

Coronavirus Aid, Relief, and Economic Security (CARES) Act Community Development Block Grant

Notice of Funding Availability Guidebook – Second Run

Overview

The City of Irving Planning and Community Development department invites qualified organizations with eligible programs to apply for Coronavirus Aid, Relief, and Economic Security (CARES) Act Community Development Block Grant funds. The City of Irving is seeking organizations that can demonstrate the capability to meet priority needs and objectives identified in the 2019-2023 Consolidated Plan and associated amendments. This guidebook contains information on the Coronavirus Aid, Relief, and Economic Security (CARES) Act Community Development Block Grant, eligible and ineligible activities.

The City of Irving is a recipient of Coronavirus Aid, Relief, and Economic Security (CARES) Act Community Development Block Grant (CDBG-CV) funds from the U.S. Department of Housing and Urban Development (HUD) in accordance with Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the public health crisis brought about by the coronavirus (COVID-19). This allocation of funds will provide assistance in the form of the reimbursement of funds to sub-recipient agencies for eligible activities that prevent, prepare for, and respond to the coronavirus (COVID-19)

The Housing and Human Services Board, authorized and appointed by the Irving City Council, is responsible for funding recommendations and community relations issues. Planning and Community Development Department staff is responsible for oversight and implementation of policies and procedures that have been reviewed by the Housing and Human Services Board.

The U.S. Department of Housing and Urban Development will determine funding availability for assistance provided under the program, and the allocation of funds to this program is subject to approval by the Irving City Council. Funding for sub-recipient agencies is allocated annually, and each awarded non-profit agency is subject to the requirements of its contract with the City of Irving.

Eligible Organizations

For-profit and Non-profit organizations that deliver services to low- and moderate-income clients within the City of Irving may apply for CDBG-CV funding through the City of Irving’s Planning and Community Development department. Each non-profit organization must have an IRS-granted nonprofit status at the time of application to receive funding through the City of Irving. Some questions and/or sections of the application may not apply to a for-profit organization. Please enter “N/A” in the sections that do not apply to your organization. Should the City require additional clarification, the organization will be contacted directly. For the purposes of this guidebook the terms “organization” and “agency” are interchangeable.

Site Visits for New Applicants

Applicant organizations may be selected for review, and should be prepared for, staff or Housing and Human Services Board members to tour their facilities to observe current program activities and to interview and observe staff members involved in similar activities to the services in which they are requesting funding. Additionally, at any time during the funding year, the Planning and Community Development Department feels that the organization begins to demonstrate substandard performance or has concerns, staff has the right to conduct an on-site monitoring.

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Eligible CDBG-CV Activities/Programs

These activities/programs should be made available in the community to benefit low and moderate income citizens. Eligible activities/programs should prevent, prepare for, and respond to the coronavirus (COVID-19) and may include, but are not limited to, public testing, delivering meals, training health care workers, rental assistance, and counseling services.

Programs funded must meet the National Objective regarding benefit to low and moderate income persons. Low and moderate income is defined as being less than 80 percent of the Average Median Family Income for the area, as defined by HUD. This information can be found on the HUD website: <https://www.huduser.gov/portal/datasets/il.html>

Under this objective, programs assisted through the CDBG-CV funds must benefit low and moderate income persons. These activities must meet one of the following criteria:

- Benefit a clientele generally presumed by HUD to be principally low or moderate income, i.e. abused children, elderly persons, battered spouses, homeless persons, severely disabled adults, illiterate adults, persons living with AIDS, or migrant farm workers
- Have income eligibility requirements limiting the activity to low and moderate income persons
- Be of such nature and in such a location that it can be reasonably concluded that the activity's clientele will primarily be low to moderate income

Please note: All information used to verify the program's national objective criteria must be documented, verifiable, and maintained in the organization's records.

Religious Organizations

Primarily religious organizations must meet conditions outlined at 24 CFR Part 570.200(J). An organization that receives CDBG-CV funds shall not, in providing program assistance, discriminate against a program beneficiary or prospective program beneficiary, on the basis of religion or religious beliefs and may not engage in inherently religious activities such as worship, religious instruction, or proselytizing as part of the programs or services funded through their proposed program. If an organization conducts such activities, they must be offered separately, in time or location, from the program funded through CDBG-CV. Participation in inherently religious activities must be voluntary for the beneficiaries of the HUD-funded programs.

A faith based organization retains its independence over the organization's governance and the expression of its belief system. The organization may constitute its Boards on a religious basis, display religious symbols and/or icons, and retain its civil right to hire only employees that share its belief system, to the extent that it is consistent with governing HUD statutes. However, faith based organizations may not discriminate in hiring people who will be delivering services which are supported by HUD funding.

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Application Process

Notice of Funding Availability

The Planning and Community Development staff develops a Notice of Funding Availability (NOFA) to solicit proposals for funding. Applicant agencies are required to complete the staff-provided applications by prescribed deadlines for consideration of CDBG-CV funding. Public notification of funding availability will be made through the distribution of the NOFA notice through the City website and via email to interested parties. This application guidebook, including relevant requirements and HUD regulations, has also been made available to assist applicant agencies.

Time frames for the allocation process are provided to agencies, including application deadlines, staff and Housing and Human Services Board review timelines, public hearing dates, City Council decisions, and contract term dates. Planning and Community Development staff does not present applications received after the deadline, incomplete applications, or ineligible applications to the Housing and Human Services Board or sub-committee for consideration.

Application Format

Proposals may be submitted either by mail, by in-person delivery, or by approved electronic submission application no later than the Notice of Funding Availability deadline. Proposals submitted by fax or email will not be accepted. With no exceptions, late or incomplete proposals will not be accepted. Applications will be made available on or before **Monday August 3, 2020**, and must be stamped as “Received” by the City of Irving Planning and Community Development Department no later than **5:00 p.m.** (per the City of Irving clock) on **Friday, August 21, 2020**.

