Appendix

# 1 REQUEST FOR PRIOR AUTHORIZATION

(*Date*)

Mr. Todd Christensen, Associate Director
Virginia Department of Housing and Community Development
Project Management Office
501 North Second Street
Richmond, Virginia 23219-1321

Re: **Request for Prior Authorization of Costs**

Dear Mr. Christensen:

Please accept this letter as a formal request for authorization to incur administrative costs prior to the execution of our Community Improvement Grant contract agreement with the Virginia Department of Housing and Community Development. A grant offer has been made to us under the Commonwealth of Virginia's FY 200_ Community Development Block Grant Program.

We anticipate incurring these costs effective (*Date)* but prior to execution of a contract agreement.

1. Administration $

- Budget Revision
- Project Management Plan
- Local Business & Employment Plan
- Procurement Procedures/Advertisements/
- Selection Criteria
- Anti Displacement Plan
- Section 504 Handicapped Requirements

2. Environmental Review Record/Notices/ Release of Funds $

3. Workshop Attendance (if applicable) $

4. Complete Program Design (if applicable) $

**Total Prior Authorized Costs**: $

We would appreciate your approval to incur these costs and to charge them to the grant after the signing of the grant contract agreement. **We understand that these costs will be allowed only if we have completed all requirements necessary for contract execution within ninety (90) days of our contract negotiation meeting, unless specifically extended by DHCD in writing.**

Sincerely,

(*Signature of Chief Administrative Officer*)

cc: (*DHCD Community Representative*)

Appendix

# 2 ENVIRONMENTAL REVIEW PROCESS

This appendix provides direction to Grantees on how to complete the Environmental Review process for CDBG-assisted projects. The following items are covered:

- Definitions;
- Environmental Review Process Overview;
- Project Categories;
- Exempt Projects;
- Categorically Excluded Projects;
- Environmental Assessment Projects;
- Projects Requiring an Environmental Impact Statement; and
- Environmental Review Record.

**All Environmental Review requirements must be satisfied before a CDBG Grant Agreement will be issued and any construction can occur.**

## Introduction

All projects funded under CDBG guidelines must adhere to the requirements of the National Environmental Projection Act of 1968 and related acts, as amended, including the National Historic Preservation Act of 1966. Toward that end, close attention should be given to the definitions related to levels of clearance. When in doubt, Grantees are advised to undertake an Environmental Assessment rather than assume a project may be Categorically Excluded. Consultation with DHCD concerning such matters is mandatory.

## Definitions

A. **Environmental Review Process** Procedure by which the Grantee acts to comply with all of the appropriate provisions of applicable environmental regulations and legislation relative to project activities.

B. **Environmental Certifying Officer** A person designated by the Grantee's local governing body who assumes the role of "responsible federal official" and who assumes the responsibility for environmental review, decision making, and action

pursuant to the National Environmental Policy Act (NEPA) and the implementing regulations.

C. **Environmental Review Record (ERR)** A written document describing all of the necessary steps in the environmental review process. Upon its completion, it must be adopted by the local governing body of the Grantee. The ERR is a public document, which must be accessible to citizens. It is compiled and maintained as part of the official files. The ERR must be revised if there are any substantial changes in the project's scope, any changes in the environmental conditions or with the selection of any new alternates.

D. **Environmental Assessment (EA)** A written document describing the grant activities, the environmental conditions relating to the activities, and weighing the impact of the activities on the environment. The document is used to determine the level of impact and level of clearance finding relative to the project activities. Becomes part of the ERR.

E. **Environmental Impact Statement (EIS)** This is a self contained document, following proscribed guidelines, with sufficient detail to fully inform readers of all the possible environmental impacts of the project. It is required under any of six circumstances specifically listed in 24 CFR 58.37. Becomes part of the ERR.

F. **Level of Clearance Finding** This is a determination which is made based upon a completed Environmental Assessment. There are two types of findings: 1) A determination that the project IS NOT A MAJOR FEDERAL ACTION and does not significantly affect the quality of the human environment (Finding of No Significant Impact/FONSI), whereby the Request for Release of Funds does not require an Environmental Impact Statement (EIS); or 2) A determination that the project IS A MAJOR FEDERAL ACTION which may significantly affect the quality of the human environment, in which case an EIS will be required for the Request for Release of Funds. Becomes part of the ERR.

G. **Finding Of No Significant Impact (FONSI)** This is one of the two possible levels of clearance findings. It is also a published notice to the public and part of the ERR.

H. **Notice Of Intent To Request Release Of Funds (NOI-RROF)** This is a published notice to the public which indicates that the Grantee intends to ask the Virginia Department of Housing and Community Development (DHCD) to release the grant funds for the project. Becomes part of the ERR. If for any reason the public comment period dates must be modified, a revised NOI-RROF should be published.

I. **Request For Release Of Funds & Certification (RROF & C)** – Along with proof of publication, this two-page form is sent by the Grantee to the Virginia Department of Housing and Community Development, certifying that the Grantee has

carried out its environmental review and decision-making responsibilities under NEPA and requesting that the State release the grant money. Becomes part of the ERR.

# Environmental Review Process Overview

Because CDBG projects are federally funded, Grantees must comply with the requirements of the National Environmental Policy Act (NEPA) of 1969. Completing the Environmental Review and creating the Environmental Review Record (ERR) are pre-contract requirements. Project funds (other than those previously approved for administrative or environmental review costs) must not be obligated or expended prior to the completion of the environmental review process.

The material presented in this chapter is modeled after 24 CFR Part 58 "Environmental Review Procedures for the Community Development Block Grant Programs", as amended; these regulations fulfill HUD's responsibility under NEPA and its own implementing regulations.

For most CIG projects, the Environmental Review process involves three basic activities:

1. Determining the "category" of the CDBG project in the context of the Environmental Review process;

2. Making the appropriate state and federal agencies aware of the project and allowing agencies to offer comment, as necessary, and;

3. Informing the public of the project and allowing the public the opportunity to review project information and provide comment.

The extent to which these steps are followed depends on the nature, scope and location of the project.

# Project Categories

The Environmental Review process depends on the "category" that applies to your project. Activities and projects undertaken with CDBG funds are categorized into four (4) areas for purposes of Environmental Review. These categories are:

- **Exempt** – Exempt activities are those activities for which there is no environmental review requirement. They are exempt from the environmental requirements of NEPA and related Federal authorities (laws, Executive Orders and regulations). Exempt projects are those with activities that involve no construction or disturbance of the earth.

- **Categorically Excluded** – Categorically Excluded projects are those where construction involves only replacement or renovation of existing facilities or

structures and no disturbance to the previously undisturbed natural or built environment.

- **Environmental Assessment** – A project that will involve new construction or significant expansion of existing facilities in which existing facilities or structures will be altered or the natural or cultural environment will be disturbed. An Environmental Assessment is performed to determine whether the project will have a significant impact on the environment. Most CDBG projects require an Environmental Assessment.

- **Environmental Impact Statement (EIS**) – New construction or disturbance of the natural or built environment that will have a significant impact on the environment. If an EIS is needed, DHCD must be contacted immediately!

While some activities within a project may be administrative in nature and considered to be **Exempt** and others might be considered to be **Categorically Excluded** such as replacement of an existing sidewalk, if any of the activities within the project will involve an **Environmental Assessment** or **EIS**, then the procedures for an **Environmental Assessment** or **EIS** must be followed. Once you determine the project's category, please read all associated information before beginning the documentation process. Any questions should be promptly referred to your Community Representative.

✱ **When in doubt, complete an Environmental Assessment!**

EXEMPT PROJECTS
The following activities are Exempt projects:

- Administration;
- Environmental studies and assessments;
- Approved, eligible engineering and design functions;
- Surveys;
- Microenterprise assistance;
- Training and educational programs;
- Surveys;
- Certain planning and technical assistance;
- Title I loan payments; and
- Categorically Excluded activities which require no compliance with any of the other federal laws or authorities.

If the project qualifies as **EXEMPT** based on the list shown above, take the following steps:

1. Complete Part I of the ERR as found at Appendix 2.A;

2. Complete the "Written Exempt Determination" as found at Appendix 2.B and include in the ERR; and

3. Mail a copy of the "Written Exempt Determination" to your Community Representative.

Projects that consist solely of **EXEMPT** activities do not require the preparation of an Environmental Assessment or consultation with other agencies. No other actions under NEPA are required.

# Categorically Excluded Projects

In many instances, a project may be considered **Categorically Excluded** when construction involves only the replacement or renovation of existing facilities or structures and there will be no disturbance to the previously undisturbed natural or built environment. This determination should be made in consultation with DHCD and DHR.

The following activities may be Categorically Excluded:

- Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements eligible under the State program subject to the following limitations:

    - The public facilities and improvements to be acquired for continued use are in place and will be retained in the same use;

    - The facilities or improvements replace or upgrade existing public facilities or improvements with only minimal change in use, size, capacity or location; and

    - The facilities and improvements are consistent with the use of the site and will not change the use, size, capacity or character of the site.

- Special projects directed toward the removal of material and architectural barriers;

- Acquisition and/or rehabilitation of buildings and improvements, subject to the following limitations:

    - Unit density is not increased more than 20 percent (20%);

    - The project does not include changes in land use from residential to non-residential, for from non-residential to residential, or from one class or residential to another; and

- The estimated cost of rehabilitation is less than 75% of the total cost of replacement.

- Combinations of the above activities.

In addition to determining whether the project is categorically excluded, the Grantee must determine whether it is in a floodplain or wetland area, is subject to review by DHR or is subject to requirements of other regulations and agencies. Certain specific procedures apply and are outlined below:

## Floodplains and Wetlands

Participation in the CDBG program requires compliance with Executive Order 11988, "Floodplain Management," and Executive Order 11990, "Protection of Wetlands." These require that consideration be given to natural and beneficial floodplain values and to the public benefit to be derived from their restoration or preservation. They also set forth actions to reduce the risk of flood losses through floodplain management. The Floodplains Management Guidelines, summarized herein, frequently apply to wetlands, as well, since most of Virginia's wetlands are included in floodplains.

It is important to determine very early in the environmental review process whether or not your project is located in a flood plain or wetlands because there are additional publications and comment periods which are applicable.

## Definitions

A. FLOODPLAIN - The low and relatively flat areas adjoining inland and coastal waters, including flood prone areas of offshore islands, including at a minimum that area subject to a 1% or greater chance of flooding in any given year; any land area susceptible to inundation by water from any source.

B. BASE FLOOD / ONE HUNDRED YEAR FLOOD – A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

C. WETLANDS - Those areas that are inundated by surface or groundwater with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.

D. STRUCTURE - A walled or roofed building, including mobile homes and gas or liquid storage tanks that are primarily above ground.

E. FACILITY - Any man-made or man-placed item other than a structure.

F. ACTION - An activity providing federally undertaken, financed or assisted construction and improvements; or conducting such activities and programs affecting land use, including but not limited to water and related land resources planning, regulating and licensing activities.

## Floodplains Management Guidelines

If the project is in a floodplain or wetland, use the following process, which incorporates the 8-step process as required by the U. S. Water Resource Council's Floodplain Management Guidelines:

1. Determine whether to nor the project is in a floodplain or wetland. Grantees must consult "Flood Hazard Boundary Maps" or "Flood Insurance Rate Maps" prepared by the National Flood Insurance Map Program. If your locality does not have a set of these maps, you must contact the Division of Soil and Water Conservation. See Appendix 2.C for contact information or go to http://www.FEMA.gov/fhm and click on "FEMA Flood Map Store," followed by "Catalog" and "FEMA Issued Flood Maps". Grantees must also consult the Marine Resource Commission for wetlands information. See Appendix 2.C for the mailing address or go to http://www.state.va.us.mrc/.

2. Identify and consider alternatives and document that consideration;

3. Provide early public review through publication of the Early Public Notice (Appendix 2.D) and sending a copy of the Notice to the Army Corps of Engineers. Wait 15 days, counting "day 1" as the day after the Notice is published;

4. Hold and document a Public Hearing;

5. Identify impacts of the proposed construction;

6. Identify ways to minimize negative impact;

7. Reevaluate alternatives, including whether the project is feasible at the identified site;

8. If the project must go forward as planned, publish a Notice of Explanation (Appendix 2.E) and a Notice of Intent to Request Release of Funds (NOI-RROF) (Appendix 2.F). Wait 7 days, counting "day 1" as the day after the Notice is published before moving forward with the project. (If additional publications are required for other purposes, the Notices may run concurrently. Note that longer waiting periods may be required.)

9. Send Request for Release of Funds and Certification Form (RROF & C) (Appendix 2.G) to DHCD and the other agencies show below, allowing three (3) days for mailing:

    EPA, DC

    EPA, Philadelphia

    Director, VDEQ

    Director, DHCD;

    Mailing addresses can be found at Appendix 2.F.

10. Upon DHCD's receipt of the Request, 15-day comment period begins; and

11. Comment period ends and the Environmental Review requirements are complete.

See Appendix 2.H for more details.

## DHR Review

As soon as the Grantee has determined that it intends to pursue a construction project, it needs to contact the Virginia Department of Historic Resources (DHR) immediately to advise them of the project. It is recommended that this contact be done via written mail or electronic mail at kristin.hill@dhr.virginia.gov. DHR will assign a project number for its review purposes and this DHR project number must be referenced at all times when the Grantee is discussing its projects with DHR.

Upon receipt of a *completed Project Review Application* from the Grantee, DHR will provide written comments to the Grantee as to whether it believes the project will have an adverse effect on potentially historic properties. A completed project application consists of the following:

1. DHR Project Review Application Form (Appendix 2.J) correctly completed;

2. USGS 7.5 minute topographic map with the project area clearly marked;

3. Results of a completed archive search, including all maps and site documentation (if no resources were found during the search, this should be noted). Search can be done in person, by remote access through the Data Sharing System, or by DHR for a nominal fee (Appendix 2.K);

4. Photographs of the project area and surrounding area;

5. Detailed project description, including:

a. Precise location of proposed construction;

b. Horizontal and vertical dimensions of any above-ground structures; and

c. Existing land-use and disturbances within the project area.

6. Photographs of all structures believed to be 50+ years old:

   a. Key the photographs to structures denoted on a corresponding map; and

   b. The Responsible Entity must recommend properties of they determine may be eligible for listing on the National Register based on one or more of the applicable National Register criteria denoted below:

      i) Structures that are associated with events that have made a significant contribution to the broad patterns of our history; or

      ii) Structures that are associated with the lives of persons significant in our past; or

      iii) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

      iv) That have yielded or may be likely to yield, information important in prehistory or history.

If DHR deems that the proposed project will not have an adverse effect on any potential historic properties, the Grantee may proceed without further consultant with DHR. If DHR deems that the proposed project will have an adverse impact on potential historic properties, then the Grantee must enter into either a Memorandum of Agreement (MOA) or a Programmatic Agreement (PA) with DHR. Once either of the applicable agreements has been executed, the Grantee may proceed pursuant to the measures set forth in the respective MOA or PA.

Regardless of whether or not any required agreement has been executed, the Grantee may proceed with the other components of the environmental review process thirty (30) days after DHR has received a *completed Project Review Application*:

1. Publish a NOI-RROF (Appendix 2.F). Wait 7 days, counting "day 1" as the day after the Notice is published before moving forward with the project. (If additional publications are required for other purposes, the Notices may run concurrently. Note that longer waiting periods may be required.) If a required

MOA or PA has yet to be executed, the notice should be modified to state the execution is pending.

2. Send RROF & C Form (Appendix 2.G) to DHCD and the other agencies shown below, allowing three (3) days for mailing;

   The following four agencies must receive copies of the Notice of Intent to Request Release of Funds:

   EPA, DC

   EPA, Philadelphia

   Director, VDEQ

   Director, DHCD

   Mailing addresses can be found at Appendix 2.F.

3. Upon DHCD's receipt of the Request, 15-day comment period begins; and

4. Comment period ends and the Environmental Review requirements are complete.

See Appendices 2.I, 2.J, 2.K, and 2.L for more details.

## Other State or Federal Requirements

Grantees must determine if the project requires compliance with any state or federal statute other than or in addition to Floodplains and Wetlands requirements or DHR requirements. By completing the statutory checklist found in Part 1 of the ERR (Appendix 2.A), the Grantee identifies if there is a need for coordination, consultation, permits or reviews. Refer to the Compliance Thresholds identified. If it is determined that notifications, consultations or publications are required, complete those actions according to the jurisdictional agency's instructions and then:

1. Transmit project-related information;

2. Allow 30 days for comment and 3 days of mailing time;

3. Publish a Notice of Intent to Request Release of Funds (Appendix 2.F). Wait 7 days, counting "day 1" as the day after the Notice is published before moving forward with the project. (If additional publications are required for other purposes, the Notices may run concurrently. Note that longer waiting periods may be required.)

4. Send a RROF & C Form (Appendix 2.G) to DHCD and the other agencies shown below, allowing three (3) days for mailing;

   The following four agencies must receive copies of the Notice of Intent to Request Release of Funds:

   EPA, DC

   EPA, Philadelphia

   Director, VDEQ

   Director, DHCD

   Mailing addresses can be found at Appendix 2.F.

5. Upon DHCD's receipt of the Request, 15-day comment period begins; and

6. Comment period ends and the Environmental Review requirements are complete.

If it is determined that the project is not in a floodplain or wetland, is not subject to the purview of DHR, and is not covered by other requirements, the project may revert to an Exempt status.

# Environmental Assessment Projects

An Environmental Assessment (EA) is required for projects where new construction will take place and it has been determined that the project is not Categorically Excluded. Please note that if other funding agencies have required an environmental review of this project, DHCD will generally accept that review. If the grantee wishes to use this process, please contact your community representative immediately, and note that a Notice of Intent to Request Release of Funds identifying DHCD as the funding agency must be published.

## Requirements for Environmental Assessments

If the project is not exempt or categorically excluded, an environmental assessment must be prepared. The Grantee must determine whether the project is in a Floodplains/Wetlands area and move forward accordingly. Likewise, the Grantee must consult with the Department of Historic Resources and provide information to other entities and allow an adequate response time. Please see floodplain and wetlands and DHR information listed previously under "Requirements for Categorically Excluded Projects" for guidance. Additionally, the Statutory Checklist and the Environmental Assessment Checklist in the ERR (Appendix 2.A, Part 1 and Part 2) must be completed. This allows the Grantee to determine any environmental effects of the project. Please see

the following "Diagram of Procedures: Environmental Assessment" for a visual description of this process.

Examine the identified effects to determine whether the project could be modified to eliminate or minimize any adverse impacts. Occasionally, further review of proposed activities by engineers or staff will reveal an alternative course of action which may have fewer negative effects yet meet project goals. All such alternatives should be considered as a component of the Environmental Assessment.

As the final step in the Assessment, determine the "Level of Clearance" Finding.

Based upon the completed Environmental Assessment, a determination must be made regarding whether the project **is** or **is not** a **major federal action,** which will "significantly affect the quality of the human environment."

If the project is determined to be a major federal action, which will "significantly affect the quality of the human environment," the Grantee must prepare an Environmental Impact Statement (EIS). For further information on this situation, please see below.

Most Community Improvement Grant projects, which involve an Environmental Assessment result in an Assessment Finding that the activity or project is a major federal action, which will "not significantly affect the quality of the human environment." Thus, a Finding of No Significant Impact (FONSI) will be made. The Grantee must then publish and distribute public notices. These are: (1) "Notice of Finding of No Significant Impact on the Environment"; and (2) "Notice of Intent to Request Release of Funds" (NOI-RROF).

The two notices can be published as either concurrent notices or as a combined notice, appearing at least once as a legal ad in a general circulation newspaper. DHCD strongly encourages use of the Combined Notice as found at Appendix 2.M, so these instructions are based on the Combined Notice.

The Combined Notice requires a 15 day public comment period and a 15 day State Objection Period. The Public Comment Period begins at 12:01 a.m., local time, on the day following the publication date of the Combined Notice. See the following "Calculation of Time Periods for Public Comment: Combined Notice with Floodplain / Wetlands Requirements" to calculate time periods for public comment for a Combined Notice with Floodplain and Wetlands requirements. Proof of publication is required and must be maintained in the ERR.

Copies of required Notices must be disseminated to local organizations and groups known to be interested in the Grantee's activities, and to appropriate local, state and federal agencies. At the end of the comment period, the Grantee completes the RROF & C (Appendix 2.G) and submits it to DHCD.

The following four agencies must receive copies of the Combined Notice:

EPA, DC

EPA, Philadelphia

Director, VDEQ

Director, DHCD

Mailing addresses can be found at Appendix 2.L. Please see "Diagram of Procedures: Environmental Assessment" and "Calculation of Time Periods for Public Comment, Combined Notice with Floodplain / Wetland Requirement" for additional explanation and guidance. Note that strict compliance with the timelines is required, and:

- All review periods and public comment periods begin on the day *following* the completion of the required activity e.g., the publication of an Early Public Notice requires a seven (7) day comment period. If the Notice is published on April 2, the comment period begins April 3;

- All review and comment periods are counted in calendar days;

- All required follow-up actions to the review and comment periods must occur no sooner than the day after the last day of the review or comment period; and

- If a review or comment period ends on a non-business day then that review or comment period should be extended to end on the next business day.

## Agency Objections

If within 30 days (plus 3 days mailing time) of receipt of a letter explaining the CDBG project, any recipient agencies indicate in writing that they have objections to the project, DHCD must be contacted immediately. DHCD, the Grantee and the objecting agency must determine whether adjustments can be made to the project so that all benefits will be met and outcomes achieved within budget AND environmental or regulatory issues are resolved. If such resolution is made, the Grantee must re-advertise the NOI-RROF with language that summarizes initial concerns and the steps taken to resolve the concerns.

If notified agencies issue comments regarding measures to be taken in the event that certain conditions materialized during the course of construction, it is the responsibility of the Grantee to forward said comments to the grant administrator, the project design professional and the construction contractor(s) as applicable, so that any concerns can be properly and promptly addressed. In such cases, the Grantee must contact DHCD to determine if a revised NOI-RROF must be published.

# Projects Requiring An Environmental Impact Statement

An Environmental Impact Statement (EIS) is required when it has been determined, based on completion of the ERR, that the proposed project will have a significant impact on the environment. Contract award will be delayed for a project requiring an EIS, or the offer may be withdrawn altogether.

Completion of an EIS is a rigorous technical task and requires the assistance of specially trained individuals. Those involved must pay careful attention to the regulations (24 CFR 58 and 40 CFR Part 1500-1508). Certain types of projects always require an EIS; these are included in the federal regulations 24 CFR 58.37. Activities which would remove the habitat of any endangered animal or plant life may also be classified as a major federal action and would therefore require an EIS.

☏ Call your DHCD Community Representative immediately if your project requires an EIS.

# The Environmental Review Record (ERR)

Once the category of review has been determined for the project, the steps prescribed for each category must be followed to comply with National Environmental Policy Act and DHCD requirements.

A written record of the environmental review undertaken must be maintained for all projects. This document will be designated the "Environmental Review Record" (ERR), and shall be available for public review. The ERR shall contain all the environmental review documents, public notices and written determinations or environmental findings as evidence of review. The ERR must include the following components:

1. Description of the project and all project activities;

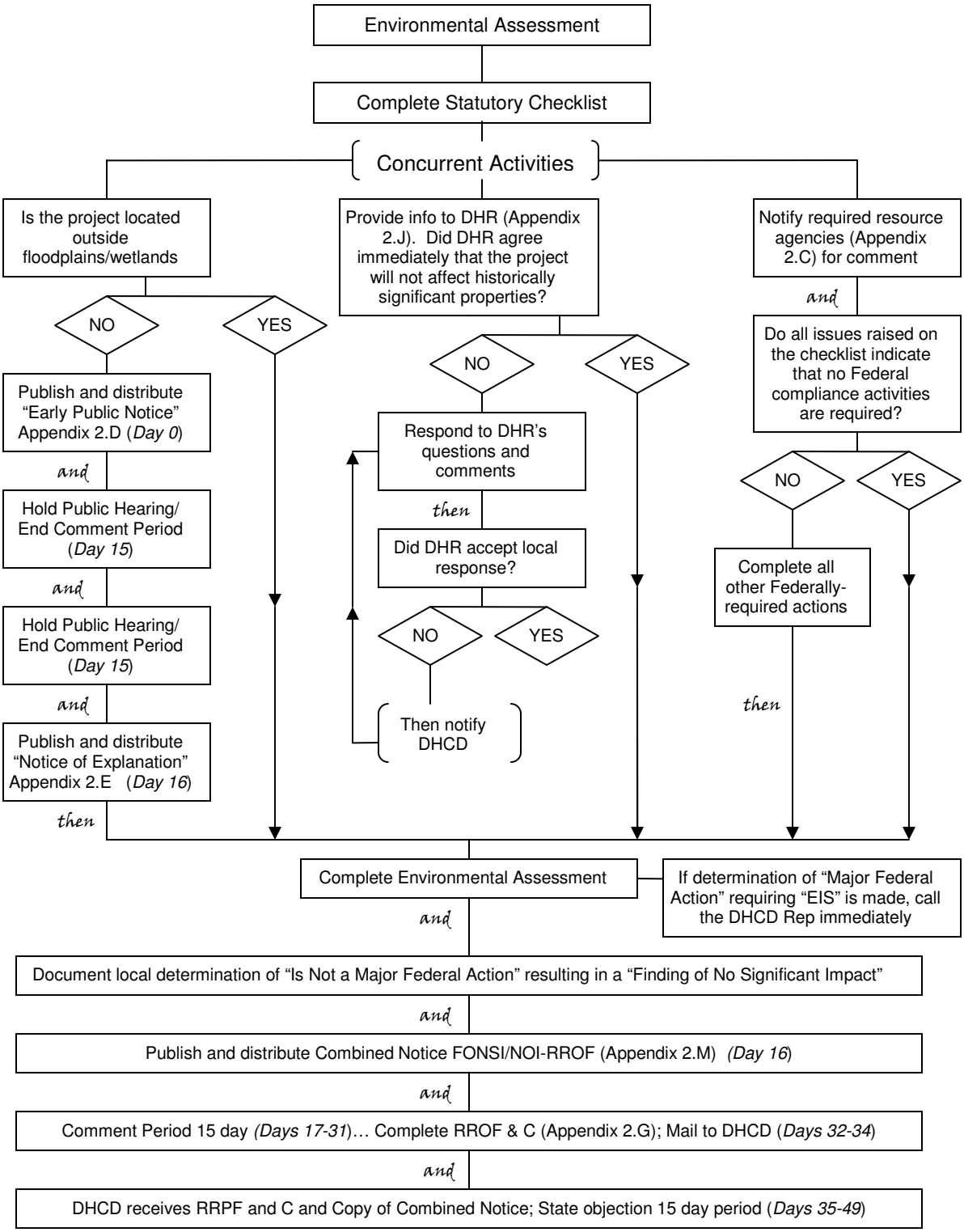
2. Evaluation of the effects of the project or the activities on the human environment;

3. Record of the written determinations and other review findings required by project type; and

4. Other pertinent documents and information.

The required format for the ERR can be found in Appendix 2.A.

