

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

2019 POLICIES & PROCEDURES IMPLEMENTATION MANUAL



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I. INTRODUCTION

The Mississippi Small Cities Community Development Block Grant (CDBG) Program Implementation Manual is a collection of guidance and instructional materials, relevant information, forms, requirements and other data necessary for implementing a Small Cities Community Development Block Grant project, as authorized by Title I of the Housing and Community Development Act of 1974, as amended.

The objective of the manual is to assist the recipient in accomplishing the following:

- Ensuring compliance with federal and state regulations;
- Carrying out individual activities of a community development project, as described in the recipient's application for funds.
- Carrying out the project in a timely manner;
- Implementing the project with adequate control over program and financial performance in a manner which minimizes the opportunity for mismanagement, fraud or waste; and
- Improving program performance, developing greater self-reliance, and augmenting management and technical capacity.

This manual also addresses project areas of compliance, which include Environmental, Procurement, Labor Standards, Fair Housing/Equal Opportunity, Section 3, Financial Management, Citizen Participation, Recordkeeping and Economic Development.

All program participants should be familiar with the information contained in this manual. Recipient staff should view the implementation of a CDBG project as a continuous learning process and should stay fully informed concerning program requirements by maintaining frequent contact with the Program Managers and Compliance Officers and should also have a full understanding of Community Services Division (CSD) Policies and Procedures.

An electronic version of the Policy and Procedures and forms discussed in this manual can be found on our website – www.mississippi.org/csd.

A. National Objective

CDBG sub-recipients are responsible for assuring that each project meets one of three national objectives: Benefit to Low- and Moderate-Income Persons, Prevention or Elimination of Slum and Blight and Urgent Need.

Benefit to Low- and Moderate-Income Persons

Low- to Moderate-Income (LMI) is an income that is at or below eighty (80) percent of the county's median household income in which the person or family resides. A list of the Section 8 Income Limits can be found broken down by county on our website. HUD released the new Section 8 Income Limits the summer of 2019 and they went into effect July 28, 2019.

The LMI Benefit is the primary national objective. All CDBG-assisted activities (Public Facilities and Economic Development) must benefit LMI persons under one of the following categories:

- Area Benefit Activities: An activity that benefits all residents of a particular area, in which at least fifty-one (51) percent of the service area residents are LMI persons.
- Limited Clientele Activities: An activity that benefits a limited number of persons as long as at least fifty-one (51) percent of those served are LMI persons.
- LMI Job Creation/Retention Activities: An activity designed to create or retain permanent jobs, at least fifty-one (51) percent of which will be made available to or held by LMI persons.

Elimination of Slum and Blight

These are activities which help to prevent or eliminate slums and blighted conditions.

The activities must meet the criteria of one of the three following categories:

- Prevent or eliminate slums and blight on an area basis
- Prevent or eliminate slum and blight on a spot basis

Urgent Need

Eligible activities under this objective are extremely rare and is designed only for activities that alleviate emergency conditions.

Urgent need activities must meet the following criteria:

- Conditions must post a serious and immediate threat to the health or welfare of the community
- Conditions are of recent origin or recently become urgent
- Recipient must be unable to finance the activity on its own
- Other sources of funding are not available

NOTE: The State of Mississippi will NOT be funding Public Facilities or Economic Development CDBG projects under the Prevention or Elimination of Slum and Blight or Urgent Need National Objectives. We are focusing our efforts on Low- and Moderate-Income Persons projects. This is all according to our FY 2019 Annual Action Plan.

B. Community Services Division Program Contacts

Steve Hardin, Director..... (601) 359-2366

Community Development Bureau

Kristen (Mitchell) Chancellor, Bureau Manager..... (601) 359-9490

Brittany McCoy, Program Manager.....(601) 359-5756

Applications for Economic Development Projects (CDBG-ED, DIP & RIF)
North Delta and Northeast Mississippi PDD

Katrina Smith, Program Manager..... (601) 359-9316

Applications for Small Municipality and Limited Population Counties Grant
Southwest Mississippi and Southern Mississippi PDD

April Smith, Program Manager..... (601) 359-2859

Applications for CDBG Public Facilities, Appalachian Regional Commission (ARC)
Three Rivers and Golden Triangle PDD

Erin Hovanec, Program Manager.....(601) 359-9376

Central Mississippi and East Central Mississippi PDD

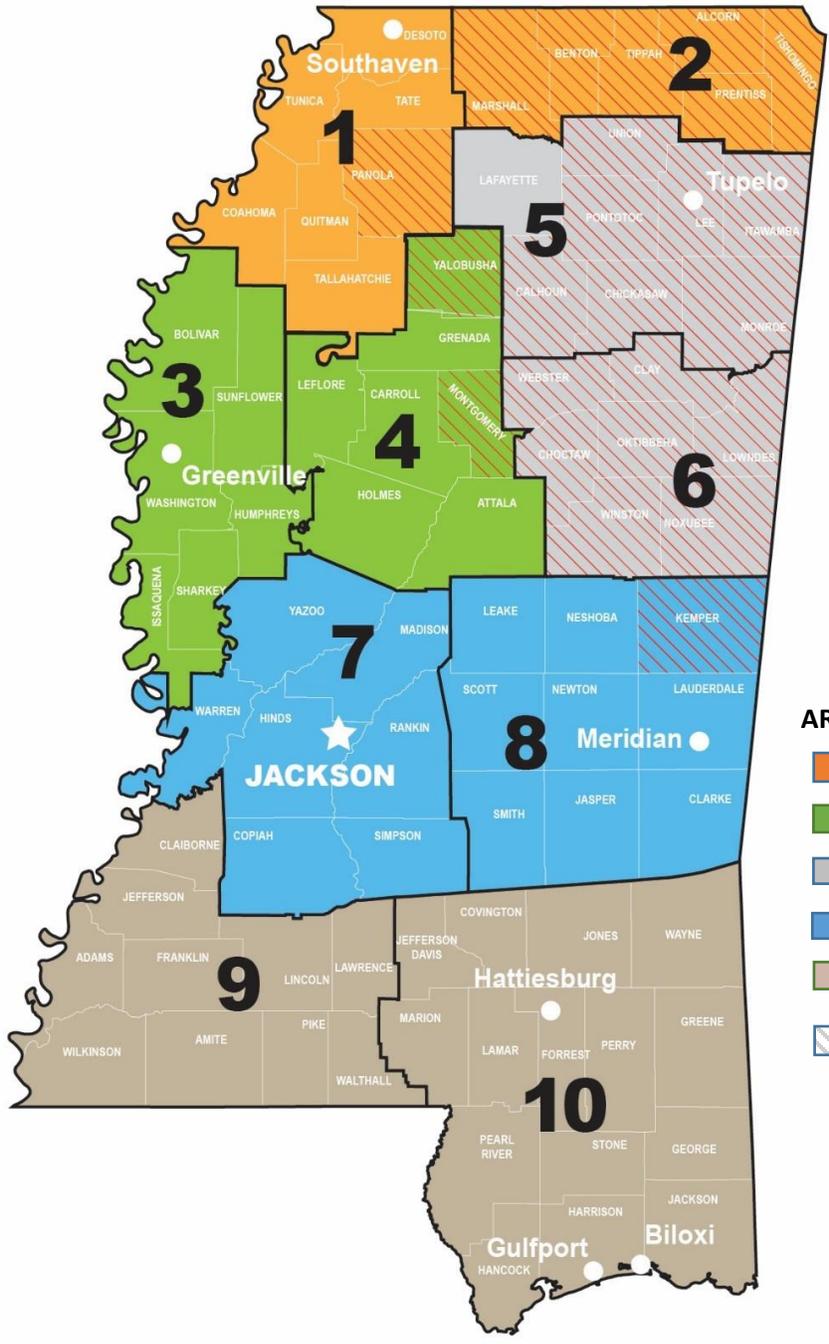
Kaleb Gibson, Program Manager.....(601) 359-9312

South Delta and North Central Mississippi PDD

Lisa (Kuiper) Maxwell, Loan Program Manager.....(601) 359-2498

CAP and RAIL Loan Program

C. Area Representative Map



Planning and Development Districts

- 1 North Delta
- 2 Northeast MS
- 3 South Delta
- 4 North Central MS
- 5 Three Rivers
- 6 Golden Triangle
- 7 Central MS
- 8 East Central MS
- 9 Southwest MS
- 10 Southern MS

AREA REPRESENTATIVE:

- Brittany McCoy
- Kaleb Gibson
- April Smith
- Erin Hovanec
- Katrina Smith
- Appalachian Regional Commission

II. RESPONSIBILITIES OF LOCAL UNITS OF GOVERNMENT

It is the responsibility of the recipient to perform the activities of the CDBG project in accordance with the Housing and Community Development Act of 1974, as amended. The recipient must ensure that project activities are carried out to avoid problems, which violate the intent of the Act. Although the duties may be delegated, **the ultimate responsibility for compliance rests with the local unit of government.**

24 CFR Part 570 Subpart I, Section 480 of the Small Cities CDBG Program describes policies and procedures applicable to the CDBG funds distributed to local units of government in the State's non-entitlement areas under the Housing and Community Development Act of 1974, as amended. An electronic copy can be found online at www.ecfr.gov.

If the State determines that a recipient of CDBG funds has failed to comply with any provision of this subpart, the State shall notify the chief executive officer of the local unit of government of the noncompliance and shall request that officer to assure compliance in a timely manner.

Should the chief executive officer of the local unit of government fail or refuse to secure compliance, the State may take the following actions:

- Withhold, reduce or withdraw the grant,
- Suspend payments to the sub-recipient, and/or
- Require the sub-recipient to repay expended funds to the State from local, non-federal funds.

The U.S. Department of Housing and Urban Development requires that all records pertaining to CDBG projects are to be maintained by the local unit of government at all times.

Local units of government must assure that activities undertaken meet the primary national objectives of the Act, this regulation and the State's community development objectives.

A. Grant Agreement

Upon being awarded a CDBG grant, a binding contract is executed between the State of Mississippi and the local unit of government for the specific amount awarded to the applicant and for the particular activity selected by the community.

The contract between the local unit of government and the State is an important document throughout the life of the project. It identifies the description of the activities funded, budgeted costs (matching and CDBG funds), estimated project schedule, general terms and conditions and any special conditions which must be met before the State will release funds.

Within the contract document, there are six (6) important segments of which sub-recipients should be aware. These are listed and further clarified below:

1. Signature Sheet: This cover sheet lists the recipient (sub-recipient), effective dates of the contract, subgrant number, amount of funds awarded and the attachments detailed below. This sheet is signed by the Director of the Community Services Division and requires the signature of the local elected official.
2. Budget: This section of the contract reflects the funds allocated to each project activity by line item. Some examples of line items are:
 - Administration
 - Architectural/Engineering
 - Contingency
 - Acquisition
 - Public Building Improvements
 - Street & Road Improvements
 - Sewage Pumping Station
 - Water Lines
3. General Terms and Special Conditions: This section of the contract highlights the terms and conditions related to program authority, rules and regulations pertinent to all CDBG grants. Please read these terms carefully.
 - a. Special Conditions: This section of the contract emphasizes special conditions and clearances which are applicable to all CDBG grants. Most contracts will contain special conditions that are pertinent to particular activities, such as water improvement projects, sewer improvement projects, and public service improvement projects. Certain special conditions may require written clearance from CSD or another State Agency prior to the drawing down of funds.
 - Please see an example of written clearance from the Department of Health, the Department of Environmental Quality, and the Public Services Commission on pages 16-18. These letters must be submitted to CSD to be cleared of all special conditions that are stated in the grant agreement.

4. Financial Management, Reports and Recordkeeping: This section of the contract highlights the financial responsibilities and recordkeeping guidelines that are required for all contract expenditures.
5. Special Provisions and Regulations Stipulated by the U.S. Department of Housing and Urban Development (HUD): This section of the contract reviews all the federal regulations in relation to CDBG activities.
6. State of Mississippi CDBG Assurances: This section of the contract reviews all the State's assurances in relation to CDBG activities.

The governing authority should carefully review the contract in order to become familiar with all the terms and conditions contained therein. The designated official is ensuring compliance with all applicable federal, state and program provisions, regulations and requirements of the CDBG program.

Please be informed that when an official affixes his/her signature to the CDBG contract, he/she is agreeing to abide by all state and federal rules and regulations as well as the terms and conditions contained in the contract through the close-out of the project.

You must have an effective grant award date and environmental clearance in order to do the following:

- Enter into Professional Services and Construction Contracts
- Begin the bidding process for construction or demolition
- Begin construction (“turn dirt”)
- Create jobs
- Spend investing or matching funds unless a pre-agreement has been signed

In addition, you must clear all special conditions prior to requesting reimbursement for construction costs.

B. Code of Standards of Conduct

All sub-recipients must adopt and maintain a written code of standards of conduct to govern the performance of its officers, employees and agents engaged in the award or administration of federally awarded contracts, per 2 CFR 200.318 (c) (1).

The general procurement standards in § 200.318 require non-Federal entities to maintain written standards of conduct covering conflicts of interest, including organizational conflicts of interest. Organizational conflicts of interest means that, because of relationships with a parent company, affiliate or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. If an entity believes there may be a conflict of interest, they should do everything within their power to alleviate any perception of favorability.

NOTE: The Code of Standards of Conduct Resolution must be passed with every new federally funded project, regardless of the date of the previous resolution.

RESOLUTION

(____), Mississippi

CODE OF STANDARDS OF CONDUCT

**(Local Units of Government, Institutions of Higher Education,
Hospitals and Other Non-Profits)**

On this, the ____ day of _____, the above-named recipient of federal funds does hereby resolve to comply with regulations set forth in 2 CFR 200.318(c)(1) and Section 25-4-105 of the Mississippi Code of 1972, as amended. Such Code of Standards of Conduct provides that:

No employee, officer, or agent of the recipient shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- (i) The employee, officer, or agent,
- (ii) Any member of his immediate family,
- (iii) His or her partner, or
- (iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The recipient's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to recipient's agreements. In resolving to comply with the above stated requirements, we hereby agree to the State of Mississippi's enforcement of the provisions of disciplinary actions prescribed in Section 25-4-109 and 25-4-111 of the Mississippi Code of 1972, as amended, should any of these standards be violated by the recipient's officers, employees, or agents, or by contractors or subcontractors or their agents.

Be it further resolved that _____, Mississippi, shall comply with the applicable requirements set forth in OMB 2 CFR Part 200 and all relevant CSD Policy and Procedures.

The above Resolution was officially adopted and duly recorded in the minutes of the before mentioned recipient.

Signature of Chief Executive Officer

Witness



C. Ethics in Government

The Mississippi Ethics Commission administers Title 25, Chapter 4, Mississippi Code of 1972, known as the Ethics in Government Act, Mississippi Ethics Commission and Article 3, Conflict of Interest and Improper Use of Office.

Article 3, Conflict of Interest and Improper Use of Office (§ 24-4-101 – § 24-4-119)

§ 25-4-101. Legislative declaration

The legislature declares that elective and public office and employment is a public trust and any effort to realize personal gain through official conduct, other than as provided by law, or as a natural consequence of the employment or position, is a violation of that trust. Therefore, public servants shall endeavor to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of this trust and which will not reflect unfavorably upon the state and local governments.

§ 25-4-105. Contract restrictions and other prohibited conduct; penalties

(1) No public servant shall use his official position to obtain, or attempt to obtain, pecuniary benefit for himself other than that compensation provided for by law, or to obtain, or attempt to obtain, pecuniary benefit for any relative or any business with which he is associated.

(2) No public servant shall be interested, directly or indirectly, during the term for which he shall have been chosen, or within one (1) year after the expiration of such term, in any contract with the state, or any district, county, city or town thereof, authorized by any law passed or order made by any board of which he may be or may have been a member.

(3) No public servant shall:

(a) Be a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent, other than in his contract of employment, or have a material financial interest in any business which is a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent.

(b) Be a purchaser, direct or indirect, at any sale made by him in his official capacity or by the governmental entity of which he is an officer or employee, except in respect of the sale of goods or services when provided as public utilities or offered to the general public on a uniform price schedule.

(e) Perform any service for any compensation for any person or business after termination of his office or employment in relation to any case, decision, proceeding or application with respect to which he was directly concerned or in which he personally participated during the period of his service or employment.

(4) Notwithstanding the provisions of subsection three (3) of this section, a public servant or his relative:

(b) May be a contractor or vendor with any authority of the governmental entity other than the authority of the governmental entity of which he is a member, officer, employee or agent or have a material financial interest in a business which is a contractor or vendor with any authority of the governmental entity other than the authority of the governmental entity of which he is a member, officer, employee or agent where such contract is let to the lowest and best bidder after competitive bidding and three (3) or more legitimate bids are received or where the goods, services or property involved are reasonably available from two (2) or fewer commercial sources, provided such transactions comply with the public purchases laws.

(c) May be a subcontractor with any authority of the governmental entity other than the authority of the governmental entity of which he is a member, officer, employee or agent or have a material financial interest in a business which is a subcontractor with any authority of the governmental entity other than the authority of the governmental entity of which he is a member, officer, employee or agent where the primary contract is let to the lowest and best bidder after competitive bidding or where such goods or services involved are reasonably available from two (2) or fewer commercial sources, provided such transactions comply with the public purchases laws.

(d) May be a contractor, subcontractor or vendor with any authority of the governmental entity of which he is a member, officer, employee or agent or have a material financial interest in a business which is a contractor, subcontractor or vendor with any authority of the governmental entity of which he is a member, officer, employee or agent: (i) where such goods or services involved are reasonably available from two (2) or fewer commercial sources, provided such transactions comply with the public purchases laws; or (ii) where the contractual relationship involves the further research, development, testing, promotion or merchandising of an intellectual property created by the public servant.

(5) No person may intentionally use or disclose information gained in the course of or by reason of his official position or employment as a public servant in any way that could result in pecuniary benefit for himself, any relative, or any other person, if the information has not been communicated to the public or is not public information.

(6) Any contract made in violation of this section may be declared void by the governing body of the contracting or selling authority of the governmental subdivision or a court of competent jurisdiction and the contractor or subcontractor shall retain or receive only the reasonable value, with no increment for profit or commission, of the property or the services furnished prior to the date of receiving notice that the contract has been voided.

(7) Any person violating the provisions of this section shall be punished as provided for in Sections 25-4-109 and 25-4-111.

§ 25-4-107. Complaints; hearings; appeals

(1) The commission may pursue enforcement of this chapter by means of hearings held before the commission or an independent hearing officer to determine whether a respondent violated the law and, if so, what penalty should be imposed. Hearings shall be conducted according to the Mississippi Rules of Civil Procedure and the Mississippi Rules of Evidence.

(2) Any person aggrieved by a decision of the commission made pursuant to its hearing procedures may appeal de novo to the Circuit Court for Hinds County, and execution of the commission's decision shall be stayed upon the filing of a notice of appeal.

§ 25-4-109. Fines and other penalties

(1) Upon a finding by clear and convincing evidence that any elected public servant or other person has violated any provision of this article, the commission may censure the elected public servant or impose a civil fine of not more than Ten Thousand Dollars (\$10,000.00), or both. The commission may further recommend to the Circuit Court for Hinds County that the elected public servant be removed from office.

(2) Upon a finding by clear and convincing evidence that any nonelected public servant has violated any provision of this article, the commission may censure the nonelected public servant or impose a civil fine of not more than Ten Thousand Dollars (\$10,000.00), or both. The commission may further recommend to the Circuit Court for Hinds County that the nonelected public servant be removed from office, suspended, or subjected to a demotion or reduction in pay.

III. PRE-CONSTRUCTION PHASE

A. Grant Administration

After executing the CDBG contract, the local elected official must determine if his/her staff is able to perform the administrative services required to implement the project or if an outside administrator is to be chosen. This may have been completed prior to your grant application submittal.

If the sub-recipient chooses to utilize the services of a Planning and Development District, they are exempt from Procurement of Professional Services per the Bollinger Memo.

However, if the sub-recipient chooses to utilize an outside administrator they will need to follow the Procurement Guidelines for Professional Services.

All professional services, including grant administration, must be procured utilizing the Competitive Proposal Process [2 CFR 200.320(d)] Request for Proposals (RFP) guidelines.

*Additional information can be found in the Procurement Section of this manual. For more information regarding procurement, a procurement manual may be found on our website at www.mississippi.org/csd

B. Environmental Review

Every project undertaken with federal funds, and all activities related to that project, are subject to the provisions of the National Environmental Policy Act of 1969 (NEPA), as well as to the HUD environmental review regulations at 24 CFR Part 58. The primary purpose of this Act is to protect and enhance the quality of our natural environment.

Every project requires some level of environmental review. The sub-recipient is responsible for evaluating how the project affects the environment and what impacts the project may have on the environment. The Environmental Review is a means by which the sub-recipient can enhance the quality of projects, protect the environment and improve the lives of the people who will benefit.

The HUD environmental review process must be completed before any federal funds can be accessed for program-eligible activities. There should be no work done on a proposed project before the environmental review process is completed. There are no exceptions, even if the work that is being done will be using non-HUD funds.

Environmental clearance must be obtained for each project prior to the firm commitment of federal or non-federal funds and the beginning of the bidding process. The violation of this requirement may jeopardize federal funding to this project. The Office of Environment and Energy does not allow bids before the environmental review is complete. Therefore, HUD's policy, that is consistent with the Council of Environmental Quality's NEPA regulations at 40 CFR 1501.2, requires Agencies to, "integrate the NEPA process with other planning at the

earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts.” Therefore, the environmental review must be completed before bidding to allow for an unprejudiced decision about the action and to allow for any modifications or project cancellations based upon the environmental review. **As a result, it is HUD policy to NOT allow bids for choice-limiting actions (such as construction, demolition, etc.) before the environmental review is complete.**

Also, note that a bid for proposals has been deemed a “choice limiting action” due to the fact that a bid demonstrates a commitment to undertake a project.

The primary objectives of the HUD environmental review are to identify specific environmental factors that may be encountered at potential project sites and to develop procedures to ensure compliance with regulations pertaining to these factors. These factors may include:

- Historic Preservation
- Floodplain Management
- Wetlands Protection
- Coastal Zone Management Act
- Sole Source Aquifers
- Endangered Species Act
- Wild and Scenic Rivers Act
- Air Quality (Clean Air Act)
- Farmland Protection Policy Act
- Environmental Justice
- Noise Abatement & Control
- Toxic/Hazardous Materials
- HUD Environmental Standards
- Airport Clear Zones & Accident Potential Zones

Levels of Environmental Review

1. **Exempt**: Activities that have no physical impact and result in no physical change on the environment – e.g. environmental and other studies; administrative and management activities; inspections of property for hazards/defects; purchase of tools; engineering and design costs; technical assistance; training; and others as listed in §58.35(a).
2. **Categorically Excluded**: Activities that are excluded from NEPA requirements may be subject to review under other Federal Laws. There are two classifications:
 - a. Categorically Excluded, Subject To §58.5 (CEST) activities
 - Acquisition, repair, improvement, reconstruction or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent.
 - Special projects directed to the removal of material and architectural barriers that restrict accessibility to elderly and handicapped persons.

