

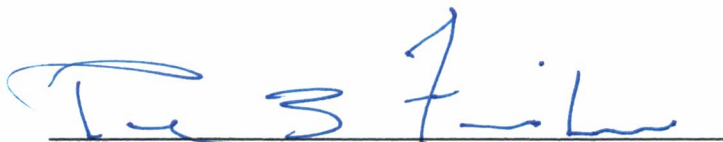
PUBLIC NOTICE  
LEE COUNTY  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
TEXAS GENERAL LAND OFFICE 2017 HURRICANE HARVEY  
APPLICATION

Lee County is giving notice of the County's intent to submit a Community Development Block Grant Program Disaster Relief Applications to recover from Hurricane Harvey flooding through the following Infrastructure activity:

- Repairs to drainage infrastructure along County Road 226 which was damaged in Hurricane Harvey flooding.

The limited allocation of CDBG-DR funds in the amount of \$286,025.11 will be applied to this project as a portion of the County's match requirement for FEMA HMGP. This application is available for review on the County's website (<http://www.co.lee.tx.us/page/lee.Public.Notices>). Citizens are welcome to review this application for a 30-day public comment period and provide all public comment to Delynn Peschke via email at [emc@co.lee.tx.us](mailto:emc@co.lee.tx.us) or in County offices located at Lee County Courthouse, 200 S Main St., Giddings, TX during regular business hours. For further information, contact the office of Delynn Peschke, Emergency Management Coordinator, at 979-540-2081. Para más información en español, comuníquese con la oficina de Delynn Peschke, Emergency Management Coordinator, a 979-540-2081.

I, Paul E Fischer, County Judge, certify that this notice was posted to the Lee County bulletin board as well as the Lee County website for public participation on May 16, 2019. This notice is to remain posted until June 17, 2019.

A handwritten signature in blue ink, appearing to read 'Paul E. Fischer', written over a horizontal line.

Paul E. Fischer, County Judge



**COMMUNITY DEVELOPMENT &  
REVITALIZATION**

**Hurricane Harvey Infrastructure  
Application**

Texas General Land Office  
P.O. Box 12873, Austin, Texas 78711-2873  
1-844-893-8937 (Toll Free) or 512-475-5000  
cdr@glo.texas.gov

**FOR PUBLIC COMMENT**

**Lee County**

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APPLICANT NAME

**Lee**

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COUNTY

**CAPCOG**

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COG/Regional Planning Commission

DR-4332 - 2017

Disaster Declaration Number(s) and Year

Each applicant for Community Development Block Grant Disaster Recovery (CDBG-DR) funding must certify by signing Form SF-424 that local certifications governing this funding have been followed in the preparation of any CDBG-DR program application, and, if funded, will continue to be followed. (Note: False certification can result in legal action against the jurisdiction).

Further, by signing the SF-424 and submitting with the application, the signee authorizes the state or any of its duly authorized representatives to verify the information contained therein. Title 18, Section 1001 of the U.S. code states that a person is guilty of a FELONY for knowingly and willingly making false statements to any department of the United States Government.

All applications must be accompanied by a completed and signed Application for Federal Assistance SF-424, OMB Number: 4040-0004, Expiration Date: 10/31/2019. SF424\_2\_1-V2.1

This form is available on the GLO-CDR website with detailed instructions available in the CDR Application Guide. <http://recovery.texas.gov/files/resources/housing/s2-form424.pdf>

or [www.TexasRebuilds.org](http://www.TexasRebuilds.org)

**INTRODUCTION AND INSTRUCTIONS**

**INTRODUCTION:** This application is for Hurricane Harvey CDBG-DR **Infrastructure** funding. It is created to be used for infrastructure activities needed to fulfill an unmet need resulting from the Hurricane Harvey disaster declaration.

To be eligible for funding, all activities must have documented proof of an impact by the DR-4332 disaster declarations of 2017 and allowed under the State of Texas Action Plan for Disaster Recovery. CDBG-DR funds must be used for disaster-related expenses in the most impacted and distressed areas. An activity underway prior to a Presidential disaster declaration will not qualify unless the disaster impacted the project.

Once disaster-related impact to infrastructure, housing, and economic revitalization in the HUD and State identified most impacted and distressed areas has been established and assessed, Applicants are required to provide sufficient detail about each proposed project to identify the National Objective, the population that will receive benefit, the estimated costs and materials needed, the projected schedule to completion, any potential environmental impact, and other details specific to the type of project involved. **Please be thorough in completing this application to ensure prompt review.**

Applicants are encouraged to develop these recovery projects in a manner that considers an integrated approach to housing, fair housing obligations, economic revitalization, and overall community recovery. The Applicant must document how the proposed project(s) will address long-term recovery and community resilience.

**INSTRUCTIONS:**

1. Complete and sign the SF-424 as indicated above.
2. Complete this Infrastructure application. Be thorough to ensure prompt review.
3. **AUDIT:** If applicable, provide the most recent Single Audit in accordance with 2 CFR Part 200, Subchapter F. Texas General Land Office (GLO) - Community Development and Revitalization (CDR) Staff will review single audit requirements for applicable recipients, who have open contracts with GLO.
4. **ANNUAL FINANCIAL STATEMENTS:** Provide the most recent financial statement prepared in accordance with 2 CFR 200.510. Include a schedule of expenditures and schedule of findings and questioned costs.
5. **KEY STAFF:** Provide the names and contact information for key staff, and their qualifications, that will be working on the proposed project if awarded, along with who will provide local oversight of the application, the potential contract, and all applicable requirements.
6. Provide **LOCAL PROCUREMENT POLICIES AND PROCEDURES** along with other required documentation.

Submit completed application and all required documentation via email to: [cdr@glo.texas.gov](mailto:cdr@glo.texas.gov)

## DISASTER IMPACT

The proposed project is presumed to have threatened human life, health and safety or posed an imminent threat to human life, health, and/or safety as a result of the declared disaster.

Yes No

1. Damages to the proposed project were unanticipated and beyond the control of the local government.

2. The date this situation addressed in this application first occurred:

August 25 - 30, 2017

3. Describe the impact of taking no action to repair the damaged facilities:

C226 Drainage: Taking no action would neglect to address the current flooding issues and would allow them to continue. The roadway has flooded more than five times in the past three years. When considering that it normally takes 4-5 days for the floodwaters to subside, this option is not feasible from a safety and convenience standpoint.

## CITIZEN PARTICIPATION PLAN

"To permit a more streamlined process, and ensure disaster recovery grants are awarded in a timely manner, provisions of 42 U.S.C. 5304(a) (2) and (3), 42 U.S.C. 12707, 24 CFR 570.486, 24 CFR 1003.604, and 24 CFR 91.115(b) and (c), with respect to citizen participation requirements, are waived and replaced by the requirements for reasonable opportunity (at least 30 days) for citizen comment and ongoing citizen access to information about the use of grant funds."

Yes No

Did the applicant provide a reasonable opportunity (at least 30 days) for citizen comment?

List all opportunities citizens were given to participate in the determination of these needs. Click the "+" to add events, "X" to remove events.

Opportunity: Other (provide detail in Comments)

From:

To:

Date of resolution authorizing application submission:

1/14/2019

Comments:

Lee County invited public comment on the application for a 30-day period

## COMMUNITY NEEDS ASSESSMENT

### DESCRIPTION OF THE DAMAGE

In this section, provide information about how the declared disaster impacted the community and the overall plan for recovery and resiliency. Descriptions should identify the specific disaster (date and duration), describe how the disaster threatened health and safety in the community, the facilities that were damaged, the current condition of those facilities, and detail of how the specific project will resolve the issue and ensure a more safe and resilient community.

All activities must show documented proof of impact by the declared disaster. CDBG-DR funds must only be used for disaster-related expenses.

2. Describe the current condition of the facilities. Describe any actions taken on the proposed project(s) to address the damage.

Rainfall from Hurricane Harvey compounded infrastructure and housing damage caused by 2016 and 2015 storms that hit the county in year prior. With three consecutive years of heavy rainfall recorded, the County has experienced up to 6 inches in 2015, up to 10 inches in 2016, and up to 12 inches 2017. Swollen creeks and swift moving water caused significant damage to homes located in flood areas who suffer repetitive loss. Key infrastructure at CR22 drainage project has also sustained repeated flood damage.

CR 226 is a major County Road with high traffic and there are several home subdivisions and businesses that cannot use this route during and after a heavy rain event. In the past three years there have been five heavy rain events and the roadway is closed on an average of 4-5 days each time. Alternate routes in or out of the area add significant travel time and due to low water crossings have themselves become impassable. One section of homes that this road leads to is prone to flooding and First Responders have had trouble getting to the residents in the past for evacuation. The objective for this

project is to provide a new bridge to improve drainage and elevate the roadway to prevent closure from 100-yr and lesser rain events.

3. List and attach documentation of the specific disaster condition. Provide photos (dated with specific location detail enough to identify the proposed project site(s)), maps, national weather information, FEMA project worksheets, news reports, local declarations, Disaster Summary Outlines (DSO), and any other relevant documentation to provide evidence of the specific damage(s) to the proposed project(s) addressed in this application. For any photos included, provide a map identifying each photo location by number.

- Project maps and site photos
- County disaster declarations
- County resolution authorizing submission of Hurricane Harvey application

1. Describe the specific disaster-related impact to infrastructure, housing, and economic revitalization in the HUD and State identified most impacted and distressed areas (include date and duration), the facilities involved, and the threat that was posed to public health and safety:

CR226 Drainage Improvement: The existing roadway is asphalt pavement with open ditch cross section. An existing bridge crosses Cummins Creek at this location. The existing bridge is nearing the end of its expected life and a new bridge, constructed at a higher elevation, will help maintain access to this area. Floodwaters have been known to get up to three feet high above the roadway. The roadway is impassible for 4-5 days when flooding occurs. Approximately 200 people, 100 residential properties, and 2 commercial properties are affected whenever there is a closure due to flooding. There are two

### HOUSING NEEDS ASSESSMENT

Any locality receiving CDBG-DR infrastructure funds must identify and assess their housing needs as part of their recovery plan and indicate how their housing needs are addressed with the proposed infrastructure project. Provide the following information regarding the housing needs assessment.

1. Describe the jurisdiction's current supply of housing units available at affordable rents (Public Housing, Section 8 assisted, Rural Housing Service (RHS) assisted, HOME program assisted, Texas Department of Housing and Community Affairs assisted, Local Housing Development Corp. assisted, etc.).

The cities of Lexington and Giddings have two income certified apartment complexes. There are no income certified housing options in the unincorporated areas of the County.

2. Describe past efforts to increase the supply of affordable housing.

The County supports the incorporated cities within the County to encourage affordable housing.

3. Describe efforts planned that will increase the supply of affordable housing.

The County will consider applying to the HOME program to increase available affordable housing.

4. Describe any instances, within the past 5 years, where the applicant has applied for affordable housing funds and did not receive the funding.

None

5. Describe any instances, within the past 5 years, where the applicant has not accepted funds for affordable housing.

None

6. Describe any current and/or future planned **compliance codes** to mitigate hazard risks.

The County follows IRC has adopted the model subdivision rules.

**AFFIRMATIVELY FURTHERING FAIR HOUSING**

Any locality receiving CDBG-DR funds must certify that it will affirmatively further fair housing. Using the drop-down box below, identify the activities already achieved to affirmatively further fair housing, and those new activities to be undertaken if an award is made by CDBG-DR and when that activity will be complete. Localities should be aware that, in the event of funding, these fair housing efforts will be monitored. Other activities may be eligible, and the applicant may contact GLO-CDR to determine eligibility.

What methods and criteria were used to prioritize the projects in the application, including affirmatively furthering fair housing?

The County, in preparation for submission of this application, reviewed areas of the County that were most negatively affected by the flooding. These drainage structures along County Road 226 are in low-to-moderate income areas and have a remaining unmet need.

**Fair Housing Activity(ies)**

Establishing a local complaint and monitoring process

Date Achieved		To Be Complete By	within 30 days of executed contract
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Publishing the contact information – at the local, state and federal levels – for reporting a Fair Housing complaint

Date Achieved		To Be Complete By	within 30 days of executed contract
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Designating a Fair Housing Month

X

Date Achieved		To Be Complete By	within 30 days of executed contract
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**LIST OF UNMET NEEDS**

Taking into consideration the disaster-related impact to infrastructure, housing, and economic revitalization in the HUD and State identified most impacted and distressed areas described, citizen participation responses, and the assessment of housing and affirmatively furthering fair housing, provide a list (in priority order) of all the disaster-related needs still unmet from Hurricane Harvey.

Use the + to add a line. Use X to delete a line as needed.

Impacted homes

Drainage

Street

FOR PUBLIC COMMENT



Water

Sewer

## LONG-TERM PLANNING

Applicants must develop their community recovery projects in a manner that considers an integrated approach to housing, fair housing obligations, infrastructure, economic revitalization, and overall community recovery. Consideration of long-term planning processes is also highly encouraged. Disaster recovery presents communities with unique opportunities to examine a wide range of issues including (1) housing quality and availability, (2) road and rail networks, (3) environmental issues, (4) the adequacy of existing infrastructure, (5) opportunities for the modernization of public facilities and the built environment, (6) the development of regional and integrated systems, and (7) the stimulation of the local economy impacted by the disaster.

Applicants must provide a brief description of how the project addressed in this application form part of an integrated approach to recovery.

1. Considering the local post-disaster evaluation of hazard risks, responsible flood plain management, future extreme weather/natural disaster events, and long-term risks, describe how the proposed project promotes sustainable long-term recovery.