The application includes a checklist of items that must be submitted by the agency for consideration of the proposal. The checklist includes:

- Application form
- Board of Director Information Attachment, if applicable (details of which are listed in the application)
- Operational Capacity Attachment
- Contact Information and Certification
- Financial Leveraging and Budget Attachment
- Work Plan
- Additional narrative and exhibits, as necessary
- Organizational Chart
- Minutes from the agency Board authorizing submittal of proposal, if applicable
- Agency Articles of Incorporation, if applicable
- Non-profit documentation from IRS, if applicable
- Agency By-laws, if applicable
- Financial audit/Certified Financial Statement
- Director’s and Officers’ Liability and Errors and Omissions Insurance documentation

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- Agency's Policies and Procedures for employees, including internal control policies
- Agency's Code of Conduct listing prohibited behavior for Board and employees; including Conflict of Interest prohibition
- Policies and procedures for the proposed program

All applications may only be submitted by mail, in person or by approved electronic submission application. An applicant agency will be responsible for submitting one original copy to the Planning and Community Development department. Agencies wishing to submit applications by mail or in person should turn in all required documents to the Planning and Community Development Offices at 825 W. Irving Blvd., Irving, TX, 75060, by the deadline. All proposals will be required to be bound by binder clips and not stapled. Agencies wishing to submit applications electronically must contact Ashley Miller at amiller@cityofirving.org to request access to the application Dropbox folder. **Agencies must request access prior to the submission deadline.**

Review of Applications

Planning and Community Development staff and Housing and Human Services Board sub-committee members review all complete applications to ensure all Federal and/or City requirements have been met and are sufficiently detailed to clearly establish the following:

- The nature of the activity proposed
- The eligibility of the proposed activity
- The plan for carrying out the activity
- The organization's capacity to do the work
- The organization's ability to ensure compliance with HUD regulations
- The potential for conflict of interest
- Whether the costs are eligible, allocable, and reasonable
- How the proposed program fits into the Consolidated Plan priorities
- Available funding considerations
- The proposed activity is eligible and meets the National Objective of benefiting low and moderate income persons
- The proposed activity aligns with the CARES Act priorities
- The applicant agency has a proven record of providing the program or in carrying out similar activities in the community
- The applicant agency has adequate staffing to perform activities and to ensure checks and balances for financial management
- The applicant agency has organizational capacity, including management systems, financial systems, written procedures for financial management and personnel, and adequate record keeping methods and filing systems.
- The applicant agency does not have an over-reliance on CDBG-CV funds reflected in its budget
- The applicant agency does not have any unresolved monitoring findings, if agency is currently or previously a partner with the City of Irving's Social Services programs.

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An applicant organization must demonstrate the financial viability of the organization's capacity to operate a federally funded program. City of Irving funds are provided to awarded projects on a reimbursement basis only. This means that funds will be available to the agency after it has paid for eligible project costs and with suitable documentation of proof of payment and cost eligibility. A financially viable agency, therefore, is one that is able to operate for a minimum of 90 days pending reimbursement without financial hardship, demonstrate an existing and consistent cash flow, and have a separation of duties for major agency processes. These funds are designed to assist organizations and to leverage agency funding. Due to the stringent reporting and financial requirements, CDBG-CV public services funding is not designed for non-profit agencies that do not have adequate structure in place or are not financially viable.

The Planning and Community Development staff and Housing and Human Services Board sub-committee members will make recommendations for funding allocations and provide this information to the full Housing and Human Service Board, along with allocation rationale, background information, and agency prior performance information (if applicable). The Housing and Human Services Board will take into account the organizations previous performance with federal grants and the percentage of the proposed program's expenses covered through CDBG-CV. The full Housing and Human Services Board will review these recommendations and interview all eligible applicant agencies to determine its final recommendations that will be presented to the Irving City Council for final approval.

Members of the Housing and Human Services Board may choose to conduct site visits of applicant agencies. Applicant agencies should be prepared for tours of their facilities in order for the subcommittee members to observe current program activities and to interview and observe staff members involved in similar activities to the services for which they are requesting funding.

Sub-Recipient Agency Agreements

Each agency that is funded through CDBG-CV funds will be required to execute a written agreement with the City of Irving prior to the disbursement of funds. The agreement includes, among other regulatory and legal requirements, a statement of work that is sufficient in detail to provide a basis for monitoring activities, including measurable objectives that allow ongoing determination of agency performance. Planning and Community Development staff develops, in coordination with legal counsel, boiler plate contracts which are approved by the Irving City Council. During the Annual Action Plan and subsequent processes, Planning and Community Development staff works with the sub-recipient agencies to develop exhibits related to scope of work and performance targets. Contracts are executed following approval of the allocations by the Irving City Council.

Amendment and/or addendum to a sub-recipient agreement may occur in the following manner:

- Amendment to service units/budget line items – Sub-recipient agencies may request in writing to the Planning and Community Development Director an amendment to service units or line items contained in the Exhibit section of the agreement. If there is no overall change to scope of work or funding, approval is at the discretion of the Planning and Community Development Director

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- Addendum to a Sub-recipient Contract – an addendum to extend the sub-recipient contract or to change the funding amount may be subject to Housing and Human Services Board and Irving City Council approval, if funding is available.

All requests for changes in sub-recipient agency agreements must be in writing, signed by the authorized agency personnel, and include the reason for the request. All requests for changes in service units, budget line items, fund additions/reductions, or extensions must be received at least sixty days before the agreement termination date.

Specific Application Guidance

General

The application is a fillable PDF form, and completion of the application should be done electronically. All narrative blocks are limited in size. The application will note when additional information is allowed to be attached. All blanks must be completed for consideration of application eligibility. If a particular question is not applicable to the applicant, the applicant should either check the “N/A” checkbox, if provided, or type “N/A” in the narrative box. The last page of the application includes a checklist of all attachments that are required to be submitted. All attachments must be included in the submittal for the application to be considered eligible.

DUNS Number

HUD requires a DUNS number to track some federally-funded projects. The DUNS number is a unique nine-character number that identifies the applicant organization. It is a tool of the Federal government to track how Federal money is distributed. Most large organizations, libraries, colleges, and research universities already have DUNS numbers. The organization’s grant administrator or Chief Financial Officer may be able to provide the organization’s DUNS number.