# Diagram of Procedures: Environmental Assessment



# Calculation of Time Periods for Public Comment: Combined Notice with Floodplain/Wetlands Requirement

| | | | | | | |
|---|---|---|---|---|---|---|
| 1<br>Mail resource agency letters & *a completed DHR Project Review Application* | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18<br>Publish Early Public Notice (Appendix 2.D) | 19<br>Start Comment Period | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | 32 | 33<br>Public Hearing End Comment Period | 34<br>Publish Notice of Explanation & Combined Notice of FONSI & RROF (Appendix 2.M) | 35<br>Start Comment Period |
| 36 | 37 | 38 | 39 | 40 | 41 | 42 |
| 43 | 44 | 45 | 46 | 47 | 48 | 49 |
| 50<br>End Comment Period – Prepare RROF & Certification & Mail to DHCD (Appendix 2.G) | 51<br>Mailing Time RROF & Certification | 52<br>Mailing Time RROF & Certification | 53<br>Begin Start State Objection Period | 54 | 55 | 56 |
| 57 | 58 | 59 | 60 | 61 | 62 | 63 |
| 64 | 65 | 66 | 67 | 68<br>End State Objection Period | | |

Appendix 2

# Appendices 2-A through 2-N

A. Environmental Review Record

B. Written Exempt Determination

C. Contact Information for Resource Agencies

D. Early Public Notice for Floodplain and Wetlands

E. Notice of Explanation

F. Notice of Intent to Request Release of Funds (NOI-RROF)

G. Request for Release of Funds and Certification Form (RROF & C)

H. Steps In Mitigating Floodplain or Wetlands Impact

I. DHR List of Excluded Activities

J. Project Review Letters to Agencies

K. DHR Historic Resources Archives Search Application

L. DHR Historic Review Process and Project Review Form

M. Combined Notice – Finding of No Significant Impact (FONSI/NOI-RROF)

N. Coastal Zone Management Review Requirements

O. Environmental Justice

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Appendix

# 2.A Environmental Review Record

ENVIRONMENTAL REVIEW PROCESS SUMMARY
(24 CFR, SECTION 58)

Key Point to Remember – Every project must have a level of environmental review and the documentation is retained in an ERR (Environmental Review Record).

| TO DO PROJECTS WHICH ARE: | PREPARE/COMPLETE |
|---|---|
| EXEMPT (58.34(a)(1) – (11)) | Cover Page … (Page #1)<br>Page #2 [items #1 & #2 only]<br>Pages #4 through #6<br>Prepare Exempt determination including full regulation citation<br>Sign/list title/date page #7<br>Page #13 – Complete, sign/title/date<br>Place in folder labeled ERR<br>No release of funds process required |
| CATEGORICAL EXCLUSION (58.35(b)) | Do as for Exempt (above) with<br>Page #13 – Complete, sign/title/date<br>Place in folder labeled ERR<br>No release of funds process required |
| CATEGORICAL EXCLUSION/ CONVERTS TO EXEMPT (58.34(a)(12)) | Complete Statutory Checklist,<br>Document No Circumstance Requiring Compliance with any Part 58.5 laws and authorities,<br>Place in folder labeled ERR |
| CATEGORICAL EXCLUSION (58.35(a)) | Cover Page … (Page #1)<br>Page #2 (1,2,3,7,9b,10,11,12 & #13 as relevant)<br>Page #4 through #6<br>Page #7 – Complete Checklist and provide backup documentation<br>Sign/list title/date page #7<br>Page #13 – Complete, sign/title/date<br>Publish or Post RROF only<br>Disseminate during Comment Period<br>7 to 10 day Comment Period<br>Mail RROF package to local HUD<br>7015.16 received from local HUD<br>Place all above exhibits in ERR |

| | |
|---|---|
| ENVIRONMENTAL ASSESSMENT | Complete entire ERR format<br>Provide backup documentation<br>Publish/post FONSI/RROF<br>Disseminate during Comment Period<br>15 to 18 day Comment Period<br>Mail FONSI/RROF package to local HUD<br>7015.16 received from local HUD<br>Place all above exhibits in ERR |

# ENVIRONMENTAL REVIEW RECORD

GRANT NUMBER: _____

PROJECT NAME: _____

## ENVIRONMENTAL REVIEW RECORD CHECKLIST

| COMPONENTS | YES | NO | N/A | COMMENTS |
|---|---|---|---|---|
| 1. Brief Project Description | | | | |
| 2. Explanation of Exemption or Categorical Exclusion Determinations (as relevant) | | | | |
| 3. Statutory Checklist*: Environmental Requirements Other Than NEPA. (For all Cat. Excl. Projects, including Cat. Excl. Projects determined to be exempt pursuant to 58.34(a)12, and projects requiring EA or EIS)/Other Requirements Checklist** | | | | |
| 4. Environmental Assessment Document (Depending on level of clearance req.) | | | | |
| 5. Environmental Assessment Checklist (Optional) | | | | |
| 6. Notice of Finding of No Significant Impact as posted/published (as relevant) | | | | |
| 7. Notice of Intent to Request a Release of Funds as posted/published (as relevant) | | | | |
| 8. Combined FONSI/RROF as posted/published (as relevant). | | | | |
| 9. a. Distribution List of FONSI (as relevant)<br>b. Distribution List of RROF (as relevant)<br>c. Distribution List of FONSI/RROF (as relevant) | | | | |
| 10. Any comments received and recipient responses. | | | | |
| 11. Certification of Environmental Review, Request for Release of Funds submitted (as relevant) | | | | |
| 12. Notice of Removal of Grant Condition/Release of Funds (as relevant) | | | | |
| 13. Post-Review Revisions and Changes, Written Decisions, Amendments, and Supplements (as relevant) | | | | |
| 14. Continuing Project (58.47) Determination (as relevant) | | | | |
| 15. EIS documentation required by 58.55-60 (as relevant) | | | | |

*** Section 58.5 Requirements** **** Section 58.6 Other Requirements**

# PART 1

**PROJECT ABSTRACT**

Name of Grantee

_____

Application/Grant Number

_____

From: _____ To: _____

Original
Revisions
Amendments

Name and Title of Certifying Officer:

_____
_____
_____

Project Name:

_____
Location of Physical Development(s): _____
_____

Lead Agency (Grantee):

_____
Address: _____
Project Representative: _____ Telephone: _____
Address: _____
Project Information: _____ Telephone: _____
Address: _____

Project Summary Description:

CDBG Funds $ Projected

Other $

_____
_____
_____
_____

**PROJECT DATA**

PURPOSE OF THE PROJECT:

STATUS OF THE PROJECT:

PROJECT AND AREA DESCRIPTION:

EXISTING CONDITIONS AND TRENDS:

PROJECT AND AREA MAPS AND PLANS:

# STATUTORY CHECKLIST

A. Are all activities of this project 58.34(a)(1)-(11) Exempt and/or 58.35(b) Categorically Excluded (CE) from NEPA procedures? Yes___ No. If "Yes" attach supporting documentation including citations to applicable subsection of 58.34(a)(1)-(11) and/or 58.35(b) and complete Other Requirements Checklist (58.6). Sign and date below and keep this form in the project ERR. Remaining portions of the checklist need not be filled out. Do not initiate RROF procedures. Funds may be obligated for this Exempt project. If "No," proceed to question B.

B. 1. Is this a 58.35(a) CE Project? ___ Yes ___ No. If "Yes", then document by specific reference(s) to Section 58.35(a) why this project qualifies as a 58.35(a) CE project and respond to question B2. If "No" then go to question C.

2. Does the project trigger a 58.5 Compliance Threshold?___Yes__No. If "Yes" perform all actions as per relevant compliance requirements, complete columns B & C, sign and date form; complete, sign and date Other Requirements Checklist; then initiate RROF procedures, beginning with publication/posting of RROF Notice. If "No"; complete columns A & C; project is exempt under 58.34(a)(12), do not initiate RROF procedures, and funds may be obligated after signing and dating this form and completing Other Requirements Checklist.

C. Does this project require and Environmental Assessment (EA)?___Yes __No. If "Yes" fill out the Checklist, documenting all determinations and compliance with any 58.5 laws and authorities as necessary, then sign an date it; complete, sign and date Other Requirements Checklist.; make both checklists part of the project ERR; and complete Part II of the ERR format. Even if an EA has already been completed, 24 CFR Part 58, Subpart H procedures, beginning with publication/posting of FONSI/RROF Notice, cannot be initiated until all 58.5 and 58.6 determinations and compliance processes have been completed. Some theoretically CE projects may be deemed by the grantee, because of their environmental effect, to warrant either an EA or Environmental Impact Statement.

Project Name and Identification No. _____

| AREA OF STATUTORY OR REGULATORY COMPLIANCE | A<br>NO CIRCUMSTANCE REQUIRING COMPLIANCE | B<br>DATE COMPLIANCE ACHIEVED | C<br>REFERENCES TO NOTES PROVIDING DOCUMENTATION, SOURCES, AND EXPLANATION OF CHECKED BOXES |
|---|---|---|---|
| **Air Quality** | | | |
| **Historic Properties** | | | |
| **Floodplain Management** | | | |
| **Wetlands Protection** | | | |
| **Coastal Zone/** | | | |
| **Sole Source Aquifers** | | | |
| **Endangered Species** | | | |
| **Wild & Scenic Rivers** | | | |
| **Farmland Protection** | | | |
| **Noise (24 CFR Part 51B)** | | | |
| **Hazardous Facilities (24 CFR Part 51C)** | | | |
| **Airport [except for Clear Zone Notification of [24 CFR Part 51D 303 (a)(3)]** | | | |
| **Site Contamination** | | | |
| **Environmental Justice (Executive Order 12898)** | | | |
| | | | |

**Prepared By:**_____**-Title:**_____ **Date:**_____

# STATUTORY CHECKLIST



## COMPLIANCE THRESHOLD

**Historic Properties (includes archeology): The "circumstances requiring compliance" threshold is considered to be a determination by the RE, made in consultation with the SHPO/THPO (and ACHP if it has decided to participate in 36 CFR Part 800 required consultations), that the undertaking will have either No Adverse Effect or an Adverse Effect on properties/archaeological resources on or eligible for listing on the National Register of Historic Properties (NR) in the Area of Potential Effect for the proposed undertaking. Compliance is achieved by documenting implementation of procedures set forth at 36 CFR 800 et. seq. The phrase "no circumstances which require compliance" [as used in §58.34(a)(12)] shall apply only when the RE has: reached an adequately documented finding of "No Historic Properties Affected," in accordance with 36 CFR §800.4(d)(1); AND, received no objections within thirty (30) days from the SHPO's/THPO's (and the ACHP's if it has decided to participate in Part 800 required consultations) date of receipt of a formal consultation letter from the Responsible Entity transmitting that finding. For the definition of an "adequately documented finding," see 36 CFR §800.11(b) & (d. Determinations are based on a review of the NR, field observation, a check with other individuals or groups having the requisite expertise, and consultations with the SHPO required by 36 CFR Part 800.**

**Floodplain Management: The project is within or will impact on the 100-year floodplain identified by the FEMA Flood Hazard Boundary or Flood Insurance Rate Map. If no such maps have been published, the same finding is necessary by the grantee's Engineer or local Flood Control Agency. If the Project involves a critical action (e.g. a fire station, a hospital, etc), the 500-year flood plain applies. Initiate and complete reviews required by the HUD Procedures for the Implementation of Executive Order 11988", as set forth in 24 CFR Part 55 (Project may be approved if there is no practicable alternative outside the floodplain).**

**Wetlands Protection: The project is within, or will affect a wetland. This finding is based on review of Federal National Wetlands Inventory Maps unless more current information is available. Initiate and complete the Water Resources Council 8-step procedure (Project may be approved if there is no practicable alternative outside the wetland area).**

**Coastal Zone Management (CZM): The project is within the area covered by a Federally-approved CZM Program. A consistency determination/permit from the State CZM agency or other relevant jurisdictional authority is required to document consistency.**

**Sole Source Aquifers and Safe Drinking Water: The project will occur in an area designated by EPA as a sole source aquifer. Contact US EPA Regional Office to confirm whether project meets the threshold for a formal EPA review. If it does, then a circumstance requiring compliance exists. Compliance is achieved by obtaining EPA's formal review and approval of the project.**

**Farmland Protection Policy Act of 1981: The project involves the conversion of farmland to non-agricultural use. Recipients can obtain assistance from the USDA Soil Conservation Service, in determining whether a proposed location or site meets the Act's definition of farmland. If the site meets the Act's definition, then the recipient must complete the review process as set forth in 7 CFR Part 658, "Farmland Protection Policy: Final Rule."**

**Endangered Species: The project will affect an endangered species of plants or animals, or an critical habitat. This finding is based on a review of the "Federally-Listed Endangered and Threatened Species" for the area in which the project is situated. Initiate and complete consultation with the U.S. Fish and Wildlife Service (FWS) as required under Section 7 of the Endangered Species Act.**

**Wild and Scenic Rivers: The project will have an effect on a river which is a component of the National Wild and Scenic Rivers System or is under consideration for inclusion in the System. This finding is based on information from and consultation with the Department of the Interior (DOI). Consult DOI Park Service for resolution assistance.**

**Air Quality: The project is within a non-attainment area for which EPA has approved the State Implementation Plan (SIP), and there are SIP controls for such a project. Consider compliance issues in the project decision. If issues are transportation-related, priority must be given to implementing those portions of the SIP to achieve and maintain national primary air quality standards. The Department of Environmental Protection responsible for SIP implementation should be consulted. Permits should be obtained as relevant.**

**Noise Abatement and Control (24 CFR Part 51B): The project involves noise sensitive uses [24 CFR Part 51.101(a)(3)], and the ambient noise level at the Project site is above 65 dB. This finding is based on the HUD Noise Assessment Guidelines (NAG) or other acoustical data. Require appropriate mitigation measures or justify deviation from the HUD standards.**

**Hazardous Operations Explosive or Flammable in Nature (24 CFR Part 51C): The project is in the vicinity of hazardous operation involving explosive or flammable fuels or chemicals which exceed the standards and application of HUD Guidebook, "Siting of HUD-Assisted Projects Near Hazardous Facilities". Require appropriate mitigation measures as per the above-cited regulations. NOTE: 24 CFR Part 51C does not apply to projects involving the renovation only of existing commercial, industrial, institutional, or open space–recreational facilities.**

# STATUTORY CHECKLIST



## COMPLIANCE THRESHOLD

**Runway Clear Zones at Designated Commercial Service Airports and Clear Zones and Accident Potential Zones at Military Airfields (24 CFR Part 51D): The project is located in such zones and consists of activities as cited in 24 CFR Part 51D, Section 51.302. Comply with appropriate procedures and policies set forth in the above cited regulations.**

**Site Contamination* [24 CFR part 58.5(i)(2)]: Based upon an evaluation of previous uses of the project site/structures involved and area in proximity** to the site, a site inspection, and other current techniques by qualified professionals determined necessary by the RE, site contamination issues have been identified. Particular attention should be given to any proposed site on or in the general proximity to such areas as dumps, landfills, industrial sites or other locations that are creating problems, or are suspected of creating problems related to hazardous materials, contamination, toxic chemicals and gases, and radioactive substances. Since it is HUD policy that properties being proposed for use in HUD programs be free of contamination problems that could affect the health and safety of occupants, or conflict with the intended utilization of a project property, the RE must either require appropriate mitigation measures to assure a safe site, or require evidence from the project sponsor that appropriate mitigation measures have been implemented by qualified professionals, consistent with relevant Federal, State, and local laws and regulations, ensuring that the occupants of proposed sites will not be adversely affected by the type of hazards listed above.**

**Environmental Justice (Executive Order 12898): The project has been determined to have adverse health or environmental effects, which disproportionately impact a minority or low-income population relative to the community at large. The potential for new or continued adverse effects must then be evaluated. If susceptible populations are impacted: mitigation or avoidance must be considered to the extent practicable; and public participation processes must involve the affected population in the decision making process. Steps taken to identify, and as appropriate, to avoid or mitigate such impacts, and to involve the affected population, should be documented in the ERR.*****

*** Excerpted from point III, page 56120, in the Supplementary Information section of amendment to 24 CFR Part 58, as published in the Federal Register, 9/29/03 (Volume 68, Number 188): "The policy set forth in Sec. 58.5(i)(2) requires due diligence in accordance with the language in that section, but is not intended to suggest any liability for damages caused by unknown or undiscovered hazards where an appropriate review has been performed. In addition, the policy that sites be free from hazardous materials, etc., does not require a complete absence of such materials, but only that the property be free of hazards where the hazard could affect the health and safety of occupants or conflict with the intended use of the property. The policy also does not prescribe any specific form of remediation, which may vary depending upon the nature of the hazard."**

**** HUD has left the definition of the term "proximity" as used in Sec. 58.5(i)(2), up to the Responsible Entity. As concerns certain Programs under which HUD is to perform environmental reviews (i.e. the HOPWA, SHOP, and Youthbuild Programs), proximity is discussed as the area within 3,000 feet of the project site.**

*** The Executive Order calls on Federal agencies, and in the case of HUD, units of general purpose government acting under an assumption of HUD's environmental review responsibility, to identify and address, to the extent practicable, disproportionately high adverse human health or environmental effects of their programs, policies and activities on minority and low income populations.

# Statutory Checklist

## List of Applicable Statues and Regulations

**24 CFR Part 58.5 Federal Laws and Authorities.**

**(a)** ***Historic properties.*** **1) The National Historic Preservation Act of 1966 (16 U.S.C. 470f** ***et seq.*****): as amended: particularly section 106 (16 U.S.C. 470f): except as provided in ' 58.17 of this part for section 17 projects.**

**(2) Executive Order 11593. Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921** ***et seq.*****): particularly section 2(c).**

**(3) The Reservoir Salvage Act of 1960 (16 U.S.C. 469** ***et seq.*****) particularly section 3 (16 U.S.C. 469a-1): as amended b) the Archeological Historic Preservation Act of 1974.**

**(b)** ***Floodplain management and wetland protection.*** **(1) Flood Disaster Protection Act of 1973 (42 U.S.C. 4001** ***et seq.*****) as amended: particularly sections 102(a) (42 U.S.C. 4012a (a) and 4106 (a).**

**(2) Executive Order 11988. Floodplain Management, May 24, 1977 (42 FR28931** ***et seq.*****): particularly section 2(a).**

**(3) Executive Order 11990. Protection of Wetlands. May 24, 1977 (42 FR 28951** ***et seq.*****): particularly section 2 and 5.**

**(c)** ***Coastal areas protection and management.*****(1) The Coastal zone Management Act of 1972 (16 U.S.C. 1451** ***et seq.*****) as amended: particularly section 307 (c) and (d) (16 U.S.C. 1456 (c) and (d)).**

**(2) The Coastal Barrier Resources Act of 1982 (16 U.S.C. 3501** ***et seq.*** **particularly sections 5 and 6 (16 U.S.C. 3504 and 3505.**

**(d)** ***Sole source aquifers.*** **The Safe Drinking Water Act of 1974 (42 U.S.C. 201.300 (f)** ***et seq.*** **and 21 U.S.C. 349) as amended: particularly section 1424(e) (42 U.S.C.300b-303(e).**

**(e)** ***Endangered species.*** **the Endangered Species Act of 1973 (16 U.S.C. 1531** ***et seq.*** **as amended: particularly Section 7 (b) and (c) (16 U.S.C. 1278 (b) and (c)).**

**(f)** ***Wild and scenic rivers*****. The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271** ***et seq.*****) as amended: particularly section 7 (b) and (c) (16 U.S.C. 1278 (c) and (d)).**

**(g)** ***Air quality.*** **The Clean Air Act (42 U.S.C. 7401** ***et seq.*****) as amended: particularly section 176 (c) and (d) (42 U.S.C. 7308 (c) and (d).**

**(h)** ***Farmlands protection.*** **Farmland Protection Policy Act of 1961 (7 U.S.C. 4201** ***et seq.*****)particularly section 1540(b) and 1541 (7U.S.C. 4201 and 4242).**

**(i)** ***HUD environmental standards.*** **Environmental Criteria and Standards (24 CFR Part 51) and Site Contamination.**

**(j)** ***Environmental justice*****: Executive Order 12898 Federal Actions to address environmental justice in minority populations and low-income populations.**

**1/04**

# Statutory Checklist

**Additional Studies Performed**
**(Attach Study or Summary)**

**Mitigation Measures Needed:**

# Statutory Checklist

**Summary of Findings and Conclusions:**

# Other Requirements (Section 58.6) Checklist

**PROJECT NAME: _____**

**GRANT NUMBER: _____**

**In addition to the duties under the laws and authorities specified in 58.5 for assumption by Responsible Entities (RE) under the laws cited in 58.1(b), RE must comply with the following requirements. Applicability of the following requirements does not trigger the certification and release of funds procedure under this Part or preclude exemption of an activity under 58.34 (a) (12) and/or the applicability of 58.35(b). However, the RE remains responsible for addressing the following requirements in its ERR and meeting these requirements, where applicable, regardless of whether the activity is exempt under 58.34 or Categorically Excluded under 58.35 (a) or (b).**

**(a) Federal Flood Insurance Purchase Requirements (do not apply to funds from Federal formula grants made to a State).**

**(1) Does the project involve acquisition or construction (including rehabilitation) in a community identified by the Federal Emergency Management Agency (FEMA) as having special flood hazard areas (100 year and 500 year floodplains)? Yes ___ No ___ If "Yes," go to (a)(2). If "No," go to Question (b).**

**(2) Is the project located in 100 year flood plain (500 year floodplain for "critical" actions*)? Yes ___ No ___ If "Yes," go to (a) (3). If "No," go to Question (b).**

**(3) Is the community in which the project is located ( ) participating in the National Flood Insurance Program or, ( ) has less than a year passed since FEMA notified the community concerning such hazards. (Please check one of the above depending on the situation) Yes ___ No ___. If "Yes," attach a statement concerning how you will assure that flood insurance will be maintained in accordance with the "Flood Insurance Protection" guidance sheet attached to this Checklist and go to Question (b). The implementation of this project consistent with your statement must be made a condition on the environmental findings and recommendations for the project. If "No," project cannot be funded.**

***As defined in the U.S. Water Resources Council's Floodplain Management Guidelines for Implementing Executive Order 11988.**

**(b) Coastal Barriers Resources**

**Is the project to be undertaken located in the coastal Barrier Resources System, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501)?**
**Yes ___ No___. If "Yes," Federal financial assistance may not be provided. If "No," then go to Question (c).**

**(c) Projects located in Close Proximity to Airports Contained on the HUD list of 24 CFR Part 51D Covered Airports.**

**Does the project involve assistance, subsidy, or insurance for the purchase or sale of an existing property in a Runway Clear Zone or Clear Zone as defined in 24 CFR Part 51D? Yes ___ No ___ If "Yes," the buyer must be advised that the property is in a runway Clear Zone or Clear Zone, what the implications of such a location are, and then there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information. The implementation of this requirement must be made a condition in the environmental review findings and recommendations for this project.**

**Prepared by: _____ Title: _____**

**Date: _____**

# Flood Insurance Protection

Duration of Flood Insurance Coverage. The statutory period for flood insurance coverage may extend beyond project completion. For loans, loan insurance or guaranty, flood insurance coverage must be continued for the term of the loan. For grants and other non-loan forms of assistance, coverage must be continued for the life of the property, regardless of transfer of ownership of such property. Section 582(c) of the Community Development and Regulatory Improvement Act of 1994 mandates that "…The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property." (42 U.S.C. 5154a)

Dollar Amount of Flood Insurance Coverage. For loans, loan insurance or guaranty, the amount of flood insurance coverage need not exceed the outstanding principal balance of the loan. For grants and other forms of financial assistance, the amount of flood insurance coverage must be at least equal to the development or project cost (less estimated land cost) or to the maximum limit of coverage made available by the Act with respect to the particular type of building involved (SF-Single Family, OR-Other Residential, NR-Non Residential, or SB-Small Business), whichever is less. The development or project cost is the total cost for acquiring, constructing, reconstructing, repairing or improving the building. This cost covers both the Federally assisted and the non-Federally assisted portion of the cost, including any machinery, equipment, fixtures, and furnishings. If the Federal assistance includes any portion of the cost of any machinery, equipment, fixtures or furnishings, the total cost of such items must also be covered by flood insurance.

Proof of Purchase. The standard documentation for compliance with Section102 (a) is the Policy Declarations form issued by the National Flood Insurance Program or issued by any property insurance company offering coverage under the National Flood Insurance Program. The insured has its insurer automatically forward to the grantee in the same manner as to the insured, information copies of the Policy Declarations form for verification of compliance with the Act. Any financially assisted SFHA building lacking a current Policy Declarations form is in Noncompliance.

Grantee's Evidence of Compliance under the Certification. The grantee must maintain a complete and up-to-date listing of its on-file and current Policy Declarations for all financially assisted SFHA buildings. As a part of the listing, the grantee should identify any such assisted building for which a current Policy Declarations form is lacking and attach a copy of the written request made by the grantee to the owner to obtain a current Policy Declarations form.

# NOTICE TO PROSPECTIVE BUYERS OF PROPERTIES LOCATED IN RUNWAY CLEAR ZONES AND CLEAR ZONES/ACCIDENT POTENTIAL ZONES

*(In accordance with 24 CFR Part 51, Section 51.303(a)(3), this notice must be given to anyone interested either in buying an existing HUD property, or using HUD assistance to buy an existing property, which is located in either a Runway Clear Zone at a civil airport or a Clear Zone/Accident Potential Zone at a military installation.)*

The property which you are interested in purchasing at _____ is located in the Runway Clear Zone/Clear Zone/Accident Potential Zone for _____.

Studies have shown that if an accident were to occur it is more likely to occur within the Runway Clear Zone/Clear Zone/Accident Potential Zone than in other areas around the airport/airfield. Please note that we are not discussing the chances that an accident will occur, only where one is most likely to occur.

You should also be aware that the airport/airfield operator may wish to purchase the property at some point in the future as part of a Runway Clear Zone/Clear Zone/Accident Potential Zone acquisition program. Such programs have been underway for many years at airports and airfields across the country. We cannot predict if or when this might happen since it is a function of many factors, particularly the availability of funds, but it is a possibility.

We wanted to bring this information to your attention. Your signature on the space below indicates that you are now aware that the property you are interested in is located in a Runway Clear Zone/Clear Zone/Accident Potential Zone.

_____ _____

Signature of prospective buyer Date

_____

Type or print name of prospective buyer

(This notice must be maintained as part of the file on this action.)

