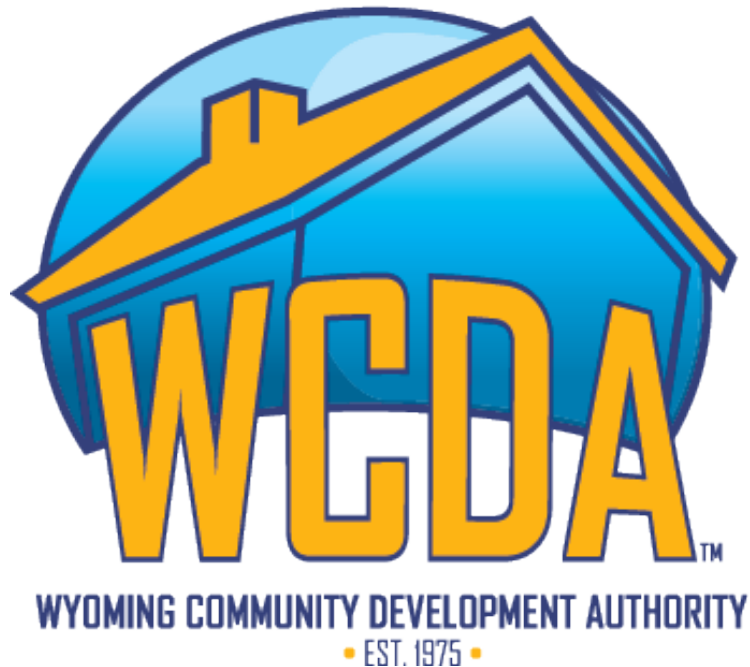


STATE OF WYOMING WCDA CDBG

PROCUREMENT MANUAL



Wyoming Community Development Authority
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INTRODUCTION

On December 19, 2014, the federal Office of Management and Budget published a new rule which consolidated several federal regulations related to financial management, procurement, and auditing of federal funds. This new rule, entitled *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* is found in Title 2 of the Code of Federal Regulations in Part 200 (2 CFR Part 200)(Uniform Rule). On January 6, 2016, the U.S. Department of Housing and Urban Development adopted and codified the new rule and amended Community Development Block Grant Program regulations. Community Development Block Grants are governed by 2 CFR Part 200 Subpart E and 24 CFR Part 570 (HUD CDBG Regulations).

The Wyoming Community Development Authority (WCDA) as the State of Wyoming administrator of these grant funds, has developed this Manual, which includes policies, requirements and required forms. The procedures are designed to ease the process by creating uniform standards for Grantees. It is designed to be used in conjunction with information in the WCDA CDBG Policy and Procedure Manual, Federal, HUD and State regulations. WCDA policy and procedures are not all inclusive.

All CDBG Grantees must comply with the following procedures, policies and requirements when procuring and expending CDBG funds. CDBG Grantees shall ensure their local policies and procedures are in compliance with those set forth in this Manual. These policies also apply to subrecipients, housing developers and businesses.

In the event that the policies and procedures in this Manual conflict with those of other state or federal funding agencies, a meeting will be required between all parties to determine how to proceed.

PROCUREMENT

All procurement activities must allow for full and open competition when using federal CDBG funding for goods and services. Grantees must demonstrate that all costs are reasonable and necessary and that the best price was obtained from the most qualified provider.

The following items restrict free and open competition and must be avoided:

- unreasonable qualifying requirements;
- unnecessary experience/excessive bonding requirements;
- specifying only brand name products;
- geographic preference;
- non-competitive pricing practices; and
- non-competitive contract awards.

Grantees should be mindful of these restrictions when drafting project specifications and bidding documents. Practical alternatives should be considered when possible. Written explanations must be provided in the event the lowest bid is not selected.

There are five procurement methods available under federal standards:

- Micro-Purchase
- Small Purchase
- Sealed bid (construction)
- Request for proposals (RFP)
- Non-competitive (sole source)

(1) A Micro-Purchase at the federal level is any procurement *under \$10,000*. The requirements include:

- Getting competitive quotes
- Selecting the most reasonable offer
- Allowing the use of purchase orders

(2) A Small Purchase at the federal level, also known as “streamlined” method, is anything *below the Simplified Acquisition Threshold (SAT) of \$250,000*. Requirements include:

- Getting an “adequate” number of quotes (typically 3)
- Selecting the most reasonable offer

(3) Sealed Bids are required for construction contracts. The sealed bid process involves:

- Developing an invitation for bids
- Publicly soliciting bids
- Opening bids and announcing prices publicly
- Reviewing bids in detail
- Awarding contract to lowest responsive bid

Note that *separate* bids and contracts for engineering services and construction means that *different* procurement processes can be used. The Grantee does not need a sealed bid for engineering services unless they are part of the construction contract.

