



**TULSA
COUNTY
URBAN
COUNTY CDBG**

HANDBOOK

For Member Governments

Prepared by INCOG Community & Economic Development Division

2025

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Introduction



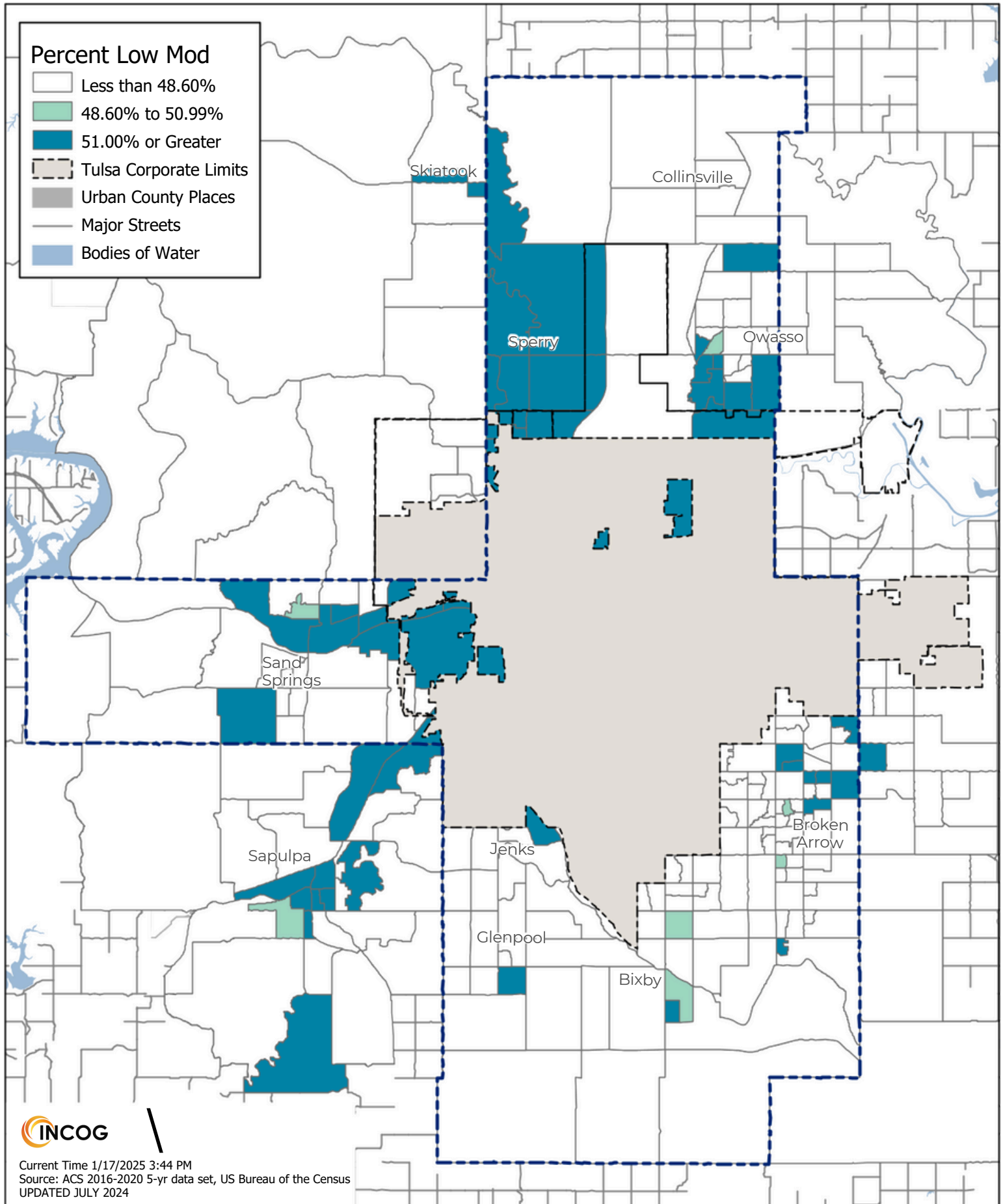
The Community Development Block Grant (CDBG) Program provides federal funds from the U.S. Department of Housing and Urban Development (HUD) to eligible units of local government to address community development needs. Projects must benefit low- to moderate-income persons, households, or target neighborhoods that are 51% or more low- to moderate-income. CDBG regulations permit counties who meet the threshold of a total combined population of 200,000 or more (excluding metropolitan cities) to qualify as an urban county to receive a direct federal allocation of CDBG funds. Tulsa County qualified for Entitlement status with HUD to receive CDBG funds as an Urban County beginning August 1, 2008.

The Tulsa County Urban County program consists of Tulsa County and 10 local governments which lie all or partially in Tulsa County. The City of Tulsa has its own separate CDBG funding and it is not part of the Urban County. Prior to the creation of the CDBG Urban County, Broken Arrow was recognized by HUD as a CDBG Entitlement Community. The cities of Bixby, Jenks, Owasso, Sand Springs, and Sapulpa received an annual allocation under the State of Oklahoma Department of Commerce "Small Cities CDBG Program" that required 1:1 local matching funds. The cities of Collinsville, Glenpool, Skiatook, and Sperry as well as Tulsa County competed against several hundred communities statewide in the general Oklahoma Department of Commerce administered CDBG program. The key advantages of the CDBG Urban County program are that the geographically close communities have joined together to obtain the optimum amount of CDBG funding while maintaining local review and control of the program by the member communities. In addition there are no required matching funds and no competition for funding with other communities outside of the Urban County. Tulsa County is the lead entity. INCOG serves as the administration contractor for Tulsa County Urban County CDBG program.

Key Points

- **The Tulsa County Urban County CDBG Program consists of 11 member governments**
- **The Program receives a direct allocation of entitlement funds from the Department of Housing and Urban Development (HUD)**
- **The Tulsa County Urban County Program is the only Urban County CDBG program in the State of Oklahoma**

Low & Moderate Income Block Groups for Tulsa County Urban County CDBG Program



Tulsa Urban County

What is an “Urban County”?

- Urban County is a type of “entitlement community” that has met certain population thresholds (at least 200,000 (excluding the population of entitled cities))
- Must requalify every 3 years
- Grantee’s annual funding allocation is determined by a statutory dual formula which uses several objective measures of community needs, including the extent of poverty, population, housing overcrowding, age of housing and population growth lag in relationship to other metropolitan areas.

Member Communities

City of Bixby

City of Broken Arrow

City of Collinsville

City of Glenpool

City of Jenks

City of Owasso

City of Sand Springs

City of Sapulpa

City of Skiatook

Town of Sperry

Unincorporated Tulsa County

Communities Split Between Multiple Counties

Creek County - Sapulpa

Osage County - Sand Springs, Skiatook and Sperry

Rogers County - Collinsville and Owasso

Wagoner County - Bixby and Broken Arrow

Revolving CDBG Grant Communities

Year 1- Skiatook and Sperry

Year 2- Glenpool and Tulsa Co.

