



DUPAGECOUNTRY

Are you Ready for Federal Funds?



Welcome and Meeting Objectives

Logistics:

- Restroom locations
- Silence electronic devices
- Ask lots of questions
- Web Site:
www.dupageco.org/cdc

Are you ready for Federal Funds?

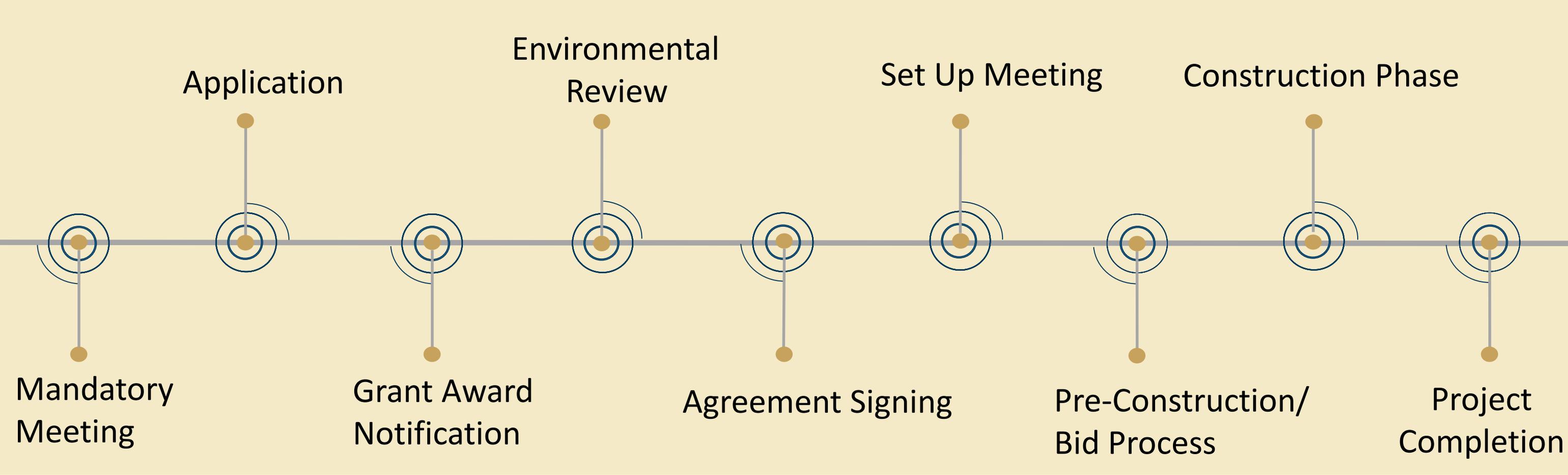
- Why are we here?
- What are we going to talk about today?
- Let's talk about the main point of contact for a funded project.
- Why do we need to have this conversation?



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CDBG Project Timeline



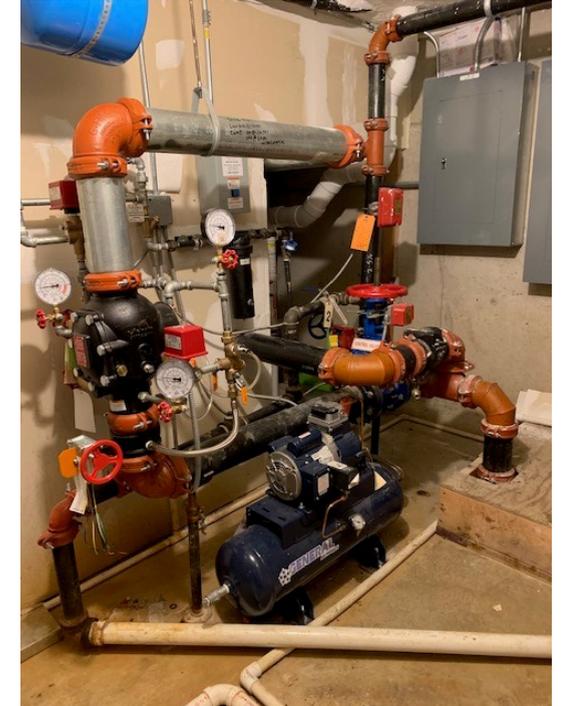
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Types of Projects

What projects can be applied for?

- **NIV Infrastructure**
- **NIV ADA Accessibility**
- **Non-Profit Capital Needs**
- **Non-Profit Acquisition**
- **Non-Profit Acquisition/Rehab**



All projects involving Federal Funding are complicated. There are certain projects which, while beneficial to the community, are more difficult to administer and require more time and effort.



Challenging Projects

What can make a project a little more difficult to administer?

Location of the project

- Is the project located in a floodplain or wetland?

Environmental Concerns

- Are there any known environmental hazards on or around the proposed project site?

