



City of Muscatine



AGENDA ITEM SUMMARY

City Council

DATE:

December 3, 2020

STAFF

Jodi Royal-Goodwin, Community Development Director

SUBJECT

Approval of Policies Required to Access Awarded Community Development Block Grant Funds

EXECUTIVE SUMMARY

The City was awarded \$53,004 Community Development Block Grant funds to Support Infectious Disease Response from the Iowa Economic Development Authority to support the community's expanded food services for those in need and needs of the health care system in response to the COVID-19 public health crisis. The City must have specific policies in place to access the funds.

STAFF RECOMMENDATION

Staff recommends Council approve the attached policy documents, which, with the exception of the relocation policy, collate City guidelines into the format preferred by the Iowa Economic Development Authority (IEDA).

BACKGROUND/DISCUSSION

In light of the COVID-19 public health crisis, the IEDA established a grant opportunity, CDBG Grant Funds to Support Infectious Disease Response, to support local response activities. Only non-entitlement cities or counties are eligible applicants. No match funds are required for this grant.

The City partnered on the application with the United Way, Muscatine Center for Social Action, and the Salvation Army, to increase food service delivery capacity. In addition funds were requested for Trinity Public Health to provide psychological first aid training to mental health providers and purchase iPads to support patient connections and increase telehealth services.

The City was awarded the \$53,004 requested for reimbursement of approved expenses. Per the terms of the grant agreement the City held a public hearing during the November 19 City Council meeting. During that meeting an overview of the proposed project was provided as well as an evaluation of the needs of low- and moderate-income families within the community. Staff also reviewed regulations that must be adhered to in order to draw down the awarded funds, including the requirement to adopt six specific policies, including:

1. Residential Anti-Displacement and Relocation Assistance Plan
2. Excessive Force Resolution
3. Equal Opportunity Policy
4. Fair Housing Policy

- 5. Code of Conduct
- 6. Procurement Policy

The City currently has most of these guidance on these issues within adopted policies, however the attached documents assemble the information into a format preferred by IEDA. The first policy, Residential Anti-Displacement and Relocation Assistance, is new and would apply to projects specifically funded through the U.S. Department of Housing and Urban Development that involve the acquisition and/or rehabilitation of housing that would require current tenants to be displaced. The attached procurement policy outlines the federal regulations and requirements for purchases made in whole or part with federal funds and is in addition to the City's purchasing policy.

CITY FINANCIAL IMPACT

Approval of these policies will allow the City to proceed with providing CDBG funds to the identified entities in response to the COVID-19 crisis.

ATTACHMENTS

Proposed policies as required by IEDA

- a. Residential Anti-Displacement and Relocation Assistance Plan
- b. Excessive Force Resolution
- c. Equal Opportunity Policy
- d. Fair Housing Policy
- e. Code of Conduct
- f. Procurement Policy

RESIDENTIAL ANTI DISPLACEMENT & RELOCATION ASSISTANCE PLAN

This Residential Anti-displacement and Relocation Assistance Plan is prepared by *City of Muscatine* in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG¹, UDAG and/or HOME-assisted projects.

Minimize Displacement

Consistent with the goals and objectives of activities assisted under the Act, Muscatine will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
- Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are “lower-income dwelling units” (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.

Relocation Assistance to Displaced Persons

The *City and/or its grantees* will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the Federally funded program[s], such as CDBG or HOME, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

¹ CDBG programs include: Entitlement Community Development Block Grant (CDBG) Program, State CDBG Program, CDBG Small Cities Program, Section 108 Loan Guarantee Program, CDBG Special Purpose Grants Program, and the Neighborhood Stabilization Program (NSP).

