

Sylvester Turner, Mayor

Keith W. Bynam, Director

AGENDA

- Introductions
- > Funding and Solicitation Schedule
- Public Facilities NOFA Overview/Program Priorities
- ADA Accessibility Standards
- Compliance Requirements
 - Environmental Review
 - MWSBE/Section 3/Pay or Play
 - Davis Bacon and Related Acts
 - Uniform Relocation Assistance and Real Property Acquisition Act(URA)
 - Complaints and Appeals
- Accessing the NOFA
- Submitting an Application
- Comments & Questions



Funding and Solicitation Schedule Presentation by Linsi Broom

Funding

 Approximately \$5,000,000.00 of available Community Development Block Grant (CDBG) funds.

2023 Estimated Timeline

NOFA Issued	August 24, 2023		
Pre-Application Conference	September 7, 2023		
Question Submittal Deadline	September 21, 2023		
Final Response Deadline	September 26, 2023		
Application Deadline	October 6, 2023		

Mail to:HCD_NOFA@houstontx.gov



Public Facilities Program Priorities and NOFA Overview

Presentation by Sheronda Ladell

Public Facilities Program Priorities

- HCD's Public Facilities Program makes existing low-andmoderate income neighborhoods safer and more sustainable through the construction, renovation, and acquisition of public facilities and improvements in Houston.
- The City seeks to promote neighborhoods by strengthening the coordination of services between government and non-profit agencies and leveraging public and private resources to maximize development and renovation efforts that serve low to moderate-income populations within the City of Houston.

Notice of Funding Availability Overview

- The program is funded primarily through the Community Development Block Grant (CDBG) funds.
- Awards will be provided as a performance-based loan.
- Repayment obligation in event of sale or default of Agreement
- Minimum 5-year loan term and LURA
- LURA senior to all other liens



THRESHOLD ITEMS

- Not debarred or suspended
- ✓ In good standing with the City
- Eligible Public Facilities activity
- ✓ Meets a CDBG national objective (at least 51% LMI)
- ✓ Certificate of Account Status
- Current 501(c)(3) or 501(c)(4) tax exempt status
- ✓ Within the corporate boundaries of the City of Houston
- ✓ Site control
- ✓ Phase I Environmental Site Assessment
- ✓ Not located in the 100-year flood plain

Eligible Activities

New construction

Rehabilitation

Acquisition

Demolition (with reconstruction)





Projects located within 100-year flood plain

Ineligible Activities

Multi-family Apartment **Developments (Developers)**

Purchase of equipment, fixtures, motor vehicles, furnishing or other items that are not integral structural fixtures

Scoring Criteria (Maximum 100 points total)

Community Benefit (10 points)

Project Feasibility for Operating the Facility (15 points)

Development Experience and Past Performance (10 points)

Operating Capacity (15 points)

Leverage of funds (10 points)

Sources and Uses of Funds (5 points)

Resilient Development (5 points)

Complete Communities (20 points)

Community Support (10 points)

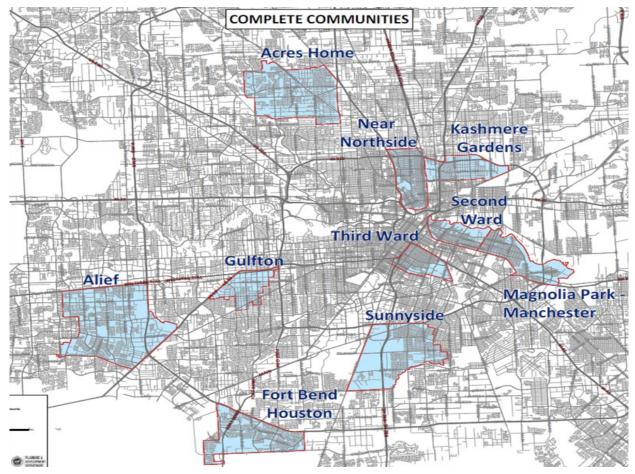


Resilience Standards for New Construction

- Applicants will need a minimum of 5 points from the resilience list in the following categories:
 - Building Protection
 - Adaptation
 - Community Amenities
 - Green Building Standard
 - Sustainability