If the organization does not have a DUNS number, use the online registration to receive one free of charge. <http://fedgov.dnb.com/webform/>. The information that will be needed to obtain a DUNS number is:

- Name of organization
- Organization address
- Name of the CEO/organization owner
- Legal structure of the organization (corporation, partnership, proprietorship)
- Year the organization started
- Primary type of business
- Total number of employees (full and part time)

Obtaining a DUNS number places the organization on D&B’s marketing list which is sold to other companies. The organization can request not to be added to this list during its application for a DUNS number.

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National Objectives

The applicant should choose between one of the categories listed on the application: Benefit to low and moderate income residents exclusively, Benefit to low and moderate income residents predominantly, or Benefit exclusively to persons within a HUD-specified presumed clientele category.

Benefit to low and moderate income residents exclusively

This category means that this program will ONLY help people who are below 80% of the Area Median Income limit for the DFW area. This determination is for the proposed program as a whole, not just the portion of the program funded by CDBG-CV. If the agency plans on funding, for example, half of the program in CDBG-CV and therefore will be ensuring that half of the program's participants are below 80% Area Median Income, this is not the correct objective designation. Alternatively, if the program is funded, for example, 50% by CDBG-CV but all of the program participants are low or moderate income, regardless of funding, then this category applies.

The agency should only choose this category if it can document how the services will be limited by income. Additionally, the agency should provide narrative about why this category was chosen and how the program was designed to meet this objective. It is also important to illustrate how services under this program will be limited to this population.

Benefit to low and moderate income residents predominantly

In order to meet this criteria, the majority of the program's participants must be of low or moderate income. The agency must be able to document that at least 51% of its client have gross household incomes below 80% of the Area Median Income. The agency's narrative section should include information about how the program will serve this population and the criteria that the agency will use to determine that a majority of its participants are of low or moderate income. Please note that the majority of the total program's participants must be of low or moderate income, not just a majority of those funded through CDBG-CV. If the agency plans on funding, for example, half of the program in CDBG-CV and therefore will be ensuring that 26% of the program's participants are below 80% Area Median Income, this is not the correct objective designation. Alternatively, if the program is funded, for example, 50% by CDBG-CV but 51% of the program participants are low or moderate income, regardless of funding, then this category applies.

Benefit exclusively to persons within a HUD-specified clientele category

In order to meet this criteria, all of the program's participants must hold HUD-specified presumed status. HUD presumes that persons falling into one of the following categories are at extremely low income and therefore qualify for CDBG-CV services: abused children, battered spouses, elderly persons, adults meeting the Bureau of the Census' Current Population Reports definition of "severely disabled", homeless persons (as defined by categories 1 and 4 of the HEARTH Act), illiterate adults, persons living with AIDS, and migrant farm workers. The application should include information about which presumed category is served by the agency and how the agency will document the program participant's qualification under this category. Please note that "exclusively" means that the program **only** serves this category of people. This pertains to the whole program, not just the portion funded through CDBG-CV.

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New Versus Quantifiable Increase in Services

To be eligible for CDBG funds, applicant programs must provide either a service that is not currently being provided to the community or use the funds to make a significant difference in the level of services being provided in the community. In addition, programs currently funded through CDBG must demonstrate how the funding will be used to make substantive increases in current levels of service.

Financial Planning/Sustainability

As mentioned in this guidebook, the role of CDBG-CV funding is to help leverage an agency's funding and is not to be the sole funding mechanism for an agency. Please include the agency's plans to sustain the program and the ability the agency has in developing and pursuing alternate funding sources. Please also discuss financial contingency plans if funding is decreased.

Lower Funding Amounts

It is very likely that the agency, if approved, will receive less funding than that for which it applied. This section of the application should detail the agency's plan to provide meaningful services with reduced funding, the amount of funding that would make it impossible to run the program in an effective way, and other information that demonstrates that the agency made a strategic and well thought-out funding request.

References

There are two blocks for the applicant to provide references related to the administration of the programs and projects administered by the agency. Complete the tables providing information for similar projects/programs administered by the applicant including size, type, and complexity as those proposed in this application. Neither agency staff nor board personnel can provide either reference, it must be provided by another person/agency/organization that has had dealings with the agency and can provide the relevant information. Typically, these references can come from collaborative agencies or organizations with whom the applicant agency takes or makes referrals. If the reference provides more detail than can be provided in the space provided, the agency can attach the reference information to the application. A reference will not be considered without contact information, and the City of Irving may contact references as a part of application evaluation. Both references must be completed for consideration.

Performance Measures

In addition to the number of persons, units of service, or number of households that are to be served through proposed funds, the organization should provide outcome based measures. These measures will demonstrate the success of the service provided and are reflected as percentages of totals (ex. 75% of exiting clients will obtain employment within three months of class completion). There should be indicators that will provide additional measurement (ex. 100 people will take classes, 85 people will pass class post-test, 75 people will obtain employment after class). The applicant should also provide rationale for the choice of objectives and targets as well as why the targets were chosen.

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The application should include details concerning the agency’s ability to monitor the actions of its employees in terms of program performance and its ability to ensure that information and knowledge is shared within the organization. It is the agency’s responsibility to keep up with changes to regulations and best practices.

Budget and Leveraging

The CDBG-CV % of total Program Budget is calculated as the amount of CDBG-CV funds requested divided by the total program budget (as provided on this document). The total program budget and total CDBG-CV funds requested should match both the amounts listed on the coversheet and in the expenditure detail on Attachment B. The CDBG-CV cost Per Client is calculated as the CDBG-CV funds requested divided by the number of clients proposed to be served through requested funds. These numbers should match the expected populations served numbers provided elsewhere in the document. The CDBG-CV % Clients is calculated as the number of CDBG-CV clients served divided by the total number of clients to be served by the entire program (including both those served through other funds and those proposed to be served through the requested CDBG-CV funds).