(4) Request for Proposals (RFP) process involves:

- Announcing and issuing RFP
- Opening, reviewing, and comparing proposals
- If necessary, negotiating with offerors
- Requesting and reviewing “best and final” offers
- Awarding contract

(5) Non-Competitive or Sole Source procurements are permitted when an award is infeasible under other methods and one of following applies:

- Item is available from only one source
- Emergency situation will not permit delay
- HUD authorizes non-competitive proposals
- Grantee attempted full process and received insufficient number of responses
- Price or cost analysis and written justification must be in files

In rare circumstances, the CDBG Program will allow for procurement through a sole source method. When requesting approval, the Grantee must document the reasons why a sole source is justified. The request for sole source approval must be submitted in a timely manner by the Grantee before procurement is undertaken. Written approval or denial by WCDA will be provided.

Professional Services

Professional services include those services provided by engineers, architects, inspectors, surveyors, appraisers, title companies, consultants (including private grant administrators), etc. Requirements for procurement of professional services are based upon the estimated amount of the service.

1. Up to \$250,000 – Using a written description, Grantees must solicit written cost estimates from at least two vendors. Costs and information about vendors must be documented on the CDBG Vendor/Cost Documentation form attached to this Manual, with written cost estimates in the file.
2. Over \$250,000 – Grantees must use a competitive Request for Proposal/Services or Request for Qualification and submission of sealed bids. This process requires formal advertising in at least one local newspaper of general circulation.

For competitive requests, if only one bid is submitted, Grantees must initiate another process. In the event that only one bid is submitted during the second round, the Grantee may accept the bid if it meets all qualifications and requirements.

If a service is specialized and there is limited availability of those professional services, the Grantee must consult with WCDA prior to executing a contract.

If a Grantee has an existing contractual agreement with an engineering or other professional service firm and would like to use the firm for the CDBG-funded grant activities, the Grantee must be able to demonstrate that it hired this firm through a solicitation process if the total cost of services is up to \$250,000 unless the Grantee can establish that an exception to this process under the Uniform Rule exists. The contract with the selected firm must be for a term of five years or less. The Grantee must provide documentation to WCDA of this process.

For all procurement activities, the Grantee must document efforts to attract minority and women owned businesses (MBE/WBE) and complete the MBE/WBE Procurement form that is attached to this Manual for each procurement.

Materials

Materials include, but are not limited to: construction materials, iron, steel, equipment, and supplies.

When using CDBG funds to procure materials only, Grantees must solicit written cost estimates from at least two vendors. Costs and information about vendors must be documented on the CDBG Vendor/Cost Documentation form with written cost estimates in the file. Note that if this activity is carried out by a contractor outside of the construction contract, the contractor must follow these procedures and provide documentation to the Grantee to approve prior to purchase.

Grantees must follow the requirements of the Build America Buy America Act. See associated regulations at 2 CFR Part 184.

Housing Rehabilitation and Renovation

All work required as part of the rehabilitation or renovation of housing must be procured using a competitive Request for Proposal process that involves the submission of sealed bids. This process requires formal advertising in at least one local newspaper of general circulation. The exception to this requirement for formal advertising is related to establishment and use of a contractor list as set forth below.

Note that multiple units may be bid under one contract, but federal labor standards will be applicable if the contract is for eight or more housing units.

For individual well and/or septic replacements, the Grantee must solicit cost estimates from at least two contractors. Costs and information about contractors must be documented on the CDBG Vendor/Cost Documentation form.

Grantees may establish a qualified contractor list for housing rehabilitation to use for each new grant received. Under this process, the Grantee must undertake one Request for Qualifications, which requires formal advertising in at least one local newspaper of general circulation at the beginning of each grant term or advertised on an official government website. The Grantee will solicit qualified contractors to be included on a list. The contractors on the list will be given the

opportunity to bid on each job as it becomes available. Contractors must provide information to meet specific qualifications which include licensing, certifications, bonds, past performance, etc. Contractors must be licensed in the State of Wyoming and not be listed on the federal debarment list. Each contractor list must contain at least two approved contractors.

This process may also be used for soliciting contractors for projects that involve construction activities at multiple sites, such as renovation of group homes and housing for the homeless.

For utility connections, Grantees may complete a Request for Proposal to solicit contractors to complete connections for up to seven housing units under one contract. Federal labor standards will be applicable if contract is for eight or more housing units.

Grantees shall develop Requests for Proposals based upon work orders prepared for the rehabilitation or renovation of houses. For those using a contractors list, the specific work orders for each job should be made available to all the contractors on list.

Construction

The Grantee must use a competitive Request for Proposal and submission of sealed bids; This process requires formal advertising, for at least 15 days, in at least one local newspaper of general circulation or advertised on an official government website. This must be documented in the files.

Grantee must hold a pre-bid conference for each Request for Proposal issued for construction activities over \$50,001.