Map



Preconstruction and Construction Terms

- Agency will select its own Architectural and Engineering Firm and General Contractor (must be federally procured when seeking CDBG funds for reimbursement)
- Agency must perform a third-party independent cost analysis prior to selection of firms
- Liability and Bond Insurance is required
- A Phase I Environmental Site Assessment is required
- Agency must follow the COH procurement requirements and include language in solicitation of firms
- Acquisition and Construction must be complete, and facility must be in service within 24 months



Governing Provisions and Limitations

- □This NOFA does not commit the City to award a funding contract, to pay any costs incurred in the preparation of a proposal for funds, or to procure or contract for services or supplies
- Applicants shall not, under penalty of law, offer any gratuities, favors, or anything of monetary value to any officer or employee of the City for the purpose of influencing a favorable disposition toward his/her own proposal or any other proposal submitted



HCD Accessibility Standards



HCD enforces 2010 ADA Standards for Accessible Design with 11 HUD Exceptions

Process to **Evaluating** Accessibility

Plan review and comments by HCD's Third Party ADA Consultant



Developer should address the consultant's comments prior to construction



Interim inspections at about 50% completion by Third Party ADA Consultant









Green Building Standards

- Energy Star (applicable to construction)
- Enterprise Green Communities
- LEED (any level)
- IC-700 National Green Building Standard
- Rehabs Meet HUD CPD Green Building Checklist
- Documentation certifying green standards required at application

Compliance Requirements



Environmental



Minority Women Owned Small Business Enterprise(MW SBE)



Section 3: Economic Opportunities



Pay or Play (POP)



Uniform Relocation Act (URA)



Davis-Bacon Act (DBRA)



Complaints and Appeals









Environmental Requirements

HUD 24 CFR Part 58

Presentation by Laura Serrano



Environmental Applicability

Has no federal funding threshold

When federal funds are used in whole or part

Is subject to any part of the entire project

Environmental Review

- A current ASTM-certified Phase I Environmental Site Assessment (ESA) is required.
- Phase I/II Environmental Site Assessment (ESA) should not be older than 6 months at the time of public notice, in particular when the site has not yet been acquired.
- HUD funds cannot be committed on any activity until HUD issues the Authority to Use Grant Funds (AUGF).
 - Non-HUD funds can be used to undertake an activity of the project but with limitations.
- An option agreement on a proposed site is allowable prior to the completion of the AUGF issuance in order to establish site control before issuance of environmental approval.

	Request for Releas and Certification	e of Funds	U.S. Departmen and Urban De Office of Commu and Devel	evelopment unity Planning		OMB No. 2506-001 (exp. 08/31/202	
	This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 88.2) when requesting the release of funds, and requesting the authority to use such funds, for HLUD programs identified by statutes that provide for the assumption of the environmental review responsibility youth of green to go government and States Public reporting boutien for this ocidicus of afformation is estimated maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person in not required to responsible, collection of information unless that collection displays a valid Office Coordinative Control number.						
	Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)						
	1. Program Title(s)			HUD/State Identification Number 3. Recipient Identification Num (optional)			
	OMB Catalog Number(s) For information about this reques	t, contact (name & phone numb		e and address of respons	sible entity		
	HUD or State Agency and office in the state Agency and the state Agency agency and office in the state Agency and the state Agency and the state Agency and the state Agency and the state Agency agency and the state Agency and the state Agency agency agency and the state Agency ag	unit to receive request	7. Name	e and address of recipien	nt (if different than re-	sponsible entity)	
	The recipient(s) of assistance grant conditions governing th	under the program(s) liste e use of the assistance for	d above requests he following	the release of funds	and removal of e	nvironmental	
	9. Program Activity(les)/Project Nam	ne(s)	10. Loca	ation (Street address, city	y, county, State)		
Authority to Use Grant Funds							
To: (name & address of Grant Rec	11. Program Activity/Project Descrip	tion					
We received your Request i							
All objections, if received, I You are hereby authorized (File this form for proper rec							
Typed Name of Authorizing Officer		Signature of Authorizing Office		D	Date (mm/dd/yyyy)		
Title of Authorizing Officer		x					
Previous editions are obsolete.				form HUD- ref. Har	-7015.16 (2/94) ndbook 6513.01		

