



Public Facilities Neighborhood and Development Program
NOFA Pre-application Conference

October 12, 2022



CITY OF HOUSTON * HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

Agenda

- Funding and Solicitation Schedule
- Public Facilities NOFA Overview/Program Priorities
- ADA Accessibility Standards
- MWSBE/Section 3/Pay or Play
- Davis Bacon and Related Acts
- Environmental Review
- Uniform Relocation Act
- Submitting an Application
- Q&A



Funding and Solicitation Schedule

Presentation by Linsi Broom

Funding

- Approximately \$4,000,000
- Community Development Block Grant
- Funds allocated by the US Department of Housing and Urban Development (HUD)



2022 Estimated Timeline

| | |
|-----------------------------|--------------------|
| NOFA Issued | September 30, 2022 |
| Pre-Application Conference | October 12, 2022 |
| Question Submittal Deadline | October 21, 2022 |
| Proposal Deadline | November 9, 2022 |



Public Facilities Program Priorities and NOFA Overview

Presentation by Ana Martinez



Public Facilities Program Priorities



- HCDD's Public Facilities Program makes existing low-and-moderate income neighborhoods safer and more sustainable through construction, renovation, and acquisition of public facilities and improvements in Houston.
- The Program focus for the 2022 NOFA will be on supporting workforce training facilities by working with non-profits and City departments.
- The Program is funded through the federal Community Development Block Grant (CDBG) program.



Notice of Funding Availability Overview



- Purpose is to provide workforce and resilient development opportunities within the city limits
- Open to nonprofit organizations and City of Houston departments
- Applications should suggest acquisition, renovation, or construction of workforce training facilities
- Serve low-to-moderate income populations in Houston

Threshold Items

- No officer, director or owner may be debarred from doing business with City or HUD
- Must be current with taxes due and be in good standing with the City
- Proposed project must be an eligible Public Facilities activity as required by HUD
- Proposed project must meet a National Objective as required by HUD
- Proof of non-profit tax-exempt status
- Proposed facility must operate within corporate City of Houston boundaries
- Site Control (deed, signed purchase agreement)
- Phase I Environmental Site Assessment
- Proof that proposed site is not in 100-year flood plain or flood-way

Eligible Activities

New Construction

Rehabilitation

Acquisition

Demolition (with reconstruction)



Examples of Ineligible Activities

Projects Located in flood zone

Multifamily/Housing Developments

Purchase of Furniture/Fixtures/Equipment

Scoring Criteria (Maximum 100 points)

