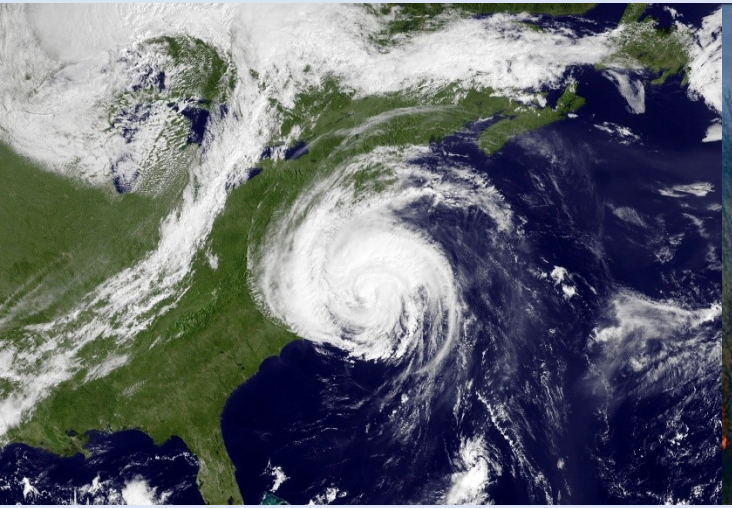
Looking in the Rearview Mirror on the Costliest National Disaster Year in US History







Houston, TX
October
2018

Introductions



Mary Beth Coburn
P.E., Partner

- A partner at BB&K and a licensed professional civil engineer.
- Prior to passing the bar exam, Ms. Coburn practiced civil engineering for 10 years specializing in design and construction of public facilities.
- The sole focus of her legal career has been public infrastructure projects covering the spectrum from master planning through claims resolution.
- She has been involved with public infrastructure projects ranging from community centers to rail lines and is typically assisting clients with cumulative project values in excess of $3 billion.

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THE CITY OF MIAMI FLORIDA

nma Nan McKay AND ASSOCIATES, INC.

Best Best & Krieger, LLP

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW

FIRM OVERVIEW

- 126 year old full-service law firm
- 10 offices with 200+ attorneys
- Nationally recognized leader representing public entities
- 700+ active public agency clients across the country

Introductions



Catherine Ures
Vice President of Consulting

- 17+ years experience in redevelopment and HUD program management
- $120MM dollars in redevelopment and development efforts funded with highly restricted state and federal funds, including CDBG
- Development focus included infrastructure, affordable housing, and business district revitalization, with an emphasis on sustainable development
- Extensive work at both state and local levels in the implementation of HOME, NSP, and CDBG programs
- Worked internally specializing in federal real estate, federal grant compliance, and disaster recovery services
- Program focus includes CDBG-DR compliance and monitoring tools

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Nan McKay AND ASSOCIATES, INC.

Nan McKay & Associates, Inc.

ORGANIZATION — Excellence

- California Corporation with 37+ Years of Experience
- Section 2 Business Concern
- Certified Woman Owned Business (WBE)



STAFF — Dedication

- 300 Full-Time Staff
- 75 Contract Employees
- Real-Life Professional Experience

NATIONAL PRESENCE — Leadership

- Work with 99% of PHA's Every Year
- Primary Markets are the Contiguous US, Hawaii, Guam and Puerto Rico
- Offices in Chicago, San Diego, South Carolina and Miami

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Introductions



Robin Jones Jackson
Division Chief for
Complex Transactions

Ms. Jackson joined the Office of the City Attorney in July 2004. Ms. Jackson was an associate with the law firm of Willkie, Farr & Gallagher in New York City immediately after law school and moved to Miami in 1990 to work with the law firm of Squire, Sanders & Dempsey. Ms. Jackson assisted as Bond Counsel, Disclosure Counsel, Underwriter's Counsel, Credit-Enhancer's Counsel, and Borrower's Counsel for financings of government and not for-profit projects in 35 states and one foreign country before joining the Office of the City Attorney. Ms. Jackson is a member of National Association of Bond Lawyers.

City of Miami City Attorneys Office

The Office of the City Attorney is a full service law firm representing the City of Miami, a city known worldwide for its diverse culture and location as the gateway to Latin America.

The Office is staffed by 60 full time employees. This includes one (1) City Attorney, twenty-eight (28) attorneys (two of which are Deputy City Attorneys, one which is Chief Assistant City Attorney and four that are Division Chiefs), five (5) administrative staff, seven (7) paralegals, three (3) senior legal assistants, eleven (11) legal assistants, and five (5) legal services staff.

