

# **Iowa Economic Development Authority & Iowa Finance Authority**



## **Contracts Training – Fundamentals of Grantee Contracts**

Rob Wick | CDBG & Disaster Recovery Team Lead  
Iowa Economic Development Authority | Iowa Finance Authority

# Purpose of 3<sup>rd</sup> Thursdays

- *Not all Grant Administrators have the same knowledge base;*
- *Not all Grant Administrators work the same project types;*
- *Federal requirements are in a state of flux;*
- *Grant Recipients rely nearly exclusively on the Admins to ensure the projects remain compliant and auditable for HUD;*
- *Administrators assisting in ANY capacity for ACTIVE projects must attend;*
- *Tests will indicate incorrect answers as an update;*
- *Slides will be made available AFTER the presentations/trainings;*

# Purpose of THIS Training

- *Equip grant administrators to know the basics of the contract administration portion of managing a CDBG project on behalf of the Grantee;*
- *Provide helpful Do's and Don'ts;*
- *Provide guides on more effective construction documents for CDBG & Co-funded projects;*

# Overview

- ✓ **Contract Types**
- ✓ **Structure of Competitive Bids**
- ✓ **Best Practices**

## **Reference Section:**

- ✓ **Required Federal Language**
- ✓ **Resources**

# Acronyms / Terms Used:

- ❖ **SOW** – Statement of Work
- ❖ **Work** – all of the activities in a project that the vendors / contract will be compensated for
- ❖ **EJCDC** – Engineer Joint Documents Committee
- ❖ **AIA** – American Institute of Architects
- ❖ **RFP** – Request for Proposals
- ❖ **RFQ** – Request for Qualifications

# Contract Types

- **Professional Services**
- **Fixed-Price**
- **Competitive Sealed Bids**
- **Cost Reimbursement**
- **Time & Material**
- **Strictly Prohibited Types**

# Contract Types

- **Professional Services:**

- Used for planning, architectural, engineering, legal or specialty consultants (e.g., archaeologist, environmental, mapping, soil compaction testing, etc.)
- Acquired via Request for Proposal or Request for Qualifications;
- Typically negotiated as fixed-price
  - Cost-reimbursement less common, less preferred;
- Commonly completed in the EJCDC or AIA forms of agreement
  - (These are preferred!!)

# Contract Types

- **Professional Services:**

- For CDBG: Even if the acquisition occurred prior to the grant agreement, the CDBG portion federalizes all project contracts and the federal language **MUST** be added to these contracts;
- *Contracts that do not contain this language at a minimum will be deemed ineligible and at worst place the grantee at risk of clawback of funds;*

# Contract Types

- **Fixed Price Contracts:**

- Most common for construction or supplies;
- Vendor/Contractor is paid a fixed amount for specific line items, regardless of actual incurred costs at end of the Work;
- Requires CLEAR Scopes / Statement of Work (SOW);
- ***MOST FAVORED BY HUD***
- Lump Sump: One price paid for all Work;
- Unit Price: Cost allocated for individual line items in the bid/contract;

# Contract Types

- **Competitive Sealed Bids:**

- Mostly used for construction when cost is expected to exceed small purchase threshold (\$250,000);
- Requires carefully prepared bid documents
  - *More detail later in this presentation!*

# Contract Types

- **Competitive Sealed Bids:**

- Requires the Owner (grantee) to openly read aloud the bids at a specified bid opening date/time;
- The lowest responsible bidder must be selected;
  - Demonstrates complete bid package;
  - Meets all specifications;
  - Takes no exceptions to stipulated requirements or specifications;
  - Does not appear on debarment screening or other due diligence;

# Contract Types

- **Cost Reimbursement:**

- Contractor is reimbursed for actual, allowable costs incurred up to an established cap;
- Often used for nonprofits or service providers when scope cannot be clearly defined;
- Requires EXTENSIVE cost documentation auditing PRIOR to each payment approval;
- Generally only used when fixed price is not feasible;
  - **Example:** Work discovered on site after construction has begun – some contract Amendments / Change Orders take the form of Cost Reimbursement contracts

# Contract Types

- **Time & Material:**

- Contractor is paid for actual labor at an hourly rate and materials, with established markup and fees;
- Only used when no other contract vehicle is an option (2 CFR 200.318);
  - Must document conditions that create use of T&M;
  - Must demonstrate attempt to use other approved contract vehicles;
  - Must establish a Not- to Exceed (NTE) value for the agreement;
  - Must actively monitor time logs, materials purchase vs used, rate calcs & markups, work progress / invoices;
- Extremely high-risk form of agreement, typically only approved for ***emergency work***;

# Contract Types

- **Strictly Prohibited Types:**

- Cost-plus-percentage of cost (2 CFR 200.324(d));
- Non-Competitive contracts without justification;
- Contracts with debarred or suspended contractors (SAM.gov);
- Contracts without the Federal clauses (e.g., DBRA, S3, BABA, etc.)

