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ADMINISTRATIVE PLAN CONTENT GUIDELINES

CDBG Downtown Revitalization Projects & CDBG-CV Façade Projects

Overview

The Iowa Economic Development Authority (IEDA) is requiring all recipients of CDBG Downtown Revitalization (DTR) and CDBG-CV Commercial Façade Improvement grants to submit a final version of their Administrative Plans at the beginning of their project. This plan is subject to IEDA review and approval, and any subsequent changes to the plan are also subject to IEDA review and approval. The plan must be uploaded and submitted in IowaGrants.gov and approved by IEDA prior to the first draw for the project.

IEDA has provided a sample Administrative Plan template to assist recipients in finalizing their own. This includes roles for the city, grant administrator, architect, general contractor, and property owners. The sample also includes a project manager designated by the city, although those tasks could be absorbed by another entity listed in the Administrative Plan.

This sample does not cover every potential task or responsibility in administering a DTR project, especially those tasks that are typical to any CDBG grant funded project. Please feel free to add other responsibilities that would be helpful for you to have documented. However, if you do use this sample without making edits, **a fillable PDF version is available** on our website:

https://www.iowaeda.com/UserDocs/dtr_administrative_plan.pdf

This Plan is intended to ensure the city can better:

- Oversee compliance with the city's contract in relation to IEDA and CDBG regulations.
- Avoid delays due to responsibilities being shared by too many individuals and the resulting confusion on who executes what step.
- Avoid delays due to a responsibility not clearly identified with a particular person or position.
- Keep an open flow of communication between all affected parties
- Mitigate any disagreements/misunderstandings between parties that may arise
- Keep the right people informed on matters pertaining to their responsibilities.

Instructions

The following is a list of roles that will exist for your community's CDBG Downtown Revitalization project. Editing options may include but are not limited to:

- Moving responsibilities to another entity represented on the Administrative Plan;
- Adding responsibilities that would be helpful to have in this documented plan; or
- Replacing some responsibilities with more specific steps that are delegated to more than one party (for example, change orders during construction and the steps of communication involved).

You should send your edited draft Administrative Plan to your IEDA project manager for review prior to securing the Mayor's signature.

This Administrative Plan should be a useful tool that can be referred to as the project progresses. The city must ensure that any expectations outlined and approved by IEDA in this Administration Plan do not conflict with the terms of their contract with their grant administrator, architect, etc. Contact IEDA with any questions about consistency with other contracts.

Fill in the blanks on the sample Plan below to list the designated person and firm, as applicable.

Administrative Plan for the City of _____ Contract # _____
For submittal to the Iowa Economic Development Authority (IEDA)

City: _____

- ✓ Assume ultimate responsibility for the overall grant project, as the HUD designated Responsible Entity in accordance with 24 CFR 58.
- ✓ Monitor project timeliness to ensure project goes out to bid within a year of contract start date (for DTR projects) or within 30 days of completing the Tier II review (for CV projects).
- ✓ Monitor and provide information on deletion/substitution of properties. In the event of the contract performance measure changing (total number of buildings) an amendment must be requested of IEDA.
- ✓ Ensure property owners are refraining from any other prohibited work on their building that is not a part of the CDBG façade project.
- ✓ Review sample Easement Agreement and Construction Terms Agreements with city legal counsel. Once executed, oversee to ensure compliance.
- ✓ Communicate with property owners on any proposed change orders during construction, including how it may impact the property owner's financial contribution, as well as timing changes resulting from the potential of re-opening Section 106 consultation, (if applicable).
- ✓ Review/ approval of change orders as the contract with the general contractor specifies.
- ✓ Monitor and collect property owner's financial participation share.
- ✓ Provide Council review and approval of invoices prior to submittal of a claim to IEDA or have a Council-approved written policy outlining an alternative process for approving bills.