Potential contractors must submit a 5% bid bond with their bid submittals for construction projects over \$100,000.

For each contract in excess of \$100,000, the Grantee must obtain a 100% payment bond and a 100% performance bond in the amount of the contract.

Other

There are additional circumstances that permit Grantees to establish a qualified contractors list following the same process identified under the Housing Rehabilitation and Renovation section. Examples include spot blight demolition programs impacting multiple sites, clearance, and/or relocation of mobile homes, etc.

For eligible equipment purchases, the Grantee must solicit cost estimates from at least two vendors. Costs and information about vendors must be documented on the CDBG Vendor/Cost Documentation form.

The CDBG Program does not typically fund other goods. In the event that these items are approved, Grantees will need to discuss further with WCDA and agree upon the process to be used for purchasing goods.

Additional Procurement Requirements

For all procurement efforts in any category, Grantees must also adhere to the following:

1. Grantee will avoid procuring unnecessary and duplicative items.
2. Grantee will provide WCDA a copy of all the bid procurement documentation prior to sending any request for proposals or advertising.
3. Grantee must comply with Equal Opportunity and Affirmative Action Strategies by conducting an online search of Minority Business Enterprises (MBE) and Women Business Enterprises (WBE) using the Wyoming Department of Transportation's website (<https://wydot.exevision.com/ws/AlphaDbeDirectory.aspx>) and send those firms a copy of the Request for Proposal/Qualifications. Complete the MBE/WBE Procurement form attached to this Manual for each procurement.
4. Due to Federal Regulations, no State of Wyoming preference may be included in bid manual or bid proposals.
5. Potential contractors must be provided at least 15 days to return sealed bids.
6. Grantee must establish written evaluation criteria to be used when selecting contractors or vendors. Criteria should include expertise, past record of performance, capacity to perform, and familiarity with type of project.
7. Grantee must conduct a public bid opening of all bids received at the time and place stated in the invitation for bid (IFB). 2 CFR 200.320(b)(1)(ii)(C).
8. Grantee must prepare a written price or cost analysis for selected bid/price to determine if costs are reasonable.
9. Grantee must maintain written protest procedures to handle and resolve disputes relating to its procurements and shall, in all instances, disclose information regarding the protest.
10. Once a vendor or contractor is selected prior to execution of the contract, the Grantee must complete a debarment check using the WCDA CDBG Program Debarment Check form (see Wyoming WCDA CDBG Program Policy and Procedure Manual, Exhibit F) on the proposed contractor for all construction, non-construction, or housing rehabilitation/renovation activities. The Grantee will confirm to WCDA that the debarment check was completed.
11. Grantee must supply WCDA with written evaluation of all bids received and the contract for the selected contractor to review prior to execution of the contract.
12. Grantee must enter a written contract with the selected vendor or contractor.
13. Once a construction contract is fully executed and all bonds are secured (if required), the Grantee will schedule a required preconstruction meeting with all contractors, subcontractors and WCDA after providing a minimum of two weeks' notice. The Grantee shall provide WCDA with meeting notes. WCDA will provide required forms and a written Notice to Proceed to the Grantee at the end of the preconstruction meeting if all requirements have been met.
14. The Grantee will issue a written Notice to Proceed to the contractor.
15. Only firm fixed contracts will be approved. The following types of contracts are prohibited: time and material contracts, cost plus a percentage of cost, and percentage of construction cost.
16. At least two bids must be submitted when a Request for Proposal, Request for Services or Request for Qualifications has been issued. If only one is received, Grantee

must begin the procurement process again, unless Grantee can establish an exception to the process exists under the Uniform Rule.

17. Grantee may not award contracts which include CDBG funds to any contractor on retainer to the Grantee.
18. All contracts must contain specific performance measures with penalties for nonperformance.

Section 3 Requirements

For construction projects with more than \$200,000 of HUD funding, Grantees must adhere to Section 3 of the federal Housing and Urban Development Act of 1968, as amended. See 24 CFR Part 75. The requirements apply to the entire project and not just the CDBG-funded activities and contracts. To the greatest extent feasible, Section 3 Business Concerns and/or Section 3 Workers are to be hired. Grantees must report on total labor hours for the entire project, making its best effort to ensure that 25% of labor hours are provided by Section 3 workers. Additionally, a minimum of 5% of those hours are to be provided by Targeted Section 3 Workers. The Section 3 form is attached to this Manual.

Build America, Buy America Act Requirements

The Build America, Buy America Act (BABA) established domestic procurement preferences for all infrastructure projects funded with federal financial assistance. Specifically, BABA requires that all iron, steel, manufactured products, and construction materials for the Project be produced in the United States.