# Structure of Competitive Bids

When framing the bid documents, it is important to take into consideration the order of operations of the contract documents, and the readability for the respondent;

## Structure of Competitive Bids

- ✓ Notice to Bidders;
- ✓ Bidder Instructions;
- ✓ General Conditions (Agreement);
- ✓ Bid Form;
- ✓ Bond Requirements & Forms;
- ✓ Insurance Requirements,
- ✓ Special Conditions (**CDBG, SRF, etc.**);
- ✓ Wage Determination;
- ✓ Plans & Specifications of the Work;
- ✓ Amendment Form, Subs Completion
- ✓ AIA Closeout forms

## Structure of Competitive Bids

### Notice to Bidders (aka, 'Invitation to Bid', or 'Bid Letting')

- Must include all critical information necessary to access the bid documents and time/place of bid opening;

- *Project Title;*
- *Owner, Issuing Agency;*
- *Legal Authority, Funding*
- *Description of the Work;*
- *Project Location;*
- *Estimated Schedule;*
- *Bid Submission Details;*
- *Pre-Bid Meeting required?*
- *Access to Bid Documents;*
- *Required Qualifications*
- *Bonds needed;*
- *Fed / State / Local requirements*
- *Right to Reject Bids*
- *Contact for Q's*

# Structure of Competitive Bids

## Notice to Bidders (“NTB”)

- *Recommended elements to include:*
  - Anticipated Award Date;
  - Protest Procedure;
  - Required Start dates / Notice to Proceed Issuance dates;
  - Brief Insurance Requirements
  
- *CY 2026, IEDA will provide updated guidance RE: public notifications!*

# Structure of Competitive Bids

## Instruction to Bidders: (“ITB”)

○ Elements of the “ITB” expand on the “NTB” and add more details;

- *Brief description of Work;*
- *Submission Requirements;*
- *Bid Opening Info;*
- *Bid Form Instructions;*
- *Bid Security / Bond details;*
- *Pre-Bid Conference details;*
- *Qualifications of Bidders / Licensing & Experience details;*
- *Conditions for Withdrawal / Mod of Bids;*
- *Criteria for Award;*
- *Compliance Req’s;*
- *Req’s for Subs;*
- *Req’s for Insurance;*
- *Allowable Alternatives;*
- *Protest resolution;*

# Structure of Competitive Bids

## General Conditions:

○ Critically establishes the admin., procedures & job site rules;

- *Detailed description of Work;*
- *Coordination Requirements;*
- *Site rules / work hours;*
- *Permits, Fees & Inspections;*
- *Project Meetings;*
- *Submittals Instructions;*
- *Quality Control;*
- *Temp Facilities & Controls;*
- *Health & Safety Req's;*
- *Progress Cleaning & Final Cleaning;*
- *Schedules & Progress Reports;*
- **Liquidated Damages;**
- *Payment Procedures & Retainage;*
- *Closeout Procedures;*
- *Warranties;*

# Structure of Competitive Bids

## Bonds

### ○ Bid Bonds:

- Guarantees the contractor will enter into contract and provide required performance and payments bonds if awarded project;
- Protects the grantee if the low bidder backs out or fails to sign contract;
- Usually 5% - 10% of the Bid;
- Required by public agencies;

# Structure of Competitive Bids

## Bonds

### ○ Performance Bonds:

- Guarantees the contractor will complete the project in accordance with the contract documents;
- Protects the grantee from financial loss if the contractor defaults or fails to perform;
- = 100% of the contract value;
- Must be provided after contract award, but BEFORE Work begins;

# Structure of Competitive Bids

## Bonds

### ○ Payment Bonds:

- Guarantees the contractor will pay all subcontractors, suppliers and workers;
- Protects the grantee from mechanics liens or legal claims by unpaid parties;
- = 100% of the contract value;
- Must be provided with Performance Bond;

