

Attachment C
COUNTY OF SAN BERNARDINO
DEPARTMENT OF COMMUNITY DEVELOPMENT AND HOUSING
DELEGATE AGENCY
COORDINATION PROCEDURES

I. Introduction

The following procedures identify the actions, responsibilities, and sequence of events for CDBG funded projects being implemented by a coordinated effort between the San Bernardino County Department of Community Development and Housing, hereinafter referred to as "CDH," and the Delegate Agency, hereinafter referred to as "DA". For each action or event listed in Section III of this attachment, the entity responsible for carrying out that action or event is referenced beside it. Section IV contains regulations and statutes applicable to CDBG funded activities.

II. Authorization to Proceed

The Delegate Agency is not authorized to expend funds or to initiate CDBG projects until authorized to do so in writing by CDH. Contract procurement shall be governed by all Federal regulations and statutes, as amended, listed in Section IV of the Attachment. CDH payments of DA Requests for Reimbursement will be subject to DA submittal of a complete reimbursement report package as listed in Section III, D-20.

A. Project/Activity Budget

Each project activity is initiated by an Attachment "A". The Attachment "A" is released when the project/activity is ready to be implemented and subsequent to environmental clearance and release of funds from HUD. It specifies the total funding allocation for the project/activity, the portions currently released and available to expend, the budget categories the allocation will be expended under, and the entity responsible for maintenance and operation of the completed project.

In accepting the Attachment "A" the DA is to complete an estimated budget showing the allocation distribution to design costs, staff costs, construction costs, etc. This breakdown may also include a contingency or inflation factor not to exceed 10% of the total activity allocation.

B. Activity Description

The activity description is forwarded to the DA as Attachment "B". The preparation of the project description, both preliminary and final, is the responsibility of the CDH Community Development Division.

The Description should be specific enough for use as the scope of work funded by CDBG money in an RFP for architectural or engineering services or for a vendor in preparing a bid. It will contain, but is not limited to the following:

1. Title of Project/Activity
2. Activity Number
3. Specific site description
4. On-and off-site improvement description
5. Size of building
6. Fixtures list (such as stove, built-in equipment)
7. Water and sewer requirements
8. Utilities
9. Specific zoning and planning requirements
10. Specific uses of the site and/or building
11. Equipment
12. Functions

Approval to change the project/activity description will come from CDH in the form of a revised Attachment "B" (and corresponding Attachment "A", if appropriate).

CDH will complete the Attachments "A" and "B" and will send two copies each to DA for signature. Once signed and fully completed, they must be returned to CDH for the Director's signature. A copy of each will be returned to DA signifying authorization to proceed with actions outlined in the following section.

III. Actions and Responsibilities

A. Property Acquisition

The DA can pursue the acquisition of real property (and related relocation requirements, if necessary) through its jurisdiction or request the County's Public and Support Services Group Real Estate Services Department, hereinafter referred to as "RES", to handle the acquisition and/or relocation. If relocation is required, initiate a 90-day notice to occupant(s).

1. If DA wishes to purchase the property, the following procedures should be followed:
 - a. DA: Refers to HUD Handbook 1378 which implements the Uniform Relocation Assistance and Real Property Acquisition regulations including the Federal Relocation Assistance and Real Property Acquisition Policies Act of 1970, the Braithwaite Act of the State of California and any subsequent amendments to these acts and regulations. If relocation is required, the appropriate notices will be issued in accordance with the "Timely Notices" (49CFR 24.203) provision of the Relocation Handbook 1378.
 - b. DA: Obtains required appraisals.
 - c. DA: Reviews required appraisals and/or leases to determine if property can be acquired within the project allocation.
 - d. DA: Sends all lease documents to CDH for approval.
 - e. DA: Sends any requests for adjustments of funds for property acquisition and/or relocation to the CDH Director for approval.
 - f. CDH: Issues approvals in relation to "d" above and sends them to DA.
 - g. DA: Initiates lease or purchase.
 - h. DA: Sends Request for Advance of Funds to CDH 10 working days prior to expected close of escrow, with all appropriate documentation attached.
2. If DA desires to have RES handle Acquisition and/or relocation activities, the DA should follow this procedure:
 - a. DA: Submits a letter to CDH requesting that RES handle the project/activity, describing in detail what property is to be acquired, giving all pertinent information, and identifying who the DA contact person is to be. If relocation is required, initiate a 90-day notice to occupant(s).
 - b. CDH: Initiates appraisal process.
 - c. RES: Obtains required appraisals.

- d. RES: Forwards appraisals to DA.
- e. DA: Reviews appraisals and/or leases to determine if property should be acquired and/or leased. Prepares and forwards request to CDH.
- f. CDH: Reviews request from DA, and forwards Authorization to Proceed to RES (note all leases and all adjustments in project allocations must be requested and approved by the CDH Director).
- g. RES: Initiates purchase or lease of property. If relocation is required, the appropriate notices will be issued in accordance with the "Timely Notices" (49 CFR 24.203) provision of the Relocation Handbook 1378.