- Rehabilitation of buildings and improvements when the facilities or improvements are in place, will not be changed in size or capacity by more than 20 percent and do not involve a change in land use.
- b. Categorically Excluded, Not Subject To §58.5 (CENST) activities
- Tenant-based rental assistance
 - Supportive services
 - Operating costs
 - Economic development activities (equipment purchase, inventory financing, operating expenses and similar costs not associated with construction or expansion of existing operations)
 - Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction
 - Affordable housing pre-development costs (legal, consulting, developer)
3. **Environmental Assessment (EA)**: Required if a project does not fall under the above classifications. The purpose is to determine the significance of environmental effects and to assess alternative means to achieve the project’s objectives. The point is to determine if the project is generally feasible with the ability to identify the most suitable project alternatives to meet the needs of the community.
4. **Environmental Impact Statement (EIS)**: Is the highest level of review and is required after the completion of the EA for any project that has been determined to have a potentially significant impact on the human environment.

Environmental clearance must be completed within **four (4) months** of the effective award date or the contract may be voided. No requests for cash will be processed until the environmental clearance is granted (except application preparation). Waivers to the four (4) month rule may be granted on a case-by-case basis by the Compliance Bureau.

Additional information on Environmental Review and Environmental Clearance can be found in the Community Services Division Environmental Policy and Procedures Manual found at www.mississippi.org/csd.

NOTE: All 2019 CDBG Public Facilities have an effective date of October 14, 2019 and therefore should receive Environmental Clearance by February 14, 2019. Failure to obtain Environmental Clearance by the deadline may result in the contract being voided by MDA.

C. Special Conditions

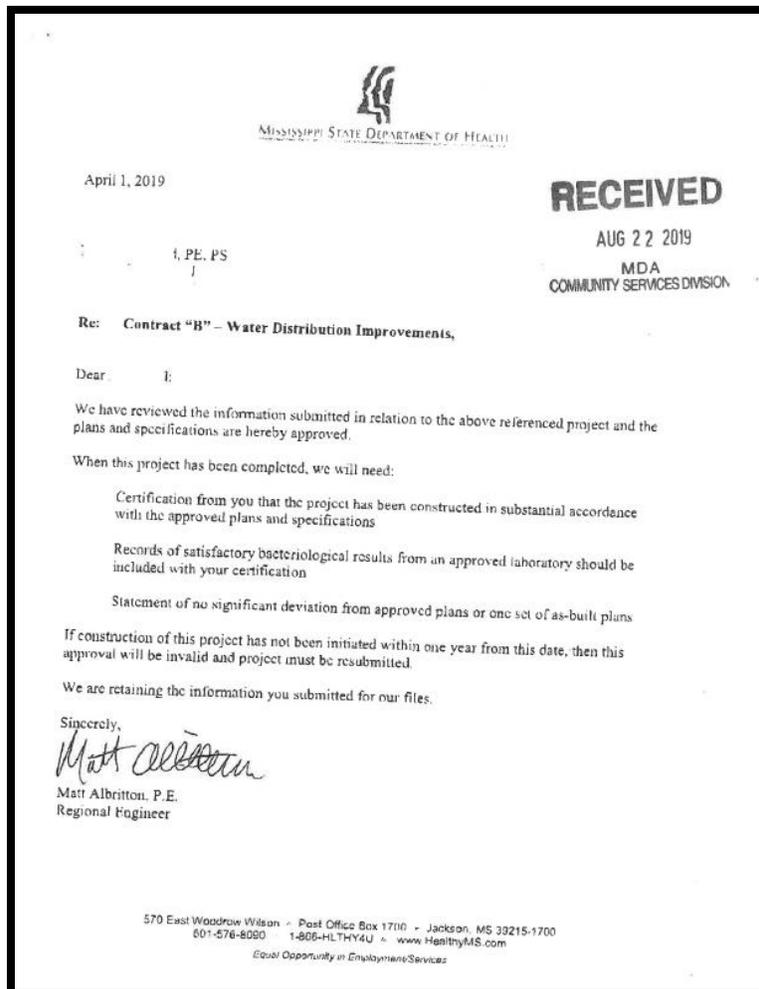
If the project requires written clearance of Special Conditions, these must be obtained prior to the release of any CDBG construction-related funds. The letter approving construction from

the Department of Health, Department of Environment Quality, and/or Mississippi Public Service Commission must be submitted to the Community Services Division prior to the draw down of construction funds.

Special Conditions are as follows:

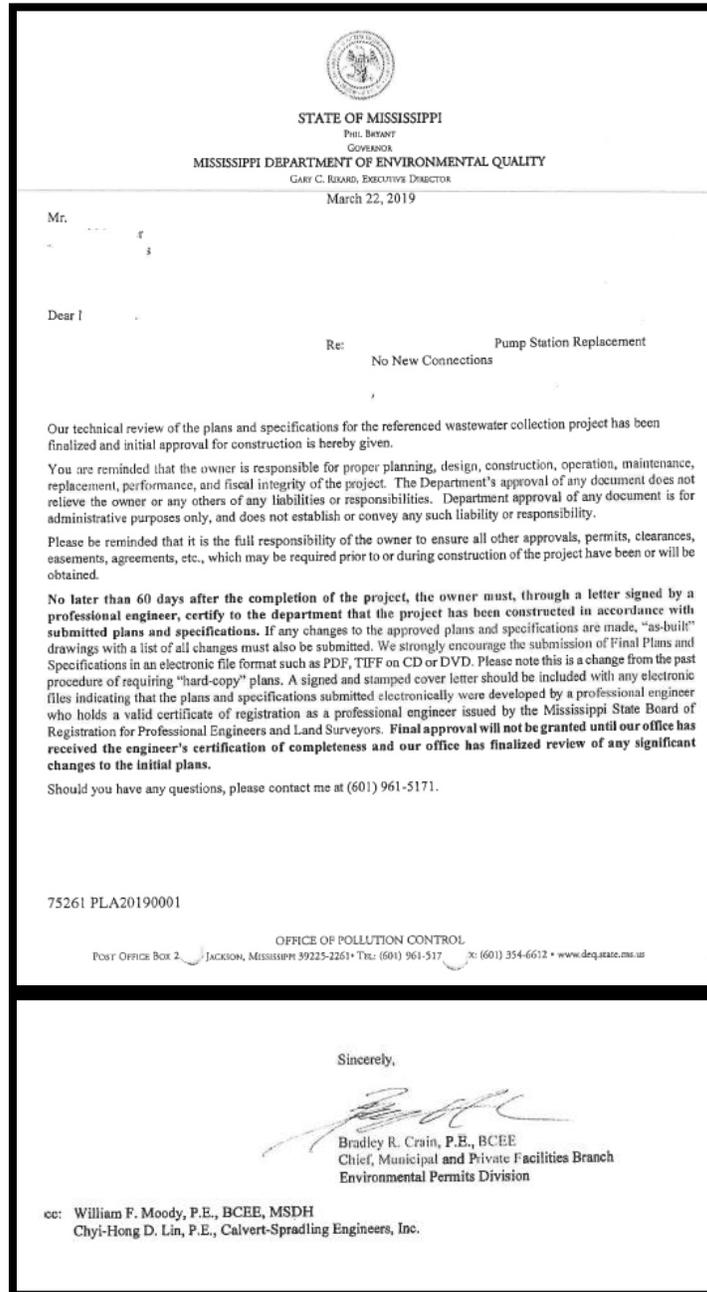
- Mississippi State Department of Health [3(A)] – If applicable, the sub-recipient must provide written documentation of the approval of all water improvement construction plans and specifications by the Department of Health.

Below is an example of the letter sent from the Department of Health to the sub-recipient approving the plans and specification. Once you receive this letter please send a copy to the MDA.



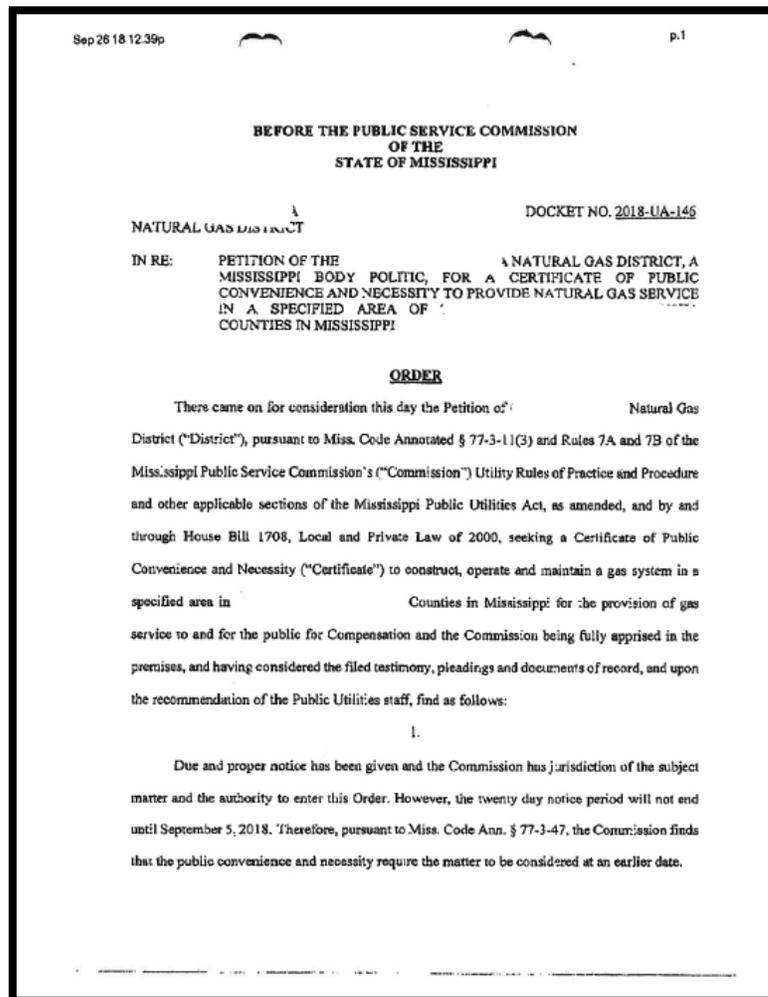
- Department of Environment Quality [3(B)] – If applicable, the sub-recipient must provide written documentation of the approval of all wastewater or solid waste improvement constructions plans and specifications by the Office of Pollution Control.

Below is an example of the letter sent from the Department of Environmental Quality to the sub-recipient approving the plans and specification. Once you receive this letter please send a copy to the MDA.



- Mississippi Public Service Commission [3(C)] – If applicable, the sub-recipient must provide written documentation that the Mississippi Public Service Commission has issued a “Certificate of Public Convenience and Necessity” for all improvement projects (water, sewer and gas) in an uncertificated and/or underserved area, and/or the transfer of ownership of a system.

Below is an example of the letter sent from the Mississippi Public Service Commission to the sub-recipient approving the plans and specification. Once you receive this letter please send a copy to the MDA.



D. Procurement

The sub-recipient must ensure that all procurement and contracts for goods and services related to federally-funded projects must follow all applicable federal and state procurement requirements throughout the project as set forth in 2 CFR Part 200 of the Uniform Administrative Requirements. The Compliance Bureau provides technical guidance to assist with procurement policies and procedures.

All procurement transactions, regardless of the dollar amount, must be conducted in a manner that provides free and open competition – defined as all suppliers of goods and services have the ability to be made aware of the proposed procurement action with no restriction placed on their ability to compete.

Additional information on Procurement can be found in the Community Services Division Procurement Policy and Procedures Manual found at www.mississippi.org/csd.

Applicable To All Procurement

NOTE: For more information and technical assistance please review the procurement manual on our website at www.mississippi.org/csd.

Mississippi Procurement Technical Assistance Program (MPTAP) – State law requires that state agencies and local units of government to send MPTAP notice of procurement activities in excess of \$50,000.

- The sub-recipient must submit bid notifications electronically to the MPTAP via the Agency Bid Bank website. **Certified Mail, U.S. Mail, email or fax submissions will not be accepted and will not be valid for monitoring purposes.**
- The Agency Bid Bank website is located at <http://www.mspsc.com> under the Agency Bid Bank tab.
- All Bid Notifications should be submitted to the Agency Bid Bank **prior** to the bid notification being submitted to the newspaper. Once submitted, MPTAP will send an acknowledgement of the online submission via email. NOTE: MPTAP requests 3-5 days prior to the publication to allow for the submission to be uploaded into the agency bid database.
- The sub-recipient must maintain the MPTAP acknowledgement in the procurement file for record keeping and monitoring purposes.

State Bid Time Requirements – Publication requirements:

- **Expenditures under \$50,000** – may be purchased from the lowest and best bidder without advertising for bids provided that at least two (2) competitive written bids from qualified sources have been obtained.
 - The date for the published bid opening shall not be less than seven (7) working days after the last notice is published.
- **Expenditures over \$50,000** - may be made from the lowest and best bidder after advertising for competitive bids once each week for two (2) consecutive weeks in a regular newspaper published in the county or municipality in which such governing authority is located.
 - The date for the published bid opening shall not be less than fifteen (15) working days after the last notice is published.
 - **Example (dates)** – If the last notice was published on March 1, 2019, then the sub-recipient may close the bid process no earlier than March 22nd (15-working days).

Minority Business Enterprise/Women Business Enterprises (MBE/WBE) – local units of government and program administrators are required to comply with CSD Policy regarding MBE/WBE participation and utilization. A minimum of two (2) minority/ female owned businesses must be solicited for each activity.

Procurement History Records – must include the rationale for the method of procurement used, selection of contract type, contractor selection/rejection and basis for contract price

Contract Provisions – Standard contract provisions listed in Appendix II to 2 CFR Part 200 are applicable

Solicitations – must explain all requirements that the bidder/offeror has to meet for their bid to be evaluated and be based on a clear and accurate description of the material, product or service to be procured and cannot contain features that unduly restrict competition

Some examples of restrictive of competition may include, but are not limited to:

- Placing unreasonable requirements for qualification
- Requiring unnecessary experience and excessive bonding
- Noncompetitive pricing practices
- Noncompetitive awards to consultants that are on retainer contracts
- Specifying only a brand-name product
- Any arbitrary action in the procurement process

Conflict of Interest – Sub-recipient will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and the administration of contracts. Conflict of Interest provisions at 2 CFR 200.318(c) are to be incorporated. **A sample code of conduct resolution can be found on page 8.**

Multi-Service Contracts – Multi-service contracts are prohibited. The same supplier/offeror cannot provide more than one service to a project. For example, a grant administrator may not serve as both the engineer and the grant administrator for the same project.

Professional Services

Competitive Proposal [2 CFR 200.320 (d)] – is normally conducted with more than one source submitting a bid/offer and either a fixed price or cost-reimbursement type contract is awarded. Utilized in the procurement of ALL professional services contracts – namely, administration and engineering. This method has two parts:

- Requests for Proposals (RFPs): utilized to procure professional services other than Architectural/Engineering when conditions are not appropriate for the use of sealed bids.

- Requests for Qualifications (RFQs): must be utilized to procure the professional services of architectural or engineering firms. While cost is not a factor in RFQs, a selection that is made based on the offeror's qualifications may be subject to negotiations or fair and reasonable compensation. The qualification statement must be evaluated by the selection criteria identified in the RFQ and cost negotiations should be conducted with the top-ranking firm.

Bollinger Memo – “The Bollinger Memo” (as it is commonly called) ruling, as to the status of Planning and Development Districts in competitive proposals for procurement of services, is still in effect. Therefore, the Planning and Development Districts do not have to be selected competitively.

Solicitation – Requests for Proposals (RFP/RFQ) must be publicized, must identify all evaluation factors and their relative importance, and must be solicited from an adequate number of qualified sources.

Instruction Advertisement – must be published at least once in a newspaper of general circulation and actively solicited by certified, return receipt mail.

Selection Criteria – a written method of conducting technical evaluations must be maintained for all proposals received and for selective awardees. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

Required Documentation – written technical requirements for services required, proof of publication of RFP/RFQ, proof of solicitations, written technical evaluations of proposals to include cost analysis, minutes showing observation of date/time opening requirements and proof of Mississippi Procurement Technical Assistance Program (MPTAP) notification must be documented in the CDBG project file and available for review.

Project Specifications- a licensed engineer or architect is required to prepare the specifications and estimates and to supervise the work of public works contracts in excess of \$100,000. Such services are only required for in-house public work in excess of \$150,000 (Section 73-13-45).

NOTE – must follow all other procurement guidelines as specified in the “Applicable to All Procurement” section.

REQUEST FOR PROPOSALS FOR ADMINISTRATION SERVICES

The Town/City/County of _____ requests proposals from qualified firms or individuals for the preparation of FY 20__ Community Block Grant (CDBG) application(s) and for the administration of approved CDBG project(s). You are invited to submit a proposal, in accordance with this request, to the Office of the Town/City/County Clerk, Town/City/County of _____; (mailing address for entity) no later than ____ p.m. on _____ (date)____, 20__.

The Administrative Consultant will be responsible for preparing the CDBG application(s) and for implementing the Town/City/County's CDBG project(s) through close-out, pending award(s) by the Mississippi Development Authority. The Administrative Consultant must carry out all activities in accordance with federal and state laws, regulations and procedures of the CDBG Program. The contract will be on a lump sum basis, and the amount of funds is not known as this time.

The Town/City/County of _____ is an Equal Opportunity Employer. The Town/City/County encourages Minority-owned Business Enterprises (MBEs) and Woman-owned Business Enterprises (WBEs) to submit proposals. The Town/City/County also encourages Section 3 eligible businesses to submit proposals. Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 17010) requires, to the greatest extent feasible, that the Town/City/County and its contractors that participate in the above referenced Program give opportunities for job training and employment to lower incomes residents of _____. Section 3 also requires that contracts for work in connection with the Section 3 area be awarded to Section 3 eligible business concerns.

All proposals must be submitted in a sealed envelope and marked with the following language: "Proposal for CDBG Administrative Services." Proposals will be evaluated on the following factors: Qualifications (40 points), Experience (40 points) and Capacity for Performance (20 points). To be evaluated properly, the following must be addressed in detail:

Qualifications – List of qualifications of persons to be assigned to project;

Experience – Information regarding the firm's experience and the projects previously undertaken, including the type and amount of grants awarded, the projects activities, and the status of the projects;

Capacity for Performance – Identify the number and title of staff assigned to provide services.

The Town/City/County will designate a selection committee to evaluate each proposal. The selection committee may hold proposals for a period of not to exceed thirty (30) days for the purpose of reviewing the content of the proposals and investigating the qualifications of the firms and assigned individuals. The Town/City/County reserves the right to reject and and/or all proposals.

The Town/City/County will award a contract with the qualified individual or firm whose proposal has the highest number of cumulative points issued by the selection committee and determined to be the most advantageous to the Town/City/County, price and other factors considered. The contract will include scope and extent of work and other essential requirements. An individual contract will be executed for each application prepared and each awarded project that is administered. The Town/City/County has the authority to terminate the selection at any time.



REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES

The Town/City/County of _____ requests proposals from qualified firms or individuals to provide engineering services for work related to the implementation of approved FY 20__ CDBG project(s). You are invited to submit a proposal, in accordance with this request, to the Office of the Town/City/County Clerk, Town/City/County of _____; (mailing address for entity) no later than ____ p.m. on _____(date)____, 20__.

The Engineer will be responsible for performing all engineering services through project closeout in accordance with federal, state and local laws, regulations and policies. The scope of work includes but is not limited to the following: 1) prepare plans and specifications, 2) distribute bid documents, 3) assist in bid opening and prepare bid tabulation, 4) assist in the execution of construction contracts, 5) hold pre-construction conference, and 6) perform construction inspection including periodic reports to the Town/City/County and approve all payment requests.

The Town/City/County of _____ is an Equal Opportunity Employer. The Town/City/County encourages Minority-owned Business Enterprises (MBEs) and Woman-owned Business Enterprises (WBEs) to submit proposals. The Town/City/County also encourages Section 3 eligible businesses to submit proposals. Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 17010) requires, to the greatest extent feasible, that the Town/City/County and its contractors that participate in the above referenced Program give opportunities for job training and employment to lower incomes residents of _____. Section 3 also requires that contracts for work in connection with the Section 3 area be awarded to Section 3 eligible business concerns.

All proposals must be submitted in a sealed envelope and marked with the following language: “Proposal for CDBG Engineering Services.” Proposals will be evaluated on the following factors: Qualifications (40 points), Experience (40 points) and Capacity for Performance (20 points). To be evaluated properly, the following must be addressed in detail:

Qualifications – List of qualifications of persons to be assigned to project;

Experience – Information regarding the firm’s experience and the projects previously undertaken, including the type and amount of grants awarded, the projects activities, and the status of the projects;

Capacity for Performance – Identify the number and title of staff assigned to provide services.

The Town/City/County will designate a selection committee to evaluate each proposal. The selection committee may hold proposals for a period of not to exceed thirty (30) days for the purpose of reviewing the content of the proposals and investigating the qualifications of the firms and assigned individuals. The Town/City/County reserves the right to reject and and/or all proposals.

Subject to CDBG award(s) and the removal of all environmental conditions, the Town/City/County will award a contract with the qualified individual or firm whose proposal has the highest number of cumulative points issued by the selection committee and determined to be the most advantageous to the Town/City/County, price and other factors considered. The contract will include scope and extent of work and other essential requirements. An individual contract will be executed for each awarded project, and the contract will be on a fixed price basis. The Town/City/County has the authority to terminate the selection at any time.



Construction

Competitive Sealed Bid (Invitation for Bids IFB) – is best utilized for the purpose of obtaining contractors for construction projects and must lend itself to a firm, fixed price contract where the selection can be made principally on the basis of price (2 CFR 200.320 (c)).

Advertising – bid requirements must be published in a newspaper of general circulation once each week for two (2) consecutive weeks and bid opening time requirements must be adhered to.

Selection Criteria – contract awards should be based on the responsible bidder whose bid, conforming to all material terms and conditions of the IFB, is the lowest and best bid.

Required Documentation – written detailed specifications and pertinent attachments, proof of advertising, and minutes showing IFB opened on date/time and location specified in publication and technical evaluation of tabulations must be documented in the CDBG project file and available for review.

Cost Analysis

- 2 CFR 200.323(a) requires a cost analysis to be performed for every procurement action including contract modifications. The degree of analysis depends on the type of procurement and minimally, sub-recipients must make independent estimates before receiving bids or proposals.
- 2 CFR 200.323(b) requires sub-recipients to negotiate profit as a separate element of the price for each contract in all cases where cost analysis is performed. In order to analyze fair and reasonable profit, local units of government should consider the complexity of the work to be performed, the risk borne by the contractor, the amount of subcontracting, the quality of past performance, and industry profit rates for the surrounding geographical area.

Contracts/Bonds – All bonding requirements listed at 2 CFR 200.325 are to be adhered to:

- Bid Bond (Bid Guarantee): required from each bidder equivalent to five (5) percent of the bid price in the form of a bid bond, certified check or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents.
- Performance Bond: required for the awarded contractor for an amount no less than the contract in order to secure fulfillment of all the contractor's obligations under such contract (Also see Section 31-5-51).

