reach out to these households in the language they speak to ensure that adequate notification is achieved. This evaluation will be particularly important for housing grants where eligible applicants for assistance may need application or other documents translated to take advantage of available services.

Cornelia

Population 5 years and over	3,873
Speak Spanish	1,086
Speak Spanish / English less than well	708
Do not Speak Spanish / LEP	18.28
Indo-European Languages	8
Indo-European / English less than very well	0
Do not Speak Other Indo-European / LEP	0.00
Asian and Pacific Island Languages	186
Asian and Pacific Island / English less than very well	0
Do not Speak Asian and Pacific Island Languages	0.00

CDBG Application:

Required Documentation & Common Mistakes

- **Required Documentation**

- Acknowledgement form
- Threshold certification form
- Notice Tear Sheet
- Table S1601

- **Common Mistakes**

- Incorrect hearing date is published
- Not published in English and Spanish
- Threshold for translation is incorrectly determined

Resources

- Language Access Plan Template for CDBG & DCA's Sub-Recipient Language Access Plan Template Guidance for CDBG
 - <https://www.dca.ga.gov/node/3858>

Thank you!

Brittney Hickom
Compliance Officer

(404)679-1597

Brittney.Hickom@dca.ga.gov

