



# Coronavirus Aid, Relief and Economic Security (CARES) Act



**Henry County  
Community Development Department  
140 Henry Parkway  
McDonough, GA 30253**

## Public Facility and Infrastructure Improvements

### Applicant Information

Legal Name of Organization:					
Mailing Address:					
Confidential? _____	Street Address	City	State	Zip Code	
Telephone Number:		Email:			
Contact Person		Title:			
DUNS Number:		Tax ID #:			
<i>Registration for DUNS number can be completed with Dunn &amp; Bradstreet, Inc.</i>					

This program is funded by the U.S. Department of Housing and Urban Development

THIS APPLICATION IS INTENDED FOR PUBLIC FACILITY AND INFRASTRUCTURE IMPROVEMENTS TO INCLUDE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REHABILITATION OR INSTALLATION OF PUBLIC FACILITIES AND IMPROVEMENTS. THIS APPLICATION SHOULD IS ALSO INTENDED FOR CLEARANCE AND REMEDIATION ACTIVITIES.

# Project Information

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Project Title:				
Project Location:				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 35%;">Street Address</td> <td style="width: 20%;">City</td> <td style="width: 20%;">State</td> <td style="width: 25%;">Zip Code</td> </tr> </table>	Street Address	City	State
Street Address	City	State	Zip Code	

Brief Project Description:

*\*A detailed description must be included in the following pages*

**Requested Funding**

Percentage of CDBG Investment (A 50% minimum match is required for non-governmental applicants.)		Total CDBG Request	
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**Other Funding Support**

List all funding awarded for this Project. Include any federal funding sources received by the Agency. Do not include other CDBG-CV3 funding received from Henry County CDBG. CDBG-CV3 is not sole source funding and applicants must match 50% of the total project cost.

Year Awarded	Agency	Funding Type	Amount

## **Submission Requirements**

Include required and suggested materials as labeled attachments in the order in which they appear. Applications missing required materials will not be considered. An additional point will be added in the application review process for each additional suggested document.

<b><u>Requirements</u></b>	<b><u>Documentation</u></b>	
1. The applicant must <ul style="list-style-type: none"> <li>• have nonprofit status for at least two (2) full years, <b>or</b></li> <li>• have three (3) full years of operating experience under another nonprofit entity, <b>or</b></li> <li>• be a local governmental entity or agency (<b>#2, 4 and 7 are not applicable for governmental applicants</b>)</li> </ul>	A copy of a 501(c) (3) designation letter from the Internal Revenue Service and detail the organizations history and mission if a non-profit applicant or strategic plan if a governmental entity.	—
2. The applicant must be registered to conduct business and in good standing in the State of Georgia at the time of application.	Copies of the Articles of Incorporation AND By-Laws. A current certification from the GA Secretary of State. For assistance, visit: <a href="http://www.sos.ga.gov">www.sos.ga.gov</a>	—
3. The applicant must have at least two (2) years experience directly related to the proposed project or program.	Organization history and mission, organization chart, resumes of principal staff, AND descriptions of the applicant’s previous relative activities.	—
4. The applicant must have audited financial statements prepared by a qualified accountant or accounting service, covering the most recent reporting period. Copies of each audited financial statement must be submitted with the application. <i>Audit findings will make the applicant ineligible to receive assistance.</i>	One copy each of the audited financial statement that meets the criteria described. (Note only need audits in original application) Include management letters if applicable.	—
5. The applicant must submit a written copy of its financial management procedures, including staff responsibilities and required procedures.	A copy of the agency’s written financial management procedures.	—
6. The applicant must agree to abide by all policies, regulations, ordinances, or statutes as required by HUD and/or Henry County.	Signed copies of the procurement policy, conflict of interest clause, application certification, AND acknowledgement of religious organizations if applicable.	—
7. Non-profit organizations must have an active Board of Directors from the last 24 months.	Provide list of board members AND a copy of board meeting minutes authorizing the submittal of this application.	—
8. Each applicant must submit one original and two copies of their completed application.		—
9. Applicants <b>must</b> complete the budget summaries for years 2021 and 2022 specifying the amount of funds requested from each year. Applicants may apply for FY 2021 funds only, FY 2022 only, or funds from both years.	Actual funding allocations will be dependent upon the County’s receipt of federal funds and the applicant’s performance in the previous contractual period.	—
<b><u>Submission Suggestions</u></b>	<b><u>Documentation</u></b>	
1. The applicant may include information regarding the physical state of the project site.	Location maps, deed/lease for premises, topographical survey, or photos.	—
2. The applicant may include information regarding plans for the project.	Cost estimate for construction, letters of committed funding sources, site plans, or	—

	schematic designs.	
3. The applicant may include information regarding community support.	Letters of community support from citizens, elected officials, or beneficiaries.	—
4. The applicant may include information regarding beneficiaries. This information is mandatory if relying on Limited Clientele to qualify. See below.	Low/Mod income surveys, intake forms, or area demographics.	—

## **Detailed Project Description/Justification**

Check the appropriate activity description below and provide a detailed description of Public Facility activity proposed.