One-for-One Replacement of Lower-Income Dwelling Units

The *City and/or its grantees* will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the Federal funding program[s] in accordance with 24 CFR 42.375. Before entering into a contract committing the *City* to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, City of Muscatine will make public by publication in a newspaper of general circulation and on the City website and submit

to HUD [the State, under the State CDBG and/or HOME Program(s)] the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. NOTE: See also 24 CFR 42.375(d).
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, *City* will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

Replacement not Required Based on Unit Availability

Under 24 CFR 42.375(d), the *City* may submit a request to HUD (or to the State, if funded by the State) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

Contacts

The *Community Development Department at 563-262-4141* is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period. The grantee is responsible for providing relocation payments and other relocation assistance to any lower lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

DIANA L. BRODERSON, MAYOR
CITY OF MUSCATINE, IOWA

EXCESSIVE FORCE POLICY TO ALLOW THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS

WHEREAS, City of Muscatine has received federal funding through the Community Development Block Grant (CDBG) program; and,

WHEREAS, Section 519 of the Department of Veteran Affairs and U.S. Department of Housing and Urban Development, and Independent Agencies Appropriations Act of 1990 requires that all CDBG recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, all recipients of CDBG funds are further required to follow a policy of enforcing applicable state and local laws against physically barring entrances or exits to a facility that is the subject of a nonviolent protest demonstration; and

WHEREAS, City of Muscatine endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its jurisdiction of this policy,

NOW, THEREFORE, BE IT RESOLVED, City of Muscatine hereby prohibits any law enforcement agency operating within its jurisdiction from using excessive force against any individuals engaged in nonviolent civil rights demonstrations. In addition, City of Muscatine agrees to enforce any applicable state or local laws against physically barring entrances or exits from a facility or location that is the subject of a non-violent protest demonstration. City of Muscatine further pledges enforcement of this policy within its jurisdiction and encourages any individual or group who feels that City of Muscatine has not complied with this policy to file a complaint.

Information and assistance relative to excessive force complaints shall be provided by Muscatine Police Department at 563-263-9922.

DIANA L. BRODERSON, MAYOR
CITY OF MUSCATINE, IOWA

EQUAL OPPORTUNITY POLICY

It is the policy of City of Muscatine to provide equal opportunity to all employees, applicants and program beneficiaries; to provide equal opportunity for advancement of employees; to provide program and employment facilities which are accessible to the handicapped and to administer its programs in a manner that does not discriminate against any person because of race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.

The City Administrator has ultimate responsibility for the overall administration of the affirmative action/equal opportunity program. The total integration of equal opportunity into all parts of personnel and program management is the City Administrator responsibility. The City Administrator will review all policies and procedures as they affect equal opportunity and affirmative action and ensure compliance with relevant federal and state statutes.

The right of appeal and recourse is guaranteed by the City of Muscatine. Any person who feels that he or she has been denied employment, participation, representation, or services in any program administer by the City because of race, creed, color, religion, sex, national origin, age, disability, political affiliation, sexual orientation, or citizenship has the right to file an equal opportunity complaint. Information and assistance relative to equal opportunity complaints shall be provided by Stephanie Romagnoli, Human Resources Manager, who can be contacted at 563-264-1551.

This Equal Opportunity Policy of the City of Muscatine shall be posted in conspicuous places within the facility, distributed to all employees, contractors and to the persons of all advisory and policy-making groups.

DIANA L. BRODERSON, MAYOR
CITY OF MUSCATINE, IOWA

AFFIRMATIVE FAIR HOUSING POLICY

This notice is published pursuant to the requirements of Executive Order 11063 on equal opportunity in housing and nondiscrimination in the sale or rental of housing built with federal assistance, and with Title VIII of the Civil Rights Act of 1968, as amended, which prohibits discrimination in the provision of housing because of race, color, creed, religion, sex, national origin, disability or familial status.

City of Muscatine, Muscatine, Iowa, advises the public that it will administer its assisted programs and activities relating to housing and community development in a manner to affirmatively further fair housing in the sale or rental of housing, the financing of housing and the provision of brokerage services.

City of Muscatine shall assist individuals who believe they have been subject to discrimination in housing through the resources of the Iowa Civil Rights Commission or the U.S. Department of Housing and Urban Development.

