

## APPENDIX A

### CA STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM GENERAL CONDITIONS CLEARANCE CHECKLIST

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#### *National Disaster Recovery (NDR) Contract*

#### **Bio-mass Utilization Facility Economic Development Activity**

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AGENCY: \_\_\_\_\_ DATE SUBMITTED: \_\_\_\_\_

PROJECT DESCRIPTION: \_\_\_\_\_

PREPARER NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_ PHONE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

*Fill in checkboxes, data or dates as required, and use the Comments box for explanations. If you have questions or need assistance, contact Patrick Talbott, NDR HCD Contract Representative at 916-263-2297.*

1. **Exhibit E Special Conditions**

- If Standard Agreement contains Special Conditions in Exhibit E, check the box and submit documentation required to clear all Special Conditions. If you have questions regarding required documentation, contact Patrick Talbott, NDR Contract Representative.*

**COMMENTS:**

Cleared:  (HCD use only)

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2. **Approval of Duplication of Benefit Analysis**

- Check this box, if the project Duplication of Benefit was submitted and approved by Department staff. This HUD requirement must be met for all NDR activities prior to incurring any costs. If you have questions regarding required documentation, contact Patrick Talbott, HCD Contract Representative.*

**COMMENTS:**

Cleared:  (HCD use only)

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3. **Approval of Benefits and Costs Analysis**

- Check this box, if the project activity Benefits and Costs Analysis was approved by HUD staff. This HUD approval is required for all project activities prior to incurring any project costs. If you have questions regarding required documentation, contact Patrick Talbott,*

HCD Contract Representative.

**COMMENTS:**

\_\_\_\_\_

Cleared:  (HCD use only)

**4. Public Benefit Standard Confirmation:**

*Is project's public benefit standard compliant with HUD Standard?*  No  Yes

*If No, move to Six HUD Underwriting Standard Compliance, Item # 3.*

*If Yes, call CDBG representative to review revised public benefit standard for project. Provide narrative in Comments section below discussing how change in public benefit impacts project feasibility or other items on this Checklist.*

**COMMENTS:**

\_\_\_\_\_

Cleared:  (HCD use only)

**5. Six HUD Underwriting Standards Confirmation**

*Did any of the project's underwriting change?*  No  Yes

*If No, move to Scope of Work Confirmation, Item # 4.*

*If Yes, call CDBG representative to review revised underwriting and determine if project must be re-approved by Department. Provide narrative in Comments section below discussing how change in underwriting impacts project eligibility and other compliance Items on this Checklist.*

**COMMENTS:**

\_\_\_\_\_

Cleared:  (HCD use only)

**6. Scope of Work Confirmation**

*Did any of the project's Scope of Work change?*  No  Yes

*If No, move to Environmental Compliance, Item # 5.*

*If Yes, call CDBG representative to review revised project Scope of Work and updated sources and uses chart for the project. Provide narrative in Comments section below discussing how change in scope of work impacts NEPA and other compliance Items on this Checklist.*

**COMMENTS:**

\_\_\_\_\_

Cleared:  (HCD use only)

**7. Environmental Compliance**

*Has NEPA been completed and approved by Department?*  No  Yes

*If Yes, move to Site Control, Item # 6.*

*If No, complete the following items below to document determined level of NEPA review, based*

on project's aggregate scope of work.

- If Project is Categorically Excluded, NOT Subject to 58.5, complete the Level of Environmental Review Form. **Do not submit anything.** File the forms in your public Environmental Review Record (ERR) file.
  