- |   |  |
|---|--|
| <input type="checkbox"/> Brand new facility (Construction)  | <input type="checkbox"/> Water/Sewer/Curb & Gutter/Sidewalk Project (New)            |
| <input type="checkbox"/> Renovation to an existing facility | <input type="checkbox"/> Water/Sewer/Curb & Gutter/Sidewalk Project (Repair/Replace) |
| <input type="checkbox"/> Acquisition of a facility          | <input type="checkbox"/> Other. Describe:  |
| <input type="checkbox"/> ADA Improvements                   |  |

Attach a description, in narrative format, to include the type of facility, proposed activity, the estimated cost, site address, and the CDBG eligible use for the facility. If this is a Water/Sewer/Curb project, state the name of the street and total estimated costs, as well as the diameter of new line in inches, the proposed total linear feet, a beginning and ending street, justification of the proposed project, and how it would meet a CDBG eligible usage. Explain in detail the objective of the project. Your description **must include** but **should not be limited to** the following information:

- What is the goal of this project?
- What target population will be served by this project (specify youth, seniors, special needs, etc.)?
- Is the project a new service or an expansion of an existing service?
- Describe the National Objective that the proposed project will address.
- Describe any unique or innovative elements of the project.
- If the project duplicates other projects, what sets it apart?
- Describe any cooperative or collaborative efforts to implement the project.
- Describe applicant's past experience related to the proposed activity, specifically activities undertaken in the past 12 months.
- Have program policies and procedures been developed and approved by the appropriate board, outline the specific details of your program?
- Does the Applicant currently have staff capacity to effectively carry out the proposed activities?
- Describe how the organization is funded and where CDBG funds will fit into the overall budget.

## **Project Implementation**

Attach an implementation schedule detailing the major components of the project, the timing of each component and the projected drawdown dates. The County will consider funding on the applicant's ability to efficiently expend funds within the program fiscal year. **The 2021 program fiscal year is July 1, 2021 thru June 30, 2022.** The Project Implementation may be included in the project description if it is properly labeled.

## Organization History and Capacity

Respond to the following questions in the spaces provided:

1. What is your Organization's mission statement?	
2. How long has the Organization existed in its current form?	
3. How long has the Organization had its 501 (c) (3) status? If your organization is a government entity, enter N/A.	
4. How many years has the Organization conducted the project/program for which it is requesting funding?	
5. What percentage of the Organization's budget is grant funded?	
6. How many program staff persons are dedicated to this project ( <i>ie. Case Managers, Intake Coordinators</i> )?	
7. Does the Organization have administrative staff ( <i>ie. Accountants, Executive Director</i> ) dedicated to this project?	Yes <input type="checkbox"/> No <input type="checkbox"/>
8. Has the Organization secured funding for the administrative staff for this project?	Yes <input type="checkbox"/> No <input type="checkbox"/>

## CDBG Program Requirements

**National Objective and Project Eligibility:** Check appropriate responses below.

<p>1. Activities benefitting low/moderate income persons.</p> <p>a. Area Benefit Activities <input type="checkbox"/></p> <p>b. Limited Clientele Activities <input type="checkbox"/></p> <p>c. Housing Activities <input type="checkbox"/></p> <p>d. Job Creation or Retention Activities <input type="checkbox"/></p>	<p>Eligibility:</p> <p><input type="checkbox"/> Acquisition</p> <p><input type="checkbox"/> Disposition</p> <p><input type="checkbox"/> General Public Facilities and improvements</p> <p><input type="checkbox"/> Clearance and Remediation</p> <p><input type="checkbox"/> Community Based Development Organization (CBDO) activities</p> <p><input type="checkbox"/> Other. Describe: _____</p> <p>_____</p>
<p>2. Activities which aid in the prevention or elimination of slum or blight.</p> <p>a. Area Basis <input type="checkbox"/></p> <p>b. Spot Basis <input type="checkbox"/></p> <p>c. Urban Renewal Area <input type="checkbox"/></p>	
<p>3. Activities designed to meet community development needs having a particular urgency. <input type="checkbox"/></p>	