RES will work with the designated DA contact person throughout the acquisition/relocation process to assure that the DA is aware of the activities and can make any necessary decisions in relation to the activity.

B. Architect and/or Engineer Selection

1. The usual procedure for the selection of an architect or engineer involves a Request for Proposal (RFP) for professional services, following this process:
 - a. DA: Prepares an RFP for architectural and engineering or other consultant services.
 - b. DA: Submit draft RFP to CDH for review for contract compliance and consistency with Federal Title 24 CFR, Part 85 Section 85.36, (Procurement Standards).
 - c. DA: Incorporates CDH revisions, if any, into RFP and reviews RFP's for compliance with State, Federal, Local and CDH regulations. Requests CDH for "Approval to Proceed to Issue RFP".
 - d. CDH: Issues to DA an "Approval to Proceed to Issue an RFP".
 - e. DA: Advertises RFP, receives responses, interviews, requests CDH representation on selection committee and makes selection.
 - f. DA: Notifies CDH of selection. Sends back-up documentation and draft contract to CDH. Requests CDH for "Approval to Proceed to Award a Consultant Services Contract".
 - g. CDH: Reviews final contract for contract compliance and issues an "Approval to Proceed to Award a Consultant Services Contract".
 - h. DA: Awards Consultant Services Contract.
2. Architectural and engineering services may also be negotiated under certain situations; i.e., obtained through a sole source procurement. This is an eligible alternative requiring the following steps:
 - a. DA: Determines that the situation warrants sole source procurement and that such procurement will comply with requirements and criteria specified in Federal Title 24 CFR Part 85.36, (Procurement Standards).
 - b. DA: Selects architect, engineer or other consultant.
 - c. DA: Sends "Request for Approval to Proceed to Award a Sole Source Consultant Services Contract" to CDH explaining why the DA has chosen the consultant and why the competitive RFP procedure is not being used.

- d. CDH: Reviews the request and approves or denies sole source procurement request based on explanation and backup.
- e. CDH: Issues "Approval to Proceed to Award a Sole Source Consultant Services Contract" authorization or denial of request.
- f. DA: Negotiates and awards the sole source contract.

C. Design Phase

- 1. DA: Monitors preparation of preliminary plans by architect.
- 2. DA: Notifies CDH of all public meetings with architect five working days before event.
- 3. CDH/
DA: Reviews and approves preliminary design.
- 4. DA: Secures all required permits and regulatory approvals.
- 5. DA: Reviews and approves plans and specifications, and obtains current Federal Wage Decision from CDH or online at www.gpo.gov/davisbacon/ca.html to include in the bid package.
- 6. DA: Forwards construction bid package and approved plans to CDH for review and approval along with request for "Approval to Proceed to Issue an Invitation to Bid for Construction Services". See (Attachment D) "Construction Contract Boilerplate", for the forms used in preparing bid packages.
- 7. CDH: Reviews and approves construction bid package for compliance with Federal and local regulations and forwards authorization to proceed with changes (if any) to DA.
- 8. DA: Secures plans, check of plans and specifications from the appropriate Building and Safety Authority.

D. Construction Phase

- 1. DA: Determines bid solicitation process permitted by CDBG requirements under Federal Title 24 CFR Part 85.36 (Procurement Standards), and County contracting regulations. Advertises invitation to bid and receives bids.
- 2. DA: Ten days prior to bid opening, DA makes telephone contact with CDH and requests from CDH or obtains online at www.gpo.gov/davisbacon/ca.html the current Federal Wage Decision. If they are in any way different from those issued in the original bid package, DA will issue a bid addendum and immediately forward latest wage decision to all bidding contractors who, in turn, submit revised bids prior to the bid opening. DA shall notify CDH of any change in the Federal Wage Decision should DA use the online option above.
- 3. DA: Conducts bid opening and reviews bid documents submitted by the low-bidder to assure compliance with County Policy 15-01, if applicable, and 24 CFR 85.36(e) regarding the participation of minority, disadvantaged and women business enterprises (MWBE's) in the proposed construction contract. If DA has its own plan that meets the aforementioned requirements, it may use this plan for bid document reviews.

