COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY

ORANGE COUNTY CDBG-DR INFRASTRUCTURE AND PUBLIC FACILITIES PROGRAM

Policies and Procedures Manual

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VERSION HISTORY

Version Number	Date	Summary of Changes
1.0		Original Version. Policies and Procedures are subject to change at the sole discretion of Orange County Housing and Community Development.
2.0	6/23/25	Update program budget.

INTRODUCTION

This manual is designed to address program policies and procedures for the use of Community Development Block Grant - Disaster Recovery (CDBG-DR) funds in addressing the unmet repair needs, resiliency and mitigation efforts identified in the County's Action Plan for the Infrastructure and Public Facilities Program as a result of damage caused by Hurricane Ian.

On September 28, 2022, Hurricane Ian made landfall in the state of Florida as a Category 4 hurricane. Although not a direct hit to Orange County, Hurricane Ian caused unprecedented flooding and damage to housing, businesses and infrastructure. Hurricane Ian demonstrated the need for Orange County to have an effective, comprehensive long-term recovery plan that would address the immediate needs of the local community following a catastrophic event. Although Orange County has begun the recovery efforts in the aftermath of Ian, significant unmet needs remain.

Orange County's Housing and Community Development (OCHCD), having met the requirements outlined in Federal Register Notice FR-6393-N-01 for Community Development Block Grant - Disaster Recovery funding, was allocated $219 million from the U.S. Department of Housing and Urban Development (HUD), to administer programs in support of long-term recovery, resiliency and mitigation efforts following Hurricane Ian.

All CDBG-DR funded activities must address the impact of the disaster Hurricane Ian caused. Accordingly, each activity must:

1. Address a direct or indirect impact from the disaster in a most impacted and distressed area;
2. Be a CDBG - eligible activity; and
3. Meet a national objective of the CDBG program.

Eligible activities must meet at least one (1) of the three (3) program national objectives:

1. Benefit persons of low- to moderate-income,
2. Aid in the prevention or elimination of slum or blight, or
3. Meet other urgent community development needs because existing conditions pose a serious and immediate threat to the health and welfare of the community where other financial resources are not available.

To comply with the requirements outlined in the Federal Register Notice (Docket No. FR-6393-N-01 issued on May 18, 2023), OCHCD developed the Disaster Recovery Infrastructure and Public Facilities Program to address unmet infrastructure and public facilities recovery needs in the community.

CDBG-DR ACTION PLAN

As part of the CDBG-DR Action Plan, the County conducted a comprehensive analysis of housing, infrastructure, public services, and economic development needs that remain unmet as a result of Hurricane Ian's impact on the County. More specifically, County staff used Federal Emergency Management Agency (FEMA), and Small Business Administration (SBA) data related to filled claims for public and individual assistance, as well as insurance claims, to determine basic unmet needs related to damages to housing and infrastructure. The FEMA and SBA data were supplemented with information received from the County Departments and Divisions, local municipalities, public housing authorities, community partners and stakeholders, providers of homeless services, and County residents. The input was collected through several focus group meetings, a citizen participation survey, and thirteen (13) community meetings held in various locations throughout Orange County.

In terms of the infrastructure needs, analysis of FEMA data on public assistance claims, combined with information related to the County's projects submitted as part of the Hazard Mitigation Grant Program (HMGP) and various infrastructure repairs/capacity expansion needs reported by the local municipalities, resulted in a total unmet need of $160,700,743 for various infrastructure and public facilities projects. This number accounts for $30,835,935 in non-federal cost share in FEMA public assistance projects (with 30% in resiliency costs added), $11,264,808 in non-federal cost share in projects submitted for the HMGP funding, and $118,600,000 in Hurricane Ian-related projects submitted through the consultation process by various County Departments and Divisions and local municipalities. The majority of the needed improvements are related to stormwater, drainage, and capacity improvements to existing facilities.