**Project Outcomes**

*HUD has developed an outcome performance measurements system for its programs. This system describes Performance Measurements as specific objectives, outcomes, and outputs. Select the appropriate measurement of each for your proposed project. One response should be checked for each question, based on the ultimate goal of your project*

<p>Objectives:</p> <p>A. Decent Housing: This goal focuses on programs where the purpose is to meet individual or family needs through housing activities.</p> <p>B. Suitable Living Environment: This goal relates to activities that are designed to benefit communities, families, or individuals by addressing issues in their living environment.</p> <p>C. Economic Opportunities: This goal applies to activities related to economic development, commercial revitalization or job creation.</p>	<input type="checkbox"/> Decent Housing <input type="checkbox"/> Suitable Living Environment <input type="checkbox"/> Economic Opportunities
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<p>Outcomes:</p> <p>A. Availability/Accessibility: This category applies to activities that make services, infrastructure, public facilities, shelters, or housing available or accessible to low and moderate income people, including making the basics of daily living available.</p> <p>B. Affordability: This category applies to activities that provide affordability in a variety of ways in the lives of low to moderate income people. It can include the maintenance of affordable housing, basic infrastructure connections, or services such as daycare or transportation.</p> <p>C. Sustainability: This category applies to activities aimed at improving communities or neighborhoods, making them livable, removing slums or blighted areas, or through activities and services that sustain communities.</p>	<input type="checkbox"/> Availability/Accessibility <input type="checkbox"/> Affordability <input type="checkbox"/> Sustainability
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Outputs:  
*Outputs are the quantifiable outcome of the project. Describe the anticipated project outcomes based on the terms defined above. Use the most significant outcome(s) this project is expected to have on its participants as a result of the CDBG funding requested. Include how many households or individuals will benefit from each outcome and how each outcome will be measured. Include as many outcomes as needed. This should be measured in terms of persons served, number of units remediated, rehabbed or, constructed, number of households, or number of jobs created or retained.*

**Project Beneficiaries**

Total Number or persons to benefit:	_____	Percentage of low and moderate income persons to benefit	_____%
<p>1. If the project serves an <b>area benefit</b>:</p> <p>a. Indicate the Census Tracts and Block Group(s) of the service area: _____</p> <p>b. Indicate the number of residents in these areas: _____</p> <p>If census data is not being proposed, attach a description of how the applicant proposes to document area benefit. Note: The use of surveys <b>must</b> be pre-approved by HUD. Contact CDBG Staff for assistance.</p> <p>*Attach map of Target Area.</p>		<p>2. If the project serves a <b>limited clientele</b>:</p> <p>*Attach income verification forms</p> <p>A. Indicate the estimated percentage of:</p> <p>a. Moderate Income Households (50-80% AMI) _____</p> <p>b. Low Income Households (30-50% AMI) _____</p> <p>c. Extremely Low Income Households (0- 30% AMI) _____</p> <p>If the proposed project serves <b>Limited Clientele</b> (non-Presumed benefit), attach a description of how the required information on family size and income will be gathered so that it is evident that at least 51% of the clientele are persons whose family income does not exceed the Low and Moderate income limit. (Examples are Intake or Registration forms)</p>	

3. If proposed project serves a **Presumed Benefit Clientele** provide the number of each in the table below

<b><u>Presumed Benefit Categories</u></b>	<b><u>Total #</u></b>
Elderly Persons:	
Severely Disabled Adults (meeting the Census Bureau's definition of "severely disabled"):	
Battered Spouses:	
Abused Children:	
Homeless Persons:	
Migrant Farm workers:	
Persons living with HIV/Aids:	
Illiterate Adults:	

4. Estimate the Racial Ethnicity of Persons to Benefit from project

<b><u>Race/Ethnicity of Beneficiaries</u></b>	<b><u>Total #</u></b>	<b><u># of Hispanics</u></b>	<b><u># of Disabled Persons</u></b>
Number of White:			
Number of Black or African American:			
Number of American Indian or Alaska Native:			
Number of Asian:			
Number of Native Hawaiian or Other Pacific Islander:			
Number of American Indian or Alaska Native & White:			
Number of Asian & White:			
Number of Black or African American & White:			
Number of American Indian or Alaska Native & Black or African American:			
Number of Other Multi-Racial:			