Grant Administrator: _____

- ✓ Act as liaison with IEDA staff.
- ✓ Determine if initial survey work is required for the evaluation of properties in the project area for listing on the National Register of Historic Places. If such services are needed, work with the City to procure a consultant who meets the Secretary of the Interior's Professional Qualification Standards for Historian and/or Architectural Historian to survey the project area and generate Iowa Site Inventory Forms for participating properties.
- ✓ Contact IEDA Historic Preservationist on Section 106 related questions. Compile Section 106 Submittals including cover letters, Iowa Site Inventory Forms, etc. Submit construction documents to IEDA Historic Preservationist and Project Manager for simultaneous 106 and slum and blight review.
- ✓ Ensure that procurement, bidding and contracting all follow the most recently issued federal provisions/requirements.

- ✓ Monitor compliance with federal labor standards, including but not limited to: wage rate determination request to IEDA, completing contractor clearance forms for all contractors/subcontractors as soon as contractor is selected, and weekly payroll processing and contractor employee interviews.
- ✓ Maintain an up-to-date project budget with contingencies and alternates including the review of any post-construction change orders as they may impact budget.
- ✓ Monitor project timeliness.
- ✓ Maintain a list of properties, addresses and owners on IowaGrants.gov
- ✓ Coordinate all amendment requests to IEDA
- ✓ Review and approve contractor pay requests prior to submittal to the city and sending to IEDA for a claim.

Architect: _____

- ✓ Maintain services contract pricing in accordance with CDBG requirements. Use a lump sum or not to exceed amount for all expenses, not based on a percentage of construction cost, not adding percentage onto expenses.
- ✓ Have the documentation to know if properties in the project area are listed on or eligible for listing in the National Register of Historic Places and adhere to work specifications and historic preservation guidelines when applicable.
- ✓ Receive input from property owners about the design for their building, including their priorities for improvements and their capacity to supply a monetary match.
- ✓ Provide updates on cost estimates and property owner general priorities as well as feedback received on designs to grant administrator and or city.
- ✓ Complete final designs and cost estimates in a timely manner to ensure project goes out to bid within one year of the contract start date.
- ✓ Provide designs and construction documents to grant administrator for submittal to IEDA.
- ✓ Review & preliminary approval of contractor pay requests.
- ✓ Review & preliminary approval of change orders.
- ✓ Provide on-site construction supervision (a certain number of on-site visits for this purpose may be assigned in the contract).
- ✓ Provide any design and construction documents to grant administrator for submittal to IEDA for any significant changes in scope of work that occur at any point after initial Section 106 or slum & blight review.
- ✓ Final inspection and sign-off on properties prior to payment.

Property Owners: List maintained on IowaGrants.gov

- ✓ Respond to city or their designee regarding status of participation in the program, as well as timely responsiveness with architects and others.
- ✓ Review and Sign Easement Agreement and Construction Terms Agreement prior to construction.
- ✓ Avoid conducting any other work on the building that is not a part of the CDBG façade project, (unless permission is granted by city beforehand).
- ✓ Review & approval of work write up, design renderings and cost estimates
- ✓ Review & approval of change orders, particularly those affecting owner’s financial commitment.

General Contractor: To be determined through procurement

- ✓ Oversee all subcontractors’ compliance with labor standards and other provisions Gather and submit information for Sub-Contractor Clearance forms as soon as contract is awarded.
- ✓ Submit weekly payroll reports to grant administrator along with other required documentation to comply with labor standards.
- ✓ Communicate with grant administrator and subcontractors regarding schedule for the purposes of on-site contractor interviews and/or building inspections.
- ✓ Coordinate with City regarding any parking, motor vehicle traffic or bicycle or pedestrian travel disruptions.
- ✓ Coordinate with property owner to minimize business disruptions.

Project Manager designated by the City: _____

- ✓ Communicate to all property owners on the status of design, timeframes, and accomplishments; both to those with buildings being worked on and owners in the target area as a whole.
- ✓ Communicate with property owners about their participation in the project, and to what level.
- ✓ Resolve complaints involving property owner, contractor, architect, etc.
- ✓ Serve as project liaison with local organizations such as city council; main street board; historic preservation commission; chamber of commerce; downtown merchants, etc.