Attachment D

This attachment requests information regarding the Board of Directors for an applicant’s organization. If the organization is not required to be under the direction of a Board of Directors, it is acceptable to enter “N/A” in the text boxes provided.

Attachment E

This document includes applicant contact information for various phases of the application process. The Person Authorized to Sign Contracts and Make Commitments on Behalf of the Organization should be the person who was given such authority through Articles of Incorporation, By-Laws, Board vote, IRS documents, etc. This person is the same person who will sign the application and will complete the State Form 1295. This person certifies that all information has been provided in a complete and truthful manner. This person’s certifies that he or she has read the grant and application requirements that are covered in this document.

Certificate of Interested Parties (Form 1295):

This form from the Texas Ethics Commission is required for all nonprofits who contract with the City of Irving. Further information will be provided at the training session, the form will not be required as part of application. Additional information about the Certification of Interested Parties can be found on the Texas Ethics Commission Website: <https://www.ethics.state.tx.us/filinginfo/1295/>

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental

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entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

The Texas Ethics Commission was required to adopt rules necessary to implement that law, prescribe the disclosure of interested parties form, and post a copy of the form on the commission's website. The commission adopted the Certificate of Interested Parties form (Form 1295) on October 5, 2015. The commission also adopted new rules (Chapter 46) on November 30, 2015, to implement the law.

Starting on January 1, 2016, the commission made available on its website a new filing application that must be used to file Form 1295. A business entity must use the application to enter the required information on Form 1295 and print a copy of the completed form, which will include a certification of filing that will contain a unique certification number. An authorized agent of the business entity must sign the printed copy of the form and have the form notarized. The completed Form 1295 with the certification of filing must be filed with the governmental body or state agency with which the business entity is entering into the contract.

The governmental entity or state agency must notify the commission, using the commission's filing application, of the receipt of the filed Form 1295 with the certification of filing not later than the 30th day after the date the contract binds all parties to the contract. The commission will post the completed Form 1295 to its website within seven business days after receiving notice from the governmental entity or state agency.

Responsibilities

Summary of City of Irving Responsibilities

The Planning and Community Development department will:

- Coordinate and administer the agency application process
- Draft and coordinate the execution of the CDBG-CV contract for the agency to undertake the project
- Ensure compliance with all CDBG-CV Grant program requirements and regulations
- Assist agencies with training and technical assistance, where applicable
- Develop reporting and calculation tools for agency use
- Approve and pay reimbursement requests
- Update agencies on changes to or updates of HUD regulations and guidance
- Complete Environmental Review on behalf of funded agencies
- Report program progress to the Housing and Human Services Board, Irving City Council, and HUD
- Assist agencies in the development and reporting of performance measures
- Conduct public hearings for fund allocations
- Participate in Dallas Area/Irving Continuum of Care and Irving Community Action Network monthly meetings

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- Monitor agencies

Summary of Agency Responsibilities

Agencies funded by a CDBG-CV grant will:

- Identify potential program participants
- Complete and maintain all documentation for client eligibility, per HUD guidance
- Refer program participants to needed community services and assist program participants in obtaining/maintaining service and benefits
- Attend all mandatory meetings and training sessions
- Submit all reimbursement requests, with appropriate back up documentation, and performance reports by the 10th of any given month

Planning and Coordination with Other Governing Bodies

The City of Irving strives to coordinate planning efforts and service delivery with other organizations. These other governing bodies include, but are not limited to:

- Metropolitan Dallas Homeless Alliance
- Texas Department of Housing and Community Affairs
- Dallas County Health and Human Services
- Other Local Municipalities (Plano, Garland, Grand Prairie, Dallas, Ft. Worth, etc.)
- Irving Independent School District
- Texas Homeless Network
- Non-profit organizations providing social services to Irving residents, including funded and unfunded agencies providing emergency shelter services, housing services, medical/dental services, family and youth services, mental health services, substance abuse services, HIV/AIDS services, senior services, and others
- Irving Community Action Network

Client Confidentiality, Rights & Responsibilities, File Documentation, and Record Keeping

Client Confidentiality

Agency program participant confidentiality is of the utmost concern. It is intended that participant confidentiality shall be maintained and that a participant's information not be disclosed, neither deliberately nor inadvertently. Information obtained in connection with CDBG-CV funded programs must not be disclosed without the client's signed consent, except as required by law. Agency staff and volunteers must be informed of these confidentiality requirements.

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Participant Files and Records

Participant files should be maintained in a locked, secure area. Files that are not in use should not be left unattended and should be secured. All files should be secured, and the agency should designate a staff member to be responsible for securing records at closing time.

When participant files are removed from file cabinets for work purposes, they should be handled in a manner to ensure that only authorized personnel have access to them. Computers with client files should be secured in the same manner. Access to client files and records (paper or electronic copy) should be limited to authorized personnel only.

Release of Information

Prior to releasing information, other than basic information related to reimbursement, to any other agency or entity, the agency must first secure a release of information from the client. The authorization form to disclose client information is specific to the individual(s) and/or agency(ies) to whom the client authorizes the disclosure of information, specific as to what information will be disclosed, includes an expiration date, and will be signed by the client prior to disclosure of any information about the client. The Statement of Confidentiality and Release of Information Form may be used for this purpose.

Nothing in the policies or contracts may prohibit any disclosure permitted or required by law, including, but not limited to, disclosure for purposes of monitoring, audit, oversight, or evaluation of the agency by the Planning and Community Development staff and/or HUD.