**Environmental Review Information**

*CDBG\_CV3 assisted activities must comply with the Real Property Acquisition Policies Act and the Uniform Relocation Assistance Act. Applications requiring action for compliance with either act should detail how compliance will be satisfied. Check the appropriate responses below.*

1. Does the project require land acquisition?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
a. If yes, has there been an appraisal? *Attach a copy of the appraisal.	Yes <input type="checkbox"/> No <input type="checkbox"/>	
2. Does the applicant own or lease the subject property? *Attach a copy of the deed or lease.	<input type="checkbox"/> DEED <input type="checkbox"/> LEASE	
3. Will the project require relocation of owners or tenants, residential or commercial?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
a. If yes, has the cost for relocation been included in the budget?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
4. What is the current zoning of the proposed location?	_____	
a. Is the zoning consistent with the proposed land use?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
5. Is there a recent survey of the proposed location? If yes, attach.	Yes <input type="checkbox"/> No <input type="checkbox"/>	
6. Have any of the following consultants been retained? Check all that apply.	Was competitive procurement used?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a. <input type="checkbox"/> Architect	Will these services be provided in house?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b. <input type="checkbox"/> Attorney		
c. <input type="checkbox"/> Environmental Engineer		
d. <input type="checkbox"/> Landscape Architect		
e. <input type="checkbox"/> Financial Analyst		
f. <input type="checkbox"/> Civil Engineer		
g. <input type="checkbox"/> Planner		
h. <input type="checkbox"/> Other		
7. Was the proposed site a current or former site of:		
a. <input type="checkbox"/> Gasoline Service Station		
b. <input type="checkbox"/> Bulk Gasoline or Oil Dealer		
c. <input type="checkbox"/> Dry Cleaners		
d. <input type="checkbox"/> Chemical Dealer or Chemical Storage Area		
e. <input type="checkbox"/> Chemical Production Plant		
f. <input type="checkbox"/> Pesticide and/or Herbicide Production or Storage Facility		
g. <input type="checkbox"/> Wood products treatment plant		
h. <input type="checkbox"/> Landfill or hazardous waste disposal site		
8. Is the proposed site adjacent to any of the types of environmental hazards listed above? If yes, please Identify.	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9. Is the proposed project in a designated Historic District, listed as a Historic Site, 50 years or older, or affecting listed Historic sites?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10. Was the proposed location constructed prior to 1978? If yes, does your budget plan for lead paint abatement processes?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
11. Does the proposed site contain any federal, state or locally designated wetlands or is it in a flood plain? If in a flood plain, has flood insurance been included in the budget?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
12. Has an Environmental Assessment of an Environmental Impact Statement been prepared for the proposed project? If so, attach. (Not required before submission)	Yes <input type="checkbox"/> No <input type="checkbox"/>	



## Project Budget

Describe line items in the table below, if more space is needed, attach a separate budget as an attachment and make note of that in the table. Note: CDBG-CV3 Assistance will not be awarded for the sole purpose of funding staff salaries.

**Salaries and other Administrative Costs must not exceed a combined 20% of the grant award.** Non-governmental applicants MUST include a minimum of 50% match.

## CARES Project Budget

List all the Line Items included in the Project Budget	Timetable for each Phase.	Henry County CDBG-CV3 Funds Requested	Other Source(s) of Project Funding	Total
<b>Preconstruction costs:</b>				
<b>Total Preconstruction Costs:</b>				
<b>Construction costs:</b>				
<b>Total Construction Costs:</b>				
<b>Program Delivery Costs (Describe):</b>				
<b>Total Administrative Costs:</b>				
<b>Total Project Cost:</b>				

\* Note that General Liability Insurance and Automobile Liability Insurance, as appropriate; and Fidelity Bond are often required for contractors. If the Applicant does not already have this coverage, this is an eligible CDBG expense. Costs for coverage should be included in this budget summary.

\*\* The Contractor shall comply with OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations". The cost of conducting an annual audit is an eligible CDBG expense.

1. Include commitment letters specifically for this project from other funding sources. If there are not sufficient funding commitments to ensure completion of the project the application may not be funded.
2. If Applicant is using a cost estimate, attach a copy of the cost estimate, and the name and telephone number of the person or firm who prepared the cost estimate.

3. Based on the budget on the previous page, what is the cost per beneficiary for the proposed project? (Refer to answers in Project Measurements (1) of this application for the anticipated number of beneficiaries, and explain how the cost per beneficiary was calculated.)