- Payment Bonds: required for the awarded contractor for an amount no less than the contract in order to secure payment as required by law of all persons supplying labor and materials (Also see Section 31-5-51).
- Liability Insurance: Section 31-5-51 also requires general liability insurance prior to any state agency or governing authority contract in excess of \$25,000, for coverage in an amount no less than \$1,000,000.
- Insurability of Bidders for Public Construction: bidders shall be permitted to either submit proof of current insurance coverage in the amount of not less than \$1,000,000 or demonstrate their ability to obtain the required coverage amount of insurance if the contract is awarded to the bidder within five (5) business days from bid acceptance.
- Certificate of Responsibility: contractors of public projects in excess of \$50,000 must have a “Certificate of Responsibility”. All bids for such projects must show the certificate number on the face of the bid envelope (Section 31-3-21).

NOTE – All other procurement guidelines as specified in the “Applicable to All Procurement” section must be followed.

ADVERTISEMENT FOR BIDS 20XX (PROJECT TITLE)
CDBG – PF GRANT #XXXX-XX-XXX-PF-XX
TOWN/CITY/COUNTY OF _____, MISSISSIPPI

Sealed bids will be received by the Town/City/County of _____, Mississippi, located at (street address) (P.O. Box), _____, Mississippi _____, until 1:00pm local time on (weekday), (month day, year), for supplying all labor and materials (as specified) necessary for construction of the 20XX (project title).

The work generally consists of (Give a description of the work required).

The above general outline of features of the work does not in any way limit the responsibility of the Contractor to perform all work and furnish all plant, labor, equipment and materials required by the specifications and the drawings referred to therein.

Contract time shall be XXX consecutive calendar days from the effective date shown in the Notice to Proceed. Liquidated damages will be assessed in the amount of the actual costs incurred for each consecutive calendar day beyond the specified contract time.

Special Damages: In addition to the amounts provided for liquidated damages, expenses and other losses, Contractor, in the event of such default, shall pay to the Owner the actual costs, expenses and other losses reasonably incurred by Owner.

Bidder must be qualified under Mississippi Law and show current Certificate of Responsibility issued by the Mississippi State Board of Public Contractors establishing his classification as to the value and type of construction on which he is authorized to bid.

Each Bidder shall write his Certificate of Responsibility Number on the outside of the sealed envelope containing his proposal.

Proposals be submitted in duplicate, sealed and deposited with the City/Town/County of _____, Mississippi prior to the hour and date hereinbefore designated. No bidder may withdraw his bid within 90 days after the actual date of the opening thereof.

Each Bidder must submit with his proposal a separate attachment stating his qualifications to perform the work. The Statement of Qualifications shall list past projects of similar size and nature, a list of references with name and telephone number, a list of key personnel who will perform the work, and other information supporting the Bidder's qualifications.

Awarding public contracts to non-resident Bidders will be on the same basis as the non-resident Bidder's state awards contracts to Mississippi Contractors bidding under similar circumstances. In order to ensure that Mississippi's so-called Golden Rule is followed state law requires a non-resident bidder to attach to his bid a copy of his resident state's current laws pertaining to such state's treatment of non-resident contractors.

Each Bidder must deposit with his proposal, a Bid Bond or Certified Check in an amount equal to five percent of his bid, payable to the City/Town/County of _____, Mississippi, as bid security.



ADVERTISEMENT FOR BIDS (continued)

Bidders shall also submit a current financial statement, if requested, by the City/Town/County of _____, Mississippi.

The successful bidder will be required to furnish a Payment Bond and Performance Bond each in the amount of 100 percent of the contract amount.

Contract Drawings, Contract Specifications, Instructions to Bidders and Bidders Proposal Forms are on file and open to public inspection in the office of the City/Town/County Clerk of _____, Mississippi. Copies of the Instructions to Bidders, Bid Forms, Contract Drawings and Contract Specifications may be procured at the office of the Engineer between 8:00AM and 5:00PM, Local Time, Monday through Friday, upon payment of \$100.00 for each set, which will not be refunded. Checks are to be made payable to the Engineer.

The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended 12 U.S.C. 1701u (Section 3). CDBG regulations governing the grant require that, to the greatest extent feasible, opportunities for contracting, subcontracting, training and employment arising in connection with this CDBG project will be extended to Section 3 businesses and Section 3 residents.

A pre-bid meeting will be held on (Weekday), (Month Day), 20XX, at XX: 00PM at _____ to discuss the Section 3 requirements of the Contract and outline Contractor's action steps during the bidding process which are necessary to comply with the current CDBG requirements.

Minority and women's business enterprises are solicited to bid on this contract as prime contractors and are encouraged to make inquiries regarding potential subcontracting opportunities, equipment, material and/or supply needs.

The City/Town/County of _____ is an Equal Opportunity Employer. The City/Town/County of _____ hereby notifies all Bidders that it will affirmatively insure that in a contract entered into pursuant to this advertisement will be afforded the full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, sex, national origin, age, disability, sexual preference, marital or veteran status, or any other legally protected status in consideration for an award.

The Engineer is (Name, Address and Telephone Number of Engineer).

The City/Town/County of _____ reserves the right to reject any and all bids and to waive any informalities or irregularities therein.

BY: _____, Mayor/President

City/Town/County of _____, Mississippi

Dates of Publication: _____



Non-Competitive Proposals

Non-competitive proposals may only be utilized when the award of a contract is infeasible under the other procurement methods and one of the following circumstances applies:

- Sole source: The item is only available from a single provider/supplier.
- Public emergency: When an emergency arises that will not permit a delay resulting from competitive solicitation requirements.
- Inadequate competition: when the solicitation of a number of sources determines that competition is inadequate.

When competition is determined to be inadequate, the sub-recipient must obtain the approval from CSD to utilize Non-Competitive Procurement. If a contractor is performing other consultant services for the sub-recipient, it is not adequate justification for a non-competitive negotiated award.

Required Documentation: all documentation required under competitive proposal procurement plus the determination that responses were inadequate (memo to file) must be kept in the CDBG project file and made available. Also, the cost/price analysis must still be conducted.

Small Purchases for Non-Professional Services & Supplies

Less than \$5,000 – may be purchased without advertising or otherwise requesting competitive bids. This method lends itself best to simple, informal purchases in which price quotations are obtained from an adequate number of qualified sources.

- Documentation of procurement would include a description of supplies/services needed, a list of vendors/suppliers called and price quotes obtained.
- Selection would be based on the lowest and best supplier.

At least \$5,000 but not more than \$50,000 – may be purchased from the lowest and best bidder without advertising for bids provided that at least two (2) competitive written bids have been obtained.

- Documentation of procurement would include descriptions of supplies/services needed, list of vendors/supplies called or notified and written individual quotes from each contacted vendor/supplier.
- Selection would be based on the lowest and best supplier.

Micro-Purchases

A micro-purchase is less than \$3,000 and can be awarded without soliciting competitive bids if the sub-recipient considers the price to be reasonable.

To the extent practical, the sub-recipient must distribute micro-purchases equitably among qualified suppliers.

Required Contract Provisions

Professional services contracts must include the following provisions:

- Violation or breach of contract terms
- Termination clause (contracts over \$10,000)
- Equal Employment provision (contracts over \$10,000)
- Access and Retention of Records clause

Construction contracts must include the contract provisions referenced in 24 CFR Part 84 or 85 (Appendix II to Part 200 – Contract Provisions for Non-Federal Entity Contracts under Federal Awards):

- Violation or breach of contract terms
- Termination clause (contracts over \$10,000)
- Equal Employment provision (contracts over \$10,000)
- Copeland “Anti-Kickback” Act
- Compliance with Davis-Bacon Act (contracts over \$2,000)
- Contract Work Hours and Safety Standards
- Access and Retention of Record clause
- NEPA Clean Air and Water Act (contracts over \$100,000)

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

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

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

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

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or sub-recipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to

compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

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

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

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

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See §200.322 Procurement of recovered materials.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014]

E. Acquisition

All federally funded projects that involve acquisition or relocation/displacement must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) of 1970, as amended and implementing regulations at 49 CFR Part 24. The purpose of the URA is to ensure that real property owners are treated fairly and consistently and to eliminate coercion or actions that could be interpreted as such.

The URA takes effect with the sub-recipient's formal decision to "acquire" a specific property or properties for a CDBG project.

The Act applies to the following types of project acquisitions:

- Permanent and temporary easements **necessary** for the project
- Fee simple title/a parcel of land
- Long-term leases of 50 years or more
- Right of ways

Sub-recipients conducting a project under the URA must carry out their legal responsibilities to affected property owners and displaced persons. Sub-recipients should also plan accordingly to ensure that adequate time, funding, and staffing is available to carry out these responsibilities.

Real property acquisition steps:

- Ensure that property owner receives the HUD brochure "When a Public Agency Acquires your Property".
- Appraise property before negotiations
- Invite the property owner to accompany the appraiser during the property inspection
- Provide the owner with a written offer of just compensation and a summary of what is being acquired
- Pay for property before possession
- Reimburse expenses resulting from the transfer of title such as recording fees, prepaid real estate taxes or other expenses

Means of acquiring real property

- Voluntary Acquisition- occurs when a property owner willingly sells his property and there is no threat or use of eminent domain
- Involuntary Acquisition- occurs when a sub-recipient acquires property under threat or use of eminent domain

The URA requirements for voluntary acquisitions and involuntary acquisitions differ significantly. While there are protections for property owners in both circumstances, only involuntary acquisitions trigger the full acquisitions under the URA.

Required Documentation

Sub-recipients must document all efforts made to comply with URA regulations. All files should contain the following:

- Number of parcels (including easements) proposed for acquisition
- Number of units acquired, determined by owners and renters
- Type of acquisition (single unit, multifamily, commercial, easement, vacant parcel, etc.)
- Voluntary or Non-Voluntary transaction for each parcel
- Map with the identified location of each parcel of property to be acquired
- Spreadsheet documenting the acquisition for the project
- Separate file for each parcel to be acquired
- Documentation of on-site interviews conducted with property owners
- Documentation of every preliminary acquisition notice and evidence of the owners receipt of the notice
- Documentation of the appraisal information, including evidence that an invitation to accompany the appraisal was received and a review appraisal
- Documentation of a written purchase offer, including evidence that the written offer to purchase was received by the owner, a “Statement of the Basis for Determining of Just Compensation”, and proof that the offer to purchase was issued within ninety (90) days after the appraisal
- Documentation of purchase and payment, including a deed, title evidence, purchase agreement, contract of sale, etc., the Statement of Settlement Costs, evidence that the owner received the purchase price or a written notice of determination not to purchase
- Documentation of any donated parcels, including an appraisal/review appraisal, waiver to waive his/her right to an appraisal

IV. CONSTRUCTION PHASE

A. General Provisions

The sub-recipient cannot solicit bids or obligate funds from any source – private, CDBG or otherwise – for use in a CDBG-assisted project prior to Environmental clearance. No new construction, excavation, demolition, rehabilitation, repair, modification or property acquisition can commence, nor commitment made to undertake such activities, until the Environmental Review is complete and the sub-recipient has received the formal release of funds/environmental clearance from the Mississippi Development Authority.

Nonperformance Standard

CSD is under mandate from HUD to expend all CDBG funds in a timely manner. Therefore, CSD must require that at the end of twelve (12) months from the effective date of the grant that construction must begin and a construction draw should be submitted to CSD for repayment.

If the award notification has not been received, CSD will contact the sub-recipient via mail requesting a progress report detailing the activities that have been accomplished to date and an explanation of why construction has been delayed. If substantial progress has not been made, the sub-recipient will be required to submit a monthly report on the project until construction begins. If substantial progress has not been made without strong justification, the Mississippi Development Authority, may at its discretion terminate the contract and recapture the allocated funds.

The construction start date deadline for 2019 CDBG-assisted projects is **October 14, 2020**.

Project Sign

All CDBG projects must place a project sign at the job site throughout the duration of the project. **The sign should only be removed following the successful close-out of the project.**

The sign should be utilized to display the Davis Bacon wage decision and posters, Fair Housing and Equal Opportunity (FHEO) information and posters, Section 3 business/employment opportunities and other project-related information.

NOTE: The project sign is the property of the sub-recipient not the project contractor or engineering firm

An example of the project sign can be found on the next page

PROGRAM NAME (CDBG Program) Project Name Local Unit of Government	
	<p style="text-align: center;"> GOVERNOR PHIL BRYANT STATE OF MISSISSIPPI MISSISSIPPI DEVELOPMENT AUTHORITY Glenn McCullough, Jr., Executive Director </p> <p style="text-align: center;"> CHIEF ELECTED OFFICIAL / EXECUTIVE, TITLE BOARD MEMBERS Board Member One Board Member Two Board Member Three Board Member Four Board Member Five </p> <p style="text-align: center;"> U.S. Department of Housing and Urban Development </p> <div style="text-align: center;">  </div>

E-Verify Requirements

All CDBG projects are required by the Mississippi Employment Protection Act of 2008 to register and participate in the E-Verify status verification program for all newly hired employees.

Sub-recipients, all contracted parties, and any benefitting businesses must agree to maintain compliance with the Immigration Reform and Immigration Responsibility Act of 1996, also known as the E-Verify Program. Sub-recipients, upon the request of the State, must provide a copy of their registration with the E-Verify Program and any such new hire verification.

At monitoring, the Program Manager will request verification of E-Verify status for the following:

- Sub-recipient
- Professional Services contractors
- Prime contractors and any sub-contractors
- Benefitting business (Economic Development projects only)

B. Labor Standards Provisions

By accepting federal funds through the Mississippi Development Authority, sub-recipients agree to abide by and ensure compliance with the Federal Labor Standards laws and regulatory requirements.

The Labor Standards Provisions set out the responsibilities of the prime contractor and/or sub-contractor(s) concerning the Davis-Bacon Act, Copeland Anti-Kickback Act, Contract Work Hours and Safety Standards Act, and obligate the prime contractor and/or sub-contractor to comply with all labor requirements. In addition, they provide for remedies and sanctions in

the event of violations. The Labor Standard regulations are contained in the Federal Labor Provision (HUD 4010).

Additional information on Labor Standards can be found in the Community Services Division Labor Standards Policy and Procedures Manual found at www.mississippi.org/csd.

Labor Standards Clauses

The Davis-Bacon Act – sets a minimum wage, based on the Department of Labor’s Prevailing Wage Rate, which must be paid to laborers and mechanics. The Act applies to all contracts over \$2,000 for construction, alteration or repair.

The Copland Anti-Kickback Act – makes it a criminal offense for anyone to induce any person employed in a covered project to give up any part of the compensation to which he/she is entitled under his/her contract for employment.

The Contract Work Hours and Safety Standards Act – provides that all overtime hours (defined as hours worked in excess of 40 during any workweek) must be compensated at a rate not less than one and one half times the regular basic rate of pay.

Federal Labor Standards Provisions

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

Applicability

The Project or Program to which the construction work covered by this contract pertains is being assisted by the United States of America and the following Federal Labor Standards Provisions are included in this Contract pursuant to the provisions applicable to such Federal assistance.

A. 1. (i) Minimum Wages. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. Contributions made or costs reasonably anticipated for bona fide fringe benefits under Section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of 29 CFR 5.5(a)(1)(iv); also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs, which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under 29 CFR 5.5(a)(1)(ii) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible, place where it can be easily seen by the workers.

(ii) (a) Any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. HUD shall approve an additional classification and wage rate and fringe benefits therefor only when the following criteria have been met:

(1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(2) The classification is utilized in the area by the construction industry; and

(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(b) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and HUD or its designee agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by HUD or its designee to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise HUD or its designee or will notify HUD or its designee within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget under OMB control number 1215-0140.)

(c) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and HUD or its designee do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), HUD or its designee shall refer the questions, including the views of all interested parties and the recommendation of HUD or its designee, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise HUD or its designee or will notify HUD or its designee within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget under OMB Control Number 1215-0140.)

(d) The wage rate (including fringe benefits where appropriate) determined pursuant to subparagraphs (1)(ii)(b) or (c) of this paragraph, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part

of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program. (Approved by the Office of Management and Budget under OMB Control Number 1215-0140.)

2. Withholding. HUD or its designee shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee or helper, employed or working on the site of the work, all or part of the wages required by the contract, HUD or its designee may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased. HUD or its designee may, after written notice to the contractor, disburse such amounts withheld for and on account of the contractor or subcontractor to the respective employees to whom they are due. The Comptroller General shall make such disbursements in the case of direct Davis-Bacon Act contracts.

3. (i) Payrolls and basic records. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in Section 1(b)(2)(B) of the Davis-bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5 (a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in Section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been

communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs. (Approved by the Office of Management and Budget under OMB Control Numbers 1215-0140 and 1215-0017.)

(ii) (a) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to HUD or its designee if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant sponsor, or owner, as the case may be, for transmission to HUD or its designee. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i) except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to HUD or its designee if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant sponsor, or owner, as the case may be, for transmission to HUD or its designee, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this subparagraph for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to HUD or its designee. (Approved by the Office of Management and Budget under OMB Control Number 1215-0149.)

(b) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) That the payroll for the payroll period contains the information required to be provided under 29 CFR 5.5 (a)(3)(ii), the appropriate information is being maintained under 29 CFR 5.5(a)(3)(i), and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in 29 CFR Part 3;

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(c) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by subparagraph A.3.(ii)(b).

(d) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under Section 1001 of Title 18 and Section 231 of Title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under subparagraph A.3.(i) available for inspection, copying, or transcription by authorized representatives of HUD or its designee or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, HUD or its designee may, after written notice to the contractor, sponsor, applicant or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and Trainees.

(i) **Apprentices.** Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who

is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) **Trainees.** Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by

the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) **Equal employment opportunity.** The utilization of apprentices, trainees and journeymen under 29 CFR Part 5 shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR Part 3 which are incorporated by reference in this contract

6. Subcontracts. The contractor or subcontractor will insert in any subcontracts the clauses contained in subparagraphs 1 through 11 in this paragraph A and such other clauses as HUD or its designee may by appropriate instructions require, and a copy of the applicable prevailing wage decision, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in this paragraph.

7. Contract termination; debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act Requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR Parts 1, 3, and 5 are herein incorporated by reference in this contract

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR Parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and HUD or its designee, the U.S. Department of Labor, or the employees or their representatives.

10. (i) Certification of Eligibility. By entering into this contract the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1) or to be

awarded HUD contracts or participate in HUD programs pursuant to 24 CFR Part 24.

(ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1) or to be awarded HUD contracts or participate in HUD programs pursuant to 24 CFR Part 24.

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001. Additionally, U.S. Criminal Code, Section 1 01 0, Title 18, U.S.C., "Federal Housing Administration transactions", provides in part: "Whoever, for the purpose of . . . influencing in any way the action of such Administration . . . makes, utters or publishes any statement knowing the same to be false . . . shall be fined not more than \$5,000 or imprisoned not more than two years, or both."

11. Complaints, Proceedings, or Testimony by Employees. No laborer or mechanic to whom the wage, salary, or other labor standards provisions of this Contract are applicable shall be discharged or in any other manner discriminated against by the Contractor or any subcontractor because such employee has filed any complaint or instituted or caused to be instituted any proceeding or has testified or is about to testify in any proceeding under or relating to the labor standards applicable under this Contract to his employer.

B. Contract Work Hours and Safety Standards Act. The provisions of this paragraph B are applicable where the amount of the prime contract exceeds \$100,000. As used in this paragraph, the terms "laborers" and "mechanics" include watchmen and guards.

(1) **Overtime requirements.** No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which the individual is employed on such work to work in excess of 40 hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of 40 hours in such workweek.

(2) **Violation; liability for unpaid wages; liquidated damages.** In the event of any violation of the clause set forth in subparagraph (1) of this paragraph, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in subparagraph (1) of this paragraph, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of 40 hours without payment of the overtime wages required by the clause set forth in subparagraph (1) of this paragraph.

(3) **Withholding for unpaid wages and liquidated damages.** HUD or its designee shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contract, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act which is held by the same prime contractor such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in subparagraph (2) of this paragraph.

(4) **Subcontracts.** The contractor or subcontractor shall insert in any subcontracts the clauses set forth in subparagraph (1) through (4) of this paragraph and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in subparagraphs (1) through (4) of this paragraph.

C. Health and Safety. The provisions of this paragraph C are applicable where the amount of the prime contract exceeds \$100,000.

(1) No laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor by regulation.

(2) The Contractor shall comply with all regulations issued by the Secretary of Labor pursuant to Title 29 Part 1926 and failure to comply may result in imposition of sanctions pursuant to the Contract Work Hours and Safety Standards Act, (Public Law 91-54, 83 Stat 96). 40 USC 3701 et seq.

(3) The contractor shall include the provisions of this paragraph in every subcontract so that such provisions will be binding on each subcontractor. The contractor shall take such action with respect to any subcontractor as the Secretary of Housing and Urban Development or the Secretary of Labor shall direct as a means of enforcing such provisions.

Wage Decision

The Davis-Bacon wage decision contains a schedule of work/job classifications and the minimum wage rates that must be paid to persons performing particular jobs.

The wage decision is unique to the location of the project and project type (Building, Residential, Heavy and Highway).

The sub-recipient must request a Wage Determination from the Compliance Bureau using the Request for Wage Determination and Response to Request Form prior to bid opening.

All wage decisions should be reviewed to ensure all required job classifications are covered for the proposed project and must be included in all bid documents and contracts.

The sub-recipient must verify with CSD ten (10) days prior to opening the bids that the wage decision used in the bid documents is still applicable and enforce the decision in place at the bid opening.

After the contract is awarded, if the wage decision does not include a specific job classification of a worker, the sub-recipient must request an additional classification using the Report of Additional Classification and Rate Form 4230A. Requests for additional classifications may take up to 45 days.

MISSISSIPPI DEVELOPMENT AUTHORITY
 Community Services Division - Compliance Bureau
 P.O. Box 849 ≈ Jackson, Mississippi ≈ 39205
 Phone: 601.359.3449 ≈ Fax: 601.359.3108

REQUEST FOR WAGE DETERMINATION AND RESPONSE TO REQUEST

(Davis-Bacon Act as amended and related statutes)

Response to Request

**For CSD Compliance Use Only*

TYPE OF WORK:

- Building
- Residential
- Heavy
- Highway
- Other: _____

1. REQUESTING OFFICER:

Name: _____
 Title: _____
 Email: _____
 Signature: _____

2. PROJECT INFORMATION:

Project Grant Number: # _____
 Project Name: _____

WAGE DECISION NUMBER

_____ **WAGE DECISION DATE**

SUPERSEDES NUMBER

Ray Robinson, Jr.
 Manager, Compliance Bureau

_____ **Date**

3. GRANTEE:

4. CONTACT PHONE NUMBER:

15. NOTE

DAVIS-BACON ACT

The Housing and Community Development Act of 1974, as amended, Section 110, states any construction work financed in whole or in part with CDBG funds, where the contract for construction is greater than \$2,000, and for residential properties containing more than 8 units, the provisions of the Davis-Bacon Act, shall apply. Public improvements not initially assisted with CDBG funds may be subject to prevailing wage requirements retroactive to the inception of the project when CDBG funds are applied.