Year 3- Collinsville and Jenks

Tulsa County Urban County CDBG Definitions and Acronyms

BABA – Enacted in the Infrastructure Investment and Jobs Act requires certain products and materials used in federally assisted infrastructure projects estimated at over \$250,000.00 must be produced in the United States. Additionally, HUD established a BAP Phased Implementation Waiver for its programs, including CDBG, based on the date when federal funds were obligated to the state. Iron and Steel products, effective 2023; Specifically Listed Construction Materials added 2024; Not Listed Construction Materials and Manufactured Products added 2025.

CDBG – The Community Development Block Grant program is a flexible HUD program that provides communities with financial resources to address a wide range of unique community development needs. CDBG funds are targeted to areas that are 51% or more low- to moderate-income or to households or groups that are low- to moderate-income. Beginning in 1974, the CDBG program is one of the longest continuously run programs at HUD. The CDBG program provides annual grants on a formula basis to general units of local government and states. Based on its total population, the Tulsa County Urban County is considered an Entitlement Community and receives a direct allocation of CDBG funds from HUD.

CDBG Metro Cities Communities – Communities formerly under the Small Cities program administered by the Oklahoma Department of Commerce are classified as Metro Communities in the Urban County program. They are guaranteed an annual set aside of funds based on several factors including population, poverty and overcrowding.

CDBG Revolving Communities – Smaller jurisdictions and unincorporated Tulsa County receive an allocation of grant funds every three years distributed by the Urban County program.

Citizen Participation – The CDBG grantee (Tulsa County) must develop and follow a detailed plan which provides for, and encourages, citizen participation and which emphasizes participation by persons of low- or moderate-income, particularly residents of predominantly low- and moderate-income neighborhoods, slum or blighted areas, and areas in which the grantee proposes to use CDBG funds.

Consolidated Plan – To continue to receive grant funding the grantee (Tulsa County) must develop and submit to HUD a three-year Consolidated Plan and an Annual Action Plan. The Consolidated Plan identifies the goals for the CDBG programs as well as for housing programs (HOME). The goals will serve as the basis against which HUD will evaluate a jurisdiction's Plan. Also, the Consolidated Plan must meet several conditions, and certify that the grantee will actively promote fair housing.

Tulsa County Urban County CDBG Definitions and Acronyms Cont.

Davis-Bacon Act – This law requires that certain wage rates be paid on projects funded or partially funded with federal dollars. This is enforced by interviewing workers and examining payrolls. INCOG personnel perform this function. It applies to all construction contracts in excess of \$2,000.

Environmental Review – Federal law requires that the effect the proposed project has on residents and the natural environment be analyzed before a project is released. This responsibility is handled by INCOG.

Fair Housing Act – Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability). Grant recipients must demonstrate their commitment to fair housing to be eligible for grant funds. They do so by annually passing a fair housing ordinance or resolution and posting fair housing posters at municipal and county buildings.

Grant Recipient – A government entity that has received a CDBG grant.

HOME Program – HOME is the largest federal block grant to state and local governments designed exclusively to create affordable housing for low-income households. HOME funds are often used in partnership with local nonprofit groups to fund a wide range of activities that build, buy, and/or rehabilitate affordable housing for rent or homeownership or provide direct rental assistance to low-income people. HOME is authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended.

HUD – The Department of Housing and Urban Development is the federal agency that administers the Community Development Block Grant program.

IDIS – The Integrated Disbursement & Information System. This is the system that HUD uses to disperse and track CDBG and HOME funds. More specifically as a nationwide database, IDIS provides HUD with current information regarding the program activities underway across the nation, including funding data. HUD uses this information to report to Congress and to monitor Grant Recipient. The IDIS system allows Grant Recipient to request their grant funding from HUD and report on what is accomplished with these funds.

Tulsa County Urban County CDBG Definitions and Acronyms Cont.

Low- and Moderate-Income Residents – Residents whose income is at or below 80% of the Grant Recipient's median household income. Many federal programs, including CDBG, use this as a threshold for meeting the requirements for awarding grants.

MBE/WBE – Minority business enterprises and woman business enterprises. The Federal government encourages contractors to utilize minority and women contractors on government funded projects.

Pre-Bid Meeting – A meeting conducted in advance of a bid opening by the Grant Recipient and their engineers for interested contractors/companies where the staff presents the timetable, guidelines, and procedure for bidding on an upcoming construction project to be initiated with local and/or CDBG funds.

Pre-Construction Meeting – A meeting held before construction starts on a CDBG project in which the contractor is advised of federal requirements e.g. Davis-Bacon, Section 3, etc., and is given the necessary printed materials. This is also an opportunity to answer any questions about the project or regulations the contractor might have.

Release of Funds – This is a document issued from HUD upon completion of the Environmental Review which authorizes Tulsa County to allow a grantee to proceed with a project. No project funds may be obligated by a Grant Recipient until a release of funds has been received.

Section 3 – A Federal regulation that stipulates that for any CDBG contract over \$200,000 efforts should be made to spur contractors “to the greatest extent feasible” to hire and train low income individuals. Low income individuals are those earning less than 80% metro area's income.

Tulsa County HOME Consortium – Formed in 1994, 18 cities and 6 counties that surround the City of Tulsa have joined together to form a Consortium that receives a direct allocation of HOME funds from HUD. Tulsa County is the largest member and the lead entity for the Consortium. All of the CDBG Urban County communities are members of the HOME Consortium. There are four housing components in the consortium: homebuyer assistance; owner-occupied housing rehabilitation; construction of new affordable single-family housing; and the construction of elderly congregate rental housing.



Section 1

CDBG Application Process



Key Points:

- There are five Metro Cities and six Revolving Entities
- The primary Community Development Block Grant Objective is to benefit low- and moderate-income persons, and all projects receiving CDBG funds are designed to meet this national objective



Grant Application

The CDBG program is authorized under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of these application instructions is to provide assistance in preparing a Community Development Block Grant application to the Tulsa County CDBG Urban County Program.

National Objective

The primary National Objective of the Community Development Block Grant (CDBG) Program is the ***“development of viable urban communities by providing decent housing and a suitable living environment, particularly for persons of low- and moderate-incomes.”***

All project proposals submitted for funding through the CDBG Program must document the achievement of at least one of the following National objectives:



Provide benefit to low- and moderate-income persons.



Aid in the prevention or elimination of slums or blight.



Meet other community development needs having particular urgency, posing a serious or immediate threat to the health or welfare of a community.

Most CDBG applicants qualify their project activities under the National Objective of benefit to low- and moderate-income persons. Applicants are cautioned that qualifying a project under slum or blight or urgent need is a difficult process that has very limited application and can only be used under special conditions and circumstances. Therefore, you are urged to qualify your proposal under benefit to low- and moderate-income persons. Applicants who qualify a proposal using slum and blight or urgent need must receive guidance and approval from INCOG.

To qualify for CDBG funding under the National Objective of benefit to low- and moderate-income persons, the proposed project activities must show a positive or general improvement of living condition in a definable geographic target area where at least 51% of the occupied households/homes are of low- and moderate-income families. Low- and moderate-income families have an income equal to or less than the current Section 8 low-income limits established by the United States Department of Housing and Urban Development (HUD). Each activity proposed for funding with Community Development Block Grant (CDBG) dollars claiming the National Objective of benefit to low- and moderate-income persons, must provide data indicating the percentage of low- and moderate-income beneficiaries.