# PART 2

# Environmental Assessment

## Environmental Assessment Checklist

Project Name and Identification No. _____

| Impact Categories | IMPACT ANTICIPATED | | | REQUIRES MITIGATION OR MODIFICATION | NOTE CONDITIONS AND/OR SOURCE DOCUMENTATION THAT SUPPORTS FINDING<br><br>REFERENCE NOTES |
|---|---|---|---|---|---|
| | NONE | MINOR | MAJOR | | |
| **Land Development** | | | | | |
| **Conformance with Comprehensive Plans and Zoning** | | | | | |
| **Compatibility and Urban Impact** | | | | | |
| **Slope** | | | | | |
| **Erosion** | | | | | |
| **Soil Suitability** | | | | | |
| **Hazards and Nuisances Including Site Safety** | | | | | |
| **Energy Consumption** | | | | | |
| **Noise** | | | | | |
| **Effects of Ambient Noise on Project and Contribution to Community Noise Levels** | | | | | |
| | | | | | |

**A =Adverse B = Beneficial**

# Environmental Assessment Checklist

| Impact Categories | IMPACT ANTICIPATED | | | REQUIRES MITIGATION OR MODIFICATION | NOTE CONDITIONS AND/OR SOURCE DOCUMENTATION THAT SUPPORTS FINDING<br><br>REFERENCE NOTES |
|---|---|---|---|---|---|
| | NONE | MINOR | MAJOR | | |
| **Air Quality** | | | | | |
| **Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels** | | | | | |
| **Environmental Design and Historic Values Urban Impact** | | | | | |
| **Visual QualityB Coherence, Diversity, Compatible Use and Scale** | | | | | |
| **Historic, Cultural and Archaeological Resources** | | | | | |
| **Socioeconomic** | | | | | |
| **Demographic Character Changes** | | | | | |
| **Displacement** | | | | | |
| **Employment and Income Patterns** | | | | | |
| **Community Facilities and Services.** | | | | | |
| **Educational Facilities** | | | | | |
| **Commercial Facilities** | | | | | |
| **Health Care** | | | | | |
| **Social Services** | | | | | |

**A =Adverse B = Beneficial**

# Environmental Assessment Checklist

| Impact Categories | | IMPACT ANTICIPATED | | | REQUIRES MITIGATION OR MODIFICATION | NOTE CONDITIONS AND/OR SOURCE DOCUMENTATION THAT SUPPORTS FINDING<br><br>REFERENCE NOTES |
|---|---|---|---|---|---|---|
| | | NONE | MINOR | MAJOR | | |
| **Community Facilities and Services Continued** | | | | | | |
| **Solid Waste** | | | | | | |
| **Waste Water** | | | | | | |
| **Storm Water** | | | | | | |
| **Water Supply** | | | | | | |
| **Public Safety** | **Police** | | | | | |
| | **Fire** | | | | | |
| | **Emergency Medical** | | | | | |
| **Open Space and Recreation** | **Open Space** | | | | | |
| | **Recreation** | | | | | |
| | **Cultural Facilities** | | | | | |
| **Transportation** | | | | | | |

**A =Adverse B = Beneficial**

# Environmental Assessment Checklist

| Impact Categories | IMPACT ANTICIPATED | | | REQUIRES MITIGATION OR MODIFICATION | NOTE CONDITIONS AND/OR SOURCE DOCUMENTATION THAT SUPPORTS FINDING<br><br>REFERENCE NOTES |
|---|---|---|---|---|---|
| | NONE | MINOR | MAJOR | | |
| **Natural Features** | | | | | |
| **Water Resources** | | | | | |
| **Surface Water** | | | | | |
| **Floodplains** | | | | | |
| **Wetlands** | | | | | |
| **Coastal Zone** | | | | | |
| **Unique Natural Features and Agricultural Lands** | | | | | |
| **Vegetation and Wildlife** | | | | | |

**A =Adverse B = Beneficial**

# Environmental Assessment Checklist

## ALTERNATIVES

Determine and describe possible alternatives to the proposed project, including the alternative of No Project. The feasibility of each alternative and the reasons why each should be adopted or rejected should be discussed sufficient to indicate an adequate consideration thereof.

The No Project alternative is considered to be not approving this project, or any modification of this project, on this site, or any alternative site.

**ALTERNATIVE 1**

**ALTERNATIVE 2**

**COMPARATIVE ANALYSIS: Local and area-wide plans that demonstrate environmental considerations can serve as the context within which a comparison of alternative sites is made (i.e. by a project's consistency with the environmental criteria for site choice as may be established with such plans).**

# Environmental Assessment Checklist

**Additional Studies Performed (Attach Study or Summary)**

**Mitigation Measures Needed, including any required MOA or PA:**

# Environmental Assessment Checklist

**Summary of Findings and Conclusions**

# Environmental Assessment

PROJECT NAME: _____

GRANT NUMBER: _____

1. Is project in compliance with applicable laws and regulations? Yes No
2. Is an EIS required? Yes No
3. Finding of No Significant Impact (FONSI) can be made. Project will not significantly affect the quality of the human environment. Yes No

Prepared by: _____

Title: _____

Date: _____

Reviewed by: _____

Title: _____

Date: _____

docname:ERR.FORMAT.PART58.4c
as revised 6/05

Appendix
**2.B** **Written Exempt Determination**

# WRITTEN EXEMPT DETERMINATION

FOR INCLUSION IN A RECIPIENT'S ERR

MEMORANDUM TO: Environmental Review File

FROM:
Person(s) preparing ERR

SUBJECT: Written statement concerning EXEMPT STATUS

PROJECT:
BUDGET:

FUNDING SOURCE: 14.228 CDBG Small Cities Program
Virginia Department of Housing & Community Development

PROJECT OBJECTIVE:

PROJECT DESCRIPTION:

STATEMENT OF EXEMPTION:

The project (Name) has been determined EXEMPT from Environmental Review Requirements as specified in 24 CFR 58.34 (a)(2) as it is an activity authorized by Section 105 (a)(12) of Title I and listed in 24 CFR 570.205 and 571.205.

The Project was Categorically Excluded but has reverted to Exempt because no other federal laws (historic resources, wetlands or floodplains) apply to the project.

DATE (AUTHORIZED SIGNATURE: Certifying Officer)

cc: _____, DHCD Community Representative

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Appendix

# 2.C Contact Information on Resource Agencies

The following table lists most of the environmental laws and regulations applicable to this program, along with the appropriate agency to contact for information and coordination. On the following pages are the Agency addresses and phone numbers.

| | ***Legislation and Regulations*** | ***State Agency*** |
|---|---|---|
| 1. | NOISE CONTROL ACT<br>42 U.S.C. 4903 | Department of Transportation<br>Department of Environmental Quality |
| 2. | HISTORIC PRESERVATION<br>NATIONAL HISTORIC PRE-SERVATION ACT, 16 U.S.C. 470(f) SECTION 106 | Department of Historic Resources<br>(State Historic Preservation Officer) |
| 3. | FLOODPLAIN MANAGEMENT<br>E.O. 11988 FLOODPLAIN MANAGEMENT | Department of Conservation & Recreation<br>Virginia Marine Resource Commission<br>Army Corps of Engineers (federal) |
| 4. | WETLANDS PROTECTION<br>E.0. 11990 PROTECTION OF WETLANDS | Virginia Marine Resource Commission<br>Department of Conservation & Recreation<br>Army Corps of Engineers (federal) |
| 5. | HAZARDS | Department of Environmental Quality |
| 6. | SOLID WASTE DISPOSAL<br>RESOURCES CONSERVATION AND RECOVERY ACT<br>42 U.S.C. 6901-6987 | State Health Department<br>Department of Environmental Quality |
| 7. | FISH AND WILDLIFE<br>FISH AND WILDLIFE COORDINATION ACT<br>16 U.S.C. 661-666 (c) | Commission of Game and Inland Fisheries |
| 8. | WATER QUALITY (AQUIFERS)<br>SAFE DRINKING WATER ACT<br>42 U.S.C. 300 | Department of Environmental Quality<br>State Health Department |

| ***Legislation and Regulations*** | ***State Agency*** |
|---|---|
| 9. WILD AND SCENIC RIVERS<br>WILD AND SCENIC RIVERS ACT<br>16 U.S.C. 1274 et. seq | Commission on Outdoor Recreation |
| 10. ENDANGERED SPECIES<br>ENDANGERED SPECIES ACT<br>16 U.S.C. 1531, SECTION 7 | Commission of Game and Inland Fisheries |
| 11. AIR QUALITY<br>CLEAN AIR ACT<br>42 U.S.C. 1857<br>42 U.S.C. 4362,7401, et. seq. | Department of Environmental Quality |
| 12. COASTAL ZONE<br>COASTAL ZONE MANAGEMENT ACT<br>16 U.S.C. 1451 et, seq. | Virginia Marine Resources Commission<br>Department of Environmental Quality |
| 13. WATER QUALITY<br>CLEAN WATER ACT<br>33 U.S.C. 1251 et. seq. | Department of Environmental Quality |
| 14. ARCHEOLOGY<br>THE RESERVOIR SALVAGE ACT and ARCHEOLOGICAL & HISTORIC PRESERVATION ACT OF 1974<br>16 U.S.C. 469 | Virginia Research Center for Archeology |
| 15. FARMLAND PROTECTION<br>POLICY ACT OF 1981<br>7 U.S.C. 4201 et. seq. | Department of Conservation and Recreation |
| 16. COASTAL BARRIERS<br>COASTAL BARRIERS RESOURCES & IMPROVEMENT ACT OF 1990<br>16 U.S.C. 3501 | Virginia Marine Resources Commission |
| 17. AIRPORT RUNWAYS & CLEAR ZONES<br>24 CFR PART 51 | Call DHCD Community Representative |

## ADDRESSES/PHONE NUMBERS/WEBSITES OF RESOURCE AGENCIES

**DEPARTMENT OF GAME AND INLAND FISHERIES**
FWIS Coordinator
4010 West Broad Street
Post Office Box 11104
Richmond, VA 23230-1104
804-367-8351
www.dgif.virginia.gov

**DEPARTMENT OF CONSERVATION AND RECREATION**
203 Governor Street, Suite 213
Richmond, VA 23219-2094
804-786-1712

Division of Soil & Water Conservation
Director
804-786-2064

Chief Engineer
804-786-3997
www.dcr.virginia.gov

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICE**
Director of Policy Planning & Research
1100 Bank Street
Richmond, VA 23219
804-786-3538
www.vdacs.virginia.gov

**DEPARTMENT OF EMERGENCY MANAGEMENT**
10501 Trade Court
Richmond, VA 23236-3713
804-897-6500
www.vdem.state.va.us

**VIRGINIA DEPARTMENT OF TRANSPORTATION**
Environmental Division
1401 East Broad Street
Richmond, VA 23219
804-786-4559
www.virginiadot.org

**DEPARTMENT OF ECONOMIC DEVELOPMENT PARTNERSHIP**
Director
901 East Byrd Street
P.O. Box 798
Richmond, VA 23218-0798
804-371-8100
www.yesvirginia.org

**VIRGINIA DEPARTMENT OF MINES, MINERALS AND ENERGY**
202 North Ninth Street , 8th Floor
Richmond, VA 23219-3402
804-692-3200
www.mme.state.va.us

**VIRGINIA DEPARTMENT OF HISTORIC RESOURCES**
Attn: Review and Compliance
2801 Kensington Avenue
Richmond, VA 23221
804-367-2323
www.dhr.virginia.gov

**VIRGINIA INSTITUTE OF MARINE SCIENCE**
Director of Research
Post Office Box 1346
Gloucester Point, VA 23062
804-684-7000
www.vims.edu

**VIRGINIA PORT AUTHORITY**
Chief Engineer
600 World Trade Center
Norfolk, VA 23510
757-683-8000
www.vaports.com

**MARINE RESOURCES COMMISSION**
Commissioner
2600 Washington Avenue
Newport News, VA 23607-0756
757-247-2200
www.mrc.state.va.us

**DEPARTMENT OF ENVIRONMENTAL QUALITY**
629 East Main Street, 8th Floor
P.O. Box 10009
Richmond, VA 23240-0009
800-592-5482

Air Quality Division
Director
804-698-4311

Water Resources Division
Director
804-698-4108

* Environmental Enhancement Division
Director
804-698-4003
FAX: 904-698-4319
www.deq.virginia.gov

> * *Localities MUST send copies of the "Finding of No Significant Impact" and the "Notice of Intent to Request Release of Funds" to this Agency*

**STATE CORPORATION COMMISSION**
Engineer, Energy Regulation Division
Tyler Building
1300 East Main Street
Richmond, VA 23219
804-371-9611
800-522-7945
www.scc.virginia.gov

**DEPARTMENT OF HEALTH**
Director, Office of Environmental Health Services
109 Governor Street
Richmond, VA 23219
804- 864-7473
www.vhd.state.va.us

**DEPARTMENT OF AVIATION**
5702 Gulfstream Road
Richmond, VA 23150-2422
804-236-3624
www.doav.virginia.gov

**CHESAPEAKE BAY LOCAL ASSISTANCE**
James Monroe Building
101 North 14th Street, 17th Floor
Richmond, VA 23219
800-243-7229
www.cblad.virginia.gov

## DEPARTMENT OF THE ARMY CORPS OF ENGINEERS

***(To contact the appropriate District/Field Office check the Norfolk District Office website.)***

**NORFOLK DISTRICT OFFICE**
803 Front Street
Norfolk, VA 23510-1096
757-201-7500
www.nao.usace.army.mil

**BLUE RIDGE FIELD OFFICE**
209 Roanoke Street, Suite 8
Christiansburg, VA 24073
540-382-6740

**CENTRAL VIRGINIA REGULATORY OFFICE**
444 Abby Lane
Howardsville, Virginia 24562
434-263-8247

**CLINCH VALLEY FIELD OFFICE**
Post Office Box 338
Abingdon, VA 24212
276-623-5259

**EASTERN SHORE FIELD OFFICE**
23334 Front Street
Accomac, VA 23301-999
757 787-3133

**FREDERICKSBURG FIELD OFFICE**
1420 Central Park Boulevard, Suite 210
Fredericksburg, VA 22404
540-548-2517

**GLOUCESTER FIELD OFFICE**
P. O. Box 209
Bena, VA 23018-0209
804-642-0700

**GREAT BRIDGE FIELD OFFICE**
2509 Reservation Road
Chesapeake, VA 23322-5217
757-459-8819

**NORTHERN NECK FIELD OFFICE (Whitestone)**
Post Office Box 1428
White Stone, VA 22578-1428
804-642-0700

**NORTHERN VIRGINIA FIELD OFFICE**
18139 Triangle Place, Suite 213
Dumfries, VA 22026
703-221-6967
703-221-9736

**PENINSULA FIELD OFFICE**
P. O. Box 2320
Poquoson, VA 23662-0320
757-659-0083

**POTOMAC FIELD OFFICE**
P. O. Box 1704
Leonardtown, VA 20650
301-475-2720

**RICHMOND FIELD OFFICE**
9100 Arboretum Parkway, Suite 235
Richmond, VA 23236
804-323-3780
804-323-3781
804-323-3782
804-323-3783

**SOUTHSIDE VIRGINIA FIELD OFFICE**
Nottoway Co. Courthouse Annex
P.O. Box 121
Nottoway, VA 23955
804-645-8986
804-645-7173

**WALKER MOUNTAIN FIELD OFFICE**
P. O. Box 694
Wytheville, VA 24382
276-228-4592

**WARRENTON FIELD OFFICE**
P. O. Box 911
Warrenton, VA 20188
540-428-2864

**WESTERN VIRGINIA FIELD OFFICE**
186 Mill Lane
Staunton, VA 24401-5959
540-886-4221

Appendix 2.D

# Early Public Notice for Floodplain and/or Wetlands

*[Instructions: Publish as a non-legal display ad in the local paper.]*

## EARLY PUBLIC NOTICE

(Floodplain and/or Wetlands)

The City of Grantsville, Virginia is considering Main Street Improvements from Avenue D to Avenue J as a Community Improvement Grant. The project is located in the 100 year floodplain. A more detailed project description, the area included and the floodplain may are available for citizen review at City Hall Room ___ between the hours of 8:30 a.m. and 5:00 p.m., Grantsville, Virginia. The City is interested in discussing alternatives to this project and securing public perceptions of possible adverse impacts that could result from the project and possible minimization measures. A public hearing is scheduled on *(date)* to discuss the Community Improvement Grant application. Please attend or submit comments by *(date, same as public hearing date).*

Comments should be addressed to:

Mr. Tom Tyron, Certifying Officer
City of Grantsville
City Hall
Grantsville, Virginia 22999
Phone Numbers (voice and TDD)

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Appendix
# 2.E Notice of Explanation

*[Instructions: Publish as a non-legal display ad in the local paper at least 15 days after the publication of the Early Public Notice.]*

## NOTICE OF EXPLANATION

(Floodplain and/or Wetlands)

The City of Grantsville, Virginia intends to undertake improvements to Main Street from Avenue D to Avenue J. These improvements are needed to improve surface conditions, hook into the West Side Storm Drainage outfall, and provide better street lighting. This project is located in the 100 year floodplain. Proposed improvements to Main Street cannot be undertaken in any other location. There is, therefore, no practicable alternative to the proposed project. Failure to provide these improvements would result in the continued deterioration of the City's primary commercial district. It is the City's judgment that the continued viability of the Main Street commercial area outweighs consideration of Executive Orders 11988 and 11990.

Comments should be addressed to:

Mr. Tom Tyron, Certifying Officer
City of Grantsville
City Hall
Grantsville, Virginia 22999
Phone Numbers (voice and TDD)

*The Notice of Explanation must identify:*

1) *Reasons why the project must be located in the floodplain;*
2) *List of alternatives considered; and*
3) *Mitigation measurers to be taken to minimize adverse impacts and preserve beneficial values.*

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Appendix
**2.F**

# Notice of Intent to Request Release of Funds (NOI-RROF)

Based on 7 day public comment period and 15 day State objection period

*[Instructions: Publish as Legal Ad, one time, 8 point type, no spacing except heading.]*

**NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

Date of Publication: July 5, 200*

Grantsburg Town
Town Hall
P. 0. Box 1212
Grantsburg, VA 12345

(804) 555-1212 TTP (804) 555-1313

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or about **(Date RROF will be mailed to DHCD)** the above-named Town will request the Virginia Department of Housing and Community Development (DHCD) to release Federal funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383) to be used for the following project:

Gonna Look Good Neighborhood Rehab Program
(Project Title)

Water/Sewer Line Replacement, Indoor Plumbing, and Housing Rehabilitation
(Purpose or Nature of Project)

Gonna Look Good Neighborhood,
Town of Grantsburg, Block County, Virginia
(Location)

$700,000
(Estimated Cost of Project)

An Environmental Review Record respecting the within project has been made by the above-named Town which documents the environmental review of the project. This Environmental Review Record is on file at the above address and is available for public examination and copying, upon request.

Grantsburg will undertake the project described above with Block Grant funds from the Virginia Department of Housing and Community Development, under Title I of the Housing and Community Development Act of 1974. Grantsburg is certifying to DHCD that Grantsburg and Mayor Sam Jones in his official capacity as Mayor, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making, and action; and certifies that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval, Grantsburg may use the Community Improvement Grant funds, and DHCD will have satisfied its responsibilities under the National Environmental Policy Act of 1969.

DHCD will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases: (a) that the certification was not in fact executed by the chief executive officer or other officer of applicant approved by DHCD; (b) that applicant's Environmental Review Record for the project indicates omission of a required decision, finding, or step applicable to the project in the environmental review process; (c) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58), and may be addressed to:

DIRECTOR
VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
ATTN: PROJECT MANAGEMENT OFFICE
501 NORTH SECOND STREET
RICHMOND, VIRGINIA 23219-1321

Objections to the release of funds on bases other than those stated above will not be considered by DHCD. No objection received after **(Final Day of State Review Period)** will be considered by DHCD.

Sam Jones, Mayor/Certifying Officer
Town of Grantsburg
Town Hall
P. 0. Box 1212
Grantsburg, Virginia 12345
(Name and Address of Chief Executive Officer of Applicant)

**THE NOI-RROF NOTICE MUST BE DISTRIBUTED TO:**

Office of Federal Activities (A-104)
Mail Code 2251
Environmental Protection Agency, Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue N.W.
Washington D.C. 20460
(202) 260-2090

Environmental Protection Agency, Region III
3HS33
1650 Arch Street
Philadelphia, PA 19103
1-800-438-2474 or (215) 566-5122

Office of Environmental Quality
Division of Environmental Enhancement
629 East Main Street, 6th Floor
Richmond, VA 23219
(804) 698-4330

Director
Virginia Department of Housing & Community Development
The Jackson Center
Attn: Project Management Office
501 North Second Street
Richmond, VA 23219-1321
(804) 371-7061 [TTP 371-7089 / FAX 371-7093]

Local Regional and Tribal Agencies adjacent to or surrounding the jurisdiction issuing the NOI-RROF

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Appendix

# 2.G Request for Release of Funds and Certification (RROF & C)

***(Form to be completed by Grantee and sample)***

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# Request for Release of Funds and Certification

**U.S. Department of Housing and Urban Development**
Office of Community Planning and Development

**OMB NO. 2506-0087**
PREPARED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT,
PROJECT MANAGEMENT OFFICE

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs Identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid 0MB control number.

**Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)**

| 1. Program Title(s) | 2. HUD/State Identification Number | 3. Recipient Identification Number |
|---|---|---|
| Community Development Block Grant<br>Small Cities Program | B-04-DC-51-0001 | #04-_____ |

| 4. OMB Catalog Number(s) | 5. Name and address of responsible entity |
|---|---|
| 14.228 | |
| 6. For information about this request contact (name & phone number) | 7. Name and address of recipient (if different than responsible entity) |
| 8. HUD or State Agency and office to Receive request<br><br>Virginia Department of Housing and Community Development<br>The Jackson Center<br>Project Management Office<br>501 N 2nd Street<br>Richmond, VA 23219-1321 (804) 371-7061/TTP 371-7089 | |

**The recipient(s) of assistance under the program(s) listed above requests the release of funds, and removal of environmental grant conditions governing the use of the assistance for the following**

| 9. Program Activity(ies) Project Name(s) | 10. Location (Street address, city, county, State) |
|---|---|
| | |

11. Program Activity/Project Description

**Part 2. Environmental Certification (**to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. **After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal ☐ did ☐ did not require the preparation and dissemination of an environmental impact statement.**
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

**As the duly designated certifying official of the responsible entity, I also certify that:**

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

| Signature of Certifying Officer of the Responsible Entity | Title of Certifying Officer |
|---|---|
| **X** | Date signed |
| Address of Certifying Officer | |

**Part 3. To be completed when the Recipient is not the Responsible Entity**

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.7 1(b).

| Signature of Authorized Officer of the Recipient | Title of Authorized Officer |
|---|---|
| **X** | Date signed |

**Warning**: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001,1010, 1012; 31 U.S.C. 3729,3802)

| Item | | Commence | Expire | Item | | Commence | Expire |
|---|---|---|---|---|---|---|---|
| Notice of Finding of of No Significant Impact | Publication Date: | | | Notice of Intent to Request Release of Funds | Publication Date: | | |
| | Comment Period: | | | | Comment Period: | | |
| Combined notice: Finding of No Significant | Publication Date: | | | Request for Release of Funds | HUD or State Decision Period: | | |
| Impact and Intent to Request Release of Funds | Comment Period: | | | Estimated by Recipient | (Minimum period for approval) | | |

**SAMPLE**

# Request for Release of Funds and Certification

**U.S. Department of Housing and Urban Development**
Office of Community Planning and Development

**OMB NO. 2506-0087**
PREPARED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, PROJECT MANAGEMENT OFFICE

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs Identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid 0MB control number.

**Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)**

| 1. Program Title(s) | 2. HUD/State Identification Number | 3. Recipient Identification Number |
|---|---|---|
| Community Development Block Grant<br>Small Cities Program | B-04-DC-51-0001 | **Grant Number Assigned by DHCD**<br>#04-_____ |

| 4. OMB Catalog Number(s) | 5. Name and address of responsible entity |
|---|---|
| 14.228 | |

| 6. For information about this request contact (name & phone number) | 7. Name and address of recipient (if different than responsible entity) |
|---|---|
| **Sam Jones, Mayor**<br>**1111 Main Street Lane** | |
| 8. HUD or State Agency and office to Receive request<br><br>Virginia Department of Housing and Community Development<br>The Jackson Center<br>Project Management Office<br>501 N 2nd Street<br>Richmond, VA 23219-1321 (804) 371-7061/TTP 371-7089 | |

**The recipient(s) of assistance under the program(s) listed above requests the release of funds, and removal of environmental grant conditions governing the use of the assistance for the following**

| 9. Project Name(s) | 10. Location (Street address, city, county, State) |
|---|---|
| Gonna Look Good Neighborhood<br>Neighborhood Improvements | Gonna Look Good Neighborhood<br>Grantsburg, Block County, VA |

11. Program Activity(ies)/Project Description; include amount of CDBG $

$980,000

-install 9,500 LF 6” water line
-install 12,000 LF 10” sewer line and 5,000 LF 6” force main
-install 34 swer and 18 water connections
-rehab 8 housing units to Section 8 HQS
-install indoor plumbing to 3 units
-substantial reconstruction of 4 housing units

**Part 2. Environmental Certification (**to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal ☐ did ☒ did not require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

**As the duly designated certifying official of the responsible entity, I also certify that:**

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

| Signature of Certifying Officer of the Responsible Entity | Title of Certifying Officer |
|---|---|
| ***X*** | Date signed |
| Address of Certifying Officer | |

**Part 3. To be completed when the Recipient is not the Responsible Entity**

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.7 1(b).

| Signature of Authorized Officer of the Recipient | Title of Authorized Officer |
|---|---|
| ***X*** | Date signed |

**Warning**: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001,1010, 1012; 31 U.S.C. 3729,3802)

| Item | | Commence | Expire | Item | | Commence | Expire |
|---|---|---|---|---|---|---|---|
| Notice of Finding of of No Significant Impact | Publication Date: | | | Notice of Intent to Request Release of Funds | Publication Date: | | |
| | Comment Period: | | | | Comment Period: | | |
| Combined notice: Finding of No Significant | Publication Date: | July 5, 200* | | Request for Release of Funds Estimated by Recipient | HUD or State Decision Period: (Minimum period for approval) | July 25, 200* | August 8, 200* |
| Impact and Intent to Request Release of Funds | Comment Period: | July 6, 200* | July 20, 200* | | | | |

**Instructions For Completing The**
**Request For Release Of Funds and Certification Form**

Items 1, 2 and 3 to be completed by DHCD.

Item 4 Name and Address of Grant Recipient.

Item 5 The Grantee Contact Person for the Request.

Item 6 Date of request/certification - The date the form is mailed to DHCD. This date must be one or more days following the last day of the 15 day Public Comment Period (7 days if Categorical Exclusion).

Item 8 Project Name as appears on Grant Application.

Item 9 Include street address/neighborhood, City or Town/County, and State)

Item 10 Include the amount of CDBG $ requested, project name, location, and all of the activities for which the locality is requesting the release of funds.

---

PART 2 - ENVIRONMENTAL CERTIFICATION

Item 3 Check the appropriate box indicating whether or not the project required an Environmental Impact Statement (EIS). **If an EIS WAS required, you must contact your DHCD Community Representative for the RROF & C Form for projects with an EIS**.

Item 6 Fill in the appropriate section of the chart with the actual dates of publication and comment periods.

**EITHER:**

- 1st Section: Used only when the project has a determination of **CATEGORICAL EXCLUSION** and the only public notice required is the **Notice of Intent to Request Release of Funds** (7 day comment period).

**OR:**

- 2nd Section: **Combined Notice: Finding of No Significant Impact and Intent to Request Release of Funds**. All CDBG projects MUST use a combined notice. (15 day comment period)

Publication Date: Refers to the *exact* date that the combined FONSI/NOI-RROF were published in the newspaper.