5. DATE OF REQUEST:

6. ESTIMATE BID ADVERTISEMENT DATE:

7. ESTIMATE BID OPENING DATE:

8. ESTIMATE VALUE OF BID CONTRACT:
(not grant amount from CSD)

\$ _____

9. SUBJECT TO COMPETITIVE BIDDING:

- YES
- NO

10. HOUSING UNITS IN THIS PROJECT:

- SF MF

_____ **Units** _____ **Stories**

11. LOCATION OF PROJECT: *(Street address or neighborhood and city/town)*

12. COUNTY:

13. MAIL WAGE DETERMINATION TO: *(Please print or type):*

Name: _____

Address: _____

14. DESCRIPTION OF PROJECT: (Include ALL contemplated actions that logically are either geographically or functionally a composite part of the project, regardless of the source of funding. If the project includes other funding sources, do NOT describe only the portion funded by CDBG.) – *(Please print or type)*

Send to: Mississippi Development Authority, Community Services Division-Compliance Bureau, Post Office Box 849, Jackson, Mississippi 39205-0849

Revised 10/04/12

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
REPORT OF ADDITIONAL CLASSIFICATION AND RATE**

HUD FORM 4230A

OMB Approval Number 2501-0011
(Exp. 01/31/2010)

<p>1. FROM (name and address of requesting agency)</p>	<p>2. PROJECT NAME AND NUMBER</p>						
	<p>3. LOCATION OF PROJECT (City, County and State)</p>						
<p>4. BRIEF DESCRIPTION OF PROJECT</p>	<p>5. CHARACTER OF CONSTRUCTION</p> <p> <input type="checkbox"/> Building <input type="checkbox"/> Residential <input type="checkbox"/> Heavy <input type="checkbox"/> Other (specify) <input type="checkbox"/> Highway </p>						
<p>6. WAGE DECISION NO. (include modification number, if any)</p> <p><input type="checkbox"/> COPY ATTACHED</p>	<p>7. WAGE DECISION EFFECTIVE DATE</p>						
<p>8. WORK CLASSIFICATION(S)</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">HOURLY WAGE RATES</th> </tr> <tr> <th style="width:50%; text-align: center;">BASIC WAGE</th> <th style="width:50%; text-align: center;">FRINGE BENEFIT(S) (if any)</th> </tr> </thead> <tbody> <tr> <td style="height: 100px;"></td> <td></td> </tr> </tbody> </table>	HOURLY WAGE RATES		BASIC WAGE	FRINGE BENEFIT(S) (if any)		
HOURLY WAGE RATES							
BASIC WAGE	FRINGE BENEFIT(S) (if any)						
<p>9. PRIME CONTRACTOR (name, address)</p>	<p>10. SUBCONTRACTOR/EMPLOYER, IF APPLICABLE (name, address)</p>						

Check All That Apply:

- The work to be performed by the additional classification(s) is not performed by a classification in the applicable wage decision.
- The proposed classification is utilized in the area by the construction industry.
- The proposed wage rate(s), including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage decision.
- The interested parties, including the employees or their authorized representatives, agree on the classification(s) and wage rate(s).
- Supporting documentation attached, including applicable wage decision.

Check One:

- Approved, meets all criteria. DOL confirmation requested.**
- One or more classifications fail to meet all criteria as explained in agency referral. DOL decision requested.**

<p>_____</p> <p style="text-align: center;">Agency Representative (Typed name and signature)</p> <p style="text-align: right;">_____</p> <p style="text-align: right;"><i>Date</i></p> <p style="text-align: right;">_____</p> <p style="text-align: right;"><i>Phone Number</i></p>	<p>FOR HUD USE ONLY</p> <p>LR2000:</p> <p>Log in:</p> <p>Log out:</p>
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HUD-4230A (8-03) PREVIOUS EDITION IS OBSOLETE

Contractor Eligibility

The sub-recipient must verify that the prime contractor(s) is not debarred or excluded from working on federally-assisted projects **prior** to issuing a contract. The sub-recipient must submit a written request of verification to the CSD Compliance Bureau.

In addition to the Contractor Eligibility request, the sub-recipient must submit the following documentation:

- Copy of certified construction bid tabulation
- Contractor's Section 3 Plan

Once the Compliance Bureau has verified the submitted documentation, a formal response will be provided to the sub-recipient of the contractor's eligibility. **The sub-recipient must receive the Contractor Eligibility verification letter from the Compliance Bureau before awarding the construction contract.**

Start of Construction and Contractor Award Notification Form

Once the contractor's eligibility has been verified, the sub-recipient must submit the Contractor Award Notification Form to their area Program Manager in the development bureau prior to the first construction draw request for cash. **The sub-recipient must submit a copy of the construction contract only (no specs) with the Award Notification and notify CSD of the date, time, and location of the pre-construction conference.** Prior to submitting the document please ensure that all information is filled out and correct.

Pre-Construction Conference

A Pre-Construction Conference must be held with the Prime Contractor and/or Sub-Contractors prior to the start of work to review contractual requirements and reporting procedures. Sub-recipient must include a sign-in sheet and record of the minutes which must be kept in the project file.

Notice to Proceed

Following the execution of the contract documents and completion of the Pre- Construction Conference, the sub recipient must submit the following to CSD for a Notice to Proceed:

- Contract Award Notification
- Bid Tabulations
- Executed Construction Contract Documents

NOTE: Once the contract is executed, the sub-recipient must submit a copy of the Award Notification to CSD within seven (7) business days, excluding holidays.

Once the above documents have been received in CSD offices, CSD will issue a Notice to Proceed to the sub-recipient to go forward with construction.

After the sub-recipient receives the Notice to Proceed from CSD, they may issue a Notice to Proceed to the prime contractor to begin work. This Notice to Proceed establishes the construction start date, the scheduled completion date, and provides the basis for assessing liquidated damages, which must be consistent with the contract documents.

A copy of the new Start of Construction and Contractor Award Notification is provided on the next page




mississippi development authority

MISSISSIPPI

COMMUNITY SERVICES DIVISION
Community Development Bureau
Post Office Box 849
Jackson, MS 39205-0849

Phone:
601.359.3179

Fax:
601.359.3108

Hearing Impaired:
601.359.3119 (TTY)

Return This Form To:

COMMUNITY SERVICES DIVISION
**COMMUNITY DEVELOPMENT
BUREAU**

**PLEASE SUBMIT THIS FORM
TO THE PROJECT
PROGRAM MANAGER
PRIOR TO FIRST
CONSTRUCTION DRAW**

October 2017

START OF CONSTRUCTION AND CONTRACTOR AWARD NOTIFICATION

Project Name: _____

Project Contract Number: _____

City: _____

County: _____

Bid Advertising Start Date: _____

Bid Opening Date: _____

Name of Prime Contractor: _____ **Contractor Award Date:** _____

Federal Wage Decision Number: _____

Date: _____

Modification Number: _____

Date: _____

Start of Construction Date: _____

Contract Amount: _____

Type of Construction: _____

Building
 Residential
 Heavy
 Highway

Type of Project: _____
(e.g., ADA; Water; Sewer, etc.)

PRECONSTRUCTION CONFERENCE:

Date: _____ **Time:** _____

Venue: _____

Street Address: _____

City: _____ **State:** _____ **Zip:** _____

Preparer (Please Type or Print Name):	Date:
Chief Elected Official's Signature:	Date:
Other Authorized Signatory:	Date:

Certified Payroll Reports

Certified Payroll Reports must utilize the HUD Payroll Form – WH 347 and the Statement of Compliance Form WH 348. The Statement of Compliance Form WH 348 must be completed and signed by an authorized representative of the company and submitted in conjunction with the WH 347 form. Both forms can be found at www.mississippi.org/csd.

Prime Contractor responsibilities:

- Once construction has started, the prime contractor should complete a weekly Certified Payroll report for all employees on the project. The Statement of Compliance must be signed by the owner/authorized.
- The prime contractor is also responsible for obtaining the weekly payrolls and signed Statement of Compliance from all sub-contractors. All payroll reports should be submitted to the sub-recipient within a reasonable timeframe.
- **The prime contractor is responsible for full compliance of all subcontractors and will be held accountable for any wage restitution that may be necessary.**

Sub-recipient responsibilities:

- The sub-recipient must ensure that only the owner or his/her authorized signatory are signing the Certified Payrolls. There should always be an authorized signatory letter on file that is signed by the owner granting permission for another employee to sign the forms.
- The sub-recipient is responsible for monitoring compliance with labor standard requirements and should be reviewing the certified payrolls as they are submitted.

When reviewing payrolls, pay careful attention to the following:

- Contractor Tax Identification Number is on the first payroll
- All Statement of Compliance forms have been signed by the President or his/her verified designee
- The correct classification of workers
- Correct rate of pay for each employee's job classification
- Overtime is being paid at not less than one and one-half times the basic rate of pay
- Only permissible deductions that have been authorized by the employee are deducted from the employee's check

Any discrepancies and/or falsification indicators must be reported to CSD, along with the steps taken by the sub-recipient to resolve the issues.

PAYROLL

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)



Rev. Dec. 2008

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

OMB No.: 1235-0008
Expires: 01/31/2015

NAME OF CONTRACTOR <input type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/>		ADDRESS	
PAYROLL NO.	FOR WEEK ENDING	PROJECT AND LOCATION	PROJECT OR CONTRACT NO.

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	O.T. OR ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK
				HOURS WORKED EACH DAY										FICA	WITH- HOLDING TAX		OTHER	TOTAL DEDUCTIONS	
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W. Washington, D.C. 20210

(over)

On-Site Employee Interviews

The Labor Standards requirements include periodically conducting job site interviews with workers. The purpose of the interview is to capture observations of the work being performed and to obtain direct information from employees on the job such as the number of hours worked, the type of work being performed, and to ensure that the wage they receive is accurate.

Interviews should be conducted throughout the course of construction and must include a sufficient sample of represented job classifications.

Interviews must take place at the job site in a private one-on-one setting.

The employee should be advised that the information given during the interview is confidential.

The Record of Employee Interview Form HUD-11 must be used to document the information gathered during the interviews. These forms must be compared to the corresponding contractor/sub-contractor payroll information.

If no discrepancies are found, “None” should be written in the comment space of the form and signed by the appropriate person.

If discrepancies are found, appropriate action should be initiated and then notated on the form once completed.

NOTE: Employee interviews must be performed with employees of the prime contractor and all sub-contractors working on the project.

Record of Employee Interview

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

OMB Approval No. 2501-0009
(exp. 10/31/2010)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. The information is collected to ensure compliance with the Federal labor standards by recording interviews with construction workers. The information collected will assist HUD in the conduct of compliance monitoring; the information will be used to test the veracity of certified payroll reports submitted by the employer. **Sensitive Information.** The information collected on this form is considered sensitive and is protected by the Privacy Act. The Privacy Act requires that these records be maintained with appropriate administrative, technical, and physical safeguards to ensure their security and confidentiality. In addition, these records should be protected against any anticipated threats or hazards to their security or integrity that could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom the information is maintained. **The information collected herein is voluntary, and any information provided shall be kept confidential.**

1a. Project Name			2a. Employee Name			
1b. Project Number			2b. Employee Phone Number (including area code)			
1c. Contractor or Subcontractor (Employer)			2c. Employee Home Address & Zip Code			
			2d. Verification of identification? Yes <input type="checkbox"/> No <input type="checkbox"/>			
3a. How long on this job?	3b. Last date on this job before today?	3c. No. of hours last day on this job?	4a. Hourly rate of pay?	4b. Fringe Benefits?		4c. Pay stub?
				Vacation Yes <input type="checkbox"/> No <input type="checkbox"/>	Medical Yes <input type="checkbox"/> No <input type="checkbox"/>	Pension Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Your job classification(s) (list all) --- continue on a separate sheet if necessary						
6. Your duties						
7. Tools or equipment used						
8. Are you an apprentice or trainee? Y <input type="checkbox"/> N <input type="checkbox"/>						
9. Are you paid for all hours worked? Y <input type="checkbox"/> N <input type="checkbox"/>						
10. Are you paid at least time and 1/2 for all hours worked in excess of 40 in a week? Y <input type="checkbox"/> N <input type="checkbox"/>						
11. Have you ever been threatened or coerced into giving up any part of your pay? Y <input type="checkbox"/> N <input type="checkbox"/>						
12a. Employee Signature			12b. Date			
13. Duties observed by the Interviewer (Please be specific.)						
14. Remarks						
15a. Interviewer name (please print)			15b. Signature of Interviewer		15c. Date of interview	

Payroll Examination

16. Remarks	
17a. Signature of Payroll Examiner	17b. Date

Previous editions are obsolete

Form HUD-11 (08/2004)

Semi-Annual Labor Standards Enforcement Report

The U.S. Department of Labor requires that agencies who administer programs, that are subject to Davis-Bacon and Related Act and Contract Works Hours and Safety Standards Act, furnish a Semi-Annual Labor Standards Enforcement Report to the Administrator of the Wage and Hour Division. MDA is responsible for the collection and capturing of this information from our sub-recipients.

All sub-recipients receiving an applicable federally-funded project must submit a complete and certified Semi-Annual Enforcement Report – HUD Form 4710 to the Compliance Bureau semi-annually.

The form may be submitted electronically or via U.S. Postal Service and a copy should be maintained in the sub-recipient's files.

Reporting Period	Due Date
October 1 st through March 31 st	No later than April 5 th
April 1 st through September 30 th	No later than October 5 th

NOTE: If the due date falls on a weekend or holiday, the form will be due the next business day.

Labor Standards Compliance Requirements:

- Proper application of Davis-Bacon requirements
- Pre-bid conference, pre-construction conference and other initial meetings
- Monitor contractor performance throughout the life of the project
- Investigate probable violations and complaints of underpayment
- Ensure current wage decision and labor standards provisions are contained in the bid documents
- Conduct a 10-day wage check
- Verify contractor eligibility
- Submit Contractor Award Notification to MDA
- Ensure wage decision and DOL posters are posted at job site
- Conduct on-site interviews with employees
- Review Certified Payrolls and compare to the wage decision and interviews
- Notify contractors of payroll discrepancies
- Notify CSD of wage restitution issues
- Submission of Labor Standards Enforcement Reports

- Ensure that MDA Project Sign is posted at the entrance of the construction site until the project is closed

Documentation Requirements

- Bid and contract documents with the Labor Standards Clause, Section 3, and Wage Decision
- Certified Payroll Forms from the contractor and sub-contractors including signed and dated Statements of Compliance
- Documentation of on-site job interviews and review of corresponding Certified Payroll to detect any discrepancies
- Documentation of investigations and resolutions to issues that may have occurred (e.g. payments to work for underpayments of wages or overtime)

C. Fair Housing

All federally-funding projects must comply with all Fair Housing and Equal Opportunity Laws (FHEO) and Affirmatively Further Fair Housing activities. Under the CDBG grant agreement, the sub-recipient is required to provide assurance that the program will be conducted and administered in conformity with Title VIII of the Civil Rights Act of 1968.

Non-discrimination and equal opportunity laws- require that no person or protected group is denied benefits such as employment, training, housing or contracts generated by any Federally-funded activity.

Affirmative activities- are actions taken to address past instances of possible FHEO discrimination or noncompliance or to aid in meeting the intent of FHEO provisions.

Additional information on Fair Housing can be found in the Community Services Division Fair Housing and Equal Opportunity Policy and Procedures Manual found at www.mississippi.org/csd.

NOTE: Sub-recipients must take action to affirmatively promote fair housing

Affirmatively Furthering Fair Housing (AFFH) Rule

Federal statute at Section 106(d) (5) of the Housing and Community Development Act requires that no funds may be distributed by the State to any unit of general local government unless the locality certifies that it will Affirmatively Further Fair Housing. Furthermore, federal regulations [24 CFR 570.487(b)(2)] requires that units of general local government must develop proposed actions to Affirmatively Further Fair Housing at the local level, for state review and approval. **This requirement dictates that some form of action must be taken by the sub-recipient, not just passive compliance with existing laws/ordinances.**

NOTE: Sub-recipients must document the type of action taken and any results

Required Fair Housing requirements:

- Adopt a Fair Housing Resolution/Fair Housing Plan
- Display Fair Housing posters in a public area of the community – Posters must be displayed year round and in both English and Spanish
- Fair Housing Month Proclamation/Resolution during the month of April
- Conduct one (1) or more Fair Housing activity during the life of the CDBG grant
- Distribute the Fair Housing Brochures

CSD encourages the sub-recipient to evaluate and/or consider the following additional actions:

- Review the State of Mississippi Analysis of Impediments of Fair Housing Choice and generate Fair Housing Activities based on the State's Fair Housing Plan
- Review local zoning laws, building codes and procedures to determine if such contribute to or detract from fair housing choice
- Review lending practices of financial institutions serving the community for evidence of discriminatory practices
- Review sales and rental practices within the community for discriminatory practices.
- Sponsor a free Affirmatively Further Fair Housing training or workshop in your community
- Provide housing counseling to minority and non-English speaking residents to help them find housing outside areas of concentration

Fair Housing Laws and Regulations

Fair Housing and Equal Opportunity Regulations:

- Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d et seq): No person can be excluded on the basis of race, color or national origins
- The Fair Housing Act (42 USC 3601-3620): Prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, handicap or familial status
- Equal Opportunity in Housing (Executive Order 11063, as amended by Eos 12259 and 12892): Prohibits discrimination in the sale, rental or leasing of residential property on the basis of race, color, religion, sex or national origin
- Age Discrimination Act of 1975, as amended (42 USC 6101): Prohibits age discrimination
- Section 109 of Title 1 of the Housing and Community Development Act of 1974: No person shall be denied the benefits of, or be subject to discrimination under any activity funded with CDBG funds, on the basis of race, color, religion, sex or national origin
- E.O. 13166 issued August 11, 2000: Seeks to improve services for persons with limited English proficiency, and seeks to eliminate limited English proficiency as a barrier to participation in federally-funded activities

Handicapped Accessibility

- Americans with Disabilities Act (42 USC 12131; 47 USC 155, 201, 218 and 225): Provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, State and local government services and telecommunications
- Fair Housing Act
- The Architectural Barriers Act of 1968 (42 USC 4151-4157): Requires federally-funded buildings to be designed, constructed or altered in accordance with standards that ensure accessibility to physically handicapped people.
- Section 504 of the Rehabilitation Act of 1973: Prohibits discrimination on the basis of handicap

Equal Employment Opportunity

- Equal Employment Opportunity, Executive Order 11246: Prohibits discrimination against any employee or applicant on the basis of race, color, religion, sex or national origin
- Minority/Women's Business Enterprises (Under Executive Order 11625, 12432 and 12138): Sub-recipients must have procedures in place for a minority outreach program to ensure their inclusion in all contracts
- Section 3 of the Housing and Urban Development Act of 1968, amended (12 USC 17020)

Displacement/Relocation

Benefits to displaced persons and businesses should be provided in a manner to ensure that the relocation process does not result in different or separate treatment on account of a protected class characteristic.

Relocation activities should be carried out in a manner, which promotes fair housing by providing displaced persons and businesses with a maximum choice of replacement housing based on the community's total housing supply.

Data on persons in households displaced as a result of CDBG activities must consist of the race and ethnicity of the households, the handicap status of any displaced persons, and the address to where each displaced person is relocated.

Data on displaced business as a result of CDBG activities must include data indicating the impact on businesses owned by minorities and women.

Direct Benefit Activities

Sub-recipients should be able to show what percentage of minorities benefit from its project and explain how the benefit was obtained.

- **Direct Benefit Activities:** Data must be maintained on the extent of participation and benefit by individuals involved in a CDBG funding activity. Such records must be kept by race, ethnicity, gender, and head of household, children and handicap status
- **Area Wide Activities:** Data must be maintained describing the geographic boundaries of the service area, the service being provided to the area, and the race and ethnicity of the area
- **Employment:** Data in each of the local government's operating units funded with CDBG funds must be maintained for the categories prescribed in the Equal Employment Opportunity Commission's EEO-4 Form

Local Government's Role

Local units of government, because of their influence and power are in the most effective position to promote fair housing.

Sub-recipients must maintain comprehensive records of all non-discrimination and affirmative activities conducted in conjunction with their CDBG related project. FHEO posters (both English and Spanish) must be posted in all local units of government administration buildings. These postings must be in plain view of those entering and/or exiting the building or near the common thoroughfare. The posters must also be displayed at the job site.

Required Documentation

The sub-recipient must document ALL actions and correspondence related to Fair Housing activities. The file should include a variety of the following information:

- The community's Fair Housing Resolution/Proclamation
- Documentation that sub-recipient's staff is trained in Fair Housing practices
- Fair Housing posters, a list where they are posted or to which organizations/entities they have been mailed with the mailing dates
- Documentation of any Fair Housing complaints and the resolutions of those complaints

- Notes regarding phone calls made and responses received
- Letter mailed to various groups
- Press releases
- Newspaper articles related to Fair Housing
- PSAs and a list of stations to which they were sent
- Minutes of a Fair Housing committee or task force meetings and a list of members
- Paid newspaper advertisements for AFFH
- Newspaper notices requesting persons to serve on an AFFH committee
- Copies of the Federal and State Fair Housing Laws
- The names, addresses and telephone numbers of citizen groups concerned with housing issues

NOTE: The Fair Housing Resolution must be passed with every new federally funded project, regardless of the date of the previous resolution

FAIR HOUSING RESOLUTION

TOWN/CITY/COUNTY OF _____, MISSISSIPPI

LET IT BE KNOWN TO all persons of Town/City/County of _____ that discrimination on the basis of race, color, religion, gender or national origin in the sale, rental, leasing or financing of housing or land to be used for construction of housing or in the provision of brokerage services is prohibited by Title VIII of the 1968 Civil rights Act (Federal Fair Housing Law).

It is the policy of the Town/City/County of _____ to encourage equal opportunity in housing for all persons regardless of race, color, religion, gender or national origin. The Fair Housing Amendments Act of 1988 expands coverage to include disabled persons and families with children. Therefore, the Town/City/County of _____ does hereby pass the following resolution.

BE IT RESOLVED that within available resources the Town/City/County will assist all persons who feel they have been discriminated against because of race, color, religion, gender, national origin, disability or familial status to seek equity under Federal and State laws by referring them to the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Compliance Division.

BE IT FURTHER RESOLVED that the Town/City/County shall publicize this Resolution and through this publicity shall encourage owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and amendments and any applicable state or local laws or ordinances.

SAID TOWN/CITY/COUNTY will, at a minimum, 1) adopt and publicize their Fair Housing Resolution; 2) post applicable Fair Housing information in prominent public areas; 3) provide Fair Housing Brochures and Fair Housing information to the public

ADOPTED this the ___ day of _____, 20XX.

