



COMMUNITY DEVELOPMENT & REVITALIZATION

The Texas General Land Office

Infrastructure Kick-Off Workshop Agenda

Subrecipient Texas City
CDBG-MIT Contract No. 22-119-003-D373
Workshop Date and Time May 13, 2022 @ 11:00am
Location 1801 9th Ave N, Texas City, TX., 77592
Presenters: GLO-CDR Grant Management and Environmental Staff

Hazard Mitigation Grant Program: Supplemental Program

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- I. **Introductions -Attendees**
 - A. Sign-In sheet

- II. **Contract Overview**
 - A. GLO-CDR Contract No. **22-119-003-D373**
 - B. Contract effective: **April 3, 2022**
 - C. Contract termination date (Section 3.01): **June 30, 2025**
 - D. System of Record:
 1. **Texas Integrated Grants and Records System (TIGR)** will be implemented as the grant reporting system for this contract. Reports, Request for Payments, and other documents, as upload functions become available, will be uploaded, and processed in TIGR.
 2. TIGR Support and video tutorials available at <https://cdrportalprd.dynamics365portals.us/support/>
 - E. Contract details
 1. Scope of the Project, Attachment A
 - a. Performance Statement
 - b. Project description and locations
 - c. Performance measures
 - d. Budget, based on approved final application
 - i. **Grant award: \$17,874,592.00**
 - ii. Total Budget: \$17,874,592.00

1 Construction:	\$	13,786,883.00
2 Engineering:	\$	2,072,041.00
3 Acquisition:	\$	600,000.00
4 Project Delivery-Env:	\$	7,500.00
5 Project Delivery-Admin:	\$	1,408,168.00
6 Other funds:	\$	<u>0.00</u>
 - iii. Contact Grant Manager immediately upon identifying a need for any budget changes
 - e. Milestones/Budget Gates



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2. Attachments B-H
 - a. Attachment B – Federal Assurances and Certifications
 - b. Attachment C – General Affirmations
 - c. Attachment D – Nonexclusive List of Applicable Laws, Rules, and Regulations
 - d. Attachment E – Special Conditions
 - i. Completed form is a start-up requirement
 - e. Attachment F – Monthly Activity Status Report
 - i. Example, fillable version will be provided
 - f. Attachment G – GLO Information Security Appendix
 - g. Attachment H – Public Law 113-2 Contract Reporting Template
 - i. HUD requirement
 - ii. Monthly submission
 - iii. Example, fillable version will be provided
3. Governing regulations (Section 1.03)
 - a. Action Plan: <https://www.recovery.texas.gov/files/hud-requirements-reports/mitigation/mitigation-ap.pdf>
 - b. Federal Register: <https://www.govinfo.gov/content/pkg/FR-2019-08-30/pdf/2019-18607.pdf>
4. Definitions (Section 1.04)
5. Reimbursement of Funds (Section 2.01-2.02)
 - a. Supporting documentation required
 - b. Submission via TIGR
 - c. Expenditures should reflect progress of milestones and deliverables
 - d. Aligned with milestones and deliverables
 - e. Incomplete draws/requests for payment (RFP) may be withdrawn and require resubmission of complete and accurate documentation
 - f. Reimbursement program, advance payments are allowed
 - g. Timeliness
 - i. Submit to GLO quarterly at minimum
 - ii. Reimbursement request must be submitted within 120 days of incurred expense
 - iii. Subrecipient payment to vendors are subject to Texas prompt pay laws
6. Duration and Extensions (Section 3.01)
 - a. Initial term is approximately 3 years
 - b. Extensions may be considered
 - i. One extension up to 2 years
 - ii. Must be requested at least 60 days before original end date
 - c. All activity, including closeout must be completed within contract term



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7. Contract Administration (Section 4.01)
 - a. Start-up Requirements (detailed below)
 - b. Audit Certification Form
 - i. Due 60 days after FYE for duration of contract
 - ii. Submission via TIGR or as indicated (guidance forthcoming)
 - c. Reporting Requirements (submission via TIGR)
 - i. Monthly Activity Status Report (Attachment F) is due by the 5th day of month following the reporting period
 - ii. Monthly HUD Contract Report (Attachment H) is due by the 5th day of month following the reporting period
 - iii. Section 3 Quarterly Report
 1. Q1: Sept-Nov (Due Dec 10)
 2. Q2: Dec-Feb (Due Mar 10)
 3. Q3: Mar-May (Due Jun 10)
 4. Q4: Jun-Aug (Due Sept 10)
 - iv. Section 3 Annual Report – Jan-Aug (Due Sept 30)
8. Funding, Recapture, Overpayment (Section 5.01-5.05)
 - a. All funds are subject to recapture and repayment for non-compliance
 - b. Final Benchmarks
 - i. Construction retainage of 5% is released upon submission of actions and deliverables for the project or activity
 - 1 COCC, FWCR, As-Builts/Record drawings
 - ii. Project delivery-grant administration retainage of 5% is released upon submission and approval of the grant completion report
9. Records, Audit, and Retention (Section 7.01-7.03)
 - a. Maintain financial books and records under GAAP or GASB
 - b. File and documentation are subject to review or audit
 - c. Retention period is 3 years from the date of GLO/HUD contract closeout
10. **Procurement Requirements** (Section 8.05)
 - a. Subrecipients receiving CDBG-MIT funding are required to follow the procurement standards of 2CFR 200.318 to 200.327 and the contract provisions within Appendix II to Part 200. Applicable for procurement of, but not limited to the following:
 - i. Project Delivery
 - ii. Engineering and Architectural Services
 - iii. Construction
 - iv. Other services applicable