Comment Period: List the first date of the public comment period and the last date. The first day of the comment period begins at 12:01 a.m. following the day the Combined Notice FONSI/NOI-RROF is published in the newspaper. **Note: Never end the Public Comment Period on a weekend or holiday.**

*In the Sample RROF & C:*

*The Combined Notice: FONSI/NOI-RROF is published on July 5, the first day of the comment period is July 6, and the last day (15 days for a Combined Notice) is July 20.*

- **ESTIMATED State Decision Period**: The Grantee estimates DHCD's 15 day waiting period for receipt of any objections to the release of funds by anticipating the date DHCD **will receive** this form based upon the date it was mailed by the Grantee. Always allow at least three (3) days for mailing and do not start DHCD's waiting period or final decision on a weekend or a holiday.

*In the Sample RROF & C:*

*The public comment period ended on July 20 and the RROF & C was dated and mailed on July 21 it could be anticipated that DHCD would receive the form by July 24. July 24 would then be the first day of DHCD's State Objection Period. This 15 day period would therefore end on August 7.*

- **Certification:** the signature, typed name and title, and complete address of the locality's designated Environmental Certifying Officer must appear here.

Appendix
# 2.H Steps in Mitigating Floodplain or Wetlands Impact

## Decision-Making Process

This eight step process is taken from the U.S. Water Resource Council's Floodplain Management Guidelines.

*Note: The locality **MUST** keep written documentation indicating that all the steps in this process are carried out.*

### *Step 1*: DETERMINE IF A PROPOSED ACTION IS IN THE FLOODPLAIN

The way to determine this is to consult the "Flood Insurance Rate Maps" or the "Flood Hazard Boundary Maps" which have been prepared through the National Flood Insurance Program. If your locality does not have a set of these maps, or if the maps do not delineate the floodplain for the area in which the Community Improvement Grant activity will take place, you may contact the Division of Soil and Water Conservation, at 203 Governor Street, Suite 206, Richmond, Virginia 23219, phone (804) 371-6095.

### *Step 2:* IDENTIFY AND EVALUATE PRACTICABLE ALTERNATIVES TO LOCATING IN THE FLOODPLAIN

If the proposed action is indeed located in the floodplain, the Grantee must identify and evaluate practicable alternatives to locating there. Alternatives may include: implementing the activity outside the floodplain; implementing other means which accomplish the same purpose; consider feasible technological alternative hazard reduction methods, mitigation, costs; and or no action.

### *Step 3:* EARLY PUBLIC REVIEW

The objective of this step is to provide sufficient information early in the decision-making process so that the public can have an impact on the outcome of the decision. If there is reasonable likelihood that the proposed action or its alternative will impact a floodplain, then this should be announced to the public as early as is known.

To fulfill the requirements of this step, the Grantee **must** publish an **EARLY PUBLIC NOTICE** one time as a non-legal display ad in the local newspaper and should solicit comments and schedule a public hearing to occur at the end of the comment period. In addition, a copy of the EARLY PUBLIC NOTICE must be sent to the Army Corps of Engineers.

### *Step 4:* IDENTIFY IMPACTS OF THE PROPOSED ACTION

If the Grantee has determined that the only practicable alternative is to implement the activity in the floodplain, the impacts of the action must be identified. This process of impact identification and assessment is very similar to that carried out for other impacts in your Environmental Assessment.

### *Step 5:* MINIMIZE, RESTORE, PRESERVE

If a proposed action in a floodplain will result in harm to lives and property, the locality is required to minimize that harm to the smallest possible degree. If the action will result in harm to natural and beneficial floodplain values, the Grantee must take steps to restore and preserve the floodplain environment.

### *Step 6:* REEVALUATE ALTERNATIVES

After identifying the impacts of the proposed action and developing methods where necessary to minimize, restore and preserve, the Grantee **must** reevaluate the alternatives to implementing the proposed action in the floodplain. The reevaluation should consider whether the action is still feasible at that site.

### *Step 7:* FINDINGS, PUBLIC EXPLANATION AND FINAL DECISION

If Step 6 results in the determination that there is no practicable alternative to locating in or impacting the floodplain, a statement of finding and a public explanation **must** be published. This **NOTICE OF EXPLANATION** (see SAMPLE G) must be published at least once as a non-legal display ad in the local newspaper a minimum of 15 days after you have published the **EARLY PUBLIC NOTICE**. This notice must allow seven (7) calendar days for public comment before the final decision is made and the comment period may run concurrently with the Finding of no Significant Impact (15 day notice).

### *Step 8:* IMPLEMENT THE ACTION

The proposed activity may be undertaken with the conclusion of the decision-making process, but not before. There is a continuing responsibility to ensure that the action is carried out in compliance with the identified mitigation measurers.

Appendix

# 2.I DHR List of Excluded Activities

Review of projects by the Department of Historic Resources is governed by the Section 106 regulations, included in the National Historic Preservation Act of 1966, as amended. These appear at 36 CFR Part 800, and were most recently revised effective 11 January 2001. For further information about Section 106, and to view the text of the regulations, see the web site of the Advisory Council on Historic Preservation, the federal agency that oversees compliance with Section 106, at www.achp.gov.

**According to the Section 106 regulations, once it is established that a project constitutes an undertaking, "if the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present [in the area of potential effect], the agency official has no further obligations under section 106 or this part" (see 800.3(a)(1)).**

Therefore, no review of projects by the Department of Historic Resources is required if program activities are limited solely to those listed below because these activities do not have potential to affect historic properties:

A. Replacement of existing water and/or sewer lines and systems in which a review of historic resources and cultural resources was previously done prior to construction of the original system, and where the replacement system will follow the path of the existing system exactly, causing no additional ground disturbance;

B. Construction, replacement or upgrade of new or existing water and sewer systems in existing VDOT right-of-way, where a SHPO approved and accepted survey has been reviewed in the previous calendar year, and no historic buildings, structures, or objects or archaeological sites potentially eligible or eligible for listing, or listed in the National Register of Historic Places were identified;

C. Properties less than fifty (50) years old, that do not meet the National Register criterion consideration applying to properties less than fifty years of age and that are not within potentially eligible, eligible, or National Register-listed historic districts;

D. Rehabilitation (except reconstruction) of previously identified non-contributing buildings within a surveyed historic district, that is potentially eligible or eligible for listing in the National Register, for which the SHPO has reviewed and approved survey documentation within the previous calendar year;

E. Rehabilitation work to historic properties, which is being or has been reviewed by the SHPO for the Federal or State Historic Rehabilitation Tax Credit programs;

F. Community Development activities limited solely to the following:

1) General Community Development activities, which will not involve the alteration of potentially historic properties including:

2) Grants or loans to participants in any Economic Development program funded by CDBG which may be used for working capital, equipment, furniture, fixtures, and debt refinancing or acquisition of non-historic buildings for reuse. Such activities shall require SHPO review only if such activities may involve changes to buildings, structures, objects, or historic districts which are either listed in or are considered potentially eligible or eligible for inclusion in the National Register;

3) Upgrading of existing curbs, sidewalks, streets, utilities, parks or other public facilities or infrastructures, except where significant historic materials retain their historic integrity and exhibit distinctive materials, methods of construction, or elements of design that would contribute to the character of a National Register-listed, potentially eligible, or eligible historic district or property;

4) Projects consisting of grants or loans to eligible families or entities to be applied solely to the purchase of residences or businesses;

6) Acquisition of property which is limited to the legal transfer of title with no physical improvements or changes proposed;

7) Repairs to housing involving only the following activities:

   a) Repainting of exterior surfaces provided that destructive surface preparation treatments, including sandblasting, are not used, and the surface was painted previously;

   b) Weatherization or energy conservation activities which do not significantly affect the exterior appearance, especially the front elevation, including:

      - Caulking, weatherstripping and other air infiltration control measures;
      - Storm windows or doors, and wooden screen doors which do not harm or obscure historic windows and doors or trim;
      - Repair and weatherstripping of windows and doors in a manner which does not harm or obscure historic windows and doors or trim;
      - Underpinning and ventilation of crawlspaces, except that underpinning of the front façade shall be accomplished by setting the underpinning material at least 2 inches behind the outer face of piers.

c) Lead-based Paint Abatement or "Management in Place" activities carried out in accordance with *Preservation Brief #37: Appropriate Methods for Reducing Lead Paint Hazards in Historic Housing*;

d) Alterations necessary to comply with the Americans with Disabilities Act (ADA) or to improve handicap accessibility for current or anticipated residents of properties which are carried out in accordance with *Preservation Brief #32: Making Historic Properties Accessible*;

e) Asbestos siding or roofing materials of buildings potentially eligible for, eligible for, or listed in the National Register may be either removed and replaced or encapsulated with new roofing or siding materials which appearance, and when possible the materials, of the building's original roofing or siding, if not the asbestos material and if the material can be determined, or will match appropriate historic roofing and siding materials;

f) Repairs to or replacement of deteriorated roof materials on buildings potentially eligible for, eligible for, or listed in the National Register with materials which, for properties in a potentially eligible, eligible, or National Register-listed historic district, match the appearance, and when possible the materials, of historic roofs on other similar contributing properties in the district~~,~~ and for properties that are individually potentially eligible, eligible, or listed in the National Register, are historically appropriate to the building in appearance and materials;

g) Repair or re-framing of structural roof elements as required to improve the drainage and durability of the roof as long as the appearance of the roof lines visible from the front elevation and from other prominent, visible points (for example, the exposed side façade on a corner lot) is not affected;

h) Repair, replacement or installation of gutters and down spouts, as long as this does not damage historic materials or require removal of historic features;

i) Installation of door and/or window locks and/or electronic security apparatus, as long as this does not damage historic doors, windows, or trim;

j) Repair or re-pointing of chimneys, brick or other masonry features following the recommended approaches in *Preservation Brief #2: Re-pointing Mortar Joints in Historic Brick Buildings*;

k) Repair of foundations and structural elements in a manner that is compatible with the scale and historic character of the district, for properties located in a historic district that is potentially eligible, eligible, or listed in the National Register. Underpinning and ventilation of crawlspaces is permitted and, whenever original brick piers remain in place, shall be accomplished by setting the underpinning material at least 2 inches behind the outer face of piers;

l) Repair of front porches, ceilings, awnings, floors, rails, columns, cornices and other trim details with new materials used to match the historic features in design and materials; and

m) Repair of windows, doors and siding with new materials, which match the original in design, color, texture and material composition.

Appendix

# 2.J Project Review Letter to DHR

## Historic Preservation / Archeological Review

Section 106 of the National Historic Preservation Act requires that the effects of CDBG projects on properties included in or eligible for the National Register of Historic Places be taken into account. The Advisory Council on Historic Preservation seeks, through the Section 106 process, to accommodate historic preservation concerns with the needs of federally funded projects. Such accommodation is encouraged through consultation among the Agency Official, the State Historic Preservation Officer (SHPO), and other interested persons during the planning stage.

Consulting parties for the Historic Preservation/Archeological Review are defined as follows:

- Agency Official. The official with legal jurisdiction and responsibility for the project. Under the CDBG Program, the Agency Official is the designated certifying official of the Grantee who accepts the jurisdiction of federal courts for enforcement purposes. Normally, this official is the Chief Executive Officer of the locality.

- State Historic Preservation Officer (SHPO). The SHPO coordinates State participation in the Section 106 process. Their role is to consult with and assist the Agency Official when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or reduce those effects.

- Advisory Council. The Council is responsible for commenting to the Agency Official when historic properties are affected.

- Interested Persons. Organizations or individuals that are concerned with the effects of a project on historic properties.

The Consultation Process (Agency Official's Responsibilities) for the Historic Preservation/Archeological Review is as follows:

1. Prior to notifying the SHPO, the Agency Official **MUST** review existing information on historic properties potentially affected by the project, including any data concerning the likelihood that unidentified historic properties exist in the project area.

2. Request the views of the SHPO on further actions to identify historic properties that may be affected. The SHPO must be contacted in writing (see SAMPLE H). Technically, a Grantee cannot certify that its project has NO SIGNIFICANT IMPACT ON THE ENVIRONMENT until the project is cleared by the SHPO unless the SHPO fails to respond within thirty (30) days of notification.

   SAMPLE H is the type of letter that must be sent to the State Historic Preservation Officer (SHPO), as required by 36 CFR 800.4. The key is to clearly identify the project, its location, existing conditions, past construction activity, current land use, and construction methods. In addition, your letter should contain:

   - Any significant observations from your site inspections;
   - Photographs;
   - **Your review of the National Register of Historic Places, including the periodic supplements; and your determination that there will be no effect on historic properties**;
   - A review of any local historic reports;
   - U.S.G.S. Quadrangle Map specifically locating the structure(s).

   *The letter should be sent to:*

   Director
   Virginia Department of Historic Resources
   Attn: Review and Compliance Officer
   2801 Kensington Avenue
   Richmond, Virginia 23221
   804-367-2323
   with 'cc' to: Supervisor, Project Review Section
   Virginia Research Center for Archeology
   c/o Department of Historic Resources
   2801 Kensington Avenue
   Richmond, Virginia 23221

## LETTER TO STATE HISTORICAL PRESERVATION OFFICER

**CERTIFIED MAIL**

June 1, 200*

Director
Virginia Department of Historic Resources
Attn: Review and Compliance Officer
2801 Kensington Avenue
Richmond, Virginia 23221

Dear Director:

The City of Grantsville is applying to the Virginia Department of Housing and Community Development for funding to extend water and sewer lines in various sections of the City. Enclosed are **copies of maps from a DHR archives search which identify any historical or cultural resources** and neighborhood photographs illustrating the three (3) project service areas.

These areas are geographically bounded by State Route 683 on the South, the Grantsville limits on the East and West, and Norfolk-Western Railroad on the North. Physical improvements to the area will include the extension of lateral water lines and the extension of sewer lines throughout the City.

Project One involves the installation of approximately 1,000 linear feet of water line on Davis Boulevard, White Marsh Road, and Seminole Drive which are currently served by inadequate well systems. Project Two allows for the installation of approximately 2,900 linear feet of water line on Dill, Carolina and Benton Roads. Project Three will require the installation of fifty bathrooms and approximately 8,000 linear feet of gravity sewer line on Ashley Avenue, Mason Avenue, Kennedy Street, Causey Street, South Broad Street, Linden Avenue, First Street, and Second Street in the Philadelphia and Saratoga Place neighborhoods and on East Washington Street, Suburban Drive, Cross Terrace, Riddick Drive, Bailey Circle, Reid Street, and Bell Street in the Pierce Park neighborhood of the City.

I would note that the proposed projects are contained almost entirely within the existing right-of-way of the streets in the project areas. Very little physical work will be undertaken in locations not previously disturbed by extension construction or in areas routinely maintained, either by the City or the Virginia Department of Transportation. Absolutely no impact is anticipated on any historic or archeological sites.

The bathrooms will be constructed within the existing houses or added as additions. Specifications will require that the addition match the existing construction exterior as close as possible. All unsanitary pit privies will be removed to comply with Department of Health sanitation standards.

The City has reviewed the National Register of Historic Places of Block County prepared by I. M. Lookinhard and has determined that no historical person has lived within the project area and no historical structures exist within the project area that have a bearing on the history of Grantsville or Block County.

In the unlikely event any such sites are discovered during project construction activities, the City will be immediately informed by the on-site contractor, and your Office will be notified shortly thereafter. The City will undertake every effort to ensure that historic and archeological sites will in no way be disturbed by the proposed activities.

The City has determined that no effect or no adverse effect will occur to archeological sites or historic structures.

Your review of this project and a response within thirty (30) days would be greatly appreciated. Should you have any questions concerning this matter, please do not hesitate to contact me or Sally Smith of my staff.

Sincerely,

Tom Tyron
Mayor

CR/kr

Enclosures [...INCLUDE PHOTOGRAPHS and TOPO MAPS...]

cc: Supervisor, Project Review Section; Virginia Research Center for Archeology

Appendix

# 2.K DHR Historic Resources Archive Search Application

***(Form to be completed by Grantee)***

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# VIRGINIA DEPARTMENT OF HISTORIC RESOURCES
## ARCHIVES SEARCH

Please send this completed form and user agreement with a copy of USGS quad map to Quatro Hubbard, Archivist, Department of Historic Resources, 2801 Kensington Avenue, Richmond, VA 23221

NAME:_____

COMPANY AFFILIATION: _____

FED ID #/SSN #: _____

ADDRESS: _____

_____

PHONE #: _____

FAX #: _____

E-MAIL CONTACT: _____

**LOCATION OF PROJECT**

NAME OF PROJECT: _____

NAME OF QUADS: _____

NAME OF COUNTY: _____

**TYPE OF SEARCH:** Please mark the "Expedited" box **in addition** to one of the other two types of searches **only** if you wish to have the search done in less than 3 business days (with an additional fee of $150).

| Maps Only | Search Detailed Search | Expedited? |
|---|---|---|
| ☐ | ☐ | ☐ |

**SEARCH AREA FOR HISTORIC PROPERTIES/DISTRICTS:**

| One Mile Radius | Two Mile Radius | Marked Site Area Only |
|---|---|---|
| ☐ | ☐ | ☐ |

**SEARCH AREA FOR ARCHAEOLOGICAL SITES:**

| One Mile Radius | Two Mile Radius | Marked Site Area Only |
|---|---|---|
| ☐ | ☐ | ☐ |

Search results will be mailed unless other arrangements are made in advance. If you would like results sent via Federal Express, please provide that number here: _____

**DHR will also need a signed Conditions for Use agreement (provided below) submitted BEFORE we can conduct the requested search.**

# Department of Historic Resources

## CONDITIONS FOR USE OF DIGITAL AND OTHER DHR LOCATIONAL DATA

Use of this data is subject to the following conditions:

1. **User understands and acknowledges that release of precise locations may threaten archaeological and historical resources. User shall take reasonable precautions to ensure the security of site locations.**

2. User will identify "Department of Historic Resources" as data source on any map or publication using DHR data. User will also include the date provided.

3. User will provide DHR with two copies of any reports prepared using Virginia Department of Historic Resources data if requested by DHR.

4. Although DHR maintains high standards of data quality control, DHR makes no warranty that the data are necessarily accurate or complete.

5. Obtaining information on previously recorded historic properties does not constitute review under Section 106 of the National Historic Preservation Act. If a project is federally funded, licensed, or assisted, the federal agency may require you to obtain DHR comment under Section 106. If you are also requesting a review of your project on behalf of a federal agency, you may download a Project Review Form from our web site at www.dhr.state.va.us.

6. User understands and acknowledges that the accuracy of these data is time-limited. User agrees to use DHR-provided data only for the term specified by DHR, and to incorporate all updates provided by DHR. Under no circumstances shall User continue using DHR-provided historic resource data for more than six months following its generation.

7. If there are charges, User shall pay agreed charges within 30 days of being billed by DHR.

8. Photographs may only be reproduced in commercial publications if specific permission is granted by DHR.

9. User will indemnify and hold DHR and its officers and employees harmless against any claims by third parties arising out of the use by User of the data provided hereunder.

10. This Agreement is the entire agreement between the parties with respect to the subject matter hereof. It shall be construed in accordance with the law of the Commonwealth of Virginia and may be amended only in writing signed by both parties.

By accepting the DHR data, User agrees to abide by all of the above conditions

User signature | Printed name

User Title and Affiliation | Date

Archives Search

## VIRGINIA DEPARTMENT OF HISTORIC RESOURCES

Information on previously surveyed historic resources and archaeological sites is available in our archives. The hours are from 8:30 a.m. until 12 noon and from 1 p.m. until 4:45 p.m. on weekdays (excluding state holidays). There is no charge to use the archives, but nominal fees are charged for photocopies and color printouts of maps. Appointments are not necessary.

If you are unable to come to our Richmond office to use the archives, and would like our staff to process your request, we can provide that service for a fee.

To conduct a search, we will need the above cover sheet filled out in full, a copy of a USGS topographical quad map clearly delineating your project site and a signed conditions for use agreement. An invoice will be included with your search results. In order to issue an invoice, we will need your company's Federal ID number or the Social Security number of the individual making the request.

Descriptions and fee schedules for the search services are as follows:

### CELL TOWER SEARCHES

A search of the DHR's cultural resource inventory for locational data only on all previously recorded archaeological sites, and architectural structures and districts. You will receive a map (or maps) showing the locations of any architectural resources within a one mile radius of your site, if the tower will be 199 feet or less in height, or two miles if the tower will be 200 feet or taller. You will also receive a map showing the archaeological sites in the immediate vicinity of your project area.

The cost is $25 per quad sheet searched, plus a $50 processing fee for each project. Even if no previously identified resources are present within the radius, you will still receive copies of our maps, and the fees will still be assessed. We strive to complete the search for you within ten business days of our receipt of clearly marked USGS quad mapping, the completed request form and a signed conditions for use agreement.

### DETAILED SEARCHES

A search of the DHR's cultural resource inventory for the presence of all previously recorded archaeological sites, and architectural structures and districts. You will receive maps showing the locations of any architectural or archaeological resources within your marked project area.

You will also receive copies of architectural survey forms and archaeological site forms for those resources identified in your project area. In addition, you will receive a printout of the architectural resources with the resource name, DHR file number and indication as to whether the resource is listed on the registers, or has been evaluated by the Department for possible inclusion on the registers. If an archaeological site has been evaluated for possible inclusion on the registers, then you will receive a copy of that letter of determination or evaluation form.

The cost is $25 per quad sheet searched, a $50 processing fee for each project and $10 per site for the forms and a printout of each resource identified within your project area. If the file is missing, then that will be noted and the fee will not be charged. If no resources are identified in your project area, you will still receive copies of our maps, and the processing and quad sheet fees will still be assessed. We strive to complete the search for you within ten business days of our receipt of clearly marked USGS quad mapping, the completed request form and a signed conditions for use agreement.

## EXPEDITED SEARCHES

If you require the information urgently, we offer an expedited archives search, for which a surcharge of $150 will be required. Please mark the expedited box on the above search form in addition to either the cell tower or detailed search box if you desire the faster service.

The goal is to complete the expedited search in three business days or less from the day on which we receive a completed request form, a signed conditions for use agreement and clearly marked USGS quad mapping. You will be contacted if circumstances prevent us from successfully completing your search within the three-day goal to give you an estimated time frame.

Our results will be sent to you by standard mail unless other arrangements are pre-arranged. A space is provided on our search request form for you to include your Federal Express number if you desire overnight delivery of the results.

## CONDITIONS

DHR serves as the official state repository on historic resources. This information has been compiled primarily by independent cultural resource consultants. DHR makes no warranty as to the fitness of the data for any purpose.

**The absence of historic resources in DHR records does not necessarily mean that no historic properties are present.** It is possible that the area in question has not been systematically surveyed for resources.

Obtaining information on previously recorded historic properties does not constitute review under Section 106 of the National Historic Preservation Act. If a project is federally funded, licensed, or permitted, the federal agency may require you to obtain DHR comment under Section 106. If you are also requesting a review of your project on behalf of a federal agency, you may download a Project Review Form from our web site at www.dhr.state.va.us. **This is a separate process that does not involve the archives, and thus cannot be accomplished concurrent with an archives search.**

## DHR CONTACT

Please send your completed search request form and your marked USGS quad map to:

Archives Search Service
c/o Quatro Hubbard
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221-2470

You may fax your documentation to the attention of the archives at (804) 367-2391

If you have any questions concerning this information, please contact:

Quatro Hubbard at (804) 367-2323, extension 125
Fax: (804) 367-2391
E-mail: HHubbard@dhr.state.va.us

Appendix 2.L

# DHR Historic Review Process and Project Review Form

**Requesting a Project Review from the Department of Historic Resources**

The Department of Historic Resources (DHR) is Virginia's State Historic Preservation Office (SHPO). Section 106 of the National Historic Preservation Act of 1966, as amended, requires federal agencies to consult with the SHPO and others who may have knowledge of historic properties in identifying known historic properties which may be affected by a federal undertaking, and in determining the need for further survey efforts to identify previously unrecorded historic properties. Information on Section 106 and the text of the Section 106 regulations are available on the web site of the Advisory Council on Historic Preservation (www.achp.gov).

**THIS APPLICATION MUST BE COMPLETED FOR ALL FEDERAL UNDERTAKINGS AND SUBMITTED TO THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES FOR REVIEW**. A federal undertaking is defined in the Section 106 regulations as "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; those requiring a Federal permit, license or approval; and those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency." **This form may also be used to obtain the comments of DHR as part of a state review process**. Please provide a completed form even in cases where project information is included in a separate document, such as an Environmental Impact Report. Environmental documents may be submitted as attachments to the form if they provide an important part of the project description.

A program specific review application form for cell tower projects is available on DHR's website along with several other attachments to the project review application relating to the rehabilitation and demolition of historic structures which are intended to streamline the process.

## Before You Complete the Project Review Application Form

1. Determine if your project constitutes an undertaking that has the potential to impact historic properties, assuming such historic properties were present (for the definition of an undertaking, go to the Section 106 Regulations, Definitions section, 36 CFR 800.16, on the web at www.achp.gov/regs.html).
2. Determine the Area(s) of Potential Effect (APE) for the project. For the purposes of Section 106, the area of potential effect (APE) is defined as the entire geographical area in which changes may occur to historic properties if any are present. The APE for archaeological resources may be different than for architectural resources. The viewshed of historic properties often extends well beyond their boundaries and is often an important contributing element to their historic significance. Therefore, projects which alter the landscape drastically - large scale subdivisions, highway construction - or those which insert a large, intrusive structure into the landscape – cell towers, water towers – must take into account the surrounding viewshed when determining the APE. A field inspection of the project area will help to establish the APE. Establishing the APE is the responsibility of the federal agency in consultation with DHR. When acting on the behalf of a federal agency, the APE that is presented to DHR must be the APE that is approved by that

agency. The boundaries of the APE should be clearly described and indicated on a U.S.G.S. quad map (original or clear copy). If there are two different APEs – one where ground disturbance is going to occur and one where viewshed is the only concern, for instance, these should be clearly indicated.

3. Gather information to identify the historic properties within or adjacent to the APE that may be affected by your project. Information on recorded historic properties is available in the DHR Archives, and this information **must** be collected prior to submitting project review application. The Archives are open to the public, and the only charges for use are 15 cents per page for copies. If it is not possible to visit the DHR Archives, the archivist will provide information on recorded properties for a fee (telephone the Archives at 804-367-2323, extension 125 for more information). Please be aware that survey in Virginia is far from complete, and the absence of historic resources in DHR records does not necessarily mean that no historic properties are present. Information that should be considered in the identification process may also be available in other repositories, such as county planning offices and historical societies. On-site inspections are an essential component of the identification process. Photographs of the subject property and any nearby properties that may be over 50 years old should be provided with your project review application. Please attach the available information on recorded historic properties within the APE and documentation resulting from field inspection to the project review application form. If no historic properties are recorded in the APE, and if no potentially historic properties were observed during field inspection, note this on the application form.
4. Following the identification process, you should complete the project review application form in its entirety by referring to the following instructions. Attach or enclose the required additional information, and submit your application packet to DHR. The Department of Historic Resources will respond to your request within 30 days.