Environmental Review

- If the AUGF includes mitigation conditions, these conditions must be followed in order for the property to be eligible for federal funding, and documentation of said mitigation must be provided to the HCD Environmental Team and other appropriate parties to the project.
- Lower-level projects, for example, minor to moderate repairs without acquisition, may be environmentally clearable in-house without having to secure the AUGF from HUD if no mitigation measures are required and the scope of work meets all applicable requirements found at 24 CFR 58.35(a).

We're Here To Help!

THE CITY OF HOUSTON | HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

WE OFFER

ENVIRONMENTAL TEAM

CONTACT US NOW





2100 Travis St. 9th floor. Houston, TX 77002

https://houstontx.gov/housing/



TECHNICAL ASSISTANCE

Provide technical assistance to internal/external customers regarding environmental compliance



ENVIRONMENTAL REVIEWS

Complete environmental review process in compliance with HUD Environmental Guidelines



GUIDANCE

Help and advice about how to address possible concerns related with environmental compliance

BUILDING A MORE EQUITABLE CITY







MWSBE Program Requirements

24 CFR 85.36 Chapter 15 Ordinance Part V

Presentation by Tiffany Wyatt



MWSBE Compliance Requirements

Construction projects will be advertised with a 35% MWBE goal.



The General Contractor shall make Good Faith Efforts to award subcontracts or supply agreements to MWSBEs to achieve goal requirements.



Only firms certified through the City of Houston, Office of Business Opportunity can be used to meet MWBE goal requirements.



For more information about the City of Houston MWSBE certification process, visit: https://houston.mwdbe.com/

Section 3 Program Requirements

24 CFR Part 75

Presentation by Tiffany Wyatt



Section 3 Compliance and **Numerical Goals Requirements**

Section 3 compliance applies to all contracts in excess of \$100,000.00 for housing construction, rehabilitation, or public construction.



If "new" contracting or employment opportunities arise, contractors are required to meet the following Numerical Goal Requirements:

10% of the Construction "hard cost" budget must be directed to Section 3 Businesses.

3% of the Non-Construction "soft cost" budget must be directed to Section 3 Businesses.

30% of new employment opportunities must be directed to Section 3 Workers.

25% of labor hours performed must be by Section 3 Workers and Targeted Workers.





Section 3 Business

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

- At least 51 percent (51%) of the business is owned and controlled by low or very low income persons;
- Over 75 percent (75%) of the labor hours performed over the prior three-month period are performed by Section 3 Workers; or
- At least 51 percent (51%) of the business is owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.

Section 3 Worker

A Section 3 Worker is any worker who currently fits, or when hired within the past five years fit, at least one of the following criteria:

- A worker's income for the previous or current calendar year is below the income limit established by HUD;
- Employed by a Section 3 Business; or
- A Youth Build participant.



Section 3 Targeted Worker

A Targeted Section 3 Worker for public housing financial assistance means a Section 3 worker who is:

- (1) Employed by a Section 3 Business Concern; or
- (2) A worker who currently fits or when hired fit at least one of the following categories, as documented within the past five years:
- •(i) A resident of public housing or Section 8-assisted housing;
- •(ii) A resident of other public housing projects or Section 8-assisted housing managed by the PHA that is providing the assistance; or
- •(iii) A YouthBuild participant.