City of Miami City Hall



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Agenda



Pre & Post Disaster



Resiliency Incentives



Best Practices



Trends

Pre & Post Disaster Efforts

Pre-Disaster

- Understand FEMA emergency & exigency definitions
- Know and understand current insurance coverage
- Identify your facilities , parks & property sites before storm
- Prepositioned Contracts with Performance Guarantees
- Pre-disaster partnerships at the local, state and federal level and NGOs

Pre & Post Disaster Efforts

Recovery Ordinance

- A pre-disaster recovery planning organization
- Temporary post –disaster modification of development regulations
- A hazard mitigation program
- Creation of post –disaster recovery strategy or plan

Pre & Post Disaster Efforts

FEMA PUBLIC ASSISTANCE DELIVERY MODEL

- **OPERATIONAL PLANNING**– Identify Impact & Priorities
- **DAMAGE INTAK & ELIGIBILITY ANALYSIS**– Document Damages
- **SCOPING & COSTING**– Grant Projects for Final Processing
- **OBLIGATION** – Project Review & Award

Pre & Post Disaster Efforts

Post Disaster

- PL & FR Notice applicable to appropriation & possible waivers
- Draft and publish your Action Plan
- Prepare to expand operations
- Execute data sharing agreements and start collecting data
- Track the time and costs spent on CDBG-DR activities pre-award
- Develop partnerships
- Conduct community outreach
- Understand the CDBG-DR Program Life Cycle

Pre & Post Disaster Efforts

CDBG-DR PROGRAM LIFE CYCLE

PRE-AWARD – Action Plans, Needs Assessment, Outreach

START-UP – Cost Estimates, RFPs, Environmental Review

OPERATION – Construction, DRGR Draws, Quality Assurance

CLOSE-OUT – Turnover, Monitoring, Audit

Pre & Post Disaster Efforts

Post Disaster
Stormwater system improvements
Property buyouts
Floodplain management
Structural fixes
Floodplain map updates
Regular updates to the Hazard Mitigation Plan

The Rear View Mirror

Past, Present, Future:

- WHO owns WHAT, WHERE, and WHEN? WHO insures WHAT, WHERE and WHEN?



- Did the sidewalk need repairs before the Disaster?
- Was the repair project already in the Capital Plan?
- WHO "owns"/insures/maintains sidewalk, right of way, curb, street, drainage, water and sewer?



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Resiliency

FEMA – BUILDING BACK BETTER

FEMA's Public Assistance Program can assist communities become more resilient by funding:

- Measures to protect a damaged facility against future damage
- Restoration of facilities to local codes and standards,
- Hazard-resistant design provisions of the International Code Council's building codes for buildings that have sustained significant damage
- Relocation of some facilities outside hazard- prone areas

Resiliency

NATIONAL OBJECTIVES

Low to Moderate Income

- Area Benefit
- Limited Clientele
- Housing
- Jobs

Slums/Blight

- Area Basis
- Spot Basis
- Urban Renewal

Urgent Need

- Emergency Situations
- Urgent Need Test

Low/Mod Buyout

- Qualifying LMI Households
- Award Amount Greater Than Pre-Disaster Value

Low/Mod Housing Incentive

- Outside Floodplain
- Lower-Risk Area
- Occupied by LMI Household

Resiliency

NEW BUYOUT PROGRAM

24 CFR 570.208(a)(1)-(4) and 570.483(b)(1)-(4)

HUD is establishing an alternative requirement to include the two new LMI national objective criteria for buyouts (LMB) and housing incentives (LMHI) that benefit LMI households that use CDBG-DR funding provided pursuant to this notice

Resiliency

BENEFITING LOW/MOD INCOME PERSONS

LOW/MOD BUYOUT (LMB)

When CDBG-DR funds are used for a buyout award to acquire housing owned by a qualifying LMI household, award amount (including optional relocation assistance) is greater than the post-disaster (current) fair market value of that property

LOW/MOD HOUSING INCENTIVE (LMHI)

When CDBG-DR funds are used for housing incentive award, tied to the voluntary buyout or other voluntary qualifying LMI household the housing incentive is for the purpose of moving outside of the affected floodplain or to a lower-risk area; or when the housing incentive is for the purpose of providing or improving residential structures

Resiliency

NEW BUYOUT PROGRAM EXAMPLES

Program Purpose

- Reduce the risk and costs associated with repetitive flooding.
- Relocates families to areas with a reduced risk of future flooding.
- Eliminates future flood damages and health and safety risks for owners and rescuers.

Target Population

- Homeowners residing in areas identified by the HCFCD as “hopelessly deep” in the flood plain.
- Properties that were damaged by the floods in 2015, 2016 and/or Hurricane Harvey (2017)
- Low-to Moderate – Income (priority)
- Urgent Need (Homeowners that are above the Moderate Income level)

Resiliency

NEW BUYOUT PROGRAM BENEFITS

- Purchase price based on pre-storm fair market value
- Moving cost stipend of $5,000
- Replacement housing incentives up to $31,000 towards the purchase price of a replacement home
- Social Vulnerability Incentive up to 5% of the purchase price of the buyout home
- Provided to homeowners who live in areas most prone to the hardest impacts and slowest recovery from a disaster. This must go toward the purchase of a replacement home.