Some projects require additional processes over and above the “average project”

- Is the project an acquisition and/or an acquisition-rehab?





Acquisition and Acquisition-Rehab

So let's take a moment to talk about Acquisition only ...

What are the additional challenges and requirements?

- **Can our agency pick out a property and buy it?**
- **Anything extra need to be done with the sales contract?**
- **When does the County do their Environmental Review?**
- **What is a Phase I Environmental Review?**
- **What about radon and asbestos?**
- **Does the County need to approve the appraisal?**
- **Are there any unique closing requirements?**
- **How does the title company get the money?**





Acquisition and Acquisition-Rehab

If a site cannot be immediately utilized to be used as a facility for the Agency because rehab is required, the rehabilitation costs of the facility must be included in the application request.

Acquisition/Rehabilitation is eligible. The rehab portion of the project is subject to all CDBG regulations/requirements, even if CDBG funding is not specifically requested for the rehabilitation component.

A project is not complete until the CDC can report on the end use beneficiaries.





Ready, Set, Go!

Application Process

As covered in the mandatory meeting, essentially:



- Apply via ZoomGrants
- Ensure that ALL items are in before the deadline
- Seek funding for up to 2 prioritized projects
- Cycle is now for 3 years
- Individual project sites cannot reapply for 5 years

Ask questions early and often





Environmental Review Process



Air Quality



Airport Hazards



Coastal Barrier Resources



Floodplain Management



Historic Preservation



Noise Abatement and Control



Coastal Zone Management



Endangered Species



Environmental Justice



Site Contamination



Sole Source Aquifers



Explosive and Flammable Facilities



Farmlands Protection



Flood Insurance



Wetlands Protection

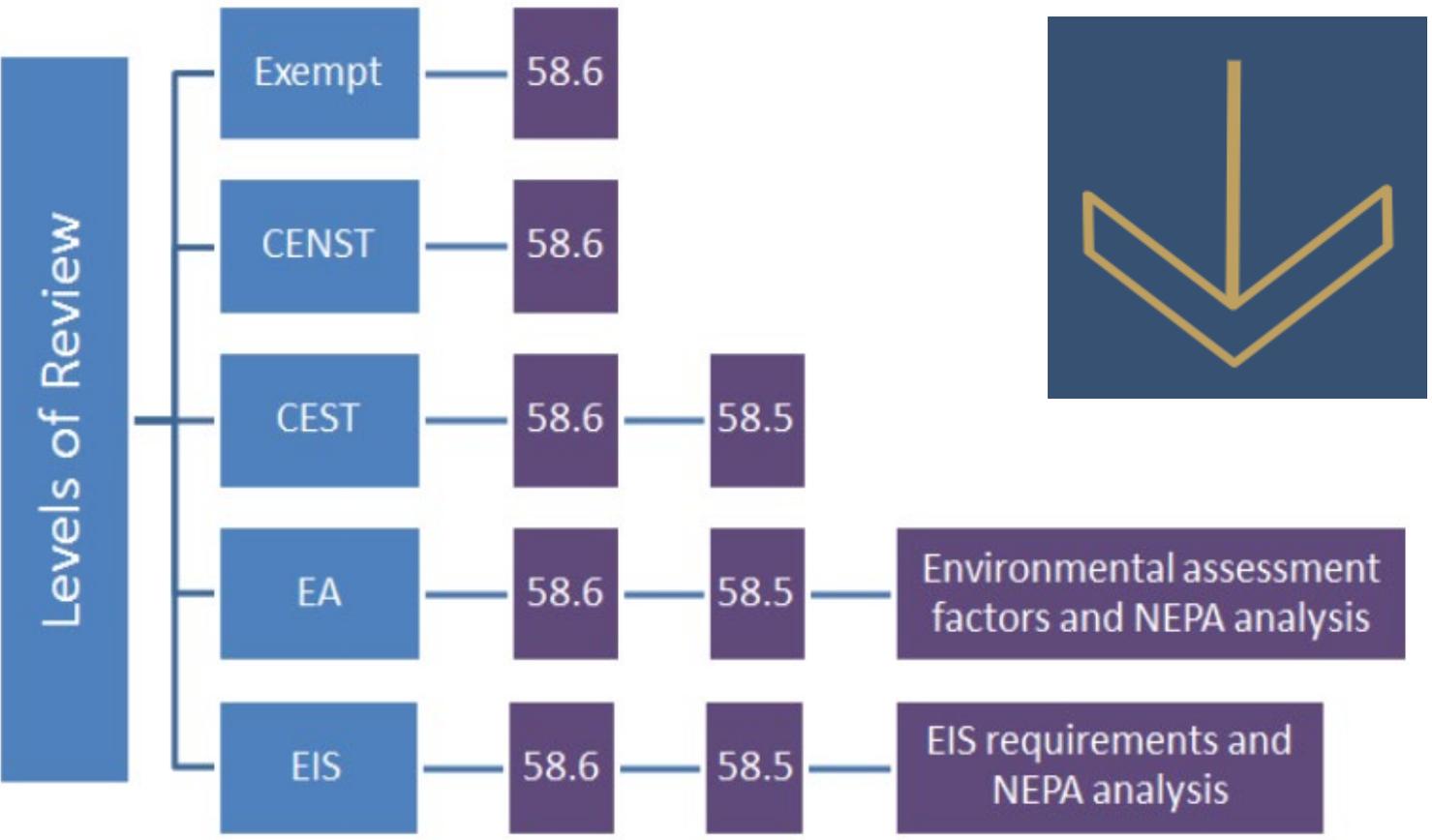


Wild and Scenic Rivers

How will this project impact the environment?
How will the environment impact this project?



Environmental Review Notes



Depending on the scope of work, and what is found during the Environmental Review, more advanced analysis may be required

BUT WHAT IF THERE ARE STILL ISSUES IN THE MORE ADVANCED REVIEW?



Environmental Review Notes

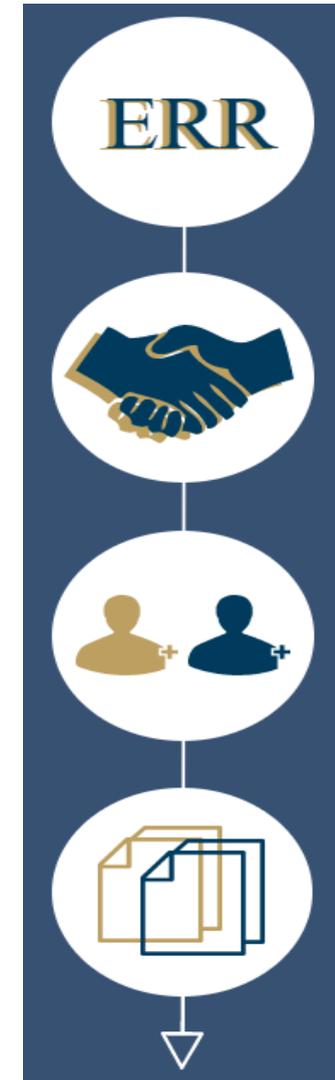
Certain findings within this analysis may make the project ineligible for federal funds, or at least require mitigation





Next Steps