BABA applies to all projects involving construction of, alteration/rehabilitation of, maintenance, or repair of infrastructure. For purposes of BABA, “infrastructure” includes, at a minimum, the structures, facilities and equipment for roads, highways, and bridges; public transportation; dams; water systems including drinking water and wastewater systems; broadband; electrical transmission facilities and systems; utilities; facilities that generate, transport, and distribute energy; and buildings and real property.

The Build America Preference (BAP) applies to infrastructure spending unless a federal agency issues a waiver in three limited situations: 1) when applying the domestic content procurement preference would be inconsistent with the public interest; 2) when types of iron, steel, manufactured products or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or 3) where the inclusion of those products and materials will increase the cost of the overall project by more than 25 percent.

Before issuing a waiver to BABA requirements under Section 70914(c), the head of a federal agency, including HUD, must make publicly available a detailed written explanation for the proposed determination to issue the waiver and provide a period of not less than 15 days for public comment on the proposed waiver.

See additional detailed information in [BABA: Buy America Preference for CDBG Grantees Quick Guide.](#)

Recordkeeping

Grantees must maintain copies of all paperwork relating to compliance with procurement regulations for each procurement activity. All documentation must be maintained for five years beginning from the date of Project close out.

Unfair Competitive Advantage

To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft design plans and specifications, requirements, statements of work, and invitations for bids or requests for proposals must be excluded from competing for such procurements.

However, in instances where a contractor was asked to provide estimates for an application for funding, that contractor can bid on the Project if all potential bidders are provided the same information used by that contractor when it produced the estimate.

Federal regulations do not allow state or local preferences when considering bids. Therefore, the Wyoming Preference Act does not apply.

Davis Bacon and Related Acts

CDBG projects that result in construction contracts that exceed \$2,000 are subject to the federal Davis-Bacon Act, the Contract Work Hours and Safety Standards Act of 1962, and the Fair Labor Standards Act. All employers (contractors, subcontractors, and any lower-tier subcontractors) are required to pay all laborers and mechanics employed or working on the site once per week. They must be paid, at minimum, the full amount of wages and bona fide fringe benefits contained in the wage decision. Employers must prepare, certify, and submit weekly payroll reports reflecting all the laborers and mechanics (employees) working on the project. Employers may also be required to submit related documentation to demonstrate compliance. The principal contractor (also referred to as the “prime contractor”) is responsible for the full compliance of all employers (itself, subcontractors, and any lower-tier subcontractors) with the labor standards provisions applicable to the Project.

WCDA requires Grantees to complete the WCDA CDBG Davis Bacon Training and pass the quiz with a minimum 80% score. This should be completed prior to or at the time the Environmental Review Record (ERR) is signed. The WCDA CDBG Davis Bacon Training and quiz can be found on the WCDA website.

The WCDA CDBG Davis Bacon Checklist and WCDA Davis Bacon Information Packet will be provided by WCDA. These documents will assist with the process and ensure compliance with Davis Bacon requirements. After completion of page one of the checklist, it must be signed and uploaded to ProCore.

All Davis Bacon requirements must be complied with or all draw requests will be held until compliance is met. Please see Wyoming WCDA CDBG Program Policy and Procedure Manual for more details.

COST AND PRICE ANALYSIS

A written cost or price analysis must be performed in connection with every procurement activity. The method and degree of analysis depend upon the specific procurement activity. The analysis should be compared to the estimates provided in the CDBG Application under Funding Sources.

Cost Analysis

The Cost Analysis is the evaluation of the separate elements that comprise a contractor's total cost proposal or price to determine if those costs are allowable and reasonable. Cost or price data must be provided by the contractor and is the means for conducting this analysis. The evaluation must review the contractor's cost or pricing data to verify each component, along with examining each element for necessity, reasonableness of materials costs, labor costs, equipment and overhead. Grantees shall compare costs with previous work, other data received from other contractors and independent cost estimates.

Grantees must prepare a Cost Analysis for each change order to an existing contract prior to approval of that change order.

Price Analysis

A Price Analysis is the evaluation of a proposed cost or price as a lump sum, without analyzing any of the separate cost elements with which it is composed. It is used when proposals are compared during a competitive pricing situation. Price Analysis is the process of deciding if the asking price for a product or service is fair and reasonable without examining the specific cost and profit calculations the contractor used in arriving at the price. When adequate price competition does not exist, some other form of analysis is required.

Examples of other forms of price analysis information include an analysis of previously paid prices, comparison of vendors' prices with in-house estimates, and/or a comparison of quotes or published price lists from multiple vendors.

Procurement files should contain the original estimates and either the Cost or Price analysis shall be maintained for five years from Project close out.