Use of Funds

The CDBG Program funds a broad array of projects and activities including but not limited to the following:

- Water and wastewater system improvements
- Solid waste
- Fire protection
- Streets
- Parks
- Housing activities including construction, emergency repair, rehabilitation
- Acquisition of real property for eligible public purposes
- Clearance, demolition and removal of buildings and improvements
- Senior citizen centers
- Gas and electrical system improvements
- Removal of architectural barriers associated with handicapped areas
- Storm water drainage improvements
- Economic Development
- Social services

Guidance regarding eligibility requirements can be found in 24CFR 570.201 of the Federal Housing and Community Development Act of 1974, as amended.

Application Criteria

- No matching funds are required.
- No administration expenses will be funded with CDBG funds.
- Engineering is a permissible use of CDBG funds.
- Income surveys of the project target area must be conducted. The use of Census Tract or Block Group data to document the percentage of low- and moderate-income beneficiaries for any CDBG funded activity should receive prior INCOG review and approval.
- Specific projects identified in the application must have cost estimates derived from professional sources. Water and wastewater projects that require Oklahoma Department of Environmental Quality construction permitting must have certified cost estimates from a professional engineer licensed to work in Oklahoma. For other types of projects, professional cost estimates may be derived from architects, engineers, vendors, construction companies, or appropriate personnel qualified to make such estimates.

Public Hearing Requirements

Applicants must hold an application phase Public Hearing to inform citizens about the proposed project and submit documentation of the hearing with the CDBG application. Notice must be given at least fourteen (14) days prior to the hearing by publication in a jurisdiction's newspaper or by posting at municipal or county buildings. Acceptable documentation includes an affidavit of publication, a copy of the newspaper announcement, or a certified posted notice.

Tulsa County has prepared a Citizen Participation Plan on behalf of Urban County communities; therefore, individual communities do not need to prepare a full plan.

The following page provides a sample public hearing notice to guide communities in drafting an appropriate CDBG public hearing notice.

Sample Notice:

**NOTICE OF TULSA COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT
JENKS FY2020 NEEDS PUBLIC HEARING**

A Public Hearing will be held at 7:00 p.m., _____ in the City Council Meeting Room at 211 North Elm, Jenks, to receive recommendations on community development needs for the City of Jenks as a member of the Tulsa County CDBG Urban County. Tulsa County has received \$1,172,076 in FY 2020 CDBG funds from the Department of Housing and Urban Development. The amount of these funds allocated to the City of Jenks is \$38,306. Citizens are requested to participate in the Hearing and express their views on community development needs and on the allocation of these funds within the City of Jenks.

Recommendations received will be considered by the Jenks City Council, the CDBG Urban County Policy Committee and the INCOG staff in developing Jenks's Metro City application. Comments or proposals, where feasible, will be incorporated into the application to be submitted to INCOG by April 3, 2020.

Anyone requiring special accommodations pursuant to the Americans with Disabilities Act should notify Robert Carr at (918)299-5883.

Required Application Documents



Application Summary

This form contains information about the specific project and **includes a certification** from the local government attesting to the accuracy and completeness of the application. The certification form must be completed and **signed by the chief elected official** of the local government.



Line Item Budget (Form Attachment A)

The description of project activities along with a budget (form provided as Attachment A) should be as specific as possible as they will form the basis of your contract. This Budget should match Professional Cost Estimates submitted with the application.



Direct Project Beneficiary Income Survey (Survey Form Attachment B)

Income surveys for each proposed CDBG-funded activity are a requirement unless using census tract or block group data.



Identification of Other Project Funding Sources (Form Attachment C)

Match and leverage are not required for the grant, but should be identified if applicable to the project.



Certified Engineering Reports and Cost Estimates (Form Attachment D)

Water and wastewater projects that require Oklahoma Department of Environmental Quality construction permitting must have certified cost estimates from a professional engineer licensed to work in Oklahoma. For other types of projects, professional cost estimates may be derived from architects, engineers, vendors, construction companies, or appropriate personnel to make such estimates.



Applicant Resolution (Application Form Attachment E)

Applications must include a Resolution passed by the governing body requesting CDBG assistance from the Tulsa County Urban County program. A sample Resolution is provided as Attachment E of the application.

Determination of Project Beneficiaries



City- Wide

An activity which will serve the entire city (such as wastewater treatment), provided that the city has a low- and moderate-income percentage at or above 51%. If the LMI percentage is below 51%, an income survey with a 75% response rate must be provided.



Area benefit

An activity which benefits all the residents in a particular area where at least 51% of the residents are low- and moderate-income persons. Examples would include resurfacing of a collector street or construction of a fire department substation.



Direct benefit

An activity which requires information on household size and income so that it is evident that at least 51% of the clientele are persons whose household income does not exceed the low- and moderate-income limit; or an activity which has income eligibility requirements which limit the activity exclusively to low- and moderate-income persons.



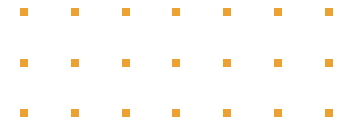
Presumed benefit

Benefit a clientele that is generally presumed to be principally low- and moderate-income persons. Activities that exclusively serve a group of persons in any one or a combination of the following categories may be presumed to benefit 51% low- and moderate-income persons: abused children, battered spouses, elderly persons, adults meeting the Bureau of the Census' Current Population Reports definition of "severely disabled," homeless persons, illiterate adults, persons living with AIDS, and migrant farm workers.

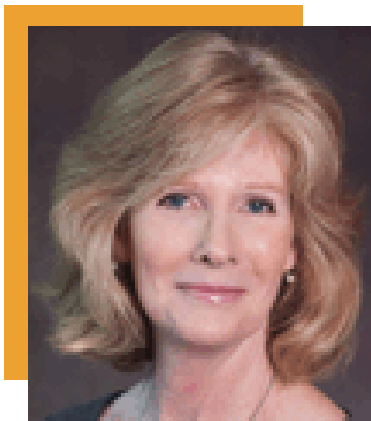
Guidelines to Identify Specific Beneficiaries for Various Activities:

- **Water or Wastewater Line Replacement or Rehabilitation.** Those households directly tapped onto or receiving improved service from the lines. Generally, beneficiaries are considered those persons residing in houses who receive their water through new, replaced or upgraded lines, or houses that discharge sewage into or through an improved collection line or main en route to the treatment plant.
- **New Wastewater or Water Extensions to Previously Un-served Areas.** The households/homes that will actually be connected to the wastewater or water line extensions. Service to newly-constructed subdivisions will not be funded due to environmental review requirements.
- **Flood and Drainage Improvements.** Households/homes within the recognized drainage basin.
- **Fire Protection.** Households/homes (buildings, vehicles and equipment) residing within the response area of the fire station; or using actual residential calls made by a fire station over the prior 12-month period, conduct a survey of those residences obtaining no less than 75% response rate.
- **Senior Citizen Centers and Community Centers.** Households/homes within the designated service area of the proposed center. If there is only one center in the community, the service area can be considered to be the entire community. If there is more than one center, then the Applicant must delineate the service area of each center. Senior Citizen Centers are presumed to benefit 100% low- and moderate-income persons age 62 and over.
- **Demolition/Clearance/Removal of Junk and Debris and/or Abandoned Inoperative Vehicles.** Households/homes within the geographic area designated to receive the focus of the demolition, clearance and/or removal activities. Typically, the properties located within the geographic area designated to receive the demolition/removal activities are considered to be beneficiaries.
- **Provision of Accessibility for the Handicapped to Public Buildings.** The households/homes within the geographic area that receive services from the assisted public building(s). Providing handicapped access to a public building would provide benefit to the households/homes in the entire community/project area. Proposed handicapped access activities in connection with limited clientele facilities are presumed to benefit low- and moderate-income persons.
- **Street Improvements/Sidewalk Improvements.** The households/homes that have at least one property line abutting the improvement.