- **Once the Environmental has been completed, the Agreement will be signed by both parties**
- **Next the subrecipient will schedule a Set-Up Meeting, in which we will have our initial project discussion covering bidding the project**
- **NOTE: Be sure to check if there have been any updates to the project team named in the application**
- **This is followed by the property encumbrance items, such as covering the 20 year forgivable mortgage and note (for capital projects) for continued use to serve low-moderate income residents of DuPage County**





Set-Up Meeting

- **Initial in-person project consultation**
- **Sets the stage for the bidding process**
- **Expectations for the flow of the project**
- **Prepares both sides for the upcoming preconstruction meeting (post-bid)**





Section 2: Bid Process

What's required to be in the bid package?

Agency Specs, Scope, and Drawings

Required Documents

- Front cover statements regarding Federal Labor Standards and MBE/WBE
- Conflict of Interest Disclosure
- CDC Conditions

Federal Requirements

- Summary of Provisions
- Executive Order 11246
- HUD Federal Labor Standards Provisions Form 4010

Required Contractor Forms

- Ownership Form
- Letter to the Office of Federal Contract Compliance (OFCCP)
- Labor Relations Agreement
- Apprenticeship Policy Recognition Form
- Section 3 Forms
- Certified Payroll and Statement of Compliance

Davis-Bacon Wage Determination (DBWD)

- Make sure you include the construction type(s) (Building, Heavy, Highway, and Residential)
- Is the most recent DBWD in your bid manual?





Let's talk about the Notice to Bidders

What needs to be in the publication?

- A sample template is provided, and it must be followed.
 - You can add to the template, please do not remove anything from the template.
- Invitation **must** be published in ALL of the following places:
 - In a widely-circulated newspaper
 - Solicited to WBE/MBE. List is located at the following link:
https://www.dupageco.org/Community_Services/Community_Development_Commission/Docs/60806/
 - Outreach to Section 3 Contractors
 - Posted to construction publications

Section 3

Outreach Tip:

The DuPage County Community Development Commission (CDC) maintains a list of certified Section 3 individuals and certified Section 3 businesses. Please request this list.





Who needs to review the Bid Manual?

Step 1: Draft the bid manual *including* invitation publication

Step 2: Submit bid manual to CDC staff for review

CHECK! On to Step 2 ...

STOP! You cannot publish or solicit bids until the publication and the bid manual have been approved by CDC Staff.