Community Benefit 10 points

Project Feasibility 15 points

Development Experience/Past Performance 10 points

Operating Capacity 15 points

Leverage of Funds 10 points

Workforce Development 5 points

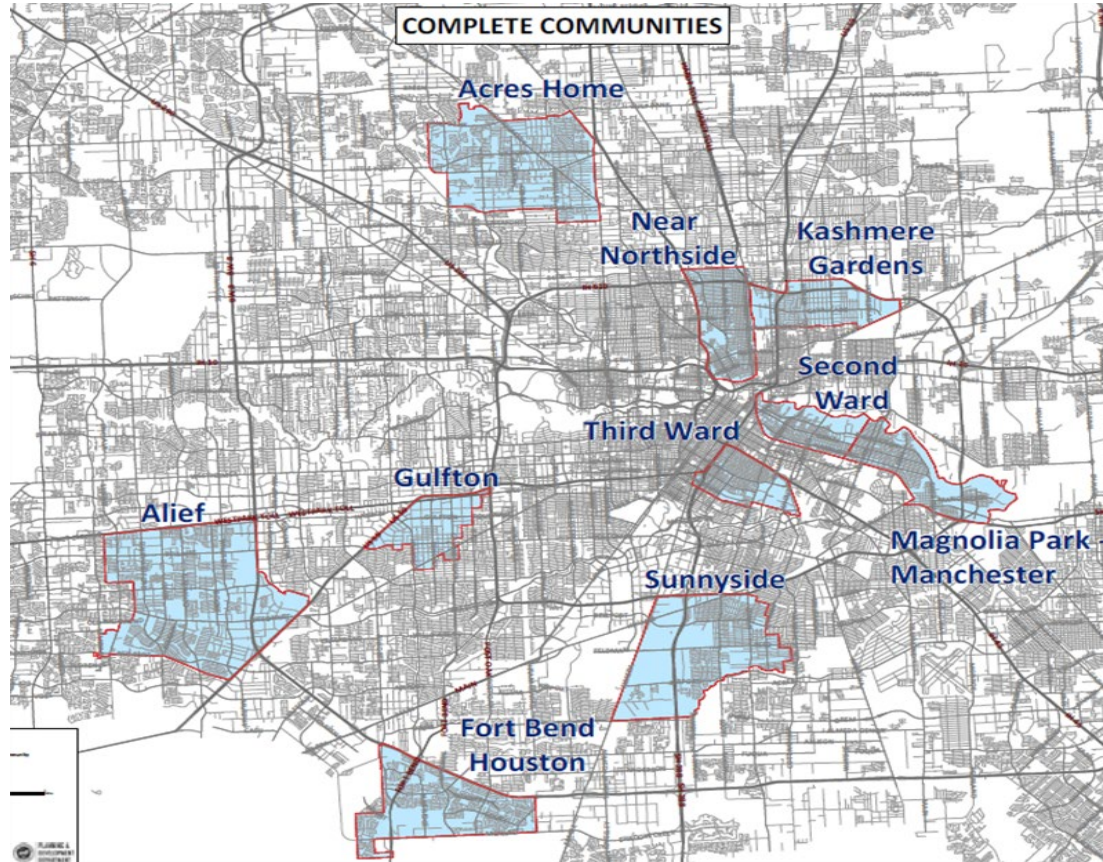
Resilient Development 5 points

Complete Communities 20 points

Community Support 10 points



Map



Workforce Development

- Applicants must satisfy a minimum of **seven** subcategories from the following Workforce Area categories:
 - Equity Approach
 - Job Placement
 - Area of Focus
 - Training

Refer to Application Workbook, Building Resilience Matrix tab



Resilience Standards for Construction

- Applicants must satisfy a minimum of ***ten*** subcategories from the following Workforce Area categories:
 - Building Protection
 - Adaptation
 - Back up Measures
 - Community Amenities
 - Green Building Standard
 - Sustainability

Refer to Application Workbook, Building Resilience Matrix tab

Preconstruction and Construction Terms

- Agency will select its own Architectural and Engineering Firm and General Contractor; however, the agency must follow the City's procurement requirements and include language in solicitation of firms
- Agency must perform a third-party independent cost analysis prior to selection of firms
- Liability and Bond Insurance is required
- Acquisition and Construction must be complete, and facility must be in service within 24 months of contract approval

Governing Provisions and Limitations

- This NOFA does not commit the City to award a funding contract, to pay any costs incurred in the preparation of a proposal for funds or to procure or contract for services or supplies
- Applicants shall not, under penalty of law, offer any gratuities, favors, or anything of monetary value to any officer or employee of the City for the purpose of influencing favorable disposition toward his/her own proposal or any other proposal submitted

Development Standards and Accessibility

Presentation by Mike Firenza



HCDD Accessibility Standards

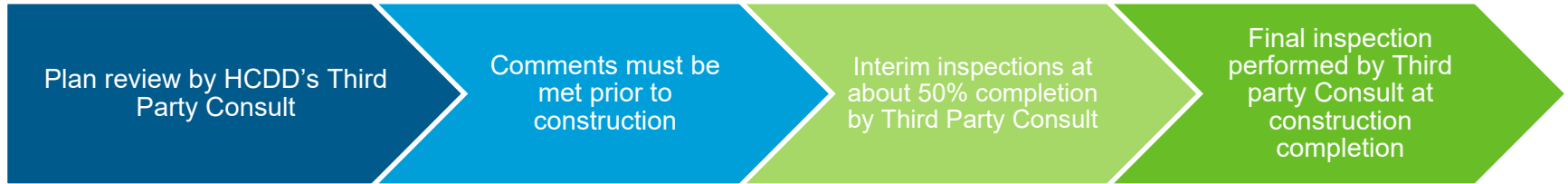


EQUAL HOUSING
OPPORTUNITY

FAIR HOUSING IS THE LAW!