Section 3 Certification Processes



To receive credit towards numerical goal requirements, businesses and workers must be certified through the City of Houston, Housing and Community Development Department.



Certification process takes 5 to 7 business days once all requirements are met.



Complete the online Section 3 Business application here: https://hcddsection3.gob2g.com/



Section 3 Worker applications may be submitted to: HCDContractCompliance@houstontx.gov or completed digitally at: http://arcg.is/LWXaf



For more information visit: https://houstontx.gov/housing/section3.html#section3

Pay or Play (POP) Program

Executive Order 1 – 7 and Ordinance 2007 - 534

Presentation by Lakesha Tates



Covered Contracts

Subcontracts valued at or above \$200K including contingencies, amendments, and supplemental terms;

Professional Service, Construction, and Service type contracts



Covered Employees

The program applies to employees of a covered contractor or subcontractor, including contract labor, who are:

- Over the age of 18
- Work at least 30 hours per week
- With any amount of time under a covered city contract or sub-contract.

Pay Option

\$

"Pays" by contributing \$1.00 per covered employee per regular hour for work performed under the contract with the City; and



Funds are deposited in the Contractor Responsibility Fund.

Play Option

"Plays" by providing health benefits to covered employees. Health benefits must meet or exceed the following standards;



The employer contributes no less than 75% of the total premium costs per covered employee per month toward the total premium cost; and



The covered employee contributes, if any amount, no greater than 25% of the total monthly premium costs.

POP Additional Information

HCD provides POP-related help, POP forms, and all POP-related updates through their website https://www.houstontx.gov/obo/popforms.html



Davis Bacon and Related Acts (DBRA)

Presentation by Maribel Rodriguez

DBRA General Guide

Purpose

 Protects communities and workers from non-local contractors underbidding local wage levels

Applicability

- Contracts in excess of \$2,000
- Alterations, repairs, decorating, etc.
- All work incidental to the project

Acts

- Davis Bacon Act
- Contract Work Hours and Safety Standards Act
- Copeland (Anti-kickback) Act
- Fair Labor Standards Act



DBRA Mandated **Documents**

- Federal Labor Standards Provisions (HUD Form 4010)
- General Wage Determination (GWD); more commonly referred to as the prevailing wage rates.

DBRA Required Meetings

- Pre-bid Meeting (optional): This is best time to provide the bidding contractors an overview of the prevailing rates and our requirements.
- Pre-construction Meeting (mandatory): In accordance with 29 CFR Part 5, a preconstruction conference must be held with prior to the commencement of construction work.



DBRA Overview

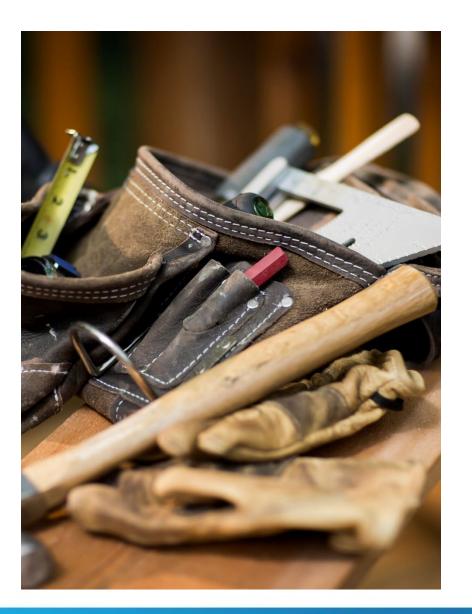
Contractors and sub-contractors including lower tier sub-contractors must:

- Notify and pay construction workers the hourly prevailing wage based on their trade
- Pay weekly and have verifiable proof of payment that itemized the rate of pay based on all hours worked
- Submit weekly certified payroll through the LCP Tracker web portal, which is accessible via phone, tablet and PC.
- Submit all initial required compliance documents prior to starting work
- Submit payroll-supporting documents; such as proof of payment, timesheets, itemized fringe benefits plans/programs, etc.)