Participant Rights

Agency clients in CDBG-CV-funded programs have the following rights:

- Right to be treated at all times with respect and courtesy, within a setting that provides the highest degree of privacy as possible
- Right to freedom from discrimination because of race, color, religion, gender, national origin, age, familial status, sexual orientation, or any other arbitrary criteria
- Right to access to information about the agency's program, including policies and procedures
- Right to know the names and titles of employees serving the client
- Right to be involved in and to make decisions concerning options for the client's assistance, consistent with the client's eligibility status
- Right to refuse agency assistance, based on the requirements associated with receipt of agency services or benefits
- Right to name an advocate to speak on the client's behalf, after a written authorization is provided to the case manager
- Right to confidentiality
- Right to inspect the client's file within a reasonable time (however, file documents cannot be removed from the file)
- Right to prompt written notice of any action that is either adverse or favorable regarding the client's case

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- Right to due process through initiating a grievance, suggesting changes, and receiving a timely response, without fear of reprisal

Participant File Documentation

Case records of clients receiving CDBG-CV funded services will contain, among other items, the following:

- Verification and documentation of meeting general eligibility requirements for agency services
- Verification and documentation of residency in Irving
- Verification and documentation of income
- Documentation of screening, intake, assessments, and case management services, where applicable
- Case notes, where applicable
- Confidentiality statements signed by the client at intake, if applicable
- Release of information form signed by the client allowing local, state, or federal funding sources access to client files

Client files should be maintained in an orderly and consistent manner.

Depository, Audits, and Recordkeeping

Fund Depository

Disbursed funds must be deposited in a depository institution having federal depository insurance. The City of Irving, HUD, the Comptroller General of the United States, or any of their duly authorized representatives, may have access to any books, documents, papers, and/or records of a CDBG-CV-funded agency for review and audit examinations.

Audits

The financial management system used by the City of Irving will provide for audits in accordance with HUD regulations.

Per the CDBG-CV contract, an agency must timely submit a complete copy of any annual OMB Part 200 Single Audit Report that is issued to the City of Irving and timely file such OMB Part 200 single audit report with the Federal Audit Clearinghouse. Generally, an OMB Part 200 Single Audit Report is timely if submitted or filed within 30 days following receipt from the external auditor, but no later than nine months following the end of the fiscal year.

If a sub-recipient agency is not required to have an OMB Part 200 Single Audit performed, but nevertheless has an external audit performed, the agency must timely submit a complete copy of that audit report to the City of Irving as provided above.

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Each agency is liable to the City of Irving for any costs disallowed by HUD pursuant to financial and compliance audits of funds received under the CDBG-CV contract. Reimbursement to the City of Irving of such disallowed costs must be paid by the agency from funds which were not provided or otherwise made available to the agency through the CDBG-CV funding.

Recordkeeping

Accurate recordkeeping is crucial to the successful management of grant-funded activities. Insufficient documentation is likely to lead to monitoring findings, and these findings will be more difficult to resolve if records are missing, inadequate, or inaccurate. Any agency receiving funding under the CDBG-CV funded programs must complete an application for each individual and household client and maintain supporting documentation in participant files. If it is determined at the time of monitoring that the supporting documentation is incorrect or insufficient, reimbursement will be denied for costs associated with the ineligible expenses.

Each agency is required to establish and maintain at least three major categories of records: administrative, financial, and project/client files. In general, all records, including those showing client income eligibility, must be kept a minimum of four years after the submission of the City of Irving's CAPER for a contract year (submitted by December 31 annually), unless there are circumstances such as litigation, claims, audit, negotiation, or other actions involving the records, which start before the expiration of the four-year period. In such cases, the records must be retained until completion of the action and resolution of all issues which arise from it or the end of the four-year period, whichever is longer.

Agency Reporting

Federal agencies are required to measure the outcomes of their programs to document program effectiveness, increase service quality, and improve public accountability. Program results are directly linked to funding decisions and public support of programs. The HUD IDIS performance measurement system provides a consistent method to access data from grantees (i.e. the City of Irving) and aggregate the data nationally to demonstrate the positive impact CDBG-CV is making at a national level. Each agency receiving funds will be required to meet one of the three outcomes and one of the three objectives listed below. Additionally, specific indicators are required for each activity based on the objectives and outcomes selected. Common indicators including information such as the number of persons served, number of jobs created, number of housing units assisted, income levels of persons assisted, and race/ethnicity.

Reimbursement and Performance

The City of Irving requires monthly written reports from sub-recipient agencies that clearly specify the expenditures and performance of contracted activities and which are sufficient to meet HUD reporting requirements (24 CFR § 570.503(b)(2)). Agencies are required to submit performance information, with support documentation, on the 10th of each contractual month to the City of Irving. Reports are due to the City of Irving regardless of expenditure rates, or lack thereof. The City of Irving will provide all participating agencies with performance and reimbursement request forms annually. The Planning and Community Development staff will provide the Housing and Human Services Board monthly reports on the expenditure and performance of sub-recipient agencies.

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Support documentation including time sheets, payroll records, copies of cancelled checks, invoices, receipts, and other documentation which demonstrates proof of payment and/or cost eligibility is required and reviewed before authorization of reimbursement is processed. Failure to submit timely reimbursement requests and required support documentation may result in program sanctions, such as withholding or suspension of funds.

Year-end program reports detailing leveraging of project funds, overall achievements/challenges of the project, impact of the federal funds on the community, etc. are due to the Planning and Community Development department within 30 days of contract termination, unless otherwise specified.

The City of Irving reserves the right to return reimbursement requests to agencies if said reimbursement requests contain errors or missing information. Agencies must submit reimbursement requests and performance reports using the most recently-provided versions of City of Irving forms. Reimbursement requests utilizing other forms or outdated forms will be returned to agencies for resubmittal. The Planning and Community Development is committed to processing all complete and accurate reimbursement requests as efficiently as possible. However, should reimbursement requests be deemed incomplete or inaccurate, the agency will be notified for correction. Review of corrected documents and payment will not take precedence over newer receipts, the requests of other agencies, or other Planning and Community Development processes.

Race/Ethnicity Reporting

As with other HUD-funded programs, based on guidelines developed by the Office of Management and Budget (OMB), ethnicity and race are considered separately. Each person in the assisted household must designate an ethnicity (Hispanic/Non-Hispanic) and a race. Note that Hispanic is not a racial category. Thus, a person who selects a Hispanic ethnicity must also designate a racial category.