HCDD enforces 2010
ADA Standards for
Accessible Design with
11 HUD Exceptions

Accessibility - The Process



Green Building Standards



- Energy Star (applicable to construction)
- Enterprise Green Communities
- LEED (any level)
- IC-700 National Green Building Standard
- Rehabs – Meet HUD CPD Green Building Checklist
- Documentation certifying green standards required at application

Compliance Requirements



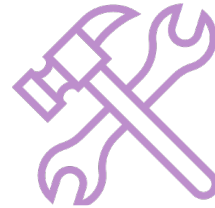
Minority Women Owned
Small Business
Enterprise(MWSBE)



Section 3:
Economic
Opportunities



Pay or Play
(POP)



Davis Bacon –
Labor standards



Environmental

MWSBE Program Requirements

24 CFR 85.36 | Chapter 15 Ordinance Part V

Presentation by Chrystal Boyce

MWSBE Compliance Requirements

Construction projects will be advertised with a 35% MWBE goal.

The General Contractor shall make Good Faith Efforts to award subcontracts or supply agreements to MWSBEs to achieve goal requirements.

Only firms certified through the City of Houston, Office of Business Opportunity can be used to meet MWSBE goal requirements.

For more information about the City of Houston MWSBE certification process, visit: <https://houston.mwbe.com/>



Section 3 Program Requirements

24 CFR PART 75

Section 3 Compliance Requirements

All contractors or subcontractors with a covered contract in excess of \$100,000 will be subject to comply with Section 3 requirements.



If contracting or employment opportunities arise, contractors are required to meet the following Numerical Goal Requirements:

10% of the dollar amount of “hard cost” (construction) should be directed to Section 3 Business Concern(s).

3% of the dollar amount of “soft cost” (non-construction) should be directed to Section 3 Business.

30% of new employment should be directed to Section 3 Workers.

25% or more of the total number of labor hours worked is performed by Section 3 Workers;



Section 3 Business & Worker Eligibility

Criteria:

Section 3 Business Concern

A Section 3 Business Concern is a business that can provide evidence they meet one of the following:

- At least 51 percent owned and controlled by low- or very low-income persons;
- Over 75 percent of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers; or
- A business at least 51 percent owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.

Section 3 Worker

A Section 3 worker is any worker who currently fits, or when hired within the past five years fit, at least one of the following categories, as documented:

- The worker's income for the previous or annualized calendar year is below the income limit established by HUD;
- The worker is employed by a Section 3 business concern; or
- The worker is a Youth Build participant.

Section 3 Certification Process



To receive credit towards numerical goal requirements, businesses and workers must be certified through the City of Houston, Housing and Community Development Department.



The certification process takes 7 to 14 days once application requirements are met.



To complete the online application to certify as a Section 3 Business Concern, click the following link: <https://hcdsection3.gob2g.com/>



Section 3 Worker applications may be submitted by email hcdsection3@houstontx.gov or digitally at <https://arcg.is/18iPei>



For more information about HCD Section 3 certification process, visit <https://houstontx.gov/housing/section3.html#section3>

Pay or Play (POP)

Executive Order 1 – 7
and Ordinance 2007 - 534

Covered Contracts

- Subcontracts valued at or above \$200K including contingencies, amendments, and supplemental terms;
- Professional Service, Construction and Service type contracts

Covered Employees

The program applies to employees of a covered contractor or subcontractor, including contract labor, who are:

- *Over the age of 18*
- *Work at least 30 hours per week*
- *Work any amount of time under a covered city contract or sub-contract.*

Pay Option



“Pays” by contributing \$1.00 per covered employee per regular hour for work performed under the contract with the City;



Funds are deposited in the Contractor Responsibility Fund.

Play Option

“Plays” by providing health benefits to covered employees. Health benefits must meet or exceed the following standards.

The employer contributes no less than 75% of the total premium costs per covered employee per month toward the total premium cost; and

The covered employee contributes, if any amount, no greater than 25% of the total monthly premium costs.

POP Additional Information

- HCDD provides POP related help, POP forms and all POP related updates through their website

<http://popms.houstontx.gov/popms/>

Davis-Bacon and Related Acts (DBRA)

Executive Order 1 – 7 and Ordinance 2007 - 534

Presentation by Tiffany Boyce

Davis-Bacon and Related Acts

- Davis-Bacon is a federal regulation that applies to numerous Acts.
- Applies to federally-assisted contracts in excess of \$2,000 for construction, alteration, and/or repair, including painting and decorating. Federal assistance is provided through Grants, Loans, and Loan guarantees.
- Requires contractors and subcontractors to pay their laborers and mechanics no less than the local prevailing wages and fringe benefits which are determined by the U.S. Department of Labor.