Resiliency

NEW BUYOUT PROGRAM EQUITY

- Provides financial assistance so that you may not owe more on your replacement home than you currently owe on your buyout home.
  - For example:
    - If you don't owe anything on your current home, you shouldn't owe anything on your replacement home.
- If you owe $10,000 on your current home, you should only owe $10,000 on your replacement home.
- Rehabilitation Incentive
- Provided to those that purchase a replacement home that needs repairs.
- Down Payment Assistance and Closing Cost
- Provided to those that purchase a replacement home and are in need of gap funding.
- **Total Assistance Capped at FHA Mortgage Limits - $331,200.00**

Resiliency

CREATING RESILIENT INFRASTRUCTURE

CDBG-DR Encourages Infrastructure Improvements to Avoid Repeated Catastrophic Damage

- Elevated Building Designs
- Stormproof Building Designs
- Flood Resistant Materials
- Wind Resistant Roofs
- Aerodynamic Exteriors
- Improving Seismic Restraints

Rebuilding Exactly Like Pre-Storm Conditions is "Funding For Failure"

Resiliency

Resilient Rebuilding

- The community rebuilds a sustainable future, factoring in the ecological, economic, and local capacity considerations
- The recovery is an opportunity for communities to rebuild in a manner that reduces or eliminates risk form future disasters
- Communities can incorporate stronger buidling codes and land use ordinances. Valuable structures can be retrofitted, elevated or removed from harm.
- Community members, businesses and local government can incorporate risk reduction strategies into governance and local decision making.

Resiliency

Federal Agency Initiatives Related to Resilient Buildings

- **National Institute of Standards and Technology (NIST):** Codes and Standards for Resilience to Tornadoes – NIST, in coordination with FEMA and other Federal agencies, is developing state-of-the-science tornado hazard maps, which will underpin a new performance-based standard for design of buildings and other structures to better resist tornadoes.

- **Federal Emergency Management Agency (FEMA) and the National Institute of Building Sciences:** Update to the 2005 Multi-hazard Mitigation Council Mitigation Saves Study – FEMA will support an effort by the National Institute of Building Science to revisit and extend the 2005 Mitigation Saves study that demonstrated that for every dollar spent on hazard mitigation, society saves $4.

- **U.S. Army Corps of Engineers:** Resilient Building Codes Resource Website – The Corps launched a website to promote more resilient communities through use of the latest standards and criteria, building codes, and recent climate science.

Resiliency

Federal Agency Initiatives Related to Resilient Buildings

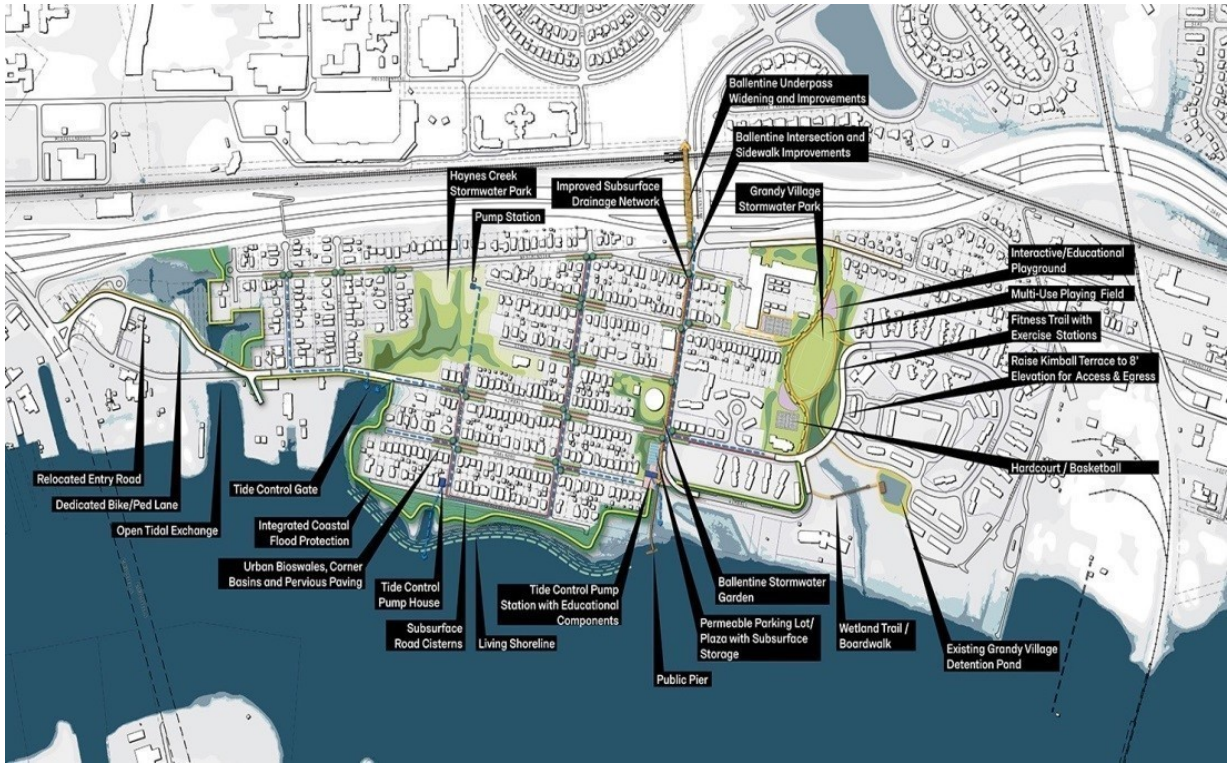
FEMA: Disaster Deductible for the Public Assistance Program – FEMA also will explore incentivizing the adoption and enforcement of building codes at the state and local level through a disaster deductible requirement for the Public Assistance Program.