<b><u>Beneficiary Data for CDBG-CV3</u></b>	
Number of Beneficiaries:	
Total Project Cost:	
Cost Per Beneficiary:	
Describe the calculation and the reasonable cost effectiveness of the project:	

<b><u>Budget Summary</u></b>	<b><u>Amount \$</u></b>	<b><u>Percent %</u></b>
Amount Requested from Henry County CARES Act Program:		
Amount Committed from other Funding Sources (Attach Commitment Documentation):		
Amount Requested from other Sources not yet committed (Excluding CARES Act and Applicant Funding):		
Total Project Cost:		

# Community Involvement

## Comprehensive Plan/ Mission Statement Compliance

### For all Municipal and Henry County Department Applicants:

<p>1. Is the proposed activity consistent with the Comprehensive Plan? Attached copies of supporting documentation from Comprehensive Plan.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>a. Describe how the proposed activity is or is not consistent with the Comprehensive Plan.</p>	
<p>2. Is the proposed activity located within a Target Area?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>
<p>a. If yes, what type of Target Area? Attach documentation establishing Target Area.</p>	<p>i. Local Target Area <input type="checkbox"/> Identify: _____          ii. Neighborhood Revitalization Strategy Area (NRSA) <input type="checkbox"/> (must be approved by HUD or DCA)          iii. Community Development Financial Institutions (CDFI) <input type="checkbox"/></p>
<p>b. If yes, is the activity consistent with the strategy for the Target Area?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>
<p>c. Describe how the proposed project is or is not consistent with the strategy for the Target Area.</p>	

### For Non-Profit Applicants:

<p>1. Is the proposed project consistent with the Applicant's Mission Statement?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>a. Describe how the proposed project is or is not consistent with the Applicant's Mission Statement.</p>	

## **Citizen Participation**

An important aspect of the CARES Act Program is citizen participation. Each application must include documentation indicating that citizens of the community in which the project/service is located, have been informed of the project. This participation may be accomplished by conducting community meetings or public hearings where citizens are invited to comment on proposed projects. In addition, official notification must be conducted as follows:

For Municipalities and Henry County Departments:

The members of the governing body must be notified at a public council meeting of the intent of the government to submit an application for funding. Adequate advance notice of the date of the meeting must be given to the public (in accordance with State of Georgia Open Meetings Act requirements). The following documentation of the notice and discussion of the meeting must be included in the application:

- a. A copy of the public notice with date of publication;
- b. The agenda for the meeting with project listed;
- c. Minutes of the meeting where the application was discussed;
- d. Newspaper clippings regarding the meeting at which the project was discussed; letters of support received by the jurisdiction (optional); and
- e. A copy of the resolution from the governing body endorsing the submission of the project application; stating the project/service to be funded; the amount of the CARES Act request in the application; and stating the amount to be contributed by the municipality for the project.

For Non-Profit Organizations:

Each application from a non-profit organization must contain a resolution from the organization's Board of Directors endorsing the submission of the application. The resolution must include the following:

- a. A statement from the Board stating the project to be funded;
- b. The amount of the CARES funds requested in the application; and
- c. A statement of the amount to be contributed by the organization.

# CARES Application Certification

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I certify that the application submitted for Henry County CARES funds is accurate and complete to the best of my knowledge and belief. And if CARES funds are awarded for the activities presented in this application, I will comply with the necessary certifications and assurances required by Henry County and the U.S. Department of Housing and Urban Development.

\_\_\_\_\_  
Name of Organization

\_\_\_\_\_  
Signature of Authorizing Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Authorizing Official (print or type)

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
City/State/Zip

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE

\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public Seal

My Commission Expires: \_\_\_\_\_

## **PROCUREMENT POLICY**

The \_\_\_\_\_, here after known as the Applicant, in keeping with the regulations 24 CFR Part 84 governing the procurement of goods and services with Federal funds, does hereby adopt the following procurement guidelines and procedures to ensure that materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal statutes and Executive Orders.

This document reflects the written standards required to be adopted by nonprofits to meet Federal compliance in procurement activities. It also includes any additional policies adopted by the Applicant that are applicable to procurement activities and to the Applicant's administration of CDBG funds. All Applicant procurement activities are subject to applicable laws of the State of Georgia.

### **Code of Conduct**

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

Such a conflict would arise when an employee, officer, or agent, of the Applicant or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award.

The officers, employees, and agents of the Applicant shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to sub agreements.

The Applicant shall enforce this code of conduct in all of its procurement activities and shall pursue appropriate disciplinary and legal action as necessary where violations occur.

### **Competition**

All the Applicant procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, free and open competition. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids and/or requests for proposals for the Applicant shall be excluded from competing for such procurements.