Davis-Bacon and Related Acts

- **Contract Work Hours and Safety Standards Act (CWHSSA)**
 - Establishes the regulation of time and a half after 40 hrs.
 - Establishes the \$29 per day liquidated damages penalty for unpaid overtime
- **Fair Labor Standards Act (FLSA)**
 - Establishes minimum wage, overtime pay, record keeping, and youth employments standards affecting employees in the private sector and in Federal, State, and local governments.
- **Copeland (Anti-Kickback) Act**
 - Anti-Kickback provision prohibits the kickback of fees, wages, commissions or granting of gifts by employees or contractors to work or benefit from project federal funds.
 - Requires submission of certified weekly payrolls (every 7 days).
 - Regulates allowable and disallowable employee payroll deduction wages
- **DOL Code of Federal Regulation-29**
 - Part 1 Determination of Wage Decision
 - Part 3 Copeland Act Provisions
 - Part 5 Labor Standards Provisions for Contracts



Davis-Bacon Competitive Bid for a General Contractor

- Once the Owner/ Developer is granted an award and are soliciting bids for a General contractor they must:
- Ensure that the Davis Bacon language is part of the bid packet/proposal. (Labor Standard Provisions/HUD 4010)
- Ensure that the prescribed General Wage Decisions(GWD) are part of the bid packet/proposal.
 - The Request for General Wage Decision(s) will need to be submitted to the Davis Bacon team to determine and prescribe/issue the applicable GWD(s) based on the type of construction.
 - The GWD(s) will be verified for modifications 10 days prior to the bid opening date and 90 days after bid opening, if selected General Contractor does not start construction within 90 days after bid opening.



Davis-Bacon Competitive Bid for a General Contractor

- Ensure Davis Bacon team is invited to the Pre-bid meeting
 - Pre-bid Meeting: During this meeting we will inform the bidding contractors a general overview of the prevailing rates and labor standards requirements.
- Ensure that the selected Contractor is cleared from any debarments prior to construction contract award (www.sam.gov)
- Ensure that the Construction Contract is reviewed by the Davis Bacon team to ensure the proper language is part of the contract prior to execution.
 - Contract Packet (Labor Standard Provisions/HUD 4010)
 - Prescribed General Wages Decision
- Ensure that a pre-construction meeting is scheduled prior to starting work on site.
 - Preconstruction Meeting: During this meeting we will review the prevailing rates, labor standards requirements, and pending items that may still be due.



Davis-Bacon Basic Compliance Requirements

Once the DBRA triggers in a Construction project, it will cover all construction activities throughout the life of the project regardless of the size and nature of the construction work.

- All Contracts, Subcontracts Agreements or purchase orders must incorporate the Contract Packet(Labor Standards Provisions/HUD 4010) and copies of the prescribed General Wage Decision(s).
- Sub-contractors and lower tier sub-contractors:
 - Must pay construction workers the hourly prevailing wage based on the trade being conducted
 - Must pay construction workers weekly with acceptable and verifiable proof of payment
 - Must submit weekly certified payroll through the LCP Tracker web portal, accessible via phone, tablet and PC.
 - Must submit all initial required compliance documents (prior to starting work on site)
 - Must submit payroll-supporting documents upon request (proof of payment, timesheets, payroll deduction authorizations, fringe benefits etc..)

The Contract Packet(Labor Standard Provisions/HUD 4010), Request for General Wage Decisions, and Request for Contractor Clearance can be found in the City of Houston's Housing and Community Development Dept. website.



Environmental Requirements

HUD 24 CFR Part 58

Presentation by Matthew Jenkins

Environmental Review

- All federally funded projects **MUST** comply with regulations found at Code of Federal Regulations 24 CFR 58.
- Neither a **recipient** nor any participant in the development process, including public or private nonprofit or for-profit entities, or any of their contractors, may commit HUD assistance on an activity or project until HUD or the state has issued the Authority to Use Grant Funds (AUGF)/approved the recipient's Request for Release of Funds (RROF). **As a rule, the AUGF is the final Environmental approval.** For limited scope projects where they are not required, HCDD's Environmental Clearance signifies final Environmental approval.
- In addition, until the **AUGF has been issued/final Environmental approval granted**, **neither a recipient nor any participant in the development process may commit non-HUD funds** on or undertake an activity or project if
 - a) the activity or project would have an adverse environmental impact or
 - b) it would limit the choice of reasonable alternatives.