# Structure of Competitive Bids

## Special Conditions:

- This is where the unique projects details are included, as well as program language, **not Mgmt Guide excerpts**, need to be written into the ConDocs;
- *Access & Maintenance of Records;*
- *Civil Rights;*
- *Termination Clause;*
- *List of Plan Holders;*
- *MWBE Clearing Houses;*
- *Certifications against Lobbying*
- *Lead-Safe Housing Regs;*
- *Recycled Materials;*
- *Quality Control;*
- *Notice on Reporting;*
- *Fed EO's 11246 & 11375;*
- *Clean Air & Water Acts;*
- ***Fed Labor Standards;***
- ***(HUD-4010);***
- ***Wage Determination;***
- *BABA;*
- *Section 3;*

## Structure of Competitive Bids

### Wage Determination:

- The Wage Determination is almost it's own section, and does require the following to be clearly listed;
  - *Fed Labor Standards HUD-4010;*
  - *Wage Determination;*
  - *Wage Forms (WH347);*
  - *Job Site Posters (DBRA + OSHA);*
  - *10-day Check MODs by formal Addenda!*

# Structure of Competitive Bids

## Plans & Specifications

- The Specifications should include the BABA requirements ....

DOCUMENT 00 74 03

### SPECIAL BUILD AMERICA, BUY AMERICA REQUIREMENTS

#### PART 1 GENERAL

##### 1.01 SECTION INCLUDES

- A. Build America, Buy America Act (BABA) Certification
  - 1. In accordance with BABA requirements the Owner must maintain documentation of compliance with the BABA requirements. Manufacturer shall supply certifications of compliance for all products subject to BABA requirements. Certification must be dated within 6 months of its submittal to the Owner and include the following:
    - a. Identification of the specific product(s) and quantities to be delivered to the site.
    - b. Identification of where the product(s) was made including the location(s) of foundry/mill/factory where the product(s) was manufactured (City and State).
    - c. Name of the project and the location of the project where the product(s) will be delivered.
    - d. Signature of company representative.
    - e. Specific reference to American Iron and Steel. Reference to Buy America, Made in USA, Buy America Act, or any state domestic preference is not acceptable.
  - 2. BABA Certification must be submitted prior to or upon delivery of the product(s) to the project location.
  - 3. BABA certification must meet the content requirements set forth in this Section.
  - 4. Failure to supply BABA certifications as required will result in delays in progress payments until such time that the BABA requirements are met.
  - 5. Additional BABA information and certification examples are attached to this Specification Section.
  - 6. Contractor to notify Engineer of any products that need to be utilized in the project for which no BABA products are available.

END OF SECTION

# Structure of Competitive Bids

## Plans & Specifications

- And the CDBG Project Sign Specs:

**Project Construction Sign**  
White Background

**Project Title**

Sponsor/Developer

Official(s) or Sponsor Address

Architect or Engineer  
(second line)

Contractor  
(second line)

Project Financed by:  
Community Development Block Grant  
Iowa Economic Development Authority

Kim Reynolds, Governor

Sign Dimensions: 1200mm x 2400mm (approx. 4'x8'x3/4")  
Plywood Panel (APA Rated A-B Grade-Exterior)

**CDBG**  
Community Development Block Grant

**IOWA**  
Economic Development

# Best Practices

## Best Practices

- Not required, but recommended to host a Pre-Bid Meeting for projects that have more than one funding agency so that all requirements can be clarified for bidders in advance;
  - This is particularly helpful for complex projects / new bidders;
  - 'Thin the herd' of unqualified bidders;
  - the BABA requirements where CDBG and SRF can differ a little!
- Executed ConDocs will eventually be placed in the Contractor Clearance status report and not 'Electronic Documents'

## Best Practices

### ➤ ***“Or Equal” Clauses for CDBG Projects***

- *Covered under 2 CFR 200 & 24 CFR Part 570;*
- *Allows bidder to propose a product or material that is functionally equivalent to a specific brand name product;*
- *Value:*
  - *Prevents sole-sourcing UNLESS justified;*
  - *Encourages full & open competition;*
  - *Meets federal procurement requirements for fair bidding;*