The Lee County CR 226 drainage project site has been selected in consideration of infrastructure, housing, and overall community recovery. Lee county is in the process of conducting a multi-jurisdictional Hazard Mitigation plan to investigate a broad set of threats including the vulnerable drainage system. The Lee County 2015 Hazard Mitigation Plan has been updated to include these site for mitigation. The County's CR 266 drainage project site has been heavily damaged in repetitive annual floods resulting in extensive flooding of nearby low- and moderate-income homes. Construction of this project will:

- (1) repair the damage sustained during Hurricane Harvey flooding;
- (2) reduce base flood elevations for the neighborhood that will, in turn, reduce flood insurance costs to homeowners; and
- (3) protect the investment of additional disaster recovery funds in the rehabilitation and reconstruction of homes in the neighborhood needed to support the workforce necessary to reopen businesses and attract new ones.

2. Describe how the proposed project coordinates with local and regional planning efforts to ensure consistency with and promote community-level and/or regional post-disaster recovery and mitigation planning.

The Lee County 2015 Hazard Mitigation Plan has been updated to include these site for mitigation. The County's CR 266 drainage project sites have been heavily damaged in repetitive annual floods resulting in extensive flooding of nearby low- and moderate-income homes.

3. Describe how the proposed project integrates mitigation measures into rebuilding activities and achieves objectives outlined in community-level and/or regional post-disaster recovery and mitigation planning to reduce future risk.

The Lee County 2015 Hazard Mitigation Plan has been updated to include these site for mitigation. The County's CR 266 drainage project sites have been heavily damaged in repetitive annual floods resulting in extensive flooding of nearby low- and moderate-income homes.

4. Describe the cost and benefit analysis used in the selection of the proposed project and how they inform community-level and/or regional post-disaster recovery and mitigation planning.

The County evaluated the possibility of three options for addressing the drainage issues on CR 226 before deciding on the current course of action. Through the HMGP cost benefit analysis, this project received a 1.39 ratio. The final project is valued over \$3.4 million.

5. Describe how the proposed project will avoid disproportionate impact on vulnerable populations and create opportunities to address economic inequities facing the local community.

This project is located in a low-to-moderate income area and projected to serve at least 100 households and 2 business providing positive impact for approximately 200+ people in the immediate vicinity of the bridge.

6. Describe how the proposed project aligns with investments from other state or local capital improvements and infrastructure development efforts. Identify sources and amounts of additional infrastructure funding (state and local capital improvements projects and/or private investments.) NOTE: This information will be required again in the "Other Funding" section of this application.

Lee County will use these limited infrastructure funds as partial match to anticipated FEMA funding for the full recovery need of the CR 226 project. Elevating the crossing and approaches will protect the roadway up to a 100 year rain event. The construction of the bridge will reduce the costs of future disasters by:

- 1 - drastically reducing the number of times the road is closed due to high water events,
- 2 - reducing the number of miles needed to travel on alternate routes
- 3 - reduce the number of hours for lost productivity
- 4 - Increasing the safety of first responders home, property and business owners
- 5 - preventing damage to the roadway.

7. Describe how the proposed project will employ adaptable and reliable technologies to guard against premature obsolescence.

The project will construct a new a beam type bridge ~200ft long and 30ft wide with concrete pavement at a higher elevation than the current one and raise the roadway approaches on either side, preventing future closure of the crossing due to high water levels.

Elevating the crossing and approaches will protect the roadway up to a 100 year rain event. The construction of the bridge will reduce the costs of future disasters by:

- 1 - drastically reducing the number of times the road is closed due to high water events,
- 2 - reducing the number of miles needed to travel on alternate routes
- 3 - reduce the number of hours for lost productivity
- 4 - Increasing the safety of first responders home, property and business owners
- 5 - preventing damage to the roadway.

Describe the applicant's overall recovery plan and how the project addressed in this application further that plan. Include information about how the project will specifically address the long-term recovery and restoration of housing in the most impacted and distressed areas. Also, include how the community will be more resilient against future disasters as a result of these projects.

The County's recovery needs far exceed available federal funding and have done so for consecutive years of record flooding leading up to Hurricane Harvey. The project has been selected due to the significant impact it has on the County. It will provide safer ingress and egress to over 200 people, 100 residential properties and 2 commercial properties. The construction of this new bridge will help maintain access to the people and properties rather than isolating them as the current crossing does.

## PROCUREMENT INFORMATION



All applicants are required to follow the procurement process guidelines set forth in 2 CFR §200.318-§200.326 for grant administration, environmental, and engineering services if using CDBG-DR funds to pay third-party vendors for those services.

Along with this application, applicants must provide a copy of local procurement policies and procedures.

1. Has the applicant chosen to use a third-party **administrator** to administer the proposed project? Yes No

If Yes, will the vendor also provide **environmental** services? Yes No

If Yes to either question, and the vendor has been procured, provide the vendor's name, phone, and email.

If Yes, but the vendor has not been procured, adhere to 2 CFR §200.318-§200.326 regulations in the procurement process with each application.

Company Name	Langford Community Management Services, Inc.		
Contact Name	Judy Langford	Phone	512-452-0432
Email	judy@lcmsinc.com		

2. Has the applicant chosen to use a third-party **environmental services provider** to ensure environmental compliance for the proposed project? Yes No

If Yes, and the vendor has been procured, provide the vendor's name, phone, and email.

If Yes, but the vendor has not been procured, adhere to 2 CFR §200.318-§200.326 regulations in the procurement process with each application.

Company Name	Langford Community Management Services, Inc.		
Contact Name	Judy Langford	Phone	512-452-0432
Email	judy@lcmsinc.com		

3. Has the applicant chosen to use a third-party **engineer** to perform **engineering services** for the proposed project? Yes No

If Yes, and the vendor has been procured, provide the vendor's name, phone, and email.

If Yes, but the vendor has not been procured, adhere to 2 CFR §200.318-§200.326 regulations in the procurement process with each application.

Company Name	Strand Associates		
Contact Name	William Huebner	Phone	979.836.7937
Email	william.huebner@strand.com		

**FUNDING INFORMATION**  
NOTICE: Any and all funds expended toward a CDBG-DR award are subject to ALL rules and regulations governing the award.

**FEMA Coverage**

Any and all FEMA funds received for benefit of any project proposed in this application must be fully disclosed and detailed to ensure the best cross-agency coordination and that duplication of benefit does not occur.

1. Was FEMA contacted regarding the proposed project's eligibility?  
 If yes, provide all relevant FEMA project worksheets, FEMA project type, and evidence of funds committed/received/expended on the proposed project. Also, explain why funds are needed above and beyond the FEMA funding. Any project that sustained direct damage must have applied for FEMA Public Assistance. Yes No

2. Is this project a proposed FEMA funding match?  
 If Yes, include information in the specific Project Detail section and in the Budget Table on Table 1. Yes No

**Insurance Coverage**

Any and all insurance proceeds received for benefit of any project proposed in this application must be fully disclosed and detailed to ensure that funds are used most efficiently and that duplication of benefit does not occur.

1. Did the applicant have insurance coverage on the proposed project? Yes No

If yes, provide the information below. (If more than one insurance company/claim, include here or attach additional information.)

Insurance company:

Amount claimed/received for the project:

2. If the applicant had insurance coverage, but a claim was not filed, explain below.

**Other Funding**

Any and all funds identified for use on any project proposed in this application must be fully disclosed and detailed to ensure accuracy in the budget and that a duplication of benefit does not occur. Make sure information is complete and matches the Long-Term Planning information provided.

1. Are local or other funds available to address the proposed project in whole or in part? Yes No  
   
 If Yes, report all sources of funding and the amount available. (If additional space is needed, attach pages.)

2. Disclose source(s) and use(s) of non-CDBG-DR funds. Use "+" to add additional sources. Use "x" to remove that line.

Source of Funds	Amount	Use of Funds	
FEMA HMGP	\$1,326,075.00	Project planning, administration and construction costs	
Local match	\$122,666.89	Local match	<input checked="" type="checkbox"/>

3. What other state and/or federal agencies has the applicant contacted concerning funding for the proposed project, and what were the results?

**Financial Interest**

1. Are there any persons/entities with a reportable financial interest to disclose?

Yes No

Submit a complete FINANCIAL INTEREST REPORT (A503 form) with this application for each person/entity with a reportable financial interest. Include as appropriate for Grant Administration, Environmental, and/or Engineering. This form can be found at <http://recovery.texas.gov/> or <http://recovery.texas.gov/files/resources/housing/s2-financial-interest-report.pdf>

**FOR PUBLIC COMMENT**

# PROJECT DETAIL

## **PROJECT DETAIL must be completed for every proposed project.**

A *project* is defined as a discrete combination of: entity (i.e., city or county), activity (i.e., water, sewer, etc.), beneficiary population, and national objective. A *site* is defined as a discrete location for activities within a project. A project can have one or more sites. For example, one water project that consists of three generators throughout a city consists of three sites, one for each generator.

Each Project Detail must provide sufficient information to clearly identify the proposed project, define the location, indicate whether acquisition (i.e. real property, easements or rights-of-way) is required, clearly describe the scope of work, specify the populations who will receive benefit from the project, identify environmental assessment information, and outline funding detail to include any non-CDBG-DR funds to be used.

1. Select the type of project proposed:

Flood and Drainage Facilities

2. Provide a title for the proposed project.

NOTE: For the title, the spelling and capitalization of the project title and any associated site number(s) identified in the application must be consistently used throughout the application to ensure clear identification of each project and site number. e.g., a project title of "Green Acres, Site 3" here should appear as "Green Acres, Site 3" at every other reference in this application. A reference to some other title such as "green acres subdivision" or "#3 Green Street" elsewhere in the application could cause delays in the eligibility review process.

Project Title:

Lee County Drainage Repair Project

3. Provide a physical address and the approximate GPS coordinates (in decimal degrees) for each proposed site along with project and beneficiary maps.

If the proposed project includes only one site, include the physical address and the GPS coordinates (in decimal degrees) for the site.

If the proposed project does not have a physical address, provide a site description.

If the proposed project includes more than one site, start with Site # from the drop-down list and use the + button to add additional sites.

Use sequential numbering for additional sites.

For proposed work involving a length of road, ditch, channel, etc., use the approximate midpoint coordinates for latitude and longitude, but identify the entire length of the proposed work and the assigned site number on the project map. Identify these type of sites in the application by completing the On-From-To fields. For instance, "On Main Street From Sycamore Street To Elm Street."

**Attach project/site and beneficiary map(s) as described in the Application Guide.**

Use the X button to remove a site as needed.

Site #	1	Physical Address or Site Description	CR 226 where an existing bridge crosses Cummins Creek at this location
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From:		To:	
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Latitude	30.16076	Longitude	-96.88122
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Construction Completion Method: Contract

Provide a detailed description of the scope of work proposed. For proposed work involving a length of road, ditch, channel, etc., report the scope of the project in linear feet (lf).

Construct a new bridge that is sized to handle additional flow. The existing bridge would be removed and replaced with a new beam bridge with elevated roadway, handling a 100-year event. The final size of the bridge will be determined by the hydrology and hydraulic study during engineering design. This option is the most effective solution and adequately protects the roadway from flooding. This option would reduce the already insufficient capacity of this crossing.

NATIONAL OBJECTIVES

Choose one National Objective being met and provide justification of the beneficiary identification method used to meet that National Objective.

1. Activities benefiting low-to-moderate income persons.

Method(s) used to determine the beneficiaries:

LMI Area Benefit:  LMI Housing Activity:  LMI Limited Clientele:  LMI Jobs:

2. Prevention/Elimination of Slums or Blighted areas.  Area Basis  Spot Basis

Has the proposed project area been officially designated as a slum or blighted area?

Yes No

If yes, what conditions are present in the area to designate and qualify the area as a slum or blighted area?

N/A

Describe the boundaries of the slum or blighted area. (Do not use this field to document the Census Tract / Block Group data.)

N/A

Enter the percentage of deteriorated buildings/properties in the area at the time it was designated a slum or blighted area. [Enter value as a decimal number. Example: .2526 = 25.26%]

If the activity qualifies for CDBG-DR assistance on the basis that public improvements throughout the area are in a general state of deterioration, enter a description of each type of improvement in the area and its condition at the time the area was designated a slum or blighted area.

N/A

Enter the year the area was designated as a slum or blighted area. If the period during which such designations are valid has lapsed, the applicant entity must re-evaluate and re-designate the area.

3. Urgent Need

Do the existing conditions pose a serious and immediate threat to the health or welfare of the community?

Yes No

Were the existing conditions officially identified by the applicant as being of urgent need within 18 months of the event? If yes, provide that documentation.

Yes No

Is the applicant able to finance the project on their own? Or are other sources of funding available?

Yes No

Provide justification of the beneficiary identification method used to meet this National Objective:

The high-risk conditions of CR226 pose a continuing threat to residents in the area, many of which are low-income but do accumulate as a whole to reach the HUD required standard for 51% of the census tract. Considering the project serves an estimated 200 people, the need for repairs and impact on the population are great enough that this project is determined urgent need.

FOR PUBLIC COMMENT

ACQUISITION/UNIFORM RELOCATION ASSISTANCE

Activities and projects assisted by CDBG-DR are subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601 et seq.) ("URA") and section 104(d) of the HCD Act (42 U.S.C. 5304(d)) (Section 104(d)). The implementing regulations for the URA are at 49 CFR part 24. The regulations for Section 104(d) are at 24 CFR part 42, subpart C.

For the purpose of promoting the availability of decent, safe, and sanitary housing in response to Hurricane Harvey, HUD has waived the following URA and Section 104(d) requirements for subrecipients:

- a. One-for-one replacement.
- b. Relocation assistance.
- c. Arm's length voluntary purchase.
- d. Rental assistance to a displaced person.
- e. Tenant-based rental assistance.
- f. Moving expenses.
- g. Optional relocation policies.

Does the project require acquisition of property, purchase of easements, relocation, or any other activity requiring compliance with URA outside the listed waived activities?

Yes No

If yes, has acquisition of the project site(s) been completed, in progress, or will need to be acquired?