Key: the site must be confirmed Environmentally clear before any final decisions can be made regarding the project.
- An option agreement on a proposed site or property is allowable prior to the completion of the environmental review/AUGF issuance in order to establish site control **so long as:**
 - i) the option agreement is **conditioned on the completion of the environmental review** per HUD requirements and
 - ii) the **cost of the option is a nominal portion of the purchase price.**
- Major actions, in particular land acquisition and new construction, require a **current ASTM-certified Phase I Environmental Site Assessment (ESA)**. Current per ASTM requirements = updated after 6 months, brand new if over one year old.



Environmental Review

- Issuance of the AUGF issued by HUD or the State signifies Environmental approval. If the AUGF includes mitigation conditions, these conditions MUST be followed for the property to be eligible for federal funding, and documentation of said mitigation must be provided to the HCDD Environmental Team and other appropriate parties to the project.
- Lower-level projects, for example minor to moderate repairs without acquisition, may be environmentally clearable in-house without an AUGF being issued by HUD or the state, if no mitigation is required and the scope of work meets all applicable requirements found at 24 CFR 58.35(a).

URA

UNIFORM RELOCATION ASSISTANCE & REAL PROPERTY ACQUISITION ACT OF 1970, AS AMENDED

Presentation by Laura Serrano

URA Threshold

- URA has no monetary threshold.
- URA applies to the project independent of how federal funds are used if certain activities are triggered.



URA Applicability and Activities

- **Applicability:** URA's two (2) main requirements are *acquisition* and *relocation*.
- **Activities:** When federal financial assistance is used at any stage for the following activities:
 - ❑ **Acquisition:** Buying or obtaining real property, through fee simple rights in real estate, from one legal entity to another. *Example:* Transferring title from one entity name to another with or without the exchange of funds.
 - ❑ **Demolition/Conversion:** Destruction (tearing down) of low-income occupied or vacant occupiable units to convert the units (or property) for purposes. *Example:* Demolition of single-family homes to build new job training center.
 - ❑ **Rehabilitation (Reconstruction/Redevelopment):** Restoring properties to decent, safe, and sanitary conditions. *Example:* Tenants are moved temporarily or permanently to repair, reconstruct, or redevelop a property.

URA Documents Due with Proposal

IF Acquisition applies:

- URA Assurance Letter
- Notice to Seller
- Seller's Occupancy Certification
- Initial Title Commitment

IF Relocation applies:

- Relocation Plan
- Relocation Budget
- Initial Rent Roll
- Template General Information Notice (GIN)