Town/City/County of _____

ATTEST:

Town/City/County Clerk _____

Mayor/President _____



FAIR HOUSING POSTERS

U. S. Department of Housing and Urban Development



EQUAL HOUSING
OPPORTUNITY

**We Do Business in Accordance With the Federal Fair
Housing Law**

(The Fair Housing Amendments Act of 1988)

**It is illegal to Discriminate Against Any Person
Because of Race, Color, Religion, Sex,
Handicap, Familial Status, or National Origin**

- | | |
|---|---|
| <ul style="list-style-type: none"> ■ In the sale or rental of housing or residential lots ■ In advertising the sale or rental of housing ■ In the financing of housing | <ul style="list-style-type: none"> ■ In the provision of real estate brokerage services ■ In the appraisal of housing ■ Blockbusting is also illegal |
|---|---|

Anyone who feels he or she has been discriminated against may file a complaint of housing discrimination:

1-800-669-9777 (Toll Free)
1-800-927-9275 (TTY)

U.S. Department of Housing and
Urban Development
Assistant Secretary for Fair Housing and
Equal Opportunity
Washington, D.C. 20410

Previous editions are obsolete

form HUD-928.1 (2/2003)

U. S. Department of Housing and Urban Development



IGUALDAD DE OPORTUNIDAD
EN LA VIVIENDA

Conducimos nuestros negocios de acuerdo a la Ley Federal de Vivienda Justa

(Acta de enmiendas de 1988 de la Ley Federal de Vivienda Justa)

**Es ilegal discriminar contra cualquier persona
por razon de su raza, color, religion,
sexo, incapacidad fisica o mental, la presencia
de niños menores de 18 años o de mujer
embarazada en su familia o su origen nacional**

- | | |
|--|---|
| <ul style="list-style-type: none"> ■ En la venta o renta de vivienda y terrenos residenciales ■ En los anuncios de venta o renta de vivienda ■ En la financiamiento de vivienda ■ Amenazar o interferir con la persona para que no registre su queja | <ul style="list-style-type: none"> ■ En los servicios de corretaje que prestan vendedores de vivienda ■ En la valoracion de vivienda ■ Tambien es ilegal forzarle a vender o rentar su vivienda diciendole que gente de otra raza, religion o grupo etnico se estan mudando en su vecindario |
|--|---|

Cualquier persona que sienta que fue discriminada debe de enviar su queja de discriminacion:

1-800-669-9777 (llamada gratis)
1-800-927-9275 (TDD llamada gratis)

U.S. Department of Housing
and Urban Development
Assistant Secretary for Fair Housing and
Equal Opportunity
Washington, D.C. 20410

Previous editions are obsolete

form HUD-928.1A (2/2003)

Fair Housing Month Sample Proclamations

WHEREAS, April marks the anniversary of the passage of the Fair Housing Act of 1968, which sought to eliminate discrimination in housing opportunities and to affirmatively further housing choices for all Americans; and

WHEREAS, the ongoing struggle for dignity and housing opportunity for all is not the exclusive province of the Federal government; and

WHEREAS, vigorous local efforts to combat discrimination can be as effective, if not more so, than Federal efforts; and

WHEREAS, illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all;

NOW, THEREFORE, BE IT RESOLVED,

that in the pursuit of the shared goal and responsibility of providing equal housing opportunities for all men and women, the (city council/Board of Alderman/Board of Supervisors) of (name of community), Mississippi, does hereby join in the national celebration by proclaiming

APRIL, (Year)

as

FAIR HOUSING MONTH

and encourages all agencies, institutions and individuals, public and private, in (name of community) to abide by the letter and the spirit of the Fair Housing law.

Signed and sealed this ____ day of April, ____.

WHEREAS, April 11, 2016, marks the 43rd anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, which enunciates a national policy of Fair Housing without regard to race, color, creed, national origin, sex, familial status, and handicap, and encourages fair housing opportunities for all citizens; and

NOW, THEREFORE, I, (or we) (name, title) of the (state/city/county) of (name), do hereby resolve that April 201, being Fair Housing Month, begins a year-long commemoration of the U.S. Fair Housing Law in (name of community) and urge all citizens to wholeheartedly recognize this celebration throughout the year.

APPROVED this (date) day of (Month), 2016

D. Minority Business Enterprises and Women Business Enterprises (MBE/WBE)

Federal requirements [24 CFR Part 85.36(e)] state that sub-recipients are to take all affirmative steps to ensure that small, minority and women-owned businesses are included in contracting. The Mississippi Minority Business Enterprise Act of 1988 calls for the establishment of goals and programs “to provide the maximum opportunity for increased participation by minority owned businesses in the procurement of goods and services.”

Sub-recipients should have a procedure to encourage and use minority businesses as sources of supplies, equipment, construction and services.

The Mississippi Minority Business Directory is a great resource and can be accessed at www.minority.mississippi.org. The Mississippi Authority’s Minority and Small Business Development Division can provide additional assistance.

MBE/WBE Resolution

Sub-recipients must adopt a Minority Business Enterprises and Women Business Enterprises Plan (also known as a Minority/Women Business Plan) and establish goals for the project.

It is recommended that the local goals be no less than those of the state, i.e. 10% MBE and 5% WBE.

Grantees who achieve or exceed the State’s MBE/WBE goals will be awarded rating factor points in subsequent applications as set forth in the CDBG Final Statement.

Procurement Requirements for Minority/Women Owned Businesses:

- Contact at least two (2) MBE/WBE businesses by certified mail and allow them the opportunity to submit a proposal or bid to provide any required project services
- Maintain records to document the extent of MBE/WBE contracting and subcontracting
- Develop a local MBE/WBE directory
- Incorporate the goals stated in their resolution in all bid packets
- Utilize the Mississippi Procurement Technical Assistance Program (MPTAP) and the Minority and Small Business Development Division
- Require prime contractors to take the same affirmative steps when choosing sub-contractors and vendors

Contract Provisions

All contract bid packages should contain provisions to promote the utilization of minority and female owned contractors and sub-contractors. Bid packages should also incorporate the goals set forth in the resolution and plan.

Solicitation

A minimum of two (2) minority and/or female owned vendors should be solicited for each contracted activity, including but not limited to construction, engineering, and administration.

Required Documentation

- Documentation of the extent of MBE/WBE contracting and subcontracting efforts
- Copies of MBE/WBE language in all advertisement related to the project
- Documentation of submission to MPTAP
- Copies of all solicitations sent to MBE/WBE businesses, including the certified mail signature cards

NOTE: The Minority/Women Business Plan Resolution must be passed with every new federally funded project, regardless of the date of the previous resolution

(TOWN/CITY/COUNTY) RESOLUTION
 ESTABLISHING GOALS FOR MINORITY AND WOMEN-OWNED
 BUSINESS PARTICIPATION

WHEREAS, the Town/City/County of _____, Mississippi has received a Community Development Block Grant (CDBG) from the Mississippi Development Authority, Community Services Division; and

WHEREAS, a requirement of the CDBG program is that the Town/City/County establish goals for the participation of Minority-Owned and Operated Business Enterprises (MBEs) and Woman-Owned and Operated Business Enterprises (WBEs) in the implementation of its CDBG project; and

NOW THEREFORE BE IT RESOLVED that the Town/City/County of _____ (Board of Aldermen) adopts the goal of ____% participation by MBEs and ____% participation by WBEs in the implementation of its CDBG project.

ADOPTED this the ____ day of _____, 2016.

ATTEST:

TOWN/CITY/COUNTY OF _____, MS

TOWN CLERK

MAYOR/PRESIDENT



E. Section 3

Section 3, of the Housing and Urban Development Act of 1968 (12 USC 17010), is a statutory provision which requires that “to the greatest extent feasible, opportunities for training, employment, contracting, and other economic opportunities generated by certain HUD financial assistance shall be directed toward low- and very-low income persons and to business concerns which provide economic opportunities to low- and very-low income persons.”

The Community Services Division has determined that all projects, regardless of the dollar amount, will be subject to Section 3 requirements. All sub-recipients, contractors and/or sub-contractors of CSD funded HUD projects will be obligated to comply with Section 3 regulations as set forth at 24 CFR 135 and the CSD Section 3 Policy and Procedures.

All sub-recipients who receive federal funds from CSD are required to make a good faith effort to provide “**to the greatest extent feasible**” opportunities to Section 3 area residents and Section 3 business concerns. Sub-recipients must make every effort to recruit, target, and direct economic opportunities to Section 3 residents and businesses.

Section 3 Regulations should not be construed to mean that sub-recipients/contractors are required to hire Section 3 residents or award contracts to Section 3 businesses. If the project does not result in new employment, contracting, or training opportunities, then Section 3 has not been triggered.

Section 3 is triggered when the normal completion of construction and rehabilitation projects creates the need for new employment, contracting or training opportunities

Additional information on Section 3 can be found in the Community Services Division Section 3 Policy and Procedures Manual found at www.mississippi.org/csd.

Sub-recipient Responsibility

Sub-recipients, contractors, and sub-contractors must comply with the requirements of Section 3 for new employment, training, and contracting opportunities resulting from the expenditure of HUD funding.

The sub-recipient must:

- Adopt a Section 3 Resolution and Action Plan
- Develop procedures (i.e. Section 3 Plan) for how Section 3 Businesses and Residents will be notified about employment, training, and contracting opportunities

- Notify all potential contractors working on Section 3 covered projects of their responsibilities and require a written Section 3 plan from the contractor prior to the signing of contracts (or submit Section 3 plan as a bidding requirement)
- Incorporate the Section 3 Clause into all covered solicitations and contracts
- Facilitate the training and employment of Section 3 residents and the award of contracts to Section 3 business concerns
- Assist and actively cooperate with CSD in making contractors/subcontractors comply
- Refrain from entering into contracts with contractors that are in violation of Section 3
- Document actions taken to comply with Section 3
- Submit Section 3 Annual Summary Reports (HUD-60002) indicating the project's adherence to Section 3 regulations, regardless of if the regulations were triggered by the need for new employment, contracts or training opportunities. **HUD-60002 forms are due October 31st for the reporting period of October 1st through September 30th.**

NOTE: A Section 3 Agreement must be negotiated and finalized before a contract is executed

Contractor Responsibility

- Submit a Section 3 plan to the sub-recipient outlining Section 3 hiring and employment opportunities
- Notify subcontractors of their responsibilities under Section 3 including, but not limited to, incorporating the Section 3 Clause in subcontract documents
- Refrain from contracting with subcontractors as to whom they have received notice or have knowledge that they have been in violation of Section 3 regulations
- Maintain records that document a good faith effort to utilize Section 3 area residents as trainees and employees [required of both contractor and subcontractor(s)]

SECTION 3 PLAN RESOLUTION
TOWN/CITY/COUNTY OF _____, MISSISSIPPI

WHEREAS, the Town/City/County of _____, Mississippi is submitting a Community Development Block Grant application for possible 20XX funding from the Mississippi Development Authority, by virtue of this submission, if awarded, the Town/City/County of _____ is required by the Mississippi Development Authority and Section 3 of the Housing and Urban Development Act of 1968 to adopt a Section 3 Plan; and

WHEREAS, the Section 3 plan is intended to ensure, to the greatest extent feasible, that training and employment opportunities generated by the U.S. Department of Housing and Urban Development projects be given to low income residents of the Section 3 project area and that contracts for work in connection with this project be awarded to qualified Section 3 Business Concerns.

WHEREAS, if awarded, it is the intention of the Town/City/County of _____ to implement its Community Development Block Grant Program projects in accordance with all program regulations including the said Section 3 requirements.

NOW, THEREFORE, BE IT RESOLVED the that Town/City/County of _____ adopts the Community Development Block Grant Program Section 3 Plan, which is attached hereto as “Attachment A” and made a part hereof.

ADOPTED this the ___ day of _____, 20XX.

Town/City/County of _____

ATTEST:

Town/City/County Clerk _____

Mayor/President _____



SUB-RECIPIENT SECTION 3 ACTION PLAN
(Attachment A)

The Town/City/County of _____, Mississippi, agrees to develop local procedures designed to implement the following steps to increase opportunities for training and employment for lower income residents of the Section 3 covered area (*county*), and increase the utilization of business concerns within the Section 3 covered area (*county*) or owned by Section 3 area residents.

A. To identify projected employment, training and contracting opportunities as the recipient of federal funds and to facilitate the training and employment of Section 3 residents and contracting with Section 3 businesses.

B. To recruit Section 3 residents for available opportunities through: local advertising media; posted signs; community organizations and public and private institutions operating within or serving the project area.

C. To identify eligible business concerns for federal funded contracts through: the Chamber of Commerce, business associations, and local advertising media including newspapers; public signage; citizen advisory boards; and all other appropriate referral sources.

D. To maintain a list of eligible business concerns for utilization in federally funded procurements, to notify appropriate project area business concerns of pending contractual opportunities, and to make available this list for procurement needs.

E. To require all bidders on contracts to submit a written Section 3 Hiring and Business Utilization Plan and to require the contractor to submit reports to document actual accomplishments.

F. To include Section 3 information in procurement solicitations, incorporate Section 3 clauses in contractual documents, and review Section 3 information at the preconstruction conference and then monitor contractor compliance.

G. To maintain records, including copies of correspondence, memoranda, reports, contracts, etc., which document that the above action steps have been taken and any barriers encountered. To submit reports on accomplishments as required.

H. To designate a local government official to coordinate implementation of this Section 3 Plan.

I. To the extent feasible, additional affirmative steps will be taken to encourage and utilize Section 3 residents and businesses and to reach employment, training and contracting goals.

As the chief local official, I have read and fully agree to this Section 3 Action Plan and agree to actively pursue full implementation of this program.

Chief Elected Official
Mayor/President _____

Date



(All Section 3 covered contracts must include the following clause)

SECTION 3 CLAUSE

A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implements Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

C. The contractor agrees to send to each labor organization or representative or workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advertising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability, of apprenticeship and training positions, the qualifications of each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations of 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected by before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.

F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

G. With respect to work performed in connection with Section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).



Part II: Contracts Awarded

1. Construction Contracts:

A. Total dollar amount of all contracts awarded on the project	\$
B. Total dollar amount of contracts awarded to Section 3 businesses	\$
C. Percentage of the total dollar amount that was awarded to Section 3 businesses	%
D. Total number of Section 3 businesses receiving contracts	

2. Non-Construction Contracts:

A. Total dollar amount all non-construction contracts awarded on the project/activity	\$
B. Total dollar amount of non-construction contracts awarded to Section 3 businesses	\$
C. Percentage of the total dollar amount that was awarded to Section 3 businesses	%
D. Total number of Section 3 businesses receiving non-construction contracts	

Part III: Summary

Indicate the efforts made to direct the employment and other economic opportunities generated by HUD financial assistance for housing and community development programs, to the greatest extent feasible, toward low- and very low-income persons, particularly those who are recipients of government assistance for housing. (Check all that apply.)

- Attempted to recruit low-income residents through: local advertising media, signs prominently displayed at the project site, contracts with the community organizations and public or private agencies operating within the metropolitan area (or nonmetropolitan county) in which the Section 3 covered program or project is located, or similar methods.
- Participated in a HUD program or other program which promotes the training or employment of Section 3 residents.
- Participated in a HUD program or other program which promotes the award of contracts to business concerns which meet the definition of Section 3 business concerns.
- Coordinated with Youthbuild Programs administered in the metropolitan area in which the Section 3 covered project is located.
- Other; describe below.

Public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB number.

Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u, mandates that the Department ensures that employment and other economic opportunities generated by its housing and community development assistance programs are directed toward low- and very-low income persons, particularly those who are recipients of government assistance housing. The regulations are found at 24 CFR Part 135. The information will be used by the Department to monitor program recipients' compliance with Section 3, to assess the results of the Department's efforts to meet the statutory objectives of Section 3, to prepare reports to Congress, and by recipients as self-monitoring tool. The data is entered into a database and will be analyzed and distributed. The collection of information involves recipients receiving Federal financial assistance for housing and community development programs covered by Section 3. The information will be collected annually to assist HUD in meeting its reporting requirements under Section 808(e)(6) of the Fair Housing Act and Section 916 of the HCDA of 1992. An assurance of confidentiality is not applicable to this form. The Privacy Act of 1974 and OMB Circular A-108 are not applicable. The reporting requirements do not contain sensitive questions. Data is cumulative; personal identifying information is not included.

Form HUD-60002, Section 3 Summary Report, Economic Opportunities for Low- and Very Low-Income Persons.

Instructions: This form is to be used to report annual accomplishments regarding employment and other economic opportunities provided to low- and very low-income persons under Section 3 of the Housing and Urban Development Act of 1968. The Section 3 regulations apply to any **public and Indian housing programs** that receive: (1) development assistance pursuant to Section 5 of the U.S. Housing Act of 1937; (2) operating assistance pursuant to Section 9 of the U.S. Housing Act of 1937; or (3) modernization grants pursuant to Section 14 of the U.S. Housing Act of 1937 and to recipients of housing and community development assistance in excess of \$200,000 expended for: (1) housing rehabilitation (including reduction and abatement of lead-based paint hazards); (2) housing construction; or (3) other public construction projects; and to **contracts and subcontracts in excess of \$100,000** awarded in connection with the Section-3-covered activity.

Form HUD-60002 has three parts, which are to be completed for all programs covered by Section 3. Part I relates to **employment and training**. The recipient has the option to determine numerical employment/training goals either on the basis of the number of hours worked by new hires (columns B, D, E and F). Part II of the form relates to **contracting**, and Part III summarizes recipients' **efforts** to comply with Section 3.

Recipients or contractors subject to Section 3 requirements must maintain appropriate documentation to establish that HUD financial assistance for housing and community development programs were directed toward low- and very low-income persons.⁴ A recipient of Section 3 covered assistance shall submit one copy of this report to HUD Headquarters, Office of Fair Housing and Equal Opportunity. Where the program providing assistance requires an annual performance report, this Section 3 report is to be submitted at the same time the program performance report is submitted. Where an annual performance report is not required, this Section 3 report is to be submitted by January 10 and, if the project ends before December 31, within 10 days of project completion. **Only Prime Recipients are required to report to HUD. The report must include accomplishments of all recipients and their Section 3 covered contractors and subcontractors.**

HUD Field Office: Enter the Field Office name.

1. Recipient: Enter the name and address of the recipient submitting this report.
2. Federal Identification: Enter the number that appears on the award form (with dashes). The award may be a grant, cooperative agreement or contract.
3. Dollar Amount of Award: Enter the dollar amount, rounded to the nearest dollar, received by the recipient.
- 4 & 5. Contact Person/Phone: Enter the name and telephone number of the person with knowledge of the award and the recipient's implementation of Section 3.
6. Reporting Period: Indicate the time period (months and year) this report covers.
7. Date Report Submitted: Enter the appropriate date.

8. Program Code: Enter the appropriate program code as listed at the bottom of the page.

9. Program Name: Enter the name of HUD Program corresponding with the "Program Code" in number 8.

Part I: Employment and Training Opportunities

Column A: Contains various job categories. Professionals are defined as people who have special knowledge of an occupation (i.e. supervisors, architects, surveyors, planners, and computer programmers). For construction positions, list each trade and provide data in columns B through F for each trade where persons were employed. The category of "Other" includes occupations such as service workers.

Column B: (Mandatory Field) Enter the number of new hires for each category of workers identified in **Column A** in connection with this award. New hire refers to a person who is not on the contractor's or recipient's payroll for employment at the time of selection for the Section 3 covered award or at the time of receipt of Section 3 covered assistance.

Column C: (Mandatory Field) Enter the number of Section 3 new hires for each category of workers identified in **Column A** in connection with this award. Section 3 new hire refers to a Section 3 resident who is not on the contractor's or recipient's payroll for employment at the time of selection for the Section 3 covered award or at the time of receipt of Section 3 covered assistance.

Column D: Enter the percentage of all the staff hours of new hires (Section 3 residents) in connection with this award.

Column E: Enter the percentage of the total staff hours worked for Section 3 employees and trainees (including new hires) connected with this award. Include staff hours for part-time and full-time positions.

Column F: (Mandatory Field) Enter the number of Section 3 residents that were trained in connection with this award.

Part II: Contract Opportunities

Block 1: Construction Contracts

Item A: Enter the total dollar amount of all contracts awarded on the project/program.

Item B: Enter the total dollar amount of contracts connected with this project/program that were awarded to Section 3 businesses.

Item C: Enter the percentage of the total dollar amount of contracts connected with this project/program awarded to Section 3 businesses.

Item D: Enter the number of Section 3 businesses receiving awards.

Block 2: Non-Construction Contracts

Item A: Enter the total dollar amount of all contracts awarded on the project/program.

Item B: Enter the total dollar amount of contracts connected with this project awarded to Section 3 businesses.

Item C: Enter the percentage of the total dollar amount of contracts connected with this project/program awarded to Section 3 businesses.

Item D: Enter the number of Section 3 businesses receiving awards.

Part III: Summary of Efforts – Self-explanatory

Submit one (1) copy of this report to the HUD Headquarters Office of Fair Housing and Equal Opportunity, at the same time the performance report is submitted to the program office. The Section 3 report is submitted by January 10. Include only contracts executed during the period specified in item 8. PHAs/IHAs are to report all contracts/subcontracts.

⁴ The terms "low-income persons" and very low-income persons" have the same meanings given the terms in section 3 (b) (2) of the United States Housing Act of 1937. **Low-income persons** mean families (including single persons) whose incomes do not exceed 80 percent of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that

The Secretary may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the Secretary's findings such that variations are necessary because of prevailing levels of construction costs or unusually high- or low-income families. **Very low-income persons** mean low-income families (including single persons) whose incomes do not exceed 50 percent of the median family income area, as determined by the Secretary with adjustments or smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

Section 3 Residents

Section 3 residents are defined as those individuals who reside in public and Indian housing or individuals that reside in the metropolitan area or nonmetropolitan county where project funds will be expended and whose income does not exceed the local HUD income limits set forth for low- and very-low income households.

Sub-recipients must notify Section 3 residents of employment and training opportunities for the covered project. Public awareness methods may include:

- Advertising in local media
- Prominently placing a notice of commitments under Section 3 at the project sites or other places where applications for training and employment are taken
- Contacting local job training centers, employment service agencies and community organizations
- Developing on-the-job training opportunities or participating in job training programs, contacting assisted housing resident councils and resident management corporations
- Keeping a list of Section 3 area residents who apply on their own or by referral for available positions
- Selecting Section 3 area residents for training and employment positions

NOTE: The Section 3 Resident Certification Form must be provided for new hires and trainees

Section 3 Resident Certification Form

ELIGIBILITY FOR PREFERENCE

A Section 3 Resident seeking the preference in training and employment provided by this part shall certify, or submit evidence to the recipient contractor or subcontractor, if requested, that the person is a Section 3 Resident, as defined in Section 135.5.

I _____, (Print Name) am a resident of _____ (City, County, State) and qualify as a Section 3 Resident because I am a public housing resident OR because my household income does not exceed the income guidelines by family size as published at the bottom of this form*.

Name: _____ Telephone: _____

Address: _____

FY 2012 – HOUSEHOLD INCOME GUIDELINES

Place a Check on the line that is applicable	Family Size	Low Income *
	1	
	2	
	3	
	4	
	5	
	6	
	7	
	8	

* Circle the appropriate column based on household size and income – income limits are attached and/or can be downloaded from the www.hud.gov website.

I hereby certify that the information provided by me to be true and correct, and understand any falsification of any of the information could subject me to disqualification from participation and punishment under the law.