## Best Practices

### ➤ *“Or Equal” Clauses for CDBG Projects*

- *Example: The grantee has a configuration management protocol for say, Muller hydrants – while you cannot bid specifically for these, you can cite the specifications for that product and cite the “..or equal..” acceptable products.*
- *DO: Define performance criteria and a process for evaluating alternatives;*
- *DO NOT: use brand names*

## Best Practices

- ❖ All contracts that are active on CDBG / DR funded project must contain the contractual clauses that flow down from HUD, to IEDA, to the subrecipient (municipal grantee) and further to their vendors / contractors & subcontractors;
- ❖ Contracts that do not contain these clauses are ineligible for CDBG funds and may trigger a clawback of grants funds from the grantee;

## Best Practices

- *Do not simply slide the IEDA CDBG Mgmt Guide pages into the Bid Documents -> write the language into Special Conditions;*
  - *The consequence of not including them in the main body of the contract (General / Special Conditions) leaves the contract open for debate if it was ever originally included or retroactively added!*
- *The IEDA PM must review draft plans & specs for concurrence that scope aligns with application & agreement PRIOR to submitting the Wage Rate Status Report;*
- *When in doubt, reach out to your IEDA PM and connect us to your A/E that is preparing the ConDocs so they can be structured correctly;*

# COMING SOON

## ***IEDA Grant Agreements***

- In the process of merging the CDBG and DR “core” agreement bodies so there are not different formats;
- The elements that are grant opportunity specific will be in exhibits / attachments and make the process MUCH easier;

## ***Public Notices:***

- In CY 2026, IEDA will issue revised guidance on public notices;

# **REFERENCE SECTION:**

**Required Federal Language &  
Inclusions for Special Conditions**

## Required Federal Language

- 1) **Access to Maintenance of Records**
  - “The contractor must maintain records, including supporting documentation, for the greater of three years after the date the Recipient is notified that the State CDBG contract has been closed with HUD. “
  - “At any time during normal business hours and as frequently as is deemed necessary, the contractor shall make available to the Iowa Economic Development Authority, the State Auditor, the General Accounting Office, and the Department of Housing and Urban Development, for their examination, all of its records pertaining to all matters covered by this contract .....

# Required Federal Language

- 2) **Civil Rights**
  - *Title VI of the Civil Rights Act of 1964 (Nondiscrimination)*
  - *States that no person may be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, or national origin.*

# Required Federal Language

- 2) **Civil Rights**
  - *Title VIII of the Civil Rights Act of 1968 (Fair Housing Act);*
    - *Makes it unlawful to discriminate in the sale, rental, or financing of housing on the basis of: Race, Color, National Origin, Religion, Sex, Disability, Familial Status (presence of children under 18, pregnancy, etc.)*
  - *Federal EO 11063 & EO 12259 (Equal Opp Housing);*
    - *Designates HUD as the lead federal agency for enforcing Fair Housing laws;*
    - *Requires all federal agencies administering housing programs to: Affirmatively further fair housing, Report compliance to HUD, Cooperate in the enforcement of the Fair Housing Act;*

# Required Federal Language

- **2) Civil Rights**
- *Iowa Civil Rights Act of 1965 (Mirrors Fed Act);*
  - *It is unlawful to refuse to sell, rent, lease, assign or sublease or deny housing accommodations to someone based on any protected class;*
  - *Prohibits: Discriminatory terms, conditions or privileges of sale/rent; Advertising that indicates preference or limitation; “blockbusting” or steering*
- *Section 109 of Title I HCDA 1974 (Nondiscrimination);*
  - *“No person in the United States shall on the ground of **race, color, national origin, or sex** be excluded from participation in, denied the benefits of, or be **subjected to discrimination** under any program or activity funded in whole or in part with funds made available under this title.”*

# Required Federal Language

- 2) **Civil Rights**
- Age Discrimination Act of 1975;
  - *Provides that no person on the basis of age, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance.*
- Section 504 of the Rehabilitation Act of 1973;
  - *"No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..." — 29 U.S.C. § 794(a)*

# Required Federal Language

- 2) **Civil Rights**
  - *Americans with Disabilities Act*;
    - Title I – Employment
      - No discrimination in hiring, advancement or firing; Must provide reasonable accommodations to employees;
    - Title II – Public Services
      - All public programs/services must be accessible; Includes housing programs; Requires physical and program accessibility, effective communication & reasonable modifications;
    - Title III – Public Accommodations
      - Private business that serve public must remove barriers and provide equal access; Applies to new construction & existing building where readily achievable;