Select acquisition status:  Previously Acquired  Acquisition in Progress  To be Acquired

Describe the type and purpose of all acquisition (easements, real property, etc.) associated with the proposed project. For acquisitions "Previously Acquired" or "Acquisition in Progress," include detailed information and supporting documentation to ensure compliance with all URA, 42 U.S.C. § 4601 et seq. and environmental review processes.

N/A

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

By signing this application, the signee certifies that they will establish and maintain a Residential Anti-displacement and Relocation Assistance Plan to minimize direct and indirect displacement of persons from their homes by including the steps noted below. Applicability of items on this checklist is dependent upon the proposed project objectives and related feasibility of each action.

- o Coordinate code enforcement with rehabilitation and housing assistance programs.
- o Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
- o Stage rehabilitation of apartment units to remain in the building/complex during and after rehabilitation, working with empty units first.
- o Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- o Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- o Adopt policies which provide protections for tenants faced with conversion to condominium or cooperative.
- o Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalization areas.
- o Establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood.
- o Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- o If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable "dwelling units" (as defined in 24 CFR 42.305).
- o Target only those properties deemed essential to the need or success of the project.



**PERMITS AND ADDITIONAL PROJECT INFORMATION**

1. Does the project require any Federal, State, or other **permits, approvals, or waivers** to complete the proposed work? (i.e. Texas Department of Transportation, Texas Commission on Environmental Quality, U.S. Army Corps of Engineers, etc.) Yes  No   
 If yes, describe the type and purpose of each permit and its association with the proposed project. Provide a copy of each permit already executed.

Permit Type:

Purpose of Permit:

2. Does the project require any type of ratified, legally binding **agreement** between the applicant and any other entity to provide continual operation upon completion? (i.e. Memoranda of Understanding, Interlocal Agreements, etc.) Yes  No

If yes, describe the type and purpose of each agreement and its association with the proposed project. Provide a copy of each agreement already executed or drafted.

Agreement Type:

Purpose of Agreement:

3. For sewer and/or water facilities projects, does the applicant currently hold the Certificate of Convenience and Necessity (CCN) for the target area proposed in the application? If not, provide written documentation from the Public Utility Commission of Texas (PUC) verifying the application has been filed. Yes  No  N/A

**ENVIRONMENTAL SPECIFIC INFORMATION**

**All funded applications MUST comply with federal regulations regarding environmental clearance before funds will be released.**

NOTE: An Environmental Exemption form providing clearance for planning and administration activities must be attached.

- 1. What is the current status of the project?  Not yet begun  In progress  Completed
- 2. Will the assistance requested have any negative impact(s) or effect(s) on the environment?  YES  NO
- 3. Is the proposed project likely to require an archaeological assessment?  YES  NO
- 4. Is the proposed site listed on the National Register of Historic Places?  YES  NO
- 5. Is the project in a designated flood hazard area or a designated wetland?  
If Yes, attach a map showing the FIRM and/or list permitting requirements in "Other Project Approvals Required" below.  YES  NO
- 6. Is the applicant participating in the National Flood Insurance Program?  YES  NO
- 7. Is any project site located in a known critical habitat for endangered species?  YES  NO
- 8. Is any project site a known hazardous site?  YES  NO
- 9. Is any project site located on federal lands or at a federal installation?  YES  NO
- 10. Is any project site subject to or participating in Fixing America's Surface Transportation Action (FAST-41) (P.L. 114-94)?  NO  YES

11. What level of environmental review is likely needed for this project/site?

Provide any additional detail or information relevant to Environmental Review:

None at this time.

[Click here to ADD ANOTHER Project Detail](#)

[Click here to REMOVE the last Project Detail](#)

**FOR PUBLIC COMMENT**

**TABLE 1 - CONTRACT BUDGET AND BENEFICIARY IDENTIFICATION**

Provide comprehensive budget information to include construction, engineering, acquisition, environmental services, and administrative costs. Also include all other funds (FEMA, insurance, local, etc.) committed to the completion of the proposed projects.

A *project* is defined as a discrete combination of: entity (i.e., city or county), activity (i.e., water, sewer, etc.), beneficiary population, and national objective. A *site* is defined as a discrete location for activities within a project. A project can have one or more sites.

**BUDGET TABLE:**

Project Title:	Total Benes	LMI Benes	LMI %	CDBG-DR Construction	CDBG-DR Engineering	CDBG-DR Acquisition	CDBG-DR Environmental	CDBG-DR Admin	Total CDBG-DR Request	Other Funds	Activity Total
# 2 County Road 226	0	0	0.00%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>SUMMARY TOTALS:</b>	0	0	0.00%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Beneficiary Identification Method(s) Per Project:

# 2 Project Title: Lee County Drainage Improvements- County Road 226

HUD National Objective: Meeting a urgent need

Select One Benefit Type: City-wide Benefit  County-wide Benefit  Area Benefit  Direct Benefit

Select Beneficiary Identification Method:

- SURVEY: An approved TxCDBG survey was used to identify the beneficiaries for this activity.
- HUD LMISD information was used to identify the beneficiaries for this activity.

Race	# Non-Hispanic Beneficiaries	# Hispanic Beneficiaries	Total Activity Beneficiaries
	0	0	0
	0	0	0
Gender	Total Males	Total Females	Total Benes
	0	0	0

**REQUIRED - Census Geographic Area Data**  
Identify the census tract and block group(s) in which the project will take place

County Code: 287

Census Tract (6-digit): 0004.00

01	02	03	04	05	06	07	08	09	10
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[Click here to ADD ANOTHER Table 1](#)

[Click here to REMOVE the last Table 1](#)

**TABLE 2 - BUDGET JUSTIFICATION OF RETAIL COSTS**

Project Title: **Lee County Drainage Improvements**

Eligible Activity: Flood and Drainage Facilities						HUD Activity #:	5
Materials/Facilities/Services	\$/Unit	Unit	Quantity	Construction	Acquisition	Total	
Remove and Dispose of Existing Culverts	\$20,000.00	EA	1	\$20,000	\$0	\$20,000	
Excavation and Backfill	\$42.00	CY	14,000	\$588,000	\$0	\$588,000	
Construct New Box Culverts	\$990.00	LF	80	\$79,200	\$0	\$79,200	
Install Concrete Wingwalls	\$1,700.00	EA	2	\$3,400	\$0	\$3,400	
Construct Concrete Pavement	\$100.35	SY	569	\$57,099	\$0	\$57,099	
Erosion Control	\$27,500.00	EA	1	\$27,500	\$0	\$27,500	
Seeding	\$8,500.00	EA	1	\$8,500	\$0	\$8,500	
Cleanup	\$30,000.00	EA	1	\$30,000	\$0	\$30,000	
Remove and Dispose of Existing Bridge	\$100,000.00	EA	1	\$100,000	\$0	\$100,000	
Install new bridge	\$3,600.00	LF	200	\$720,000	\$0	\$720,000	
Construct Hot Mix Asphalt Pavement	\$24.36	SY	200	\$4,872	\$0	\$4,872	
Install Signage	\$5,000.00	EA	1	\$5,000	\$0	\$5,000	
				<b>\$1,643,571</b>	<b>\$0</b>	<b>\$1,643,571</b>	

FOR PUBLIC COMMENT

1. Identify and explain the annual projected operation and maintenance costs associated with the proposed activities.

Annual O&M costs will include mowing of the existing right-of-way.

2. Identify and explain any special engineering activities.

Special engineering activities would include geotechnical investigation and structural design.



*Handwritten signature and date:* 9/13/18

**PROJECT SCHEDULE**

**A schedule must be provided for each project.** Highlight the projected length in months for each phase by clicking on the desired months. If a phase is not applicable, leave it blank. Projects are expected to be completed within 24 months following execution of the contract between the applicant and the GLO. Provide any comments regarding the schedule that may be helpful.

Project Title:

Eligible Activity:	HUD Activity #:
--------------------	-----------------

MONTHS:	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Professional Procurement	■																								
Environmental Review		■	■	■	■																				
Acquisition																									
Engineering Design					■	■	■	■	■	■															
Construction													■	■	■	■	■	■	■						
Closeout Completion																					■	■			
Extended Activity																									

FOR PUBLIC COMMENT

Comments: Once engineering design is complete, 60 days for biding and contract award are necessary and are represented in the schedule as "blank boxes" in months "10 & 11".

# LOCAL CERTIFICATIONS

Every Application must be signed by the authorized signatory. By signing this application, the signee authorizes the state or any of its duly authorized representatives to verify the information contained herein. It should be noted that 18 USC § 1001 states that any person who (1) knowingly or willfully falsifies, conceals, or covers up by any trick, scheme, or device of material fact, (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false fact, fictitious, or fraudulent statement or is a federal offense and punishable under the law. Title 18, Section 1001 of the U.S. code states that a person is guilty of a FELONY for knowingly and willingly makes false statements to any department of the United States Government.

Each application for CDBG Disaster Recovery funding must also be accompanied by a completed and signed Application for Federal Assistance Standard Form 424 (SF-424).

Each applicant must comply with the provisions of the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations, the requirements set forth in title 24 of the Code of Federal Regulations (CFR) part 58, and applicable GLO-CDR policy directives. All applicable federal and state laws, including environmental, labor (Davis-Bacon), procurement procedures and contract requirements of 2 CFR 200.318 -200.326, and civil rights requirements apply to the use of these funds. Each applicant certifies, in compliance with the requirements presented in Volume 81, Number 224 of the Federal Register effective November 28, 2016, that:

1. It has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG-DR program;.
2. It is in compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87;.
3. It will comply with the acquisition and relocation requirements of the Uniform Act (URA), as amended, and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for in the Federal Register notice.
4. It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.
5. It is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105 Public Participation Plan as it pertains to local government administration of CDBG-DR funds. or 91.115 Public Participation Plan as it pertains to State administration of CDBG-DR funds, as applicable (except as provided for in notices providing waivers and alternative requirements for this grant). Also, each Unit of General Local Government (UGLG) receiving assistance from a state grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).
  - a) Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas for which the President declared a major disaster in 2016 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 *et seq.*) related to the consequences of the disaster event.
6. The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601 -3619) and implementing regulations, and that it will affirmatively further fair housing.
7. It has adopted the following policies:
  - a) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
  - b) A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.
8. It will not use CDBG-DR funds for any activity in an area identified as flood prone for land use or hazard mitigation planning purposes by the state, local, or tribal government, or delineated as a Special Flood Hazard Area in FEMA's most current flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55. The relevant data source for this provision is the state, local, and tribal government land use regulations and hazard mitigation plans and the latest issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps.
9. Its activities concerning lead-based paint will comply with the requirements of 24 CFR part 35, subparts A, B, J, K, and R.
10. It will comply with applicable laws.
11. It will comply with the environmental requirements presented in 24 CFR Part 58.

Date

Printed Name

Paul E. Fischer

Title

County Judge

Email

paul.fischer@co.lee.tx.us

Phone Number

+1 (979) 542-3178

Authorized Signature



**Standard Form 424  
(SF-424)**

**FOR PUBLIC COMMENT**

**Application for Federal Assistance SF-424**

\* 1. Type of Submission:

- Preapplication  
 Application  
 Changed/Corrected Application

\* 2. Type of Application:

- New  
 Continuation  
 Revision

\* If Revision, select appropriate letter(s):

\* Other (Specify):

\* 3. Date Received:

09/27/2018

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

**State Use Only:**

6. Date Received by State:

7. State Application Identifier:

**8. APPLICANT INFORMATION:**

\* a. Legal Name:

Lee County

\* b. Employer/Taxpayer Identification Number (EIN/TIN):

76-6000986

\* c. Organizational DUNS:

046566931

**d. Address:**

\* Street1:

200 Main Street

Street2:

\* City:

Giddings

County/Parish:

\* State:

TX: Texas

Province:

\* Country:

USA: UNITED STATES

\* Zip / Postal Code:

78942-5758

**e. Organizational Unit:**

Department Name:

Lee County

Division Name:

Lee County

**f. Name and contact information of person to be contacted on matters involving this application:**

Prefix:

Ms.

\* First Name:

Judy

Middle Name:

\* Last Name:

Langford

Suffix:

Title:

Grant Administrator

Organizational Affiliation:

Langford Community Management Services, Inc.

\* Telephone Number:

5124520432

Fax Number:

5124525380

\* Email:

judy@lcmsinc.com

FOR PUBLIC COMMENT

**Application for Federal Assistance SF-424**

**\* 9. Type of Applicant 1: Select Applicant Type:**

B: County Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

**\* 10. Name of Federal Agency:**

Housing and Urban Development

**11. Catalog of Federal Domestic Assistance Number:**

CFDA Title:

**\* 12. Funding Opportunity Number:**

unknown

\* Title:

unknown

**13. Competition Identification Number:**

14.228

Title:

Community Development Block Grant - Disaster Recovery

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

Add Attachment

Delete Attachment

View Attachment

**\* 15. Descriptive Title of Applicant's Project:**

Lee County Drainage Repair Project

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

FOR PUBLIC COMMENT

**Application for Federal Assistance SF-424**

**16. Congressional Districts Of:**

\* a. Applicant

\* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**

\* a. Start Date:

\* b. End Date:

**18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="286,025.11"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="122,666.89"/>
* e. Other	<input type="text" value="1,226,075.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="1,634,767.00"/>

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372.

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes  No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

\*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:

Middle Name:

\* Last Name:

Suffix:

\* Title:

\* Telephone Number:

Fax Number:

\* Email:

\* Signature of Authorized Representative:

\* Date Signed:

# Citizen Participation

FOR PUBLIC COMMENT

# LEE COUNTY CITIZEN PARTICIPATION PLAN

## COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY

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### Introduction

Community Development Block Grant – Disaster Recovery (CDBG-DR) applicants and funded entities are required to carry out citizen participation procedures in accordance with the Citizen Participation Plan as required by the Housing and Urban Development agency (HUD) and the Texas General Land Office (GLO).