Signature

Date

Print Name

CSD Section 3 Policy and Procedures 9/4/2012



Section 3 Business Concerns

Section 3 business concerns are defined as one of the following:

- A business that is 51% or more owned by Section 3 residents
- A business with at least 30% of their permanent full-time employees are currently Section 3 residents or were Section 3 residents within three years of the date of first employment with said business
- A business that provides evidence of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts that will be awarded to businesses that meet the qualifications in above qualifications

Sub-recipients must notify Section 3 business concerns of contracting opportunities for the covered project. Public awareness methods may include:

- Advertising in a newspaper of general circulation and/or Minority-Owned newspapers
- Radio Stations
- Contacting business assistance agencies, minority contractor's associations, and community organizations
- Written notice to all known Section 3 business concerns

NOTE: The Section 3 Business Certification Form must be provided

Procurement

Sub-recipients are encouraged to have procurement procedures in place that provide Section 3 language in all RFPs and Bid announcements. **The “Section 3 Clause” must be included in all RFPs/bids and all Section 3 covered contracts.**

All RFPs/bids must contain a requirement that the bidder indicates:

- If it wishes to receive preference as a Section 3 business and that it agrees to provide information on how it meets the criteria
- How many new hires are anticipated, the job categories, and approximate dates the position will be available (This information must be provided if the bidder is awarded the contract)
- A verification that similar information will be included in all subcontracts
- The bidder agrees to utilize in its procurement and employment process the list of Section 3 businesses and residents provided by the sub-recipient
- An agreement to submit a final report with its last request for payment, unless notified that more frequent reports are required

NOTE: The sub-recipient must document that Section 3 was discussed at the pre-construction conference and the pre-bidders conference, if such is held.

SECTION 3 PUBLIC NOTICE

The Town/City/County of _____, Mississippi has been awarded a Mississippi Development Authority Community Development Block Grant (CDBG). As a result, _____ will soon begin (description of the project).

This project is covered by the requirements of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. § 1701u) (“Section 3”). Section 3 requires that when employment or contracting opportunities are generated by HUD-funding projects, preference is given to low and very low-income persons and businesses residing in the community where the project is located.

For more information and to register as a Section 3 resident of Section 3 business concern seeking preference for prospective opportunities in training, employment, and contracting, an informational meeting and registration opportunity will be held at XX:00AM on (weekday), (month) (day), 20XX, at the (location of meeting) located at (address of building). The facility is handicapped accessible. If anyone is interested but cannot attend the meeting, please contact (contact person) at (telephone number).



SECTION 3 BUSINESS AND EMPLOYMENT NOTICE

The Town/City/County of _____ is preparing to carry out the (name of project) through the use of Community Development Block Grant Funds. In the implementation of this project the following job types may be available:

(List of job classifications to be used during the project)

All job openings will be post at (local government office or list other posting locations). To the greatest extent feasible, employment and training positions will be made available to qualified persons who permanently reside in (name of town/city/county as Section 3 area). Persons qualified for the jobs listed should register at the following location: (name and address of posting locations).

Additionally, the following contracts and procurements will/may be made and to the greatest extent feasible, businesses located in and owned by persons residing in (name of town/city/county as Section 3 area) will be utilized:

(Insert list of construction, non-construction and service contracts to be procured during the project. Also, list construction subcontracts, equipment and general types of materials to be used during the project).

All above referenced procurements will be made on a competitive basis. The names of businesses who response to this notice will be included on procurement lists for this project. Names of job seekers will be given to contractors.

Any person residing or firm located in the above named areas may request to participate in procurement opportunities associated with this project by contacting (local contact information) within ten (10) days of this notice.



Section 3 Goal Requirements

CSD considers sub-recipients of covered funding to be in compliance with Section 3 if they meet the minimum numerical goals set forth at 24 CFR Part 135.30. The required reports should include the following:

- 30 percent (%) of the aggregate number of new hires are Section 3 residents
- 10 percent (%) of the total dollar amount of all covered construction contracts are awarded to Section 3 business concerns
- 3 percent (%) of the total dollar amount of all covered non-construction contracts are awarded to Section 3 business concerns
- Submit HUD-Form 60002 as required by the designated deadlines

Sub-recipients that fail to meet the minimum numerical goals above bear the burden of demonstrating why it was not possible to do so. Justifications should describe the efforts taken, barriers encountered, and other relevant information that will enable CSD to make a compliance determination. Sub-recipients that submit Section 3 reports containing **all zeros**, without a significant explanation to justify their submission in the narrative section, are in **noncompliance** with the requirements of Section 3.

Required Documentation

It is important that sub-recipients document all efforts made to comply with Section 3 regulations. Files should contain the following:

- All memoranda, correspondences, advertisements and job postings illustrating attempts to meet Section 3 goals
- Documentation of the steps taken to implement the Section 3 Plan

Documentation will most likely cross reference information in other files, such as procurement and construction. The Section 3 Resolution must be passed with every new federally funded project regardless of the previous resolution.

The mere existence of a Section 3 Action Plan is not sufficient. Affirmative attempts to reach Section 3 goals must be made.

V. FINANCIAL MANAGEMENT

A. General Provisions

In accordance with 2 CFR 200.302, sub-recipients of CDBG funds must have financial management systems in place that comply with the following standards:

- Provide effective control over and accountability for all funds, property, and other assets
- Identify the source and application of funds for federally-sponsored activities, including records and reports that verify the “reasonableness, allowed ability, and allocability” of costs and verify that funds have not been used in violation of any of the restrictions or prohibitions that apply to the federal assistance
- Permit the accurate, complete, and timely disclosure of financial results in accordance with sub-recipient reporting requirements
- Minimize the time elapsing between the transfer of funds from the U.S. Treasury and disbursement by the sub-recipient

NOTE: All sub-recipients must be registered with Magic (Pay Mode) in order to receive their funds from the State.

Internal Controls

Internal Controls are the combination of policies, procedures, job responsibilities, personnel, and records that create accountability in an organization’s financial system and safeguard its cash, property and other assets.

Basic elements of an internal control system include:

- Organizational chart setting forth the actual lines of responsibility of personnel involved in financial transactions
- Written definition and delineation of duties among key personnel
- Accounting policy and procedures manual that includes
 - Specific approval authority for financial transactions
 - Guidelines for controlling expenditures
 - Set of written procedures for recording transactions
 - Chart of accounts

- Adequate separation of duties so that no one individual has authority over a financial transaction from beginning to end. One person should **not** have the responsibility for more than one of the following:
 - Authorization to execute a transaction
 - Recording of the transaction
 - Custody of the assets involved in the transaction
- Hiring policies ensuring that staff qualifications commensurate with job responsibilities
- Control over assets, blank forms, and confidential documents that are limited to authorized personnel
- Periodic comparisons of financial records to actual assets and liabilities (i.e. reconciliation)

NOTE: All funds must be dispersed within three (3) business days. This is a federal regulation and will be an automatic finding at the monitoring of your project if this has not been implemented correctly.

Budget Controls

Budget Controls are procedures to compare and control expenditures against approved budgets.

Sub-recipient must:

- Maintain in its account record the amounts budgeted for eligible activities
- Periodically compare actual obligations and expenditures to date against planned obligations and expenditures and against projected accomplishments
- Report deviations from budget and program plans
- Request approval for budget and program plan revisions

Accounting Records

Accounting records must sufficiently identify the source and application of CDBG funds provided to them

To meet this requirement, a sub-recipient's accounting system should include at minimum the following elements:

- Chart of Accounts: list of account names and numbers assigned to each account. The names provide a description of the type of transactions that will be recorded to that account and the account number is required by most accounting software programs in order to group similar types of accounts. A typical chart of accounts will generally include the following categories: assets, liabilities, net assets/fund balance, revenues, and expenses.
- Cash Receipt Journal: documents, in chronological order, when funds were received, the amounts, and the sources
- Cash Disbursement Journal: documents, in chronological order, when an expense occurred, its purpose, how much was paid, and to whom it was paid
- Payroll Journal: documents payroll and payroll related expenses on salaries and benefits including distinguishing between categories for regulatory purposes
- General Ledger: summarizes, in chronological order, the activity and financial status of all the accounts of an organization. Information is transferred here after it has been entered into the appropriate journal

All journal entries must be properly approved and supported by source documentation that shows the costs charged against CDBG were incurred during the effective period of the agreement, paid out, expended on eligible items, and approved by the appropriate official(s).

Source documentation must explain the basis of the costs incurred and the actual dates of the expenditure. Payroll documentation should include employment letters, authorizations for rates of pay/benefits, and time and attendance records. Supply documents would include purchase orders or purchase requisition forms, invoices from vendors, cancelled checks made to vendors, and the information on where supplies were stored and the purpose.

Sub-recipients must ensure that their accounting records include reliable, up-to-date information on the sources and uses of CDBG funds including:

- Amount of federal funds received
- Current authorization of funds
- Obligations of funds
- Unobligated balances
- Assets and liabilities
- Program income
- Actual expenditures broken down by the grant program and year and the activity on which the funds were used

Sub-recipients must ensure that if CDBG funds are deposited into any interest bearing account that provisions have been made for the return of interest income in excess of \$100.00 per year to MDA. Any interest earned below \$100.00 must be expended prior to requesting funds from MDA.

In-Kind Services

In-kind services are recognized as an applicable source of local match funds. These services must be verifiable, not included in another federally-assisted project, necessary and reasonable for the accomplishment of the project, and are provided for in the approved budget. All in-kind services must be documented on the In-Kind Contributions Schedule Form. This should match the in-kind schedule submitted with the application. This type of match should be documented and submitted with the request for cash as the work is being done throughout the project.

Community Development Block Grant In-Kind Contributions Schedule			
A.) Labor Cost			
	Title	Hours Worked	Wage Rate
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
Total Labor Cost			\$ _____
B) Equipment			
	Type	Hours Used	Deprec/Rental Rate
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
Total Equipment Cost			\$ _____
Grand Total In-Kind Contributions			\$ _____

Matching Funds

Matching Funds (leveraged funds) (if applicable to your project) must be expended at a proportionate rate with CDBG funds and must be documented on the Requests for Cash throughout the process. If draw downs are not proportionate this may cause your request to be delayed. If the sub-recipient reduces the matching portions, the CDBG portions must be reduced proportionally. This is based on the rating formula.

B. Request for Cash

CDBG funds are requested by using the Request for Cash form. This form can be found on MDA's website as a single excel file titled "Request for Cash". The Request for Cash form provides the necessary information about the sub-recipient, project, budget, and required signatures to authorize the request.

This form also allows for all the reported costs to be documented along with the amount of funds expended and remaining. The costs reported must be equal to the amount requested and disbursed including any matching funds disbursed. Original signatures are required on this form in order to process the request.

An Authorized Signatory Letter **must** be sent prior to or with the first Request for Cash. If at any time there is a change in administration, a new authorized signatory letter must be submitted. The Authorized Signatory Letter will advise CSD of the authorized signatories for the CDBG project. An example can be found on the next page.

Completed Requests for Cash must be submitted to:

The Mississippi Development Authority
Community Services Division
Post Office Box 849
Jackson, Mississippi 39205-0849

A duplicate copy of all requests for cash must be retained in the sub-recipient's file for monitoring purposes.

Community Services Division Program Managers will work expeditiously on your requests to process your request as quickly as possible. However, this form must be accurately completed, or the request cannot be processed and will be returned to the sub-recipient. Forms submitted with errors will delay the process and greatly impact the turnaround time for funds being released because all information must be verified and approved for payment prior to submission to DFA.

According to State Statute, forty-five (45) days is allowed for the process of cash requests. If after the 45th day payment has not been received, please contact the Program Manager to check on the status of your request.

Request for Cash Notables

- Requests for Cash overlapping the State's fiscal year (June 30th) or the sub-recipient's fiscal year must be separated into two separate requests
- Recipients must include accurate and complete information in drawdown requests

- All requests for construction expenses must include an itemized invoice approved by the engineer, we must have the itemized invoice with the work broken down or the request may not be paid
- Funds drawn down erroneously must be returned
- Program income must be disbursed prior to the drawdown of additional funds
- Disbursement of funds must occur in a timely manner – payment must take place within three (3) business days of the deposit of CDBG funds. If payment takes longer than three (3) business days, written justification must be maintained in the files
- All match must be documented with receipts or invoices

Drawdown Timeline

- After Environmental Clearance has been issued by CSD and prior to the execution of the construction contract – the application preparation fee of \$5,000 and a maximum of \$3,000 can be drawn down for project administration. Before any additional administrative funds will be released, the sub-recipient must submit a copy of the executed construction contract agreement.
- Special Conditions must be cleared, and sub-recipient must have received a Notice to Proceed in order to drawdown construction funds. Without these items your Request for Cash will be returned.
- The final \$2,500 of administrative funds will not be released until an acceptable close-out package has been submitted.

AUTHORIZED SIGNATORY LETTER

(Your Organization's Letterhead)

Date

Mississippi Development Authority
Mrs. Kristen Chancellor, Bureau Manager
Community Services Division
Post Office Box 849
Jackson, Mississippi 39205-0849

Dear Mrs. Chancellor,

This letter is to inform your office of the authorized signature(s) for our CDBG Project Number _____. (Names of Persons authorized to sign) have/has the authority to sign cash request forms and other project related reports and documents related to this project. Thank you for your time and attention to this matter.

AUTHORIZED SIGNATURES

(Name and Title)

(Name and Title)

I certify that the above persons are authorized as stated above and that the signatures are the original signatures of the persons so stated.

(Mayor or President of the Board of Supervisors)



Select CDBG from the dropdown list

Information should match the contract

Enter each activity as shown on the budget in your grant agreement

Please make sure to indicate if this is your final request for cash

Enter the amount of each invoice.

Enter the amount requested of Program Funds.

Enter the amount requested of matching funds.

Enter the Authorized Official's name and have them sign. This must be the same signature as on the authorized signature form.

Mississippi Development Authority
Request for Cash

Section A: General Information		Section B: Project Information		Services		MDA Use Only			
Program Name	Contract No.	Request No.	Request No.	Rendered: Beginning	Thru	Amount Requested to Date	Balance		
Recipient Address	Project No.	Accomplishment Narrative:							
City, State, Zip	Final RFC	YES/ NO							
Section C: Request Per Activity							MDA Use Only		
Line Items	Vendor	Invoice #	Total Invoice	Amount of This Request	Match	Amount Budgeted	Amount Requested to Date	Balance	Activity No.
General Admin								\$ -	
App Prep (CDBG Only)								\$ -	
Total Administration			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Engineering/Architectural								\$ -	
Total Engineering/Architectural			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Contingencies								\$ -	
Total Contingencies			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Construction								\$ -	
								\$ -	
								\$ -	
								\$ -	
Total Construction			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
GRAND TOTAL			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Cumulative Program Expenditure \$			-	Cumulative Matching Expenditures					
<small>I Herby Certify That (a) the services covered by this request have not been received from the Federal/State Government or expended for such services under any other contract agreement or grant; (b) the amount requested will be expended for allowable costs/ expenditures under the terms of the contract agreement or grant; (c) the amount requested herein does not exceed the total funds obligated by contract; and (d) the funds are requested for only immediate disbursement. I Herby Certify That the goods and/or services rendered have been delivered and/or performed in good order within the time listed above and are in compliance with all statutory requirements and regulations. I certify that this request does not include any advance or funds for future obligations.</small>									
Signature of Authorized Official			Date	Prepared By			Date		
Typed Name and Title of Authorized Official			Preparer's Telephone No.						
To be completed by MDA Authorized Official									
APPROVED BY: _____									
Signature, Authorized MDA Representative									
IDIS Voucher No.	Vendor No.	Fund No.	Cost Center	Expense	MDA Staff				

SAMPLE

Enter the Contract Number Here

Request number

Date range of invoices. This MUST match Invoices.

Enter a brief status narrative of the project

This column should auto populate with any remaining funds. *Double check these figures*

Enter the amount of funds that have been requested to date.

Enter Preparer's name, telephone number and the date prepared

The Amount budgeted should match the budget attached to the grant agreement.

Please leave all these boxes blank, for MDA use only.

C. Contract Modification

The Community Services Division requires all sub-recipients to receive approval prior to making contract amendments, modifications or extensions. Sub-recipients must submit correspondence and documentation associated with the request, signed under the original signature of the chief elected official or appointed executive officer, supporting the need for the change(s) or extension.

NOTE: CSD must approve any changes to the original budget prior to local action. Failure to have approval may result in an ineligible activity which may result in the repayment of grant funds

Process Timeline

1. Sub-recipient should contact the Program Manager to discuss any desired changes to the project
2. Completed and signed modification along with justification documents must be mailed to the Program Manager for review
3. Submitted Forms will be reviewed by CSD to determine approval. If the State cannot approve a proposed revision, the sub-recipient will be notified in writing
4. Once approved, the State will prepare the required documents (three copies) and submit to the sub-recipient for signatures
5. Sub-recipient will sign contract revision documents and return two (2) copies to CSD
6. Once all parties have received copies of the executed contract revision documents, the action may proceed

Budget Modification

Budget Modifications may include such instances as funds being transferred among budget categories (activities) and among line items under budgeted activities, to request additional funds or to de-obligate funds from an open CDBG project.

The following stipulations have been placed on applicable budget modifications:

- Sub-recipients will be allowed to transfer up to ten (10) percent of the amount of their CDBG grant award among existing line items except Administration, Engineering and Acquisition. This must be submitted to CSD for their approval.
- Contingency funds may only be used for construction overages, they may not be used for professional services overages.

- Requests for additional funds must be aligned with the original scope of work and the sub-recipient must provide documentation for the additional funding need
- If the amount of deobligated funds is greater than ten percent (10%), CSD has the right to reevaluate the project funding
- Some changes to the original contract may require the re-evaluation of the application which could result in the modification to not be approved.

NOTE: Any changes in the overall amount of grant funding will automatically require a review of the new grant amount to ensure continued compliance with the application and program guidelines

The following would require further review:

- Matching funds requirements
- Maximum amount allowable for Grant Administration
- Other situations as determined by CSD

The following modifications require written CSD approval:

- Creating new budget line items.
- Transferring funds into other budget activities.
- Any change(s) to the “Acquisition” line item. The 10% local modification is not allowed.
- Changes to the overall grant amount funded (de-obligations or additional project funds).

Required forms to be submitted with the request include:

- Budget Modification Worksheet, please see an example on the next page.
- Budget Sheets(s) – original and updated
- Detailed documentation of project need
- Any other documentation demonstrating why the modification is justified

BUDGET MODIFICATION WORKSHEET

Recipient: _____ Contract Number: _____

NOTE: List CDBG funds where changes are made:

Activity	Current Budget	Proposed Budget	Change (+ -)
TOTAL	TOTAL	TOTAL	TOTAL

Comments:

Contract Extension

Contract extensions provide sub-recipients with additional time to finish their CDBG project if they are unable to finish the project within the original two (2) year time frame.

Documentation must be submitted demonstrating why the project will not be completed within the given timeframe and a justified new project timeline for completion. It is required to have a written timeline and justification of the amount requested. MDA, CSD will give extensions based on an appropriate timeline.

Written approval is required for all contract extensions.

Required forms to be submitted with the request:

- Detailed project timeline
- Any other documentation demonstrating why the extension is justified

Change Orders

All change orders must have written approval **prior** to implementing new changes during construction. Any change orders not submitted prior to implementing changes **will not** be approved.

Scope of Work Amendment

A Scope of Work Amendment allows sub-recipients to make additional changes to the project outside of changes to the budget or timeline. This is not to be confused with a contractor's change order.

Some changes to the original contract may require the re-evaluation of the application which could result in the amendment not being approved.

The following Scope of Work Amendments require written CSD approval:

- Changing the project area
- Establishing a new work activity, this includes emergency work
- Changing the special conditions of the contract

Required forms to be submitted with the request:

- Individual Work Activity Description
- Special Condition Amendment signed by the appropriate official
- For amendments to change the project area, a detailed project area map, inclusive of the original project area and proposed area, must also be submitted

VI. CITIZEN PARTICIPATION

Each local unit of government seeking Federal funds from CSD must complete the State's Citizen Participation requirements set forth at 24 CFR 91.115(e) of the Housing and Community Development Act of 1974. Local units of government seeking funding from the CDBG program must meet all requirements prior to submitting an application, which includes adopting a Citizen Participation Plan and holding a Citizen Participation meeting.

All funded CDBG projects must conduct a second public hearing during the life of the project, CSD recommends prior to fifty percent (50%) of project completion, to provide a review of project performance. **CSD will not conduct a monitoring visit if the Second Public hearing has not been held.**

A local taskforce can be established in the project neighborhood. In the event that local interest is not sufficient to establish a task force, at least one (1) public meeting must be held in the area benefiting from the activities and be accessible for the handicapped.

The same method of notifying the public of the initial Public Hearing must be used for the second Public Hearing and sub-recipients are encouraged to use additional methods to notify persons in the area where the project is on-going.

The sub-recipient must publish a notice of the Public Hearing not less than fourteen (14) days and no more than twenty (20) days prior to the date of the Public Hearing. The notice must be published in the legal or non-legal section of a newspaper of general circulation. In calculating any period of publication, the first day of the advertisement shall not be counted in the calculation. This notice must specify the actual activities undertaken. Sub-recipients shall not schedule hearings on Sundays or legal holidays. Whenever a public comment period ends on a Saturday, Sunday or legal holiday, sub-recipients shall accept comments until the end of the next business day.

Publication Example: Public Notice Advertisement runs on 2/1/2016
(2,3,4,5,6,7,8,9,10,11,12,13,14,15) = 14 days
Public Hearing is held on 2/16/2016

Publication Example: Public Notice Advertisement runs on 2/1/2016
(2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20) = 20 days
Public Hearing on 2/21/2016.

At the Public Hearing, the sub-recipient must furnish information to citizens concerning the following:

- Amount of funds received to benefit low- and moderate-income persons
- Types of eligible activities that will be undertaken
- Needs of non-English speaking residents must be met where there is a significant number of non-English speaking residents that will participate

Citizens must be informed that written comments will be accepted regarding the use of funds and areas targeted for assistance. They must be given a reasonable time period and location for submission of written comments.

The sub-recipient must ensure that project files contain documentary evidence that the hearing was held. These files should include the actual notice, proof of publication notice, minutes of the meeting (signed by the local elected official) and the attendance roster. Information on public review and all written citizens' comments must also be maintained.

Additional information on Citizen Participation can be found in the Community Services Division Citizen Participation Policy and Procedures Manual found at www.mississippi.org/csd.

**PUBLIC HEARING NOTICE
IMPLEMENTATION HEARING**

The Town/City/County of _____ was recently the recipient of a grant from the Mississippi Development Authority, Community Services Division, through funding made available by the Community Development Block Grant (CDBG) Program. A public hearing will be held at (Place/Address) on (Date) at (Time).

The purpose of this hearing is to provide citizens with information regarding progress of the activities undertaken through the CDBG Program and to receive citizen input concerning that progress.

All comments are welcome and must be submitted in writing. The location for this hearing is accessible to persons with disability. If a translator is needed for non-English speaking persons, please contact (Name) at (Telephone Number) at least three (3) days prior to the meeting in an effort to accommodate this request.

The Town/City/County of _____ does not discriminate on the basis of disability in the admissions or access to or treatment or employment in its programs and activities.