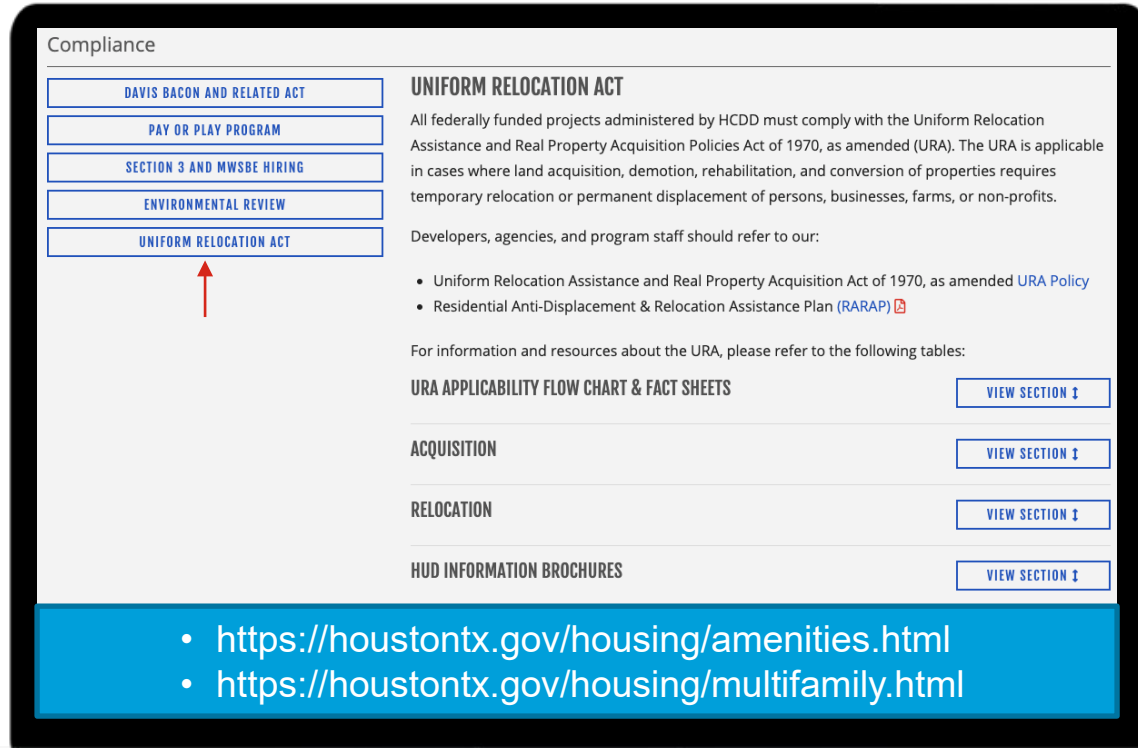


Important Message

- **Do** send out the General Information Notice after the URA team has approved your template within 30 - 45 days of the proposal submission, even if your proposal MAY NOT be selected.
- **Do not** relocate tenants until the City Council has approved the project and the URA team has approved all the Notices
- **If** relocation payments are due to tenants, the URA team must pre-approve claim before issuing payment.



URA Resources



Compliance

- DAVIS BACON AND RELATED ACT
- PAY OR PLAY PROGRAM
- SECTION 3 AND MWSBE HIRING
- ENVIRONMENTAL REVIEW
- UNIFORM RELOCATION ACT**

UNIFORM RELOCATION ACT

All federally funded projects administered by HCDD must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA). The URA is applicable in cases where land acquisition, demotion, rehabilitation, and conversion of properties requires temporary relocation or permanent displacement of persons, businesses, farms, or non-profits.

Developers, agencies, and program staff should refer to our:

- Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended [URA Policy](#)
- Residential Anti-Displacement & Relocation Assistance Plan ([RARAP](#))

For information and resources about the URA, please refer to the following tables:

| | |
|--|--------------------------------|
| URA APPLICABILITY FLOW CHART & FACT SHEETS | VIEW SECTION ↓ |
| ACQUISITION | VIEW SECTION ↓ |
| RELOCATION | VIEW SECTION ↓ |
| HUD INFORMATION BROCHURES | VIEW SECTION ↓ |

- <https://houstontx.gov/housing/amenities.html>
- <https://houstontx.gov/housing/multifamily.html>

Complaints and Appeals

Presented by Stephan Loston, Grant Analyst

Contact Information

Hotline: 832-394-6388

Email: hcddcomplaintsappeal@houstontx.gov

Physical Address:

HCDD

2100 Travis Street, 9th FL

Houston, Texas 77002

Attention: Complaints/Appeals Team

Hours of Operation: Monday – Friday 8 A.M. – 5 P.M.



Submitting an Application

Presentation by Linsi Broom

- All communication must be sent in writing to Andrea.Smith@houstontx.gov and Linsi.Broom@houstontx.gov
- NO DIRECT CONTACT WITH PROGRAM AREA
- Questions must be submitted by October 21, 2022, at 5pm
- Application Due Date – November 9, 2022, at 3:00pm
- All checklist items must be included
- Copy of NOFA available at: <https://houstontx.gov/housing/funding.html#nofa>



No Contact Period

- Neither Applicant(s) nor any person acting on Applicant(s)'s behalf shall attempt to influence the outcome of the award by the offer, presentation or promise of gratuities, favors, or anything of value to any appointed or elected official or employee of the City, their families or staff members.
- All inquiries regarding the solicitation are to be directed to the designated City Representative identified on the first page of the NOFA.



No Contact Period

- With the exception of Applicant's formal response to the solicitation and written requests for clarification during the period officially designated for such purpose by the City Representative, neither Applicant(s) nor persons acting on their behalf shall communicate with any appointed or elected official or employee of the City, their families, or staff through written or oral means in an attempt to persuade or attempt to persuade or influence the outcome of the award or to obtain or deliver information intended to or which could reasonably result in an advantage to any Applicant from the time of issuance of the solicitation through the pre-award phase and up to the date the City Secretary publicly posts notice of any City Council agenda containing the applicable award.