U.S. Environmental Protection Agency (EPA): Smart Growth Code Fixes for Climate Adaptation Report – EPA will release of the Office of Sustainable Communities Smart Growth Code Fixes for Climate Adaptation report. This report will give communities a menu of changes they can make to zoning and building codes and related policies to prepare for and adapt to climate change while bringing other environmental, economic, social, and health benefits.

US Department of Agriculture (USDA): Incorporation of Resilient Building Codes into Rural Housing Programs – USDA will review its existing building construction requirements with the goal of aligning program requirements with the most recent model building codes and standards for resilient construction.

Resiliency

Norfolk Resiliency Strategy



- In January 2018, adopted a new zoning ordinance
- Under the new ordinance, developers and builders of both residential and non-residential structures will be required to follow a "resilient point system"
- Points include things like operable storm shutters and elevating the bottom floor of their structure by three feet

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Resiliency

Miami Beach Resiliency Strategy

MIAMIBEACH RISING ABOVE

- Improving drainage systems
- Elevating roads
- Installing pumps to replace aging stormwater pipes
- Replacing much of the city's water, wastewater & utilities systems
- Updating regulations to reflect increased elevation requirements & seawall barriers

The Rear View Mirror



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Best Practices

MASTER PLANNING



- City's Vision for Expansion
- Traffic Circulation
- Infrastructure Development
- Environmental Review Standard
- Resilient Planning Goes Beyond Zoning
  - Preservation or Enrichment of Culture
  - Creating Walkable Communities
  - Development of New Programs for Children or the Elderly
  - Homeless Shelters and Programs
  - Programs & Incentives to Attract New Industries

Best Practices

UPDATED ZONING ORDINANCES

- Limit density of development within the floodplain
- Development away from sensitive areas
- Construction & redevelopment to minimize risk
- Incorporating sustainable components
- Erect more fire resistant buildings
- Buidling structures to be more rigid in areas prone to seismic activity
- Elevating homes higher than required in flood prone areas
- Restoration of floodplains

Best Practices

UPDATED BUILDING CODES

- Efficient disaster mitigation & recovery
- Post disaster buidling code enforcement
- FEMA Policy Now Requires Adoption of 2015 IBC to receive Federal Assistance

Every dollar spent on resiliency saves four dollars in recovery



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Best Practices

COMPLIANCE MONITORING

- Grantee Policies & Procedures
- Procurement
- Financial Management
- Citizen Participation
- Overall Management
- Economic Development Projects
- Housing Rehabilitation Projects
- Infrastructure Projects
- Real Property Acquisition Projects
- New Construction Housing

Best Practices

PUBLIC ASSISTANCE: PROCUREMENT CONDUCTED UNDER EXIGENT OR EMERGENCY CIRCUMSTANCES

FEMA **Fact Sheet**

Public Assistance: Procurement Conducted Under Exigent or Emergency Circumstances

The Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program provides supplemental assistance to states, territories, tribes, and local governmental entities, as well as certain private non-profit organizations (applicants) following major disasters and emergencies declared by the President. FEMA's *Public Assistance Program and Policy Guide* (http://www.fema.gov/public-assistance-policy-and-guidance) provides comprehensive information regarding assistance that FEMA can make available, and the requirements that applicants must follow in order to receive the assistance. This Fact Sheet provides key information that non-state applicants need to consider when utilizing contracted resources under exigent or emergency circumstances.

