

CHANGES TO 2018 IMPLEMENTATION MANUAL – 2019 IMPLEMENTATION MANUAL effective 9/1/2019

CHAPTER & SECTION	POLICY ISSUE	DESCRIPTION OF CHANGE
Overview P.1.3	Eligible Activities	Examples deleted. Eligible activities also activity priorities can be found in the relevant Application Guide.
Overview P.1.4	Ineligible Activities	Examples deleted, then refers to Chapter 2 Financial Management for additional information.
Ch. 1.1.4	Application and 12/24 mo. Thresholds	Added Table from newer Application Guides that address Application Progress Thresholds # 1 & # 2 instead of 12/24 month threshold in relation to the various grant fund periods.
Ch. 1.2.4	Tech assistance for contracts behind schedule	When a contract is more than 3 months behind schedule, approval of revised schedule will be by the Contract Specialist. Previously, TDA approved by returning the initialed (old) Quarterly Report form.
Ch. 2.1.2 (also Ch. 5, Appendices B, D, E, F, & G)	Conflict of Interest questionnaire	All vendors/contractors must disclose conflicts of interest using the Texas Ethics Commission Conflict of Interest Questionnaire per requirements under Chapter 176 of the Local Government Code. (Added Questionnaire to Appendix D, E, F, & G and reference to the requirement to Appendix B).
Ch. 2.1.4	Electronic Signatures via DocuSign	Provides for TDA to initiate documents for electronic signature via the DocuSign system. Also, documents with electronic signatures not initiated by TDA may be accepted under limited conditions. * Examples of required Original signatures are TxDBG Applications for Funding and the environmental review Request for Release of Funds. Signature stamps or other methods of signing on behalf of another person will not be accepted.
Ch. 2.2	Release of funds - Thresholds	Distinguish that thresholds are related to grant budget funds only.
Ch. 2.2	Clarification	Clarification of Section 504 requirements, Section 504 Self Evaluation required on all projects. Notices and Grievance procedures are only required if the grant recipient employs 15 or more employees.
Ch. 2.3.1	Clerical	Take out text in brackets.
Ch. 2.3.1	Acceptable Draw backup documentation	Clarify criteria for acceptability of invoices and other support documents required for grant reimbursement or local match credit. Also, to provide a clear delineation of costs when more than 1 activity applies.
Ch. 2.3.3	Delays, Ineligible Costs, and Denial of Payment	Additional clarification on the Request for Payment and support document requirements and refers to Form A207 as a guide.
Ch. 2.3.3	Ineligible Costs	Common ineligible costs have been moved here from the Program Overview, also adds costs associated with professional administration where the administrator had not been certified.

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Form A201	Sample Signatory Resolution	Added reference to environmental documents
Form A202	Depository/ Authorized Signatories Designation Form	Added reference to environmental documents
Form A203	Financial Management	Instructions added to Tab 1 of spreadsheet to lessen Draw rejection and resubmittal.
Form A207	Financial Management	Updated “Acceptable Back-Up Documentation for Eligible Costs” Form A207. Also, added references to A207 form in Chapter 2.
Ch. 3.0 Introduction	Authorized Signatories for Environmental documentation	Provides instructions regarding the Certifying Officer and others authorized to sign Environmental documentation. Persons other than the Mayor/County Judge must be designated as authorized signatories by resolution.
Ch. 3.0.3	Option agreement	Clarification: similar contracts with contingencies language for acquisition of property that does <u>not</u> meet the requirements of 24 CFR 58.22(d) are <u>not</u> acceptable for environmental review purposes Note: For contracts with contingencies other than the approved environmental option language (example – procurement contingencies), contact your Contract Specialist.
Ch. 3.1, Step 1	Determine Project Description & Floodplain – 8 step process	Clarification re Floodway and Floodplain requirements, also added complete the 8-step process and participate in the National Flood Insurance Program (NFIP).
Ch. 3.1, Step 3	New THC web location	The Historic Preservation Notice, now can be found at https://www.thc.texas.gov/etrac-system (Texas Historical Commission).
Ch. 3.1, Step 3	SHPO - Historic Preservation Requirements	Once TDA has denied approval of a request for a SHPO exemption, any subsequent requests for the same project must be submitted directly to THC for approval.
Ch. 3.1, Step 4		Added Publishing/Posting instructions with clarification and HUD’s required publication/posting periods. See new Form A310 Affidavit of Posting – Environmental.
Ch. 3, Step 9	Re-Evaluation of the Environmental Determination	Re-Evaluation of the Environmental Determination when making changes to Performance Statement (Modifications or Amendments) now requires filling out the new section of the TxCDBG Contract Amendment/ Modification Request Form A1101.
Form A310	Sample Affidavit of Posting - Environmental	New sample form - Affidavit of Posting – Environmental, minor changes for conformity.
Ch. 4.1.2	Temporary Project Signage	Adjusted the minimum size to 11” x 17” as this is a standard paper/board size.