Resources:

- Procurement Guidance <https://recovery.texas.gov/files/resources/contract-procurement/procurement-checklist.pdf>
- Procurement & Contracting Resource webpage <https://recovery.texas.gov/local-government/resources/procurement-contracting/index.html>



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- Buying Right CDBG-DR and Procurement HUD webpage
<https://www.hudexchange.info/resource/5614/buying-right-cdbg-dr-and-procurement-a-guide-to-recovery/>

11. **Public Information Act** (Section 8.15)

All Public Information request should be emailed to

PIALegal@GLO.TEXAS.GOV or via the GLO website

<https://s3.glo.texas.gov/glo/the-glo/public-information/requests/index.html>

III. **Contract Schedule**

- A. Review schedule provided with application (Note: Dates will need to be revised to align with date of contract execution, based on the respective time frame described in the application)
- B.
- C. Action Item: **Update as needed**

IV. **Affirmatively Furthering Fair Housing (AFFH)**- Review of AFFH documentation for the submitted project and discuss application reported activities, as indicated in the application

Activity 1	Designating a Fair Housing Month - to be undertaken after award
Activity 2	Adopting and distributing a Fair Housing Practices - to be undertaken after award
Activity 3	Establishing a local complaint and monitoring process - the Citizen's Participation Plan included in this application will be valid and in effect during the life of the project.
Activity 4	N/A
Activity 5	N/A

V. **Environmental Review** (Section 8.25) –

- A. Authority to Use Grant Funds (AUGF) must be achieved before ANY acquisition or construction funding can be spent.
- B. Any change to the scope of work outlined in the Performance Statement subrecipient requires a letter of re-evaluation.
- C. If the Authority to Use Grant Funds (AUGF) has been issued, the Subrecipient is required to re-evaluate the environmental review and any prior Finding of No Significant Impact (FONSI) for the project to determine whether the AUGF still applies to the revised project. It is critical that Subrecipients complete this re-evaluation.
- D. Subgrantees who receive CDBG-DR funds administered by the TXGLO are considered responsible entities (REs), also referred to as subrecipients, and must complete an environmental review compliant with 24 CFR 58 on all project activities before CDBG-DR funds are obligated. Under 24 CFR 58, the environmental review can be completed by the REs staff, program partners, or a hired consultant; however, the RE is ultimately responsible for the content of the Environmental Review Record (ERR) and must make an independent evaluation of the environmental issues, take responsibility for the scope



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and content of the compliance findings, and make the final environmental decision concerning project approval. The RE is also responsible for ensuring any mitigation measures or conditions for approval are implemented and for maintaining the ERR in accordance with HUD requirements.

- E. The GLO Regulatory Oversight team may choose to conduct additional compliance spot checks on sections of the subrecipients ERRs prior to issuing the Authority to Use Grant Funds (AUGF); however, this is neither a guaranteed service nor a federal requirement.

As such, GLO is not responsible for any inaccuracies in the ERR and should the ERR fail to meet federal/state requirements, including applicable Federal Register requirements, the RE is financially responsible for the oversight and any corrective action required.

- Choice Limiting Actions: 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 of reasonable alternatives prior to completion of an environmental review once a project has become "federal", that is to say the Authority to Use Grant Funds (AUGF) must be achieved before ANY actions or activities are started or funding is committed.
 - Re-Evaluations: For any change to the scope of work outlined in the Performance Statement, GLO Environmental must be notified if the proposed changes are allowed under the specific GLO contract (confirmed by your GLO Grant Manager).
 - Proposed changes may trigger a re-evaluation as determined under 24 CFR 58.47 and as the RE you will need to determine if the original FONSI is still valid.
- F. New Environmental Form- This form will be required upon the submission of the completed Environmental Assessment in order to delineate the associated project(s) which fall under the completed review record.