The County maintains the activities described in this Citizen Participation Plan to include: outreach efforts to invite open and public participation in the submission of the County's application for CDBG-DR funding, public information upon award of funds, any technical assistance the public may require, assistance for Limited English Proficiency (LEP) citizens, and program procedures for addressing citizen complaints.

### Participation During Application

Lee County will provide for reasonable public notice, appraisal, examination, and comment on the activities proposed for the use of CDBG-DR funds. These outreach efforts shall:

- 1) Provide for and encourage citizen participation, particularly by low- and moderate-income persons who reside in slum or blighted areas, and areas in which CDBG-DR funds are proposed to be used;
- 2) Ensure that citizens will be notified of public meetings, information, and records relating to the County's proposed and actual use of CDBG-DR funds no less than seventy-two (72) hours in advance;
- 3) Furnish citizens information including, but not limited to:
  - (a) the amount of CDBG-DR funds expected to be made available;
  - (b) the range of activities that may be undertaken with the CDBG-DR funds;
  - (c) the estimated amount of the CDBG-DR funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate-income persons; and
  - (d) if applicable, the proposed CDBG-DR activities likely to result in displacement and the entity's anti-displacement and relocation plan.
- 4) Provide citizens with a 14-day opportunity to comment on proposed activities in an application to the state. For grants already made, The County will provide a reasonable comment period to be determined in collaboration with the GLO for activities which are proposed to be added, deleted, or substantially changed from the County's application to the state. "Substantially changed" means changes made in terms of purpose, scope, location, or beneficiaries as defined by criteria established by the state; and
- 5) Be accomplished through one or more of the following methods:
  - (a) Publication of notice in a local newspaper—a published newspaper article may also be used so long as it provides sufficient information regarding program activities and relevant dates;
  - (b) Notices prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups (where practicable);



# LEE COUNTY CITIZEN PARTICIPATION PLAN

## COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY

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- (c) Posting of notice on the local entity website (if available);
- (d) Public Hearing; or
- (e) Individual notice to eligible cities and other entities as applicable using one or more of the following methods:
  - Certified mail
  - Electronic mail or fax
  - First-class (regular) mail
  - Personal delivery (e.g., at a Council of Governments meeting)

Along with the application, the County will submit **any notices of public hearings** that relate to the administration of CDBG-DR funds.

### Technical Assistance

When requested, Lee County shall provide technical assistance to groups representative of persons of low- and moderate-income in developing proposals for CDBG-DR funds. The level and type of assistance shall be determined by the County based upon the specific needs of the community's residents.

### Public Hearing Provisions

For each public hearing scheduled and conducted by a CDBG-DR applicant or recipient, the following public hearing provisions shall be observed:

- 1) Citizens shall be furnished with information including but not limited to:
  - (a) The amount of CDBG-DR funds available per application for the CDBG-DR monies;
  - (b) The range of activities that may be undertaken with the CDBG-DR funds;
  - (c) The estimated amount of the CDBG-DR funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate-income persons; and
  - (d) The proposed CDBG-DR activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under 24 CFR 570.488.
- 2) Public notice of any hearing must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice will include the DATE, TIME, LOCATION, and TOPICS to be considered at the hearing. A published newspaper article may also be used to meet this requirement so long as it satisfies all content and timing requirements. Notices will also be prominently posted in public buildings and distributed to local public housing authorities and other interested community groups, where practicable.
- 3) Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings, and the County will make arrangements for individuals who require auxiliary aids or services **if contacted at least 2 days prior** to each hearing.

# LEE COUNTY CITIZEN PARTICIPATION PLAN

## COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY

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- 4) When a considerable number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter will be present to accommodate the needs of the non-English speaking residents.

Lee County may conduct a public hearing via webinar if they adhere to the provisions of this section. If the webinar is used to conduct a public hearing, a physical location with associated reasonable accommodations must be made available, to ensure that those individuals without the necessary technology are able to participate.

### Citizen Participation Once Awarded

The following citizen participation requirements will be met in the event that Lee County receives funding from the CDBG-DR program:

- The County reserves the option to hold a public hearing any time a substantial change in use of CDBG-DR funds from one eligible activity to another is proposed. The County will consult GLO-CDR in determining when a change is substantial.
- Upon completion of the community development program activities, the County reserves the option to hold a public hearing and review its program performance, including the actual use of CDBG-DR funds.
- The County will retain documentation of the hearing notice(s), attendance lists, minutes of the hearing(s), and any other records concerning the actual use of funds. The County follows HUD regulations which generally require a community to retain all its grant-related documentation for 3 years from the date HUD closes its related disaster grant to the state of Texas. Such records will be made available to the public in accordance with Chapter 552, Government Code.

### Equal Access for Limited English Proficiency Citizens

The County complies with Title VI of the Civil Rights Act of 1964 which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who are LEP can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

In the instance that 5% or more of the resident population is known to speak a common foreign language, the County will provide written translation of vital program documents that are critical for ensuring meaningful access to major activities and program benefits.

When providing assistance to LEP citizens, the County will identify the language and communication needs of persons with LEP as needed to ensure effective communication. If necessary, staff may use a language identification card (or "I speak" cards – which are available at [www.lep.gov](http://www.lep.gov)) or posters to determine the preferred language of the applicant and provide translation services as soon as possible, no more than three business days after a request.

# LEE COUNTY CITIZEN PARTICIPATION PLAN

## COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY

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### Citizen Complaint Procedures

Citizens with complaints concerning the program or suspected instances of discrimination are encouraged to inform the County of their complaint(s) directly in writing. Lee County takes all citizen complaints seriously and will respond to written citizen complaints within 15 working days of receiving the complaint.

Citizens may submit complaints in writing to:

ATTN: CDBG-DR Grant Program  
Lee County  
200 S. Main St.  
Giddings, TX 78942

The County shall implement the following steps to receive and resolve all complaints:

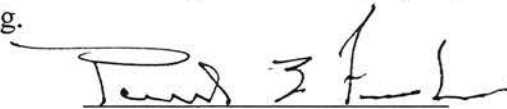
- All complaints should include a description of the matter causing the grievance along with the submitting citizen's contact information including name, phone number and mailing address.
- The County will respond with a letter acknowledging receipt of the complaint to the person submitting it at the address provided and will include a timeline for the County's response.
- Upon receipt of a written complaint, the County will review the matter and bring it to the Commissioners Court for resolution when necessary. The County will review the circumstances, conduct an investigation, and prepare a written report within fifteen (15) working days of receipt. The report shall include:
  - a. A summary of the issues/list of relevant facts
  - b. All documents provided by the aggrieved person
  - c. Any summary response from the program/project staff
  - d. Any documents available supporting relevant facts
  - e. All other pertinent file documents as required
- A determination, to include any findings and response, completed by the County will be rendered within thirty (30) working days of receipt of the complaint. A copy of the County's determination shall be provided to the citizen submitting the complaint at the address provided.
- If the citizen(s) filing the complaint are not satisfied with the determination, a written appeal may be filed within fifteen (15) days after the date of the mailing of the determination to aggrieved citizen(s).
- The written decision of the County will be made within thirty (30) days.
- Person(s) who believe they are victims of discrimination in housing or other services may also contact the U.S. Department of Housing and Urban Development (HUD) to file a complaint, without first filing a grievance under this procedure, by filing a form here online: <https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action>.

NOTICE OF MEETING  
COMMISSIONERS' COURT  
OF LEE COUNTY, TEXAS

Notice is hereby given that a Regular Meeting of the Lee County Commissioners' Court will be held on the 14<sup>th</sup> day of January 2019, at 10:00 a.m. at the 1<sup>st</sup> Floor Courtroom, Suite 109 at the Lee County Courthouse, Giddings, Texas at which time the following subjects will be discussed considered passed or adopted to-wit:

1. Call the Regular Lee County Commissioners' Court Meeting of January 14, 2019 to order.
2. Invocation by Diane Herlitz with First Assembly of God Church, Giddings, Texas.
3. Consider and act on the approval of the following minutes of the County Commissioners' Court:
  - a) Special Meeting – December 17, 2018 at 8:00 a.m.
  - b) Regular Meeting – December 21, 2018 at 10:00 a.m.
  - c) Special Meeting – December 28, 2018 at 1:30 p.m.
  - d) Special Meeting – December 31, 2018 at 8:00 a.m.
  - e) Special Meeting – January 7, 2019 at 8:00 a.m.
4. Comments from the public (limited to five minutes).
5. Receive reports from the following:
  - a) County Clerk
  - b) Lee County EMS
  - c) District Clerk
  - d) JP Pct.#2
  - e) JP Pct.#3
  - f) JP Pct.#4
  - g) County Auditor (October – December 2018)
6. Consider and act on Line Item Transfers.
7. Consider and act on the approval of bills for payment.
8. Consider and act on approving the Lee County Treasurer's Report dated December 31, 2018.
9. Consider and act on engineering proposal from Patrick Sparks with Sparks Engineering, Inc., for schematic design for Lee County Courthouse underpinning, structural repairs, and architectural restoration.
10. Consider and act on approving the bid specifications from Acton Partners Consulting for the Lee County Courthouse roof repair and authorize publishing the notice of bids.

11. Consider and act on approving bid specifications for the abatement, demolition, deconstruction and site restoration of the Lee County Courthouse Annex Addition of 1965 and advertising for bids.
12. Hear presentation from Nationwide Retirement Solutions.
13. Consider and act on choosing an option for Nationwide Retirement Solutions change.
14. Consider and act on the sell of part of 9<sup>th</sup> street in Lincoln (1/2 of 0.427 acre tract) to Frank Meuth.
15. Consider and act on Resolution to approve the submission of an application to the General Land Office for Hurricane Harvey Community Development & Revitalization CDBG-DR projects.
16. Consider and act on allowing the Rotary Club to use the Courthouse lawn on Saturday, March 23, 2019 for the Emmett Hannes 5K Run.
17. Consider and act on approving County Officials' bonds.
18. Consider and act on approving contract for purchasing software for Campaign Finance Reporting.
19. Receive certificates from Lisa Teinert, Lee County, District Clerk, for completion of required 20 hours of continuing education for 2018.
20. Consider and act on approval for Southwest Milam Water Supply Corporation to bore for new water line at intersection of CR 418 & Hwy. 77.
21. Consider and act on rescinding the sell of I-Beams at auction for Precinct 4.
22. Consider and act on sell and/or Interlocal agreement between Lee and Milam County on I-Beams from Precinct 4.
23. Consider and act on Consider and act on motion to adjourn the January 14, 2019 Lee County Commissioners' Court Meeting.



Paul E Fischer  
County Judge, Lee County



I the undersigned, County Clerk, do hereby certify that the above notice of Meeting of the Lee County Commissioners' Court a true and correct copy of said Notice, was posted on the bulletin board at the Courthouse of Lee County, Texas, at a place readily accessible to the general public at all times on the 11<sup>th</sup> day of January 2019 and said notice remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this the 11<sup>th</sup> day of January 2019.

*Sharon Blasig*  
\_\_\_\_\_  
County Clerk of Lee County, Texas

FOR PUBLIC COMMENT

FILED AND RECORDED

JAN 11 2019



*Sharon Blasig*  
SHARON BLASIG  
COUNTY CLERK, LEE COUNTY TEXAS

RESOLUTION

A RESOLUTION OF THE COMMISSIONERS COURT OF LEE COUNTY, TEXAS, AUTHORIZING THE SUBMISSION OF COMMUNITY DEVELOPMENT & REVITALIZATION HURRICANE HARVEY HOUSING AND INFRASTRUCTURE PROJECT APPLICATIONS TO THE GENERAL LAND OFFICE; AND AUTHORIZING THE COUNTY JUDGE TO ACT AS THE COUNTY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE COUNTY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT & REVITALIZATION PROGRAM.

WHEREAS, the Commissioners Court of Lee County desires to develop a viable urban community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, it is necessary and in the best interest of Lee County to apply for funding under the Community Development & Revitalization Grant Program;


NOW THEREFORE, BE IT RESOLVED;


Section 1. That Community Development & Revitalization Grant Program applications are hereby authorized to be filed with the Texas General Land Office for funding consideration under the Community Development & Revitalization Grant Program; and

Section 2. That the application be for the 2017 General Land Office Hurricane Harvey grant funds allocated to Lee County through the Method of Distribution to carry out Housing and Infrastructure Activities; and

Section 3. That the Commissioners Court directs and designates the County Judge as the Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and participation in the Community Development & Revitalization Grant Program.

Passed and approved this 14 day of January, 2019.

  
Paul E. Fischer  
County Judge

  
Sharon Blasig  
County Clerk

# Hurricane Harvey Impact

FOR PUBLIC COMMENT



**Paul E Fischer**

County Judge  
Lee County



County Courthouse  
200 South Main, Rm. 107  
Giddings, TX 78942  
Phone: 979-542-3178  
Fax: 979-542-2988

## DECLARATION OF DISASTER

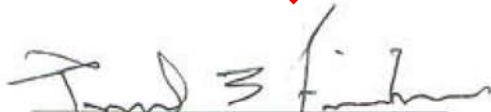
Whereas, in the County of Lee beginning on the 25<sup>th</sup> day of August, 2017, there is the imminent threat of widespread severe damage, injury, and loss of life or property resulting from the land fall of Hurricane Harvey on the Texas Coast with the forecast of imminent heavy rainfall in Lee County and the surrounding areas, and

WHEREAS, the County Judge of Lee County, Texas has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property,

NOW, THEREFORE, BE IT PROCLAIMED BY THE COUNTY JUDGE OF LEE COUNTY, TEXAS:

1. That a local state of disaster is hereby declared for Lee County pursuant to Section 418.108(a) of the Government Code.
2. Pursuant to Section 418.108(b) of the Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the Commissioners Court of Lee County.
3. Pursuant to Section 418.108(c) of the Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk.
4. Pursuant to Section 418.108(d) of the Government Code, this declaration of a local state of disaster activates the county emergency management plan.
5. That this proclamation shall take effect immediately from and after its issuance.