4. DA: Submits the low-bidder information and list of subcontractors to CDH and requests CDH for "Approval to Proceed to Award a Construction Services Contract". If adjustment of funds or project description is needed, the written request for reallocation of funds (revision of Attachment "A") or change in project description (revision of Attachment "B") should be sent at this time.
5. CDH: Prepares revisions to Attachment "A" and/or "B" as requested.
6. CDH: Reviews Contractor/Subcontractor's eligibility to receive Federal contracts.
7. CDH: Issues "Approval to Proceed" to DA.
8. A: Insures completeness of contract documents prior to award of contract. Construction contracts must contain a copy of Federal Labor Standards Provisions (HUD 4010), applicable Federal Wage Determination, and a copy of restrictions on public buildings and public works projects provisions.
9. DA: Awards Contract.
10. DA: Notifies CDH of pre-construction conference at least 5 working days prior to event. Submits required CDH documents prior to pre-construction meetings.
11. DA: Conducts pre-construction conference (CDH attendance mandatory). CDH forwards Contract Compliance Instructions to prime contractor.
12. DA: Provides CDH with a copy of signed contract prior to start of construction. DA ensures completion of bonds and obtains contractor/subcontractor certifications concerning labor standards and prevailing wage requirements; Equal Employment Opportunity, and restrictions on public buildings and public works projects before signing contract.
13. DA: Keeps an up-to-date record of all encumbrances and obligations, including staff costs incurred, to assure that the remaining balance of funds is known.
14. CDH/
DA: Ongoing observation and monitoring of projects.
15. DA: Conducts on-site interviews with contractor employees for each trade regarding their wages. Sends copy of interviews to CDH.
16. DA: Ensures contractor's submission of Weekly Certified Payroll, form WH-347. (See Attachment "D-29" for form WH-347.)
17. DA: Receives from Contractor requests for progress payments and any other documentation of expenditures and work accomplished.
18. CDH: Receives from Contractor Weekly Certified Payroll forms WITH ORIGINAL SIGNATURES during the term of construction. Duplicate copies may be sent to DA if requested.
19. CDH: Checks wages reported on Certified Payroll forms against employee interview forms for consistency between wage rates reported by contractor and wages received by employees.

20. DA: Submits to CDH once each month during the term of the construction contract, a report package containing:

Request for Reimbursement and accompanying documentation. Payments on said requests are subject to complete compliance with Federal Labor Standards.
21. DA: Notifies CDH of all meetings regarding CDH projects, such as Design Conferences, Public Meetings, meetings with Community Development Advisory Commission, and DA at least five (5) working days before event occurs.
22. DA: Processes change orders and sends copy(ies) of proposed change order(s) along with "Request for Approval of a Contract Change Order" to CDH. Must obtain approval from CDH regarding all change orders prior to authorizing the contractor to proceed with said changes.
23. DA: Notifies CDH of proposed changes in the list of subcontractor(s) and submits "Request For Approval to Proceed" to add or delete subcontractor(s) from the approved list.
24. CDH: Revises Attachments "A" or "B", if necessary, and issues "Approval to Proceed to Issue Change Order(s)" to DA.
25. DA: Notifies CDH of final inspections at least five (5) working days before inspection date.
26. DA: Attends final inspections (CDH attendance optional).
27. DA: Secures its governing body's acceptance of completed project and filing of Notice of Completion and submits "Notice of Completion" to CDH.
28. CDH: Monitors project progress and contract compliance and issues, as necessary, "Notice to Submit Final Activity Costs" notices to DA.
29. DA: Takes necessary actions to comply with said notices.
30. CDH: Conducts "Annual Certification of Use of Facilities".

IV. DA must ensure compliance with the following regulations and statutes, as amended, in carrying out CDBG funded activities:

- A. Community Development Block Grant Regulations of the Housing and Community Development Act of 1974, as amended (24 CFR 570).
- B. Applicable Uniform Administrative Requirements:
 - 1) Office of Management and Budget Circular A-87
 - 2) Office of Management and Budget Circular A-128
 - 3) 24 CFR Part 85

- C. Applicable Uniform Administrative Requirements for Subrecipients that are not Governmental Entities:
 - 1) Office of Management and Budget Circular A-110
 - 2) Office of Management and Budget Circular A-122
 - 3) 24 CFR Part 84
- D. Federal Labor Standards Compliance Handbook No. 1344.1 REV-1 including:
 - 1) Davis-Bacon Act (40 U.S.C. 276a to a-7)
 - 2) Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330)
 - 3) Copeland Act (18 U.S.C. 874)
- E. Equal Employment Opportunity Requirements of Executive Order 11246, as amended
- F. Environmental Protection Agency Regulations (40 CFR Part 1500-1508)
- G. Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128)
- H. Archaeological and Historic Preservation Act of 1974
- I. Rehabilitation Act of 1973, as amended
- J. Americans With Disabilities Act
- K. Clean Air Act (42 U.S.C. 7401 et. seq.)
- L. Clean Water Act (33 U.S.C. 1368)
- M. Section 3 Regulations of the Housing and Urban Development Act of 1968, Title 24CFR, Part 135 (12 U.S.C. 1701u)
- N. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et. seq.)
- O. Fair Housing Act (42 U.S.C. 3601-20)
- P. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601-4655)
- Q. Hatch Act
- R. Lead Based Paint Poisoning Prevention Act (42 U.S.C. 4831(b))