On behalf of the City of _____, I certify that this Administrative Plan for the City’s Downtown Revitalization CDBG grant will be our method of operating throughout the course of our project. Any amendments to the plan will be submitted to IEDA for review and approval.

Chief Elected Official/ Mayor Name Printed Here

Signature

Date

SAMPLE EASEMENT AGREEMENT

The Iowa Economic Development Authority (IEDA) has provided a template easement agreement.. Any legally binding document that the city is using to comply with federal regulations should be reviewed and changed, if necessary, by legal counsel. This template should not take the place of legal counsel review. **The final version for local use should be reviewed by local legal counsel and IEDA prior to execution and recording.**

IEDA's requirements for the easement:

- Easement must be in place for at least the complete timeframe of the community's grant agreement with IEDA.
- IEDA strongly advises signature of an easement agreement prior to the city entering into any construction contract.
- It must protect the federal investment during specified time frame.
- It must be signed by property owner (deed holder) and the easement holder (city) (Note: Both signatures must be notarized prior to recording).
- It must be recorded at the applicable county office, then submitted to IEDA.
- It must be submitted to, and approved by, IEDA prior to first program construction draw.

Flexibility of template:

- This document includes language gathered from municipal legal counsel that has been recommended to recipient communities.
- Specify in the applicable blank, before the "exterior facing 24 inches of the structure" whether the easement is for just the front facade, or both the front and side, or includes a portion of the roof (or in rare circumstances, the rear). If there is a side façade included, the city should specify which side.
- The city may want to describe its own process, as provided in a sample (# 4), regarding how the property owner may go about requesting to make changes to their façade in the easement period.
- Communities may adjust, remove or add language to this agreement, provided those changes do not conflict with IEDA's requirements.
- Additional language that solely applies to the duration of the city's CDBG grant and construction timeframe and activities should be incorporated into the "Terms for Construction Agreement" form.

The **fillable PDF version of the easement agreement** can be found on the IEDA website here:
https://www.iowaeda.com/UserDocs/facade_easement_agreement.pdf

TERMS OF CONSTRUCTION AGREEMENT TEMPLATE

The Iowa Economic Development Authority (IEDA) has provided a template for a Terms of Construction Agreement. This Construction Agreement is to be signed by property owners participating in the Downtown Revitalization Program local façade improvement project funded in part by CDBG. It should also be used for the CDBG-CV Commercial Façade Improvement program. Any document that the Recipient is using to comply with federal regulations should be reviewed and changed, if necessary, by local legal counsel. This template should not take the place of legal counsel review. **The final version for local use should be reviewed by local legal counsel and IEDA prior to execution.** This document is a separate agreement from the Easement Agreement and should be executed as such. Recording of this document is not required.

- *Timeframe of acknowledgement form:* This agreement has the same time period as the Recipient's CDBG grant contract duration and this is not part of the recorded easement. IEDA strongly advises signature of an agreement similar to this prior to the Recipient entering into any construction contract.
- *Flexibility of this template:* A City/County may adjust, remove or add language in this form, with the exception of the "Acknowledgement of limitations and requirements on other work to this property," which must remain as is for grant compliance purposes. The other sections cover topics that have been or may be necessary or helpful for owners to acknowledge prior to construction. For example, a section on change orders has been added which acknowledges property owner's financial commitment. That provision can be modified depending on local preferences. Finally, a not-to-exceed amount may be added at local discretion capping property owner participation in the event of change orders or unforeseen cost overruns.
- *Signatures needed:* This template only requires signature by the property owner. This approach can be changed locally to add language and other signatures, such as one by the City/County. That is a local decision. Signed agreements must be submitted to, and approved by, IEDA prior to the first program construction draw.

For a copy of the document and instructions regarding how to complete and submit it, please visit:
https://www.iowaeda.com/UserDocs/construction_terms_agreement.docx