ORDERED this the 25<sup>th</sup> day of August, 2017.

  
County Judge Paul E Fischer



August 30, 2017

Rules for August 30, 2017 access to the flooded areas along CR 230, CR 233, and PR 2332. Lee County will take all efforts to stay on schedule, provided that Lee County cannot control conditions at each residence.

1. Households should designate one person to enter the access area. Only 1 adult resident per household is permitted to enter the flooded area.
2. Resident's must be on the approved sign-up sheet to gain access.
3. Access will be by boat. Lee County will provide life jackets.
4. Lee County Emergency Management Personnel and/or volunteers will accompany the resident to his/her property.
5. Wear appropriate clothing, knowing that you will be entering a flooded area.
6. Only 3 bags of personal items may be removed. Please consider what items of importance you wish to remove. Lee County will supply the 3 Heavy Duty Plastic bags to transport the items.
7. The designated resident will be permitted to photograph or videotape the interior and/or exterior of their residence for insurance or other purposes.
8. **Designated individuals must arrive at the staging area 30 minutes prior to their scheduled time with identification to allow entry. Entry will not be permitted to anyone not on the approved sign-up sheet. The staging area will be at the intersection of CR 231 and CR 233 where you must check in with the County designee.**
9. Lee County may restrict access to residences if, in the opinion of Lee County Emergency Management, entry into a residence cannot be done safely.
10. Lee County cannot be responsible for any damage to property or injuries to persons resulting from the County's emergency assistance.

**Financial Interest  
Report(s)**

**FOR PUBLIC COMMENT**



COMMUNITY DEVELOPMENT & REVITALIZATION  
 The Texas General Land Office  
**FINANCIAL INTEREST REPORT**

Subrecipient:  Contract Number:

[Reset Form](#)

**Contact Information**

Name of Company:

Name of Owner:

Point of Contact:

Phone:  Fax Number:

Email:

Mailing Address:

Type of Procurement:

Trade:

Service Provided:

**Clearances**

Environmental Clearance Date (for activity):

Excluded Party List System Clearance Date (Contractor Verification/Clearance):

Contract Executed Date:

**Financial Interest Disclosure Report**

CDBG-DR Funds	Other Funds	Total Dollars
\$25,742.25	\$51,770.75	\$77,513.00

Prime Contractor  Subcontractor

If a sub-contractor, list name:

**Section 3 Report**

The company reported qualifies as a Section 3 Business concern.

The contract reported is for **\$100,000** or more. (Company is subject to Section 3 reporting requirements if checked).

**Minority Business Enterprise Report**

The company reported is a **business** with a contract for at least **\$10,000**. (Report MBE info below if checked.)

Race of Owner:

Ethnicity of Owner:

Gender of Owner:

FOR PUBLIC COMMENT

Describe the work to be completed:

(if more than one business will be procured for similar work, indicate the specific work included in this contract)

This form must be submitted to GLO-CDR for all contracts of \$2,000 or more. For Prime Contractors, form is due within 30 days of executing the construction contract. For Subcontractors, this Financial Interest Report (FIR) is due before the final draw.

Revised form effective June 2, 2018.



COMMUNITY DEVELOPMENT & REVITALIZATION  
 The Texas General Land Office  
**FINANCIAL INTEREST REPORT**

Subrecipient:  Contract Number:

[Reset Form](#)

**Contact Information**

Name of Company

Name of Owner

Point of Contact

Phone  Fax Number

Email

Mailing Address

Type of Procurement

Trade

Service Provided

**Clearances**

Environmental Clearance Date (for activity)

Excluded Party List System Clearance Date (Contractor Verification/Clearance)

Contract Executed Date

**Financial Interest Disclosure Report**

CDBG-DR Funds	Other Funds	Total Dollars
\$33,949.94	\$112,050.06	\$146,000.00

Prime Contractor  Subcontractor

If a sub-contractor, list Firm

**Section 3 Report**

The company reported qualifies as a Section 3 Business concern.

The contract reported is for **\$100,000** or more. (Company is subject to Section 3 reporting requirements if checked).

**Minority Business Enterprise Report**

The company reported is a **business** with a contract for at least **\$10,000**. (Report MBE info below if checked.)

Race of Owner

Ethnicity of Owner

Gender of Owner

FOR PUBLIC COMMENT

Describe the work to be completed:  
 (if more than one business will be procured for similar work, indicate the specific work included in this contract)

Grant management activities for GLO CDBG-DR 2016 flood and drainage projects.

This form must be submitted to GLO-CDR for all contracts of \$2,000 or more. For Prime Contractors, form is due within 30 days of executing the construction contract. For Subcontractors, this Financial Interest Report (FIR) is due before the final draw.

**Project Detail**  
**Site Maps**

**FOR PUBLIC COMMENT**



# National Flood Hazard Layer FIRMette

CR 226 Lee County Texas NW end 30.16076, -96.88167 SE end 30.16038, -96.88122



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

	Without Base Flood Elevation (BFE) Zone A, V, A99 With BFE or Depth Zone AE, AO, AH, VE, AR Regulatory Floodway
--	--

	0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone
	Future Conditions, 1% Annual
	Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee, See Notes, Zone X
	Area with Flood Risk due to Levee Zone I

	Area of Minimal Flood Hazard Zone X
	Area of Undetermined Flood Hazard Zone X

	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall

	Cross Sections with 1% Annual Chance
	Water Surface Elevation
	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature

	Digital Data Available
	No Digital Data Available
	Unmapped

	The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.
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**OTHER AREAS OF FLOOD HAZARD**

**OTHER AREAS**

**GENERAL STRUCTURES**

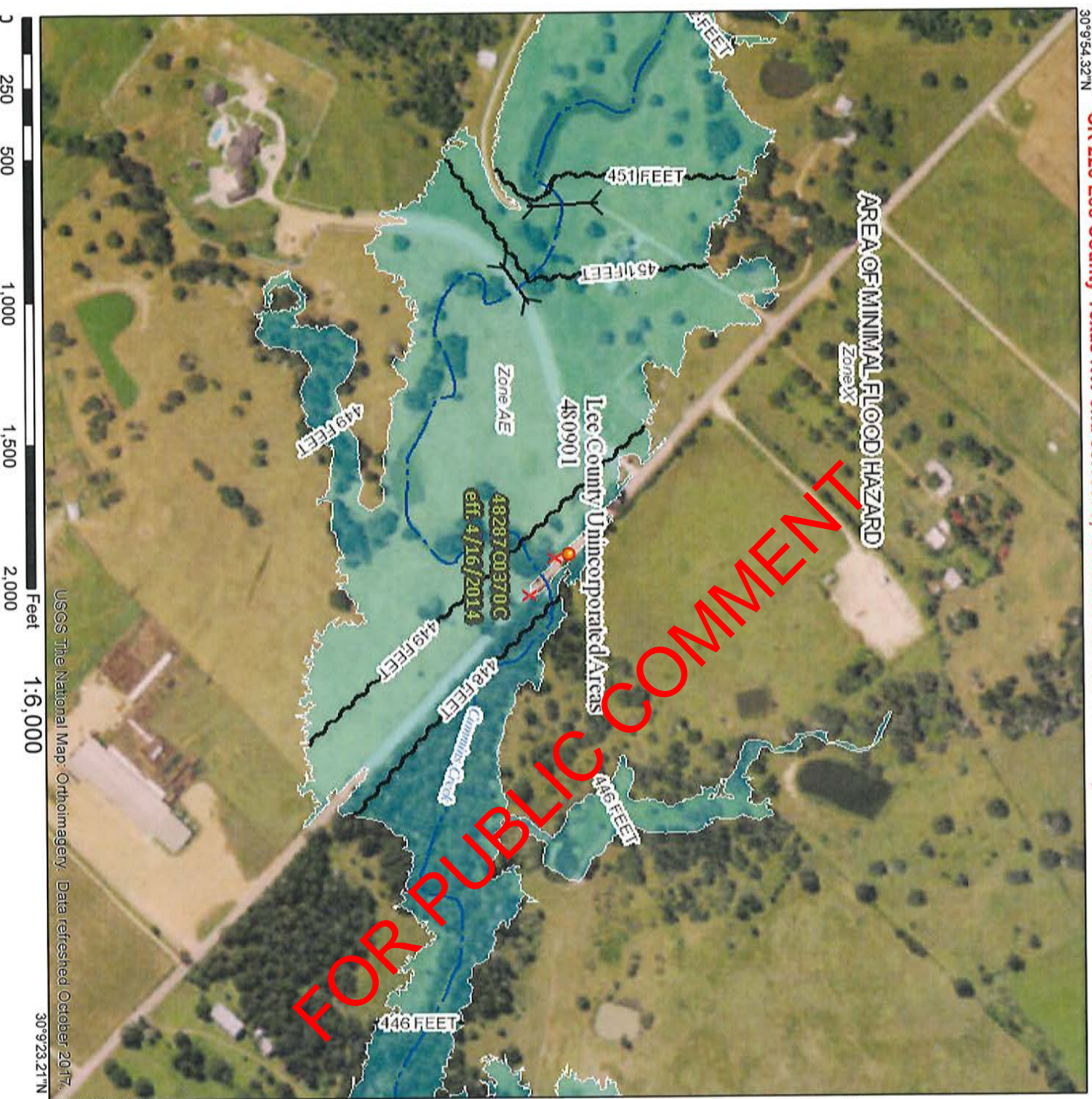
**OTHER FEATURES**

**MAP PANELS**

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **8/30/2018 at 4:41:57 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