CONFLICT OF INTEREST

Grantees must comply with federal Code of Conduct or Conflict of Interest Standards found in 2 CFR Part 200 and 24 CFR Part 570.489, which includes having a written policy addressing conflicts of interest standards. Additionally, Wyoming requires various public officials to comply with the Wyoming Ethics and Disclosure Law (Wyo. Stat. 9-13-101 through 109), along with Wyoming Statutes 15-1-127 to 128; 16-6-118; and 6-5-101 through 118. *Note that those exempt from this requirement under State of Wyoming law must still comply with federal requirements.*

When conflicts of interest arise, Grantees must identify, disclose, and manage them. Grantees must notify WCDA when a conflict of interest arises or may potentially arise. *Conflicts of interest are situations which must be disclosed and properly managed.* Please see the WCDA CDBG Policy and Procedure Manual for more information.

FINANCIAL MANAGEMENT

A financial management system is necessary to ensure the appropriate, effective, timely and legal use of CDBG funds (see WCDA CDBG Policy and Procedure Manual for additional information). The critical areas of a financial management system include internal controls, accounting records, allowable costs, source documentation, budget controls, cash management system and financial reporting. WCDA will only review the financial management systems of WCDA's Grantee, not the subrecipient or developer.

The regulations are designed to:

- > Eliminate duplicative/conflicting guidance;
- > Focus on performance over compliance for accountability;
- > Provide for consistent treatment of costs;
- > Limit allowable costs for the best use of federal resources; and
- > Incorporate standard business processes using data definitions;

The Grantee's Project files should document all costs associated with the CDBG Project. WCDA will monitor all expenditures of CDBG funds. Subrecipients, developers and businesses should provide copies of all documentation related to contracts, invoices, and Project draw requests to the Grantee for retention in their Project files for five years from Project close out.

Financial Management System

The financial management system used by Grantees must satisfy all the following:

1. Provide accurate, current, and complete disclosure of the financial status of the Project by eligible program activity;
2. Compile and justify data required in reports and draw requests;
3. Maintain records that identify the source and disposition of all funds for Project activities;
4. Provide effective control over the accountability for CDBG funds, property, and other assets;
5. Compare actual expenditures with budgeted amount in the grant application;
6. Establish and maintain procedures to ensure the timely expenditure of funds;
7. Establish and maintain accounting records that are supported by source documentation verifying the "reasonableness, allowability and allocability of costs;" and
8. Document all other sources of project funding.

Grantees must ensure their accounting system will satisfy the standards and requirements described in this Manual.

Financial Management Records

At a minimum, the following information and records must be maintained in the Grantee's accounting system for CDBG funds and other funds included in the Project:

1. Transaction date, description, source document reference and amounts;
2. Summary of receipts;
3. Summary of disbursements by program activity as identified in the CDBG Grant Agreement;
4. Summary of cash transactions; and
5. All source documentation (original receipts, checks, invoices, etc.).

Internal Controls

Grantees must establish internal controls in their financial management systems to provide effective control over and accountability for all funds, property, and other assets and to ensure they are used for authorized purposes. All internal controls and procedures must be written and available for review. Specifically, the Grantee must:

1. Adopt and maintain a formal system of authorization and supervision to ensure there is separation of financial management responsibilities so that no person has complete control over all phases of any transaction. Grantees should maintain organizational charts and written definitions of duties.
For example, the persons authorized to sign draw requests should be different from the persons authorized to write/sign checks on the account.
2. Ensure that verification and reconciliation of cash balances with bank statements are made by employees who do not handle or record cash or sign checks.
3. Ensure that all CDBG expenditures are approved in compliance with local procedures and processes prior to submitting a draw request.

Grant Draw Request Procedures

WCDA grant draw request procedures are designed to minimize the amount of time elapsed between the transfer of funds from HUD to WCDA and from WCDA to the Grantee. The Grantee will submit a Request for CDBG Grant Funds (attached to this Manual) with detailed receipt and/or detailed invoice, and proof of payment. The request needs to be submitted by the 10th day of each month. WCDA will review draw requests against actual expenditures to ensure that there was a timely expenditure of funds once the Grantee received grant funds.

Single Audits

The Single Audit threshold is \$1,000,000 for all federal funds spent by a Grantee in a single fiscal year, not just the CDBG funds. The known questioned cost limit in a Single Audit is \$25,000 or greater and requires the auditor to report this as an audit finding. If a single audit is required, the Grantee must submit a final copy of the audit report within nine months of the end of fiscal year.