Application Guidance



Applicants are encouraged to contact the staff persons listed below with questions regarding program requirements, project conceptualization, or any portion of the Application Packet and/or Guidelines.



Claudia Brierre

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Section 2

Compliance and Pre-Contract Requirements

Key Points:

- All environmental reviews must be completed by INCOG staff before contracts can be approved. Communities must provide necessary project details to support the review process.
- Grant recipients must ensure compliance with federal civil rights regulations, including Fair Housing and Equal Employment Opportunity requirements.
- Activities funded by CDBG must actively further fair housing practices and eliminate housing discrimination.
- Contractors and subcontractors must provide equal employment opportunities and maintain policies that prohibit workplace discrimination.
- Projects must prioritize providing economic opportunities, such as jobs and contracts, to low- and very low-income residents in the community.



Environmental Review

Purpose of Environmental Reviews

Environmental reviews are conducted to ensure that projects comply with the National Environmental Policy Act (NEPA) and other related federal environmental laws and regulations, as outlined in 24 CFR Part 58. These reviews assess potential environmental impacts to safeguard natural resources, public health, and the community.

Key Points About Environmental Reviews:

Who Conducts the Review?

INCOG staff is responsible for conducting environmental reviews for all CDBG-funded projects in compliance with federal regulations.

Timing Requirements:

Environmental reviews must be completed **before** any contracts can be approved or funds expended.

Starting project activities, including site preparation or construction, prior to the review's completion can result in **non-compliance** and potential loss of funding.

What Member Communities Should Expect

While INCOG will handle the review process, communities may need to provide certain information to complete the review efficiently. This may include:

- Project Scope Details:
 - A detailed description of the project, including location, size, and intended use of the site.
- Maps and Site Plans:
 - A site map or aerial view, including property boundaries and surrounding areas.
- Environmental Studies or Assessments:
 - Any available studies or assessments, such as floodplain maps.

Common Factors Assessed in Environmental Reviews

The review process evaluates:

- Floodplain and wetland impacts
- Proximity to hazardous materials or waste sites
- Historic preservation compliance
- Threatened and endangered species protection
- Noise, air quality, and water quality considerations

Civil Rights

Federal civil rights laws, whether they address hiring, housing, contracting, or access, were enacted to ensure that **no group or individual would be subject to any kind of discrimination, particularly when spending public funds** (i.e. CDBG grants).

Generally, these laws prohibit discrimination based on race, national origin, religion, age, sex, disability and family status.

- Minorities, i.e. African Americans, American Indians, Asians, Native Hawaiians, Pacific Islanders, Hispanics and Latinos;
- Women
- Age groups (specifically those over 40);
- and Handicapped persons (mental and/or physical).

CDBG Grant Recipients and their sub-recipients must comply with these laws, demonstrate efforts made to comply and document those efforts in various aspects of project activities.

Fair Housing

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability). Local governments, because of their influence and power, are in the most effective position to promote fair housing.

The Grant Recipient must provide documentation of steps taken to affirmatively further fair housing, regardless of the type of CDBG activity funded for each fiscal year the Grant Recipient has received a CDBG contract.

While the Grant Recipient has already certified that it practices fair housing, it must demonstrate that it is trying to improve the fair housing environment on a continual basis, not merely as a requirement of spending CDBG dollars. Efforts should be made to identify discriminatory housing patterns and alleviate them by working with developers, landlords, realtors, residents and government agencies.

HUD requires all CDBG Grant Recipients to either adopt a Fair Housing Ordinance or pass a Fair Housing Resolution as the first step in affirmatively furthering fair housing.

Civil Rights

Equal Employment Opportunity

Nondiscrimination is a requirement of employment and employment practices. Employment opportunities may not be denied on the basis of race, color, national origin, sex, age, religion, familial status, or disability. Affirmative action and equal employment opportunity policies are fundamental aspects of CDBG funded activities.

The Americans with Disabilities Act (ADA) modifies and expands the Section 504 Rehabilitation Act of 1973 to prohibit discrimination against “a qualified individual with a disability” in employment and public accommodations. The ADA requires that an individual with a physical or mental impairment who is otherwise qualified to perform the essential functions of a job, with or without reasonable accommodation, be afforded equal employment opportunity in all phases of employment.

Steps that can be taken to prevent discrimination in employment include the following:

- Review of jurisdictional employment policies and procedures for discriminatory intent or practice and document review;
- Advertise employment opportunities and/or to recruit employees for project-related positions;
- Develop and maintain employment data that indicates staff composition by race, sex, handicap status and national origin; and
- An Equal Employment Opportunity Poster must be displayed in a prominent place at the office of the grantee.

Specifically, Section 504 has a number of general prohibitions against employment discrimination. Grant Recipient must ensure that the following items are adhered to:

No qualified individual with a disability shall, solely on the basis of their disability, be subject to discrimination in employment under any program or activity that receives federal assistance.

Any grant recipient cannot legally limit, segregate or classify applicants or employees in any way that negatively affects their status or opportunities because of disability.

Civil Rights

Equal Employment Opportunity Cont.

In pre-employment and employment activities, discrimination based on a disability must not occur and reasonable accommodations must be made to the physical or mental limitations of otherwise qualified individuals unless it creates undue hardship for the grant recipient. This includes the follow activities:

- Recruiting, advertising, and processing of applications;
- Hiring, upgrading, promoting, tenure, demotion, transfer, layoffs, termination right or return from layoffs, illness, and rehiring;
- Rates of pay and any other forms of compensation;
- Job assignments, classifications and descriptions, organizational structures, lines, progression, and seniority lists;
- Leaves of absence, sick leave, or any other leave;
- Fringe benefits available by virtue of employment;
- Selection and financial support for training
- Employer-sponsored activities (including social or recreation programs)
- Any other term, condition, or privilege of employment.

Grant recipients may not participate in a contractual or other relationship that subjects qualified disabled applicants or employees to discrimination.

Reasonable accommodation, under Section 504, in employment is determined on a case-by-case basis. It means reasonable modifications on the job or in the workplace to enable a disabled person to perform the job for which she/he is qualified. Section 504 does not require the hiring or promotion of someone simply because she/he has a disability.

Civil Rights

What is Section 3?

The Section 3 program requires recipients of HUD funding to direct employment, training, and contracting opportunities to low-income individuals and businesses that employ these persons within their community. Section 3 is a provision of the Housing and Urban Development Act of 1968 and is codified at 12 U.S.C. 1701u, with regulations found at 24 CFR Part 75.