Furthermore, respondents to the citizen participation survey highlighted on-going flooding, streets, and drainage concerns as their main community need (at 54.7%) resulting from Hurricane Ian. The respondents also stated their highest spending priorities were infrastructure improvements and mitigation projects, with 31% and 23% of residents giving these two categories the highest rankings, respectively.

Based on the identified unmet needs and the County's allocation of CDBG-DR funds, the following budget is being proposed in the Action Plan to implement strategies and activities addressing unmet and mitigation needs to ensure Orange County's long-term recovery from the effects of Hurricane Ian.

Table 1. Remaining Unmet Needs and Proposed Funding Allocations

Category	Remaining Unmet Needs	% of Unmet Needs	Program Allocation	% of Program Funds
Housing ***(rehab & new housing construction)***	$253,300,768	59.31%	$80,746,160	36.7%
Infrastructure & Public Facilities	$160,700,743	37.63%	$87,322,240	39.8%
Mitigation	$0	N/A	$28,658,000	13%
Economic Revitalization	$13,047,152	3.06%	$0	0%
Public Services ***(includes economic recovery activities)***	-	N/A	$7,000,000	3.2%
Administration	-	N/A	$10,985,600	5%
Planning ***(studies)***	-	N/A	$5,000,000	2.3%
TOTAL	**$427,048,663**	**100%**	**$219,712,000**	**100%**

As a result of the action planning process, a total of **$87,322,240** in CDBG-DR funds, or the second largest allocation, was provided for the Infrastructure and Public Facilities Program, and an additional **$28,658,000** was set aside for Mitigation.

Long-term resilience measures and infrastructure improvements are critical to the on-going recovery of Orange County. In accordance with the Action Plan, project activities may include, but not be limited to, stormwater and sewer improvements, drinking water infrastructure, emergency shelters, rehabilitation of public facilities, and broadband needs.

Additionally, Orange County intends to invest in the restoration of infrastructure and long-term recovery needs within the historically underserved communities, which lacked adequate investment in housing, water, and wastewater infrastructure prior to the disaster. One of the infrastructure-related impediments identified in Orange County's 2022–2026 Analysis of Impediments to Fair Housing Choice (AI) was a need for fiber infrastructure for broadband access in the Four Corners area located in the southwest corner of Orange County. Other areas that have a need for fiber infrastructure include northwest Orange County, in cities such as Apopka, and in the northeastern corner of the County, in rural areas such as Bithlo and Christmas.

The AI also noted that greater access to supplementary resources, which are described in more details below, would also aid in increasing broadband access. Similarly, during the CDBG-DR community engagement and outreach, residents raised concerns regarding infrastructure improvements related to the broadband access, flood-prone areas, and drainage (see Section 3.1.1.10 of the CDBG-DR Action Plan). Additional areas of supplementary resources noted by the residents included technology upgrades and computer labs for seniors and persons with disabilities, digital and broadband literacy campaigns targeting these populations, and free public Wi-Fi to reduce fixed costs for low-

income renters and homeowners. Overall, the needs analysis indicates that a lack of access to high-quality neighborhood facilities, infrastructure, and services in certain areas of the County restricts access to fair housing choice by limiting opportunities for residents.

To address identified disparities in neighborhood resources and the associated lack of access to opportunity, Orange County will aim to utilize CDBG-DR, as well as other available funding, to undertake projects that develop, expand, or improve public facilities, infrastructure, and other related services in low- and moderate-income census tracts, and particularly in racially or ethnically concentrated areas of poverty (R/ECAP) census tracts. Additional evaluation criteria might be used to select projects that address equal and equitable access to public resources and provide opportunities to historically disadvantaged communities in Orange County.

It should be noted that, if real property needs to be acquired for infrastructure improvements or other projects and activities assisted with CDBG-DR funds as part of the Infrastructure and Public Facilities Program, the project may require conformance with the 49 CFR 24.102(a) basic acquisition policies to access and facilitate the construction of a public improvement. Additional details are to be provided in policies and procedures for the program.