WCDA CDBG VENDOR/COST DOCUMENTATION FORM

Description of needed service or product: _____

Quote #1:

Name of vendor: _____
Address: _____
Phone #: _____
Quoted Price: _____ Date: _____

Quote #2:

Name of vendor: _____
Address: _____
Phone #: _____
Quoted Price: _____ Date: _____

Quote #3:

Name of vendor: _____
Address: _____
Phone #: _____
Quoted Price: _____ Date: _____

Selected Vendor: _____

Reason for Selection: _____

Person Completing Form: _____ **Date:** _____

WCDA CDBG MBE/WBE Procurement Form

Procurement #: _____

CDBG Grant #: _____

Activity: _____

Describe efforts made to solicit a minority or woman owned business enterprise for this procurement activity:

Did you search the Wyoming Workforce website:

Was the contract ultimately awarded to a minority or woman owned business enterprise:

Person Completing Form: _____ Date: _____

WCDA CDBG Section 3 Reporting

Grantee:

Sub-recipient *if applicable*:

Project Name:

Contractor:

Amount of Bid Awarded:

Date of Bid Award:

Describe the efforts made, to the greatest extent feasible, to direct employment, training or business opportunities to low income person(s) and the business that employ these person(s) in the community. Efforts include, not limited too, employment sites, local media and/or advertisement, and unions.

How did you determine and verify their section 3 status?

Job Type	Number of New Hires	Number of New Hires that are Section 3 Workers	Percentage of aggregate of staff hours or new hires that are Section 3	Percentage of total staff hours for Section 3 Employees & Trainees	Number of Section 3 Trainees
Professional					
Technicians					
Office or Clerical					
Construction Trade (Describe)					
Trade (Describe)					
Trade (Describe)					
Other (Describe)					
Other (Describe)					
Total					

Contracts Awarded

Construction Contracts

Total Amount of all construction contracts awarded on project

Total amount of construction contracts awarded to Section 3 Businesses

Total number of Section 3 Businesses awarded construction contracts

Non-Construction Contracts:

Total amount of all non-construction contracts awarded on project

Total amount of non-construction contracts awarded to Section 3 Businesses

Total number of Section 3 Businesses awarded non-construction contracts

I certify that I, to the greatest extent feasible complied with Section 3 requirements. I hired or trained Section 3 person(s) and/or obtained services, supplies or construction sub-contracts from Section 3 Businesses as described above.

Signature

Date

Printed Name

Title

WCDA CDBG Davis Bacon Checklist

Davis-Bacon and Related Acts applicable for contracts over \$2,000

Project Name: _____

IDIS Number: _____

☐

Complete CDBG Davis Bacon training and complete quiz

☐

Received WCDA Davis Bacon information packet

☐

Obtain Davis-Bacon Wage Rate <https://sam.gov/> - Date: _____

Include in bid documents and contract

☐

10 days prior to bid opening check wage determinations for any modifications

☐

If there is a modification notify all bidders of change or document reason for non-notification

Notification date: _____

☐

Federal Labor Standard Provisions

CPD-HUD-4010 __X__ (Contracts over \$2,000)

Include in bid documents and contract

☐

CDBG HUD Rider- needs to be **included in bid documents and contract**

☐

After bid documents are prepared, they must be submitted to WCDA for review **prior to publishing**

☐

Proof of publication, bid tab and full bids received need to be submitted to WCDA for review **prior to award**

☐

Bid tab needs to include with breakdown of costs for each bidder, time line of bid process including pre-bid meeting date and attendees, walk through date and attendees, bid open date. **WCDA will need to review these prior to an award, to confirm federal requirements were met.**

☐

Verify contractor eligibility at www.sam.gov **prior to contract execution and submit to WCDA**

☐

Debarred

☐

Not Debarred Date: _____

☐

Complete conflict of interest for contractor and all sub-contractors **prior to contract execution & upload to Procorem** Date: _____

WCDA CDBG Davis Bacon Checklist

Davis-Bacon and Related Acts applicable for contracts over \$2,000

- ☐ Complete Section 3 & MBE/WBE forms for prime contractor and all sub-contractors **prior to contract execution & upload to Procorem**
Date: _____
- ☐ If applicable, for additional wage rates email HUD-4230A Conformance Request to WCDA Staff at neighborhooddev@wyomingcda.com, must be completed and included in contract documents.

Date emailed to WCDA: _____
- ☐ Prepare contract and submit to WCDA for review **prior to executing**
- ☐ Sign contract within 90 days of bid opening.
If not, obtain new wage rates
Contract signature date: _____
- ☐ Notify WCDA a **minimum of two weeks** prior to pre-construction meeting
Notice to WCDA date: _____
Pre-Construction Meeting date: _____
- ☐ Notice to proceed issued by WCDA
- ☐ On first day of construction **posted** for employees to access:
Davis Bacon poster WH-1321 - date posted: _____
Prevailing wages - date posted: _____
Photo taken for project file - date sent to WCDA: _____

Grantee

Date

WCDA CDBG Davis Bacon Additional Information

Davis-Bacon and Related Acts applicable for contracts over \$2,000

- ☐ Davis Bacon weekly certified payroll is required to be submitted on WH347 form. *Exceptions are granted on a case-by-case basis*
- ☐ Weekly certified payroll uploaded to ProCoreM by the following Thursday of the pay week.
- ☐ Required meeting with WCDA in person or via zoom after the first certified payroll is submitted. Meeting must be scheduled within one week of submission.
- ☐ Weekly certified wet signed payrolls must mailed to WCDA by the 10th of the following month.
- ☐ WCDA will conduct Davis Bacon employee interviews. It is mandatory that a minimum of one employee interview is completed, in person, with every contractor and subcontractor.
- ☐ WCDA will conduct a mid-monitoring site visit to observe progress and take photos.
- ☐ Upon completion of construction, WCDA will conduct a final site inspection to verify completion of the project and take final photos. A review of all Davis Bacon files will be completed. Any deficiencies or missing documents identified must be corrected and submitted to process final project draw request.
- ☐ All Davis Bacon documents must be maintained for five years from the grant closeout date.