DBRA Contact Information

- hcddbra@houstontx.gov
- houstontx.gov/housing
- 832-394-6200







UNIFORM RELOCATION ASSISTANCE & REAL PROPERTY ACQUISITION ACT OF 1970, AS AMENDED (URA)

Presented by Kristal Scruggs



URA Threshold

- URA has no monetary threshold.
- URA applies to the project independent of how federal funds are used.
- Triggering activities are acquisition (transfer of title), rehabilitation, new construction, and demolition/conversion.

URA STAGES



Application Stage

Acquisition

- URA Assurance Letter
- Notice to Seller
- Seller's Occupancy
- Certification
- Initial Title
 Commitment

Relocation

- Relocation Plan
- Relocation Budget
- Initial Rent Roll
- Template General Information Notice (GIN)

HUD EXCHANGE



URA the HUD Way

These training modules provide basic information and resources. to HUD grantees on topics such as budgeting, relocation, and property acquisition.

Explore the Training

Relocation Administrator must be knowledgeable with the URA the HUD Way and HUD Handbook 1378.



IMPORTANT NOTICE



Approved General Information Notice are issued within 30 – 45 days of the proposal submission

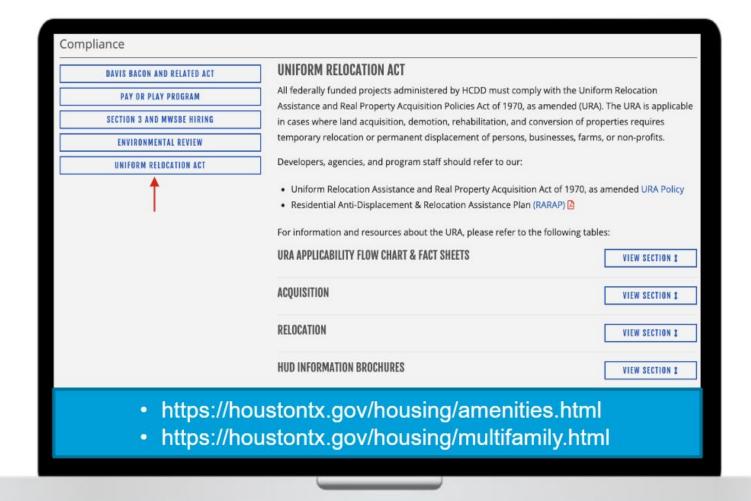


Monthly Rent Rolls and Tenant Status Reports **start** once the application proposal is submitted



Do not relocate tenants until the City Council has approved the project

URA Resources



Complaints and Appeals

Presented by Kris Robinson

Complaints & Appeals

	Complaint*	Appeal**
Grievance Type	HCDD Operations	HCDD Program Determination
Common Types	Processing TimeStatus UpdateProgram RequirementsConflict of Interest	Non-receipt of an awardDenial of servicesDenial of a ResolutionProcedural error
Est. Written Response	15 days	30-45 days
Resources	https://houstontx.gov/housing/complaints.html	https://houstontx.gov/housing/appeals.html

*No Complaints will be accepted for NOFAs during the No Contact Period.

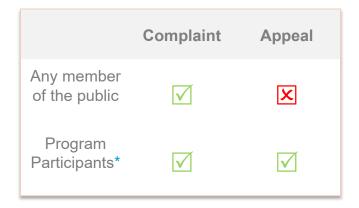
**Appeals cannot be filed until after a determination is made.





Basics of Filing Complaints & Appeals

Who can file a Complaint or an Appeal?



*Program participants includes program applicants, developers, contractors, agencies, bidders, vendors, and subrecipients.

Complaint or Appeal Filing Requirements?

