CDBG—I Program: Professional Services Procurement
Department of Environmental Quality
Division of Water Infrastructure

May 5, 2021

CDBG-I Unit Current Staff

- Compliance Specialist & Interim Supervisor
  - Colleen Simmons, AICP & CPM

- Program Engineer
  - John Tucker, P.E.

- Grants Coordinator
  - Stacey Starkey

- Grants Representatives
  - Stephanie Morris – Eastern NC
  - Allysa Rouse, MPA – Piedmont and Western NC

WebEx Orientation
Introductions / Roll Call

- Your Name
- Entity you are representing

Training Objectives: Grantees will...

- Understand their role and responsibilities and those of a grant administrator and project engineer.
- Be able to know the slight differences between a RFP and RFQ.
- Be able to identify and conduct the required procurement steps successfully with no monitoring concerns or findings.

Role and Responsibility – Grantees

- Local Team
- Communication
- Compliance
- Citizen Participation
- Financials
- Procedes and Manages
- Certifying Signature
- Trainings & Meetings

DeQ

4/28/2021
**Role and Responsibility - Grant Administrators**

- Compliance Plans, Fair Housing, & Reports
- Environmental Information Document
- Grant Files
- Communication
- Grant Reimbursement or Advancements
- Public Meetings, Public Hearings, Construction – Related Meetings
- National Objective

*May assists with easements / acquisitions*

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**Role and Responsibilities – Project Engineers**

- Prior to Release of Funds
  - Engineering Report
- After Release of Funds
  - Final Design (and related work) and Construction Bid Package and Bidding Activities
  - All Construction-Related Activities and Meetings
  - Construction Pay Applications
  - Compliance

*May assist with easements / acquisitions.*

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**Quiz 1: Roles and Responsibilities**

- Which role is responsible for developing and evaluating RFPs and RFQs?
  - a) Grantee
  - b) Grant Administrator
  - c) Project Engineer

- Whose responsibility is it to ensure the construction contractor is paid?
  - a) Grantee
  - b) Grant Administrator
  - c) Project Engineer

- Who assists the grantee on completely required compliance plans and policies?
  - a) Grant Administrator
  - b) Project Engineer
  - c) Both
**Procurement Overview**

- Procurement Policy for CDBG-I Program

**Procurement Overview, continue**

- REAL OR APPARENT
- Persons with any CDBG functions or responsibilities with respect to CDBG activities, decision-making power or information may NOT:
  - Obtain a financial interest or benefit from CDBG activity.
  - Have any interest in contract(s) or subcontract(s).
  - Applies to family members and business ties.
  - Applies during tenure and 1-year after project.

**Councils of Government and/or Regional Planning Commissions**

- Under federal regulations, grantees can use regional planning commissions or councils of government for grant administration without procurement.
- Requires an intergovernmental or inter-entity agreement.
- Does not relieve grantee of their role and responsibilities.
Quiz 2: Procurement Overview

- Can a town or county staff recommend a third-party contractor for grant administration or engineering if she/he plans to work for them after retiring?
  - a) Yes
  - b) No

- What would happen if a grantee uses their own procurement policy to procure for a grant administrator and project engineer?
  - a) Nothing
  - b) Will have to redo procurement and delay project
  - c) Pay for those services locally

Procurement Methods for G.A. and P.E.

- Competitive Proposals (RFPs)
- Competitive Proposals for Architectural and Engineering (A/E) Services (RFQs)
  - These methods must be used no matter the price of contract
  - May not use a grant administrator and/or project engineering already on retainer or on-call

RFP and RFQ Procurement Steps

1. Appoint a Local Selection Review Committee and/or Person
2. Develop RFP and RFQ
3. Solicitation for Proposals
4. Review and Evaluate Received Proposals
5. Approve the Selected Contractor and Award Contract
6. Record Keeping
Step 1: Appoint a Local Selection Review Committee &/or Person

- Committee consist of either:
  - The entire governing body;
  - A subset of the governing body, as appointed by the Mayor/Chairperson; or
  - A combination of governing body and town/county staff.

- Must have a written method of conducting technical evaluations and selection.
- Remember — Conflict of Interest

Step 2: Develop the RFP and RFQ

- Step consist of:
  - Determining the Scope of work
  - Determining the Selection Criteria to Evaluate Respondents
  - Developing short and long versions of RFP/RFQ

- RFP
  - Cost of service has to be an evaluation criterion.

- RFQ
  - Cost cannot be an evaluation criterion, cost of service is negotiated after the most qualified firm is selected.

Step 3: Solicitation for Proposals (RFP and RFQ)

- Must be published in a newspaper of general circulation for at least 15 days.

- Must be published on the IPS System and HUB websites.

- Must also be sent directly to at least three sources
  - Must include qualified M/WBE, small businesses, and Section 3 businesses
**Required Notice Language**

- Reference CDBG-I Program
- Encouragement language for MWBE, HUB, small businesses, and Section 3 businesses
- Equal Opportunity Employer
- Limited English Proficiency (LEP) statements with contact information

**Required Notice Language – LEP Statements**

- LEP sentences with contact information:
  
  "This information is available in Spanish or any other language upon request. Please contact [insert name] at [insert phone number] or at [insert physical location] for accommodations for this request.

  “Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con [insert name] al [insert phone number] o en [insert physical location] de alojamiento para esta solicitud."

**Step 4: Review & Evaluate Received Proposals**

- Must receive at least 2 responses to move forward
  - If less than 2, RFP/RFQ must be republished in a larger newspaper or wider distribution for at least 15 days and a broader direct solicitation effort meant be done.
  - If only 1 response, follow non-competitive proposal procedure
- Committee must review and score submissions using the written method and evaluation sheet.
  - Reviewers must sign and date their evaluation forms
- All responses must be considered to the maximum extent practical.
- Potential contractors must be checked against the NC Department of Administration Debarred Vendors list and the Federal SAM.gov/SAM.
Non-Competitive Proposal Process

- Submit to Division all procurement documentation to request sole-source prior to award.
- CDBG-I Program will approve the use of the non-competitive proposal on a case-by-case basis.

Step 5: Approve Selected Contractor and Award

- **RFP**
  - Responsible firm with the most advantageous proposal, considering price and other factors identified in RFP.
- **RFQ**
  - Most qualified firm, where price is not an evaluation factor.
- Contracts are a fixed price or a cost-reimbursement / “not to exceed.”
- Local governing board approval of award.
  - For RFQ, after award, price can be negotiated.

Step 6: Record Keeping

- It does not matter what type of procurement process you follow, you must document every step and every decision.
Quiz 3: Procurement Steps

- How many responses are necessary to proceed to Step 5? What does a grantee needs to do if the minimum isn’t received?

- How is a grant administrator proposal selected and awarded the contract?
  a) Most advantageous proposal considering price and other evaluation factor in RFP.
  b) Most qualified firm where price was not an evaluation factor in RFP.

Procurement Resources: Division Website

https://deq.nc.gov/about/divisions/water-infrastructure/i-have-funding/cdbg-i-compliance-and-reporting-information#procurement

Procurement Resources: Division Staff

- Colleen – 919.441.9378 or colleen.simmons@ncdenr.gov
- Stephanie – 919.707.9196 or stephanie.morris@ncdenr.gov
- Allysa – 919.707.9057 or allysa.rouse@ncdenr.gov
What you should have learned.....

- Your role responsibilities and those of a grant administrator and project engineer.
- The slight differences between a RFP and RFQ.
- Identifying and conducting the required procurement steps successfully with no monitoring concerns or findings.
- Resources and templates available on Division website.

QUESTIONS