FOR PUBLIC COMMENT





Giddings Livestock  
Commission

Google

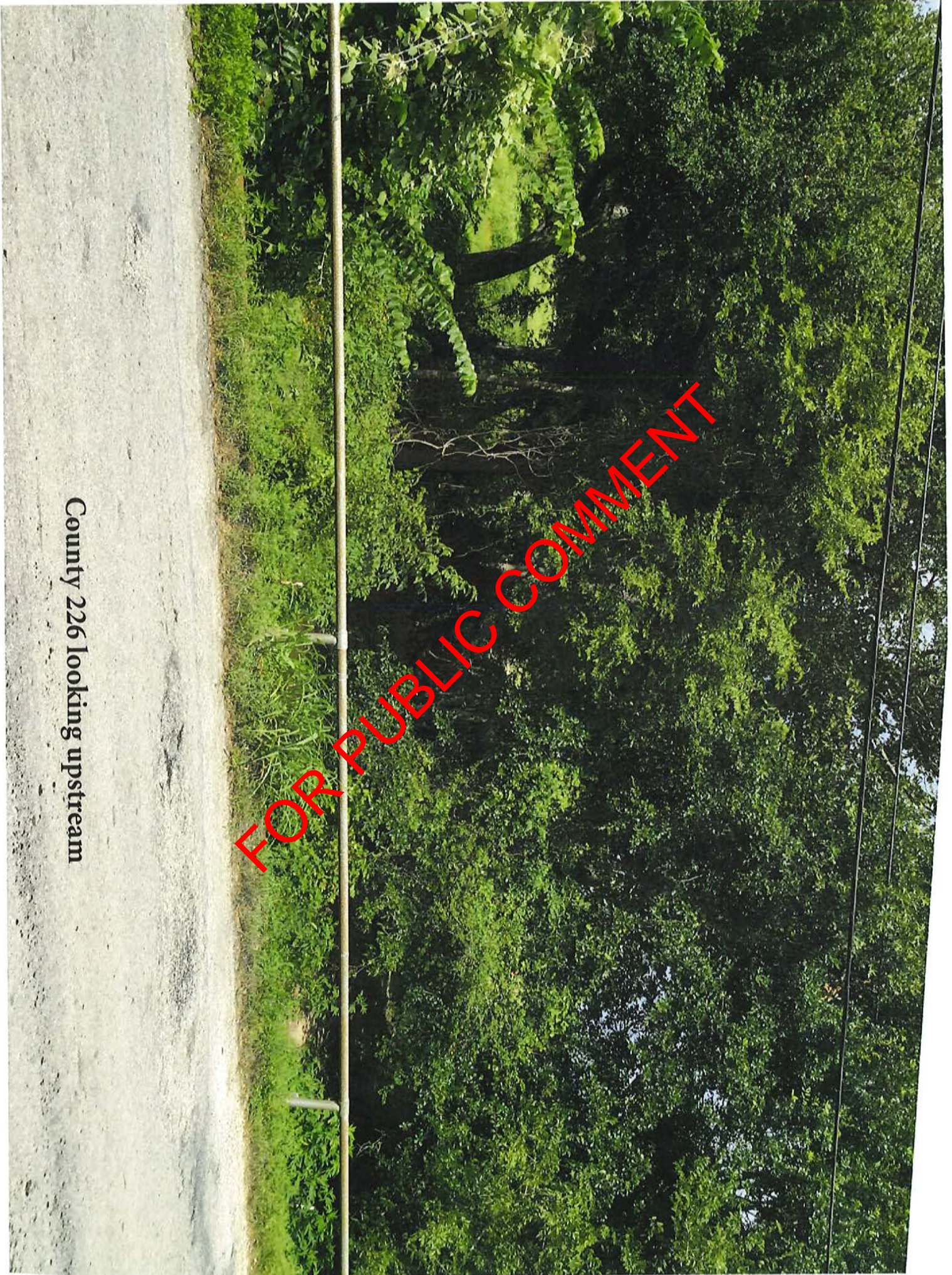
FOR PUBLIC COMMENT



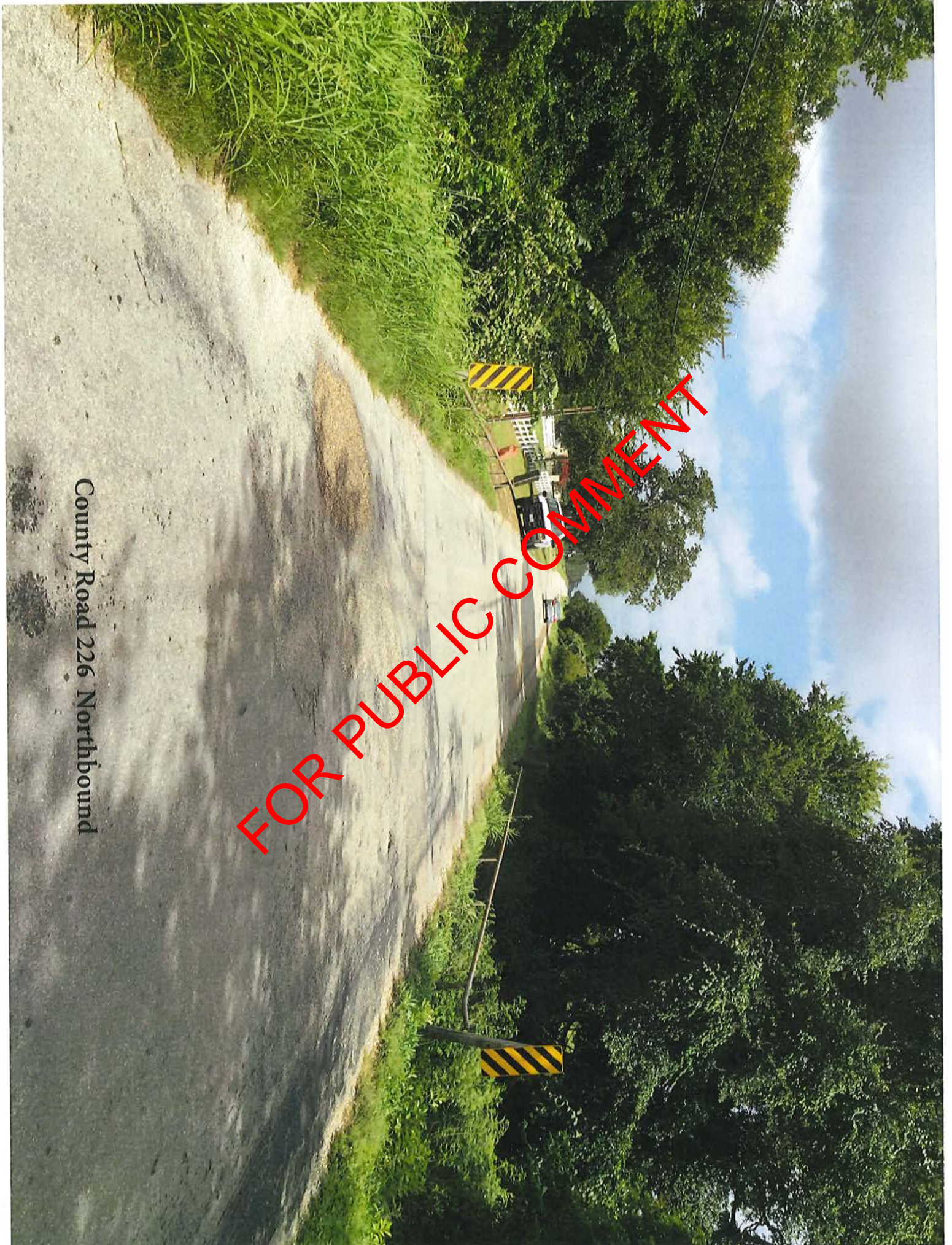


FOR PUBLIC COMMENT

County 226 Looking upstream







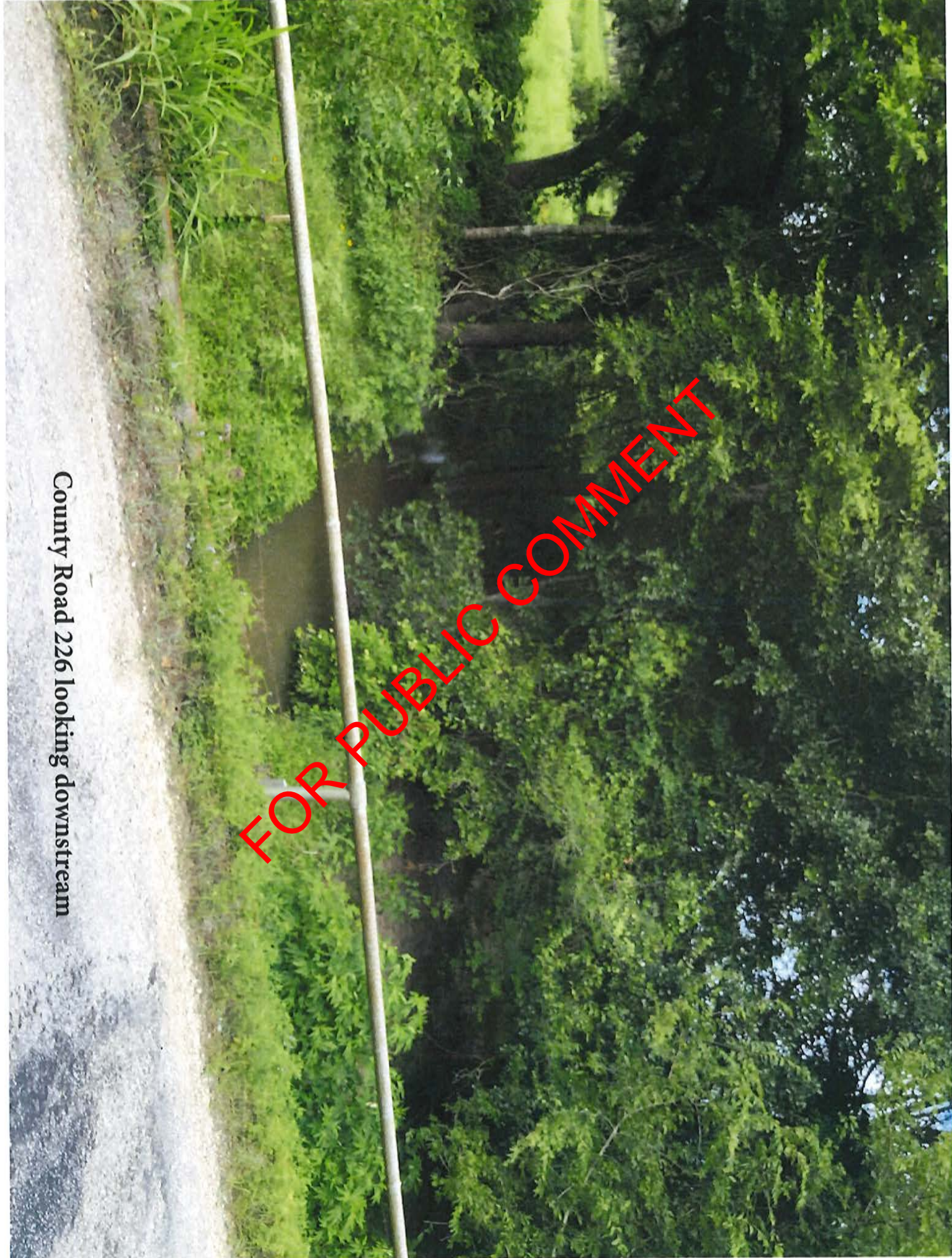
County Road 226 Northbound





County Road 226 Southbound





County Road 226 looking downstream



**Environmental**

**FOR PUBLIC COMMENT**



**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): N/A

**State/Local Identifier:** Texas

**Preparer:** Langford Community Management Services, Inc. (LCMS)

**Certifying Officer Name and Title:**

**Consultant** (if applicable): LCMS

**Project Location:**

**Description of the Proposed Project** [24 CFR 58.32; 40 CFR 1508.25]:

- (1) Environmental and other studies, resource identification and the development of plans and strategies;
- (2) Information and financial services;
- (3) Administrative and management activities;
- (4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
- (5) Inspections and testing of properties for hazards or defects;
- (6) Purchase of insurance;
- (7) Purchase of tools;
- (8) Engineering or design costs;
- (9) Technical assistance and training;
- (10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;

- (11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
- (12) Any of the categorical exclusions listed in §58.35(a) provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in §58.5.

**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):  
\_\_\_\_\_

**Funding Information**

Grant Number	HUD Program	Funding Amount
B-17-DM-48-0001		

**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):** None

**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 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.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4 and 58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6</b>		
<b>Airport Runway Clear Zones and Accident Potential Zones</b>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	All activities Exempt per 24 CFR 58.34

24 CFR Part 51 Subpart D		
<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	All activities Exempt per 24 CFR 58.34
<b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	All activities Exempt per 24 CFR 58.34

**Mitigation Measures and Conditions [40 CFR 1505.2(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.

Law, Authority, or Factor	Mitigation Measure

Preparer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title/Organization: Judy Langford, President, LCMS

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).



# **Most Recent Audit & Annual Financial Statement**

**FOR PUBLIC COMMENT**

# Key Program Staff

FOR PUBLIC COMMENT

# Lee County CDBG-DR Program Key Staff

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## EXECUTIVE OFFICER OF THE PROGRAM

NAME: Paul E. Fischer | Phone: 979.542.3178  
TITLE: County Judge | Email: [paul.fischer@co.lee.tx.us](mailto:paul.fischer@co.lee.tx.us)

DESCRIPTION OF ROLE: The County Judge in the role of Executive Office ensures that grant activities align to the County's general directives, strategic policy decisions and prioritization. The Executive Officer also ensures proper and adequate evaluations of programs, provides for financial solvency and security; preserves independence and enhances the public image among all constituencies. The County Judge functions in the accountable role of Chief Executive Office and signatory.

---

## GRANT MANAGER

NAME: Delynn Peschke | Phone: 979.540.2031  
TITLE: Emergency Management Coordinator (EMC) | Email: [emc@co.lee.tx.us](mailto:emc@co.lee.tx.us)

DESCRIPTION OF ROLE: The EMC in the role of Grant Manager provides administrative leadership in areas of compliance, project management, regulations, policies and procedures. The Grant Manager is responsible for managing both the grant and contracts for project services; monitors compliance with contractual provisions, and performs managerial professional duties in accounting, budgeting or finance.

---

## COUNTY AUDITOR

NAME: Jared Albrecht | Phone: 979.542.3103  
TITLE: County Auditor | Email: [jared.albrecht@co.lee.tx.us](mailto:jared.albrecht@co.lee.tx.us)

DESCRIPTION OF ROLE: The County Auditor perform audits or oversees audits of financial records, electronic data processing systems and program activities and operations to ascertain financial status, accuracy of data, efficiency or compliance with laws and regulations.

---

## GRANT ADMINISTRATION CONSULTANT

JUDY LANGFORD | Phone: 512.452.0432  
GRANT ADMINISTRATOR | Email: [judy@lcmsinc.com](mailto:judy@lcmsinc.com)

DESCRIPTION OF ROLE: The Grant Administration (GA) Consultant provides technical support and leadership on general direction, overarching policies, and prioritization of recovery efforts. The GA consultant directs, implements, coordinates, and advocates disaster recovery goals, objectives, and outcomes set by the GLO in alignment with the County.

# Procurement Policies & Procedures

FOR PUBLIC COMMENT

RESOLUTION

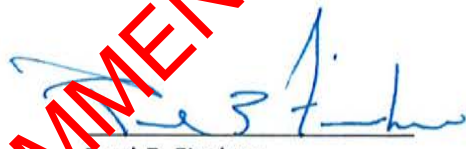
A RESOLUTION OF THE COUNTY OF LEE COUNTY, TEXAS, AUTHORIZING THE ADOPTION OF CERTAIN GRANT PROCUREMENT PROCEDURES PERTAINING TO FEDERAL GRANT PROGRAMS ADMINISTERED BY THE GENERAL LAND OFFICE.

WHEREAS, Lee County wishes to provide for fair and equitable treatment of all vendors who are interested in and capable of providing services, supplies, or equipment to the City for its purchase and use in administering Community Development Block Grant – Disaster Recovery grant funds;

NOW THEREFORE, BE IT RESOLVED;

That Lee County agrees to adopt and implement the attached Procurement Procedures for use in the implementation and administration of the City's Community Development Block Grant – Disaster Recovery Program.

Passed and approved this 10th day of September 2018.



Paul E. Fischer  
County Judge



Sharon Blasig  
County Clerk

FOR PUBLIC COMMENT

# LEE COUNTY FEDERAL GRANT PROCUREMENT POLICY

---

Lee County generally follows State of Texas procurement law and guidance in the purchasing and contract management of goods and services. Additional policy guidance below addresses federal purchasing requirements as required by 2 CFR 200 pertaining to the expenditure of federal grant funds.

## A. Purchase Methods When Using Federal Funds

### **Five Methods for Procuring with Federal Funds**

2 CFR § 200.320 provides for five methods that must be used when making purchases with Federal funds. In some cases, these Federal methods are more restrictive than State requirements; in other cases, the State requirements are more restrictive than these Federal methods. In all cases, the County affirms the more restrictive requirements or methods must be followed when making purchases with Federal funds.

The type of purchase method and procedures required depends on the cost (and type, in some cases) of the item(s) or services being purchased.

- Micro-purchases
- Small purchase procedures
- Sealed bids
- Competitive proposals
- Noncompetitive proposals (sole source)

### **Micro-Purchases (Purchases up to \$3,000.00)**

Federal methods provide for procurement by *micro-purchase*. *Micro-purchase* is defined in 2 CFR § 200.320(a) as a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed \$3,000.00. The micro-purchase method is used in order to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost.

The County utilizes the micro-purchases method for acquiring supplies or services that do not exceed an aggregate amount of \$3,000.00 if the price is reasonable. The program manager responsible for the Federal award determines if the price is reasonable.

Quotes are not required but encouraged. If quotes are obtained for items under \$3,500.00, they should be kept in the department and attached to the requisition.

### **Small Purchase Procedures (Purchases between \$3,000.01 and \$149,999.99 in the Aggregate)**

The Federal threshold for small purchase procedures is \$150,000. 2 CFR § 200.320(b).