Federal regulations (2 C.F.R. Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements For Federal Awards) establish requirements for non-state applicants concerning the exigency or emergency exception that permits the use of noncompetitive procurements, frequently referred to as "sole-source contracting." These exceptions and associated procurement requirements are discussed further below. The information presented within applies to all categories of work under the PA Program. Emergency work funded under Category A (Debris Removal) and Category B (Emergency Protective Measures) is most often associated with a public exigency or emergency. However, there may be instances where exigent or emergency circumstances necessitate the use of noncompetitive procurements for permanent work (Categories C-G). The answers to the frequently asked questions below provide additional guidance on the acceptable use of noncompetitive proposals under exigent or emergency circumstances, which is described in regulation at 2 C.F.R. § 200.320(f)(2).

It is essential that all applicants understand that both FEMA and the U.S. Department of Homeland Security's Office of Inspector General (OIG) closely review applicant procurement actions and contract selections, with a particular emphasis on noncompetitive procurement actions, to evaluate compliance with Federal requirements. ***Failure to follow federal contracting and procurement requirements puts applicants at risk of not receiving reimbursement for otherwise eligible disaster costs.***

What is the exigency or emergency exception?
Non-state applicants must follow the procurement requirements found at 2 C.F.R. §§ 200.317 – 200.326. However, Federal regulations allow for noncompetitive procurements under certain circumstances, including when a non-state applicant determines that immediate actions required to address the public exigency or emergency cannot be delayed by a competitive solicitation. This represents an exception to requirements for full and open competition. FEMA approval is not required for use of noncompetitive procurements under the emergency or exigency exception, however, the use of noncompetitive procurements does not relieve non-state applicants from complying with other procurement requirements or from ensuring that costs are reasonable.

"FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards."

January 19, 2018

When referring to procurement activity, FEMA defines both exigency and emergency as situations that demand immediate aid or action. The difference between the two is that:

- In the case of an ***exigency***, there is a need to avoid, prevent or alleviate serious harm or injury, financial or otherwise, to the applicant, and use of competitive procurement proposals would prevent the urgent action required to address the situation. Thus, a noncompetitive procurement may be appropriate.
- In the case of an ***emergency***, a threat to life, public health or safety, or improved property requires immediate action to alleviate the threat.

While emergency conditions generally are short-lived, exigent circumstances can exist for a period of weeks or months.

Exigency Example: A tornado impacts a city in June and causes widespread and catastrophic damage, including damage to a city school. The city wants to repair the school and have it ready for use by the beginning of the school year in September. The city estimates, based on past experience, that awarding a contract using a sealed bidding process would require at least 90 days, and the city's engineer estimates that the repair work would last another 60 days. This would extend the project beyond the beginning of the school year. Rather than conducting a sealed bidding process, the city—in compliance with State and local law—wants to sole source with a contractor it has contracted with previously. The City can demonstrate that this constitutes an "exigent circumstance" because use of a sealed bidding process would cause an unacceptable delay and thus procurement by non-competetive methods was necessary based on the particular situation.

Emergency Example: Severe weather impacts a city and causes widespread and catastrophic damage, including loss of life, widespread flooding, loss of power, damage to public and private structures, and millions of cubic yards of debris across the city, leaving almost the entire jurisdiction inaccessible. The city needs to begin debris removal activities immediately to restore access to the community, support search and rescue operations, power restoration, and address health and safety concerns. Under these circumstances, the city may find it necessary to award noncompetitive contracts to address threats to life, property and public health.

When does the exigency or emergency exception apply and for how long?
Use of the public exigency or emergency exception *is only permissible during the actual exigent or emergency circumstances.* Exigency or emergency circumstances will vary for each incident, thus it is difficult to determine in advance or assign a particular time frame when noncompetitive procurements may be warranted. Exigent or emergency circumstances may exist for two days, two weeks, two months or even longer in some cases. Non-state applicants must ensure that work performed under the noncompetitively procured contracts is specifically related to the exigent or emergency circumstance in effect at the time of procurement. Importantly, because the exception to competitive procurement is available only while the exigent or emergency circumstances exist, applicants should, upon awarding a noncompetitive contract, immediately begin the process of competitively procuring similar goods and services in order to transition to the competitively procured contracts as soon as the exigent or emergency circumstances cease to exist.

FEMA may review a non-state applicant's justification that exigent or emergency circumstances warrant an exception to competitive procurement. If the agency determines that exigent or emergency

contract to a short time period, thus providing the state time to develop a scope of work and transition to the more competitive procurement procedures.

Additional Information and Resources
Non-state applicants should consult as soon as possible after a declared disaster with all appropriate parties, including legal counsel, to review their procurement policies, actions and contracts against federal procurement requirments. Non-state applicants also should contact their State or Territory liaisons to request assistance with any procurement activity concerns.