# Required Federal Language

- 2) **Civil Rights**
  - *Section 3 of the Housing & Urban Dev Act of 1968;*
    - *Federal requirement that helps low- and very low-income individuals and businesses that employ them gain access to economic opportunities—especially in housing and community development projects funded by HUD;*
    - *It mandates that employment, training, and contracting opportunities generated by certain HUD-funded projects go first to local residents and businesses that meet specific low-income qualifications;*

## Required Federal Language

- 3) **Termination Clause**
  - All contracts utilizing CDBG funds must contain a termination clause that specifies the following:
    - *Under what conditions the clause may be imposed;*
    - *The form the termination notice must take (e.g., certified letter);*
    - *The time frame required between the notice of termination and its effective date;*
    - *The method used to compute the final payment(s) to the contractor;*

# Required Federal Language

- **3) Certification regarding gov-wide restriction on Lobbying**
  - All contracts utilizing CDBG funds must contain the FULL certification statement concerning restriction of lobbying.

*All contracts utilizing CDBG funds must contain the following certification concerning restriction of lobbying:*

"The Recipient certifies, to the best of his or her knowledge and belief, that:

- i. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- ii. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Federal Lobbying" in accordance with its instruction.
- iii. The Recipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure."

## Required Federal Language

- 5) **Lead Safe Housing Regulations (As Applicable)**

24 CFR Part 35 et. al.

*“Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Properties and Housing Receiving Federal Assistance, Final Rule”*

## Required Federal Language

- 6) **Recycled Materials**

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 which states:

*“When appropriate, specifications shall include requirements for the use of recovered materials and products. The specifications shall not restrict the use of alternative materials, exclude recovered materials, or require performance standards that exclude products containing recovered materials unless the subrecipient seeking the product can document that the use of recovered materials will impede the intended use of the product.”*

## Required Federal Language

- 7) **Notice of Awarding Agency Requirements and Regulations Pertaining to Reporting**

*“The Contractor must provide information as necessary and as requested by the Iowa Economic Development Authority for the purpose of fulfilling all reporting requirements related to the CDBG program.”*

## Required Federal Language

- 8) **Build America, Buy America Requirements**
  - *“The Grantee must comply with the requirements of the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended, if applicable to the Grantee’s infrastructure project. Pursuant to HUD’s Notice, “Public Interest Phased Implementation Waiver for FY 2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance” (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver.”*

## Required Federal Language

- **All Contracts In Excess of \$100,000:**
- *Clean Air and Water Acts:*
  - *Section 306 of the Clean Air Act (42 USC 1857(h))*
  - *Section 508 of the Clean Water Act (33 USC 1368)*
  - *Exec Order 11738*

## Required Federal Language

- **All Contracts In Excess of \$100,000:**
- *Clean Air and Water Acts: Required Clauses*
  - *“This clause is required in all third party contracts involving projects subject to the Clean Air Act (42 U.S.C. 1857 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations of the Environmental Protection Agency with respect to 40 CFR Part 15, as amended. It should also be mentioned in the bid document.”*

# Required Federal Language

- **All Contracts In Excess of \$100,000:**
- *Clean Air and Water Acts: Required Clauses*

*“During the performance of this contract, the CONTRACTOR agrees as follows:*

- *(1) The CONTRACTOR will certify that any facility to be utilized in the performance of any nonexempt contract or subcontract is not listed on the Excluded Party Listing System pursuant to 40 CFR 32.*
- *(2) The CONTRACTOR agrees to comply with all the requirements of Section 114 of the Clean Air Act, as amended, (42 U.S.C. 1857c-8) and Section 308 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1318) relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder.*

# Required Federal Language

- **All Contracts In Excess of \$100,000:**
- *Clean Air and Water Acts: Required Clauses*

*“During the performance of this contract, the CONTRACTOR agrees as follows:*

- *(3) The CONTRACTOR agrees that as a condition for the award of the contract, prompt notice will be given of any notification received from the Director, Office of Federal Activities, Environmental Protection Agency, indicating that a facility utilized or to be utilized for the contract is under consideration to be listed on the Excluded Party Listing System.*
- *(4) The CONTRACTOR agrees that it will include or cause to be included the criteria and requirements in Paragraph (1) through (4) of this section in every nonexempt subcontract and require every subcontractor to take such action as the Government may direct as a means of enforcing such provisions.*

## Required Federal Language

- **All Contracts In Excess of \$10,000:**
- *Executive Orders 11246 & 11375*
  - *Provides that no one be discriminated in employment*

# Required Federal Language

- **All Contracts In Excess of \$2,000:**  
Federal Labor Standards

In addition to the preceding provisions, all construction contracts in excess of \$2,000 must include the Federal Labor Standards Provisions (verbatim) found in Appendix 2 under Required Contract Provisions. (Housing rehabilitation contracts of less than 8 units are excluded from this requirement.)