VII. MONITORING

The Community Services Division project monitoring system represents a formal process for determining whether a sub-recipient's project implementation conforms to all federal and state regulations. The monitoring system focuses on the following objectives:

- Assist the sub-recipient in carrying out activities as described in the sub-recipient's application for funds
- Assist the sub-recipient in carrying out its project in a timely manner
- Determine if the sub-recipient is conducting the project with adequate control over program and financial performance in a manner which minimizes the opportunity for mismanagement, fraud, and waste
- Determine if the sub-recipient is charging costs to the project which are eligible under applicable laws and regulations
- Identify potential problem areas and to assist the sub-recipient in complying with applicable laws and regulations
- Assist sub-recipients in resolving compliance issues through discussion, negotiation, or provision of technical assistance
- Provide adequate follow-up measures to ensure that performance and compliance deficiencies are corrected by sub-recipients
- Consider the scope, nature, and timing of activities funded with program income that is retained by local governments that is subject to requirements and then carefully factor these considerations into the monitoring schedule
- To use program income reports in planning and executing its monitoring strategies
- Ensure that all records are available for review at the time of monitoring

A. Selection Criteria

Projects are selected for on-site reviews based on draw-down activity, correspondence, past performance, and economic development job reports (if applicable). This information is used to identify project status, accomplishments, and discover problems or potential problems. Analysis of this information by CSD staff helps to determine the need and the schedule for on-site reviews, as well as the compliance areas that would need to be examined more closely.

Draw-down Activity

The program manager will track each sub-recipient's rate of expenditures. All projects will be monitored at least once during the life of the project, which will be at a minimum of 50% completion.

The Division Director or Bureau Manager may decide if some projects will need to be monitored more than once. In the event of implementation issues, lack of activity, or a sudden change in activity, the project may qualify for an additional on-site review.

If economic development projects have not met the National Objective for job creation and/or private investment at the time of the initial monitoring, a second monitoring will be scheduled once job creation has been met and the private investment fulfilled.

Correspondence

General communication with a sub-recipient whether oral or written may indicate the potential for problems. Should continuous communication with a sub-recipient or its representative reveal a potential problem, the project may qualify for an on-site review.

Past Performance

Sub-recipients that have been funded previously and were found to have had significant monitoring or audit findings may qualify for an on-site review at any stage of project implementation.

B. Scheduling

The program manager, through coordination with the sub-recipient and/or grant administrator, will arrange the date and time of the monitoring visit.

In accordance with the Community Services Division Monitoring Policy, the sub-recipient is then notified in writing prior to the routine on-site review. The notification will include the following:

- The date and time of the on-site review
- Name(s) and number(s) of the person(s) conducting the review
- Purpose of the review
- A request that the sub-recipient's representative and other appropriate staff be available during the review

CSD reserves the right to reschedule monitoring reviews at the mutual convenience of all involved parties

C. On-Site Monitoring

Each program manager is responsible for the on-site review of all funded grants within their designated area. Prior to visiting the project, the program manager will conduct a desk review of the sub-recipient's contract file and other relative reports and correspondences. The on-site review is then conducted in accordance with the monitoring schedule. This review will include verification that the project activities are implemented within the defined area(s) as designated in the sub-recipient's application.

The program manager also reviews the project area to support eligibility and compliance of the program objectives under which the project was funded. After conducting the on-site review, the program manager will prepare a written report about their findings during the review process.

On-Site Review

The on-site review involves a comprehensive examination of project activities to ensure compliance with applicable federal and state regulations as well as applicable CSD Policy Statements. In addition, the sub-recipient is given the opportunity to receive technical assistance in needed areas.

Each on-site review begins with an entry interview during which the program manager briefs the sub-recipient's representative of the areas to be examined and the data required to complete the examination.

The applicable monitoring instruments are completed during the monitoring review depending on the areas of compliance to be examined.

- Acquisition Monitoring Checklist is used to check for compliance with federal and state regulations relative to the acquisition of private property for use in federally assisted grants.
- Citizen Participation Checklist is used to check for compliance with the State's Citizen Participation requirements.
- Environmental Monitoring Checklist is used to check for compliance with federal and state regulations relative to environmental activities for federally assisted grants.
- Financial Management Monitoring Checklist is used to check for compliance with federal and state regulations relative to grant management and recordkeeping requirements for federally assisted grants.
- Labor Standards Monitoring Checklist is used to check for compliance with federal and state regulations relative to labor standards requirements for federally assisted grants.

- Minority Business Enterprise/Fair Housing/Equal Opportunity Monitoring Checklist is used to check for compliance with federal and state regulations relative to civil rights, fair housing and equal opportunity for federally assisted grants.
- National Objective and Eligibility Monitoring Checklist is used to check for compliance with federal and state regulations relative to the required objective for federally assisted grants.
- Procurement Monitoring Checklist is used to check for compliance with federal and state regulations relative to the procurement of supplies, equipment, construction and services for federally assisted grants.
- Section 3 Monitoring Checklist is used to check for compliance with federal and state regulations relative to efforts to give opportunities for training, employment, contracting and other economic opportunities to Section 3 residents in the project area and efforts to award contracts for work on the project to be awarded to eligible Section 3 business concerns.
- Economic Development Monitoring Checklist is used to check the number of jobs actually created and/or retained and the amount of leveraged funding generated by federally assisted Economic Development grants.

Once all applicable compliance areas have been examined, the program manager will visit the project site to determine that the activities have taken place as outlined in the application.

Following the project site review, the program manager will then conduct an exit interview to briefly discuss any preliminary comments and recommendations, identify technical assistance needs, and address any questions from the sub-recipient.

Monitoring Report

Following the on-site review, the program manager will prepare a written report. The report will consist of a cover letter, signed by the Bureau Manager, which lists the date of the review, areas examined, the time period within which the sub-recipient's response should be received.

A narrative report of comments, concerns, and/or findings with recommendations and actions to be taken for applicable compliance areas will be attached to the cover letter. The report also incorporates verification of project activities, location, eligibility, and program objectives.

If applicable, the sub-recipient is required to respond to the report within a specified time period. The program manager will then either issue a resolution to the monitoring report or request the necessary information to resolve the findings.

Failure to respond to the monitoring comments and recommendations within thirty (30) days of issuance of the report will result in requests for cash to being held until a response is received.

VIII. PROJECT CLOSE-OUT

The project close-out is the process by which the Community Services Division determines that all applicable administrative actions and all required work on the project have been completed. Sub-recipients are responsible for ensuring the orderly and timely close-out of projects. In addition, the sub-recipient must also ensure that the financial settlement of the subcontracts and vendor claims have been satisfied.

The closeout package is to be used for all CSD Grant Programs and can be found at http://www.mississippi.org/assets/docs/community/public_closeout. In addition to the close-out package, the sub-recipient is responsible for submitting a final Section 3 HUD Form 60002.

Two (2) close-out packages bearing the original signatures of the designated signatory officials are due to MDA within thirty (30) days after completion of the project or sixty (60) days from the termination date of the grant agreement, whichever comes first.

NOTE: If a closeout package is not sent to MDA, CSD within thirty (30) days after the completion of the project or sixty (60) days from the termination date of the grant agreement you will actively lose points on your next application.

Close-out packages should be checked for accuracy prior to submission to CSD. Incorrect and/or incomplete close-out packages will be returned for corrections and will significantly delay the closing of the grant. Close-out packages submitted with the final Request for Cash will be held until accounting is able to process the payments and complete the payment in IDIS.

Any questions in regards to the Close-Out Package forms or the eligibility of a project to be closed out should be addressed with the representative Program Manager.

A. Close-Out Package Forms

Recipient's Close-Out Checklist: The checklist serves as the guide for the complete and accurate submission of the close-out package. Incomplete packages will be returned to the sub-recipient.

**Mississippi Development Authority
Community Services Division
Recipient's Closeout Checklist
Community Development Block Grant Program**

Recipient: _____ Contract# _____

In compliance with the requirements of the MDA, CSD Recipient Close-out procedure and the terms and conditions of the contract, the following close-out documents are enclosed: (Check the appropriate boxes concerning each of the closeout documents. Explain fully any items not submitted or any item to be sent separately. Use separate sheet, if necessary.)

Type of Document	Enclosed	Not Applicable	Sending Separately	Unable to Furnish
1. Certification of Completion				
2. Funding Sources Summary Report				
3. Recipient Performance Certification Report				
4. Agreement Relative to Closeout				
5. Outstanding Claimant's List				
6. Inventory and Program Income				
7. Final Request for Cash Consolidated Support Sheet				
8. Refund Check				
9. Section 3 - HUD Form 60002 Reports				
10. Other (Please Specify)				

Explanation/Comments:

Revised 8/17

Funding Sources Summary Report: This form is for sub-recipients to list all funding for the CDBG covered project and should reflect the information on the Certificate of Completion.

Grant Recipient Funding Sources		
Recipient: Contract #: Program : Community Development Block Grant Program (CDBG) 14.228		
Administration		
1. MDA Funds (CDBG)	_____	
2. Section 108 Loan Guarantee	_____	
3. Other Consolidated Plan Funds	_____	
	_____	\$ -
4. Appalachian Regional Commission	_____	
5. Other Federal Funds	_____	
6. State/Locals Funds	_____	
7. Private Funds	_____	
8. Other	_____	
Total	\$	-
Public Facilities		
1. MDA Funds (CDBG)	_____	
2. Section 108 Loan Guarantee	_____	
3. Other Consolidated Plan Funds	_____	
	_____	\$ -
4. Appalachian Regional Commission	_____	
5. Other Federal Funds	_____	
6. State/Locals Funds	_____	
7. Private Funds	_____	
8. Other	_____	
Total	\$	-
Select Activity Type		
1. MDA Funds (CDBG)	_____	
2. Section 108 Loan Guarantee	_____	
3. Other Consolidated Plan Funds	_____	
	_____	\$ -
4. Appalachian Regional Commission	_____	
5. Other Federal Funds	_____	
6. State/Locals Funds	_____	
7. Private Funds	_____	
8. Other	_____	
Total	\$	-
Grand Totals by Funding Sources		
1. MDA Funds (CDBG)	\$	-
2. Section 108 Loan Guarantee	\$	-
3. Other Consolidated Plan Funds	\$ -	-
	\$ -	-
	\$ -	-
4. Appalachian Regional Commission	\$	-
5. Other Federal Funds	\$	-
6. State/Locals Funds	\$	-
7. Private Funds	\$	-
8. Other	\$	-
Grand Total	\$	-

CSD Instruction 11-15-2011



Recipient Performance Certification Report: This form documents that the National Policy Objectives are addressed. List the planned and actual beneficiaries and the planned and actual low/moderate income beneficiaries by sub-activity.

Mississippi Development Authority Community Services Division Recipient Performance Certification Report																																				
Recipient: _____																																				
Contract # _____																																				
National Policy Objective(s) Addressed <u>Low and moderate income</u>																																				
Activity Type(s)	Public Facilities		Select Activity Type		Totals																															
	Planned	Actual	Planned	Actual	Planned	Actual																														
Very Low Income					-	-																														
Low/Moderate Income					-	-																														
Total Low/Mod Income	0	0	0	0	0	0																														
% of Low/Mod Income	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!																														
Non - Low/Moderate Income					-	-																														
Total Beneficiaries	0	0	0	0	0	0																														
Ethnic Background	Total	Hispanic	Total	Hispanic	Total	Hispanic																														
1. White					-	-																														
2. Black					-	-																														
3. Asian					-	-																														
4. American Indian/Alaskan Native					-	-																														
5. Native Hawaiian/Other Pacific Island					-	-																														
6. American Indian/Alaskan Native & White					-	-																														
7. Asian and White					-	-																														
8. Black/African American & White					-	-																														
9. Amer Indian/Alaskan/Black African Amer					-	-																														
10. Other Multi-Racial					-	-																														
Totals	0	0	0	0	0	0																														
Objective (Please select one)																																				
1 Create Suitable living environments _____			Census or Survey _____																																	
2 Provide decent affordable housing _____																																				
3 Create economic opportunities _____																																				
Outcome (Please select one)																																				
1 Availability/Accessibility _____			<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>County Code</th> <th>Census Tract</th> <th>Block Groups</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>				County Code	Census Tract	Block Groups																											
County Code	Census Tract	Block Groups																																		
2 Affordability _____																																				
3 Sustainability _____																																				
Total Served _____																																				
Number of Households Served _____																																				
Number of Female Head of Household Served _____																																				
Number of Elderly Beneficiaries (+62) _____																																				
Number of Handicapped Beneficiaries _____																																				
Total Served (Please complete only one line)																																				
Now have new access to this type of public facility or infrastructure improvement: _____																																				
Now have improved access to this type of public facility or infrastructure improvement: _____																																				
That are served by public facility or infrastructure that is to longer substandard: _____																																				
Project Physical Address:																																				
Street: _____			Prepared By _____																																	
City _____			Phone # _____																																	
Zip _____																																				
Accomplishment Narrative:																																				

Agreement Relative to Closeout: By signing the below agreement, the sub-recipient is certifying that the entire close-out document meets the individual requirements included in the close-out package. This document is an agreement between the sub-recipient and MDA that permits the close-out of the project activities contingent on the promise that the sub-recipient will submit to the MDA its required audits.

Agreement Relative to Closeout of Community Services Division Grant Programs

RECIPIENT: _____ CONTRACT #: _____

This Agreement is between _____ ("Recipient") and the Mississippi Development Authority, Community Services Division ("Division").

Closeouts/Audits

The parties to this Agreement desire to closeout Recipient's CSD Grant (i.e. CDBG, HOME, ESG), contract number _____ (the "Grant").

Because of regulatory and legislative changes, the Division no longer requires a final audit of an individual grant at closeout. Rather than waiting for Recipient's next periodic audit, the parties desire to closeout the Grant subject to subsequent audit(s).

THEREFORE, in consideration of the mutual promises contained herein, the parties to this Agreement agree as follows:

1. The Division waives the requirement in 24 CFR Subsection 570.512 of the submission of any required audits and/or subsequent audit of the Grant prior to closeout.
2. Recipient will submit to the Division its required audits or subsequent audit which it shall comply with federal and state requirements and which shall cover all periods in which any grant costs have been incurred.
3. Recipient shall remit to the Division the amount of any ineligible costs that are disallowed by any required audits and/or subsequent audit(s) which disallowances are identified by the Federal and/or State Agency(ies).
4. The Agreement contained herein are in addition to any other agreements between the parties relative to the closeout of the grant. Recipient agrees to abide by all governing laws and regulations.

Certificate of Completion

I hereby certify that all activities undertaken by the Recipient with funds provided under the grant agreement, hereof, have, to the best of any knowledge, been carried out in accordance with the grant agreement; that proper provision has been made by the Recipient for the payment of all unpaid costs and unsettled third-party claims identified, hereof; that the United States of America or the State of Mississippi is under no obligation to make any further payment to the Recipient under the grant agreement, hereof; and that every statement and amount set forth in this instrument is, to the best of my knowledge, true and correct as of this date.

Recipient Performance Certification Report

I hereby certify that all planned and actual beneficiaries, the ethnic beneficiaries information, census information and the performance measures are correct as stated on the Recipient Performance Certification Report are to the best of my knowledge, true and correct as of this date.

CERTIFICATE OF RECIPIENT'S COMPLIANCE

Release

Pursuant to the terms of said contract and in consideration of the sum of \$ _____ - (Total Amount Paid & Payable by MDA, CSD), upon payment of the said sum does remise, release, and discharge MDA, CSD, its officers, agents, and employees, of and from all liabilities, obligations, claims, and demands whatsoever under or arising from the said contract, except the following:



Agreement Relative to Closeout of Community Services Division Grant Programs

RECIPIENT: _____ CONTRACT #: _____

- a. Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor, as follows:

(If none, so state)

- b. Claims, together with reasonable expenses incidental thereto, based upon the liabilities of the Contractor to third parties arising out of the performance of the said contract, which are not known to the Contractor on the date of execution of this release and of which the Contractor gives notice in writing to the MDA, CSD within the period specified in the said contract.
- c. Claims, after closeout, for costs which result from the liability to pay Unemployment Insurance costs under a reimbursement system or to settle Worker's Compensation claims.

Assignment of Refunds, Rebates and Credits

Pursuant to the terms of said contract and in consideration of the reimbursement of costs and payment of fees as provided in the said contract and any assignment thereunder, the Contractor hereby does the following:

- a. Assign, transfer, set over and release to MDA, CSD all right, title and interest to all refunds, rebates, credits or other amounts (including any interest thereon) arising or which may hereafter accrue thereunder.
- b. Agree to take whatever action may be necessary to effect prompt collection of all such refunds, rebates, credits or other amounts (including interest thereon due or which may become due, and to forward promptly to MDA, CSD) for any proceeds so collected. The reasonable costs of any such action to effect collection shall constitute allowable costs when approved by the MDA, CSD as stated in the said contract and may be applied to reduce any amount otherwise payable to MDA, CSD under the terms hereof.
- c. Agree to cooperate fully with MDA, CSD as to any claim or suit in connection with such refunds, rebates, credits or other amounts due (including any interest thereon); to execute any protest, pleading, application, power of attorney or other papers in connection therewith; and to permit MDA, CSD or the Federal Grant of Agency to represent it at any hearing, trial or other proceeding arising out of such claim or suit.

Inventory Certification (Select One)

- a. _____ The Contractor hereby certifies that all items of materials and equipment purchased, furnished, or transferred for or to said Contractor were done so in accordance with the terms and conditions of said contract.
- b. _____ The Contractor hereby certifies that no equipment was furnished or acquired under the terms and conditions of said contract

General Statement of Compliance

I certify that all the Federal, State and Local requirements of the said contract have been complied with.



Agreement Relative to Closeout of Community Services Division Grant Programs

RECIPIENT: _____ CONTRACT #: _____

Outstanding Claimants List

I hereby certify that the information as stated in the Outstanding Claimants List page is to the best of my knowledge, true and correct.

Inventory and Program Income

I hereby certify that the information as stated in the Inventory and Program Income page is to the best of my knowledge, true and correct.

Final Request for Cash Consolidated Support Sheet

I hereby certify that the information as stated on the enclosed in the Final Request for Cash Consolidated Support Sheet is to the best of my knowledge, true and correct.

This Agreement is executed by the Parties on the date indicated by their respective signatures.

IN WITNESS THEREOF, THIS Agreement and Certification of Contract Compliance has been executed this day of _____.

WITNESSED BY:

BY SIGNATORY OFFICIAL

1. _____

TITLE

2. _____

DATE

**MISSISSIPPI DEVELOPMENT AUTHORITY
COMMUNITY SERVICES DIVISION**

BY SIGNATORY OFFICIAL

TITLE

DATE



Outstanding Claimant's List: When unclaimed funds are returned to MDA, a list of all possible claimants of these funds shall be prepared and attached to the Recipient's Release. The purpose is to reserve those funds and make future payments if necessary.

Mississippi Development Authority Community Services Division Outstanding Claimant's List					
Recipient: _____		Contract Number: _____			
Claimant's Name, Address, S.S.# (Where Applicable)	Check #	Amount	Date	Pay Period Hours and Rate	Other Contact Name and Address
1					
2					
3					
4					
5					
		\$0.00			

Inventory and Program Income: The property and equipment that has been purchased with MDA grant funds should be listed with the purchase price and use of the property and/or equipment. All program income collected to date should be listed, including the activity, additional payments and the use of the program income.

<u>Inventory and Program Income</u>				
<u>Real Estate:</u> List the property which has been purchased with MDA grant funds and considered to be surplus property, the type of property, (i.e., lots, land, buildings), price paid for each property, the proposed use of the property, and the date the property is expected to be used.				
Number or amount	Type of property	Purchase price	Proposed use of property	Date to be used
1				
2				
3				
<u>Equipment:</u> List the equipment which has been purchased with MDA grant funds (i.e., fire truck, bulldozer, file cabinet, calculator, etc.), the price paid for each piece of equipment, and the use of the equipment.				
Number or amount	Type of property	Purchase price	Use of Equipment	
1				
2				
3				
<u>Program Income:</u> List the amount of program income which has been collected to date, the type of activity generating program income (i.e., public facility, economic development, housing, etc.), the estimated amount of additional program income payments expected, and the proposed use of the program income.				
Amount collected to date	Activity	Additional Payment	Proposed use of program income	

Final Request for Cash Consolidated Support Sheet

The final request for cash with the actual final cost of the project including match must be completed and submitted with the close-out package. The “Services Rendered” dates should reflect the entire life of the project.

Department of Health and Office of Pollution Control

All water and sewer projects must have approval from the Mississippi State Department of Health (water improvements, whether potable or otherwise) and/or Mississippi Department of Environmental Quality, Office of Pollution Control (sewer improvements).

Section 3 – HUD Form 60002 Reports

The final Section 3 – HUD Form 60002 report must be submitted with the close-out package along with any Section 3 project activities.

IX. RECORDKEEPING

Federal regulations require that States (and sub-recipients) shall establish and maintain such records as may be necessary to facilitate review and audit by HUD (or the State) of the administration of CDBG funds (2 CFR 200.333). Federal regulations require records be maintained for a period of Five (5) years after the final close-out.

CSD requires that all records are to be maintained by the local unit of government at all times. Failure to maintain an adequate system at the sub-recipient's office could result in a finding for both the sub-recipient and project administrator. In addition, activity can be interrupted on any open project.