Avoid common mistakes:

- Make sure the most recent, up-to-date Davis-Bacon wage determination is included with a disclaimer that the DBWD is subject to change.
- Use and Include ***all*** documentation mentioned on previous slide
- Ensure site plans and construction scopes are specific, quantifiable, and include “or equivalent to” language.
- **NO SCOPE CREEP** ... the project was approved and evaluated based upon the application. No last-minute surprises will be allowed.



Now that the publication and bid manual have been approved by CDC Staff ...

Let's publish and notify potential bidders

- Once the bid manual and publication have been approved, you may publish and solicit invitations to bid
 - Don't forget Section 3 and W/MBE
 - You must provide the County a list of who/what companies you reached out to
 - Don't forget to get your Certificates of Publication
- There is no required time limit to solicit, however, most agencies and municipalities advertise for a period of 30 days.
- Bids must be sealed, opened publicly at the date, location, and time specified in the publication
- At least two contractors must bid

INVITATION TO BID
 (INSERT PROJECT DESCRIPTION HERE)
 (INSERT GRANT RECIPIENT NAME HERE)

You are cordially invited to submit a proposal as (**choose one**):
 1) a General Contractor; or
 2) a Subcontractor of (**insert your pre-selected general contractor**) for work specified for this project.

(**Insert Subgrantee Name and Address Here**), will receive sealed proposals for (**Insert Detailed Project Description here**) to be let as a single Contract. Proposals will be received at the offices of, (**Insert Name and Address Here**) up to the hour of (**Insert Time and Date of Bid Closing Here**)

Sealed proposals will be publicly opened and read at the offices of (**Insert Subgrantee's Name and Address or Other Place of Opening Here**), at (**Insert Time and Date Here**).

WOMEN AND MINORITY OWNED BUSINESSES ARE ENCOURAGED TO SUBMIT BIDS ON THIS PROJECT.

FEDERAL LABOR STANDARDS AND PREVAILING WAGE RATES WILL APPLY TO THIS PROJECT.

Drawings and specifications will be on file and may be examined at the Office of (**Insert Name and Address Here**) and may be obtained for a refundable deposit of (**Insert \$\$ Here**) per set for as many as (**Insert # Here**) sets. Deposits will be refunded upon receipt of drawings and specifications in good condition at the office of (**Insert Address for Return**) before (**Insert Date and Time**).

Each Contractor shall deposit with his proposal a bond executed by the contractor and a surety company, or a certified check, or cashier's check, payable to (**Insert Sub-Grantee's Name Here**) in the amount of not less than five percent (5%) of the total amount of the proposal.

The successful Contractor shall furnish a Performance Bond in the amount equal to one hundred percent (100%) of the Contract sum as a security for the faithful performance of this Contract **and**, a Labor and Mechanical Payment Bond in an amount of not less than one hundred percent (100%) of the Contract sum as a security for the payment of all persons performing labor on the Project under this Contract and furnishing materials in connection with this Contract.

A pre-bid conference will be conducted at (**Insert Time and Date Here**) for all General Contractors intending to submit proposals for this Project. This conference will be held at (**Insert Location Here**)

(**Insert Subgrantee's Name Here**) reserves the right to reject any and all bids and waive minor irregularities in any bid.



Uh oh ... the best laid plans ...

Common issues...

- What if the lowest bid comes in over budget?
 - **Consult with CDC staff!** – You may **not** simply remove items from the scope, work directly with a selected contractor to reduce the bid, etc.
- What if the lowest bid comes in under budget and I want to award a different contractor?
 - **Consult with CDC staff!** – You will need to provide proof to the County that the lowest bid is not comprehensive, realistic, or cost reasonable.
- What if only one contractor submits a bid?
 - **Consult with CDC staff!** – You may have to re-bid, redefine the scope, etc.