REQUEST FOR CDBG GRANT FUNDS

Date Submitted: _____ Requisition Number: _____

Grantee: _____ IDIS Number: _____

Project: _____ Project Year: _____

We are hereby requesting reimbursement of Community Development Block Grant funds paid in the amount of \$_____ for the project at _____ for work completed and/or material delivered and in place on said project.

Attach the proof of payment and copy of invoice

I/we do hereby certify that this payment will accurately reflect work completed and/or material purchased for this project:

Authorized Grantee

Date

This request for payment appears to be properly prepared, and the above signee has certified the request for funds is for work completed and/or materials purchased for this project.

Housing & Neighborhood Development Director

Date

Line Item from budget and description of service or materials provided	Name of contractor or supplier	Date of Invoice	Amount of Invoice	Reimbursement amount requested
Total:			\$	\$

Program Account Balance:	CDBG Funding
Grantee PY ____ Grant award:	\$
CDBG Drawdowns Approved to Date:	\$
Program Income to Date:	\$
Current Drawdown Request for Payment:	\$
Balance Remaining:	\$

CHECKLIST

Build America, Buy America Act: Optional Buy America Preference (BAP) Applicability Checklist



For more information on BABA and the BAP, [visit the BABA page](#) on the HUD exchange.

Overview

This checklist is an optional tool that may be used or adapted to assist with determining if the Buy America Preference (BAP) applies to an infrastructure project funded by a covered CPD program. This checklist follows the analysis steps as described in [Notice CPD 2023-12](#) and may be retained for recordkeeping purposes.

Project Information

Grantee	
Grant Number	
Activity Name	
Activity Number (IDIS/DRGR)	

Step 1:

Is the project an infrastructure project, as defined by the BABA statute?

<input type="checkbox"/> Yes	Continue to Step 2.
<input type="checkbox"/> No	The BAP does not apply. The BAP only applies to infrastructure projects. Stop here.

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Step 2:

Is the project funded using a covered CPD program? (Check the box below for each CPD program funding this project.)

Group A: Covered CPD Programs

<input type="checkbox"/>	CDBG	<input type="checkbox"/>	SHOP
<input type="checkbox"/>	Section 108	<input type="checkbox"/>	VHRMP
<input type="checkbox"/>	HOME	<input type="checkbox"/>	CPF/EDI
<input type="checkbox"/>	HTF	<input type="checkbox"/>	Section 4
<input type="checkbox"/>	RHP	<input type="checkbox"/>	Rural Capacity Building
<input type="checkbox"/>	ESG	<input type="checkbox"/>	PRO Housing
<input type="checkbox"/>	CoC	<input type="checkbox"/>	PRICE
<input type="checkbox"/>	HOPWA	<input type="checkbox"/>	FY23 PSH Funds

Group B: CPD Programs Not Covered by the BAP

<input type="checkbox"/>	CDBG-DR	<input type="checkbox"/>	CDBG-CV
<input type="checkbox"/>	CDBG-MIT	<input type="checkbox"/>	HOPWA-CV
<input type="checkbox"/>	CDBG-NDR	<input type="checkbox"/>	ESG-CV
<input type="checkbox"/>	HOME-ARP		

If you selected **any** Group A programs (even if Group B programs are also selected), answer yes. If you selected **only** Group B programs, answer no.

<input type="checkbox"/> Yes	Continue to Step 3.
<input type="checkbox"/> No	The BAP does not apply to this project because it is not funded by a covered CPD program. Stop here.

Step 3:

Will the project use covered materials?

Each material should be classified into only one category: iron and steel, specifically listed construction materials, not listed construction materials, or manufactured products. This classification is necessary to apply HUD's Phased Implementation waiver.

Check the box below for each type of covered material incorporated into this infrastructure project.

<input type="checkbox"/>	Iron or steel
<input type="checkbox"/>	Specifically Listed Construction materials
<input type="checkbox"/>	Not Listed Construction materials
<input type="checkbox"/>	Manufactured products

If you checked any boxes above, answer yes.

<input type="checkbox"/> Yes	Continue to Step 4.
<input type="checkbox"/> No	The BAP does not apply to this project because it will not incorporate any covered materials. Stop here.