Awards shall be made by the Applicant to the bidder or offerer whose bid or offer is responsive to the solicitation and is most advantageous to the Applicant, considering solicitation criteria to include but not be limited to price, quality and other factors as determined by the Applicant.

The Applicant shall include Federal Section 3 language in all solicitations where applicable, and all solicitations shall clearly describe all requirements that the bidder or offerer shall meet in order for the bid or offer to be evaluated by the Applicant.

### **Procurement Procedures**

The Applicant shall avoid the purchasing of unnecessary items with Federal funds.

Analysis shall be performed by the Applicant, where appropriate and when considering lease purchase alternatives, to determine which would be the most economical and practical alternative when using Federal funds.

Solicitations for goods and services by the Applicant shall provide for:

1. A clear and accurate description of the technical requirements for the material, product or service to be procured. In competitive procurements, the Applicant will ensure that such descriptions do not contain any features that will unduly restrict competition.
2. A description of the requirements that the bidder or offerer must fulfill and all other factors to be used in evaluating the bids or proposals submitted.
3. The specific features of "brand name or equal" descriptions that bidders are required to meet when such items are

included in the solicitation.

4. The acceptance, to the extent practical and economically feasible, of products and services dimensioned in the metric system of measurement.
5. Preference, to the practical extent and economically feasible, for products and services that conserve natural resources and protect the environment and are energy efficient.
6. No competition when the total amount of the requisition is less than \$10,000 (the county's "small purchase threshold").
7. Competition and advertisement when the total amount of the requisition is \$10,000 or greater. The solicitation will be advertised according to applicable law and mailed to all vendors on a list of qualified bidders compiled by the Applicant. Specifications will be created to ensure that competition is generated. Sealed bid responses will be recorded according to the date established for bids to be submitted. Responses will be tabulated and a vendor will be selected based upon the response to the specification criteria. If a contract is determined to be necessary, it shall be ratified by the Applicant's Board of Directors. A draft contract shall be included in the request for proposals or bid package specifying the terms, conditions and other provisions that shall apply to the work. The contract shall be reviewed as to form and content by legal counsel for the Applicant. Sealed bids will be opened, read aloud and recorded on the advertised bid opening date. The successful bidder shall be notified by the Applicant in writing of the selection of its bid for the commodity or service solicited.

The Applicant shall also undertake positive efforts in all of its procurement actions to utilize small businesses, minority-owned firms, and women's business enterprises, whenever possible to include the following steps:

1. Ensuring that in all of the Applicant's procurements, small businesses, minority-owned firms, and women's business enterprises are used to the fullest practicable extent.
2. Providing information on forthcoming procurement opportunities available from the Applicant that uses time frames for purchases and contracts that will encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.
3. Considering whether in the Applicant's contracting process, firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.
4. Encouraging contracting with consortiums of small businesses, minority-owned firms, and women's business enterprises when a contract is too large for one of these firms to handle individually.
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce's Minority Business Development Applicant in the solicitation and utilization of small businesses, minority-owned firms, and women's business enterprises.

The Applicant shall use procurement methods and instruments appropriate for the particular procurement (fixed price, reimbursement, purchase orders, etc.) to promote the best interest of the program or project involved using Federal funds. In addition, the Applicant shall not use the "cost-plus-a-percentage-of-cost" or "percentage of construction cost" methods of contracting for its procurement activities.

The Applicant shall enter into contracts only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. In addition, the Applicant shall consider such matters as contractor integrity; compliance with public policy, including, where applicable, Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u); record of past performance; financial and technical resources or accessibility to other necessary resources.

The Applicant recognizes that in certain circumstances, contracts with certain parties are restricted as a result of Executive Orders 12549 and 12689. These orders dictate the actions taken against contractors who are debarred from participation in contracts paid with Federal funds. The Applicant will consult the Henry County CDBG Program for assistance in evaluating a potential bidder's inclusion on the debarred list as codified at 24 CFR Part 24 and found at the General Services Administration's website <https://www.sam.gov/portal/public/SAM/>.

The Applicant shall at the request of any Federal, State or local government make available any pre-award or procurement documentation, such as requests for proposals or invitations for bids, independent cost estimates, etc., when any of the following apply:

1. The Applicant's procurement procedures or operations fail to comply with the procurement standards in HUD's implementation of Circular A-110.