- If Project is Categorically Excluded (CE), Subject to 58.5, and converts to Exempt, complete the following. **Do not submit anything.** File the forms in your public Environmental Review Record (ERR) file (see required Grantee Certification below):
  - Level of Environmental Review Form
  - Statutory Worksheet, with all back-up documentation
  
- If Project is Categorically Excluded, Subject to 58.5, and does not convert to Exempt, submit the Statutory Worksheet, **without any back-up documentation**, and the items listed below, as applicable. File the forms in your public Environmental Review Record (ERR) file (see required Grantee Certification below):
  - Eight-Step Planning Process and Noticing for Floodplain/Wetland Mgmt  N/A
  - Proof of Publication:
    - for CE Subject to 58.5, submit Notice of Intent to Request Release of Funds (NOI/RROF)
  - RROF and Certification Form (with original signature)
  
- If Project requires Environmental Assessment (EA), **submit** the Environmental Assessment form with the following, **without any back-up documentation**, and the items listed below, as applicable. File the forms in your public Environmental Review Record (ERR) file (see required Grantee Certification below):
  - Eight-Step Planning Process and Noticing for Floodplain/Wetland Mgmt  N/A
  - Proof of Publication:
    - for EA, submit the Combined Notice of Finding of No Significant Impact and NOI/RROF
  - RROF and Certification Form (with original signature)
  
- If Project requires Environmental Impact Report (EIR), call CDBG representative.

**COMMENTS:**

**Cleared:**  (HCD use only)

**8. Site Control (For On-site Project Activities)**

Does Agency have documentation of all necessary Site Control required for this project?

No  Yes

If Yes, check box(s) below to indicate method/manner of site control. Submit any new documentation if project site control requirements have changed from Application proposal.

- Fee Title
- Leasehold Interest
- Option to Purchase or Lease
- Public Rights-of-Way
- Dedicated Easement(s)

- A Land Sale Contract
- Deed of Trust or public record of Fee Simple Title
- Other (or combination of above) -- Describe: \_\_\_\_\_

If No, provide description of remaining site control requirements for project in Comments below with proposed timeline for securing said site control.

**COMMENTS:**

Cleared:  (HCD use only)

**9. Easements and Rights-of-Way (For Off-site Project Activities)**

Does Agency have documentation of all necessary Off-site entitlements for this project?

- No  Yes

If Yes, provide full documentation, move to Real Property Acquisition Compliance, Item # 8.

If No, list All Easements required, who will obtained them, when they will be obtained and any costs associated in the Comments section below.

**COMMENTS:**

Cleared:  (HCD use only)

**10. Real Property Acquisition Compliance (URA)**

Does project scope of work include acquisition of any real property?  No  Yes

If No, move to Relocation Compliance, Item # 7.

If Yes, what is the date when property negotiations started or will start? \_\_\_\_\_

What is the estimated date when property will be controlled or secured? \_\_\_\_\_

Project includes use of CDBG funds for acquisition of real property?  No  Yes

If Yes, will eminent domain be used to acquire real property?  No  Yes

If Yes, documentation of proper eminent domain procedures must be provided.

What is the estimated date when eminent domain will be completed? \_\_\_\_\_

If CDBG funds will be used but No eminent domain, check box below and provide copy of disclosure per instructions, then move on to Item # 9:

- Proper Notice to Seller was or is being provided as part of execution of property sales agreement, prior to close of escrow. If checked, submit Notice to Seller (draft or final version)

**COMMENTS:**

Cleared:  (HCD use only)

**11. Relocation Compliance (URA & Section 104(d))**

Will this Project require any existing structures (residential or commercial) or occupants to be moved or changed, thus triggering Relocation or Displacement of persons?

- No, nothing to submit, move to Funding Commitments, Item # 8.

- Yes, project **will** trigger relocation/displacement compliance: Check all that apply below and submit documentation:
  - Copies of signed GIN Notices *(always required)*
  - A copy of Temporary Relocation Plan for project, as required under URA law; or
  - A copy of Permanent Displacement Plan for project, as required under URA and Section 104(d) law; and, if 104(d) applies,
  - A copy of Replacement Unit Plan for housing units converted or demolished required under Section 104(d) law.

**COMMENTS:**

Cleared:  (HCD use only)

**12. Funding Commitments**

Has any project funding changed from approved project proposal?  No  Yes

If No, move to Loan Collateral and Security, Item # 11.