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Photo by Marissa Daeger on Unsplash



Photo by Freepik

Step 4:

Based on the obligation date of the covered CPD program funds, does the BAP apply to the funding source and covered materials that will be used in the project?

Use the phased implementation table to determine whether the BAP applies based on the obligation date for the covered CPD program funds and classification of materials. The BAP may only apply to some covered materials used in the project.

The obligation date is generally the date that HUD executed the grant agreement for covered CPD program funds to the grantee. This date may be found in the grant agreement. The obligation date is not the date when the grantee commits funds to a project under a subrecipient agreement.

BAP will apply to...	Iron and Steel	Specifically Listed Construction Materials	Not Listed Construction Materials	Manufactured Products
CDBG	CDBG funds obligated on or after 11/15/22	Projects using FY24 CDBG funds	Projects using FY25 CDBG funds	Projects using FY25 CDBG funds
RHP	RHP funds obligated on or after 8/23/23	Projects using FY24 RHP funds	Projects using FY25 RHP funds	Projects using FY25 RHP funds
All other CPD programs except HOME and HTF	Funds obligated on or after 2/22/24	Funds obligated on or after 8/23/24	Funds obligated on or after 8/23/24	Funds obligated on or after 8/23/24
HOME and HTF	HOME or HTF funds obligated on or after 8/23/24	HOME or HTF funds obligated on or after 8/23/24	HOME or HTF funds obligated on or after 8/23/24	HOME or HTF funds obligated on or after 8/23/24

<input type="checkbox"/> Yes	<p>Indicate here which covered materials the BAP applies to and continue to Step 5:</p> <p><input type="checkbox"/> Iron and steel</p> <p><input type="checkbox"/> Specifically listed construction materials</p> <p><input type="checkbox"/> Not listed construction materials</p> <p><input type="checkbox"/> Manufactured products</p>
<input type="checkbox"/> No	<p>The BAP does not apply to this project because the funds were obligated before the effective date for the program/materials used in the project. Stop here.</p>

Step 5:

HUD has issued several general waivers. Check the box next to any conditions that apply to the project.

Infrastructure projects that meet the conditions of a general waiver may be exempt in whole or in part from the BAP.

<input type="checkbox"/>	The total cost of the project from all sources (Federal and non-Federal) is an amount equal to or less than the 2 CFR 200.1 simplified acquisition threshold, which is currently \$250,000. If checked, the Small Grants Waiver applies, and the project is exempt from the BAP. (Waiver effective until November 23, 2027.)
<input type="checkbox"/>	There is an urgent need to immediately complete the project because of a threat to life, safety, or property. If checked, the Exigent Circumstances Waiver applies, and the project is exempt from the BAP. (Waiver effective until November 23, 2027.)
<input type="checkbox"/>	The project is in Guam, American Samoa, or the Northern Mariana Islands. If checked, the Pacific Island Territories Waiver applies, and the project is exempt from the BAP. (Waiver effective until February 15, 2025.)
<input type="checkbox"/>	The project is being funded by a Tribal recipient. If checked, the Tribal Recipients Waiver may apply, and the project is exempt from the BAP. (Waiver effective until September 30, 2024.)

If you checked any of the boxes above, answer yes below.

<input type="checkbox"/> Yes	The HUD general waiver selected above is being applied to this project, so the BAP does not apply to the entire project. Documentation of the conditions of the waiver should be attached.
<input type="checkbox"/> No	Proceed to Step 5a.

Step 5a:

Calculate the *De Minimis* limit for the project:

The total cost of all covered materials includes all iron and steel, construction materials, and manufactured products used in the project, regardless of whether the BAP currently applies under the Phased Implementation waiver.

Enter the total cost of all covered materials:	
Multiply that amount by 0.05 (5%):	
Enter the lower of the number calculated in the row above or \$1,000,000:	

The amount in the third row above is the *De Minimis* limit for this project. The BAP can be waived for covered materials from foreign or unknown sources at a cost not to exceed the *De Minimis* limit of 5% of the total cost of materials or \$1,000,000 (whichever is less). The BAP will still apply to other covered materials used in the project. **Attach a list of covered materials and their associated costs to which the *De Minimis* limit has been applied.**



Step 6:

Is there a need for a project-/product-specific waiver?

If the BAP applies to a project and all general waiver flexibilities have been utilized, but there are remaining covered materials that can only be sourced from foreign or unknown sources, then a grantee may apply for a project-/product-specific waiver.

<input type="checkbox"/> Yes	Refer to guidance in Section VII Step 6 of Notice CPD 2023-12.
<input type="checkbox"/> No	Stop here and retain this analysis in project records.

Completed by	Date Completed



CHECKLIST

Build America, Buy America Act:
Optional Buy America Preference
(BAP) Applicability Checklist