## LEE COUNTY FEDERAL GRANT PROCUREMENT POLICY

---

*Small purchase procedures* (as defined in 2 CFR § 200.320[b]) may be used in those relatively simple and informal procurement methods for securing non-personal contracted services, supplies, or other property that do not cost more than \$149,999.99.

For purchases funded from *local funds*, to obtain the most competitive price, the County, may, at its option, obtain price quotes for items costing less than \$150,000. Unlike the mandatory competitive procurement described for purchases over \$150,000, if an item to be paid from local funds costs less than \$150,000, the County may utilize price quotations or competitive procurement process (purchasing cooperatives, sole source, an existing RFP/bid or a new RFP/bid) to stimulate competition and to attempt to receive the most favorable pricing.

However, if using *State or Federal funds* to purchase goods or services, *price or rate quotations must be obtained* from an adequate number of qualified sources for all purchases between \$3,000.01 and \$49,999.99 or use the competitive procurement process. The County must obtain more than one price or rate quote unless using a purchasing cooperative, existing Bid/RFP or sole source vendor, in which case, the prices have already been awarded. If purchasing from a purchasing cooperative or existing Bid/RFP, the departments can elect to obtain only one quote to purchase the goods or services although it is recommended to obtain more than one quote. Such price or rate quotations may be obtained orally and/or documented in writing, and the County must demonstrate that price or rate quotations were obtained from an adequate number of qualified sources.

### **Purchases \$150,000 or More in the Aggregate**

According to Texas law, one of the following competitive methods must be used for purchases of \$150,000 or more in the aggregate:

- (1) competitive bidding for services other than construction services;
- (2) competitive sealed proposals, for services other than construction services;
- (3) a request for proposals, for services other than construction services;
- (4) an interlocal contract;
- (5) a method provided by Chapter 2269, Government Code, for construction services;
- (6) the reverse auction procedure as defined by Section 2155.062(d), Government Code; or
- (7) the formation of a political subdivision corporation under Section 304.001, Local Government Code.

In addition, one of the three following methods must be used, depending on the circumstance described below, when purchasing with Federal funds: sealed bids (formal advertising); competitive proposals; or noncompetitive proposals (sole source).

### *Sealed Bids (Formal Advertising)*

## LEE COUNTY FEDERAL GRANT PROCUREMENT POLICY

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Bids are publicly solicited and a *firm fixed-price contract* (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the following conditions apply:

- A complete, adequate, and realistic specification or purchase description is available;
- Two or more responsible bidders are willing and able to compete effectively for the business; and
- The procurement lends itself to a firm fixed-price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

- Bids must be solicited from an adequate number of potential suppliers, providing them sufficient response time prior to the date set for opening the bids. The invitation for bids must be publicly advertised.
- The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond.
- All bids will be opened at the time and place prescribed in the invitation for bids. The bids must be opened publicly.
- A firm fixed-price contract award must be made in writing to the lowest responsive and responsible bidder.

Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of. Any or all bids may be rejected if there is a sound documented reason.

### *Competitive Proposals*

A competitive proposal is normally used with more than one source submitting an offer, and either a *fixed price* or a *cost-reimbursement* type contract is awarded. (A *cost reimbursement contract* reimburses the contractor for actual costs incurred to carry out the contract.) Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- Requests for proposals must be publicized and must identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical.



## LEE COUNTY FEDERAL GRANT PROCUREMENT POLICY

---

- Proposals must be solicited from an adequate number of qualified sources.
- The County must have a written method for conducting technical evaluations of the proposals received and for selecting recipients.
- Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

When using Federal funds, the County may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

### *Noncompetitive Proposals (Sole Sourcing)*

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used when using Federal funds only when one or more of the following circumstances apply:

- The item is available only from a single source and an equivalent cannot be substituted. This must be documented.
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
- After solicitation of a number of sources, competition is determined inadequate.

Additionally, *State* requirements related to sole source purchasing are, in some ways, more restrictive. In addition to the Federal requirements above, sole source purchases must meet established criteria:

- Identification and confirmation that competition in providing the item or product to be purchased is precluded by the existence of a patent, copyright, secret process or monopoly;
- A film, manuscript, or book;
- A utility service, including electricity, gas, or water; and
- A captive replacement part or component for equipment.

## LEE COUNTY FEDERAL GRANT PROCUREMENT POLICY

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According to State requirements, sole source does not apply to mainframe data-processing equipment and peripheral attachments with a single item purchase price in excess of \$15,000.

In this case, the County must document why only this product can meet their needs and that it is not available from any other vendor. In all cases, the County will obtain and retain documentation from the vendor which clearly delineates the reasons which qualify the purchase to be made on a sole source basis.

### **Cost/Price Analysis for Federal Procurements in Excess of \$150,000**

In accordance with the requirements in 2 CFR § 200.323, the County will make independent estimates of the goods or services being procured before receiving bids or proposals to get an estimate of how much the goods and services are valued in the current market.

To accomplish this, before bids and proposals are received, the County conducts either a price analysis or a cost analysis, depending on the type of contract, in connection with every procurement with Federal funds in excess of \$150,000. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the County will come to an independent estimate prior to receiving bids or proposals, 2 CFR § 200.323(a).

Accordingly, the County performs a cost or price analysis in connection with every Federal procurement action in excess of \$150,000, including contract modifications, as follows:

**Cost Analysis → Non-competitive Contracts:** A cost analysis involves a review of proposed costs by expense category, and the Federal cost principles apply, which includes an analysis of whether the costs are allowable, allocable, reasonable, and necessary to carry out the contracted services. In general,

- A cost analysis must be used for all non-competitive contracts, including sole source contracts.
- The Federal cost principles apply.
- All *non-competitive contracts* must also be awarded and paid on a *cost-reimbursement basis*, and not on a fixed-price basis.
- In a cost-reimbursement contract, the contractor is reimbursed for reasonable actual costs incurred to carry out the contract.
- Profit must be negotiated as a separate element of the price in all cases where there is no competition.



## LEE COUNTY FEDERAL GRANT PROCUREMENT POLICY

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When performing a *cost* analysis, the County negotiates profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work, 2 CFR § 200.323(b).

**Price Analysis → Competitive Contracts:** A *price* analysis determines if the lump sum price is fair and reasonable based on current market value for comparable products or services. In general,

- A price analysis can only be used with *competitive* contracts and is usually used with fixed-price contracts. It cannot be used with non-competitive contracts.
- Compliance with the Federal cost principles is not required for fixed-price contracts, but total costs must be reasonable in comparison to current market value for comparable products or services.
- A competitive contract may be awarded on a fixed-price basis or on a cost-reimbursement basis. If awarded on a cost-reimbursement basis, the Federal cost principles apply and costs are approved by expense category, and not a lump sum.

Costs or prices based on *estimated* costs for contracts are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable costs under the Federal cost principles.

### **B. Contract Administration**

The County maintains the following oversights to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders, 2 CFR § 200.318(b). The program manager/director of the Federal award is responsible for monitoring contractor performance. The manager/director will compare actual performance of contract against projected performance and have the contractor explain any differences. They may also compare fees paid to date to contractor versus how far along the contractor is in performing the contractual duties. The manager/director may establish surveys of those directly benefitted by the contractor's work for feedback purposes.

To ensure proper administration of contracts and any subgrants that may be awarded by the County, the County uses the following guidelines to determine whether each agreement it makes for the disbursement of Federal funds is a *contract*, whereby funds are awarded to a *contractor*,

## LEE COUNTY FEDERAL GRANT PROCUREMENT POLICY

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or a *subaward*, whereby funds are awarded to a *subrecipient*. The substance of the relationship is more important than the form of the written agreement, 2 CFR § 200.330.

### *Subawards/Subgrants*

A *subaward/subgrant* is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. The County determines who is eligible to receive what Federal assistance, and a *subrecipient/subgrantee*:

- Has its performance measured in relation to whether objectives of a Federal program are met
- Has responsibility for programmatic decision making
- Is responsible for adhering to applicable Federal program requirements, and
- In accordance with the subgrant agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the County.

### *Contracts*

A *contract* is for the purpose of obtaining goods or services for the County's own use and creates a procurement relationship with the contractor.

#### *A contractor:*

- Provides goods and services within normal business operations
- Provides similar goods or services to many different purchasers
- Normally operates in a competitive environment
- Provides goods or services that are ancillary to the operation of the Federal program, and
- Is not subject to compliance requirements of the Federal program as a result of the contract, though similar requirements may apply for other reasons

### **Documentation for Contracts**

The County maintains the following written documentation, at a minimum, for each contract paid with Federal funds:

1. A copy of the written, signed contract/agreement for services to be performed
2. The rationale or procedure for selecting a particular contractor
3. Evidence the contract was made only to a contractor or consultant possessing the ability to perform successfully under the terms and conditions of the contract or procurement



## LEE COUNTY FEDERAL GRANT PROCUREMENT POLICY

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4. Records on the services performed – date of service, purpose of service – ensuring that services are consistent and satisfactorily performed as described in the signed contract or purchase order
5. Documentation that the contractor was not paid before services were performed, and
6. Records of all payments made (such as a spreadsheet or report generated from the general ledger), including the total amount paid to the contractor

### **Payment Only After Services Are Performed**

For both State and Federally funded contracts, it is not permissible under Texas law to pay a contractor or consultant in *advance* of performing services. Advance payment to contractors is considered “lending credit” to the contractor and is prohibited under the *Texas Constitution*, Article 3, §§ 50 and 52. For ongoing services that occur monthly, payment can be made at the end of every month (based on a proper invoice submitted by the contractor and verification of work performed) for services performed during the month, or some other similar arrangement.

Consultants and contractors will not be paid without having a properly signed and dated contract or other written agreement in place which clearly defines the scope of work to be performed, the beginning and ending dates of the contract, and the agreed-upon price. The contract should also include a description of the payment procedures.

Upon performance of services (at contract milestones or upon completion of services), the contractor is required to submit an *invoice* to the County that contains at a minimum the following:

- a clear identification of the contractor/consultant, including name and mailing address
- a corresponding contract (or written agreement) number, if applicable
- the dates (beginning and ending date) during which the services were performed (i.e., billing period)
- a description of the services/activities completed during the billing period
- the total amount due to the contractor for the billing period

By submitting a properly-prepared invoice, the contractor is certifying that it is true and correct.

### **Verification of Receipt of Goods and Services Provided by Contractors**

If the purpose of the contract or purchase order is to deliver goods, the County will designate the appropriate staff to verify that the quantity and quality of goods were as specified in the

## LEE COUNTY FEDERAL GRANT PROCUREMENT POLICY

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contract/purchase order. The receiving report and procedures used in all other State/local purchases will be used for all Federal purchases.

If the purpose of the contract is to purchase services, the contract manager along with the County Judge will verify that the quality and scope of services were received as specified in the contract.

### **Prompt Payment to Vendors/Contractors**

The County pays all vendors/contractors within thirty (30) days of receipt of a proper invoice and the receipt of the goods or services in accordance with the [Texas Prompt Payment Act](#), [Government Code, Chapter 2251, Subchapter A, for all contractors](#), and [Property Code, Chapter 28 for Construction Contractors](#).

### ***C. General Land Office Requirements for CDBG-DR***

All procurement funded by Community Development Block Grant -Disaster Recovery (CDBG-DR) grant funds must contain the completed GLO-CDR Procurement Checklist in the file for each solicitation.

FOR PUBLIC COMMENT

TEXAS GENERAL LAND OFFICE



COMMUNITY DEVELOPMENT & REVITALIZATION  
PROCUREMENT GUIDANCE FOR SUBRECIPIENTS  
UNDER 2 CFR PART 200 (UNIFORM RULES)

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The Texas General Land Office Community Development & Revitalization (GLO-CDR) is the state agency designated by the Governor and responsible to the U.S. Department of Housing and Urban Development (HUD) for the grant administration of this funding, herein referred to as the "grantee". Eligible applicants (city and county governments) located within, or performing activities within the Texas counties as declared in DR-4223 and/or DR-4245, are herein referred to as "subrecipient" and are the desired audience of the guidance.

This guidance is designed to help make better use of your Community Development Block Grant Disaster Recovery (CDBG-DR) resources and to avoid common procurement pitfalls in managing your grant.

The procurement checklist will assist subrecipients of CDBG-DR funds provided by HUD to comply with the federal procurement requirements and reasonably ensure the allowability of eligible program expenses.

*This checklist is intended to provide general guidance only and does NOT provide a detailed explanation of the federal procurement requirements – it is not intended to serve as legal advice and GLO-CDR makes no guarantee that adherence to this checklist will result in full reimbursement of eligible expenses.*

To understand the requirements fully, the user should review the provisions of 2 CFR § 200.318 – 326 and Appendix II to Part 200, which are the source of these requirements.

Contact your servicing attorney or legal counsel with any questions on the application of these standards. Our guidance is limited to the content within 2 CFR § 200.318 – 326 and Appendix II to Part 200.

**Grant Administrator and Engineer Procurement**

GLO-CDR will allow a subrecipient to use a single vendor to both assist in the preparation of an application and to perform work under the grant. The vendor procurement should clearly identify preparation of an application and grant administration services within the solicitation document. The solicitation must take place prior to the initiation of the application process and comply with 2 CFR 200.318 – 200.326.

**Procurement File Maintenance**

The Procurement Checklist must be filled out per the prescribed procurement methodology used for each solicitation. This checklist must be maintained with each procurement file. Subsequent sealed bid or competitive proposal procurement activities will require the following documents be submitted to GLO-CDR:

- Procurement Checklist
- RFP/RFQ as applicable
- Listing of Bid Proposals/Summary of Scoring Criteria
- Grantee approval of selected vendor/winning bid
- Contract



## GLO-CDR PROCUREMENT CHECKLIST

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These documents must be provided to identify the actions taken to ensure procurement activities. GLO-CDR will not review or approve the compliance of procurement activities as they occur. GLO-CDR is available to provide technical assistance during the phases of the procurement process.