Federal Labor Standards Provisions (verbatim) found in Appendix 2, including:

- Davis-Bacon and Related Acts
- Contract Work Hours and Safety Standard Act
- Copeland Anti-kickback Act

# Required Language & Inclusions

## ○ **Other Required Attachments & Insertions:**

- HUD-4010 Federal Labor Standards Provisions;
- All Labor Standards Forms;
  - WH347, Compliant Intake Form, Employee Interview Form,
- Prevailing Wage Rate Schedule;
- Jobsite Posters required;
  - WHD 1321, OSHA Job Safety, OFCCP EEO, HUD Form 928.1
- Section 3 Clause – in it's entirety;
- Section 3 Intent to Comply Form;
- Example BABA Specification Insert;
- BABA Contract Body Fed Language;
- Example BABA Waiver;
- Specifications for HUD / IEDA Project Sign;

# Resources

## Resources

IEDA has ALL clauses, forms and insertions that need to be in contracts placed on our website and can be found here:

- **CDBG Management Guide:**

- <https://opportunityiowa.gov/community/community-infrastructure/cdbg-resources/management-guide>

## METHODS OF PROCUREMENT OVERVIEW

The procurement process must be in accordance with the federal requirements of 2 CFR 200.320 (b-f). The table below outlines the four procurement methods that the grantee must use to procure materials, supplies, construction, and services based on the type of procurement.

Procurement Type	Cost Reasonableness/ Methodology	Contract Type	Solicitation Method	Applications	Dollar Threshold	Used For:
Small Purchase (Informal)	Price Analysis	Purchase Order Fixed Price	Quotes Submitted Bids	Produced Items Single-Task Service Supplies	<u>up to \$250,000</u> for <b>produced items or construction</b>	Administrator ER Consultant
Sealed Bid (Formal)	Price Analysis Cost Analysis	Fixed Price	Submitted Bids	Construction Items Produced Items Designed Items	No threshold	Construction
Competitive (Formal)	Price Analysis Cost Analysis	Cost Reimbursement Fixed Price Time & Materials	Submitted Proposals	Professional Services Multi-Task Services Designed Items	<u>&gt; \$250,000</u> for <b>professional services or multi-task services</b>	RFQ/RFP
Noncompetitive	Cost Analysis	Cost Reimbursement Fixed Price Time & Materials	Submitted Proposals	Produced Items Single-Task Service Professional Services Multi-Task Services Designed Item	No threshold, only used when no other method is feasible; must receive prior MSHDA approval	Sole Source

# Informal tool, not required form, will be made available if this is found to be useful:

## CDBG CONTRACTS REQUIREMENTS CHECKLIST

- ☐ ➤ Required Contract Language and Provisions (ALL Contracts)
  1. Access to Maintenance of Records
  2. Civil Rights
    - Title VI of the Civil Rights Act of 1964 (Non-Discrimination)
    - Title VII of the Civil Rights Act of 1968 (Fair Housing)
    - Federal Executive Order 11063, as amended EO 12259
    - Iowa Civil Rights Act of 1965
    - Section 109 of Title 1 of the Housing and Community Development Act of 1974 (Non-Discrimination)
    - Age Discrimination Act of 1975, as amended (42 USC 1601)
    - Section 504 of the Rehabilitation Act of 1973, as amended (PL 93-112, 29 USC 794)
    - Americans with Disabilities Act (PL 101-336, 42 USC 1201-12213)
    - Section 3 of the Housing and Urban Development Act of 1968, as amended (12 USC 1701u)
  3. Termination Clause
  4. Certification Regarding Government-wide Restriction on Lobbying
  5. Lead-Safe Housing Regulations (as required)
  6. Recycled Materials (IA Code Ch 8A 315-317 & Ch 11-117.6(5))
  7. Notice of Awarding Agency Requirements & Regulations Pertaining to Reporting
  8. Build America, Buy America Act Requirements
- ☐ ➤ All Contracts in Excess of \$10,000.00
  1. Federal Executive Orders 11246 & 11375 (Anti-Discrimination)
- ☐ ➤ All Contracts in Excess of \$100,000.00
  1. Clean Water Acts:
    - Section 306 / 42 USC 1857(h)
    - Section 508 / 33 USC 1368
    - Executive Order 11738
- ☐ ➤ All Construction Contracts in Excess of \$2,000.00
  1. Federal Labor Standards:
    - Davis Bacon and Related Acts
    - Contract Work Hours & Safety Standard Act
    - Copeland Anti-Kickback Act
- ☐ ➤ Section 3 Language for Procurement Documents & Contracts Document