Long-Term Resilience

Orange County recognizes the importance of resiliency against future storms. All CDBG-DR infrastructure activities must be designed and constructed in a manner to withstand extreme weather events and impacts of climate change. Infrastructure activities will be designed to reduce the risks associated with floodwater. Mitigation improvements will focus on creating more resilient infrastructure systems to withstand the increased intensity of storms. The maximum award for infrastructure projects will be $15,000,000.

Orange County may exceed maximum award or benefit amount to provide reasonable accommodations for accessibility needs.

Program Tieback to Disaster Unmet Need

All projects or activities must demonstrate a “tie-back” to Hurricane Ian or meet the definition of mitigation. Projects also must meet an identified need in the CDBG-DR Action Plan.

Program National Objectives

All eligible projects or activities will be required to meet a national objective under CDBG in accordance with HUD guidelines in 24 CFR 570.208. Orange County will only consider projects or activities that benefit low to moderate-income persons (LMI) or LMI areas.

Eligible Entities or Applicants

Eligible entities will include all municipalities in Orange County, nonprofit organizations providing services to LMI persons, and Orange County government.

PROGRAM DESCRIPTION

The Infrastructure and Public Facilities Program utilizes CDBG-DR funding to assist eligible entities with their unmet infrastructure and public facilities recovery and mitigation needs resulting from Hurricane Ian. Through its competitive Requests for Applications (RFA) process, Orange County will review, select and award funding for infrastructure and public facilities projects. Applicants must apply through the RFA process to be considered for funding.

Program Objectives

The purpose of the Infrastructure and Public Facilities program is to build resilient communities by strengthening neighborhoods impacted by the disaster through investments in infrastructure and public facilities. All approved projects will require compliance with construction standards that promote more sustainable and resilient communities and reduce the impact of recurring natural disasters.

Requests for Applications (RFA) Process

Through a competitive selection process, funding for infrastructure, capital and public facilities projects will be awarded to qualified County divisions and local municipalities. A second RFA will follow for non-profit organizations. Orange County will require the submission of project proposals in ZoomGrants in response to competitive RFAs for qualified applicants.

Notice of Funding Availability (NOFA)

A public notice will be issued announcing the CDBG-DR Infrastructure and Public Facilities Program, funding availability, and requests for applications through one or more of the following venues:

- A public notice in a newspaper(s) of general circulation;
- Email distribution;
- Orange County CDBG-DR Website;
- Press releases (optional);
- Targeted outreach to County Divisions, local municipalities and non-profit organizations;
- Social media advertisements;
- Public service announcements through local news channels (optional); and/or
- Contacts with neighborhood organizations, including those who serve those impacted by the disaster event.

Orange County will conduct individual outreach to all municipalities within the County to inform them of funding availability and the opening of the Request for Applications process. The notice will provide information on the total funding being made available, the types of projects that are eligible for funding through the CDBG-DR Infrastructure and Public Facilities Program, the time and place of the pre-award technical assistance workshop(s), the timeframes of the application and award cycle, and a contact information for any questions.

Technical Assistance

Technical assistance will be provided to applicants during the RFA process where staff will be available to answer questions specific to the applicant's project during the pre-award technical assistance workshop(s). Additionally, questions will be accepted from prospective applications in writing until one week prior to the RFA closing date.

CDBG-DR eligible Infrastructure and Public Facilities Projects must address identified unmet disaster recovery needs and increase the resiliency of the local community. All projects must demonstrate a tie-back to the 2022 Hurricane Ian disaster, support or expand community resilience, are consistent with CDBG-DR program requirements and adhere to OCHCD policies and procedures. Additionally, all selected projects are subject to an environmental review process and must comply with all applicable federal regulations (see Appendix B: Federal Requirements) to include but not limited to, Uniform Guidance (2 C.F.R. Part 200), Davis-Bacon & Related Acts, and Section 3 regulations. All activities to be funded, in whole or in part, with CDBG-DR funds must be found to be eligible under Title I of the Housing and Community Development Act.