Detailed procurement and contracting information is available on the FEMA website at www.fema.gov/procurement-disaster-assistance-team. FEMA's *Public Assistance Program and Policy Guide* is available at (http://www.fema.gov/public-assistance-policy-and-guidance), and the Code of Federal Regulations referenced in this guidance can be accessed at www.eCFR.gov.



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THE CITY OF MIAMI FLORIDA

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Best Practices

When referring to procurement activity, FEMA defines both exigency and emergency as situations that demand immediate aid or action. The difference between the two is that:

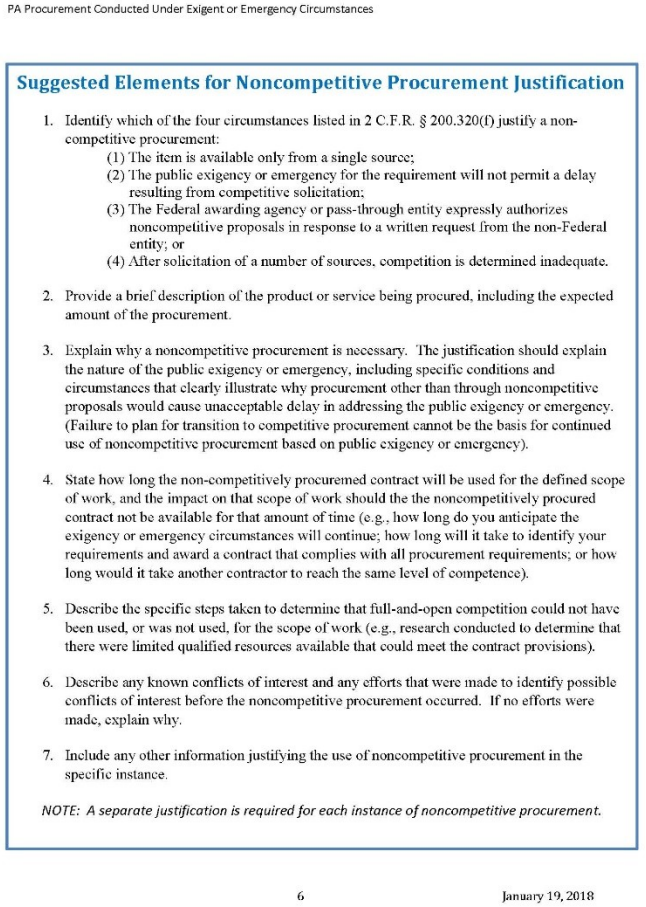
EXIGENCY

There is a need to avoid, prevent or alleviate serious harm or injury, financial or otherwise, to the applicant, and use of competitive procurement proposals would prevent the urgent action required to address the situation. Thus, a noncompetitive procurement may be appropriate.

EMERGENCY

A threat to life, public health or safety, or improved property requires immediate action to alleviate the threat.

Us of the public exigency or emergency exception is ***only permissible during the actual exigent or emergency circumstances***.



PA Procurement Conducted Under Exigent or Emergency Circumstances

Suggested Elements for Noncompetitive Procurement Justification

1. Identify which of the four circumstances listed in 2 C.F.R. § 200.320(f) justify a non-competitive procurement:
   (1) The item is available only from a single source;
   (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
   (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
   (4) After solicitation of a number of sources, competition is determined inadequate.
2. Provide a brief description of the product or service being procured, including the expected amount of the procurement.
3. Explain why a noncompetitive procurement is necessary. The justification should explain the nature of the public exigency or emergency, including specific conditions and circumstances that clearly illustrate why procurement other than through noncompetitive proposals would cause unacceptable delay in addressing the public exigency or emergency. (Failure to plan for transition to competitive procurement cannot be the basis for continued use of noncompetitive procurement based on public exigency or emergency).
4. State how long the non-competitively procuremed contract will be used for the defined scope of work, and the impact on that scope of work should the the noncompetitively procured contract not be available for that amount of time (e.g., how long do you anticipate the exigency or emergency circumstances will continue; how long will it take to identify your requirements and award a contract that complies with all procurement requirements; or how long would it take another contractor to reach the same level of competence).
5. Describe the specific steps taken to determine that full-and-open competition could not have been used, or was not used, for the scope of work (e.g., research conducted to determine that there were limited qualified resources available that could meet the contract provisions).
6. Describe any known conflicts of interest and any efforts that were made to identify possible conflicts of interest before the noncompetitive procurement occurred. If no efforts were made, explain why.
7. Include any other information justifying the use of noncompetitive procurement in the specific instance.

NOTE: A separate justification is required for each instance of noncompetitive procurement.

6 January 19, 2018

Best Practices

On Letterhead Stationary of Your City and Your Appropriate City Official:

Date: _____

To: Name:_____

Title: FEMA Program Delivery Manager

(Email and Address)

RE: Your City, Particular Disaster Name

Dear _____:

Please remove the following item(s) below from the Damage Inventory List, as the City of _____ will not be seeking FEMA reimbursement for the following damage:

Damage #	Category	Name of Location/Facility	Damage Type	Removal Reason(s)

If you have any questions, please contact (Name) _____, (Title) _____ at (Phone Number) _____ or (email) _____. Thank you.