## How to Complete the Project Review Application Form

### I. GENERAL PROJECT INFORMATION

1. Indicate if the project, or any part thereof, has been previously reviewed by DHR and if so, insert the file number. If we know that a project has been previously reviewed, we can often avoid asking for duplicate information.

2-3. Complete this section in its entirety providing the name and location (independent city or town and county) of the project. If your project involves work on a specific building, please include the street address of the building.

4. For CDBG projects, the Lead Federal Agency is HUD and the Grantee. Other Federal Agency will be any other federal agency who is funding the projects e. g., Rural Development. State Agency is DHCD.

5-6. Lead Agency Contact is the designated Certifying Officer. Applicant Contact is the individual with the most knowledge of the ERR, including the DHR submission. It is important that complete mailing addresses be provided.

### II. PROJECT LOCATION AND DESCRIPTION

7. Indicate the name of the USGS quadrangle on which your project area is located. An original or clear photocopy of the 7.5 minute USGS topographic quadrangle, or a **clearly labeled** portion thereof, showing the exact boundaries of the project location, and the project's Area(s) of Potential Effect (APE) **must** be attached to this application. Do **not** reduce or enlarge the map. Topographic maps may be downloaded free of charge from Topozone© (www.topozone.com).

8. Indicate the acreage of the project area.

9. Indicate if an architectural or archaeological survey has been conducted as part of the identification process or in a different context by consulting DHR's Archives. Indicate the author, title, and date of the report and if a copy of it is on file at DHR. If a survey has been completed and a copy is not on file, a copy should be included with the application materials.
10. During the identification stage of the Section 106 process you should determine the presence/absence of structures 50 years old or older. Indicate if the Archives search revealed any historic properties in the APE and if the site inspection revealed any properties over 50 years of age within or adjacent to the project area which may or may not be recorded at DHR. The date of construction for structures is often indicated in county or state tax records. Photographs of all structures over 50 years of age must be included with the application materials.

11-12. These questions are designed to help DHR determine if your project needs to be reviewed by an architectural historian or an archaeologist or both. If the answer to either of these questions is *yes*, a complete explanation is required in the Description.

13. Description. Attach a detailed description of the project area and the proposed undertaking, making sure to include the following information:
    a) Description of the existing land use. Include photographs of the project area.
    b) Description of any recent modifications to the landscape. [Note: If the existing landscape appears to be markedly different from that shown on the attached quad map, please include information to that effect explaining what changes have occurred since the map was last updated.]
    c) For projects involving the rehabilitation, alteration, or demolition of a structure over 50 years of age, a detailed description of the extent of the proposed alterations, along with photographs, architectural and engineering drawings, project specifications, and maps will be required.
    d) Detailed project description that includes the precise location of all construction, destruction, and other proposed disturbance, the horizontal and vertical dimensions of all above and below ground construction, and the nature and extent of any previous disturbances – i.e. it is in a plowed field or disturbed VDOT right-of-way – within the APE.

**Please Note:** A complete project review application consists not only of the fully completed form, but also a completed Archives search, a USGS topographic map with the APE marked, a detailed project description, and all required photographs and project plans. A checklist is provided at the end of the application. Accurate and complete information will help in obtaining a timely response. If all required materials are not submitted, you will receive notification that your application is incomplete and the 30-day review period will not begin until all necessary materials are received.

**MAIL COMPLETED FORM AND ATTACHMENTS TO:**

Virginia Department of Historic Resources
Attention: Project Review
2801 Kensington Avenue
Richmond, VA 23221
www.dhr.virginia.gov

# *Project Review Application Form*

This application must be completed for all projects that will be federally funded, licensed, or permitted, or that are subject to state review. Please allow 30 days from receipt for the review of a project. All information must be completed before review of a project can begin and incomplete forms will be returned for completion.

## I. GENERAL PROJECT INFORMATION

**1. Has this project been previously reviewed by DHR?** **YES** ___ ___ **DHR File #** _____

**2. Project Name** _____

**3. Project Location** _____

**City** **Town** **County**

**4. Specify Federal and State agencies involved in project (providing funding, assistance, license or permit). Refer to the list of agencies and abbreviations in the instructions.**

**Lead Federal Agency** **HUD/** _____

**Other Federal Agency** _____

**State Agency** **VDHCD** _____

**5. Lead Agency Contact (Certifying Officer) Information**

**Contact Person** _____

**Mailing Address** _____

**Phone Number** _____ **Fax Number** _____

**Email Address** _____

**6. Applicant Contact Information**

**Contact Person** _____

**Mailing Address** _____

**Phone Number** _____ **Fax Number** _____

**Email Address** _____

## II. PROJECT LOCATION AND DESCRIPTION

**7. USGS Quadrangle Name** _____

**8. Number of acres included in the project** _____

**9. Have any architectural or archaeological surveys of the area been conducted?** **YES___ NO___**

**If yes, list author, title, and date of report here. Indicate if a copy is on file at DHR.**

_____

**10. Are any structures 50 years old or older within or adjacent to the project area?** **YES___ NO___**

**If yes, give date(s) of construction and provide photographs.**

_____

**11. Does the project involve the rehabilitation, alteration, removal, or demolition of any structure, building, designed site (e.g. park, cemetery), or district that is 50 years or older? If *yes*, this must be explained fully in the project description.** **YES___ NO___**

**12. Does the project involve any ground disturbance (e.g. excavating for footings, installing sewer or water lines or utilities, grading roads, etc.)? If *yes*, this must be explained fully in the project description.** **YES___ NO___**

**13. DESCRIPTION: Attach a complete description of the project. Refer to the instructions for the required information.**

To the best of my knowledge, I have accurately described the proposed project and its likely impacts.

_____ _____

Signature of Applicant/Agent Date

## The following information <u>must</u> be attached to this form:

____ Completed DHR Archives search
____ USGS map with APE shown
____ Complete project description
____ Any required photographs and plans

____ No historic properties affected _____ No adverse effect
____ Additional information is needed in order to complete our review.
____ We have previously reviewed this project. A copy of our correspondence is attached.

Comments: _____
_____
_____
_____

Signature_____ Date _____

Phone number _____ DHR File # _____

*This Space For Department Of Historic Resources Use Only*

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# Appendix 2.M Combined Notice—Finding of No Significant Impact (FONSI/NOI-RROF)

PUBLICATION REQUIREMENT FOR PROJECTS
REQUIRING AN ENVIRONMENTAL ASSESSMENT

Based on 15 day public comment period and 15 day State objection period

[*Instructions: Publish as a Legal Advertisement, one time, 8 point type, no spacing, except heading.]*

**COMBINED NOTICE: FINDING OF NO SIGNIFICANT IMPACT/INTENT TO REQUEST RELEASE OF FUNDS**

Date of Publication: July 5, 200*

Grantsburg Town
Town Hall
P. 0. Box 1212
Grantsburg, VA 12345

(804) 555-1212 / TTP 555-1313

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or about **(Date RROF will be mailed to DHCD)** the above-named Town will request the Virginia Department of Housing and Community Development (DHCD) to release Federal funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383) to be used for the following project:

Gonna Look Good Neighborhood Improvements
(Project Title)

Water/Sewer Line Installation, Sewage Pump Station, Housing Rehabilitation, Indoor Plumbing, and Substantial Reconstruction
(Purpose or Nature of Project)

Gonna Look Good Neighborhood,
Town of Grantsburg, Block County, Virginia
(Location)

$980,000
(Estimated Cost of Project)

**FINDING OF NO SIGNIFICANT IMPACT**

It has been determined that such request for release of funds will not constitute an action significantly affecting the quality of the human environment and, accordingly, the above-named Town has decided not to prepare an Environmental Impact Statement under the National Policy Act of 1969 (PL 91-190).

The reasons for such decision not to prepare such Statement are as follows:

a) No historic structures and/or archaeologically significant areas will be affected by this project [...EXCLUDE THIS REASON IF DHR IS REVIEWING PLANS...].

b) Installation of bathrooms, water and sewer lines into an existing neighborhood area is consistent with the zoning of the area to be served, the comprehensive plans of the Town of Grantsburg, Virginia, and the County of Block and will not affect the present character of the area.

c) Short periods characterized by some dust and noise pollution generated by construction activities will be the only adverse environmental condition generated by this project.

d) Erosion control, restoration of disturbed areas of grasslands and existing pavement will be accomplished in accordance with acceptable engineering criteria.

e) Construction will generally be done in VDOT right-of-way where practical and only limited clearing of existing trees, grass, etc., will be required.

f) All bathroom additions will match existing exteriors and painting of structure may be required.

An Environmental Review Record respecting the within project has been made by the Town of Grantsburg which documents the environmental review of the project and more fully sets forth the reasons why such Statement is not required. This Environmental Review Record is on file at the above address and is available for public examination and copying, upon request, at the Town Office between the hours of 9:00 a.m. and 5:00 p.m.

No further environmental review of such project is proposed to be conducted, prior to the request for release of Federal funds.

All interested agencies, groups and persons disagreeing with this decision are invited to submit written comments for consideration by the Town to the office of the undersigned. Such written comments should be received at the address specified on or before **(Sixteen days from date of publication)**. All such comments so received will be considered and the Town will not request the release of Federal funds or take any administrative action on the within project prior to the date specified in the preceding sentence.

**INTENT TO REQUEST RELEASE OF FUNDS**

The Town of Grantsburg will undertake the project described above with Block Grant funds from the Virginia Department of Housing and Community Development, under Title I of the Housing and Community Development Act of 1974. Grantsburg is certifying to DHCD that Grantsburg and The Honorable Sam Jones in his official capacity as Mayor, consent to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making, and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval, Grantsburg may use the Community Improvement Grant funds, and DHCD will have satisfied its responsibilities under the National Environmental Policy Act of 1969. DHCD will accept an objection to its approval of the Release of Funds and acceptance of the Certification only if it is on one of the following bases: (a) that the certification was not in fact executed by the chief executive officer or other officer of applicant approved by DHCD; (b) that applicant's Environmental Review Record for the project indicates omission of a required decision, finding, or step applicable to the project in the environmental review process; (c) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58), and may be addressed to:

DIRECTOR
VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
ATTN: PROJECT MANAGEMENT OFFICE
501 NORTH 2nd STREET
RICHMOND, VIRGINIA 23219-1321

Objections to the release of funds on bases other than those stated above will not be considered by DHCD. No objection received after **(Final Day of State Review Period)** will be considered by DHCD.

Sam Jones, Mayor/Certifying Officer
Town of Grantsburg
Town Hall
P. 0. Box 1212
Grantsburg, Virginia 12345
(Name and Address of Chief Executive Officer of Applicant)

**THE COMBINED NOTICE (FONSI/NOI-RROF) MUST BE DISTRIBUTED TO:**

Office of Federal Activities (A-104)
Mail Code 2251A
Environmental Protection Agency, Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue N.W.
Washington D.C. 20460
(202) 260-2090

Environmental Protection Agency, Region III
3HS00
1650 Arch Street
Philadelphia, PA 19103-2029
1-800-438-2474 or (215) 566-5122

Office of Environmental Quality
Division of Environmental Enhancement
629 East Main Street, 6th Floor
Richmond, VA 23219
(804) 698-4330

Director
Virginia Department of Housing & Community Development
The Jackson Center
Attn: Project Management Office
501 North Second Street
Richmond, VA 23219-1321
(804) 371-7061 [TTP 371-7089 / FAX 371-7093]

Local Regional and Tribal Agencies adjacent to or surrounding the jurisdiction issuing the NOI-RROF

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Appendix

# 2.N Coastal Zone Management Review

For all projects that impact the Coastal Zone Management Area of Virginia, the Virginia Department of Environmental Quality (DEQ) must be contacted to ensure that Federal Consistency Reviews are coordinated. See the following sample letter to DEQ

The Virginia Coastal Zone Management Area includes the following localities (alphabetical):

- The Counties of Accomack, Caroline, Charles City, Chesterfield, Essex, Fairfax, Gloucester, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, New Kent, Northampton, Northumberland, Prince George, Prince William, Richmond, Spotsylvania, Stafford, Surry, Westmoreland and York.

- The Cities of Alexandria, Arlington, Chesapeake, Colonial Heights, Fairfax, Falls Church, Fredericksburg, Hampton, Hopewell, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Richmond, Suffolk, Virginia Beach, and Williamsburg.

The enforceable regulatory programs of the Virginia Coastal Resources Management (CRM) Program are:

a. Fisheries Management - The program stresses the conservation and enhancement of finfish and shellfish resources - administered by the Marine Resources Commission and the Department of Game and Inland Fisheries. The State Tributyltin (TBT) Regulatory Program has been added to the Fisheries Management program.

b. Subaqueous Lands Management - The management program for subaqueous lands establishes conditions for granting or denying permits to use state-owned bottomlands - administered by the Marine Resources Commission.

c. Wetlands Management - The purpose of the wetlands management program is to preserve tidal wetlands, prevent their despoliation, and accommodate economic development in a manner consistent with wetlands preservation - administered by the Marine Resources Commission.

d. Dunes Management - Dune protection is carried out pursuant to The Coastal Primary Sand Dune Protection Act and is intended to prevent destruction or alteration of primary dunes - administered by the Marine Resources Commission.

e. Non-point Source Pollution Control - Virginia's Erosion and Sediment Control Law requires soil-disturbing projects to be designed to reduce soil erosion and to decrease inputs of

chemical nutrients and sediments to waters of the Commonwealth - administered by the Department of Conservation and Recreation.

f. Point Source Pollution Control - The point source program is administered by the State Water Control Board (DEQ) and is accomplished through the implementation of:

   (i) The Virginia Pollutant Discharge Elimination System (VPDES) permit program established pursuant to Section 402 of the federal Clean Water Act.

   (ii) Water Quality Certification pursuant to Section 401 of the Clean Water Act administered in Virginia through the Virginia Water Protection Permit which includes protection of wetlands --both tidal and non-tidal.

g. Shoreline Sanitation - The purpose of this program is to regulate the installation of septic tanks, set standards concerning soil types suitable for septic tanks, and specify minimum distances that tanks must be placed away from streams, rivers, and other waters of the Commonwealth - administered by the Department of Health.

h. Air Pollution Control - The program implements the federal Clean Air Act to provide a legally enforceable State Implementation Plan for the attainment and maintenance of the National Ambient Air Quality Standards - administered by the State Air Pollution Control Board (DEQ).

## SAMPLE LETTER TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

Following is the type of letter that must be sent to the Virginia Department of Environmental Quality as required by 15 CFR Part 930 if your project is located in the Commonwealth's Coastal Zone Management Area. The key is to clearly identify the project and its location. Your letter, in addition, should contain:

- Project cost and environmental impacts;
- Maps of the project area of which one should include topographic detail;
- Identify enforceable regulatory programs which are applicable and indicate the status of compliance with the regulation(s); and
- Submit a copy of the Environmental Review Record.

It should be noted that the Division of Environmental Enhancement in the Department of Environmental Quality is a coordinating agency and does not conduct technical reviews. This Office may ensure however, that appropriate agencies are notified of the impending project. **HOUSING REHABILITATION** projects are NOT subject to Coastal Zone Management Reviews if the project does not involve any land disturbing activity.

June 1, 200*

Department of Environmental Quality
Division of Environmental Enhancement
Virginia Department of Environmental Quality
629 East Main Street, 8th Floor
Richmond, Virginia 23219

Dear Director:

The Town of Blockville, Virginia, is applying to the Virginia Department of Housing & Community Development for funding of Neighborhood Improvements including water, sewer, drainage and streets improvements. The total project cost is estimated to be $830,300. We are conducting an environmental review for this project.

The geographic service area is within the corporate limits of the Town of Blockville. It is bounded on the west by the Southern Railway, on the east by Main Street. The improvements upgrade existing facilities and street surfaces with only minimal change in use, size, capacity and location. The improvements involve approximately: 7,800 linear feet of 8 inch water line; 9,000 linear feet of 8 inch sanitary sewer line; 1,456 linear feet of 18 inch to 36 inch drainpipe with 10 inlets, curb, gutter and new storm drains; and 1,200 linear feet of new street. We are enclosing maps of the proposed project area.

The review indicates that there will be no adverse impacts. There will be short-term disruption of vehicular traffic. The project will completely eliminate the problems with: low water pressure, frequent leaks and inadequate fire protection; sewer surcharges and disruption of service; and inadequate drainage. A new street will be constructed to VDOT standards and taken into the system for maintenance.

If you disagree with our findings or have any questions based on Federal consistency reviews, do not hesitate to let us know. Please respond within (30) days of receipt of this letter.

Sincerely,

Dan Smith
Grant Administrator

DS/kr

Enclosures [maps]

Appendix

# 2.0 Environmental Justice

On February 11, 1994 Presidential Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" was issued because it had been concluded that many communities have been exposed to a greater volume of health and environmental dangers due to their social, economic or political position. The intent of this order is to ensure that minority and low-income populations are not exposed to disproportionately high adverse human health or environment effects due to federal programs, policies and activities.

Federal agencies have been directed to make environmental justice a part of their mission. Localities receiving funding need to ensure that the impact of a project does not lead to disproportional health or environmental danger to minority populations and low-income populations.

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Appendix 3

# PROJECT BUDGET

## Administrative Cost Limits

CDBG funding may be used to cover administrative costs for implementing the Community Improvement Grant (CIG). CDBG-eligible administrative costs are limited to 10% of the total CDBG award and are not to exceed limits as follows:

| | |
|---|---|
| Community Facility Projects | $50,000 |
| Business District Revitalization Projects | $80,000 |
| Community Service Facility Projects | $60,000 |
| Community Development Innovation Fund Projects (except CDVC Fund) | $60,000 |
| Community Economic Development Fund Projects | $50,000 |
| Competitive Economic Development Grant Projects | $50,000 |
| Urgent Need Projects | $50,000 |
| Housing Projects | $80,000 |
| Two-Activity Comprehensive Projects | $80,000 |
| Three-Activity Comprehensive Projects | $100,000 |
| Regional Community Facility Projects | $90,000 |

Salaries for persons involved in the grant are grant-eligible, provided that personnel maintain timesheets that show total hours worked, hours worked on the grant, the employees' signatures, and the signature of their direct supervisors. Pay must be at their regular rates. If overtime is worked because of the grant, the grant may not be charged with the entire overtime cost. Please consult your Community Representative for the precise overtime formula.

If the Grantee does not have the local capacity to manage administration of the grant with existing personnel, Appendix 10 outlines how to procure and contract with local or regional agencies or with consultants. Regardless of who provides management and oversight to the grant, certain budgetary rules apply.

See also Appendix 28 for a discussion on allowable and unallowable administrative costs.

## Administrative Costs Versus Project Costs

In setting up the Project Budget, it is necessary to distinguish between administrative costs and project costs. Certain administrative-type costs may be more appropriately placed as a project cost in the Project Budget. Exceptions include:

- Rehabilitation Specialist's Salary: Item is a project cost as part of the Rehabilitation budget activity, *versus* the Grant Administrator's salary, which is a general administrative cost.

- Design and Construction Management Services: A private corporation e. g., non-profit or consultant *may not* provide design and construction management services e. g., engineering, architectural and rehabilitation specialist services *and* Grant Administration services;

- Legal fee for review of construction contract: Item is a project cost as part of the construction budget activity, *versus* a legal fee for review of the grant contract, which is a general administrative cost;

- Legal fee for recording deeds: Item is an administrative cost and not a construction cost;

- Engineer's fee for water line design: Item is a project cost as part of the water line activity; and

- Certain pre-approved costs related to relocation.

# Performance Budget Policies

All CDBG Grant Agreements are performance-based contracts. The administrative section of the Project Budget must be based on activities completed or milestones achieved rather than for time and materials. These payment thresholds are negotiated between DHCD and the Grantee after the completion of the Project Management Plan and will outline the respective tasks and how much DHCD will pay upon the completion of each task. DHCD imposes the following limits:

| | |
|---|---|
| Getting Under Contract with DHCD | 15% |
| Successfully Awarding Contracts | 20- 35% |
| Completing Construction and Addressing Labor Standards Issues | 20- 35% |
| Achievement of benefits | 25% |
| Closeout of Project and Achieving Administrative Closeout | 5% |
| Administrative Budget (above items must equal 100%) | 100% |

1. Getting Under Contract With DHCD: Once the CDBG Grant Agreement is signed, the Grantee may request no more than 15% of the CDBG Administrative Budget. These funds are to cover the allowed Prior Authorized Costs (must have written approval from DHCD) and they are to be considered "seed" money for getting the project to bid.

2. Successfully Awarding Contracts: Based on negotiations with DHCD, between 20% and 35% of the CDBG Administrative Budget can be requested by the Grantee after a contract has been awarded to a successful bidder. In the event that more than one contract will be issued by the Grantee to complete the scope of the project, DHCD and the Grantee must negotiate how much of this line item will be allocated to the awarding of each contract.

3. Completing Construction and Addressing Labor Standards Issues: Based on negotiations with DHCD, between 20% and 35% of the CDBG Administrative Budget can be requested by the Grantee after the completion of the construction and the monitoring of all applicable Federal Labor Standards. In the event that more than one contract will be issued by the Grantee, DHCD and the Grantee must negotiate how much of this line item will be allocated to the completion of each construction contract. The negotiated percentage that is related to each contract completed should mirror the negotiated percentage related to each contract awarded (above item--Successfully Awarding Contracts).

4. Achievement of Benefits: DHCD will release 25% of the CDBG Administrative Budget when benefits have been achieved and documented by the Grantee or at the end of construction and DHCD is satisfied that a system is in place that will achieve and adequately document benefits. In the event that less than 100% of all benefits are achieved, DHCD will release the percentage of this line item based on the level of benefits achieved i.e., if you achieve 80% of your benefits, you get 80% of the 25% in this line item.

5. Closeout of Project and Achieving Administrative Closeout: DHCD will release the final 5% of the CDBG Administrative Budget only when the project has reached Administrative Closeout and all necessary conditions have been met.

**Example**

Comprehensive Project
Administrative Budget = $75,000
15 contracts to award: 14 houses to rehab and 1 water line contract

| | | |
|---|---|---|
| Getting Under Contract with DHCD | 15% x 75,000 | $11,250 |
| Successfully Awarding Contracts | Negotiated 35% | $26,250 |
| 14 Houses At 6% of $26,250 = $1575 | $22,050 | |
| 1 Water Line At 16% of $26,250 | $ 4,200 | |
| | | |
| Completing Construction and Addressing Labor Standards Issues | Negotiated 20% | $15,000 |
| 14 Houses At 6% of $15,000 = $900 | $12,600 | |
| 1 Water Line At 16% of $15,000 | $ 2,400 | |
| | | |
| Achievement of Benefits | 25% | $18,750 |
| Closeout of Project and Achieving Administrative Closeout | 5% | $ 3,750 |
| Total CDBG Administrative Budget | | $75,000 |

# Housing Projects

The policy for housing related costs is explained below.

1. Construction Cost Limits: Grantees may use up to $25,000 to rehabilitate houses, not including mobile homes, to DHCD HQS and up to $35,000 to substantially reconstruct housing units determined to be unsuitable for rehabilitation. Under certain circumstances, DHCD will allow a base cost of up to $30,000 for a single rehabilitation. These circumstances are:

   - The Grantee tests for the presence of lead-based paint, as outlined in the lead related regulations, and all tested surfaces in a unit reveal a lead content below the critical regulatory thresholds; or

   - The Grantee has at least three (3) licensed lead abatement contractors who are qualified to bid on the job in question; or

   - The unit was constructed after 1978.

2. Exceptions: Exceptions allow the Grantee to commit up to $20,000, beyond the base construction cost, to the completion of the project. The following activities are considered exceptions:

   - Construction of a bathroom;

   - Installation of a well and/or septic system. CDBG funds may not be used to install "pump and haul" systems. Wells must be drilled, tested and approved. Payment will be made for only one (1) well, regardless of the number of wells drilled;

   - Provision of water and/or sewer connections;

   - Provision of ramps and other accessibility features;

   - Provision of one or more additional bedrooms to relieve an overcrowded situation in which more than two (2) bedrooms are necessary or other changes to a unit's footprint; and

   - Actual lab costs for evaluation of lead dust tests.

3. Administrative Cost Limits: Administrative costs are limited to 10% of the total CDBG award, not exceeding the limits listed above. They include outreach and intake, income eligibility verification, title issues, deed recordation, staff time for delivery of Home Maintenance Education Program activities, legal fees and homeowner's insurance.

Legal fees related to the recordation of Deeds-of-Trust may not exceed $200 per unit. These legal costs should be included under the Project Budget's Administration line item. The only exception to this is if the Program Design calls for actual *repayment* of a rehabilitation loan. The beneficiary is repaying the loan (not to be confused with a forgivable loan), the legal costs may be shown in the rehab activity, and be included in the 90% construction costs.

4. Construction-related Soft Costs: Construction-related Soft Costs (CRSC) are limited to 10% of the total CDBG housing rehabilitation activity budget. They include fees for Rehabilitation Specialist, including for delivery of HMEP training, engineers, architects, surveys, inspections, blower door tests, lab tests, soil evaluation tests and clearance tests.

   ✱ **With DHCD's approval, up to 50% of the CDBG funds targeted for grant administration may be transferred into the rehabilitation activity for implementation of the rehab program. In such cases, the total allowable amount budgeted for CRSC cannot exceed 15% of the total budgeted for the rehabilitation activity. If this option is chosen, all rehabilitation program related expenses, including outreach, application processing and inspection must be paid from the rehab activity budget.**

5. Demolition Cost Limits: Demolition costs are only allowed on substantial reconstruction projects. They are "stand alone" costs that must be contracted out separately from the base construction and exceptions contracts. Although there are no cost limits for demolition, DHCD expects them to be reasonable. DHCD reserves the right to cap or cut costs, if necessary. Demolition costs are to be listed under the Project Budget's Substantial Reconstruction line item.

6. Temporary Relocation Cost Limits: CDBG funds may be used to cover eligible temporary relocation costs up to $1,000 per unit. Eligible temporary relocation expenses include motel and storage costs but not expenses incurred by family members with whom beneficiaries are staying. As an incentive to minimize temporary relocation cost, the Grantee may drawdown and retain 50% of the difference between the $1,000 and actual temporary relocation expenses to cover administrative costs. If the Grantee does not incur any actual relocation costs, the $1,000 is not available. The Grantee needs prior approval from DHCD to exceed the $1,000 cap. Temporary relocation costs are to be listed under the Project Budget's Housing Rehabilitation and/or Substantial Reconstruction line items. Permanent relocation costs are to be listed under the Project Budget's Relocation line item.

7. Home Maintenance Education Program (HMEP) Cost Limits: Once the HMEP is incorporated into the local Program Design, up to 1% of base construction costs per unit, not to exceed $250, is allowed. HMEP costs must be based on *actual documented* costs and must be drawn down with the final request for the unit. These costs are not intended to cover staff or Rehabilitation Specialist time for delivering training. Rather, they are intended to cover items such as printed

materials (but not copying), cleaning kits and tool kits. HMEP costs are to be listed under the Project Budget's Housing Rehabilitation and/or Substantial Reconstruction line items.