ROLES AND RESPONSIBILITIES

Orange County

Orange County Housing and Community Development (OCHCD) is the lead agency responsible for administering CDBG-DR funds allocated to Orange County. OCHCD is responsible for the following:

- Grant Management
- Programmatic Administration
- Provision of pre-award and ongoing technical assistance to Subrecipients
- Compliance Oversight and Monitoring of all Subrecipients
- Review and Approval of all payment requests
- Review and Approval of all Contracts/subcontracts
- Monitoring of outcomes/performance goals and project timelines
- Review and approval of all procurement/solicitation documents
- Review and approval of the contractor pool
- Disaster Recovery Grant Report (DRGR) reporting
- Recordkeeping

Disaster Recovery Grant Reporting (DRGR) System

Orange County Fiscal and Operational Support is responsible for entering the initial budget for the Action Plan, as may be amended, in DRGR.

The OCHCD CDBG-DR Section is responsible for maintaining the DRGR system to ensure the accuracy of the programmatic and compliance data entered and for activity/project close out. The Fiscal Section is responsible for entering and maintaining all financial data in the DRGR system.

Environmental Reviews

Orange County will utilize resiliency planning methods that incorporate data analyzed via social vulnerability and received during the community engagement and outreach completed as part of the action planning process, to strategically target resources to improve community resiliency, especially for the most vulnerable populations.

Unless otherwise specified, the CDBG-DR section of the Housing and Community Development Division is responsible for meeting the requirements of the environmental review and compliance of the CDBG-DR program, as those requirements can periodically be updated.

To evaluate environmental factors for CDBG-DR funded projects and activities, Orange County will ensure compliance with the environmental requirements listed under 24 CFR 58. The environmental review process for federally funded projects and activities provides a mechanism to identify potential environmental conditions that may impact affected populations, including members of protected classes, vulnerable populations, and underserved communities. The review also considers means to mitigate adverse impacts or provide alternate assistance in the recovery process.

At a minimum, every project site is inspected and evaluated for potential hazardous materials and contamination, giving specific attention to any proposed site on, or in the general proximity of, industrial corridors, waterways, EPA superfund sites, brownfields, leaking underground storage tanks, etc. In addition, the review will consider proximity to hazardous facilities which store, handle, or process hazardous substances as part of the decision-making and mitigation processes.

Tier 1 Environmental Reviews will be conducted in accordance with 24 CFR 58 for Orange County. Site-specific reviews will be conducted to further evaluate certain factors during the Tier 2 reviews, as outlined in the Tier 1 reviews. For all projects that do not meet the scope of the tiered reviews, separate environmental reviews in accordance with 24 CFR 58 will be conducted. Environmental reviews that require an Authorization to Use Grant Funds will be made available to the public under the “Environmental Reviews” tab of the CDBG-DR Program website (www.ocfl.net/CDBG-DR).

Orange County will meet the applicable environmental requirements, listed under 24 CFR Part 58, before the use or commitment of funds for each activity. After Orange County 1) completes environmental review(s) pursuant to 24 CFR Part 58 and receives from HUD an approved Authorization to Use Grant Funds (AUGF) and certification (as applicable), or 2) adopts another Federal agency’s environmental review, approval, or permit and receives from HUD (or the state) an approved AUGF and certification (as applicable), Orange County may draw down funds from the line of credit for an activity.

To assist Orange County in completion of the federally required environmental review of projects and activities selected to be funded, the County reserves the right to request Phase I/Phase II (if applicable) environmental review documentation to be provided by prospective applicants as part of the RFA process.

More information regarding Environmental Reviews can be found in the CDBG-DR Program Policies and Procedures.

Monitoring and Compliance

The County is required to provide oversight and monitoring of its subrecipients (e.g., Local municipalities) and internal County departments/divisions. Oversight will include ongoing generic reviews, and monitoring will include targeted area-focused reviews of administrative and financial performance, reporting, and compliance with applicable federal crosscutting requirements. The objective of the oversight and monitoring activities is to facilitate the achievement of performance goals while ensuring that subaward funds are used for authorized purposes in compliance with Federal statutes, regulations, and the terms and conditions of the subaward.