Per this statutory language, recipients of HUD funds (i.e., grantees and contractors) must ensure that, “to the greatest extent feasible,” when certain HUD funds are used to assist housing and community development projects, preference for construction-related training, jobs, and contracting opportunities is given to:

- Low- and very-low-income persons; and
- Businesses that are owned by or employ low- and very-low-income persons.

These opportunities are gender and race neutral and are intended to foster economic self-sufficiency for individuals in HUD-assisted communities.

Section 3 Threshold Requirements

The Section 3 requirements apply to certain HUD-funded projects when financial assistance meets or exceeds specific thresholds. These thresholds determine when a project must comply with Section 3 regulations:

1. Funding-Based Thresholds:

- Public Housing Assistance (§ 75.9): Section 3 applies to all public housing financial assistance, regardless of amount.
- Housing & Community Development Assistance (§ 75.19): Section 3 applies when assistance exceeds \$200,000 in HUD housing and community development funding (e.g., CDBG, HOME, NSP).
- Contractor/Subcontractor Threshold (§ 75.19(b)): A contract or subcontract must comply if the project meets the above funding threshold and the individual contract or subcontract exceeds \$100,000.

2. Aggregation of Funds:

- Section 3 applies when a project receives HUD funds from multiple sources (e.g., CDBG & HOME combined) and the total HUD assistance exceeds \$200,000.
- If no single contract exceeds \$100,000, the grantee itself must comply with Section 3 by ensuring outreach and training efforts.

3. Exemptions & Limitations:

- Contracts under \$100,000: Contractors and subcontractors with contracts below this amount are encouraged but not required to meet Section 3 hiring benchmarks.
- Professional Services Contracts: Contracts for non-construction services (e.g., legal, consulting, administrative services) are generally exempt unless they involve direct labor.

Civil Rights

What is Section 3?

Project-Specific Section 3 Requirements

For projects meeting the threshold, covered prime contractors and subcontractors are required to demonstrate a good faith effort to:

- Provide employment and training opportunities for Section 3 Workers.
- Provide opportunities for Section 3 Business Concerns for supplies, services, and construction contracts.
- Meet the HUD-established labor hour benchmarks as follows:

HUD Section 3 Benchmarks

- Benchmark 1: At least 25% of total labor hours worked on a Section 3 project must be performed by Section 3 Workers.
 - Formula:
 - $\text{Section 3 Labor Hours} / \text{Total Labor Hours} = 25\%$
- Benchmark 2: At least 5% of total labor hours worked must be performed by Targeted Section 3 Workers.
 - Formula:
 - $\text{Targeted Section 3 Labor Hours} / \text{Total Labor Hours} = 5\%$

If a contractor fails to meet these benchmarks, they must provide documentation of their good faith efforts, such as:

- Job postings, training programs, or partnerships with workforce agencies.
- Outreach to local Section 3 businesses and workers.
- Records of interviews and hiring attempts.

Documentation and Reporting

Recipients of HUD funds must maintain records demonstrating compliance with Section 3, including:

- Total labor hours worked on the project.
- Labor hours worked by Section 3 Workers and Targeted Section 3 Workers.
- Contracts awarded to Section 3 Business Concerns.
- Outreach and recruitment efforts.

HUD requires annual reporting of Section 3 compliance through the Section 3 Performance Evaluation and Reporting System (SPEARS) or other HUD-designated reporting tools.

Enforcement and Non-Compliance

Failure to comply with Section 3 can result in:

- Required corrective actions by HUD.
- Contractors being deemed ineligible for future HUD-funded contracts.
- Possible financial penalties or fund reductions.

HUD encourages proactive compliance, emphasizing documented good faith efforts if labor benchmarks are not met.



Section 3

Procurement, Bidding, and Contract Provisions

Key Points:

- The advertisement for bids must list the provisions that must be included in the bid document. All bid documents must include assurances that the following provisions will be complied with
- The advertisement for construction projects costing more than \$100,000 must be published twice; with the first publication at least 20 days in advance of the bid opening date
- Grant Recipients must not only meet federal regulations but also conform to state bidding laws
- INCOG Staff must be present at pre-construction and closeout meetings



Procurement & Bidding

Projects involving procurement and/or construction utilizing CDBG funds must conform to federal regulations and State law. Charts summarizing the required contract provisions for non-construction and construction contracts follow this section.

Small Purchases

Small Purchases are those made for services, supplies or other items costing **\$10,000 or less in the aggregate**. Small purchases may be made directly from local vendors. Small purchases are not discussed in State statutes or federal regulations. Many municipalities have their own methods for obtaining competitive prices on purchases of less than \$2,500. Grant Recipients are encouraged to obtain the best price possible.

Written Quotes

For purchases that cost between **\$10,000 and \$100,000**, the Grant Recipient must request and receive in writing **at least 3 bids or quotes**.

Sealed Bids

If the purchase **exceeds \$100,000 (in the aggregate)**, the Grant Recipient is required to advertise and receive sealed bids.

In order for formal advertising to be feasible, appropriate conditions must be present. These include:

- A complete, adequate and realistic specification or purchase description;
- Two or more responsible suppliers willing and able to compete effectively for the Grant Recipient's business;
- The procurement lends itself to a firm, fixed-price contract and selection of the successful bidder can appropriately be made principally on the basis of price.

The following steps are to be followed in the sealed bid procurement process. Instructions to Bidders are to be prepared, usually by the consulting architect/ engineer on a construction project. Once completed, these instructions should be reviewed by legal counsel and a determination should be made that all required compliance notices have been included in the package. **Proposals or bidders need to be alerted that they are bidding on a project involving federal funding** and that they will be required to comply with several laws and regulations. The Instructions to Bidder should provide cost estimating forms to facilitate both the presentation and review of financial information, including (if unit prices are required) cost formats that correspond exactly to the bid information sought. **NOTE: Davis-Bacon Act applies to all construction contracts in excess of \$2,000.**

Additionally, Workers' Compensation and General Liability insurance is required for all construction contracts starting at \$2,500.

Procurement & Bidding

Notice of Solicitation of Bids shall also be published in a newspaper of general circulation in the county. **Notices shall be mailed and published at least ten (10) days prior to the date on which the bids are opened.** Proof of the mailing shall be made by the affidavit of the person mailing the request for bids and shall be made a part of the official records of the Grant Recipient files.

Bids shall be solicited by mailing a notice to all persons or firms who have made a written request of the Grant Recipient that they be notified of such bid solicitation and to all other persons or firms who might reasonably be expected to submit bids.

The Grant Recipient, in an open meeting, shall open the sealed bids, and if applicable compare them to the state contract price. The Grant Recipient shall select the lowest and best bid based in accordance with the bid specification. The Grant Recipient shall award the contract in a reasonable time frame.

The Grant Recipient shall keep a written record of the meeting as required by law, and any time the lowest bid was not considered to be the lowest and the best bid, the reason for such conclusion shall be recorded in the official Board/Council/Commission minutes.

Procurement of Construction Contracts

Any public construction project **exceeding \$100,000** requires sealed bids and must adhere to the Public Competitive Bidding Act of 1974, Title 61 of the Oklahoma State Statutes, Section 101, as amended, and federal law.