2. The procurement is expected to exceed the county's small purchase threshold of \$10,000 and is to be awarded without competition or only one bid or offer is received in response to solicitation.
3. The procurement, which is expected to exceed the county's small purchase threshold, specifies a "brand name" product.
4. The proposed award over the county's small purchase threshold is to be awarded to other than the apparent low bidder under sealed bid procurement.
5. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the small purchase threshold.

### **Cost and Price Analysis**

The Applicant will perform a cost or price analysis for each procurement activity undertaken with Federal funds to include:

1. A comparison of price quotations submitted, market prices, and similar indicators, together with discounts.
2. A review and evaluation of each element of cost to determine reasonableness, allocability, and allowability.
3. A comparison of any change order request against an independently prepared estimate for the same work requested to be done as part of the contract. The requested change order must be within 10% of the independently prepared estimate for approval. However, an item-by-item comparison may be made of the request and negotiation for items with wide variations in price may occur to determine if an accurate estimate for that item can be obtained to meet the 10% limit.

### **Procurement Records**

The Applicant will maintain procurement records and files for all purchases made with Federal funds, especially those that exceed the small purchase threshold, to include:

1. The basis for contractor selection.
2. Justification for lack of competition when competitive bids or offers are not obtained.
3. The basis for the award cost or price.

### **Contract Administration**

The Applicant will maintain a system of contract administration to ensure contractor conformance with the terms, conditions, and specifications of the contract and to ensure adequately and timely follow up of all procurement activities and purchases. The Applicant shall evaluate contractor performance and document, as appropriate, whether contractors have met the terms, conditions, and specifications of the contract.

### **Contract Provisions**

The Applicant shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts. The following provisions shall also be applied to subcontracts:

1. Contracts in excess of the small purchase threshold shall contain contractual provisions or conditions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches the contract terms, and provide for such remedial actions as may be appropriate.
2. All contracts in excess of the small purchase threshold shall contain suitable provisions for termination by the Applicant, including the manner by which termination shall be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.
3. Except as otherwise required by Federal statute, an award that requires the contracting (or subcontracting) for construction or facility improvements shall provide for the Applicant to follow its own requirements relating to bid guarantees, performance bonds, and payment bonds unless the construction contract or subcontract exceeds \$100,000. For those contracts or subcontracts exceeding \$100,000, HUD may accept the bonding policy and requirements of the Applicant, provided that HUD has made a determination that the Federal Government's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:



- a. A bid guarantee from each bidder equivalent to five (5) percent of the bid price. The “bid guarantee” shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance of his bid; execute such contractual documents as may be required within the time specified.
- b. A performance bond on the part of the contractor for one-hundred (100) percent of the contract prices, a “performance bond” is one executed in connection with a contract to secure fulfillment of all contractor’s obligations under such contracts.
- c. A payment bond on the part of the contractor for one-hundred (100) percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by statute of all persons supplying labor and materials in the execution of the work provided for in the contract.
- d. Where bonds are required in the situations described herein, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties pursuant to 31 CFR Part 223, “Surety Companies Doing Business with the United States”.
- e. All negotiated contracts (except those for less than \$100,000) awarded by the Applicant shall contain a provision to the effect that the Applicant, HUD, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which is directly pertinent to a specific program for the purpose of making audits, examinations, excerpts, and transcriptions.
- f. All contracts, including small purchases, awarded by recipients and their contractors shall contain the procurement provisions of Appendix A to 24 CFR Part 84, as applicable. Appendix A covers other federal laws and provisions covering Equal Employment Opportunity, the Copeland Anti-Kickback Act, the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act, the Rights to Inventions Made Under Contract or Agreement, the Clean Air Act, the Byrd Anti-Lobbying Amendment, Debarment and Suspension, and the Drug-Free Workplace Requirements.

I certify the applicant shall comply with the Procurement Policy as stated above as it relates to the Henry County CDBG funding.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name and Title

\_\_\_\_\_  
Applicant’s (Entity) Legal Name

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE

\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public Seal

My Commission Expires:

## FAITH BASED ORGANIZATIONS

Per CFR 570.200(j) the following policies apply to Faith Based Organizations:

- Faith-based organizations are eligible for CARES funding on an equal footing with any other organization. There is no Federal requirement that an organization incorporate or operate as a nonprofit to obtain tax-exempt status under section 501(c)(3) in order to receive CARES funds.
  - Organizations may not use CARES funds to support inherently religious activities such as worship, religious instruction or proselytization. If an organization does conduct such activities, the activities must be offered separately from activities or services funded by the CARES Program, in time or location. Participation in any such religious activities must be voluntary for the beneficiaries of the CARES assisted activity or service.
  - Organizations that receive CARES assistance are prohibited from discriminating against beneficiaries or prospective beneficiaries of the CARES assisted activity or service on the basis of religion or religious belief.
    - Accordingly, organizations offering activities or providing services supported in whole or in part with CARES funds, and in their outreach activities related to such activities or services, are prohibited from discriminating against current or prospective program beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.
  - Faith-based organizations retain their independence from Federal, state and local governments, including their exemption from the federal prohibition on employment discrimination on the basis of religion for employees not involved in CARES funded activities (§570.607).
    - Accordingly, a faith-based organization that applies for, or participates in a CARES funded activity or service may retain its independence and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, provided that it does not use CARES funding to support or engage in any inherently religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization), or in any other manner prohibited by law.
    - Among other things, faith-based organizations that receive CARES funding may use their facilities to provide services or offer activities supported by the CARES Program, without removing or altering religious art, icons, scriptures, or other symbols from these facilities.
    - In addition, a faith-based organization that applies for, or participates in a CARES funded activity or service may retain religious terms in its name, select its board members on a religious basis, and include religious references in its organization's mission statements and other chartering or governing documents.
  - Faith-based organizations, like all organizations, may receive CARES funds to acquire, construct, or rehabilitate buildings and other real property as long as the funds only pay the costs attributable to CARES activities and/or services.
  - The following are examples of CARES eligible activities and social services which are subject to the faith-based organization policies:
    - Child care services,
    - Youth services,
    - Senior services,
    - Legal services,
    - Substance abuse services;
    - Crime awareness;
    - Services for Battered and Abused spouses and/or Abused and Neglected children;
- Henry County CDBG CARES Public Facility Application

- Transportation services;
- Job training and related services, and employment services;
- Counseling services (including housing counseling and tenant/landlord counseling);
- Services related to soup kitchens or food banks;
- Health services and Mental health services;
- Services related to the provision of assistance for housing under federal law.

➤ These policies apply to state or local funds if a state or local government chooses to commingle its own funds with CARES funds.

I HEREBY ACKNOWLEDGE THAT I HAVE READ THE SPECIFIC REQUIREMENTS OF FAITH BASED ORGANIZATIONS AND UNDERSTAND THAT ELIGIBILITY OF MY ORGANIZATION’S PROJECT DEPENDS UPON COMPLIANCE WITH THE REQUIREMENTS CONTAINED IN THIS ATTACHMENT.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name and Title

\_\_\_\_\_  
Applicant’s (Agency) Legal Name

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE

\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public Seal

My Commission Expires: \_\_\_\_\_

## CONFLICT OF INTEREST 24 CFR PART §570.611

**(a) Applicability.**

- (1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply.
- (2) In all cases not governed by 24 CFR 85.36 and 84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties entities pursuant to 570.203, 570.204, 570.455, or 570.703(i)).

**(b) Conflicts Prohibited.** The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CARES activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CARES-assisted activity, or have **a financial interest in any contract, subcontract, or agreement with respect to a CARES-assisted activity, or with respect to the proceeds of the CARES-assisted activity, either for themselves or those with whom they have business (Partner, shareholder, or vested percentage) or immediate family ties (relatives such as siblings), during their tenure or for one year thereafter.**

**(c) Persons covered.** The conflict of interest provisions of paragraph (b) of this section apply to **any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient (Henry County), or any designated public agencies, or of subrecipients (recipients of Henry County) that are receiving funds under this part.**

**(d) Exceptions.** Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

- (1) Threshold requirements. HUD will consider an exception only after the recipient has provided the following documentation;
  - i. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure was made; and
  - ii. An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.
- (2) Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:
  - i. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
  - ii. Whether an opportunity was provided for open competitive bidding or negotiation;
  - iii. Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
  - iv. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;
  - v. Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;

**CONFLICT OF INTEREST 24 CFR PART §570.611**

(Continued)

- vi. Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
- vii. Any other relevant considerations.

**NON CONFLICT OF INTEREST CERTIFICATION**

I certify the applicant is complying with the conflict of interest provision of 24 CFR part 570.611.

The applicant hereby further understands and agrees that in the event that such conflict of interest is determined to exist, applicants' application may be rejected. The applicant may be required to return any CARES Act funds previously awarded by Henry County.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name and Title

\_\_\_\_\_  
Applicant's (Agency) Legal Name

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE

\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_

\_\_\_\_\_  
Notary Public Seal

My Commission Expires: \_\_\_\_\_