Orange County CDBG-DR Team (County Departments/Divisions) (Consultant)

The Orange County CDBG-DR team, in collaboration and with assistance from the general consultant, will provide program management, project implementation, staff augmentation, construction management and grant compliance and monitoring as needed. All activities must be carried out in full compliance with HUD requirements and under the general direction of the County.

The CDBG-DR team and County Departments/Divisions will be responsible for, but not limited to, the following:

- Ensuring compliance with 24 CFR Part 58 Environmental Review requirements.
- Providing all necessary equipment and supplies for its staff working under this contract.
- Establishing an organizational structure with proper administrative and construction oversight.
- Drafting procurement documents for OCHCD review and approval prior to solicitation.
- Overseeing construction to ensure compliance with the scope of work, federal, state and local regulations and building codes and timely completion.
- Providing copies of all project contracts and agreements to OCHCD for review and approval prior to execution
- Submitting monthly reimbursement requests with the required documentation, to include but not limited to, American Institute of Architects (AIA) G702 form, contractor invoice, proof of payment, insurance endorsements, passed permitting, project narrative and programmatic report.
- Submitting monthly activity reports indicating the status of projects. These reports shall include any areas of concern or needs identified as they become apparent.
- Meeting at least monthly, potentially more frequently, with OCHCD staff and cooperating on monitoring and compliance reviews for contract oversight.

Subrecipients

A Subrecipient is a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program as defined by 2 CFR 2001. For the Infrastructure and Public Facilities program, Subrecipients are identified as local municipalities or non-profit organizations. The County will award CDBG-DR funds to eligible subrecipients to undertake the planning, design and implementation of eligible projects.

The Subrecipient will be responsible for, but not limited to, the following:

- Collaborate with OCHCD staff to ensure compliance with 24 CFR Part 58 Environmental Review requirements.
- Provide all necessary equipment and supplies for its staff working under this contract.
- Establish an organizational structure with proper administrative and construction oversight.
- Draft procurement documents for OCHCD review and approval prior to solicitation.
- Procure contractors and vendors necessary to complete the construction project in compliance with 2 CFR 200 requirements.
- Oversee construction to ensure compliance with the scope of work, federal, state and local regulations and building codes and timely completion.
- Provide copies of all project contracts and agreements to OCHCD for review and approval prior to execution.
- Submit monthly reimbursement requests with the required documentation, to include but not limited to, AIA form, contractor invoice, proof of payment, insurance endorsements, passed permitting, project narrative and programmatic report.
- Submit monthly activity reports indicating the status of projects. These reports shall include any areas of concern or needs identified as they become apparent.
- Meet at least monthly, potentially more frequently, with OCHCD staff and cooperate with all County audits, monitoring and compliance reviews for contract oversight.

Subrecipient Agreement/MOU

The Agreements for Project Administration with Subrecipients, as well as Memorandums of Understanding (MOUs) between OCHCD and other County Departments/Divisions must be reviewed by Orange County's Legal Department and Risk Management. Additionally, subrecipient agreements must be approved by the Board of County Commissioners. MOUs can generally be executed by Division Managers.

Subrecipient agreements contain information related to the projects scope and budget, payments and reimbursement process, project completion timeframes and use period, monitoring and reporting requirements, and applicable federal, state and local requirements.

Monthly Programmatic and Reimbursement Requests

Consultants and Subrecipients must submit monthly programmatic and reimbursement requests in accordance with the requirements of the Subrecipient Agreement for Project Administration. Required documentation may include, but is not limited to, the AIA form, contractor invoice, proof of payment, insurance endorsements, passed permitting, project narrative and programmatic report. Reimbursement Requests are reviewed by the CDBG-DR Section, followed by the Fiscal & Operational Support Division, and finally, they are reviewed and approved by the County's Comptroller's Office. The Comptroller's Office issues all Subrecipient reimbursements.