8. Mobile Home Cost Limits: Mobile homes may be rehabilitated provided the cost of rehabilitation will not exceed $10,000 plus $10,000 for well and septic. No other exceptions apply. These cost limits are not applicable to a double-wide or equivalent with a continuous foundation on footers, which for these purposes only, are considered a permanent home. In addition, renters occupying mobile homes that will exceed $10,000 may be relocated.

# Downtown (Business Revitalization) Projects

All budget policies apply as stated above with the exception of architectural fees for projects that include CDBG-funded façade improvements. The policy for façade related soft costs, inclusive of architectural services, is explained below.

1. Application intake, legal, administrative work, architectural work related to individual building façade conceptual plans, construction drawings and other architectural services necessary for façade improvements can be paid with CDBG funds in amount not to exceed 10% of the CDBG-funded construction budget for façade improvements; and

2. DHCD will allow up to $15,000 or 5% of the CDBG-funded construction budget for façade improvements, whichever is less, to be used to develop design guidelines for the downtown district if the locality enacts and enforces an ordinance that requires all CDBG- and leverage-funded building improvements from the time of the CDBG Grant Agreement's execution forward to be done in a manner consistent with the established design guidelines. The ordinance must be in effect for a minimum of 10 years.

**✱ Design guidelines are not a CDBG eligible expense if such an ordinance is not passed.**

# Microenterprise Programs

Eligible training costs will be negotiated between the Grantee and DHCD.

# Community Facility Projects

For projects involving two or more activities e. g., sewer, water, and drainage, engineering fees may not be lumped under one activity. Rather they must be divided proportionately and listed under each activity.

## Community Service Facility Projects

CDBG funds may not be used for operating costs.

## Leverage Funds

CDBG funds may not be used to provide any improvements on private property for non-LMI households. Fee waivers by the Grantee for non-LMI households may not be counted as leveraging for the purposes of the project.

## Use of the Project Budget

During the course of project implementation the Project Budget must be followed in all obligations or outlays of Grant funds. **Grantees are allowed to deviate from the approved Project Budget only with prior written approval from DHCD**. Due to this restriction, it is essential that the Grantee develop accounting and grant management procedures which maintain tight control over obligations and expenditures to assure conformance with the Project Budget. The Project Budget should be consulted and tracked on a continual basis. This is especially important in the expenditure of Administrative funds as Administrative funds are strictly controlled and Grantees will not be allowed to increase CDBG administrative budgets.

DHCD will utilize the Grantee's Project Budget as a basis for monitoring project implementation particularly in assessing the Grantee's Progress Reports and monthly surveys. Adherence to the Project Budget will also be assessed during compliance reviews and audits.

Failure to adhere to the Project Budget is a violation of the Grant Contract and could result in a requirement for repayment of ineligible expenses from the Grantee's own financial resources.

See Chapter 5: Financial Management for information regarding budget revisions.

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# Engineering Fee Schedule

| CONSTRUCTION COST | Table I<br>%<br>Basic Engr. Fee | Table II<br>%<br>Basic Engr. Fee | Table III<br>%<br>Insp. Fee |
|---|---|---|---|
| Less than 100,000 | --------- TO BE NEGOTIATED ---------- | | 10.0 |
| 100,000 | 12.0 | 8.8 | 9.8 |
| 200,000 | 11.0 | 8.4 | 8.6 |
| 300,000 | 10.0 | 8.2 | 7.5 |
| 400,000 | 9.0 | 8.0 | 7.0 |
| 500,000 | 8.8 | 7.8 | 6.6 |
| 600,000 | 8.6 | 7.6 | 6.5 |
| 700,000 | 8.4 | 7.4 | 6.4 |
| 800,000 | 8.2 | 7.2 | 6.2 |
| 900,000 | 8.0 | 7.0 | 6.0 |
| 1,000,000 | 7.8 | 6.8 | 5.7 |
| 2,000,000 | 7.6 | 6.4 | 4.9 |
| 3,000,000 | 7.4 | 6.0 | 4.5 |
| 4,000,000 | 7.2 | 5.5 | 4.4 |
| 5,000,000 | 7.0 | 5.4 | 4.2 |
| 10,000,000 | 6.5 | 5.2 | 3.7 |
| 20,000,000 | 6.0 | 5.0 | 3.3 |

## TABLE I PROJECT ITEMS

Airports and Facilities
Dams and Hydraulic Structures
Sanitary Sewers under 24" in diameter and appurtenances
Large Interception and Relief Sewers
Booster (Pump) and Lift Stations
Rehabilitation and Renovation
Water Intakes and Sewage Outlets
Water, Sewage, and Industrial Waste Treatment Plants
Water Distribution Systems 16" diameter and under and appurtenances
Recreation

## TABLE II PROJECT ITEMS

Sanitary Sewers 24" in diameter and larger
Storm Sewers and Drains
Roads and Streets
Package Treatment Plants (Water and Sewage)
Industrial Buildings, Warehouses, etc.
Water Distribution Systems over 16"
Water Transmission Pipelines
Water storage facilities
Package booster stations
Grading, except when incidental to the project, and Shoreline Stabilization

Surveys for design such as topography, profiles and cross sections are included in the compensation for basic engineering services and Tables I and II have been adjusted to allow for this work.

Any revision in the plans and specifications necessary to bring the cost of the project within the funds allocated for development, will be at no additional cost to the Owner (Grantee).

The fees for project costs falling between the figures shown shall be interpolated to the nearest one-tenth of one percent and are to be adjusted to suit special conditions stated in the Contract.

If resident inspection is provided by the engineer, the applicable percentage shown under Table III in the fee schedule be used to determine the maximum CDBG participation will be allowed for full-time resident inspection. The time allowed for construction of each project should be stated in the preliminary engineering report. Resident inspection costs should be shown as a separate item in the project cost summary.

Additional cost for engineering and resident inspection due to projects not being completed in schedule will be an item included in determining the amount of liquidated damages stated in the contract.

Projects with activities bid simultaneously shall be considered as one project for the purpose of computing basic engineering fees and inspection fees.

The percents listed on the chart under columns for Tables I, II and III were established to determine a maximum CDBG participation. It is anticipated that any CDBG funds available as a result of applying less than the maximum CDBG participation for engineering services will be available for other eligible project costs.

To calculate CDBG participation in engineer's fees, take the following steps:

**Step 1.** Total all public infrastructure construction costs from the budget (do not include housing construction costs or LMI service line costs).

**Example**

| Activity | Cost | Which Table? |
|---|---|---|
| Water treatment plant | 400,000 | Table I |
| Roads | 300,000 | Table II |
| 12" Water line | 300,000 | Table I |
| **Total** | **1,000,000** | |

**Step 2**. Note the total construction costs on the Fee Curve and the corresponding percentages.

**Example**

| Total Cost | Table I: Basic | Table II: Basic | Inspection Fee |
|---|---|---|---|
| 1,000,000 | 7.8 | 6.8 | 5.7 |

Should total construction costs be in the middle of two figures on the table, extrapolate to the nearest tenth percentage:

| Total Cost | Table I: Basic | Table II: Basic | Inspection Fee |
|---|---|---|---|
| $550,000 | 8.7 | 7.7 | 6.5 |

**Step 3.** Add up construction totals for all items that are in Table I.

**Example**

| Activity | Cost | |
|---|---|---|
| Water Treatment Plant | 400,000 | Table I |
| 12" Water Line | 300,000 | Table I |
| Total Table I items: | 700,000 | |

**Step 4.** Add up construction totals for all items that are in Table II.

**Example**

| Activity | Cost | |
|---|---|---|
| Roads | 300,000 | Table II |
| Total Table II items: | 300,000 | |

**Step 5.** Multiply percentages arrived at in Step 2 with the respective totals of Table I and Table II.

**Example**

Table I—7.8%

| Activity | Cost | |
|---|---|---|
| Water Treatment Plant | 400,000 | Table I |
| 12" Water Line | 300,000 | Table I |
| Total Table I items | 700,000 | 7.2% |

$700,000* 7.8= $54,600

Table II—6.0%

| Activity | Cost | |
|---|---|---|
| Roads | 300,000 | Table II |
| Total Table II items | 300,000 | 6.0% |

$300,000 * 6.8% = $20,400

**Step 6**. Add the total from Step 5 together.

**Example**

$54,600 + $20,400 = $75,000

If construction costs were wholly funded by CDBG, this figure would represent the most CDBG would participate in basic engineering fees. Anything above this would be the locality's responsibility.

**Step 7**. If your project exceeds the amount of CDBG funds budgeted for construction of the engineered items (as the example does), determine what proportion of the total engineering fees arrived at in Step 6 DHCD will pay.

**Example**

| | |
|---|---|
| CDBG | 550,000 |
| Engineered Project | 1,000,000 |
| CDBG % = | 55.5% |

Multiply this figure (55.5%) by total arrived at in Step 6 (68,400)

$75,000 * 55.5% = $41,625 is the most DHCD will spend on basic engineering fees in this project.

**Step 8.** Inspection Fees are determined by multiplying the percentage arrived at in Step 1 by the total construction costs used in Step 1. Again, CDBG represents a percentage of the total.

**Example**

$1,000,000 * 5.7% = $57,000

$57,000 * 55.5% = $31,635 is the maximum CDBG participation in Inspection Fees

Allowable CDBG participation in additional engineering is capped at 20% of the CDBG amount arrived at in Step 7 ($41,625) or $8,325.

Appendix

# 4.A LOCAL BUSINESS AND EMPLOYMENT PLAN

1. The (*Public Body*) designates as its Local Business and Employment Project Area the boundaries of _____.
2. The *(Public Body*), its contractors, and designated third parties shall in utilizing Community Improvement Grant funds utilize businesses and lower income residents of the Project Area in carrying out all activities, to the greatest extent feasible.
3. In awarding contracts for work and for procurement of materials, equipment or services of the _____, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial part by persons residing in the Project Area are:
   (a) The (*Public Body*) shall ascertain what work and procurements are likely to take place through the Community Improvement Grant Funds.
   (b) The *(Public Body*) shall ascertain through various and appropriate sources including:

   _____

   Project Area Newspaper of General Circulation

   _____

   _____

   the business concerns within the Project Area which are likely to provide materials, equipment and services which will be utilized in the activities funded through the Community Improvement Grant.
   (c) The identified business concerns shall be apprised of opportunities to submit bids, quotes or proposals for work or procurement contracts which utilize CIG funds.

(d) To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities which are funded with CIGs.

4. In the utilization of trainees or employees for activities funded through CIG's the (*Public Body*) its contractors and designate third parties shall take the following steps to utilize lower income persons residing in the Project Area.

(a) The (*Public Body*) in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for both trainees and employees which are likely to be utilized during the project funded by CIGs.

(b) The (*Pubic Body*) shall advertise through the following sources

_____

Project Area Newspaper of General Circulation

_____

_____

the availability of such positions with the information on how to apply.

(c) The (*Public Body*), its contractors, and designated third parties shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquires and applications.

(d) To the greatest extent feasible, the (*Public Body*), its contractors, and designated third parties shall utilize lower income project area residents in filling training and employment positions necessary for implementing activities funded by CIGs.

5. In order to ascertain substantial compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1968, the (*Public Body*) shall keep, and require to be kept by contractors and designated third parties, listings of all persons employed and all procurements made through the implementation of activities funded by CIGs. Such listings shall be completed and shall be verified by site visits and interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

# Appendix 4.B Local Business and Employment Notice

*[Instructions: Publish as a display ad in the local paper.]*

*(Locality)* is preparing to carry out *(Name of Project)* through the use of Virginia Community Improvement Grant Funds. In the implementation of this project the following job types may be available:

*(List of Job Classifications here)*

In carrying out this project *(Locality),* its contractors and subcontractors will, to the greatest extent feasible, utilize qualified persons who permanently reside within *(the Surrounding County)* for employment and training positions.

All job openings will be listed with the local office of the Virginia Employment Commission. Persons qualified for the jobs listed should register at the following location:

*(Name and Address of local VEC Office or Other Location if appropriate)*

Additionally, the following contracts and procurements will/may be made:

*a)* *List of construction and service contracts*

b) *List of construction subcontracts, major, specific equipment and general types of materials to be used*

*(Locality)* will, to the greatest extent feasible, use businesses located in or owned by persons residing in *(Surrounding County).*

Any person residing or firm located in the above named localities may request to participate in procurement opportunities associated with this project by contacting the following person within ten (10) days of this notice.

*Name of Designated Official*
*Address*
*Phone Numbers (voice and TDD)*
*Fax Number*

Written requests should include the name, address, product or service and phone number.

All above referenced procurements will be made on a competitive basis.

Appendix

# 5 MINORITY AND FEMALE BUSINESS NOTICE

*[Instructions: Publish in regional paper with a two-county wide circulation of 15,000.]*

*(Locality)* is preparing to carry out *(Name of Project)* through the use of Virginia Community Improvement Grant Funds. In the implementation of this project the following kinds of contracts will be issued and procurements made:

a) *List of construction and service contracts*

b) *List of construction subcontracts, major, specific equipment and general types of materials to be used*

*(Locality)* is soliciting the participation of minority and female owned businesses, contractors and suppliers in carrying out this project. Such businesses may be included on appropriate bid and procurement lists by submitting a written request within ten (10) days of this notice. Requests should state the name, address, product or service, and how the firm qualifies as a minority or female owned business concern.

Such requests should be addressed to:

*Name of Designated Official*
*Address*
*Phone Numbers (voice and TDD)*
*Fax Number*

All above referenced procurements will be made on a competitive basis.

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Appendix 6

# NON-DISCRIMINATION POLICY

The _____ of or any employee thereof will not discriminate against an employee or applicant for employment because of race, age, handicap, creed, religion, color, sex, or national origin. Administrative and Personnel officials will take affirmative action to insure that this policy shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; rates of pay or other forms of compensation; and selection for training.

Duly adopted at the regular meeting of the _____ on _____, 200_____.

_____

(*Signature of Chief Elected Official*)

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Appendix 7

# SECTION 504 REQUIREMENTS

The U. S. Department of Housing and Urban Development (HUD) has adopted policies and procedures to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance. These requirements, contained in 24 CFR Part 8, implement Section 504 of the *Rehabilitation Act of 1973* as amended. All local government recipients of CDBG Grant funds awarded by the DHCD must take certain actions to insure compliance with these requirements. These actions include:

1. Non-discrimination Notices: All local government grant recipients must take appropriate steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining agreements that it does not discriminate on the basis of handicap.

   Methods of notification include publication of advertisements in newspapers, posting of notices, and distribution of memoranda or other written materials.

   If a local government publishes or uses recruitment materials or publications containing general information that is made available to participants, beneficiaries, applicants, or employees, the policy of nondiscrimination based on handicap must be included.

   The local government must ensure that members of the population eligible to be served or likely to be affected who have visual or hearing impairments are provided with the information necessary to understand and participate in the program. Means for ensuring participation include qualified sign language and oral interpreters, readers, or the use of taped and Braille materials.

2. 504 Coordinator: Only local government grant recipients that employ fifteen or more persons must designate at least one person to coordinate compliance. All notification regarding nondiscrimination shall identify the coordinator by name and title. It is recommended that this person not be the Grants Administrator.

3. Effective Program Outreach and Communication: All local government grant recipients must take appropriate steps to ensure effective communication with applicants, beneficiaries, and members of the public. Telecommunication devices for deaf persons (TDDS) or equally effective communication systems shall be used for telephone communications with applicants and beneficiaries. The Virginia Relay Service may also be utilized at no charge. For more information about this service, call Virginia Relay Customer Care at 866-894-4116 (voice) or 866-246-9300 (TTY), 24 hours a day, seven days a week. Or, visit their web site at www.varelay.org.

**All published notices related to the CDBG program must include a TDD number.**

4. Grievance Procedures: Only local government grant recipients that employ fifteen or more persons must adopt grievance procedures that incorporate appropriate standards for due process and provide for the prompt and equitable resolution of complaints.

5. Conduct a Self-Evaluation: All local government grant recipients must conduct a self-evaluation to evaluate current policies and practices to determine whether in whole or in part they meet Section 504 requirements regarding nondiscrimination. Individuals with disabilities, organizations representing such individuals or other interested persons should be consulted as part of the self-evaluation process. Modifications to existing policies and practices and corrective actions to remedy any discrimination found may be necessary. Areas to be evaluated include:

   - Completion of the Site Accessibility Checklist For 504 Requirements. This review for physical accessibility need only be done on those buildings used for CDBG Program activities, including public meetings, and application for benefits processing must be evaluated.;

   - Development of a narrative that reviews the following areas:

     - Identification of 504 Coordinator;

     - Program outreach and communication, including the need to list the TDD number on all notices and advertisements required by DHCD;

     - Eligibility and admission criteria and practice;

     - Employment practices, including EEO and 504 grievance procedures; and

     - Complaint and appeals procedures.

Local governments are not necessarily required to make each facility accessible to individuals with handicaps, and need not take any action which can be demonstrated to impose an undue financial and administrative burden.

Methods of achieving program accessibility may include the following actions:

- Locate programs or services in accessible facilities;

- Assign aides to assist beneficiaries;

- Conduct home visits;

- Add or redesign equipment or furnishings;
- Change management policies or procedures;
- Acquire or build new facilities;
- Selectively alter existing facilities.

The written self-evaluation must be kept on file for three (3) years following completion and made available for review by the members of public, DHCD, and/or HUD.

The locality must also document any actions taken to correct past or current discrimination based on handicap.

# Resource Material on Accessible/Adaptable Housing and Facilities

Adaptable Housing: Marketable Accessible Housing For Everyone

U.S. Department of Housing and Urban Development (1987)

Uniform Federal Accessibility Standards (UFAS)

U.S. Architectural and Transportation Barriers Compliance Board (1984)

American National Standard For Buildings and Facilities – Providing Accessibility and Usability for Physically Handicapped People

American National Standards Institute, Inc. (1986)

Handicapped Requirements Handbook

Federal Programs Advisory Service (1987)

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## PUBLIC NOTICE SAMPLE

*[Instructions: Publish in regional paper with a two-county wide circulation of 15,000.]*

**PUBLIC NOTICE**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**
**HANDICAPPED REGULATIONS**

This notice is published pursuant to the requirements of 24 CFR Part 8, Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development, as published in the Federal Register on June 2, 1988. 24 CFR Part 8 prohibits discrimination against qualified individuals because of their handicapped status.

*(Grantee's Name)* advises the public, employees, and job applicants that it does not discriminate on the basis of handicapped status in admission or treatment or employment in, its programs and activities.

*(Grantee's Name)* has designated the following as the contact to coordinate efforts to comply with this requirement.

Such inquiries should be addressed to:

*Name of Designated Official*

*Address*

*Phone Numbers (voice and TDD)*

*Fax Number*

_____ *a.m.* - _____ *p.m.*

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# SELF-EVALUATION SITE ACCESSIBILITY CHECKLIST

This checklist is intended to be used as a relatively quick and easy guide to determine a building's physical accessibility. Detailed specifications for each area can be found in the Uniform Federal Accessibility Standards (UFAS).

Comments should be made on all "No" answers, and should include alterations that can or will be made, any insurmountable obstacles to accessibility, or other relevant circumstance or considerations.

| **PARKING** | **YES** | **NO** |
|---|---|---|
| Does the facility have designated parking spaces for disabled individuals? | ☐ | ☐ |
| Are spaces of adequate width (13 ft.)? | ☐ | ☐ |
| Are the spaces marked with the universal access symbol? | ☐ | ☐ |
| Are they near the building's entrance? | ☐ | ☐ |

Comments:_____

_____

_____

| **BUILDING ENTRANCE** | **YES** | **NO** |
|---|---|---|
| Is the main entryway wheelchair-accessible? (level entry or properly sloped ramp; 32" wide, non-revolving door) | ☐ | ☐ |
| If not, is there a reasonable alternative entry? | ☐ | ☐ |
| Is the entry relatively free of obstacles? | ☐ | ☐ |

Comments: _____

_____

_____

| **MEETING ROOMS** | **YES** | **NO** |
|---|---|---|
| Can all rooms to be used for meetings or meals be reached without using steps or escalators? | ☐ | ☐ |
| If elevator use is required, are the elevators accessible? (36" wide door, 54" deep x 68" wide car, wheelchair accessible controls, tactile buttons, auditory floor indicators) | ☐ | ☐ |
| If room changes are required between sessions, are pathways accessible? (36" wide hallways, free of obstacles) | ☐ | ☐ |
| Are doorways wide enough to accommodate a wheelchair? (32" wide) | ☐ | ☐ |

Comments: _____

_____

_____

| **FACILITIES** | **YES** | **NO** |
|---|---|---|
| Are restrooms wheelchair-accessible? (adequate floor space for wheelchair; grab bars, paper products, lavatories at proper height; extended faucet handles) | ☐ | ☐ |
| Are paths to the restrooms accessible? | ☐ | ☐ |
| Are drinking fountains wheelchair accessible? | ☐ | ☐ |
| Can telephones be used from a wheelchair? | ☐ | ☐ |

Comments: _____

_____

_____

# Section 504 Grievance Procedure Sample

The following grievance procedure has been adapted from a sample grievance procedure developed by the U. S. Treasury, Office of Revenue Sharing based on material prepared by the U. S. Department of Health and Human Services, Office of Civil Rights, Regional Technical Assistance Staff. It is intended as a guide only, to be tailored by recipient governments to suit their own particular circumstances and in consideration of any applicable state or local laws. This sample grievance procedure once completed should satisfy the requirements of the Department of Housing and Urban Development's (HUD) Section 504 regulations (24 CFR Part 8.53(b). Recipients should be reminded that existing grievance procedures may be used to meet the HUD requirements.

## Grievance Procedure

The *(Grantee's Name)* has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . ."

Complaints should be addressed to: *(name, title, office, address, telephone number)*, who has been designated to coordinate Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

2. A complaint should be filed within *(number of days)* after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)

3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by *(name of person)*. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53(b), the *(Grantee's Name)* need not process complaints from applicants for employment or from applicants for admission to housing.

4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by *(name of person)* and a copy forwarded to the complainant no later than *(number of days)* after its filing.

5. The Section 504 coordinator shall maintain the files and records of the *(Grantee's Name)* relating to the complaints filed.

6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within *(number of days)* to *(officer or employee responsible for handling appeals)*.

7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the *(Grantee's Name)* complies with Section 504 and the HUD regulations.

# Message Relay Service for the Hearing Impaired

| | |
|---|---|
| Telephone (Toll free): | 1-(800) 828-1120 - TDD |
| Hours: | 24 hours a day - 7 days a week/including holidays |
| Voice (Toll free): | 1-(800) 828-1140 |

Executive Memorandum 1-89, Agency Accessibility via Telecommunication Devices for the Deaf (TDD), requires state agencies and institutions to be accessible via TDD by July 1, 1989. Local government recipients of CDBG funds may also wish to contact the local community college, social services office or health department office to request their assistance in providing message relay services for hearing-impaired residents during the course of the grant contract agreement.

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Appendix 8

# RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

All Grantees must commit to minimizing project-related displacement and the hardships it imposes. The statutory and regulatory requirements of this commitment assure that individuals who are displaced or relocated because of project activity are fairly and fully compensated, and LMI dwelling units demolished or converted to non-LMI dwelling uses are replaced. Prior to signing a contract with DHCD, the Grantee must formally adopt, make public, and certify to DHCD that it is following a Residential Anti-Displacement and Relocation Assistance Plan. The Grantee must also certify that it will minimize displacement of persons as a result of assisted activities.

1. Regardless of whether displacement or conversion to non-LMI residential use is planned as part of the project, the plan must include, at a minimum, the following:

    a. Provision for one-for-one replacement of any LMI dwelling units demolished or converted to any other use as a result of this project;

    b. Provision for relocation benefits to any households displaced as a result of this project;

    c. A description of the proposed assisted activity;

    d. Steps the jurisdiction will take to minimize the displacement of persons from their homes;

    e. The complaint and appeals process; and

    f. An adopted housing standard defining an unoccupiable or uninhabitable house as a dwelling unit that does not meet local building codes and cannot be rehabilitated to meet code for $25,000 or less.

2. Projects including displacement, relocation, conversion or demolition must include all information listed above, as well as the following elements in their Anti-Displacement and Relocation Assistance Plan:

    a. The location (mapped) and size (by number of bedrooms) of each dwelling unit that will be demolished or converted to a use other than as an LMI dwelling unit as a direct result of the assisted activity;

    b. A time schedule for the commencement and completion of the demolition or conversion;

c. The location (mapped) and size of units (by number of bedrooms) that will be provided as replacement dwelling units;

d. The source of funding and a time schedule for the provision of replacement dwelling units;

e. The policy that any fixed moving expense and dislocation allowance will be based upon the current Federal Home Administration payment schedule;

f. The basis for concluding that each replacement dwelling unit will remain an LMI dwelling unit for at least 10 years from the date of initial occupancy; and

g. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of LMI households in the jurisdiction.

# One-For-One Replacement Rule

Projects including housing demolition or conversion must adhere to the "one-for-one replacement" rule: All occupied and vacant occupiable LMI dwelling units demolished or converted to *any use* other than as LMI dwelling units as a result of an assisted project activity must be replaced with LMI dwelling units. This is not required if Grantee can document that there are available units available to LMI in the community.

The key elements of this rule are:

1. Replacement LMI units may be provided by any government agency or private developer.

2. Replacement units must be located within the Grantee's jurisdiction, and to the extent feasible and consistent with other statutory priorities, the units shall be located in the same neighborhoods as the units replaced.

3. Replacement units must be comparable in size and number to those units demolished or converted so that at least the same number of individuals can be housed in the replacement units. Replacement units must not be smaller than those they replace, e.g., demolition of one 2-bedroom unit and construction of two 1-bedroom units.

4. Replacement units must be in standard condition.

5. Replacement units may include vacant units that have been raised to standard condition provided that

   a. No person was displaced from the unit as a result of an assisted project activity, and

b. The unit was vacant for at least three (3) months before execution of the agreement between the Grantee and the property owner.

6. Replacement units must initially be made available for occupancy during the period beginning one (1) year prior to the Grantee's completion and submission of a Residential Anti-Displacement and Relocation Assistance Plan to DHCD and DHCD's approval of such a Plan and ending three (3) years after the commencement of the demolition or conversion.

7. Replacement units must be designed to remain as LMI dwelling units for at least ten (10) years from the date of initial occupancy. Replacement units may include public housing or existing housing receiving Section 8 assistance under the *Housing Act of 1937*.

Under certain narrowly defined circumstances, a Grantee may request and be granted a waiver, by HUD, of the one-for-one replacement rule. For more information on waiver requirements, contact your DHCD Community Representative.

These elements point to the necessity of having complete information on the current housing stock and market in the locality. This information must be available for use and incorporated in drafting the Plan, prior to contracting with DHCD.

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# RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN CERTIFICATION

The *(Grantee Name)* will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income dwelling unit as a direct result of activities assisted with funds provided under the *Housing and Community Development Act of 1974*, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, the (Grantee Name) will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

1. A description of the proposed assisted activity;

2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;

3. A time schedule for the commencement and completion of the demolition or conversion;

4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;

5. The source of funding and a time schedule for the provision of replacement dwelling units;

6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and

7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction.