VI. Establishment of Local File Structure

- A. Discuss File Checklist

VII. Next Steps

- A. **Contract** Start-Up requirements. Forms have been provided via email. (Due within 60 days of contract execution date)
1. These documents must be submitted to GLO-CDR in electronic format as individual files for future upload to TIGR.
 2. All originals must be maintained in the local records.
 - a. See table below



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Start-up requirement/document	Received in TIGR Application
Comprehensive Annual Financial Report/Independent Auditor's Report	Yes
Environmental Exemption Form for Professional Services:	Yes
Depository/Authorized Signatories Designation Form	
GLO-CDR Regulatory Oversight - Policy Memo on Project Re-Evaluations	
GLO-CDR Regulatory Oversight - Policy Memo on Choice Limiting Actions	
GLO-CDR Regulatory Oversight-Policy Memo on Revised ERR Review Procedures	
Resolution authorizing signatories	
Proof of Coverage - Fidelity Bonding, if applicable	
Direct Deposit Authorization	
Application for Texas Identification Number (TIN), if needed	
Local Financial Policies and Procedures, adopted	Yes
Local Procurement Policies and Procedures, adopted	
Financial Interest Report for Engineering services, if applicable	
Financial Interest Report for Project Delivery services, if applicable	
Financial Interest Report for Environmental services, if applicable	
Executed contract for Engineering services, if applicable	
Executed contract for Project Delivery services, if applicable	
Executed contract for Environmental services, if applicable	
Special Conditions Form (one per project title)	
Initial Real Property Acquisition Report	
Appointment of Labor Standards Officer	
Appointment of Civil Rights Officer (EEO/FH/Section 504)	
Citizen Participation Plan	Yes
Nondiscrimination/EEO Policy	
Excessive Force Policy	
Policy and Notice of Nondiscrimination on basis of handicapped status with EEO Plan and statement	
Section 504 Self-Evaluation Review Form	
Section 504 Grievance Procedures	
Civil Rights Resolution	
Civil Rights Newspaper Notices	
Citizen Participation-Grievance and Complaint Procedure	Yes

Additional Documents to Be Submitted	Received in TIGR Application
Appointment of Section 3 Coordinator (Optional)	
Section 3 Policy (Optional)	



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B. **Project** Start-Up requirements

1. Grant Administration

i. Third Party (**GrantWorks, Inc.**)

1 Status of Procurement: **Completed**

ii. Combination (will the City retain any PD funding)

1 Duties and responsibilities:

1. Labor Standards
2. Record Keeping
3. Force Account

2. Environmental

i. Third Party (**GrantWorks, Inc.**)

1 Status of Procurement: **Completed**

3. Engineering (Engineering (**ARKK Engineers**))

a. Status of Procurement: **Completed**

b. What is the status of the project design? **3 Months per the application**

c. Anticipated 100% design completion date? _____

4. Environmental clearance (AUGF)

a. When the engineering design is 30% complete and sufficient to determine the scope for environmental clearance, begin the environmental review process to include any required procurements, permitting and agency coordination efforts (e.g., USACE/TXDOT/TCEQ), and any other project-specific needs

b. What is the status of environmental review? **2 Months per the application**

c. Anticipated ERR submittal date? _____

d. AUGF Clearance anticipated date? _____

5. Compliance with URA

a. Does this contract require acquisition? **Yes**

b. Real Property Acquisition anticipated completion date: **4 Months per the application**

c. Subrecipients must have received the Authority to Use Grant Funds before acquiring any property.

d. Resources:

- i. HUD-1378

VIII. Questions

IX. Action Items

A. Establish email distribution list for future communication / team identification

B. If applicable, action items based on application review and supporting documentation.

1. Applicant needs to submit the following documents:



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- Depository/Authorized Signatories Designation Form
- GLO-CDR Regulatory Oversight – Policy Memo on Project Re-evaluations
- GLO-CDR Regulatory Oversight – Policy Memo on Choice Limiting Actions
- GLO-CDR Regulatory Oversight – Policy Memo on Revised ERR Review Procedures
- Resolution authorizing signatories
- Proof of Coverage – Fidelity Bonding, if applicable
- Direct Deposit Authorization
- Local Purchasing Policy (Per RFI - will be provided during the contracting phase)
- Application for Texas Identification Number (TIN), if applicable
- Please update the Engineering FIRs to include the contract number
- Please update the Project Delivery services FIR to include the contract number and indicate that Environmental Services are also included in the description of work to be completed
- Financial Interest Report for Environmental services, if applicable
- Please submit executed contracts for Engineering and Project Delivery services and include contract number
- Submit Special Conditions Form (one per project title)
- Submit the Initial Real Property Acquisition Report
- Submit the Appointment of Labor Standards Officer Form
- Submit the Appointment of Civil Rights Officer (EEO/FH/Section 504)
- Nondiscrimination/EEO Policy
- Excessive Force Policy
- Policy and Notice of Nondiscrimination on basis of handicapped status with EEO Plan and statement
- Section 504 Self-Evaluation Review Form
- Section 504 Grievance Procedures
- Civil Rights Resolution
- Civil Rights Newspaper Notices