Note: Non-competitive or sole-source procurements require notification to and authorization by GLO-CDR.

### **Monitoring**

Monitoring reviews to determine procurement compliance are performed independently of the process noted above as part of GLO-CDR's Subrecipient Monitoring Plan. GLO-CDR will monitor to the standards of 2 CFR 200.318 – 200.326 or state or local procurement law and policies if they are more restrictive.

### **Criteria**

Sections 22 Procurement of the Federal Register, Vol. 81, No. 117 (June 17, 2016) for the 2015 allocations of Public Law 114–113 and Federal Register, Vol. 81, No. 224 (November 21, 2016) for the 2016 allocations of Public Law 114–223 and 245, combined with 24 CFR Part 570, direct the state to establish requirements for policies and procedures for units of general local government based on full and open competition (e.g., small purchase, sealed bids/formal advertising, competitive proposals).

GLO-CDR has established that subrecipients must follow the procurement methods as outlined in 2 CFR 200.318 – 200.326. This includes the requirement to follow state and local procurement law and policies as prescribed by 2 CFR 200.318(a) as well as the additional requirements stated in 2 CFR Part 200.

Subrecipients should update local procurement policies and procedures to correspond with the procurement and contract requirements of 2 CFR 200.318 – 200.326 for CDBG-DR funding.

FOR PUBLIC COMMENT



## GLO-CDR PROCUREMENT CHECKLIST

### PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 1)

#### §200.318 General procurement standards

Task	Yes	No	N/A	Notes
1.1 Do you maintain documented policies and procedures that reflect applicable state, local, and tribal laws and regulations and provide that they conform to applicable federal law and the standards identified in this part? § 200.318(a)				
1.2 Do you maintain contract oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders? § 200.318(b)				
1.3 Do you maintain a written standard of conduct addressing a real or apparent conflict of interest, both direct and indirect, and governing the actions of employees engaged in the selection, award, and administration of contracts to ensure conflicts of interest are identified, substantiate nominal financial interests or value, and disciplinary actions for violations of the standards?				
1.4 Do you avoid acquisition of unnecessary or duplicative items? Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. § 200.318(d)				
1.5 Is the contract being awarded to a responsible contractor possessing the ability to perform successfully under the terms and conditions of the proposed procurement, considering such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources? § 200.318(h) and §200.213 (Suspension and Debarment)				
1.6 Did you determine no other contract other than time and materials type <sup>1</sup> contract is suitable, and include a price ceiling that if exceeded, the contractor exceeds at their own risk? § 200.318(j)				
1.7 Do you have more oversight being asserted for time and material contracts to obtain reasonable assurance that the contractor is maintaining efficient methods and effective cost controls related to price ceiling related risks? § 200.318(j)				
1.8 Do you responsibly resolve any related protests, disputes, or claims arising out of procurements? § 200.318(j)				

<sup>1</sup> A time and material's contract is defined as the sum of (i) the actual cost of materials and (ii) direct labor hours charged at fixed hourly rates that reflect wages, general administrative expenses, and profit.

## GLO-CDR PROCUREMENT CHECKLIST

### PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 2)

#### §200.319 Competition

Task	Yes	No	N/A	Notes
2.1 Procurement transactions cannot be conducted in a manner that does not provide full and open competition. Does the procurement involve any of the following? § 200.319(a)				
• Placing unreasonable requirements on firms for them to qualify to do business?				
• Requiring unnecessary experience and excessive bonding?				
• Noncompetitive pricing practices between firms or between affiliated companies?				
• Noncompetitive contracts to consultants that are on retainer contracts?				
• Organizational conflicts of interest?				
• Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement?				
• Any arbitrary action in the procurement process?				
2.2 Was the contractor that is bidding on the contract also involved with developing or drafting the specifications, requirements, statement of work, invitation for bids or request for proposals? (If so, that contractor must be excluded from competing for such procurements) § 200.319(a)				
2.3 Note: Procurement MUST be conducted in a manner that prohibits the use of statutorily or administratively imposing state or local geographical preferences in the evaluation of bids or proposals.				
2.4 Do you have written procurement procedures that ensure that all solicitations comply with the following? § 200.319(c)				
• Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured?				
• Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals?				
2.5 If you are using a prequalified list of persons, firms, or products to acquire goods and services, did you consider the following? § 200.319(d)				
• Is the list current?				
• Does the list include enough qualified sources to ensure maximum open and free competition?				
• Were any potential bidders precluded from qualifying during the solicitation period?				



## GLO-CDR PROCUREMENT CHECKLIST

### PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 3)

#### §200.320 Method of Procurement

Task	Yes	No	N/A	Notes
3.1 Which of the following acceptable methods of procurement are you using?				
<b>Micro-purchase procedures<sup>2</sup></b> § 200.320(a)				
<ul style="list-style-type: none"> <li>To the extent practicable, are you distributing micro-purchases equitably among qualified suppliers?</li> </ul>				
Does the aggregate dollar of supplies or services exceed the micro-purchase threshold of \$3,000, or \$2,000 for construction contracts subject to the Davis-Bacon Act?				
<b>Small purchase procedures<sup>3</sup></b> § 200.320(b)				
<ul style="list-style-type: none"> <li>Did you obtain price or rate quotations from an adequate number of qualified sources?</li> </ul>				
<b>Sealed bids<sup>4</sup></b> §200.320(c)				
<ul style="list-style-type: none"> <li>Is a complete, adequate, and realistic specification of purchase description available for bidders?</li> </ul>				
<ul style="list-style-type: none"> <li>Are two or more responsible bidders willing and able to compete effectively for the business in relation to the bid advertisement?</li> </ul>				
<ul style="list-style-type: none"> <li>Can the procurement lend itself to a firm fixed price contract and the selection of the successful bidder be made principally based on price?</li> </ul>				
<ul style="list-style-type: none"> <li>Did you solicit bids from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids?</li> </ul>				
<ul style="list-style-type: none"> <li>Was the invitation for bids publicly advertised?</li> </ul>				
<ul style="list-style-type: none"> <li>Did the invitation for bids include any specifications and pertinent attachments, and define the items or services for the bidder to properly respond?</li> </ul>				
<ul style="list-style-type: none"> <li>Did you publicly open all bids at the time and place prescribed in the invitation for bids?</li> </ul>				
<ul style="list-style-type: none"> <li>Did you award a firm fixed price contract award in writing to the lowest responsive and responsible bidder?</li> </ul>				

<sup>2</sup> Micro-purchases are purchases below \$3,000, and may be awarded without soliciting competitive quotations if you consider the price to be reasonable.

<sup>3</sup> Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that does not cost more than the Simplified Acquisition Threshold (i.e. \$150,000), or (2) whatever amount State or local procurement rules set as the small purchase threshold – if more restrictive than the federal threshold.

<sup>4</sup> Sealed bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.

## GLO-CDR PROCUREMENT CHECKLIST

### PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 3)

#### §200.320 Method of Procurement CONTINUED

Task	Yes	No	N/A	Notes
<b>Sealed bids (continued)</b>				
<ul style="list-style-type: none"> <li>If any bids were rejected, was there a sound documented reason supporting the rejection?</li> </ul>				
3.2 Procurement by competitive proposals <sup>5</sup> If this method is used, the following requirements apply: § 200.320(d)				
<ul style="list-style-type: none"> <li>Did you publicize the Requests for Proposals (RFPs) and identify all evaluation factors and their relative importance?</li> </ul>				
<ul style="list-style-type: none"> <li>Did you solicit proposals from an adequate number of qualified sources?</li> </ul>				
<ul style="list-style-type: none"> <li>Did you have a written method for conducting technical evaluations of the proposals received and for selecting recipients?</li> </ul>				
<ul style="list-style-type: none"> <li>Did you award the contract to the responsible firm whose proposal is most advantageous to the program with price and other factors considered?</li> </ul>				
Note: You may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.				
3.3 Procurement by noncompetitive proposals <sup>6</sup> Do one or more of the following circumstances apply? § 200.320(f)				
Note: When only one bid is received in response to a competitive bid solicitation, you do not have price competition. If you decide to award on the basis of a single submitted bid price, without negotiation, you must: 1) justify the price is fair and reasonable; 2) compare the bid price to your own in-house estimate or engineers estimate and past prices paid for the same or substantially similar item(s) in the past; 3) obtain information from the marketplace; 4) obtain a complete cost breakdown; 5) perform a cost analysis of the proposed price and ; 6) document the rationale for the award decision and place in the procurement file.				
<ul style="list-style-type: none"> <li>The item is available only from a single source.</li> </ul>				
<ul style="list-style-type: none"> <li>The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.</li> </ul>				

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## GLO-CDR PROCUREMENT CHECKLIST

<ul style="list-style-type: none"> <li>The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity.</li> </ul>				
<ul style="list-style-type: none"> <li>After solicitation of several sources, competition is determined inadequate.</li> </ul>				

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<sup>5</sup> Procurement by competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids.

<sup>6</sup> Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one (or an improperly limited number of) source(s).

## GLO-CDR PROCUREMENT CHECKLIST

**PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 4)**

**§200.321 Contracting with Small and Minority Businesses, Women’s Business enterprises, and Labor Surplus Area Firms.**

Task	Yes	No	N/A	Notes
4.1 You must take all necessary affirmative steps to assure that minority businesses, women’s business enterprises and labor surplus area firms are used when possible. § 200.321(a) Does your procurement include the following? § 200.321(b)				
<ul style="list-style-type: none"> <li>Do you place qualified small and minority businesses and women’s business enterprises on solicitation lists?</li> </ul>				
<ul style="list-style-type: none"> <li>Do you assure that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources?</li> </ul>				
<ul style="list-style-type: none"> <li>Do you divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises?</li> </ul>				
<ul style="list-style-type: none"> <li>Did you establish delivery schedules where the requirement permits, which encourages participation by small and minority businesses, and women’s business enterprises?</li> </ul>				
<ul style="list-style-type: none"> <li>When appropriate, did you use the services and assistance of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce?</li> </ul>				
<ul style="list-style-type: none"> <li>Do you require the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above?</li> </ul>				

FOR PUBLIC COMMENT

## GLO-CDR PROCUREMENT CHECKLIST

**PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 5)**  
**§200.323 Contract Cost and Price**

Task	Yes	No	N/A	Notes
<p>5.1 Did you conduct a cost or price analysis about every procurement action more than the Simplified Acquisition Threshold including contract modifications?                      § 200.323(a)</p> <p>Note: You must perform a cost or price analysis relating to every procurement action more than the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis are dependent on the facts surrounding the procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals. Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable under Subpart E—Cost Principles. You may reference its own cost principles that comply with the Federal cost principles.</p>				
<p>5.2 Did you 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?                      § 200.323(b)</p> <p>Note: You must 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. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.</p>				

FOR PUBLIC COMMENT

## GLO-CDR PROCUREMENT CHECKLIST

### PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 6)

#### §200.325 Bonding Requirements

Task	Yes	No	N/A	Notes
6.1 For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements provided that the Federal awarding agency or pass-through entity has decided that the Federal interest is adequately protected. If such a determination has not been made, does the procurement include the following?				
<ul style="list-style-type: none"> <li>A bid guarantee<sup>7</sup> from each bidder equivalent to five percent of the bid price? § 200.325(a)</li> </ul>				
<ul style="list-style-type: none"> <li>A performance bond<sup>8</sup> on the part of the contractor for 100 percent of the contract price? § 200.325(b)</li> </ul>				
<ul style="list-style-type: none"> <li>A payment bond<sup>9</sup> on the part of the contractor for 100 percent of the contract price? § 200.325(c)</li> </ul>				

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<sup>7</sup> The bid guarantee must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

<sup>8</sup> A performance bond is one executed relating to a contract to secure fulfillment of all the contractor's obligations under such contract.

<sup>9</sup> A payment bond is one executed relating to a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.



## GLO-CDR PROCUREMENT CHECKLIST

### PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 7)

#### Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

7.1	<p>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 Appendix II to Part 200. As stated previously in this document, to understand the requirements fully, please review the provisions of Appendix II to Part 200 in the Code of Federal Regulations.</p> <ul style="list-style-type: none"> <li>• Contracts for more than the Simplified Acquisition Threshold must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provided for such sanctions and penalties as appropriate.</li> <li>• Contracts more than \$10,000 must address termination for cause and for convenience by the non-Federal entity including how it will be affected and the basis for settlement.</li> <li>• Contracts that meet the definition of “federally assisted construction contract” must include the equal employment opportunity clause.</li> <li>• Construction contracts more than \$2,000 must include a provision for compliance with the Davis-Bacon Act.</li> <li>• Contracts more than \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 W.S.C 3702 and 3704.</li> <li>• Contracts entered into with a small business firm or nonprofit organization and the Federal award meets the definition of “funding agreement”, must comply with the requirements of 37 CFR Part 401.</li> <li>• Contracts more than \$150,000 must contain a provision that requires the non-Federal award to agree to comply with the Clean Air Act and the Federal Water Pollution Control Act.</li> <li>• Contracts must not be entered into with parties listed on the governmentwide exclusions in the System for Award Management (SAM).</li> <li>• Contractors that apply or bid for an award more than \$100,000 must file the required certification regarding the Byrd Anti-Lobbying Amendment.</li> <li>• Contracts must include provisions regarding section 6002 of the Solid Waste Disposal Act.</li> <li>• Contracts must include a Section 3 clause, if funded by the Department of Housing and Urban Development (HUD). The Section 3 program requires recipients of certain HUD financial assistance, to the greatest extent possible, provide job training, employment, and contract opportunities for low- or very-low income residents about projects and activities in their neighborhoods.</li> <li>• Contractors must allow access to any books, documents, papers, or records of the project by the City, State, Federal agencies, and the Comptroller General of the United States. Records must be maintained for five years after the Grantee formally closes out each program.</li> </ul>
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