(Closing, Name, Address)

The Rear View Mirror

- Prepare in advance for your audit
- **Start on day one**





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Trends

Pre-Emptive Actions

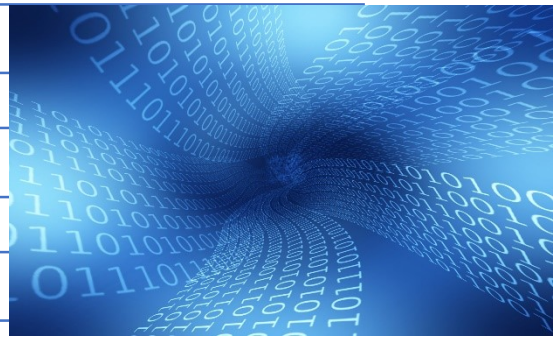
- Updated Zoning Ordinances & Building Codes
- Updated Procurement / Purchasing Policies
- Revisiting Emergency Operations Plans
- Prepositioned Contracts with Performance Guarantees

Trends

INFORMATION TECHNOLOGY

- Conduct a Data Assessment
- Back-up & Redundancy (3-2-1 Plan)
- Back-up offsite in Safe Location / Cloud
- Sensitive Data is Encrypted
- Make Sure Critical Applications are Accessible
- Don’t Neglect Laptop Data





Trends

Bond Financing for Disaster Recovery

- On September 5, 2018 the National Association of Bond Lawyers released the ***Disaster Recovery Bond Financing Considerations For Congress***

- Permanent, comprehensive disaster-recovery legislation would enable state and local governments to more quickly and efficiently:
  - Stabilize local communities and accelerate repopulation
  - Promote investments of private capital in disaster-stricken areas
  - Leverage existing federal resources for enhanced job creation



- https://www.nabl.org/DesktopModules/Bring2mind/DMX/Download.aspx?portalid=0&EntryId=1187

Trends

FUNDING



- Communities May Choose to Spend Own Funds
  - Ineligible Costs
  - Don’t Want Federal “Purse-Strings”
- Communities are Realizing that Federal Assistance May Be Very Slow in Coming (Puerto Rico)

The Rear View Mirror



Procurement Checklist

	Request for Qualifications (RFQ)	Request for Proposals (RFP)	Invitation for Bid (IFB)	Small Order Purchase (SOP)	Micro Purchase	Non-Compete
INITIAL PLANNING						
Identify Need	✓	✓	✓	✓	✓	✓
Determine Budget	✓	✓	✓	✓	✓	✓
Rationale for Procurement Method (if not apparen	✓	✓	✓			✓
Rationale for Contract Type (if not apparent	✓	✓	✓			✓
Define Requirements (Scope of Work / Services)	✓	✓	✓	✓	✓	✓
Develop Independent Cost Estimate (ICE)	✓	✓	✓	✓	✓	✓
Determine Whether Sufficient Competition Availa	✓	✓	✓	✓		
Evaluation Plan	✓	✓				
SOLICITATION						
Documentation of Vendor Outreach	✓	✓	✓	✓		
Publicly Advertise	✓	✓	✓			
Outreach to HUB, M/W/DBE, & Section 3 Vendors	✓	✓	✓	✓	✓	✓
Bid Bond Required		✓	✓			
Prevailing Wage Applicability		✓ *Depending on type of w ork	✓	✓	✓ *Depending on type of w ork	✓ *Depending on type of w ork

Procurement Checklist (continued)

	Request for Qualifications (RFQ)	Request for Proposals (RFP)	Invitation for Bid (IFB)	Small Order Purchase (SOP)	Micro Purchase	Non-Compete
AWARD						
Publicly Open Bids			✓			
Determination of Vendor Responsbility (sam.gov,	✓	✓	✓	✓	✓	✓
Establish Competitive Range		✓				
Technical Evaluation	✓	✓				
Price Evaluation		✓	✓	✓	✓	✓
Vendor Presentations	✓	✓				
Price Analysis		✓	✓	✓	✓	
Cost Analysis	✓	✓				✓
Negotiation	✓	✓		✓	✓	✓
Negotiation of Profit						✓
Written Notice of Award	✓	✓	✓	✓	✓	✓
Notification to Unsuccessful Offerors	✓	✓	✓	✓		
Notice to Proceed	✓	✓	✓			✓
Execution of Formal Contract	✓	✓	✓	✓		✓

Procurement Checklist (continued)

