



3rd Thursday Training September 25, 2025

Sessions Today

- **Rob Wick:** CDBG Contracts Training – Follow up!
- **Joyce Brown:** New Contractor Clearance Status Report Updates
- **Kristin Honz:** Claims Process Training

Contracts Training Follow-up

- Requested Contract / Bid insertion documents
- Bid Preparation Checklist

Requested Contract / Bid Insertions

- **Addendum 1:** Contract language that must be customized for specific contracts and subcontracts
- **Addendum 2:** Regulations that must be included in the agreement in **full citation**.
- **Addendum 3:** Supplemental Federal regulations documents/forms that must be provided to the Contractors/Subcontractor for use on the Jobsite.
- **Addendum 4:** Regulations documents/forms that must be printed out and inserted into Contracts / Bid Documents.
- **Addendum 5:** Reference data for clearing houses / plans rooms for MWBE solicitations to meet best effort goals.

Requested Contract / Bid Insertions

Addendum I:

- Contract language that must be customized for specific contracts and subcontracts
- This is applicable to ALL Contracts
 - **Termination Clause;**
 - **‘Or Equal’ Clause (for Construction);**
 - **Liquidated Damages Clause;**

CDBG REQUIRED LANGUAGE FOR CONTRACTS



ADDENDUM I – CUSTOM LANGUAGE THAT MUST BE IN AGREEMENT BODY

❖ 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;

→ Consult your local counsel to prepare appropriate termination clauses for the nature of your project.

❖ **Liquidated Damages / Time is of the Essence:**

- Grantees must include a liquidated damages clause in their professional services and construction contracts that aligns with the period of performance / contract term with the IEDA grant agreements;
- This adds protections for the grantee should a contractor not complete work within the grant agreement term;

EXAMPLE Liquidated Damages Clause:

“Time is of the essence in the performance of this Contract. The Contractor acknowledges that the timely completion of the Project is a material term of this Agreement and that delays in the completion of the Project will result in substantial damages to the Owner, including but not limited to potential loss of CDBG funds, delays in project utilization, and additional administrative costs.

The parties agree that actual damages for delay would be difficult to determine with certainty and that the amount set forth herein represents a reasonable estimate of such damages and is not intended as a penalty.

Therefore, if the Contractor fails to complete the work required under this Agreement by the Completion Date specified in the contract or any extension thereof approved in writing by the Owner, liquidated damages shall be assessed at a rate of _____ dollars (\$XXX.00) for each calendar day beyond the Completion Date that the work remains incomplete.

These liquidated damages shall be deducted from any payments due or to become due to the Contractor, or, if such payments are insufficient, shall be immediately due and payable by the Contractor to the Owner upon demand.

Nothing in this provision shall be construed to limit any other rights or remedies available to the Owner under this Agreement, at law, or in equity.”

→ Consult your local counsel to prepare appropriate liquidated damages clauses for the nature of your project.



Requested Contract / Bid Insertions

Addendum II:

- Regulations that must be included in the agreement in **full citation (11 pages!)**:

- ***Iowa State Codes***
- ***Federal Requirements:***
 - ***Section 109, HCDA***
 - ***Civil Rights***
 - ***Clean Air / Clean Water Acts***
 - ***Executive Orders***
 - ***BABA***
 - ***Section 3***
 - ***EEO / Anti-Discrimination***
 - ***ADA***

CDBG REQUIRED LANGUAGE FOR CONTRACTS



❖ **Iowa Code Section ss 19B.7**

The Contractor agrees to comply with Iowa Code Section 19B.7, which requires that all state and local government agencies and their contractors and subcontractors prevent and eliminate discrimination in employment and public contracting.

Accordingly, the Contractor shall:

- 1. Not discriminate against any employee or applicant for employment or any business or individual in the awarding of subcontracts, on the basis of: Race, Color, National origin, Sex, Gender identity, Sexual orientation, Religion, Age, Disability, Creed*
- 2. Include this nondiscrimination provision in all subcontracts and procurement agreements;*
- 3. Make good faith efforts to encourage the participation of minority-owned and women-owned business enterprises (M/WBEs) in all aspects of the project, including contracting and subcontracting;*
- 4. Provide documentation of such efforts upon request by the local jurisdiction, the Iowa Department of Administrative Services, or other authorized entity.*

❖ **Sales and Use Taxes (for municipalities only)**

"Owner is exempt from Iowa state sales and use taxes on materials and equipment to be incorporated in the Work. Said taxes shall not be included in the Bid."