NOTE: THE SPLITTING OF BIDS IN ORDER TO AVOID THE COMPETITIVE BIDDING ACT IS A VIOLATION OF STATE LAW.

The purpose of the bid document is to provide prospective bidders with sufficient information to know what the exact scope of work, as well as performance requirements, will be. Normally the architect or engineer who designed the project will take the lead in assembling the bid document. Among other things which will be included are:

Deductive alternates

The use of deductive alternates is highly recommended if there is any chance that all bids will exceed available funding. The bid document must be specific in describing the method and order in which alternates will be applied in determining the low bid and such alternates in the plans and specifications.

Procurement & Bidding

Procurement of Construction Contracts

Davis-Bacon Wage Rate Determinations

Construction contractors are required to pay their laborers at the "prevailing wage rate" for any project involving CDBG funds, if all project construction costs are in excess of \$2,000. These rates are periodically adjusted. The wage determination should be checked just prior to advertising for bids. This is a critical step since these rates can significantly impact construction cost estimates. These wage rates can be found at: sam.gov or <https://sam.gov/content/home>

Other Requirements

- Title VI of the Civil Rights Act of 1964;
- Section 3, Housing and Urban Development Act of 1968, as amended;
- Section 504 of the Rehabilitation Act of 1973, as amended;
- Age Discrimination Act of 1975;
- Section 109, Housing and Community Development Act of 1974, as amended;
- Section 402, Veterans of Vietnam Era (if \$10,000 or over);
- Bonding and Insurance Requirements:
- A bond or irrevocable letter of credit.
- Public liability and workers' compensation insurance during construction in reasonable amounts
- Oklahoma and U. S. Government laws require that all U. S. employers ensure that all employees, regardless of citizenship or national origin, are allowed to work in the United States.
- Oklahoma Law requires a licensed architect be used in the planning, designing and preparation of drawings and specifications for the alteration or construction of any building to be used as an assembly hall, municipal building or county building where the estimated total cost for constructing, remodeling or repairing such building exceeds \$158,000.
- Build America, Buy America (BABA) Act, 41 USC 8301

Procurement & Bidding

Procurement of Construction Contracts

Soliciting Bids

The Grant Recipient is required to prepare a **Bid Notice**, which should include the following:

- The nature of the proposed project in sufficient detail that all bidders will know what their obligations will be
- The name and location (address) of the person from whom a complete set of bidding documents can be obtained and the cost of obtaining those documents;
- The date, time and place of opening the sealed bids;
- The name of the individual and location (address) of the office where bids should be submitted;
- The publication must call bidders' attention to the requirement for prevailing wages as well as equal opportunity requirements;
- Grant Recipients must make a good faith effort to seek contracting possibilities with minority businesses enterprises, women business enterprises, etc.
- Any other information considered appropriate for prospective bidders or the public.
- Bidder must be registered with an active sam.gov account in good standing

This notice is to be advertised and distributed to all known prospective bidders via first class mail or email at least 20 days prior to the scheduled bid opening. Request for Bids must also be published in two (2) consecutive weekly issues of a general circulation newspaper. The first publication must be at least 20 days prior to the date set for opening bids.

Procurement & Bidding

Procurement of Construction Contracts

Pre-Bid Conferences

A pre-bid conference may be held by the architect/engineer if there are multiple funding agencies and they desire it or if the project has been determined to be complex. The primary purpose of such a meeting is to explain to prospective bidders the requirements of the project and answer any questions of the bidders.

If a pre-bid conference is to be held, all prospective bidders and any other interested individuals should be notified at least 10 days prior to holding such a meeting.

The Grant Recipient may also desire to prequalify bidders as a means to ensure that only responsible proposals are submitted. Under this arrangement, the Grant Recipient may evaluate potential bidders to determine that they have the experience, manpower, financial strength or other relevant characteristics sufficient to presume they could undertake the project if selected.

Bid Solicitation

The primary purpose of the review process is to find the most qualified construction contractor to do the job at the best possible price. All bids should be logged in with the time and date of receipt, name of offeror and a procurement number. All bids received must remain sealed and in a safe place until the bid opening. Bidders shall accompany their bids with a certified check, cashier's check or bid bond equal to five percent (5%) of the bid, which shall be deposited with the Grant Recipient as guaranty; or an irrevocable letter of credit issued by a financial institution on behalf of the Grant Recipient in an amount equal to five percent (5%) of the bid.

Bid Opening

The bids must be opened publicly at the time and place stated in the bid advertisement. The bids should be read aloud and the apparent low bidder determined. The apparent low bid is the least expensive proposal after the initial tabulation, prior to taking any deductive alternates and prior to establish responsiveness. If none of the bids comes in at or below budget, all proposals are reviewed for alternate bids, if stipulated in original bid documents. As a result of this process, the bidder with the lowest net bid may not be the same bidder who had the lowest original bid.

Procurement & Bidding

Process for Selecting a Construction Contractor

Evaluation of Responsiveness

After the initial bid tabulation, the next step is to review proposals for responsiveness. Check each proposal to determine that all requirements of the invitation have been met. Any proposal that fails to pass this threshold test is automatically rejected regardless of price. While it is fairly easy to determine the apparent low bid, it can take some time to evaluate proposals for technical merit and responsiveness.

INCOG will confirm construction contractor eligibility prior to Notice of Award to reduce the risk of contractor problems. Copies of Board Minutes and copies of bid tabulation should be placed in the construction contract file. Construction Contractors will then "self-certify" their compliance with debarment requirements by executing the Notice of Award.

The next step depends on whether there are at least two qualified bids left to consider. If there are at least two, options are:

1). *Select one bid.* The lowest and best cost bid would normally be selected, as long as that bidder was technically qualified to undertake the project. **If a bid other than the lowest is selected, the Grant Recipient must prepare a statement of justification**, which must be made available for public inspection. In either case, selection of a bid can only be made if the cost of that bid falls within the budget available for the project. Deductive alternates may be used only if the bid package was specific in defining what they were and how they would be applied. Deductive alternates must be applied to every bid, not just the lowest original bid; or

2). *Reject all bids.* Any or all bids may be rejected when there is a sound, documented reason. For example, this might be appropriate if the pricing of all bids, after taking deductive alternates, exceeds funding available and there is no hope of securing additional funds or rearranging the budget.

Procurement & Bidding

Process for Selecting a Construction Contractor

Evaluation of Responsiveness Cont.

Reasons for rejecting bids:

- If only one responsible bid was received,
- If the lowest responsible bid exceeds the currently available funding

Alternatives to rejecting bids (in order of preference):

- Select deductive alternates until cost comes under (or near) budget; and/or
- Make up the funding shortfall from non-CDBG resources

Once a responsible bidder has been selected, INCOG should be given the name and other relevant information to verify status on the debarred bidders list. If the contractor is not on the debarment list, the Grant Recipient's governing body may award the contract to the successful bidder and issue the Notice of Contract Award.