It is recommended that agency personnel ask the participant to designate his/her ethnicity first and then ask the applicant to identify his/her race. If a participant is unsure of which racial category to select, or is uncomfortable with any of the choices, agency staff may explain that the White racial category, as it is used for this program, does not mean persons of Anglo descent. It is defined as a person having origins in any of the original peoples of Europe, the Middle East, or North Africa. Alternatively, the Multi-race category may be used.

Self-reporting is the preferred method for collecting ethnicity and race data, since it is based on self-perception. If an applicant refused to designate a race or ethnicity, agency staff should choose “Refused” on the appropriate documents. If an applicant is not sure of his/her race or that of another household member, agency staff should choose “Unknown” on intake forms.

Monitoring

This grant is subject to strict accountability and transparency requirements. As such, a CDBG-CV-funded agency should expect heightened interest and oversight of funds.

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All activities carried out by the sub-recipient agency will be subject to monitoring to ensure that the program is carried out in accordance with the requirements established by HUD. The City of Irving will follow the monitoring procedures it established in its CDBG-CV contract (if a CDBG-CV contract exists) and/or as described in its approved Consolidated Plan and subsequent amendments. Monitoring may be conducted by the City of Irving, the local HUD Office of Community Planning and Development, HUD's Office of Special Needs Assistance Programs, HUD's Office of Inspector General, HUD's Office of Fair Housing and Equal Opportunity, or another Federal agency to determine whether the City of Irving and/or its sub-recipient agency(ies) complied with the requirements of the CDBG-CV grant. The agency is required to agree to make all records pertaining to all CDBG-CV-funded activities available for the purposes of monitoring.

The assigned Social Services Coordinator is the primary contact for the agencies. In addition to day-to-day contract and program administration, the Social Services Coordinator provides technical assistance and guidance to agencies on an as-needed basis. This guidance may be provided by phone, by email, or other by other written correspondence.

Desk Monitoring

Ongoing desk reviews of reports submitted monthly by agencies are performed to ensure compliance with federal regulations and achievement of performance objectives. Desk monitoring assists in the identification of problem areas and allows opportunities to resolve compliance problems through discussion, negotiation, and the provision of technical assistance prior to a full on-site monitoring visit.

Meetings with Agencies

Agencies may be required to attend meetings (at dates, times, and location established by the City of Irving) to discuss lessons learned and to share any updates or additional instructions or requirements.

Monitoring by HUD (or Other Federal Agency)

HUD has the right to request documentation from, or make site-visits to, the City of Irving and/or any sub-recipient agency at any time. Agencies are expected to cooperate with any HUD request for documentation or site visit.

HUD will normally notify the City of Irving of any audit or monitoring visits being conducted for the City of Irving programs. However, if an agency is contacted by HUD, another Federal agency, or any other person or organization directly, regarding an audit or monitoring of the City of Irving funded program, the agency must promptly notify the City of Irving Social Services Coordinator.

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On-site Monitoring

Purpose of the On-Site Monitoring Visit

City of Irving staff performs annual on-site monitoring visits to assure compliance with applicable federal regulations governing administrative, financial, and programmatic operations and to ensure agencies are achieving performance objectives within scope and schedule. Monitoring visits:

- Determine if the CDBG-CV-funded activity is meeting Federal National Objectives
- Determine whether at least 51% of program participants have low or moderate incomes or determine evidence that the assisted person is homeless or at risk of homelessness through support documentation
- Determine whether agencies are carrying out activities as described in CDBG-CV contracts
- Determine whether costs charged to the project are eligible and allocable
- Determine whether agencies are maintaining financial management systems in accordance with 2 CFR Part 200.302 and 2 CFR Part 200.303
- Determine if a conflict of interest exists
- Ensure required records are maintained in compliance with federal regulations
- Ensure agency compliance with procurement requirements
- Ensure real or personal property acquired with CDBG-CV funds is used for the purpose specified in the CDBG-CV contract
- Ensure program income is reported and utilized consistent with 24 CFR §570.503

Monitoring Plan

The City of Irving conducts on-site monitoring of agencies on an biannual (every other year) basis unless factors related to performance require additional monitoring visits to ensure federal compliance. A risk assessment may be conducted at the beginning of the program year to determine which agencies require comprehensive monitoring.

High risk agencies might include:

- Agencies new to the any City of Irving funded program
- Agencies with compliance or performance problems
- Agencies undertaking multiple activities for the first time
- Agencies that have experienced turnover in key staff positions
- Agencies that submit late, incomplete, or incorrect reports; or agencies that do not consistently submit reports
- Agencies not meeting performance and/or expenditure objectives
- Newly formed non-profit agencies

Notification

If it is determined that an agency will be monitored by the City of Irving, the Planning and Community Development department will provide the agency with written notification at least thirty days prior to the monitoring visit. The notification letter will be sent to the agencies board chairperson and director. This

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notification advises the agency personnel of the materials to be reviewed and provides information related to the anticipated duration of the visit.

At the onset of the monitoring visit, Planning and Community Development staff will conduct an Entrance Interview with designated agency personnel. After the monitoring session has been completed, the Planning and Community Development staff will conduct an Exit Interview, if requested, with the agency director and designated agency staff.

Within thirty days of the agency monitoring visit, Planning and Community Development staff will send written communication to the agency's board chairperson and director which details the results of the monitoring visit. The monitoring letter will provide recommendations for program improvement and corrective actions to be undertaken to ensure performance and compliance deficiencies are corrected. Agency staff will have thirty days to respond to the monitoring letter and to resolve any findings and/or concerns addressed in the monitoring letter.

Findings and Concerns

During the monitoring visit, Planning and Community Development staff will notate deficiencies in the operation of the program and/or lack of compliance with federal regulations. These deficiencies may take the form of either Findings or Concerns.

A "Finding" is a violation of law or regulation that can result in a sanction. All findings must be cleared prior to the receipt of subsequent allocations of CDBG-CV funds. A "Concern" is a matter that, if not properly addressed, can become a finding and can ultimately result in a sanction. Additional recommendations directed at enhancing agency capacity to provide needed services may be included in monitoring reports. Such recommendations are included for the consideration of agency boards and/or executive staff.