The undersigned acknowledges that these requirements are party to the contract / subcontract and the Contractor/Subcontractor agrees to adoption of all requirements upon execution of the agreement:

Contractor Signature

Date

Contractor Printed Name

Title

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.



Requested Contract / Bid Insertions

Addendum III:

- Supplemental Federal regulations documents/forms that must be provided to the Contractors/Subcontractor for use on the Jobsite.

CDBG REQUIRED LANGUAGE FOR CONTRACTS

IOWA
Economic Development

ADDENDUM III. SUPPLEMENTAL FEDERAL REQUIREMENTS AND WORKER NOTIFICATIONS

- ❖ **Current Certified Payroll Form & Certification (DOL WH-347)**
<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh347.pdf>
- ❖ **Federal Labor Standards Complaint Intake Form:**
<https://www.hud.gov/sites/dfiles/OCHCO/documents/4731.pdf>
- ❖ **Record of Employee Interview Form**
<https://www.hud.gov/sites/dfiles/OCHCO/documents/11.pdf>
- ❖ **Job Site Posters & Federal Labor Standards Provisions:**
 - WHD 1321 – Employee Rights Poster
 - English: <https://www.osha.gov/Publications/osh3165.pdf>
 - Spanish: <https://www.osha.gov/Publications/osh3167.pdf>
 - OSHA Job Safety & Health
 - English: https://www.eeoc.gov/sites/default/files/migrated_files/employers/eeoc_s_elf_print_poster.pdf
 - Spanish: https://www.eeoc.gov/sites/default/files/migrated_files/employers/eeoc_s_elf_print_poster_spanish.pdf
 - OFCCP Equal Opportunity – Know Your Rights
 - English: https://www.eeoc.gov/sites/default/files/2023-06/22-088_EEOC_KnowYourRights6.12
 - Spanish: https://www.eeoc.gov/sites/default/files/2023-06/22-088_EEOC_KnowYourRightsSp6.12.pdf
- ❖ **HUD Form 928.1 Equal Housing Opportunity**
 - English: <https://www.hud.gov/sites/documents/928.1.PDF>
 - Spanish: <https://www.hud.gov/sites/documents/SPANISH.PDF>

The undersigned acknowledges that these documents are required to be made available to all workers on the jobsite:

Contractor Signature

Date

Contractor Printed Name

Title

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.





Requested Contract / Bid Insertions

Addendum IV:

- Regulations documents/forms that must be printed out and inserted into Contracts / Bid Documents.

CDBG REQUIRED LANGUAGE FOR CONTRACTS



**ADDENDUM IV. DOCUMENTS THAT MUST BE PRINTED OUT
AND INCLUDED IN BIDS VIA EXHIBIT**

- ❖ **Section 3 Contractor Intent to Comply Form:**
<https://www.iowaeda.com/UserDocs/2022cdbg-intent-to-comply-fillableform01232023.pdf>
➤ **Contractor should return this document with the Bid Forms**
- ❖ **HUD-4010 Federal Labor Standards Provisions Form:**
https://hudgov.sharepoint.com/sites/FPM/OFPM/DBLS/HQ/Shared Documents/Forms_DBLS/HUD-4010 Federal Labor Standards Provisions/HUD 4010
- ❖ **Applicable Wage Decision Document(s)**
➤ **ACQUIRE FROM DOL / IEDA**
- ❖ **CDBG Project Sign Design Specifications**
https://www.iowaeda.com/UserDocs/cdbg_projectsign.pdf
- ❖ **BABA Bid Insertion Documents**
https://www.iowaeda.com/UserDocs/baba_claim_compliance_certification_form.pdf



Requested Contract / Bid Insertions

Addendum V:

- Reference data for clearing houses / plans rooms for MWBE solicitations to meet best effort goals.