The recordkeeping system should be at least the equivalent to the checklist provided below:

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

RECIPIENT NAME

RECIPIENT GRANT NUMBER

APPLICATION

- Full Application as submitted to the State
- Additional information submitted

CITIZEN PARTICIPATION

- Proofs of Publication of Public Hearing Notices
- Public Hearing rosters and minutes
- General public correspondences

CONTRACT

- Award Letter
- Executed Contract
- Correspondence concerning contract conditions
- Contract modifications and letters of approval

GENERAL CORRESPONDENCE

- General correspondence
- State general correspondence/memorandums

STATE MONITORING

- ___ State reports of results of monitoring reviews/recommendations
- ___ Community response to State monitoring reports
- ___ Other correspondence related to State monitoring visits

ENVIRONMENTAL REVIEW RECORD

- ___ Copy of “Environmental Review Record” as submitted to CSD
- ___ Original Tear Sheet (full page)
- ___ Copy of Format II (if applicable)
- ___ “Request for Removal of Contract Conditions and Release of Funds” and Certification signed by certified officer
- ___ Notice of “Removal of Contract Conditions and Release of Funds”
- ___ Letter of clearance from the Department of Archives and History
- ___ Finding of Categorical Exclusion (if applicable)
- ___ Finding of Exemption

FINANCIAL MANAGEMENT

- ___ Signed W-9 Form
- ___ “Authorized Signature Form”
- ___ “Requests for Cash” and support sheets
- ___ General ledger and disbursement journals
- ___ Invoices, pay estimates, receipts of payments of program costs
- ___ Documentation of “In-Kind” expenditures (if applicable)
- ___ Documentation of support cash contributions (if applicable)
- ___ Documentation of agency representative’s surety bond(s)

PROCUREMENT

- ___ Proofs of Publications of Requests for proposals/bids
- ___ Proof of Solicitations for proposals/bids
- ___ Proposals/bids received
- ___ Evaluations of proposals/bids received
- ___ Written statements of acceptance of proposals/bids
- ___ Executed contracts for each service required (NOTE: All contracts must contain the provisions listed in 24 CFR 85.36)
- ___ Copies of written notification of procurement Requests for Proposals to the Mississippi Contract Procurement Center

FAIR HOUSING/EQUAL OPPORTUNITY

- Community Population
- Documentation of LMI beneficiaries
- Documentation of total number of heads of households, minorities, handicapped, elderly and children who are beneficiaries “Ethnic/Beneficiary Data”
- Documentation of affirmatively promoting fair housing updated
- Employment information of the administrative agency
- Contractor/Subcontractor Activity Reports
- Documentation of attempts to solicit minority/female businesses

SECTION 3

- Section 3 requirements for residents and businesses

ACQUISITION (if applicable)

- Master list of easements
- Individual easement/property files (required for donations and/or purchases)
- Disposition of property (if applicable)
- Copy of “Preliminary Acquisition Notice” indicating the booklet was provided to the owner
- Registered/Certified Mail receipts or receipt of hand-delivered notices
- “Invitation to Accompany Appraiser”
- Copy of Appraisal (if applicable)
- Review Appraiser’s Report
- Copy of “Statement for the Basis of Determination of Just Compensation”
- “Written Offer to Purchase” (if applicable)
- Justification for any payment above just compensation value
- Documentation concerning condemnation proceedings (if applicable)
- “Statement of Settlement Costs”
- “Offer of Sale of Land”
- “Waiver of Rights”
- Notice of Intent Not to Acquire”
- Copy of “Easement Agreement” or title to property (as applicable)

LABOR STANDARDS COMPLIANCE

- Wage Rate Request
- Memo to file concerning update of wage rates
- Copy of applicable wage rate(s)
- Contractor/Subcontractor eligibility
- Notice of Contract Award and Pre-Construction Conference
- Pre-Construction Conference minutes and roster
- Notice to Proceed

- Notice to start construction
- Weekly payrolls
- Evidence that payrolls were checked against wage decision
- Statement of Compliance signed by an officer of the company
- Employee interviews
- Evidence that posters were on job site
- E-verify information for all new hires

If discrepancies occur:

- Evidence of retribute/resolution of identified discrepancies
- Any complaints from workers (if any) and actions taken
- Liquidated damages assessed, appeals (if applicable) and outcome

AUDITS

- Single Audit or Exemption for each year in grant period that funds were drawn
- Evidence clearing all audit exceptions that pertain to MDA grants

X. ECONOMIC DEVELOPMENT

The purpose of the CDBG Economic Development Public Improvement category is to assist local units of government in the funding of eligible infrastructure improvements in the support of better paying private sector jobs. **The use of these funds is directly associated with the creation or retention of jobs at the facility being assisted with CDBG dollars. Fifty-one (51) percent of the net new jobs created, must be low-and moderate-income.**

Compliance Responsibility

The sub-recipient is responsible for ensuring that the benefitting business is in compliance with all guidelines, jobs (created or retained) are documented, and benefitting business investment is met.

The Memorandum of Agreement should serve as the primary means of enforcement between the sub-recipient and the benefitting business if non-compliance should occur. The sub-recipient therefore, should hold the benefitting business responsible for meeting the investment and jobs requirements.

If CDBG funds are released and the project does not materialize or the benefitting business's requirements are not met, the sub-recipient will be required to pay the CDBG funds back to MDA.

Job Requirement Issues

Failure to meet the minimum of fifty-one percent (51%) of the committed new jobs created being filled by or made available to persons from low- to moderate-income families – the sub-recipient will be held responsible for the repayment of the total amount of CDBG funds expended on the project.

Failure to create the full job commitment of net new, permanent full-time equivalent jobs as indicated in the Memorandum of Agreement and CDBG grant agreement; will result in the sub-recipient having to reimburse MDA a pro rata share of the amount determined in the Memorandum of Agreement.

- The reimbursement amount will be calculated by multiplying the difference between the total number of jobs projected to be created and the number of actual jobs created multiplied by the cost per job.
- The cost per job is calculated by dividing the CDBG award amount by the total number of jobs projected to be created.

$$[(total\ projected\ jobs) - (number\ of\ actual\ jobs)] \times [(CDBG\ award\ amount) / (total\ projected\ jobs)]$$

Economic Development projects receiving CDBG funds must adhere to all of the preceding implementation guidelines outlined in this manual. However, there are a number of additional guidelines that all Economic Development projects must also follow.

A. Special Conditions Clearance

All Economic Development projects will require additional special conditions, in addition to the Special Conditions referenced on page 15 of this manual, which must be met in order to be in compliance with federal and state regulations.

National Objective Resolution

The sub-recipient must submit to CSD a copy of the official minutes containing the resolution stating their firm commitment to the National Objective for the Community Development Block Grant project.

Corporate Status

The business shall provide evidence that it is either a Mississippi corporation or qualifies with the Secretary of State's Office as a business or corporation authorized to conduct business in the State of Mississippi.

Additional Special Conditions

Railroad Improvements – If applicable, the sub-recipient must provide written documentation of the approval of all rail spur, railroad crossing and/or railroad signalization construction plans and specifications by the Community Services Division, the Department of Transportation, and the operating railroad company.

NATIONAL OBJECTIVE RESOLUTION

TOWN/CITY/COUNTY OF ____, MISSISSIPPI
(BUSINESS NAME CDBG-ED PROJECT SPECIAL CONDITIONS)

WHEREAS, on (Date), the Town/City/County of _____ and (Business) executed a Memorandum of Agreement based on the (Business's) desire to expand its operations in the (location of business); and

WHEREAS, in the Memorandum of Agreement, (Business) agreed to create _____ full-time jobs at the facility with a minimum of 51 percent of the new jobs to be filled by or made available to persons of low- and moderate-income households; and

WHEREAS, the Town/City/County will be responsible for paying CDBG funds back to MDA if all job, investment and local match commitments for the project are not met; and

WHEREAS, the Town/City/County of _____ submitted a Community Development Block Grant (CDBG) application to the Mississippi Development Authority for grant funding that will assist in public building improvements; and

WHEREAS, the contract between the Town/City/County of _____ and the Mississippi Development Authority contains special conditions that require written clearance from the Mississippi Development Authority's Community Services Division;

THEREFORE IT IS RESOLVED, by the Town/City/County of _____ that the City/Town/County is firmly committed to the national objective of this Community Development Block Grant project, which is making at least 51 percent of the _____ permanent, full-time jobs to be created by the (business) available to persons from low- and moderate-income households.

ADOPTED this the ___ day of _____, 20XX.

Town/City/County of _____

ATTEST:

Town/City/County Clerk

Mayor/President



B. Job Applicant Survey Forms

The Job Applicant Survey Form is the benefitting business's primary means of documenting job creation at the facility that is being assisted with CDBG dollars.

The Income Ranges must be filled out using the Section 8 Income Limits (provided in this manual) for the county where the benefitting business is located. **Section 8 Income Limits change yearly and the Job Applicant Survey form must be updated to correspond with the income ranges from the year the applicant was hired.**

New hires must complete the top portion of the form and should select the household income that applies to them **prior to** receiving the job at the benefitting business. A company representative will be responsible for answering the questions in the lower portion of the form and keeping track of the data for HUD reporting purposes.

For the Job Classification Title, the company representative must choose from the list of "Hiring Categories as Identified by HUD" that is provided on page 123 of this manual. The sub-recipient and the benefitting business must continue to collect Job Applicant Survey Forms and track cumulative job creation at the facility until the CDBG project has been closed out.

NOTE: Please note that all sections of the survey form must be complete, and no section should be left blank

JOB APPLICANT SURVEY

To meet federal regulation requirements, information is needed on the questions below regarding low and moderate-income beneficiaries and direct benefit FHEO reporting. This information is gathered for data reporting purposes only. Information given in this form will not be used for making employment decisions and will not be distributed outside of this company's personnel office except for compliance inspection by appropriate government officials.

NOTE: If you are a person with a disability and may need special services or accommodations in completing this form, please ask for assistance from this company's personnel office.

Print Name: _____

Address: _____

1. Determine the correct number of person(s) in your household and circle that number in the appropriate box below. This number should include all persons temporarily away from your household (e.g. college students, persons on extended vacation, etc.)
2. Circle one income range in the corresponding row that represents your approximate household income at time of interview.
3. The income limits listed below are from the county of _____.

Income Limits for <u>Insert Year</u>	Extremely Low Income Range (30 %)	Very Low Income Range (50%)	Low Income Range (80%)	Non-Low Income Range
Household Size	Equal to or less than	Equal to or less than	Equal to or less than	Greater than
1 person	\$	\$	\$	\$
2 persons	\$	\$	\$	\$
3 persons	\$	\$	\$	\$
4 persons	\$	\$	\$	\$
5 persons	\$	\$	\$	\$
6 persons	\$	\$	\$	\$
7 persons	\$	\$	\$	\$
8 or more	\$	\$	\$	\$

4. Race, Ethnicity, Gender and Disability Status.
Please mark **only one** of the following race classifications:
 White Black/African American American Indian/Alaska Native
 Asian Native Hawaiian/Other Pacific Islander Other Multi-Racial
 Black/African American & White American Indian/Alaska Native & White
 Asian & White American Indian/Alaska Native & Black/African American
5. Please check "Yes" or "No": Hispanic or Latino: Yes No
6. Please check **all** that apply:
 Male Female Female Head of Household Disabled Unemployed

Signature of Person Completing Form: _____

Date form completed: _____

For company use only												
Was a job offered?	<input type="checkbox"/> Yes	<input type="checkbox"/> No										
Was the job accepted?	<input type="checkbox"/> Yes	<input type="checkbox"/> No										
Date Job Accepted:	<input type="checkbox"/> Yes	<input type="checkbox"/> No										
Are Employer Sponsored Health Care Benefits provided for the job?	<input type="checkbox"/> Yes	<input type="checkbox"/> No										
Job Title Classification: (Choose from the following)	<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;">Laborers (Unskilled)</td> <td style="width: 33%; border: none;">Officials & Managers</td> <td style="width: 33%; border: none;">Technicians</td> </tr> <tr> <td style="border: none;">Operatives (Semiskilled)</td> <td style="border: none;">Office & Clerical</td> <td style="border: none;">Service Workers</td> </tr> <tr> <td style="border: none;">Craft Workers (Skilled)</td> <td style="border: none;">Professionals</td> <td style="border: none;">Sales</td> </tr> </table>		Laborers (Unskilled)	Officials & Managers	Technicians	Operatives (Semiskilled)	Office & Clerical	Service Workers	Craft Workers (Skilled)	Professionals	Sales	Job Title Classification: _____
Laborers (Unskilled)	Officials & Managers	Technicians										
Operatives (Semiskilled)	Office & Clerical	Service Workers										
Craft Workers (Skilled)	Professionals	Sales										

HIRING CATEGORIES AS IDENTIFIED BY HUD

1. PROFESSIONALS. Occupations requiring either college graduation or Experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dieticians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, personnel and labor relations specialists, physical scientists, physicians, social scientists, teachers, surveyors and kindred workers.

2. TECHNICIANS. Occupations requiring a combination of basic scientific knowledge and Manual skill which can be obtained through 2 years of post--high school education, Such as is offered in many technical institutes and junior colleges, or through equivalent on the job training. Includes: computer programmers, drafters, engineering aides, Junior engineers, mathematical aides, licensed, practical or vocational nurses, photographers, radio operators, scientific assistants, technical illustrators, technicians (medical, dental, electronic, physical science), and kindred workers.

3. OFFICE AND CLERICAL. Includes all clerical type work regardless of level of difficulty, where the activities are predominantly non manual though some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, Collectors (bills and accounts), messengers and office helpers, office machine operators (including computer), shipping and 3 receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, legal assistants, and kindred workers.

4. OFFICIALS AND MANAGERS. Occupations requiring administrative and Managerial personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. Includes: officials, executives, middle management, plant managers, department managers, and superintendents, salaried supervisors who are members of management, purchasing agents and buyers, railroad conductors and yard masters, ship captains, mates and other officers, farm operators and managers, and kindred workers.

5. SALES. Occupations engaging wholly or primarily in direct selling. Includes: advertising agents and sales workers, insurance agents and brokers, real estate agents and brokers, stock and bond sales workers, demonstrators, sales workers and sales clerks, grocery clerks, and cashiers/checkers, and kindred workers.

6. CRAFT WORKERS (SKILLED). Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: the building trades, hourly paid supervisors and lead operators who are not members of management, mechanics and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, painters (construction and maintenance), motion picture projectionists, pattern and model makers, stationary engineers, tailors and tailoresses, arts occupations, hand painters, coaters, bakers, decorating occupations, and kindred workers.

7. OPERATIVES (SEMISKILLED). Workers who operate machine or processing equipment or perform other factory---type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices (auto mechanics, plumbers, bricklayers, carpenters, electricians, machinists, mechanics, building trades, metalworking trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, delivery workers, sewers and stitchers, dryers, furnace workers, heaters, laundry and dry cleaning operatives, milliners, mine operatives and laborers, motor operators, oilers and greasers (except auto), painters (manufactured articles), photographic process workers, truck and tractor drivers, knitting, looping, taping and weaving machine operators, welders and flame cutters, electrical and electronic equipment assemblers, butchers and meat cutters, inspectors, testers and graders, hand packers and packagers, and kindred workers.

8. LABORERS (UNSKILLED). Workers in manual occupations which generally require no special training who perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: garage laborers, car washers and greasers, groundskeepers and gardeners, farmworkers, stevedores, wood choppers, laborers performing lifting, digging, mixing, loading and pulling operations, and kindred workers.

9. SERVICE WORKERS. Workers in both protective and non---protective service occupations. Includes: attendants (hospital and other institutions, professional and personal service, including nurses' aides, and orderlies), barbers, char workers and cleaners, cooks, counter and fountain workers, elevator keepers, stewards, janitors, police officers and detectives, porters, waiters and waitresses, amusement and recreation facilities attendants, guides, ushers, public transportation attendants

**Mississippi Development Authority
Community Services Division
Quarterly Economic Development Jobs Report**

Grant Recipient	
Benefitting Business	
Contract Number	
Reporting Period (Year, Quarter)	
Job Creation	Total
Number of Jobs Prior to CDBG Award	
Number of Committed New Jobs	
Number of Jobs Needed to meet Total Employment Requirement	
Number of Present Employees	

Of the New Employees hired after the CDBG Award, how many are low/mod persons?

Have construction of CDBG activities been completed?

If yes, on what date was construction complete?

Have the job creation requirements been completed?

I certify that the data in this report is accurate information collected by the company listed above and reflects the new and currently existing jobs to be reported over the effective term of the CDBG contract.

 Local Elected Official and Date

I certify that the above accurately portrays the number of current employees and jobs as created by my company from the beginning of this project through the end of last quarter. These employees are presently employed at the site.

 Company / Human Resources Representative and Date

 Prepared By

 Phone #

Instructions:

- Quarterly Jobs Reports are due as follows:
 - 1st Quarter- April 15th
 - 2nd Quarter- July 15th
 - 3rd Quarter- October 15th
 - 4th Quarter- January 15th
- Attach a recent payroll or employee roster
- Employees that work less than 40 hours per week should be converted to Full Time Employees in the above figures.
- Total number of Jobs Prior to CDBG Award should reflect the Site Visit Acknowledgement Form.
- All areas in grey must be filled out.
- Document must be filled out electronically with the exception of signatures.

D. Annual Federal New Job Creation Report

All CDBG Economic Development projects will be required to submit an Annual Federal New Job Creation Report for the grant period of July 1st through June 30th (state fiscal year) by **July 31st** for HUD reporting purposes.

In addition to information on the accomplishments, problems, and anticipated activities, all Economic Development projects must submit information on the cumulative number of jobs created at the benefitting business.

The cumulative totals should include all persons hired for a position at the benefitting business regardless of their current employment status at the time of the report. The total should equal the total number of Job Applicant Survey Forms completed during the reported grant period.

The purpose of the new report is to provide a better way to account for job creation in accordance with the federal LMI Jobs requirements. When completing the form, use the following as a guide to submit a correct report:

- ALL jobs created on a CDBG funded project must be counted
- Turnover should not be subtracted from the total number of jobs
- Continue to count jobs until the final payroll is submitted with the completed close-out package
- Verify that information submitted is accurate. Inaccurate or incomplete forms will be sent back to the grantee for correction

The following data will be collected from the cumulative Job Applicant Survey Forms collected during the reporting period must be included in the report. Cumulative totals on:

- Ethnic groups
- Income levels
- Job classifications
- Employer-Sponsored healthcare benefits
- Unemployed hires prior to accepting the job at the facility being assisted

Failure to submit an Annual Federal New Job Creation Report will result in the Community Services Division holding all pending Requests for Cash, close-outs, and new project approvals.

NOTE: Annual Federal New Job Creation Reports will be required for each project through close-out

Annual Federal New Job Creation Report

Community Development Block Grant Program (CDBG) 14.228

Recipient Name:			Contract Number:							
Benefitting Business Name:			IDIS Activity Number:							
Total Number of New Jobs Committed:			LMJ Committed:		Total Number of Present Employees:					
	FYE June 30, ____		FYE June 30: ____		FYE June 30: ____		FYE June 30: ____		Cumulative Total	
	FY Total	Hispanic/Latino	FY Total	Hispanic/Latino	FY Total	Hispanic/Latino	FY Total	Hispanic/Latino	Total to date	Hispanic/Latino to date
Race/Ethnicity										
White									0	0
Black/African American									0	0
Asian									0	0
American Indian/Alaskan Native									0	0
Native Hawaiian/Other Pacific Islander									0	0
Asian and White									0	0
American Indian/Alaskan Native & White									0	0
Black/African American & White									0	0
American Indian/Alaskan/Black African American									0	0
Other Multi Racial									0	0
Total Jobs Actually Created Per Reporting Period	0		0		0		0		0	0
Income Levels										
Extremely Low									0	
Low									0	
Moderate									0	
Non-Low Moderate									0	
Total Low/Mod Actually Created Per Reporting Period	0		0		0		0		0	
Job Classification									0	
Officials and Managers									0	
Professional									0	
Technicians									0	
Sales									0	
Office and Clerical									0	
Craft Workers (skilled)									0	
Operatives (semi-skilled)									0	
Laborers (unskilled)									0	
Service Workers									0	
Total Types of Jobs Created Per Reporting Period	0		0		0		0		0	
Number with Employer Sponsored Health Care Benefits									0	
Number of unemployed prior to accepting job									0	

I certify that the data in this report is accurate information collected from the Job Applicant Survey Forms submitted by the company listed above and reflects the new jobs created for the reporting period.

_____ Date _____ Phone # _____
Local Elected Official

I certify that the above accurately portrays the number of new jobs as created by my company for the reporting period.

_____ Date _____ Phone # _____
Company / Human Resources Representative

_____ Date _____ Phone # _____
Prepared By

E. Jobs and Investment Monitoring

All Economic Development projects will be required to provide documentation of the jobs created and the investment made by the business. The benefiting business will have four (4) years from the effective date on the CDBG grant agreement to create the jobs and meet their investment commitment.

An employee roster will be obtained during the site visit. This will be used as MDA's basis for job creation. Once the total number of jobs at the facility increases by the number of committed jobs and can be shown on one dated payroll, job creation will be considered complete.

Example: If the company had 100 jobs at the facility at the time of the site visit and committed to adding 50 additional jobs, the project would meet job creation when the dated payroll shows 150 full-time permanent jobs.

Temporary workers will not be counted. Job numbers should reflect full-time and full-time equivalent jobs. One full-time job is the equivalent to a minimum of 1,820 annual work hours.

The following documentation is required for all Economic Development projects:

Investment Documentation

- An Investment letter from the company stating the amount invested
- Supporting documentation of investment (upon request)

Jobs Documentation

- Job Applicant Survey Forms
- Dated Payroll or Employee Roster on company letterhead
- Tally Sheet of Job Applicant Survey Form providing the following:
 - Total number of jobs created
 - Number of persons from low- and moderate-income households on payroll
 - Number of jobs made available to persons from low- and moderate-income households
 - Number of minorities employed
 - Number of female heads of household employed
 - Number of handicapped employed

F. Close-out Package

For HUD reporting purposes, jobs in the close-out package will be submitted based on the cumulative total of all jobs created at the facility during the life of the project or until job

creation commitments have been met. Sub-recipients must use the Annual Status Report as a guide to document this section of the close-out.

XI. COMMON PROBLEMS

It is the responsibility of the sub-recipient to perform the activities of a CDBG project in accordance with the Housing and Community Development Act of 1974, as amended. The sub-recipient must ensure that project activities are carried out to avoid problems, which violate the intent of the Act. Although the duties may be delegated, **the ultimate responsibility for compliance rests with the local unit of government's officials.**

Listed below are some common problems that administrators of CDBG projects should be aware of and try to avoid:

Environmental

- Failure to complete the environmental clearance within the allotted 4 month period.
- Finding of No Significant Impact (FONSI) was published before clearance from the Department of Archives and History
- Failure to publish Environmental notice in the newspaper of general circulation

Procurement

- Requests for Proposals were not published for required services
- At least two minority/female owned businesses were not solicited for each activity
- Certified mailing undeliverable – must have valid contact information
- Mississippi Procurement Technical Assistance Program was not notified of the Request for Proposals for construction services (over \$50,000)
- After last published date, the following required number of working days were not followed
- All applicable clauses were not included in the contract
- Technical evaluations were not conducted for professional proposals
- A contract was awarded to a single bidder without soliciting additional proposals
- Services rendered without contractual agreements executed

Labor Standards Provisions

- No minutes of the preconstruction conference were on file
- Prevailing wage rate was not paid to workers
- Correct or updated wage decisions were not posted at the job site
- Construction sign not at entrance of construction site until final monitoring was conducted
- Authorized representative did not sign payrolls
- Special deductions were not authorized in writing
- Employee interviews were not conducted
- Contractor eligibility was not obtained from the State
- Wage determination not included in bid documentation

Citizen Participation

- No public meeting was conducted during the implementation of the project
- Proof of Publications, attendance rosters and minutes of meetings were not maintained on file
- Second Public Hearing was not conducted prior to monitoring

Acquisition

- Evidence that the property owner received the HUD brochure "When a Public Agency Acquires your Property" and an invitation to accompany the appraiser was not available.
- No appraisals performed and no review appraisals (if applicable)
- Acquisition was not properly procured (matching funds)

Fair Housing/Equal Opportunity (FHEO)

- FHEO (English and Spanish versions) posters were not displayed at town hall/courthouse or on the job site
- Solicitations were not distributed by certified mail
- Project Sign being removed before construction ended

Financial Management

- Leveraged funds were not expended at a proportionate ratio with CDBG funds
- In-kind services were not properly documented
- Expenditure of funds was not supported by invoices
- A balance in the recipient's account for a period in excess of three (3) days
- Representatives of the recipient agency were not adequately bonded
- No journal or ledger was available
- Request for cash were submitted without an original signature
- Authorized signature forms are not submitted prior to first request for cash
- Change orders submitted after work has been completed
- Budget worksheet were not submitted with budget modifications

Section 3

- Advertisement for participation did not take place prior to construction
- Section 3 goals were not met
- Failure to develop and implement a Section 3 Plan

CAP

- All CAP projects tied to CDBG project, must follow CDBG guidelines