Agency Performance Issues

Agencies that do not meet the performance expectations stipulated in the agreement between the City of Irving and the agency may, at the discretion go the Housing and Human Services Board, be subject to sanctions. Agency performance issues are addressed at Housing and Human Services Board meetings to which representatives of the agency at issue is invited to present their case. Decisions for more serious sanctions which impact agreements (suspension, non-renewal, and rescission/termination) require the endorsement of the Irving City Council.

If performance is found to be substantially inadequate in meeting the stated objectives and measures, the agency may be required to submit a written explanation to the City of Irving. Inadequate program performance may adversely affect future CDBG-CV funding of the agency by the City of Irving.

Sanctions

In the event of poor performance by an agency, the City of Irving will apply progressive sanctions that may include, but are not limited to:

- Letter to the agency's board of directors

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- Technical Assistance requirements for additional training
- More frequent reporting requirements
- Increase monitoring activities
- Probationary status
- Temporary suspension (2 CFR §200)
- Non-renewal of contract for the next program year
- Fund repayment
- Contract termination

Appeal

An agency wishing to appeal the decision of the Planning and Community Development staff must submit a written request for review to the Planning and Community Development Director within seven days of the staff's decision. The Director, upon investigation and review, will respond to the concern in writing within 10 days of the original request for review. An agency may then appeal this decision in writing within seven days to the Housing and Human Services Board. The Housing and Human Services Board Chairperson, or a designated Planning and Community Development staff member, upon Housing and Human Services Board consideration at the next available meeting of the Housing and Human Services Board, will respond in writing to the agency with the decision of the Housing and Human Services Board within ten days of the Housing and Human Services Board meeting. If the agency wishes to appeal the decision of the Housing and Human Services Board, it may submit a written appeal request to the Irving City Council. Decisions of the Irving City Council are final.

Minimum Eligibility for all CDBG-CV Participants

The sub-recipient agency, is responsible for outreach, marketing, and processing of intakes for all program participants. In order to receive financial assistance or services funded by a CDBG-CV funded program, individuals and families must meet all of the following minimum eligibility requirements described more fully later in this document.

An agency's staff should complete intake screening and interviews with prospective clients. To meet minimum eligibility, the applicant for CDBG-CV-funded agency programming must:

- Be a legal resident
- Reside in the City of Irving at the time of application prior to application for assistance (and within Dallas County continually throughout participation in the program).
- For at least 51% of the agency's clients funded through CDBG-CV, the client's gross household income may not exceed 80% of the Area Median Family Income (AMFI) limit, as defined by HUD for Dallas County. The City of Irving requires calculation of income following the Part V Method of Income Calculation, as prescribed by HUD. Gross income is determined at the time of application to the agency's program (or at the time of reassessment or if the participant's income has changed) and is not based on previous income. For example:
 - If an eligible person lost his/her job and has no income or assets at the time of application, then he/she would be considered to have \$0 income. The client's income level prior to losing

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- the job is irrelevant because he/she is not expected to receive that income over the next 12 months.
- If an eligible person has a source of income (e.g. a part-time job) at the time of application, then it is necessary to calculate the amount of income anticipated to be received by the person over the next 12 months (annualized). In that case, the pay check stubs for the past 30 days (if representative or the income that person is expected to receive over the next 12 months) may be used as documentation/verification of income.

Legal Residency

An agency's client must provide written documentation certifying that every person receiving assistance is a citizen of the United States or has legal immigration status. Such documentation must be included in the participant's file. Verification of such status may be made through one or more of the following:

Citizenship Status

- Written Declaration (under penalty of perjury – and only as a last resort)
- Birth Certificate
- US Passport
- Naturalization or legalization papers
- Social Security Card

Immigration Status

- Written Declaration (under penalty of perjury – and only as a last resort)
- INS Form I-551 (Permanent Resident Alien) (Alien Registration Receipt Card, commonly known as "Green Card")
- INS Form I-94 with endorsement
- INS Form I-94 without endorsement (if lack can be documented)
- INS Form I-688/Section 245A or Section 210
- INS Form I-688B with endorsement
- INS receipt for replacement application or one of the above categories

Family Relationships

Family includes those related by blood or marriage or adoption to the client and those who reside with the client, pursuant to court order or other state action (e.g. guardianship or foster care).

An agency's applicant must document family relationships at the commencement of assistance under the program (and any changes thereto). Households can be comprised of members who do not share a family relationship, but any family relationships must be documented. Verification of family relationships may be made through the following: name, age, gender, and relationship for every person residing in the unit.

In some cases, additional information is required to determine the custody of minors or other circumstances. The following may also be required or applicable, depending on the circumstances and at the discretion of the Social Services Coordinator and/or the Community Development Manager:

- Birth certificate(s)

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- Social Security Card(s) (or other verification of social security numbers)
- Marriage certificate or common law affidavit for informal marriage
- Court order of adoption/temporary custody
- Court order of AFDA certification for caretaker families
- Written authorization from custodial parent
- Statement of placement agency for foster children
- Divorce Decree
- Legal separation decree (or if not legally separated, proof of estranged spouse’s legal residence, e.g. lease, signed affidavit)
- Income tax returns (if self-employed or otherwise needed to determine eligibility)
- Veteran’s Administration (VA) records

Income Eligibility

HUD-established income limits shall apply to the CDBG-CV programs. At least 51% of an agency’s CDBG-CV-assisted clients must, at intake and at each subsequent annual recertification, demonstrate documented household gross income below the HUD-established income limit of 80% of the Area Median Family Income. If a client discloses a change in income, outside of the certification periods, which increases over the HUD-established income limits, it is at the discretion of the agency as to whether or not to continue assistance until the next scheduled certification period, as long as the total percentage of the agency’s CDBG-CV-assisted clients remains at least 51% of those served.

The agency is required to follow the income calculation methods set forth in HUD’s Part 5 Income Calculation method. The Social Services Coordinator will provide guidance regarding best practices, requirements, and issues related to income and asset calculation.