CHAPTER & SECTION	POLICY ISSUE	DESCRIPTION OF CHANGE
Ch. 4.1.3	Direct Benefit Guidelines	Added references to Guidelines Form numbers. Also, added to Coordinate with the assigned Contract Specialist regarding TDA staff approval of the Guidelines.
Ch. 5.1.2 (also Ch. 2 Appendices B, D, E, F, & G)	Conflict of Interest questionnaire	All vendors/contractors must disclose conflicts of interest using the Texas Ethics Commission Conflict of Interest Questionnaire per requirements under Chapter 176 of the Local Government Code. (Added Questionnaire to Appendix D, E, F, & G and reference to the requirement to Appendix B).
5.2.0	Procurement - Administration Services	Grant Recipients who designate a Council of Governments (COG) as the subrecipient to carry out an eligible activity - such as administration services – must award a subrecipient agreement (interlocal agreement) before the provider conducts any work to prepare the TxCDBG application for TxCDBG grant funding.
Ch. 5.2.2, Step 1 Competitive Proposals (Traditional)	Selection Review Committee	Reworded for clarity – “The committee must include at least one local elected official or a city/county employee with authority to act on behalf of the local elected official in this capacity such as the mayor, county judge, or a member of the elected governing body.”
Ch. 5.4.4, Step 5	Procurement of Construction/ Materials by electronic sealed bids	Provide guidance on accepting electronic sealed bids per statutory requirements of Ch. 262 counties and 252 cities of the Local Govt. Code.
Ch. 5.4.7	Bonding Information	Clarification regarding payment bonds.
Ch. 5.4.8	Change Orders	Clarification of pricing justification for new items. Conforming info in the “Note” - “The original contract price may not be increased under this section by more than 25 percent.”
Ch. 5.6.0	Recordkeeping – Section 3	Regarding the FIR Form A503, note that Section 3 qualifications are related to the locality where the project is being carried out, place specific. A contractor may qualify as a Section 3 business on one project and not on another.
Form A503	Form A503 FIR	Added check boxes related to contracts that are exempt from Davis Bacon Labor Standards DBRA. Identify the applicable exemption.
Form A505	Form A505, Change Order	Add reference re “new items” to change order form A505: “The Grant Recipient must demonstrate competitive pricing for new items” [Text Deleted] See changes at Ch. 5.4.8 for additional information.

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Ch. 6.0.1	Environmental and Acquisition - Option agreement	Clarification: similar contracts with contingencies language for acquisition of property that does not meet the requirements of 24 CFR 58.22(d) are not acceptable for environmental review purposes Note: For contracts with contingencies other than the approved environmental option language (example – procurement contingencies), contact your Contract Specialist.
Ch. 7, 7.2 Step 1	LSO documentation	If the LSO changes throughout the contract period, the Grant Recipient must appoint a new LSO and submit the documentation to TDA not later than 30 days after the change.
Ch. 7, 7.2 Step 2, Step 6 & Step 10	Wage Rate Classifications & Review project payrolls	Section on Apprentices and Trainees added. Also, requirements of payrolls for Apprentices and Trainees.
Ch. 8	Factors affecting allowable costs - Clarification	When the FEMA equipment rate capacity and or horsepower of a piece of equipment does not match the community's equipment specifications, default to the less expensive of the two (2) closest equipment classifications in the FEMA Schedule.
Ch. 10	Resolution and Proclamation references	Clarification regarding Resolutions and Proclamations throughout chapter.
Ch. 10, Part A, Step 6	Section 504; Posting & Affidavit – Notices	Clarifications: Civil Rights Officer appointment is required for all Grant Recipients; timeframe to post notices and when to sign/notarize affidavit.
Ch. 10.2.2	Section 3	Provides the Federal codes definition of a "Section 3 Business concern."
Form A1006	Civil Rights Requirements	Addition to Self-Evaluation form A1006 "How many people does the Grant Recipient employ?"
Form A1010	Limited English Proficiency	A third category from the HUD "safe harbors" chart is included on the form for languages spoken "by more than 5% of the eligible population or beneficiaries but has less than 50 or less in number" also added a date for the signature.
Form A1016	Civil Rights Responsibilities Checklist	Update with clarifications made in the Implementation Manual Chapter 10.
Form A1017	Affidavit of Posting – Civil Rights	Clarification regarding timeframe to post notices and when to sign/notarize affidavit.
Ch. 11.1	Performance Statement Changes	Reference to new re-evaluation of the Environmental Review Record section to fill in with Performance Statement change requests A1101.
Ch. 11.1	Performance Statement Changes	Added "Color coded" map to items to submit with a Performance Statement Modification or Amendment where changes to locations or target areas are involved.