If Yes, call representative to discuss changes and submit revised sources and uses chart, documentation of funding commitments. Describe changes or impacts on project below.

**COMMENTS:**

Cleared:  (HCD use only)

**13. Loan Collateral and Security**

Did project collateral or security change from the approved project proposal?  No  Yes

If No, move to Procurement and Davis Bacon Compliance, Items # 10 and #11.

If Yes, call CDBG representative, submit source documentation and justification for collateral changes.

**COMMENTS:**

Cleared:  (HCD use only)

**14. Subrecipient**

Agency is using **in-house staff only** for this project.

If Yes, skip to next item (#14) below.

Agency is using a **Subrecipient** for this project.

If Yes, submit the following:

- Subrecipient Agreement with Scope of Work and all attachments or exhibits. If not yet executed, submit a ready-to-sign draft Subrecipient Agreement for approval.
- Proof of Non-Profit status (501(c)(3) or Governmental Non-Profit)
- Proof of non-debarment

**COMMENTS:**

15. **Procurement (including Sole Source Pre-Approval Requirements)****NOTE:**

- *The CDBG program uses 24 CFR 85.36 as the principle rule for procurement.*
- *See the [Grant Management Manual, Chapter 8, Procurement](#) for a list of the documents required to be maintained in the CDBG Procurement File.*

Check all that apply.

- Agency is using in-house staff only for this project.

If Yes, skip to next item (#14) below.

- Agency is using the Small Purchase Procurement Method for contracting with a Consultant under the restrictions of CDBG Management Memo 13-05.

If Yes, **do not submit anything**. Retain all documentation in Agency's Procurement Public Information file. See GMM, Chapter 8, Procurement for a list of the required documentation.

**NOTE: Sole Source Procurement is not allowable under Small Purchase Method.**

- Agency is using the Sealed Bid Procurement Method for contracting with a Construction Contractor. Complete the checklist below and submit the requested documentation for each project Contractor being procured:

- Copy of Bid Document with required federal language (for CDBG review)
- Engineer/Architect Initial Cost Estimate for scope of work
- Request for federal wage determination from HCD
- Solicitation list, public notices (with proof of publication) and/or other method(s) of distribution, including proof that RFP was delivered to the solicitation list and follow up calls to request responses.

Describe all outreach processes: \_\_\_\_\_

- Invitation to pre-bid conference
- List of respondents with bid amounts
- Full copies of all bids received
- Review of bid results with award going to low bidder.
- Proof of non-debarment of selected contractor and subcontractors
- Complete draft contract (ready-to-execute). CDBG approval required prior to execution of contract.
  - DUNS # for awarded contractor: \_\_\_\_\_;
  - Copy of license, insurance and bonding certification(s).

**NOTE: Sole Source Procurement Pre-Approval is required. See the Sole Source procurement review documentation identified below:**

- Agency is contracting with a Consultant through a Request for Proposals (RFP).
- Agency is contracting with a Consultant for an Architect or Engineer through a Request for Qualifications (RFQ).

If either of the boxes is checked, then complete the checklist below and submit the requested documentation for each Consultant being procured:

- Copy of RFP / RFQ (to be approved by CDBG prior to distribution/publishing)
- Initial Cost Estimate for requested scope of work
- Solicitation list, public notices (with proof of publication) and/or other method(s) of distribution, including proof that RFP was delivered to the solicitation list and follow up calls to request responses to RFP/RFQ.  
Describe all outreach processes: \_\_\_\_\_
- List of RFP respondents with bid amounts
- List of RFQ respondents with qualifications
- Cost Reasonable Analysis for each proposal
- Full copies of all proposals received.
- Review/scoring results for each respondent/bidder, which matches the selection criteria indicated in RFP/RFQ, including names of jurisdiction’s review panel.
- Proof of non-debarment of selected consultant
- Complete draft contract (ready-to-execute). CDBG approval required prior to execution of contract.
  - DUNS # for awarded consultant: \_\_\_\_\_; or,
  - Copy of certification(s).