- ☐ ➤ Section 3 – Contractor Intent to Comply Form (to be completed & returned by Bidder)
  1. Link: <https://www.iowaeda.com/UserDocs/2022cdbg-intent-to-comply-fillableform01232023.pdf>
- ☐ ➤ HUD-4010 Federal Labor Standards Provisions Document
  1. Link to Form: [www.hud.gov/sites/dfiles/OCHCO/documents/4010.pdf](http://www.hud.gov/sites/dfiles/OCHCO/documents/4010.pdf)
- ☐ ➤ Labor Standards Forms:
  1. Payroll form: <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh347.pdf>
  2. Federal Labor Standards Compliant Intake Form: <https://www.hud.gov/sites/dfiles/OCHCO/documents/4731.pdf>
  3. Record of Employee Interview (i.e., Davis Bacon labor interview), instructions and form, in
    - English: <https://www.hud.gov/sites/dfiles/OCHCO/documents/11.pdf>
    - Spanish: <https://www.hud.gov/sites/dfiles/OCHCO/documents/11SP.pdf>
- ☐ ➤ Approved Wage Rate Schedule
- ☐ ➤ Job Site Posters & Federal Labor Standards Provisions:
  1. WHD 1321 -- Employee Rights Poster – English <https://www.dol.gov/whd/regs/compliance/posters/fedprojc.pdf>
  2. WHD 1321 -- Employee Rights Poster – Spanish <https://www.dol.gov/whd/regs/compliance/posters/davispan.pdf>
  3. OSHA -- Job Safety and Health -- It's The Law -- English <https://www.osha.gov/Publications/OSHA3165.pdf>
  4. OSHA -- Job Safety and Health -- It's The Law -- Spanish <https://www.osha.gov/Publications/OSHA3167.pdf>
  5. OFCCP Equal Employment Opportunity Is The Law -- English [https://www.eeoc.gov/sites/default/files/migrated\\_files/employers/eeoc\\_self\\_print\\_poster.pdf](https://www.eeoc.gov/sites/default/files/migrated_files/employers/eeoc_self_print_poster.pdf)
  6. OFCCP Equal Employment Opportunity Is The Law -- Spanish [https://www.eeoc.gov/sites/default/files/migrated\\_files/employers/eeoc\\_self\\_print\\_poster\\_spanish.pdf](https://www.eeoc.gov/sites/default/files/migrated_files/employers/eeoc_self_print_poster_spanish.pdf)
  7. HUD Form 928.1 -- Equal Housing Opportunity -- English <https://www.hud.gov/sites/documents/928.1.PDF>
  8. HUD Form 928.1A -- Equal Housing Opportunity -- Spanish <https://www.hud.gov/sites/documents/SPANISH.PDF>
- ☐ ➤ Build America Buy America Act Requirements Document
  1. Language to include in the Body of Bids / Subcontracts
  2. BABAA Claim Compliance Certification Form
    - [https://www.iowaeda.com/UserDocs/baba\\_claim\\_compliance\\_certification\\_form.pdf](https://www.iowaeda.com/UserDocs/baba_claim_compliance_certification_form.pdf)
  3. **Template OEM Letter for BABAA Product Certification**
- ☐ ➤ CDBG Project Sign Design Specifications
  1. Link: [https://www.iowaeda.com/UserDocs/cdbg\\_projectsign.pdf](https://www.iowaeda.com/UserDocs/cdbg_projectsign.pdf)

**Any Questions?**





**THANK YOU**

Rob Wick | CDBG – Disaster Recovery Team Lead  
Iowa Economic Development Authority