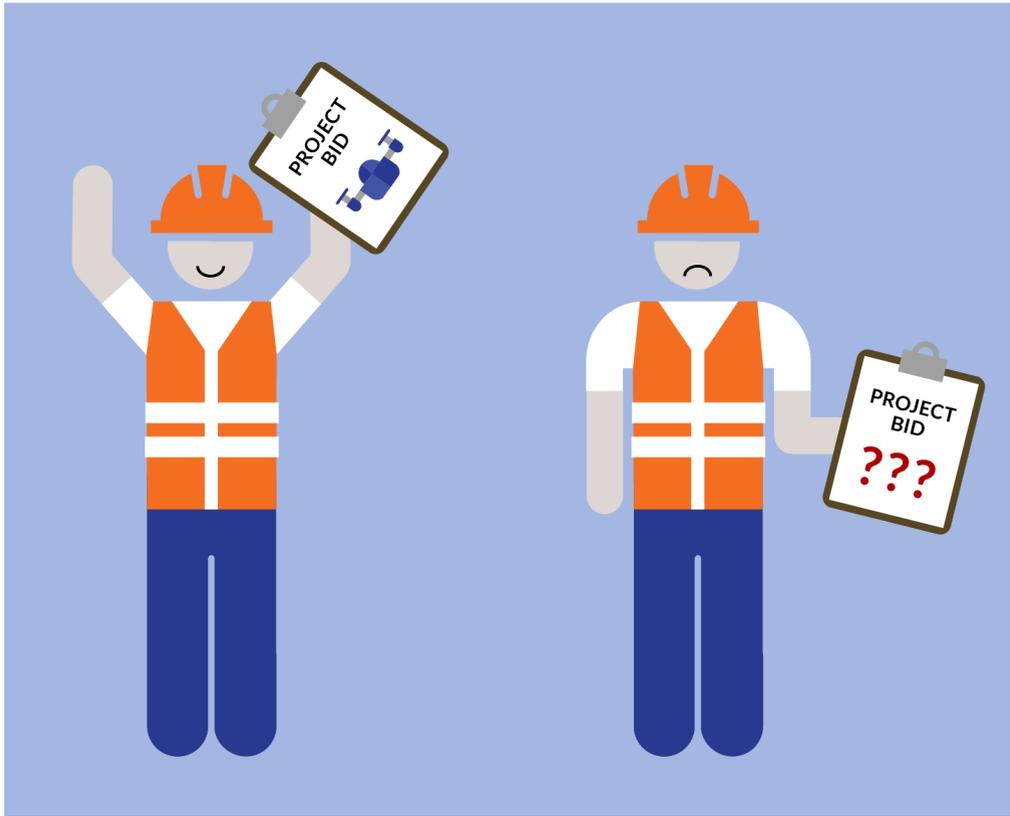




Section 3: Preconstruction Requirements

Now that the bids have come in... what happens next?

- The Agency will be provided a list of documents at the Set-Up Meeting that will be required to be submitted to the County.
 - The date of the bid opening is the first Davis-Bacon lock-in date
 - A copy of all bids submitted including CDC Conditions and Conflict of Interest from all bidders
 - Bid tabulation
 - Evidence of W/MBE Outreach
 - Evidence Section 3 solicitation
 - Bid Publication Certificate
 - 5% Bid Bond
 - Subrecipient's contractor recommendation letter

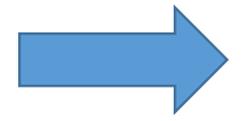




Pre-Award Questions ...

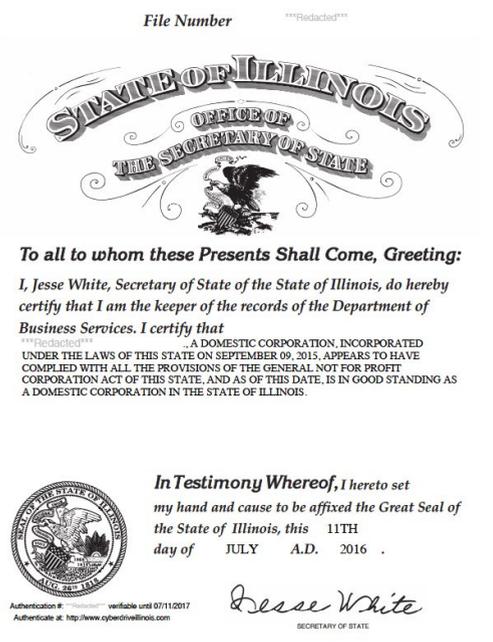
Is the lowest most responsive and responsible bid cost reasonable?

- Is the bid within range of the original project estimate in the application?
- What if the bids come back and are much higher than the original cost estimate?



Is the lowest most responsive and responsible bidder registered with the System of Award Management (SAM) and in good standing with the State of Illinois?

- Why is this required for a County project?





Mandatory Pre-Construction Meeting

The Agency notifies the contractor of award. Now what happens?

The purpose of the preconstruction meeting is to familiarize all parties with Federal policies and regulations as they apply to CDBG/HOME funded projects.

- Davis-Bacon Act
- Copeland Anti-Kickback Act
- Contract Work Hours and Safety Standards Act



What else is discussed at the mandatory Pre-Construction Meeting?

Required Insurances	Bonds	Subcontracting	SAM / IL COGS	Signage Requirements
Contractor Forms	Subcontractor Forms	OFFCP = \$10,000+	Davis-Bacon Decision	Certified Payrolls
Request for Payment	Monitoring	Weekly Reporting	Quarterly Reporting	Project Completion



Can we start construction yet?

The answer is not yet...

- The contractor must name the subcontractors.
- There are forms required from the Contractor and Subcontractors prior to construction starting.
- Insurances are required with DuPage County named as an additional insured.