**NOTE: Sole Source Procurement Pre-Approval is required. See the procurement review documentation identified below:**

- Sole Source Procurement Request** - If checked, it can only be due to:
  - Available only from a single source in the general region;
  - A matter of immediate urgency not permitting delay; or,
  - Only one qualified or responsive bid to the RFP was submitted.

Submit the following required documentation:  RFP and/or  RFQ

- Sole Source Approval Request letter from the Authorized Representative, including a detailed narrative of the solicitation process (*open, fair and competitive*).
- Full copy of the RFP/Q (with all exhibits and attachments).
  - RFP/Q selection process narrative:
    - g. Did selection criteria or scoring indicate that Lowest Price/Cost was sole determining factor?  No  Yes
    - h. If No, did the RFP/Q indicate a method of determining a “responsive bid?”  
 No  Yes

- Cost analysis, completed prior to issuing RFP/Q (or, at minimum, before receiving bids).
- Solicitation list, public notices (with proof of publication) and/or other method(s) of distribution. Describe: \_\_\_\_\_
  - Proof that RFP/Q was delivered to the solicitation list.
- Copies of any "decline to bid" communications from solicitation list.
- Complete copy of the one bid received.
- Evaluation and scoring results for respondent/bidder, which matches the selection criteria described in the RFP/Q from each member of the Grantee's review panel.
- Proof of current non-debarment for selected consultant.
- Complete draft contract (ready-to-execute) including the Scope of Work, budget, federal overlay language and all attachments or exhibits. CDBG approval required prior to contract execution.
- DUNS # for awarded consultant: \_\_\_\_\_; or,
- Copy of certification(s).

**COMMENTS:**

Cleared:  (HCD use only)

**16. Davis-Bacon Labor Standards Compliance**

Are any project construction costs being paid for with CDBG funding?  No  Yes

If no, move to Section 504 Accessibility Compliance, Item # 14.

If Yes, Agency must:

- Assignment of Labor Standards Compliance Officer form  N/A
- Force Account  N/A

Does your Agency anticipate hiring a labor standards consultant to assist on this project?

- Yes  No

See Department's website for required CDBG forms, which are submitted for documentation of labor standards officer.

**COMMENTS:**

Cleared:  (HCD use only)

**17. Section 504 Accessibility Compliance**

Does project involve housing or public facility development/improvement?  No  Yes

If No, the checklist is complete.

If Yes, check the appropriate boxes below:

- Letter from Engineer stating they will comply with Section 504 Accessibility Regulations.  
**OR**
- If Engineer not secured at the time of clearing special conditions, a letter from the Agency must be submitted stating they will comply with Section 504 compliance and will ensure compliance by Engineer and will provide letter from Engineer once secured.
- Engineer's Completion Certificate will be submitted to CDBG after completion of project.  
**OR**

- Letter documenting that Section 504 Accessibility requirements are not required for this project.

**COMMENTS:**

\_\_\_\_\_

Cleared:  (HCD use only)

**Note: Project Set-Up/Completion Report**

The Project Set-Up/Completion Report is the report which conveys the information needed to establish a project-specific account in the Federal Integrated Disbursement and Information System (IDIS).

**DO NOT SEND PROJECT SET-UP/COMPLETION REPORT UNTIL YOU ARE READY TO SEND IN THE FIRST FUNDS REQUEST FOR THE BIO-MASS FACILITY PROJECT.**

**GRANTEE IN-HOUSE STAFF ONLY:**

**GRANTEE CERTIFICATION**

The Grantee certifies that the information provided is true and correct and all documents are in compliance with federal and state CDBG guidelines.

In-House Staff Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name and Title of Signer: \_\_\_\_\_

**HCD USE ONLY:**

REVIEW COMMENTS:

Representative: \_\_\_\_\_

Date: \_\_\_\_\_

Manager: \_\_\_\_\_

Date: \_\_\_\_\_