Planning and Community Development staff have created a Missing Documentation Form for agency use when source documentation is not available. If, during the monitoring visit, it is determined that the Missing Documentation Form has not been completed for an applicable client, the agency will receive a finding for incorrect income calculation.

Other Requirements

Conflicts of Interest

General

With respect to the use of CDBG-CV funds to procure services, equipment, supplies, or other property, all agencies will comply with Conflict of Interest regulations, as detailed in OMB Circular 200. The terms of the agency contract will detail Conflict of Interest prohibitions.

Individual Conflict of Interest

No person who is an employee, agent, consultant, officer, or elected or appointed official of the City of Irving and who exercises any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision-making process or gain inside information with regard to such

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activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.

Exceptions

Upon written request of the City of Irving, HUD may grant an exception to the restrictions listed above on a case-by-case basis when it determines that the exception will serve to further the purposes of the program and promote the efficient use of CDBG-CV funds. In requesting an exception, the City of Irving and the agency will be required to provide the following:

- A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made
- An opinion of the City of Irving legal counsel that the interest for which the exception is sought would not violate state or local law

Environmental Requirements

All activities are subject to environmental review requirements under 24 CFR part 50. The City of Irving is required to supply all available and relevant information necessary for HUD to perform for each property any environmental review as required by regulation. In addition, the City of Irving is required to perform all mitigating measures, as required, or select an alternate eligible property. HUD may eliminate from consideration any application that would require an Environmental Impact Statement (EIS).

Agencies, may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project, or commit or expend HUD or local funds for eligible activities, until, as applicable, HUD has performed an environmental review under 24 CF part 50 and the City of Irving has received HUD approval of the property.

However, all administrative and management expenses, tenant based rental assistance, and programming in the City of Irving CDBG-CV programs are either Exempt or Categorically Excluded from environmental review under the National Environmental Policy Act of 1969, depending on program and location. Environmental review documentation is coordinated by the Social Services Coordinator following the Environmental Review Policies and Procedures, separate from this document.

Nondiscrimination and Equal Opportunity Requirements

Funded agencies will comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a). In addition, all funded agencies will make it known that rental assistance and services are available to all on a nondiscriminatory basis and ensure that all citizens have equal access to information about the program and equal access to the financial assistance and services provided under this program. Among other things, this means that agencies will take reasonable steps to ensure meaningful access to programs to persons with limited English proficiency (LEP), pursuant to Title VI of the Civil Rights Act of 1964. This may mean providing language assistance or ensuring that program information is available in

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the appropriate languages for the geographic area served by the applicable agency and that LEP persons have meaningful access to assistance. In addition, all notices and communications will be provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR 8.6.

Affirmatively Furthering Fair Housing

The City of Irving, and/or any sub-recipient agency, has a duty to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. Protected classes include race, color, national origin, religion, sex, disability, and familial status. Examples of affirmatively furthering fair housing include marketing the program to all eligible persons, including persons with limited English proficiency; making buildings and communications that facilitate applications and service delivery accessible to persons with disabilities; providing fair housing counseling services or referrals to fair housing agencies; informing a participant of how to file a housing discrimination complaint, including providing the toll-free number for the Housing Discrimination Hotline (1-800-669-9777); and recruiting landlords and sub-recipient agencies in areas that expand housing choice to program participants.

Uniform Administrative Requirements

The City of Irving is subject to the requirements of 24 CFR Part 85. Each sub-recipient agency is subject to the requirements of 24 CFR Part 84. These requirements relate to allowable costs and non-Federal audit requirements.

Lobbying and Disclosure Requirements

The disclosure requirements and prohibitions of Section 319 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 USC 1352) and implementing regulations at 24 CFR Part 87 apply to the CDBG-CV funded programs. The City of Irving and applicant sub-recipient agencies must disclose, using Standard Form LLL (SF-LLL), “Disclosure of Lobbying Activities”, any funds, other than federally appropriated funds, that will be or have been used to influence Federal employees, members of Congress, or congressional staff regarding specific grants or contracts.

Drug-Free Workplace Requirements

The Drug-Free Workplace Act of 1988 (41 USC 701, et seq.) and HUD’s implementing regulations at 24 CFR Part 21 apply to CDBG-CV funded programs.

Procurement of Recovered Materials

The City of Irving, and any person contracting with the City of Irving with respect to work performed under an assisted contract, will comply with the requirements of section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, In accordance with section 6002, these agencies and persons must procure items designated in guidelines of the Environmental Protection Agency at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable,

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consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired in the preceding fiscal year exceeded \$10,000; must procure solid waste management services in a manner that maximizes energy and resource recovery; and must have established an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

Responsibility for Grant Administration

Each agency is responsible for ensuring that services are administered in accordance with the requirements of the Notice referenced in CDBG-CV contract, those authorities in this document, and other applicable laws. The agency is responsible for ensuring that it carries out the eligible activities in compliance with all applicable requirements.

Compliance with HUD Requirements

The City of Irving and its sub-recipient agencies will comply with all HUD requirements applicable to the program. If during the term of an agreement, HUD modifies its requirements in such a way as would necessitate a modification to the provisions set forth above, the City of Irving and any sub-recipient agency would be bound by and comply with such modification in accordance with HUD requirements. Exhibit B to the CDBG-CV sub-recipient agency contract includes additional requirements applicable to CDBG-CV.

Recapture or Resale

No return is expected through the City of Irving CDBG-CV funded programs. However, in the case of such a situation, the City of Irving will utilize the recapture method of asset reversion.

Debarred or Suspended Sub-Recipient Agencies

The prohibitions at 24 CFR Part 24 on the use of debarred, suspended, or ineligible agencies or contractors shall apply. Each sub-recipient agency must submit a Suspension/Debarment Certification to the City of Irving and undergo a Suspension/Debarment Verification.

Insurance Requirements

Each agency must comply with the applicable insurance requirements in accordance with the provisions of the CDBG-CV agreement between the sub-recipient agency and the City of Irving.