CDBG REQUIRED LANGUAGE FOR CONTRACTS



ADDENDUM V. CLEARING HOUSES FOR MWBE BUSINESSES

Small Business Administration District Office 210 Walnut St., Room 749 Federal Building Des Moines, IA 50309 ATTN: Jayne Armstrong 515.384.4913 http://www.sba.gov/offices/district/ia/des-moines	National Association of Women in Construction (NAWIC) 327 S. Adams St. Ft Worth, TX 76104 800.552.3506 Fax: 817.877.0324 www.nawic.org #80 Greater Des Moines: www.nawicdesmoines.com
Siouxland Construction Alliance 3900 Stadium Dr. Sioux City, IA 51106 712.255.9730 www.siouxlandconstructionalliance.com	Illinois MBDA Business Center 31 S Grove Ave Elgin, IL 60120 630.526.1063 www.mdba.gov/business-center/illinois-mdba-business-center
Master Builders of Iowa www.mbonline.com Construction Update Plan Rooms: Des Moines Plan Room 221 Park St POB 695 Des Moines, IA 50306 515.288.8904 800.362.2578 Fax: 515.288.8718 Fort Dodge Plan Room 24 N. 9th St. Suite A Fort Dodge, IA 50501 515.955.5500 Fax: 515.955.3245	North Iowa Builders Exchange 9 N. Federal Mason City, IA 50401 641.423.5334 Fax: 641.423.5725 www.buidingnorthiowa.com #160 Cedar Rapids/Iowa City: www.nawiccric.160.org Omaha Builders Exchange 4159 South 94th Street Omaha, NE 68127 402.991.6906 Fax: 402.884.7055 #160 Cedar Rapids/Iowa City: www.nawiccric.160.org



Bid Review Checklist

- To further assist with bid / construction contract review, we have prepared a checklist for the CGA and for the PM's;
- Your IEDA PM will be more focused on making sure that the elements in the highlighted areas are present and correct;

CONSTRUCTION DOCUMENTS CHECKLIST

- ☐ - BID ADVERTISEMENT
- ☐ - NOTICE TO BIDDERS - with CDBG and/or other funding agency citation
- ☐ - INFORMATION FOR BIDDERS
With CDBG acknowledgments plus any other funding agencies
- ☐ - BID FORM
- ☐ - CERTIFICATION OF CONTRACTS, GRANTS & LOANS FORM
- ☐ - DISCLOSURE OF LOBBYING ACTIVITIES SF-111 FORM
- ☐ - INTENT TO COMPLY WITH SECTION 3 REQUIREMENTS FORM
- ☐ - BID BOND, BIDDER STATUS FORM
- ☐ - PERFORMANCE BOND
- ☐ - PAYMENT BOND
- ☐ - AGREEMENT
- ☐ - CHANGE ORDER FORM
- ☐ - NOTICE TO PROCEED
- ☐ - EXAMPLE PAYMENT APPLICATION
- ☐ - GENERAL CONDITIONS OF CONTRACT
- ☐ - SUPPLEMENTAL CONDITIONS
Including CDBG and other funding agency requirements:
 - ☐ * CDBG Addendum 1 - Liquidated Damages, Termination, 'Or Equal' products
 - ☐ * CDBG Addendum 2 - State & Federal Requirements
 - ☐ * CDBG Addendum 3 - Jobsite Supplemental Requirements
 - ☐ * CDBG Addendum 4 - Section 3, HUD-4010, DBRA/PWR, BABA, CDBG Sign Specs
 - ☐ * CDBG Addendum 5 - Plan Rooms
- ☐ - PROJECT SPECIFICATIONS
- ☐ - PROJECT DRAWINGS
- ☐ - APPLICABLE PERMIT RESTRICTIONS / REQUIREMENTS
- ☐ - BID TABULATION
- ☐ - A/E AWARD RECOMMENDATION
- ☐ - GRANTEE AWARD RESOLUTION

Any Questions?





THANK YOU

Iowa Economic Development Authority