Contractor/Sub	Conflict of Interest	CDC Conditions	Ownership Form	OFFCP	Labor Relations Form	Apprentice Form	Section 3 Clause	Section 3 Form 1	Section 3 Form 2	Section 3 Form 3	Section 3 Form 4	Section 3 Form 5
General Contracting Construction	X	X	X	X	X	X	X	X	X	X	X	X
MW Waterproofing	X	NA	X	X	X	X	X	X	X	X	X	X
Hamlin Roofing	X	NA	X	X	X	X	X	X	X	X	X	X

Please remember:

The Labor Relations Form must correspond with the applicable Davis-Bacon wage decision.

The County must be supplied with a fully-executed copy of the contractor/agency contract.



Let's say everything checks out...

The County will notify you when:

- All required documents have been received
- If an updated David-Bacon lock-in is required
- When construction start date can be scheduled

FUNDING FOR THIS PROJECT HAS BEEN PROVIDED, IN PART, BY

THE DUPAGE COUNTY COMMUNITY DEVELOPMENT COMMISSION & THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT





Section 4: Construction Phase

It is necessary to remain in close contact with the DuPage County Specialist assigned to the project. This is maintained through Project Monitoring.

- Proof of Signage
- Weekly Job Site Reports
- Site Visits
- Employee Interviews
- Quarterly Reports
- Requests for Payment





A CDC Project has signage?

Must be displayed in a place visible to employees:

- Applicable DB Wage Decision
- Notice to All Employees DB
- Employee Rights Under DB
- County/Federal Funding Notice
- EEO Notice in English and Spanish

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Equal Employment Opportunity is
THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations
employers, agencies and labor organizations are protected under Federal law from discrimination on the following basis:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY
Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee; barring undue hardship.

AGE
The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)
In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS
Title II of the Genetic Information Non-Discrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION
All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

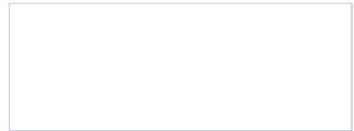
WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED
There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected. The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-879-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

EMPLOYEE RIGHTS UNDER THE DAVIS-BACON ACT

FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

- PREVAILING WAGES** You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.
- OVERTIME** You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.
- ENFORCEMENT** Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.
- APPRENTICES** Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.
- PROPER PAY** If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:



or contact the U.S. Department of Labor's Wage and Hour Division.

For additional information:
1-866-4-USWAGE
(1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV




U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

NOTICE TO ALL EMPLOYEES



Working on Federal or Federally Financed Construction Projects

- **MINIMUM WAGES** You must be paid not less than the wage rate posted with this Notice for the kind of work you perform
- **OVERTIME** You must be paid not less than one and one-half times your basic rate of pay for all hours worked over a 40 hour week. There are some exceptions
- **APPRENTICES** Apprentice rates only apply to apprentices properly registered under approved Federal or State apprenticeship programs
- **PROPER PAY** If you do not receive proper pay, contact the Contracting Officer listed below:



DEPARTMENT OF COMMUNITY SERVICES
 COMMUNITY DEVELOPMENT COMMISSION
 421 N. COUNTY FARM ROAD
 WHEATON, ILLINOIS 60187

Or you may contact the nearest office of the Wage and Hour Division, U.S. Department of Labor. The Wage and Hour Division has offices in several hundred communities throughout the country. They are listed in the U.S. Government section of most telephone directories under: U.S. Department of Labor Employment Standards Administration

U.S. Department of Labor
 Employment Standards Administration



Construction Monitoring

Weekly Job Site Reports

- During construction, weekly job site reports must be submitted even when no work is done.

Site Visits

- From time to time, DuPage County staff may visit the site to monitor.

Employee Interviews

- From time to time, DuPage County staff may visit the site to conduct interviews with employees working on the project.

Quarterly Reports

- During construction, quarterly reports are required to be submitted to document progress and/or beneficiary information.

Requests for Payment

- Section 5 will discuss Requests for Payment

Record of Employee Interview U.S. Department of Housing and Urban Development Office of Labor Relations OMB Approval No. 2501-0508 (exp. 12/31/2013)

Please reporting employer for the 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 reviewing and reviewing the collection of information. This agency may not collect the information, and you are not required to complete this form, unless it displays a currently valid OMB control number. For information on compliance with the Paperwork Reduction Project (including instructions with construction contracts. This information collection will assist in the process of compliance monitoring the information will be used to help the variety of certified payroll reports submitted by the employer. (Beneficiary Information) The information collected on this form is considered sensitive and is processed 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 unauthorized access or disclosure to their security or integrity that could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual or otherwise information is considered. The information collected herein is voluntary, and any information provided shall be kept confidential.