The (*Grantee Name*) will provide relocation assistance to each low/moderate – income household displace by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the *Housing and Community Development Act of 1974*, as amended, or the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended.

The (*Grantee Name*) *FY* project includes the following activities:

(*Description of Activities*)

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing right-of-way or easements to be purchased or the acquisition of tracts of land that do not contain housing. The (Grantee Name) will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for $25,000 or less.

_____

Signature of Authorized Official

_____

Date

# Fair Housing Certification

Compliance with Title VIII of the Civil Rights Act of 1968

Whereas, the _____ has been offered and intends to accept federal funds authorized under the Housing and Community Development Act of 1974, as amended, and

Whereas, recipients of funding under the Act are required to take action to affirmatively further fair housing;

Therefore, the _____ agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its project funded with Community Development Block Grant funds. The action taken will be selected from a list provided by the Virginia Department of Housing and Community Development.

_____
Signature of Authorized Official

_____
Date

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**ATTACHMENT TO ALL NON-CONSTRUCTION CONTRACTS**

# Subpart A: Equal Employment Opportunity

1. Executive Order 11246, as amended (Contracts/subcontracts above $10,000)

   a. During the performance of this contract, the contractor agrees as follows:

      (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

      (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.

      (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers ' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

      (4) The contractor will comply with all provisions of Executive Order 11246, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

      (5) The contractor will furnish all information and reports required by Executive Order 11246, as amended, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency

and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246, as amended, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246, as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246, as amended, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the contractor may request the United States to enter into such litigation to protect the interests of the United States.

b. Subcontracts

Each nonexempt prime contractor or subcontractor shall include the equal opportunity clause in each of its nonexempt subcontracts.

# Subpart B: Title VI Of The Civil Rights Act Of 1964, As Amended

All parties to this contract hereby agree to comply with the provisions of Title VI of the *Civil Rights Act of 1964* (Public Law 88-352) which provides: that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

# Subpart C: Section 109 of the Housing and Community Development Act of 1974, as Amended

No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the *Rehabilitation Act of 1973* shall also apply to any such program or activity.

# Subpart D: Section 3 of the Housing and Urban Development Act of 1968

(Applicable to all contracts/subcontracts)

1. The Section 3 covered Project Area for this PROJECT is designated as the boundaries of _____.

2. The work to be performed under this contract is on a project assisted under a program providing direct financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the *Housing and Urban Development Act of 1968*, as amended, 12 U.S.C. 1701 u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the project area.

3. The parties to this contract will comply with the provisions of said Section 3 and the procedures for compliance issued pursuant thereto by the Virginia Department of Housing and Community Development set forth in this section to wit:

    a. The PUBLIC BODY and the CONTRACTOR shall analyze the tasks to be performed under this CONTRACT and identify: (1) the opportunities for training and employment of lower income residents of the project area, and (2) contracts for work in connection with the project to be awarded to business concerns which are located in, or owned in substantial part by persons residing in the project area.

    b. After determining what services can be provided by area residents and/or area businesses:

(1) The CONTRACTOR will fill all vacant trainee positions to the greatest extent feasible with residents of the project area to the extent such residents are available. And, the CONTRACTOR shall fill all employment positions to the greatest extent feasible with residents of the project area to the extent such residents are available and meet the generally accepted qualifications for the position(s) needed to be filled.

(2) The CONTRACTOR will procure to the greatest extent feasible all materials, equipment and services necessary for the implementation of the PROJECT from business concerns located in or substantially owned by residents of the project area to the extent that such items are available, and of comparable quality and cost.

c. The CONTRACTOR shall not circumvent these Section 3 requirements by:

(1) Filling vacant trainee or employment positions in its organization immediately prior to undertaking work on the PROJECT; or

(2) Entering into procurement contracts immediately prior to undertaking work on the PROJECT.

4. The CONTRACTOR shall send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice of advising the same of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

5. The CONTRACTOR will include this Section in every subcontract for work in connection with this PROJECT and will at the direction of the PUBLIC BODY take appropriate action pursuant to the SUBCONTRACT upon a finding that the SUBCONTRACTOR is in violation of these provisions. The CONTRACTOR will not subcontract with any SUBCONTRACTOR where it has notice or knowledge that the latter has been found in violation of Section 3 of the Housing and Urban Development Act of 1968, and will not let any SUBCONTRACT unless the SUBCONTRACTOR has provided it with a preliminary statement of ability to comply with this Section.

6. Compliance with the provisions of Section 3 and the provisions of this Section shall be a condition of the Federal financial assistance provided to the PROJECT, binding upon the PUBLIC BODY for such assistance. Failure to fulfill these requirements shall subject the PUBLIC BODY, its contractors, its subcontractors and its successors to those sanctions specified by the grant agreement or contract through which Federal assistance is provided.

7. The parties to this CONTRACT verify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

## Subpart E: Records Retention

The CONTRACTOR shall maintain financial records, supporting documents, statistical records, and all other records pertinent to this contract during the period of this contract and for five (5) years from the date of final payment; except, if any litigation, claim or audit is started before the expiration of the 5-year period, the records shall be retained until all litigations, claims, or audit findings involving the records have been resolved.

## Subpart F: Provisions Required by Law Deem Inserted

The provisions of Article 4 (Ethics in Public Contracting), Chapter 7 of Title 11 of the Code of Virginia, as amended, is hereby incorporated by reference and each and every other provision of law and clause required by law to be inserted herein shall be deemed to be inserted herein and the contract shall be read and enforced as though it were included herein.

## Subpart G: Immigration Reform and Control Act of 1986

The Contractor agrees by signing this contract that he/she does not and will not during the performance of this contract violate the provisions of the *Federal Immigration Reform and Control Act of 1986*, which prohibits employment of illegal aliens.

## Subpart H: Access to Records

The Public Body, the Virginia Department of Housing and Community Development, the U.S. Department of Housing and Urban Development, the U.S. Department of Labor, the Inspector General, and the General Accounting Office, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Contractor which are directly pertinent to this Contract for the purpose of making audit, examination, excerpts, and transcriptions.

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Appendix

# 10 CONTRACTING PROCESS

In carrying out its CDBG project, a Grantee may need to procure many different types of goods and services. Each type may require a different procurement and contract procedure; e g., small purchases, sealed bids (construction), or competitive proposals (professional and non-professional services). The types of contracts that are generally used are discussed below.

✱ **All CDBG funds used to purchase services and construction must be obligated through a competitive procurement process, unless work is to be done through the Grantee or its public sector agent, or DHCD has given its prior approval.**

✱ **The Grantee may not execute a contract, obligate any funds or expend any funds before the effective date of the CDBG Grant Agreement unless the Grantee has received written approval from DHCD to do so.**

✱ **A completed *Community Improvement Grant Disclosure Report* must be provided by all contractors and private corporations e.g., non-profits or consultants if the contract will exceed $50,000. The sole exception is contracts with housing rehabilitation subcontractors. See Appendix 71 for a copy of the report.**

## Requirements Related to Small Purchases

Virginia's CDBG program requires that every Grantee adopt a Small Purchase Procedure that is in compliance with the *Virginia Public Procurement Act*. This includes localities with a population of 3,500 or less. The Code of Virginia (July 2003) reads:

> "A public body may establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for goods and services other than professional services if the aggregate or the sum of all phases is not expected to exceed $50,000; however, such small purchase procedures shall provide for competition wherever practicable. Purchases under this subsection [2.2-4303(G)] that are expected to exceed $30,000 shall require the written informal solicitation of a minimum of four bidders or offerors."

The Grantee's written small purchases procedure will be reviewed by DHCD during the Pre-Contract Activities phase.

# Purchase Contracts

This type of contract usually involves the purchase of equipment and supplies. The distinctive features of this type of contract are:

1. Specificity. Both the goods to be acquired and the total cost to be paid are specifically established by the contract, with the cost set by total price or by unit price.

2. Simplicity. Since many of these purchases will, in the aggregate, cost not more than $50,000, small purchase procedures as adopted by the Public Body apply, provided that price or rate quotations are obtained from an adequate number of qualified sources.

# Construction and Housing Rehab Contracts

The provisions of construction and housing rehabilitation contracts are covered in Chapter 6: Design and Construction Process and Chapter 9: Housing, respectively.

# Requirements Related to Contracts for Services

The Grantee may not award a single contract to a private corporation for both grant administration services and design and construction management services e. g., engineering, architectural services, or rehabilitation specialists when CDBG funds are being used to purchase those services. The Grantee must solicit for each service and insure that separate contracts are drawn for each service. Services ineligible for CDBG funding include prior engineering studies and preparation of the Grant Proposal.

Furthermore, to the extent possible and practical, all contracts for services funded with CDBG monies should be structured so that payment for services rendered is triggered by successful attainment of pre-determined performance measures. Every contract negotiation should begin with the outcome in mind, identification of benchmarks necessary to attain to achieve the outcome and pre-determined amounts of compensation to be dispensed when the benchmarks are met. See Appendix 3 for more details about DHCD's pay for performance requirements.

# Professional Services Contracts

The *Virginia Public Procurement Act* defines professional services as work performed by an independent contractor who practices accounting, architecture, land surveying, landscape architecture, law, medicine, optometry, pharmacy, or professional engineering. For CDBG projects, the most frequent type of professional services required is design services (hereafter referred to as Engineer). The procurement of professional services must be done using a competitive proposal process where selection is based on qualifications and professional competence, unless prior DHCD approval is obtained. It

is the responsibility of the Grantee, through its Selection Committee, to determine what specific qualifications and experience constitute the level of competence necessary for the project.

The first thing the Grantee should do in procurement of professional services is to step back and contemplate the broad outcome intended from the project. What is it you hope to have when the project is complete? How will the project area be different? What do you think it will take to get there?

Next you need to make sure you understand the type of project you are undertaking. Is it just infrastructure e.g., water, sewer, drainage, streets, etc. or does it include work on buildings? Having grasped the type of project being done, you should then be cognizant of seeking a firm that has the skills necessary to best assist given your project type. For example, you need to know when you need an architect versus an engineer.

You also need to know the type of primary expertise you need. For instance, if it is architecture you need, do you need someone with expertise in new building design and construction, deteriorated building design and renovation or perhaps landscape design and construction? Many times the types of expertise may be varied and in such cases, make sure you hire the best "team" of experts to meet your needs.

Another important determination is to have an understanding as to the timetable for implementation of your project. By what dates do you want critical phases done? You need to mind-map your desired timetable and make that timetable part of the information you convey to the prospective firms that show interest in your project.

Another consideration is the degree to which your project is straight forward versus more challenging. Is it a single activity project or does it include multiple activities? For instance, if it is a downtown project involving architectural and engineering activities as well as multiple interfacing construction activities, you need to seek firms that demonstrate expertise in coordinating multidimensional projects similar to yours. Do not hire a firm without the expertise you need simply because you have an existing relationship with them on other projects totally unlike the one you are about to undertake.

In so doing, the Grantee must abide by the following process:

## *Typical Architectural/Engineering (A/E) Services*

Basic engineering is broken into three phases:

1. Design Phase: Includes all surveying, field reconnaissance, engineering analysis, drafting, preparation and assembly of the plans and specifications, securing review and approval by all appropriate regulatory agencies. DHCD considers completion of this phase to represent 70% of the total basic engineering services fee.

2. Bidding and Contracting Phase: Includes all services related to the competitive, sealed bid procurement process to hire a construction contractor. DHCD considers completion of this phase to constitute 10% of the basic engineering services fee.

3. Construction Administration Phase: Runs concurrent with the construction of the project activities and includes review and approval of shop drawings; review and approval of contractor Requests for Payments, developing and processing construction change orders and field changes, resolving contractor questions and issues during construction, and periodic site visits by the Design Engineer. DHCD considers this phase to constitute 20% of the basic engineering services fee.

CDBG funds in support of Basic Engineering services are capped per the Fee Schedule found at Appendix 3: Project Budget.

## *Inspection*

Generally, the engineering firm that designs the project should inspect the construction work for a specified fee. Inspection is categorized as either resident or periodic. DHCD requires, unless specifically authorized otherwise, the use of Resident Inspection.

1. Resident Inspection: Involves the use of a full-time, on-site Resident Project Representative of the Engineer (RPR) at all times the Contractor or subcontracts are working. The RPR is primarily responsible for serving as the liaison between the Contractor and Engineer. In this capacity, the RPR observes the construction, records observations of the construction [including quantity of materials installed] and prepares various reports regarding construction activities. DHCD assumes that resident inspection will take place on all CDBG projects unless the Grantee requests in advance, and receives, DHCD permission to conduct periodic inspection. Qualifications for a RPR must include a general knowledge of the proposed type of construction.

2. Periodic Inspection: This method involves using representatives of the Engineer for spot or milestone inspections. Visits to the construction site either on a schedule or when critical construction elements must be approved before the project can proceed. Generally, qualifications for someone conduction periodic inspections include construction knowledge and training in one or more construction trades and often also includes a bachelor's degree in architecture and/or engineering.

CDBG funds in support of Resident Inspection services are capped per the Fee Schedule found at Appendix 3: Project Budget.

## *Additional Engineering Services*

Some projects will require engineering services other than basic engineering or inspection. Examples of services that would be considered "additional" include geotechnical analysis, surveying for property plats and work for litigation purposes.

✱ **Any and all services identified as additional must receive prior written approval from DHCD to be eligible for payment with CDBG funds.**

CDBG funds in support of Additional Engineering services are capped at no more than 20% of CDBG participation in Basic Engineering.

## *Create a Selection Committee*

The first step is to establish a Selection Committee, which is tasked with reviewing and ranking all proposals received and interviewing at least the top two (2) candidates. Therefore, the Selection Committee should be comprised of individuals who either have some technical knowledge or who have some responsibility for the project in either an elective or appointive capacity. The Committee might include members of the local governing body, Chief Administrative Officer, Public Services Director, Attorney, Planning Director, and Grant Administrator.

The Selection Committee should be engaged in the following tasks:

1. Develop a clear understanding of the project outcome;
2. Establish the selection criteria;
3. Develop an evaluation process;
4. Prepare the RFP Package;
5. Advertise the RFP;
6. Pre-qualify service providers (if desired) with prior approval from DHCD;
7. Evaluate, score and rank proposals;
8. Conduct interviews with the most qualified firms;
9. Prioritize proposals based on interviews and evaluations; and
10. Contract Negotiations with recommended awardee.

## *Establish the Selection Criteria*

The selection criteria must be developed before the RFP package is released. The first step is to clearly determine what the outcome, timeline and budget of the project are as outlined in the Contract Negotiation Record or CDBG Grant Agreement. Using this information, the selection criteria is developed. This criteria serves as the basis on which proposals and firms are evaluated.

Generally speaking, a selection criteria should encompass the following:

- Evidence of the Engineer's understanding of the project outcome i. e., what the project is intended to accomplish, the Engineer's proposed course of action for achieving the project outcome on time and within budget;

- The scope of specific engineering services the Engineer intends to provide, including how and when the Engineer plans to involve the Grantee and end users in the design and completion of the project. The scope of services cannot change the level of benefit Work activities may be revised, with approval, if benefits and scope of work are not affected;

- The Engineer's opinion as to the adequacy of the estimated project costs based on an understanding of the project and services proposed;

- The qualifications and experience of the individuals the Engineering firm will assign to the project to provide the proposed services;

- Names and addresses of all clients for whom the Engineer has performed similar services within the past 5-10 years;

- Engineer's experience in collaborating with any regulatory agencies involved in the project and how and when the Engineer plans to involve these agencies in the design and construction process;

- Any potential problems the Engineer perceives with the project as proposed;

- The capacity of the Engineering Firm to perform the work within the time limitation, taking into account the current and planned workload of the firm and the staff turnover rate. This would include assurances that the staff assigned to the project will attend the monthly Project Management Team meetings;

- Knowledge and familiarity of the Engineering Firm with the procedures of the Virginia CDBG program;

- Average time for completion of past projects similar in type and size, from beginning of design to start of construction to completion of construction.

**✱ State law prohibits the inclusion of estimates of staff hours or cost for services as a selection criterion for professional services. State law requires that price be considered, but not the sole factor, as a selection criterion for non-professional services.**

## *Develop an Evaluation Process*

Grantees should have in place a method for reviewing and evaluating the proposals received. DHCD recommends that Grantees develop a scoring sheet that adequately and systematically captures information submitted by the offerors responding to the RFP. It is advisable to use a matrix system whereby offerors are scored based on the pre-determined selection criteria so that the selection criteria remain constant throughout the evaluation process.

## *Prepare the RFP Package*

The Request for Proposal is a detailed package of information necessary for design firms. It allows firms to understand the nature of your project, what your professional design services needs are and how to provide to you with the information you need so you can assess the various firms who express interest and ultimately hire the best fit for you given your project. Therefore you need to include those areas of information discussed previously.

The RFP package should include, but not necessarily be limited to, the following.

- Clear statement of Grantee's intended outcome.
    - Let the prospective firms know what is it you hope to have when the project is complete?
    - Tell them how you envision the project area will be different?
- The desired timetable for implementing the project;
- Maps (and/or photographs if applicable) of the project area;
- A statement that the project is being financed, in part, with CDBG monies, a description of what the required benefits to be achieved are, as outlined in the CDBG Grant Agreement, and that the achievement of said benefits *must* take place;
- All estimates of total project costs and the amounts and source(s) of financing for the project;
- The selection criteria to be used to evaluate each firm's proposal;
- The timetable for evaluation of proposals, interviews, negotiations with the highest ranking firm and target date for executing an agreement;
- The fact that the firm will be compensated based on the successful completion of negotiated threshold-based tasks as opposed to time incurred;
- Name of grantee contact person to answer questions pertaining to the RFP;

- The date and time by which proposals must be delivered;

- Number of copies of the proposals to be submitted;

- The information to be included in the proposals. It should include the following: (Note – this information will correlate with the Selection Criteria from which the firms will be evaluated and ranked.)

  - The approach the firm proposes to achieve your outcome including;

    - A timeline for implementation;
    - A list of concerns relative to project implementation and how the firm proposes to address said concerns;
    - How the firm proposes to address budget shortfalls; and
    - How the firm proposes to keep the Grantee informed and engaged throughout project implementation;

  - The specific individuals who will compose the project team;

  - The qualifications (education and experience) of each team member;

  - The current workload of the team members and how the Grantee's project will be incorporated into their current backlog of contracted work;

  - A comprehensive list of *all* related projects that the firm and team members have worked on in the past 5 – 10 years;

  - A list of no less than five (5) persons from the above list of related projects that can be contacted for references;

  - The firm's experience in collaborating with any regulatory agencies involved in the project and how and when it plans to involve them in the design and construction process;

  - What services the firm intends to provide and what services they intend for the Grantee to provide;

  - Knowledge and familiarity of the firm (and more importantly, the assigned team members) with the procedures of the Virginia CDBG program;

  - Experience on similar projects including "lessons learned" from those projects that benefit the Grantee's project; and

  - Other pertinent information the firm deems important and relevant to its selection to work on this project.

## .Advertise the RFP

The *Virginia Public Procurement Act* requires that public notice (advertisement) of the RFP be given a minimum of ten (10) days prior to the date set for receipt of proposals but DHCD recommends that a minimum of three (3) weeks notice be given. This public notice must include the posting of the RFP in a public area normally used for posting of public notices. It must also be published in a newspaper(s) of regional circulation with a daily circulation of at least 15,000. This will provide reasonable notice to the maximum number of offerors who might be anticipated to respond. If the Grantee has a "home page" on the World Wide Web, the notice should be listed there. Proposals may also be solicited directly from potential firms.

To control the costs of public advertising, an abbreviated advertisement example found later in this appendix may be used.

## Pre-qualify Service Providers

With prior approval from DHCD, the Grantee may choose to pre-qualify prospective firms and contractors and limit consideration of proposals to those who have been pre-qualified. Pre-qualification procedures must be established in writing, be consistent with section 2.2-4317 of the *Virginia Public Procurement Ac.* and be developed sufficiently in advance of its implementation to allow potential firms and contractors a fair opportunity to complete the process. Pre-qualification should not curb the competition for services.

## Evaluate, Score and Rank Proposals

After the date set for receipt of all proposals, each Selection Committee member should review the proposals independently and score the proposals based on his/her perception of the qualifications for each selection criterion. The totals of each member, per proposal, should be added to determine composite rankings of the committee as a whole. This ranking serves as the basis for determining what firms are to be interviewed.

Because some committee members may lack sufficient knowledge of design procedures and terminology to evaluate proposals, the Selection Committee may find it valuable to review proposals together but to score each proposal independently.

After proposals are evaluated and ranked, the Grantee should conduct interviews with two (2) or more firms whose professional qualifications and proposed services are deemed most qualified to this point. By Virginia statute, at least two (2) firms must be interviewed. For professional services, non-binding estimates of project costs, including life-cycle costing, may be discussed in conjunction with the interview.

The Grantee should keep in mind that all proprietary information from competing firms may not be disclosed to the public or to competitors.

After the interviews, the final ranking must be completed.

## *Contract Negotiations*

The Grantee enters into negotiations with the highest ranked firm. If a contract satisfactory and advantageous to the Grantee can be negotiated at a price considered fair and reasonable, the award must be made to this firm. If not, negotiations with the highest ranked firm should be terminated, and negotiations should begin with the second highest rated firm. This process should continue until a contract can be negotiated at a fair and reasonable price.

For both professional and non-professional services, should the Grantee determine in writing and in its sole discretion that only one firm is fully qualified, or that one firm is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that firm.

**❋ DHCD must be consulted and issue prior concurrence to award being made under these circumstances.**

The professional services contract is the only type of CDBG contract which may not firmly specify total project-related cost. Consequently, there is a strong necessity to control and justify all costs incurred in the performance of this type of contract. In negotiating the Engineer's fee, the Grantee must comply with DHCD's limitation on how much CDBG funds may be used to pay for the Engineer's services. Maximum CDBG participation is capped using the Engineer's Fee Schedule found at Appendix 3: Project Budget. The Grantee, if it negotiates a higher fee, is responsible for all costs above what the Fee Schedule allows. The following policies govern the Engineer's fee:

- Increases in fees for redesign or rebid due to bid overruns will not be approved by DHCD. Any increase in engineering fees for redesign or rebid of a project is the responsibility of the Grantee. Contracts between the Grantee and the Engineer that increase fees beyond what is agreed upon with DHCD approval will result on the increased fees being the responsibility of the Grantee.

- The Fee Schedule applies to the entire construction budget of a project. In the event that CDBG funds represent a portion of the whole (for example 70%) construction budget, CDBG funds will be allocated to the engineering fees at that same portion (70%).

- CDBG funds may not be used to pay up front costs or any of the proportionate share of costs to be paid by Rural Development, EPA, local or other funding sources involved in the project.

- DHCD reserves the right to require the Grantee to divide activities into smaller portions for bidding to expedite the expenditure of CDBG funds and/ or to help in obtaining greater minority and female-owned business participation. However, projects with activities that can be bid simultaneously are considered as one project for the purpose of computing basic engineering and inspection fees.

- Exceptions.

  - Well Drilling. Must be identified as a separate activity but construction costs do not need to be included in the total project construction cost when applying the fee schedule. The design fee may be calculated separately for that activity;

  - Indoor Plumbing Construction. If design, construction management and inspection services are necessary for indoor plumbing construction and for the house(s) to meet Minimum Dwelling Standards, the fee may be calculated separately without use of the fee schedule. Up to 10% of the total amount of the budget activity may be used for non-construction costs e. g., design survey, legal, and inspection; or

  - Other activities, which by their nature, must be done prior to or separate from the rest of the construction actions must be approved by DHCD in writing.

- Additional Engineering. Fees for additional engineering services must be based on hourly rates and direct costs incurred by the Engineer. No mark-up of subcontractor costs or direct costs to the Engineer is eligible for CDBG payment. Hourly rates must be per the Standard Billing Rate Schedule included as part of the engineering agreement with the Grantee.

  To be eligible for payment with CDBG funds, each and every additionally service to be performed must receive written approval from DHCD prior to incurring the cost this service. DHCD typically considers only geotechnical/subsurface work, surveying, or work completed for litigation purposes as allowable additional engineering costs.

  The cost of additional services may not exceed 20% of the CDBG participation in basic engineering.

  Additional service does not include the task of negotiating with property owners for easements. DHCD considers this an administrative task and therefore pays for this task using the administrative portion of the CDBG budget.

## *Pay for Performance*

CDBG compensation for professional design services must be disbursed upon specific pay-for-performance provisions. These provisions must be as follows, unless otherwise negotiated with DHCD prior to the release of the RFP:

1. Layout and specifications complete; presented to owner – 30%;

2. Plans and specifications submitted to regulatory agencies—50%;

3. Plans and specifications approved by regulatory agencies—60%;

4. Publication of invitation to bid—70%;

5. Award of contract and completion of pre-construction conference—80%;

6. Star of construction through substantial completion with percentage of remainder tied to construction completion—Up to 95%; and

7. "As Constructed Drawings" submitted to the Grantee, along with *Certification of Final Completion and Acceptance*—100%.

### *Contract Provisions*

Once negotiations are completed, a contract must be drawn up. Required contract language includes:

- Identify of key personnel assigned to the project and that changes in personnel must be communicated immediately to the Grantee;

- Schedule for completion of the design components;

- Documentation and eligibility of compensation requests must be firmly established in the contract. This section should also specify the method of payment;

- Attendance of Project Management Team meetings;

- Timing and nature of progress reports to Grantee;

- Reference to CDBG Grant Agreement; and

- *Attachment to All Non-Construction Contracts* found later in this appendix must be attached to the contract.

A copy of the CDBG Grant Agreement and *What Engineers Need to Know,* found later in this appendix, should be given to the Engineer.

✱ **Your Community Representative will review the proposed contract in order to provide technical assistance if requested to do so. However, this review should not be considered a substitute for one done by the Grantee's Attorney.**

## Non-Professional Services Contracts

Nonprofessional services are defined as any services not specifically identified as professional services e. g., appraisers, rehabilitation specialists, grant administration consultants, and demolition contractors. A private corporation e. g., non-profit or consultant may not provide both rehabilitation specialist services (including outreach, inspections, design, and construction management) and general grant administration

services. Even if the Grantee hires a private corporation to administer the project, the Grantee is still responsible for all grant requirements and must maintain **active** oversight of the private corporation's work.

As mentioned earlier, the major difference between the procurement of professional and non-professional services is that, in the case of non-professional services, price *can* be considered, but need not be the sole determining factor. The procurement of non-professional services must be done using the same procedure as for professional services up to conduct negotiations, unless prior DHCD approval is received:

1. Create a Section Committee;

2. Establish a section criteria;

3. Develop an evaluation process;

4. Prepare a RFP or Request for Qualifications (RFQ) package;

5. Advertise the RFP or RFQ;

6. Evaluate, score and rank proposals;

7. Conduct interviews with the most qualified firms. This step is not always necessary; and

8. Conduct negotiations with each of the offerors deemed fully qualified and best suited among those submitting proposals, based on the evaluation criteria. Prices shall be considered, but need not be the sole determining factor. However, fees must be reasonable, related to the services provided, and based upon specific pay-for-performance benchmarks. After negotiations have been conducted with each offeror so selected, the Grantee shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. The key sections of non-professional services contracts are the same as those for professional services. A "not to exceed" amount must be specified in the contract.