HUD Performance Measurement System

HUD has implemented a performance measurement system that is required for all projects funded under the CDBG Program and other federal programs. This new system will provide aggregate data and consistent reporting on objectives and outcomes at a national level. Potential projects/programs must meet one of the objectives and outcomes outlined below based on local and/or program's intent.

To comply with the new HUD requirements, Subrecipients must identify objectives, outcomes, and performance measures when submitting their reimbursement request. In addition, all CDBG-DR Subrecipients must maintain adequate data, in the appropriate format, and submit annual reports until the terms of the agreement have been satisfied. Below are the three (3) performance measurement components as follows:

1. Objectives:
    - Suitable Living Environment – Activities that benefit communities, families, or individuals by addressing issues in their living environment.
    - Decent Housing – Housing activities that meet family or community needs. This objective should NOT be used for activities where housing is an element of a larger effort; or
    - Creating Economic Opportunity – Activities related to economic revitalization, commercial rehabilitation, and job creation.
2. Outcomes:
    - Availability/Accessibility – Activities that make services, infrastructure, housing, and shelter available and accessible. Note that accessibility does NOT refer only to physical barriers.
    - Affordability – Activities that provide affordability in a variety of ways. It can include the creation or maintenance of affordable housing, basic infrastructure hookups, or services such as transportation or daycare.
    - Sustainability – Activities that promote livable or viable communities and neighborhoods by providing services or by removing slums or blighted areas.
3. Performance Indicators:

There are several common indicators that apply to most activities such as: funds leveraged, number of persons, households, units, income levels of persons or households by 30%, 50%, or 80% of an area median income and race, ethnicity, and disability

categories. In addition to these common indicators, specific outcome indicators were identified for the type of activities to be funded with CDBG-DR funds as follows:

- **Infrastructure and Public Facilities Projects**
  - Each Subrecipient must identify and quantify the number of persons assisted and how many will have:
    - New access to a public facility or infrastructure benefit;
    - Improved access to a public facility or infrastructure benefit; or
    - Public Facility or infrastructure that is NO longer substandard.
- **Timely Performance**
  - CDBG-DR funds must be expended within the regulatory time frame. More specifically, CDBG-DR funds are available for a period of six (6) years from the grant agreement execution date. To help subrecipients implement their projects as quickly as possible, OCHCD has developed the following process:
    - Subrecipients are given technical assistance prior to project implementation.
    - Each month Subrecipients must submit programmatic reports, as well as financial reimbursement requests specifically addressing the activities occurred in the prior month in implementing the project. These reports shall include any areas of concern or needs identified as they become apparent.
    - The OCHCD CDBG-DR Fiscal Section will monitor expenditures on a regular basis.
    - Staff will conduct frequent meetings with Subrecipient project managers to discuss expenditures under the CDBG-DR program.

CDBG-DR ELIGIBILITY CRITERIA

HUD Criteria

The three (3) main criteria components include meeting a national objective, being an eligible activity, and meeting an unmet need tied to the disaster.

Meeting a National Objective

In accordance with 24 CFR 570.208, all CDBG-DR funded activities must meet one (1) of the National Objectives required under 24 CFR 570.200(a)(2). The program rules under section 101(c) of the authorizing statue (42 U.S.C. 5301) state that every CDBG funded activity must qualify under one of the national objectives. The three (3) qualifying national objectives for the CDBG-DR program are:

- Benefit persons of low- to moderate-income,
- Aid in the prevention or elimination of slum or blight, or
- Meet other urgent community development needs because existing conditions pose a serious and immediate threat to the health and welfare of the community where other financial resources are not available.

Infrastructure and Public Facilities projects must demonstrate that the proposed activity meets one of the National Objectives. The types of documentation and the records to be kept will be dependent on the National Objective category the project qualifies under (see **Table 2** below for required documentation). The required documentation must be submitted during the RFA or Request for Proposals (RFP) application process. Additional documentation may be requested by the County prior to the project award.