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Ch. 11.3	Extensions	Timeline to be provided as a Revised Project Implementation Schedule (Exhibit C) using track changes. Include other relevant dates on the A1101 Extension request.
Form A1101	Contract Amendment-Modification Request	Re-Evaluation of the Environmental Determination when making changes to Performance Statement (Modifications or Amendments) now requires filling out the new section of the TxCDBG Contract Amendment/ Modification Request Form A1101.
Ch. 12, 2.1	PCR attachments	Added Surveys documenting beneficiaries LMI status to “Evidence of Benefit for work on private property” requirements.
Ch. 12, 2.4	Final Financial Interest Report	Conformed references to reflect reporting contracts more than \$2,000.
Ch. 12, 2.5	Conditional Project Completion	Change reference to 24 month threshold to Application Progress Threshold #2.
Ch. 14, 14.2	Step 3 & 5, Single Audit Reports	Grant Recipients that meet or exceed the \$750,000 expenditure threshold, must be submitted their Single Audit Report to the Federal Audit Clearinghouse (FAC) within nine (9) months after their FYE. The Auditor should notify by email the Grant Recipient’s Chief Elected Official and TDA staff to confirm the submission was completed.
Form A1402	Audit Certification Packet	ACF Form, checklist and instructions adjusted to reflect the revised federal requirements.
Planning - Section B	B.1 Planning Procedures – Steps 4 & 7	Moved the reference of the due date for the planning document from Step 4 to Step 7, to group all final documentation required together.
Housing Rehab Section C.0	Housing Rehab Guidelines approval	Added reference that Housing Rehab Guidelines need to be approved by TDA prior to the Grant Recipient adopting them. Submittal with the Application does not constitute TDA approval. Also adds a definition of what activities are encompassed in housing rehabilitation.
Section C.3.7 & Section C.4 Step 2	Environmental Review	Deleted the reference to Tiered review as the type of Environmental clearance to follow. Complete a broad-level review per Chapter 3, also a site-specific environmental review must be completed for each property
Section C.4 Step 5 & Step 8	Steps in Housing Rehabilitation - Clarification	Additions: •The work write-up should include enough detailed specifications for items to be competitively bid; • Any revisions made to the work write-up after initial TDA approval must be re-submitted to TDA for approval; • Photos documenting the work completed shall be submitted to TDA prior to final construction draw for each housing unit. • The Release of Lien must be recorded with the applicable County and must be submitted to TDA.

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Form C	Sample Housing Rehabilitation Guidelines	Added turnaround periods for responses to resolving Complaints.
Section C & CII Form C1 & CII1, CII2	Form C1 Housing Annual Beneficiary Report	Delete- C1 - Annual Beneficiary Report and Replace Forms CII1 OSSF Housing Annual Beneficiary Report Instructions.
Section C II	OSSF Guidelines approval	Added reference that OSSF Guidelines need to be approved by TDA prior to the Grant Recipient adopting them. Submittal with the Application does not constitute TDA approval.
Section C II	First-Time Yardline Assistance	Added section on the subject of First-Time Yard Lines/scattered yardline connections (not associated with the installation of a main trunk line).
Form CII504	OSSF Small Purchase Record	Conformed name to combined chapter subject.
Form CII50	OSSF Construction Contract Change Order	Conformed form.
Form CII709 & Form CII709i	OSSF Certificate of Construction Completion forms	Added clarifying text.
Form CII2	Guidelines Template	OSSF Guidelines Template. Added turnaround periods for responses to resolving Complaints.
Form CII2.A	Guidelines Template	First-time Service Yardline Guidelines Template – for 1 st time scattered yardline installation. Added turnaround periods for responses to resolving Complaints.
Section D/TCF Form D7	Clerical	2018 TCF Survey Questionnaire (Family Income/Size Certification) title renamed to conform with the Manual references.
Section D/TCF D.1 & D.1.3	Contract Special Conditions	Added references regarding Environmental review and optional contracts.
Section D/TCF D.1.6	Loan Repayment Requirements	Added “Loan” to section header for clarification.
Section D/TCF SMRF	SMRF section	Small & Microenterprise Revolving Loan Fund Program (SMRF) section added to this chapter, mainly from the Application Guide.
Section D/TCF SMRF forms D9, D10, D11	Clerical	Small & Microenterprise Revolving Loan Fund Program (SMRF) forms added to TCF chapter so renumbered D1 & D2 to D9 & D10.
Appendix A	New or replaced links	
Appendix B (also Ch. 2 Ch. 5.1.2, Appendices D, E, F, & G)	Conflict of Interest questionnaire	Includes a reference to the conflict of interest disclosure requirements under Chapter 176 of the Local Government Code.

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Appendix B	Termination for Convenience	Replaced paragraph related to payment, adding that the “Parties should include the manner by which such termination will be effected and the basis for settlement or any other terms and conditions concerning payment upon such termination.”
Appendix D, E, F & G (Also ref. in Ch. 2, 5 & Appendix B)	Conflict of Interest questionnaire	Add Conflict of Interest questionnaire to Appendices D, E, F, G .
Appendix F	Alternate pricing techniques	Deleting “Alternate pricing techniques” option in Construction Contract, appears not to apply to TxCDBG procurement requirements. References a Section 109 that does not exist in our contract.
Appendix F	Cost plus & Termination for Convenience	Delete the Termination for Convenience clause from the Sample Construction contract in Appendix F.