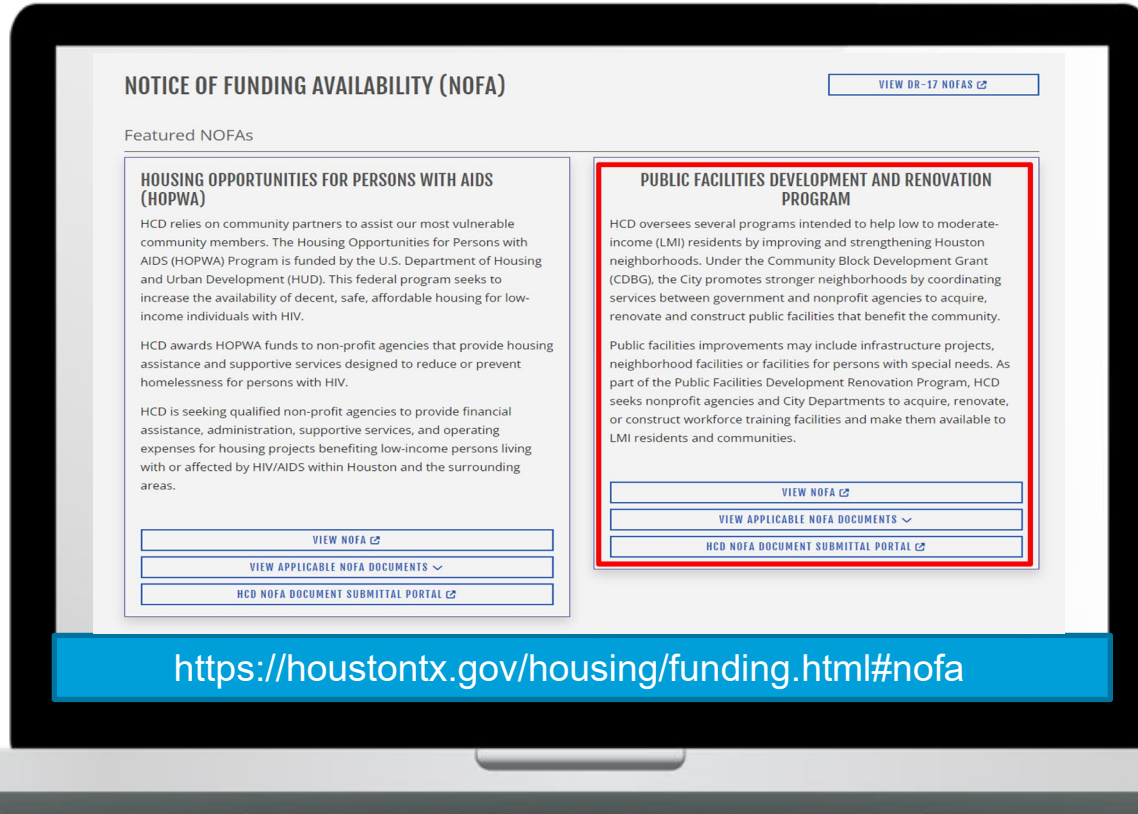


No Contact Period

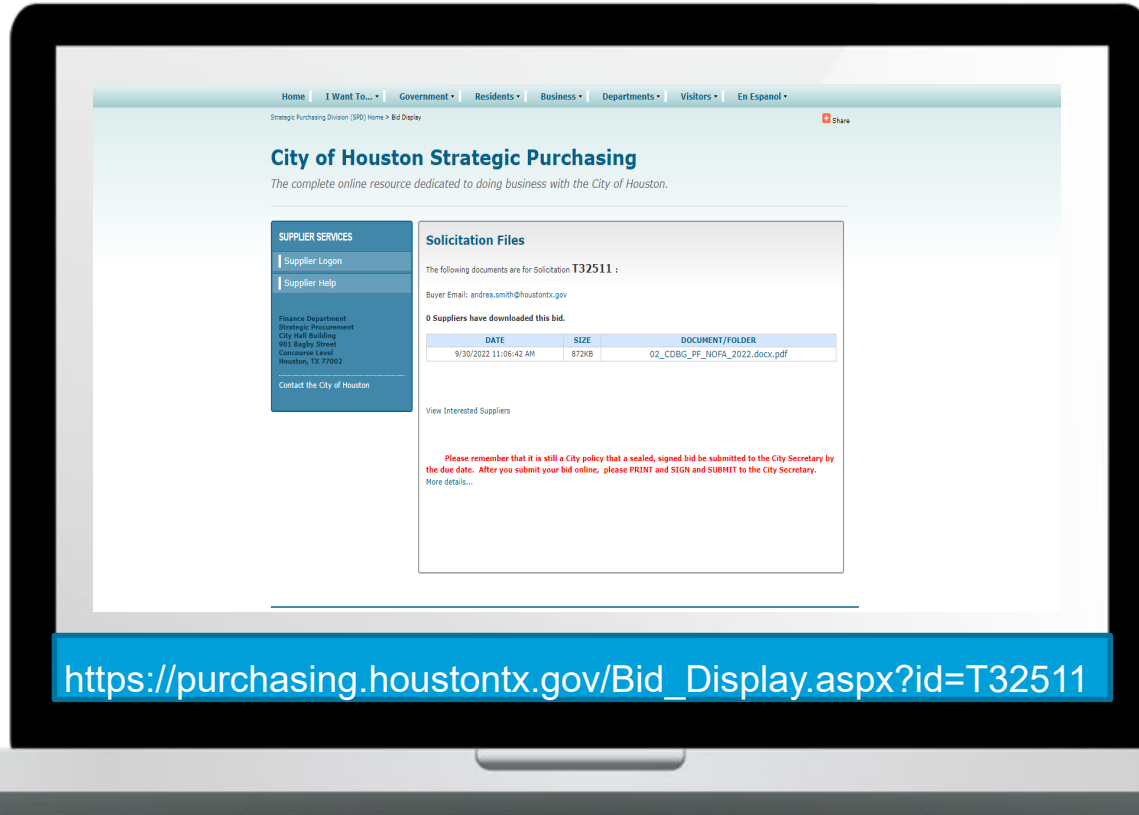
- However, nothing in this paragraph shall prevent an Applicant from making public statements to the City Council convened for a regularly scheduled session after the official selection has been made and placed on the City Council agenda for action, or to a City Council committee convened to discuss a recommendation regarding the Application.



Accessing the NOFA



Accessing the NOFA



Accessing the NOFA

with or affected by HIV/AIDS within Houston and the surrounding areas.

[VIEW NOFA](#)

[VIEW APPLICABLE NOFA DOCUMENTS](#)

[HCD NOFA DOCUMENT SUBMITTAL PORTAL](#)

[VIEW NOFA](#)

[VIEW APPLICABLE NOFA DOCUMENTS](#)

[HCD NOFA DOCUMENT SUBMITTAL PORTAL](#)

Public Facilities Development And Renovation Program Documents

Show entries Search:

| Part | Document Name | View |
|------|---|----------------------|
| 1 | CDBG PF Checklist | View |
| 2 | CDBG PF NOFA Application Workbook | View |
| 3 | Proposal Content and Project Narrative | View |
| 4 | Certification Regarding Restrictions on and Notice of Location of Certain Facilities and Shelters | View |
| 5 | Certification Regarding Debarment Suspension and Other Responsibility Matters | View |

Showing 1 to 5 of 12 entries < Previous 1 2 3 Next >

<https://houstontx.gov/housing/funding.html#nofa>

Accessing the NOFA

HCD Document Submission Portal

**CITY OF HOUSTON
HOUSING AND
COMMUNITY
DEVELOPMENT**

HCD DOCUMENT SUBMISSION PORTAL

This Document Submission Portal Program is designed to allow HCD external partners, vendors and contractors to upload required documents for RFP, RFQ, NOFA, bid processes, housing projects and other related matters.

Project Information

Project Name* Project Address* Project City*

Project State* Project Zip*

Organization Information

Legal Name of Entity* Type of Organization* Contact Name*

Contact Title* Contact Phone Number* Contact Email*

Address* City* State*

Zip Code*

Please select below for Uploading Documents

Are document(s) a NOFA Submission?*

Comments & Questions





2100 Travis Street, 9th floor, Houston, TX 77002
832-394-6200 | www.houstontx.gov/housing



@HoustonHCDD