1a. Project Name 1b. Employee Name
 1c. Project Number 1d. Employee Phone Number (including area code)
 1e. Contractor or Subcontractor (Employee) 1f. Employee Home Address & Zip Code
 1g. Verification of Identification? Yes No
 2a. How long on this job? 2b. Last date on this job before today? 2c. No. of hours last day on this job? 3a. Hourly rate of pay? 3b. Fringe Benefits? 3c. Payroll?
 Location Yes No Medical Yes No Pension Yes No
 4. Your job classification (fill in) — unless in a separate sheet if necessary
 5. Your duties
 6. Tools or equipment used
 7. Are you an apprentice or trainee? Y N 8. Are you paid at least time and 1/2 for all hours worked in excess of 40 in a week? Y N
 9. Are you paid for all hours worked? Y N 10. Have you ever been threatened or coerced into giving up any part of your pay? Y N
 10a. Employee Signature 10b. Date
 11. Dates covered by the interview (Please be specific)
 12. Remarks
 13a. Interviewer Name (please print) 13b. Signature of Interviewer 13c. Date of interview
Payroll Examination
 14. Remarks
 15a. Signature of Payroll Examiner 15b. Date
 *Previous editions are obsolete. FORM HUD-11 (08/2004)

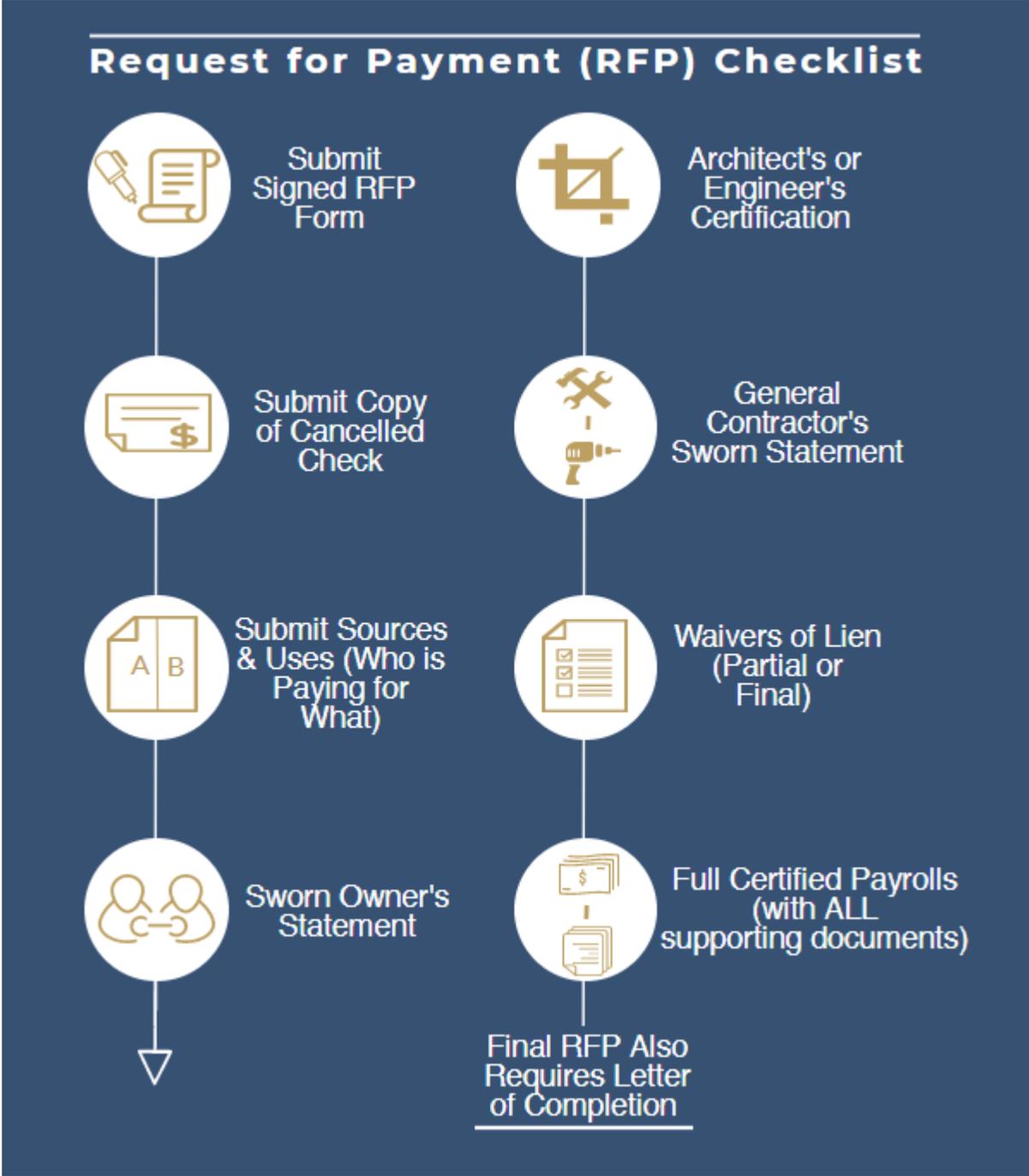


Section 5: Request for Payment Requirements

As a quick summary –

- Just a highlight of the major items required
- **EVERY** item needs to be completed and approved before payment will be processed by DuPage County
- Request for payment process needs to be completed prior to the agreement expiration or an extension is required

Next, we will go over some of the common issues...