- First and Last Name
- Address
- Name of Project/NOFA/RFP
- Phone Number
- Preferred Contact Method
- Reason for Complaints or Appeal

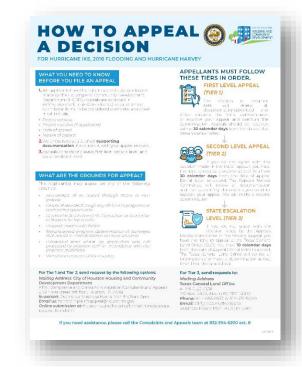
Appeals

Appeal Tier Reviews

- Tier I: Program Area
- Tier II: Appeals Review Committee
- Tier III: State Escalation*

Important Timelines

- Appellant <u>MUST</u> file Appeal <u>in writing</u> within 30 days of award determination
- HCD acknowledges receipt within 1 business day
- Appellant has 5 days to submit supporting documentation
- HCD renders an Appeal Determination Letter within 45 days for NOFAs.



For more information visit https://houstontx.gov/housing/appeals.html

^{*}DR-17 Funded programs ONLY

Filing Information Hours of Operation: Monday – Friday 8am - 5pm



Hotline*

832-394-6200 ext. 8



Email

HCDDComplaintsAppeal@houstontx.gov



In-Person or Mail

Housing and Community Development ATTN: Complaints & Appeals 2100 Travis Street, 9th FL Houston, TX 77002