For guidance on labor reporting requirements please contact our staff Labor and Construction Specialist



Darrin Kramer

📞 918-579-9414

✉️ dkramer@incog.org

Required Contract Provisions

All contracts and subcontracts must include the following provisions:

- Administrative, contractual or legal remedies in instances where construction contractors violate or breach contract terms and provide for such sanctions and penalties as may be appropriate. Consult with your attorney for exact language consistent with local ordinances.
- Termination for cause and for convenience, including the manner by which it will be affected and the basis for settlement. The contract must describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the construction contractor and /or municipality/county. Consult with your attorney for exact language consistent with local ordinances.
- Notice of HUD requirements and regulations pertaining to reporting.
- Notice of HUD requirements and regulations pertaining to patent rights with respect to any discovery or invention that arises or is developed in the course of or under such contract.
- Notice of HUD requirements and regulations pertaining to copyrights and rights in data.
- Access by the Contractor, the sub-recipient, HUD, the Comptroller General of the United States or any of their duly authorized representatives to any books, documents, papers and records of the Contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts and transcriptions.
- Retention of all required records for five years after construction Contractor or sub-recipient makes final payment and all other pending matters are closed.
- Payments made by Contractor or sub-recipient will be such that the payments meet immediate needs, if reimbursement is not the method of payment.

Required Contract Provisions

All contracts that exceed a specified dollar threshold must include the following provisions:

- Contracts over \$250,000 must include a provision of compliance with the Build America, Buy America (BABA) Act, 41 USC 8301, which requires that certain products and materials used in federally assisted infrastructure projects established at over \$250,000 must be produced within the United States.
- Contracts over \$100,000 must include a provision of compliance with all applicable standards, orders or requirements issued under Section 306 of the Clean Air Act [42 USC 1857 (h)], Section 508 of the Clean Water Act (33 USC 1368), Executive Order 11738 and Environmental Protection Agency regulations (40 CFR 15) prohibiting the use of facilities included on the EPA List of Violating Facilities.
- Contracts of more than \$10,000 must include a provision prohibiting discrimination against any employee or applicant for employment because of race, color, religion, sex or national origin. See (Non-Construction) table or (Construction) table for required language.
- Contracts of more than \$10,000 must include a provision which prohibits the construction contractor from discriminating against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant is qualified. See (Non-Construction) table or (Construction) table for required language.
- Contracts of more than \$10,000 must include a provision which binds the construction contractor and any subcontractors to make a good faith effort to meet specified goals for minority and female participation in each trade utilized in the project.
- Contracts of more than \$10,000 must include a provision which requires construction contractors to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era.
- Contracts of more than \$2,000, which will employ laborers and/or mechanics, must include a provision that requires construction contractors to:
 - Compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard workweek is permissible provided the worker is compensated at a rate of not less than 1 1/2 times the basic rate of pay for all hours worked in excess of 40 hours in the workweek; and
 - Ensure that no laborer or mechanic is required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous to his health and safety as determined under construction, safety and health standards promulgated by the Secretary of Labor.

Required Contract Provisions

All construction contracts are required to include the following provisions:

- All contracts must include a provision that prohibits any coercion on the part of an employer to illegally force an employee to return any portion of his/her wages back to the employer.
- All prime construction contractors which let any subcontracts are required to include a provision mandating affirmative steps to assure that minority firms, women's business enterprises and labor surplus area firms are used whenever possible.

All construction contracts that exceed a specified dollar threshold must include the following provisions:

- Contracts of more than \$2,000 must contain a provision which requires that all trades and crafts be paid at a rate of pay at least equal to the prevailing rate of pay for such trades and crafts in the area.
- Any contract of more than \$25,000 is required to execute a performance bond, a payment bond for 100% of the contract price and a maintenance bond.
- Contracts of more than \$100,000 must contain a provision which requires the construction contractor to provide, to the greatest extent feasible, training and employment opportunities to lower-income residents of project areas and the award of contracts to small businesses located within the project area or owned in substantial part by project area residents.

Engineering/Architectural Design Contracts:

- While not specifically required, the Grant Recipient is advised by HUD to include the following provisions in any design contract:
 - The design specifications of any structure to be constructed or rehabilitated must comply with the Architectural Barriers Act of 1973, as amended;
 - A requirement that the specifications include a prohibition against the use of lead-based paint as mandated by Section 401(b) of the Lead-Based Paint Poisoning Prevention Act and consistent with the requirements of 24 CFR 35, Subpart B.

Required Provisions in Non- Construction Contracts

Contract Provision	Citation	< \$2,500	\$2,500- \$10,000	\$10,000- \$25,000	\$25,000- \$100,000	\$100,000- \$250,000
1. Sanctions and penalties	24 CFR 85.36(1)(1)	●	●	●	✓	✓
2. Termination for cause/convenience	24 CFR 85.36(1)(2)			✓	✓	✓
3. Reporting requirements	24 CFR 85.36(1)(7)	✓	✓	✓	✓	✓
4. Patent rights	24 CFR 85.36(1)(8)	✓	✓	✓	✓	✓
5. Copyrights	24 CFR 85.36(1)(9)	✓	✓	✓	✓	✓
6. Access to records	24 CFR 85.36(1)(10)	✓	✓	✓	✓	✓
7. Records retention	24 CFR 85.36(1)(11)	✓	✓	✓	✓	✓
8. Payments & allowable costs	24 CFR 85.21(a)(II)	✓	✓	✓	✓	✓
9. Environmental compliance	24 CFR 85.36(1)(12)					✓
10. Energy efficiency	24 CFR 85.36(1)(13)	■	■	■	■	■
11. Equal Opportunity	41 CFR 1.4(a)			✓	✓	✓
12. Disabled non-discrimination	41 CFR 741-4(a)			✓	✓	✓
13. Disabled/Vietnam Era Veterans	41 CFR 60-250.4			✓	✓	✓
14. Contract work hours/Safety Standards	24 CFR 85.36(1)(6)		□	□	□	□

✓ Must be included

■ Applies only to new building construction, additions or major Structural alteration due to change in use or occupancy

● Only if small purchase procurement method not used

□ Only if contract involves employment of laborers and/or mechanics

An engineering or architecture contract that includes onsite inspection services is subject to many of the same provisions as the construction contracts. See next page.

Required Provisions in Construction Contracts

Contract Provision	Citation	< \$2,000	\$2,000-\$10,000	\$10,000-\$25,000	\$25,000-\$100,000	\$100,000-\$250,000	>\$250,000
1. Sanctions and penalties	24 CFR 85.36(i)(1)	✓	✓	✓	✓	✓	✓
2. Termination for cause/convenience	24 CFR 85.36(i)(2)			✓	✓	✓	✓
3. Reporting requirements	24 CFR 85.36(i)(7)	✓	✓	✓	✓	✓	✓
4. Patent rights	24 CFR 85.36(i)(8)	✓	✓	✓	✓	✓	✓
5. Copyrights	24 CFR 85.36(i)(9)	✓	✓	✓	✓	✓	✓
6. Access to records	24 CFR 85.36(i)(10)	✓	✓	✓	✓	✓	✓
7. Records retention	24 CFR 85.36(i)(11)	✓	✓	✓	✓	✓	✓
8. Payments & allowable costs	24 CFR 85.21	✓	✓	✓	✓	✓	✓
9. Environmental compliance	24 CFR 85.36(i)(12)					✓	✓
10. Energy efficiency	24 CFR 85.36(i)(13)	■	■	■	■	■	■
11. Equal Employment Opportunity	41 CFR 60-1.4(c)			✓	✓	✓	✓
12. Affirmative Action	41 CFR 60-4.3			✓	✓	✓	✓
13. Disabled non-discrimination	41 CFR 60-741.4(a)			✓	✓	✓	✓
14. Disabled/Vietnam Era Veterans	41 CFR 60-250.4			✓	✓	✓	✓
15. Contract work hours/Safety Standards	24 CFR 85.36(i)(6)		✓	✓	✓	✓	✓
16. Prevailing wage rates	24 CFR 85.36(i)(5)		✓	✓	✓	✓	✓
17. Anti-Kickback	24 CFR 85.36(i)(4)	✓	✓	✓	✓	✓	✓
18. Women/Minority Owned Business	24 CFR 85.36(e)(2)(vi)	✓	✓	✓	✓	✓	✓
19. Performance/Payment Bond	24 CFR 85.36(h)(2)-3)				✓	✓	✓
20. Contract Opportunities/Employment Training	24 CFR 135				⊙	✓	✓
21. Build America, Buy America (BABA)	2 CFR 184 and 200						✓
22. Others Imposed by the Grant Agreement		◆	◆	◆	◆	◆	◆