RFP Common Issues

RFP Issues

A graphic illustrating RFP issues. It features the text "RFP Issues" at the top. Below it is a checklist with three items. The first two items have checkmarks, and the third is empty. To the right of the checklist is a large white curly brace.

A 2x2 grid of colorful icons representing common RFP issues. Each icon is a rounded square with a ribbon at the bottom. The top-left icon is blue and labeled "Deductions" with a magnifying glass and a checkmark. The top-right icon is yellow and labeled "Documents" with a question mark. The bottom-left icon is green and labeled "Bad Forms" with a sad face. The bottom-right icon is orange and labeled "Split" with a percentage sign.

Want your money faster?

- Ensure everything is submitted & correct
- Consider reimbursement through Automated Clearing House (ACH) Payments



“Other” Deductions

(8) DEDUCTIONS					
FICA	WITH- HOLDING TAX			OTHER	TOTAL DEDUCTION S
100.64	188.12			40.97	329.73
140.15	400.68			94.96	635.79

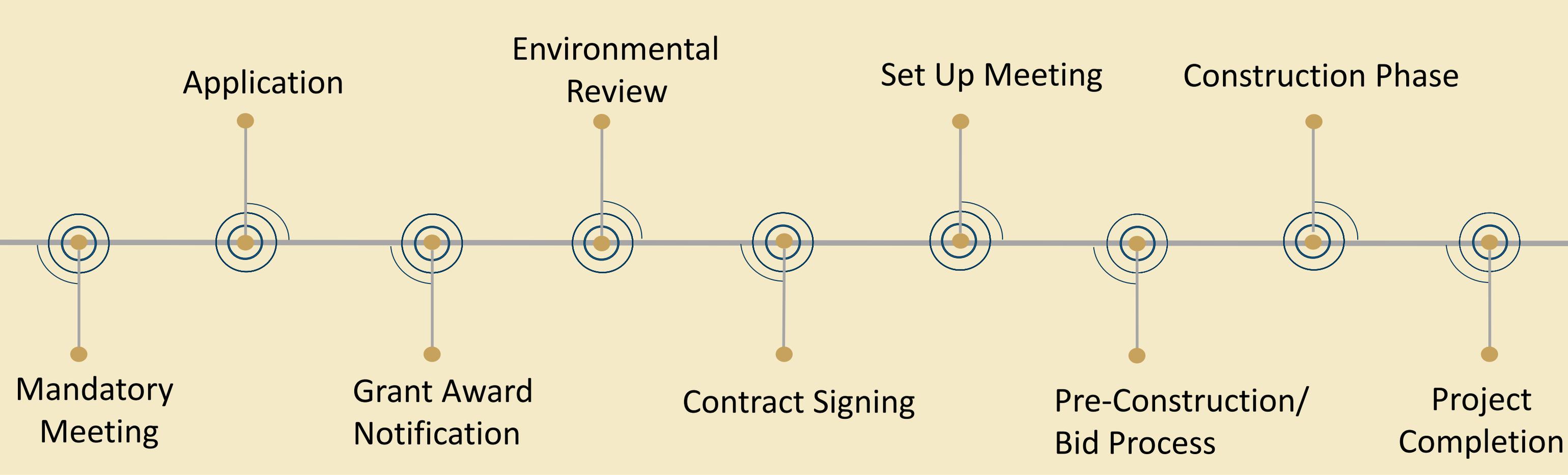


Voluntary Deductions Require Supporting Documentation

- Union Dues**
Require Copy of Union Contract
- 401k**
457
403b
Contribution to Retirement Plans
Require Copy of Enrollment Form
- Child Support**
Requires Copy of Court Order
- Alimony Payments**
Require Divorce Decree or Similar
- etc...



CDBG Project Timeline



DUPAGECOUNTY



One quick Review: Did we cover the Meeting Objectives?

Are you ready for Federal Funds?

Logistics:

- Restroom locations
- Cafeteria is open until 2pm
- Any questions?
- Staff will be available for technical questions
- Web Site:
www.dupageco.org/cdc

- We hope you have a better understanding of the steps required to involve Federal Funds into a Capital or NIV project.
- The Grant Agreement is with you, the Agency. Someone in your agency will need to be appointed to be the County's main point of contact.
- Why did we need to have this conversation? Federal Funds are complicated, time consuming, a lot of work, but are so beneficial to the community.

Questions? communitydev@dupageco.org – (630) 407-6600



DUPAGECOUNTY

Thank you for coming!