## *Grant Administration Services*

The Grant Administrator's job is to make sure that the activities outlined in the CDBG Grant Agreement are achieved, completed on time, within budget and in compliance with the program requirements. Therefore, the scope of services for a grant administrator will typically include the following activities:

- Preparation of all DHCD-required reports, plans and support documentation including, but not limited to the following:

- Maintain a current Project Management Plan with implementation schedule, revise the Plan as necessary and submit the revised Plan to DHCD for review and concurrence. The Management Plan is attached and made part of this agreement;

- Prepare and submit monthly progress reports to DHCD. Said reports shall be submitted in a format to be provided by DHCD. A copy of the progress reports will be submitted at the same time to the Grantee;

- Prepare and submit, as requested by DHCD, Annual Activity and Beneficiary Reports and Annual Expenditure Reports; and

- Prepare and submit all final reports required to closeout the CDBG grant;

- Attend meetings related to the project, including but not limited to:

  - Meetings with staff and officials of the Grantee, engineers, rehabilitation specialist, DHCD and others as necessary to assist in the implementation of the project;

  - Public and/or neighborhood meetings, as necessary to inform residents of project activities during the implementation process of the project; and

  - DHCD-sponsored workshops, seminars and public meetings related specifically to the project and/or general project management and administration of the CDBG program.

- Develop and maintain a system of project files in compliance with DHCD requirements for an effective filing system;

- Devise a system to track LMI requirements, including developing appropriate record-keeping forms to monitor and document program beneficiaries and progress for each activity with emphasis on low- and moderate-income households served by respective activities. The system will be designed to ensure the confidentiality of all applicant and beneficiary information;

- Serve as the Contract Compliance Officer for all activities required under the Davis-Bacon Act, the Copeland Anti-Kickback Act and the Agreement Work Hours and Safety Standards Act. These activities include securing wage decisions, verification of contractors' eligibility, DOL notification, reviewing contractors' payrolls, securing required reports from contractors, interviewing employees, on-site job inspections and resolving wage restitution, if needed;

- Assist the Grantee in complying with all Federal, State, and local regulations governing the project in the following ways:

- Serve as liaison between the Grantee and DHCD;
- Monitor all requirements of the CDBG Grant Agreement to ensure activities are completed in conformance with the Grant Management Manual;
- Participate in project compliance reviews by DHCD staff and promptly prepare responses to DHCD Compliance Review letters of findings; and
- Ensure an annual Fair Housing activity is undertaken by the Grantee;

- Ensure that a project sign is installed at the beginning of the project;
- Organize and oversee a neighborhood cleanup campaign to ensure the clearance of all junk, debris, weeds, inoperable vehicles and dilapidated structures from the project area at least once every twelve (12) months; and
- Monitor the project budget and prepare and submit all drawdown requests and budget revisions for review and concurrence by the Grantee prior to submission to DHCD.

Grantees have two options in procuring for grant administration services. They can hire a private corporation e.g., non-profit or consultant through a competitive procurement process as outlined above or they can execute an inter-agency contract as described below. Nevertheless, familiarity with CDBG requirements and experience with the same type of project for which they are being procured should be key selection criteria.

## *Housing Rehab Program Administrator Services*

For various reasons, some Grantees may decide not to have the Grant Administrator serve as the Housing Rehab Program Administrator. The scope of services for a Program Administrator will typically include the following services:

- Oversee day-to-day program activities;
- Ensure program activities are carried out in a fair and equitable manner;
- Review all applications to determine eligibility;
- Meet with eligible applicants to discuss the program and loan requirements;
- Perform a preliminary HQS housing inspection independent of the Rehabilitation Specialist;
- Present the applications with recommendations to the Rehab Board;

- Coordinate Rehabilitation Specialist's initial visit to the property and accompany the Rehabilitation Specialist much as possible;

- Review the Rehabilitation Specialist's inspection report and specifications to determine:

  - That all standard violations have been included and addressed;

  - That the specified work relates to HQS and does not include cosmetic repairs;

  - That work items and quality are consistent for all property owners; and

  - That the work can be performed within DHCD's cost limits;

- Oversee the bidding process and make a recommendation to the Rehab Board;

- Conduct the Pre-construction Conference, allowing the Rehabilitation Specialist to address technical issues;

- Once construction has begun, review inspection reports;

- Approve all pay requests and change orders;

- Make site visits to monitor progress of construction;

- Receive all complaints and investigate and make recommendations to solve them; and

- Oversee the loan packaging and disposition.

## *Rehabilitation Specialist Services*

The Rehabilitation Specialist takes primary responsibility for designing, bidding, controlling the quality of the work completed by the housing contractor and ensuring the timely completion of all housing construction contracts. The scope of services for a Rehabilitation Specialist will typically entail the following services:

- Perform an initial DHCD Housing Quality Standards (HQS) inspection for deficiencies for each eligible dwelling, including blower door test, chimney inspection, and electrical inspection. Submit an inspection report with results.

- Completion of work write-ups stipulating repairs, including drawings, when necessary, showing locations of repairs;

- Preparation and submission of a cost estimate of specified repairs;
- Prepare master specifications for contractors and Grantee's files;
- Develop a list of pre-qualified contractors;
- Conduct pre-bid walk through of each property;
- Prepare bid documents;
- Inform the Program Administrator if temporary relocation will be required due to lead-based paint requirements;
- Conduct pre-bid conference and pre-construction conference with owners and contractors, including a discussion of regulatory information;
- Accept and review bids for completeness and accuracy. Determine if the bids are within 10% of the cost estimate and within DHCD's cost limitations. If not, recommend how the Grantee should proceed. Ensure that winning contractor has had "Lead-Safe Work Practices" training;
- Submit a bid tab and contract award recommendation;
- Conduct negotiation with contractors, when necessary, to obtain prices within program limits;
- Perform weekly inspections during construction, including ones at critical times in the construction process e.g., electrical and plumbing rough-in, at 50% and at completion, and submit inspection reports with findings. Ensure that work is done in accordance with lead procedures as outlined in the current Grant Management Manual;
- Approve contractors' request for payment based upon payment inspection and according to a drawdown schedule and Project Management Plan. Submit inspection report with payment approval. The Rehabilitation Specialist will not approve the final payment request until the following documentation, as applicable;
- Submit to DHCD *all* change orders for review and concurrence before execution;
- Communicate with contractors and owners during construction to interpret contract and resolve complaints;
- Prepare punch-list for contractors' completion;

- Conduct final DHCD HQS inspection of project, ensure full compliance with Bid documents and program requirements, including post blower door test, and submit report with results;

- Procure the services of licensed pest control to inspect for the presence of wood-destroying insects to include written report;

- Prepare owner's satisfaction statement for written approval of work and obtain contractor's warranties, lien waivers, etc. prior to final payment. Secure Certification of Final Completion. Submit Project Completion Report with a copy of the Register of Contractors;

- Assist with Home Maintenance Education Program by providing beneficiaries with warranties and explaining said warranties to beneficiaries. Explain the operation of mechanical systems;

- Attend Management Team, Housing Rehabilitation Program Board and neighborhood meetings, as necessary;

- Provide all related documentation to the Grantee; and

- Submit annually a copy of the Rehabilitation Specialist's current Risk Assessor license as issued by DPOR.

**✱ To find out if a Rehabilitation Specialist has a current Risk Assessor license, call 804-367-8511 or go to www.state.va.us/dpor and click on "License Lookup."**

Familiarity with CDBG requirements and experience in the construction business and as a rehabilitation specialist should be key selection criteria.

## *Risk Assessor Services*

Typically any required risk assessor services will be provided by the Rehabilitation Specialist. However, if this is not the case, it is especially important that the contracts with the Rehabilitation Specialist and Risk Assessor state clearly who is responsible for completing risk assessments as part of the initial inspections, how these findings will be incorporated into the job specifications, who will assure use of Lead Safe Work Practices, and who will perform clearance testing.

## *Appraisal Services*

All appraisers must be licensed by the Virginia Department of Professional and Occupational Regulation (DPOR). For properties with an estimated fair market value greater than $2,500, the Grant must hire an independent appraiser. For residential properties of one (1) to four (4) units with an estimated value under $100,000, the

Grantee must hire a Certified *Residential* Appraiser, as licensed by DPOR. The Grantee must hire an independent Certified *General* Appraiser for all remaining written appraisals. When selecting an appraiser, experience with the same type of appraisal as the one being procured should be a key selection criterion.

A contract must be executed and must specify appraisal report content and other requirements necessary to determine just compensation.

❋ **To find out if an appraiser has a current DPOR license, call 804-367-8511 or go to www.state.va.us/dpor and click on "License Lookup."**

### *Recordkeeping*

The Grantee must ensure that the following documentation is placed in the project files:

- Proof of advertisement;
- A copy of the RFP and RFQ and all offers received;
- A roster of the Selection Committee;
- The Committee's ranking of the proposals received; and
- Identification of who was interviewed, if applicable.

See Appendix 24: Model Filing System for more details.

## Inter-agency Contracts

Inter-agency contracts are generally executed to utilize the expertise of another public entity. Such contracts are with:

1. Redevelopment and Housing Authorities, Public Service Authorities or Planning District Commissions. Such entities are considered quasi-public bodies.

   ❋ **The Grantee is also responsible for monitoring to assure that the Agency is complying with all CDBG requirements.**

2. Contracts with other Local Governments. In the case of a Grantee applying for and receiving a grant on behalf of other local governments, the Grantee will be held responsible by DHCD for compliance with all program requirements. In this instance, the contract must address such issues as which locality will be responsible for the environmental review, equal opportunity, fair housing and other responsibilities normally carried out by the locality receiving the funds and in whose boundaries the funds are expended.

The key sections of these contracts are:

1. Scope. The Grantee may use either a formal contract or an agreement by memorandum. A clear statement of the project activities must be included in the contract. For physical improvements, the scope should include information relative to the geographic area within which the activity will occur as well as a statement of the expected result or "product" under the contract. For major acquisitions, a detailed site plan should be included in the scope section of the agreement. Other projects may include a series of interrelated tasks e. g., survey, design, demolition, construction, intended to produce a single product. Although a single contract may be used, the scope of each task should be identified. The scope section must include a detailed job description or other statement of duties for each employee assigned. It must also specify the title of the supervisor responsible for approving time sheets and authorizing expenses. Governmental agencies operating within and having a direct statutory relationship with the Grantee may provide both general administration and administering of rehabilitation activities provided that the Grantee's Chief Administrative Official maintains *direct* oversight overall activities and financial charges;

2. Cost. Detailed budgetary information must be included in the contract and will constitute the primary project cost control mechanism. A "not to exceed" amount must be specified in the agreement. There must also be a stipulation that invoices must be submitted on a cost reimbursement basis, based upon specific pay-for-payment provisions.

   ✱ **Indirect Costs can *not* be recovered by a Grantee unless an Indirect Cost Plan has been submitted to and approved by DHCD (See Chapter 5: Financial Management).**

3. Duration. A specific starting and ending date must be incorporated into each contract. The ending date must be no later than the time specified in the CDBG Grant Agreement between the Grantee and DHCD.

4. Compliance. The compliance provisions that apply to the Grantee by virtue of its CDBG Grant Agreement with DHCD also apply to any CDBG work accomplished by the subgrantee. The *Attachment to All Non-Construction Contracts* must be attached to the contract. A copy of the CDBG Grant Agreement should be given to the Agency.

## What Engineers Need to Know

1. Proposed Project Outcome.

2. Objective of the CDBG program. The primary objective of the project as funded is to provide direct benefits to low-to moderate-income individuals. The most direct benefit is that of housing. Direct benefits are, therefore, the most important and should not be cut. When a project must be cut, those activities which are more indirect, such as drainage or street improvements, must be cut before activities which DHCD deems direct such as bathrooms and residential connections. Any proposed cuts to the project must receive DHCD's prior approval.

3. Project Area. The project area is derived from the Grantee's proposal. It is tightly drawn and is not flexible. Changes in the scope of work which affect the level of benefit provided by the project are not allowed.

4. Contracts. Contracts for Engineering services or construction services must *not* be executed prior to the issuance to the Grantee of the CDBG Grant Agreement.

5. Compensation. Payment for professional services with CDBG monies will be based only on a performance-based methodology.

   a. Layout and specifications complete; presented to owner – 30%;

   b. Plans and specifications submitted to regulatory agencies—50%;

   c. Plans and specifications approved by regulatory agencies—60%;

   d. Publication of invitation to bid—70%;

   e. Award of contract and completion of pre-construction conference—80%;

   f. Start of construction through substantial completion with percentage of remainder tied to construction completion—Up to 95%; and

   g. "As Constructed Drawings" submitted to the Grantee, along with *Certification of Final Completion and Acceptance.*

   Payment for inspection services will only be made when a full-time, on-site Resident Project Representative of the Engineer (RPR) is present during all construction activities and a weekly report is submitted to the Grantee detailing activities [including quantity of materials installed], subcontractors present, weather conditions and problems encountered.

6. Bidding/Breakout of Construction Contracts. Construction contracts must be bid in such a manner as to be the most advantageous from a cost standpoint to the Grantee.

Where practical, projects involving dissimilar trades or multiple work locations should be broken out and bid by divisions and include the option to bid as a total project.

7. Construction Bidding Alternates. All work included in the grant contract must be bid as contracted regardless of cost estimates. Extra work or increased sizing (to be paid by the Grantee) of lines or facilities must be bid as an add alternate or deductive alternate.

8. Re-bidding Projects. If bids are higher than available funds, either more non-CDBG funding must be obtained, or Indirect Benefit Activities must be adjusted with prior approval of DHCD. Increased costs for re-bidding projects due to initial bid overruns are not eligible CDBG expenses.

9. Additional Engineering: These services must be approved by DHCD before the cost is incurred. DHCD typically considers only geotechnical/subsurface work, surveying, or work completed for litigation purposes as allowable additional engineering costs. Requests for additional engineering must be submitted by the Grantee to DHCD and must include a description of proposed services, the reason for the work to be done and a detailed cost breakdown of services to be rendered. Cost plus percentage of cost charges will not be allowed. CDBG participation will not exceed 20% of basic engineering fees.

10. Contingencies. Contingencies may not be included in the CDBG budget. Contingencies may be budgeted within the cost element of construction, thereby raising the fee to the maximum to allow for work involved in bidding activities separately, as needed.

11. Proportionality. Payments in projects involving other funds must be made in proportion to CDBG funds budgeted in the specific line item. CDBG funds spent out of proportion to non-CDBG funds may be disallowed.

12. Construction Change Orders. All Construction Change Orders must be approved, in writing, by DHCD prior to authorization of the work. Failure to receive prior authorization will result in the disallowance of the cost of the change order.

13. Disputes. Disputes between the Grantee and the Engineer regarding payments, additional engineering, design completion or CDBG policies should be brought to DHCD's attention immediately with full documentation concerning the issues in dispute.

14. Project Completion. The Engineer *must* certify completion when all construction work is properly completed. After the Contractor has satisfactorily completed all punch list items, the Engineer shall so acknowledge in writing and issue a *Certification of Final Completion and Acceptance*. This Certification constitutes a release of all retainage via the final payment to the Contractor. Such payment should be made upon the Contractor's certification of release of liens, payment in full to subcontractors and material suppliers, and warranty of materials and workmanship.

At this time the Engineer should present "As Constructed Drawings" to the Grantee. Such delivery should constitute a release of final payment to the Engineer's firm for his or her services. If disputes concerning payment or other peripheral issues exist, the Engineer is obligated to certify completion and deal with other issues separately.

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# Request for Proposals
# for
# Engineering Services in Conjunction with the
# (*Project Name*)

1. PROJECT OUTCOME

2. PROJECT TIMEFRAME

3. DESCRIPTION OF PROPOSED ACTIVITIES (Revise as appropriate!)

   The (*Project Name*) includes the construction of water and sewer lines to serve 120 households, of which 100 are classified as having low to moderate incomes, in the (*Neighborhood Name*) section of (*Grantee's Name*). Attached as part of this RFP are: a map of the proposed services; estimated project budget by line item; and project narrative as outlined in the (*Grantee's Name*)'s application for CDBG funds.

4. SCOPE OF SERVICES

   a) Basic Design Services. Engineer shall prepare plans and specifications necessary to construct all project activities proposed in section A herein. Said plans and specifications shall comply with all applicable State and Federal rules and regulations and receive all appropriate reviews and approvals required for construction.

   b) Bidding and Contracting Services. Engineer shall also assist (*Grantee's Name*) by preparing the advertisement for bids and coordinating the bidding process to include:

      i) Distribute bid documents to persons/agencies that request them;
      ii) Conduct a pre-bid conference;
      iii) Answer questions and clarifying bid documents through the issuance of addenda to the bid documents;
      iv) Review all bids to verify compliance with the Instructions To Bidders;
      v) Prepare a Bid Tabulation Form;
      vi) Recommend award to the Bidder deemed to be the lowest responsible; and
      vii) Assist Grantee with placing the Contractor under contract including review and approval of all necessary insurance certificates and bonds.

c) Construction Administration Services. Engineer shall conduct construction administration services to include:

i) Conduct a Preconstruction Conference;
ii) Review and approve of all shop drawings;
iii) Review all Contractor Pay Request and recommend payment;
iv) Prepare all construction change orders including recommendation of approval; and
v) Resolve Contractor inquiries and questions during construction including interpretation of plans and specifications;

d) Resident Inspection Services.

i) Be on site during normal working hours throughout the entire construction period;
ii) Maintain a hard-bound daily diary with all pages numbered and all entries in ink. All entries shall be entered on a daily basis and begin with the date and weather conditions;
iii) Provide *(Grantee's Name)* with a weekly inspection report, containing as a minimum the following:
(1) Activities taking place;
(2) Percentage of construction completion cumulative and that week;
(3) Weather conditions;
(4) Worker staff hours on job;
(5) Problems encountered; and
(6) Subcontractors involved;
iv) Advise and consult with *(Grantee's Name)* other interested parties;
v) Endeavor to guard *(Grantee's Name)* against apparent defects and deficiencies in the permanent work by the contractor; however, the Resident Inspector does not guarantee the performance of the contractor. Nor is the Resident Inspector responsible for construction means, methods, techniques, sequences or procedures, time of performance, programs, or for any safety precautions in connection with the construction work. The Resident Inspector is also not responsible for the contractor's failure to execute the work in accordance with the contract documents; and
vi) Review requests for monthly and final payments to the contractor and provide information for use in preparation of As-Built (or record) drawings

5. PROPOSAL CONTENTS

a) Statement of Qualifications. All respondents must submit a written Statement of Qualifications (SOQ) to include information about the respondent directly related to each of the Selection Criteria outlined in Section E herein. All information should be submitted succinctly. Proposals shall not include estimates of costs or staff hours to perform desired services.; and

b) Proposal. Respondents must provide an explanation of how they propose to accomplish the project outcome within the stated timeframe

6. SELECTION PROCESS

The (*Grantee's Name*) will appoint a Selection Committee to review and evaluate all SOQ's submitted by firm's responding to the RFP. The proposals will be evaluated and ranked based on the Selection Criteria outlined in Section E herein. The (*Grantee's Name*) may ask the top ranked firms to attend a presentation/ interview as part of the evaluation process.
At the conclusion of evaluation process the firms will be ranked in priority order with the highest ranking firm being selected to negotiate a contract with the (*Grantee's Name*). If a contract satisfactory to both parties cannot be negotiated, the (*Grantee's Name*) will them enter into negotiations with the next highest ranking firm and so on until an agreement is reached.

7. SELECTION CRITERIA The respondents will be evaluated based on the following criteria:

a) The Engineer's understanding of the intended project outcome; i.e., what the intended end product is to be and what the project is intended to accomplish;

b) The Engineer's proposed approach for achieving the outcome within the stated timeframe;

c) The scope of specific engineer services the Engineer intends to provide including how the Engineer proposes to involve the Grantee in the design and completion process and the Engineer's overall approach to the project;

d) The Engineer's opinion as to the adequacy of the estimated project costs based on an understanding of the project and services proposed;

e) Any potential problems the Engineer perceives with the project as proposed;

f) Professional qualifications and experience of the individuals the Engineer will assign to provide the planning, engineering and inspection services;

g) Local government experience of key personnel assigned to this project;

h) Knowledge and familiarity with Virginia Community Improvement Grant procedures and requirements, including those of the Management Team process;

i) Familiarity with *(List Names Of Other Funding Agencies)* procedures and requirements;

j) Capacity of the firm to perform the planning, engineering and inspection work within the given time limitations, taking into consideration the current and planned workload of the firm;

k) Names, addresses and telephone numbers of clients for whom the firm has performed projects of a similar type and size within the past 5-10 years; and

l) The average time frame for completion of past projects similar in type and size, from authorization to the beginning of design and through the start of construction, including review by all appropriate permitting agencies.

8. SUBMITTAL

Respondents should submit (*number*) of copies to the (*Grantee's Name and Street Address*) no later than (*Time and Date*).

-Equal Opportunity Employer-

# Request For Proposals
# For
# Engineering Services

The (*Grantee's Name*) is in need of professional engineering services for design, construction administration and resident inspection of the (*Project Name*). The project is being financed with Virginia Community Development Block, and (*List Other Sources*) funds.

Firms interested in receiving a copy of the RFP may contact: (*Name of Grant Administrator*), (*Address and Phone/TDD Numbers*). Deadline for submittal of proposals is (*Time and Date*).

Minority and/or female owned businesses or firms are encouraged to apply. The (*Grantee's Name*) is an Equal Opportunity Employer.

Equal Opportunity Employer

## Sample Advertisement—Procurement for Management Services

# Request For Proposals
# for
# Management Services

The (*Grantee's Name*) is in need of consulting management services relative to the implementation of the (*Project Name*). The project is being financed with Virginia Community Development Block, and (*List Other Sources*) funds.

Parties interested in receiving a copy of the RFP may contact: (*Name of Grant Administrator*), (*Address and Phone/TDD numbers*). Deadline for submittal of proposals is (*Time and Date*).

Minority and/or female owned businesses or firms are encouraged to apply. The (*Grantee's Name*) is an Equal Opportunity Employer.

Equal Opportunity Employer

**ATTACHMENT TO ALL NON-CONSTRUCTION CONTRACTS**

# Subpart A : Equal Employment Opportunity

1. Executive Order 11246, as amended (Contracts/subcontracts above $10,000)

   a. During the performance of this contract, the contractor agrees as follows:

      (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

      (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.

      (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers ' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

      (4) The contractor will comply with all provisions of Executive Order 11246, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

      (5) The contractor will furnish all information and reports required by Executive Order 11246, as amended, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency

and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246, as amended, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246, as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246, as amended, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the contractor may request the United States to enter into such litigation to protect the interests of the United States.

b. Subcontracts

Each nonexempt prime contractor or subcontractor shall include the equal opportunity clause in each of its nonexempt subcontracts.

# Subpart B: Title Vi Of The Civil Rights Act Of 1964, As Amended

All parties to this contract hereby agree to comply with the provisions of Title VI of the *Civil Rights Act of 1964* (Public Law 88-352) which provides: that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

# Subpart C: Section 109 of the Housing and Community Development Act of 1974, as Amended

No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the *Rehabilitation Act of 1973* shall also apply to any such program or activity.

# Subpart D: Section 3 of the Housing and Urban Development Act of 1968

(Applicable to all contracts/subcontracts)

1. The Section 3 covered Project Area for this PROJECT is designated as the boundaries of _____.

2. The work to be performed under this contract is on a project assisted under a program providing direct financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the *Housing and Urban Development Act of 1968*, as amended, 12 U.S.C. 1701 u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the project area.

3. The parties to this contract will comply with the provisions of said Section 3 and the procedures for compliance issued pursuant thereto by the Virginia Department of Housing and Community Development set forth in this section to wit:

    a. The PUBLIC BODY and the CONTRACTOR shall analyze the tasks to be performed under this CONTRACT and identify: (1) the opportunities for training and employment of lower income residents of the project area, and (2) contracts for work in connection with the project to be awarded to business concerns which are located in, or owned in substantial part by persons residing in the project area.

    b. After determining what services can be provided by area residents and/or area businesses:

(1) The CONTRACTOR will fill all vacant trainee positions to the greatest extent feasible with residents of the project area to the extent such residents are available. And, the CONTRACTOR shall fill all employment positions to the greatest extent feasible with residents of the project area to the extent such residents are available and meet the generally accepted qualifications for the position(s) needed to be filled.

(2) The CONTRACTOR will procure to the greatest extent feasible all materials, equipment and services necessary for the implementation of the PROJECT from business concerns located in or substantially owned by residents of the project area to the extent that such items are available, and of comparable quality and cost.

c. The CONTRACTOR shall not circumvent these Section 3 requirements by:

(1) Filling vacant trainee or employment positions in its organization immediately prior to undertaking work on the PROJECT; or

(2) Entering into procurement contracts immediately prior to undertaking work on the PROJECT.

4. The CONTRACTOR shall send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice of advising the same of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

5. The CONTRACTOR will include this Section in every subcontract for work in connection with this PROJECT and will at the direction of the PUBLIC BODY take appropriate action pursuant to the SUBCONTRACT upon a finding that the SUBCONTRACTOR is in violation of these provisions. The CONTRACTOR will not subcontract with any SUBCONTRACTOR where it has notice or knowledge that the latter has been found in violation of Section 3 of the Housing and Urban Development Act of 1968, and will not let any SUBCONTRACT unless the SUBCONTRACTOR has provided it with a preliminary statement of ability to comply with this Section.

6. Compliance with the provisions of Section 3 and the provisions of this Section shall be a condition of the Federal financial assistance provided to the PROJECT, binding upon the PUBLIC BODY for such assistance. Failure to fulfill these requirements shall subject the PUBLIC BODY, its contractors, its subcontractors and its successors to those sanctions specified by the grant agreement or contract through which Federal assistance is provided.

7. The parties to this CONTRACT verify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

## Subpart E: Records Retention

The CONTRACTOR shall maintain financial records, supporting documents, statistical records, and all other records pertinent to this contract during the period of this contract and for five (5) years from the date of final payment; except, if any litigation, claim or audit is started before the expiration of the 5-year period, the records shall be retained until all litigations, claims, or audit findings involving the records have been resolved.

## Subpart F: Provisions Required by Law Deem Inserted

The provisions of Article 4 (Ethics in Public Contracting), Chapter 7 of Title 11 of the Code of Virginia, as amended, is hereby incorporated by reference and each and every other provision of law and clause required by law to be inserted herein shall be deemed to be inserted herein and the contract shall be read and enforced as though it were included herein.

## Subpart G: Immigration Reform and Control Act of 1986

The Contractor agrees by signing this contract that he/she does not and will not during the performance of this contract violate the provisions of the *Federal Immigration Reform and Control Act of 1986*, which prohibits employment of illegal aliens.

## Subpart H: Access to Records

The Public Body, the Virginia Department of Housing and Community Development, the U.S. Department of Housing and Urban Development, the U.S. Department of Labor, the Inspector General, and the General Accounting Office, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Contractor which are directly pertinent to this Contract for the purpose of making audit, examination, excerpts, and transcriptions.

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