City of Muscatine has designated the following (person or office) as the contact to coordinate efforts to comply with this policy. Inquiries should be directed to:

Jodi Royal-Goodwin
Community Development
215 Sycamore St
Muscatine, IA 52761
563-262-4141



DIANA L. BRODERSON, MAYOR
CITY OF MUSCATINE, IOWA

CODE OF CONDUCT POLICY

PURPOSE

The purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 2 CFR Part 200.318 and other applicable federal and state standards, regulations, and laws.

APPLICATION

This Code of Conduct applies to all officers, employees, or agents of the City of Muscatine engaged in the award or administration of contracts supported by federal grant funds.

REQUIREMENTS

No officer, employee, or agent of the City of Muscatine shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The employee, officer, or agent;
- b. Any member of his/her immediate family;
- c. His/her partner; or
- d. An organization which employs or is about to employ any of the above; or, has a financial or other interest in the firm selected for award.

The City of Muscatine's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

FRAUD, WASTE AND ABUSE

The City of Muscatine has zero tolerance for the commission or concealment of acts of fraud, waste, or abuse. All officers, employees, or agents shall notify the City of Muscatine of suspected actions.

Allegations of such acts will be investigated and pursued to their logical conclusion, including legal action where warranted. Concerns may be reported to Stephanie Romagnoli, Human Resources Manager, 215 Sycamore St, Muscatine, IA, 52761, 563-264-1551

REMEDIES

To the extent permitted by federal, state, or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the City of Muscatine's officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

DIANA L. BRODERSON, MAYOR
CITY OF MUSCATINE, IOWA

PROCUREMENT POLICY

PURPOSE

The purpose of this Procurement Policy is to ensure that sound business judgment is utilized in all procurement transactions for projects subsidized by the U.S. Department of Housing and Urban Development (HUD) and that supplies, equipment, construction, and services purchased using HUD funding are obtained efficiently and economically and in compliance with applicable federal law and executive orders and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition.

APPLICATION

This policy applies to the procurement of all supplies, equipment, construction, and services of and for City of Muscatine related to the implementation and administration of the CDBG award. All procurement will be done in accordance with 2CFR Part 200 and Appendix II to Part 200.

POLICY

GENERAL PROCUREMENT PRACTICES

The City of Muscatine will adhere to the following general procurement practices: document procurement standards; maintain oversight of contractors to ensure performance in accord with standards; avoid acquisition of unnecessary or duplicative items; encourage procurement or use of shared goods and services; use Federal excess and surplus property when feasible; encourage value-engineering clauses in construction contracts; award contracts only to responsible contractors; limit use of time and materials contracting; and use good administrative judgment to settle all contractual and administrative issues.

COMPETITION

The City of Muscatine will provide full and open competition; publishing the *Muscatine Journal*; prohibit use of state or local geographical preferences; develop written procedures for procurement transactions to ensure competition is not restricted; and ensure that pre-qualified lists are current.

FIVE METHODS OF PROCUREMENT

Procurement under grants shall be made by one of the following methods, as described herein: (a) micro-purchase; (b) small purchase procedures; (c) sealed bids (formal advertising/published); (d) competitive proposals; (e) noncompetitive proposals.

- A. Micro-purchase includes the acquisition of supplies or services that do not exceed \$3,000 (or \$2,000 for acquisitions for construction subject to Davis-Bacon Act)
- B. Small purchase procedures are relatively simple and informal procurement methods that are sound and appropriate for the procurement of services, supplies, or other property, costing in aggregate not more than \$150,000. If small purchase procedures are used for a procurement under a grant, then a price or rate quotations (minimum of 2) shall be obtained from an adequate number of qualified sources.