✓ Must be included

■ Applies only to new building construction, additions or major structural alteration due to change in use or occupancy

⊙ Some Provisions are exempt

◆ As Appropriate



Section 4

Financial Process and Grant Management

Key Points:

- The CDBG funding agreements are made between the Grant Recipient and Tulsa County
- The Grant Recipient pays the contractor and Tulsa County reimburses the Grant Recipient (some exceptions apply)
- INCOG staff administers the IDIS System which transfers funds from HUD to Tulsa County

Financial Responsibilities

INCOG Responsibilities

- Environmental Review/Release of Funds
- Contracts between MemberCities and Towns and Tulsa County
- Fair Housing (shared with member communities)
- IDIS draw downs from HUD
- Low-mod determination
- 10-day “call” on Davis-Bacon Wage Rates
- Wage Rate Interviews
- Section 3 Reporting

Grant Recipient responsibilities

- Bid Packet with Assistance from INCOG
- Pre-Bid Meeting
- Bid Opening; Bid Tab; and Bid Award
- Pre-Construction Meeting
- Construction oversight and inspections of project
- Payment of Invoices to Contractor
- Grant recipient governing body acceptance of project & approval of payment to contractor

General Comments on Financial Management:

Urban County CDBG projects are generally paid as a reimbursement to the Grant Recipient. The Grant Recipient has a contract with Tulsa County; the construction contractor does not. The only type of reimbursement allowed is the payment to the Grant Recipient for the construction or equipment costs identified on the invoices that were submitted by the contractor. INCOG staff creates draw downs in the HUD IDIS (Integrated Disbursement and Information System) for the exact amount of invoices. Retainage on construction contracts paid with CDBG portion of project costs is discouraged because it complicates the accounting and may incur interest which requires additional accounting and paperwork.

Therefore there are:

- **No** cash advances
- **No** cash on hand
- **No** interest bearing accounts
- **No** unexpended balances
- **No** Program Income
- **No** salaries, **no** indirect costs (unless approved force-account labor on project)
- Retainage, if necessary, should be held with City funds and not CDBG.

Financial Responsibilities

General Comments on Bidding Requirements

Grant Recipients should follow the Procurement Methods and Procedures Chart (included in Section 4). Grant Recipients are required to hold pre-construction conferences (pre-bid conferences are recommended for large and/or complex projects). INCOG staff must be contacted about meeting times so they can attend. If the Grant Recipient has questions on bidding procedures, they should contact their INCOG grant administrator.

Financial Procedures

Payment Procedures

INCOG, as general administrator of the HOME and CDBG programs, follows the following procedures for payment of invoices to contractors:

1. INCOG receives invoices and supporting source documentation submitted by contractors, member jurisdictions, and subcontractors for payment of completed work.
 - a. Payment shall generally be for reimbursement of expenses and not fund advances.
 - b. Where applicable, supporting documentation shall include appropriate affidavits, W-9 forms, and staff timesheets.
 - c. All Davis-Bacon Wage Rate information shall be submitted to INCOG prior to the final payment to the contractor by the Grant Recipient.
2. INCOG reviews invoices for eligibility of expenses for payment with grant funds.
3. INCOG reviews project budget for availability of grant funds.
4. INCOG staff orders funds through IDIS, and attaches documentation of Created Voucher/Approved Voucher to invoices.
5. INCOG creates a memo to Tulsa County detailing draw request.
 - i. Memo will contain:
 - 1) Date of draw
 - 2) Voucher Number
 - 3) IDIS Project Number
 - 4) Program year funds drawn from
 - 5) Vendor
 - 6) Amount of draw

INCOG enters draw information into Program Year ledger spreadsheet.

INCOG transmits original invoice and supporting source documentation to County for entry into County budget process.

INCOG emails draw memo and updated ledger spreadsheet to County in order to reconcile grant budget.

County receives wire transfer of funds and makes direct payment to Grant Recipient.



Section 5 Monitoring

Key Points:

- Urban County Grant Recipients will be monitored annually by INCOG staff.
- Grant Recipients should make available their most recent audit, bidding and pre-construction documents as the first step in this process.



Monitoring

HUD requires that all grant recipients be monitored annually. INCOG staff members will visit all of the Urban County CDBG grant recipients each year to ensure that communities are maintaining proper records, are adhering to state and federal bidding statutes, and are complying with Fair Housing and Equal Opportunity and other federal requirements. Monitoring becomes particularly important when a federal audit is performed on the Urban County CDBG program as the auditors often request to see local government records. In addition, State of Oklahoma auditors and inspectors review all Tulsa County programs on an annual basis.

The monitoring process is performed in a cooperative fashion. INCOG staff will review specific program areas to ensure that the necessary documentation is in the grant recipient's files and will assist the grant recipient in adding or organizing any additional information that might be needed. The monitoring session is also an excellent time for local staff members to meet with INCOG staff to ask questions, raise concerns, and look for areas to improve the CDBG process. At the conclusion of the monitoring session, the INCOG staff will make a site visit to see the completed project. The final goal of the monitoring visit is to have all the necessary documents available for review before a federal monitoring visit occurs. To that end the following checklists have been prepared to assist grant recipients in preparing for monitoring.



Section 6

Supplemental Materials & Checklists



Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	<p>1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.</p> <hr/> <p>2 Business name/disregarded entity name, if different from above</p> <hr/> <p>3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</p> <p> <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> <input type="checkbox"/> Other (see Instructions) ▶ _____ </p>	<p>4 Exemptions (codes apply only to certain entities, not individuals; see Instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p><small>(Applies to accounts maintained outside the U.S.)</small></p>
	<p>5 Address (number, street, and apt. or suite no.) See Instructions.</p> <hr/> <p>6 City, state, and ZIP code</p> <hr/> <p>7 List account number(s) here (optional)</p>	<p>Requestor's name and address (optional)</p> <hr/> <hr/>

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the Instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number											
				-			-				
OR											
Employer identification number											
				-							

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the Instructions for Part II, later.

Sign Here	Signature of U.S. person ▶	Date ▶
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (Interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1099-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What Is backup withholding, later.