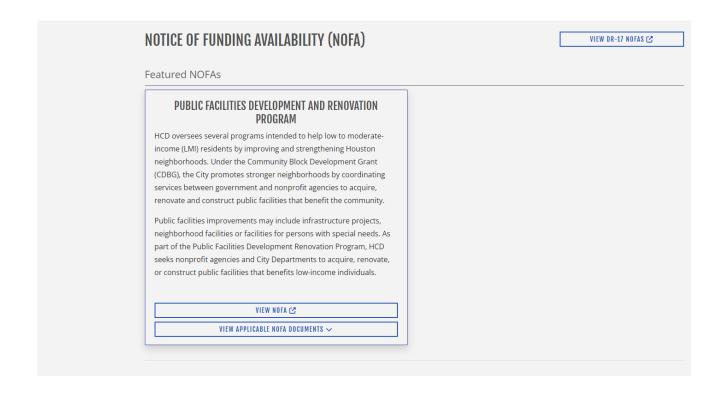


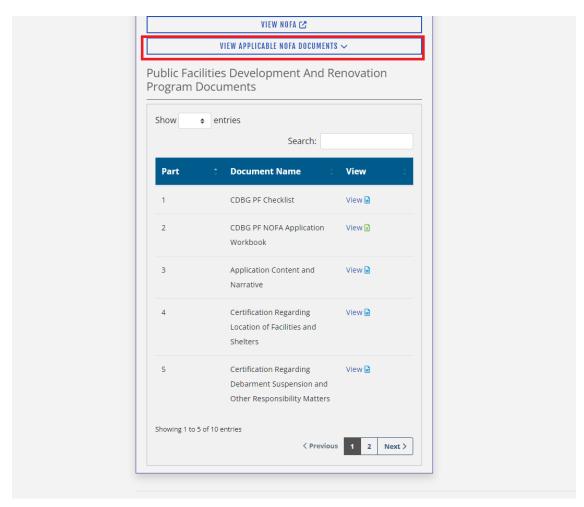


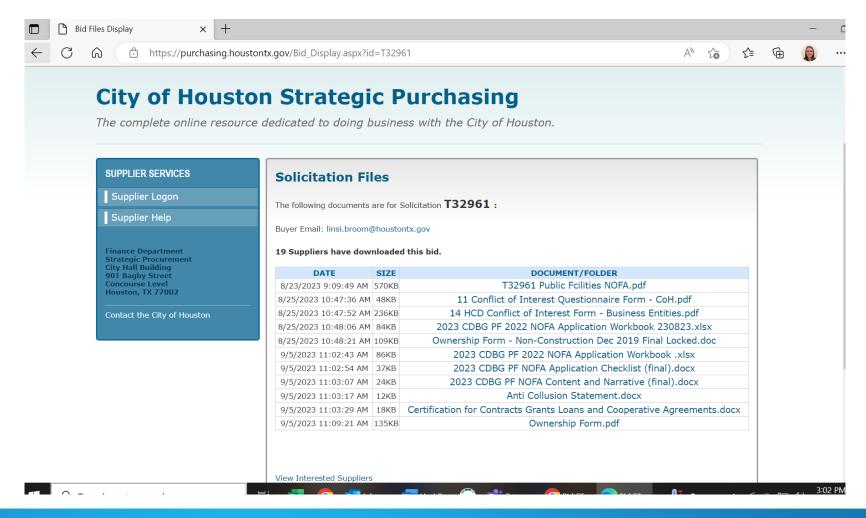
^{*}For complaints ONLY

Presented by Linsi Broom









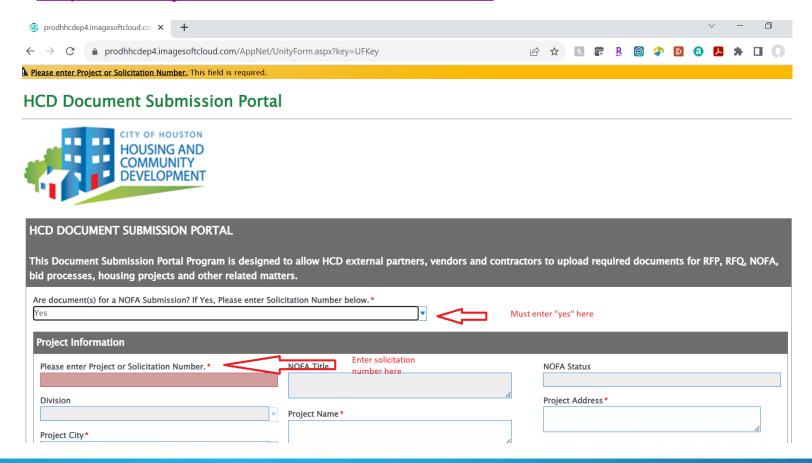
Submitting an Application

Presented by Linsi Broom

Applications will only be received online via HCD Document Submission Portal

Using the OnBase Portal

https://bit.ly/NOFA-DocumentPortal



 All communication must be sent in writing to <u>HCD_NOFA@houstontx.gov</u>

 NO DIRECT CONTACT WITH THE PROGRAM AREA

 3 business days to correct and/or address any deficiencies

No Contact Period

- Neither Applicant(s) nor any person acting on Applicant(s') behalf shall attempt to influence the outcome of the award by the offer, presentation, or promise of gratuities, favors, or anything of value to any appointed or elected official or employee of the City, their families or staff members.
- All inquiries regarding the solicitation are to be directed to the designated City Representative identified on the first page of the NOFA.



No Contact Period

• With the exception of Applicant's formal response to the solicitation and written requests for clarification during the period officially designated for such purpose by the City Representative, neither Applicant(s) nor persons acting on their behalf shall communicate with any appointed or elected official or employee of the City, their families, or staff through written or oral means in an attempt to persuade or attempt to persuade or influence the outcome of the award or to obtain or deliver information intended to or which could reasonably result in an advantage to any Applicant from the time of issuance of the solicitation through the pre-award phase and up to the date the City Secretary publicly posts notice of any City Council agenda containing the applicable award.

No Contact Period

 However, nothing in this paragraph shall prevent an Applicant from making public statements to the City Council convened for a regularly scheduled session after the official selection has been made and placed on the City Council agenda for action, or to a City Council committee convened to discuss a recommendation regarding the Application.

Comments & Questions





THANK YOU



2100 Travis Street, 9th floor, Houston, TX 77002 832-394-6200 | www.houstontx.gov/housing

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