- C. In sealed bids (formal advertising), sealed bids are publicly solicited (published) and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the required method for procuring construction.
1. In order for formal advertising to be feasible, appropriate conditions must be present, including, at a minimum, the following:
 - a) A complete, adequate and realistic specification or purchase description is available.
 - b) Two or more responsible bidders are willing and able to compete effectively for the City of Muscatine's business; and
 - c) The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can be made principally on the basis of price.
 2. When sealed bids are used for a procurement under a grant, the following requirements apply:
 - a) A sufficient time prior to the date set for opening of bids, bids shall be solicited (publicly advertised/published) from an adequate number of known suppliers.
 - b) The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation for bids.
 - c) All bids shall be opened publicly at the time and place stated in the invitation for bids.
 - d) A firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of the City of Muscatine indicates that such discounts are generally taken.
 - e) Any or all bids may be rejected if there are sound documented business reasons in the best interest of the program.
- D. Procurement by competitive proposals (RFP or RFQ) is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids. If the competitive proposals method is used for a procurement under a grant, the following requirements apply:
1. Requests for Proposals shall be publicized (publicly advertised/published) and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical.
 2. Requests for Proposals shall be solicited from an adequate number of qualified sources.
 3. The City of Muscatine shall have a method for conducting evaluations of the proposals received and for selecting awardees.

4. Awards will be made to the responsible offeror whose proposal will be most advantageous to the procuring party, with price (other than architectural/engineering – no price in RFQ's) and other factors considered. Unsuccessful offerors will be promptly notified in writing.
5. The City of Muscatine should use competitive proposal procedures for qualification-based procurement of architectural/engineering (A/E) professional services whereby competitor's qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in the procurement of A/E professional services. It cannot be used to procure other types of services (e.g., administration professional services) even though A/E firms are a potential source to perform the proposed effort.
- E. Noncompetitive proposal is procurement through solicitation of a proposal from only one source, or after solicitation from a number of sources, competition is determined inadequate. A noncompetitive proposal means a procurement through either a "sole source," when the Recipient solicits an offer from one source, or a "single source," when the Recipient solicits offers from multiple sources but receives only one or the competition is determined inadequate. Noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids (formal advertising), or competitive proposals. Circumstances under which a contract may be awarded by noncompetitive proposals are limited to the following:
 1. The item is available from only a single source;
 2. After solicitation of a number of sources, competition is determined inadequate;
 3. A public exigency or emergency exists when the urgency for the requirement will not permit a delay incident to competitive solicitation; and
 4. The awarding agency (IEDA) authorizes noncompetitive proposals. (Sole or single source procurement for supplies, equipment, construction, and services valued at \$25,000 or more must have prior approval of the Iowa Economic Development Authority).

Sole or single source procurement is unusual and the circumstances and rationale for its use must be fully documented. Additionally, IEDA must approve in advance sole or single source procurement for contracts or purchases valued at \$25,000 or more.

- F. The City of Muscatine will provide, to the greatest extent possible, that contracts be awarded to qualified small and minority firms, women business enterprises, and labor surplus area firms whenever they are potential sources.
- G. Any other method of procurement must have prior approval of the Iowa Economic Development Authority.

RECYCLED MATERIALS

The City of Muscatine will procure items with recycled content following the requirements of Code of Iowa chapter 8A.315-317 and Iowa Administrative Code chapter 11-117.6(5) — Recycled Product and Content.

BID LANGUAGE - PROCUREMENT OF RECOVERED MATERIALS

For projects utilizing funds from the IEDA, Recipients shall include in all request for proposals and bid documents the following language.

“The contractor agrees to comply with all the requirements of Code of Iowa chapter 8A.315-317 and Iowa Administrative Code chapter 11-117.6(5) — Recycled Product and Content.”

CONTRACT PRICING

- A. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
- B. The City of Muscatine shall perform some form of cost/price analysis for every procurement action, including modifications, amendments or change orders.

PROCUREMENT RECORDS

The City of Muscatine shall maintain records sufficient to detail the significant history of a procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. (Recipient) shall make technical specifications and procurement documents available for review upon request.

BONDING REQUIREMENTS

Bonding requirements for construction or facility improvement contracts must meet the federal minimum requirements or receive a determination that the federal interest is adequately protected.

DIANA L. BRODERSON, MAYOR
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