	Request for Qualifications (RFQ)	Request for Proposals (RFP)	Invitation for Bid (IFB)	Small Order Purchase (SOP)	Micro Purchase	Non-Compete
POST-AWARD						
Obtain Insurance Documents	✓	✓	✓	✓	✓	✓
Payment & Performance Bonds Required		✓	✓			
Monitor Performance	✓	✓	✓	✓	✓	✓
Final Inspection		✓	✓	✓	✓	✓
Davis-Bacon Interviews		✓ *Depending on type of work	✓ *Depending on type of work	✓ *Depending on type of work	✓ *Depending on type of work	✓ *Depending on type of work
Certified Payroll Review		✓ *Depending on type of work	✓ *Depending on type of work	✓ *Depending on type of work	✓ *Depending on type of work	✓ *Depending on type of work
Certificate of Completion		✓	✓	✓	✓	✓

Overall Management Checklist

FY 2017 - Subrecipient Monitoring Site Visit	Sub-Recipient:					
	Reviewer(s):					
	Staff Consulted:					
Overall Management	Date	Grant	Project	Notes		
	Regulation Cited	Auditor Response		Supporting Documentation	Comments	Summary of Regulation Cited
What is the program participant's system(s) or procedure(s) for ensuring that CDBG funds are used in accordance with program requirements?	24 CFR 84.21; 24 CFR 85.20(b)					
What is the program participant's system(s) or procedure(s) for ensuring that CDBG funds are used in accordance with program requirements?	24 CFR 570.501(b); 2 CFR Part 200.303					
Does the program participant maintain written procedures describing its management of the CDBG program?	No Regulation Cited					
How are responsibilities for implementing and managing the CDBG program assigned and delegated?	No Regulation Cited					
Who is in charge of the day-to-day administration of the program? (Include name and title and organizational chart, if available.)	No Regulation Cited					
How long has the administrator been in this position?	No Regulation Cited					
What information is routinely passed to this person?	No Regulation Cited					
Does this person have appropriate authority to effect change or force actions to occur?	No Regulation Cited					

Overall Management Checklist (continued)

FY 2017 - Subrecipient Monitoring Site Visit	Sub-Recipient:					
	Reviewer(s):					
	Staff Consulted:					
Overall Management	**Date**	**Grant**	**Project**	**Notes**		
	Regulation Cited	**Auditor Response**		**Supporting Documentation**	**Comments**	**Summary of Regulation Cited**
Has a system been developed to track the progress of each CDBG-funded project or activity?	No Regulation Cited					
If developed, does the tracking system include a timetable with scheduled completion dates?	No Regulation Cited					
Does the program participant have an information system to collect the following data for the Consolidated Annual Performance and Evaluation Report (CAPER), with regard to the use and investment of CDBG resources:	No Regulation Cited					
Physical location and geographic distribution?	No Regulation Cited					
Low- and moderate-income beneficiaries?	No Regulation Cited					
Racial/ethnic data (beneficiaries and displacees)?	No Regulation Cited					
Fair housing actions?	No Regulation Cited					
Housing characteristics?	24 CFR 91.520					
For each of the questions regarding data collection above, is the program participant's in-house information consistent with the information that the program participant entered into IDIS for the time period reviewed?	24 CFR 91.525(a)(3)					
If discrepancies were noted, do the inconsistencies appear to be isolated or systemic?	24 CFR 570.506; 24 CFR 570.507; and 24 CFR 91.525(a)(3)					
Does the program participant maintain sufficient records to demonstrate compliance with CDBG requirements?	24 CFR 570.506					
Does the program participant submit its Consolidated Annual Performance and Evaluation Report in a timely and accurate manner?	24 CFR 91.520(a) and 91.520(d)					
Does the program participant have sufficient documentation to show that the National Objective identified was met?	24 CFR 570.208					

Checklist Resources

Certification Checklist for CDBG-DR Grantees under the Disaster Relief Appropriations Act, 2013
https://www.hudexchange.info/resources/documents/CDBG-DR-Certification-Checklist-Disaster-Relief-Appropriations-Act-2013.pdf

DRGR Action Plan/Amendment Review Guide
https://www.hudexchange.info/resources/documents/CDBG-Disaster-Recovery-DRGR-Action-Plan-Checklist.pdf

PUBLIC LAW 114-223/254 Guide for Review of Financial Management for CDBG-DR Grantees
https://www.hudexchange.info/resources/documents/Guide-for-Review-of-Financial-Management-for-CDBG-DR-Grantees.pdf

Action Plan and Certification Checklist (excel)
https://www.hud.gov/sites/documents/cdbg_2013_ap_cert.xls

HUD Resources Library
https://www.hudexchange.info/resources/

City of Columbia, SC – CDBG-DR Program Monitoring Plan
https://dr.columbiasc.gov/wp-content/uploads/2018/02/Monitoring-Plan.pdf

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