Table 2. National Objective Categories

NATIONAL OBJECTIVES	Subcategory	Required Documentation
Low/Mod Income Persons (LMI)	**LMI Area Benefit (51% of more LMI)**	1.Service area boundary map
		2. Census track data to include the number of LMI persons and percentage
		3. Documentation area is primarily residential
	LMI Limited Clientele	1. Documentation beneficiaries are, or presumed to be, LMI limited clientele by HUD's categories
		2. HUD categories: abused children, elderly, battered spouses, homeless persons, severely disabled persons, illiterate adults, persons living with AIDS, migrant farmworkers
	LMI Housing	If applicable, LMI income documentation for all household members 18 years of age and older
Slum and Blight	**Slum and Blight**	1. The area must be designated by the applicant and must meet the definition of slum, blighted, deteriorated, or deteriorating under State or local law.
		2. Document boundaries of the activity area and the conditions that qualified the area for designation
		3. Include a map showing the boundaries and an explanation of how they were determined
Urgent Need	**Urgent Need**	Affidavit from a governing body attesting that no other funds are available for the proposed project *Note: Project must qualify within 18-months of the disaster event.

Determining Low to Moderate Income Benefit (LMI)

Qualification under the LMI benefit requires each person benefiting from the proposed project to be in an income qualified LMI area or serve LMI Limited Clientele.

Determining Area Benefit

To qualify as addressing the national objective of benefit to LMI persons on an area basis, an activity must meet the identified needs of LMI persons residing in an area where at least 51% of the residents are LMI persons. The benefits of this type of activity are available to all residents in the area regardless of income. To determine the service area of such activities, consideration must be given to the geographic location, nature of the activity, use and accessibility, beneficiaries and the project scope of work. Use of pre-defined service area maps and data published by governmental agencies to document the project service area benefit are advised.

Determining Urgent Need

Qualification under the Urgent Need category requires that the community need has a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, other financial resources are not available to meet such needs, and the qualifying condition developed or became critical within (18 months) of the disaster event.

Eligible Applicants

The Eligible Applicants include County departments/divisions and local municipalities that suffered damage from Hurricane Ian. Orange County will require the submission of project proposals in response to a competitive RFA process. (Eligible applicants may collaborate/partner with other eligible entities for a CDBG-DR Infrastructure and Public Facilities project proposal.)

Agreements with other municipalities are limited to program/project implementation support. Program/project funding cannot be allocated to other entities. OCHCD will assess the applicants' capacity to execute and monitor the proposed project as a factor in the project review process.

Eligible Infrastructure and Public Facilities Projects

Eligible and ineligible categories of activities are determined by HUD. All activities and potential projects must be compliant with CDBG National Objectives per 24 CFR 570.208 and CDBG Eligible Activities per 24 CFR 570.201 through 570.207. The following activities under the Housing and Community Development Act of 1974 (HCDA) are eligible for public facilities and improvements:

- Acquisition
- Construction
- Reconstruction
- Rehabilitation (including removal of architectural barriers to accessibility)
- Installation

All Infrastructure and Public Facility Projects will be compliant with the activities listed above.

Tie-Back to the Disaster

All CDBG-DR funded Infrastructure and Public Facilities Projects must respond to the repair needs that were a direct result of the Hurricane Ian disaster and/or increase the resiliency of local infrastructure and public facilities in handling future disaster events.

The CDBG-DR program requires documentation demonstrating a direct disaster related impact. Eligible applicants must provide documentation during the RFA process. This documentation includes, but is not limited to, insurance claims or proof of application to FEMA for damage assistance related to Hurricane Ian, or damage estimates with pictures of the physical damage date stamped.

Example evidence of a tie-back may include the following:

- Photographic evidence from the storm event.
- Reports or other notifications from Federal, state, county, or municipal officials indicating impacts from the storm event.
- Federal, state, county, or municipal storm damage summary reports, road closure listings, or other storm related reporting
- Verified reporting by residents or witnesses.
- Newspapers or other media reporting indicating impacts from the storm event.
- Flood modeling indicates inundation/flooding at the site of specific infrastructure projects, particularly for stormwater management systems. Evidence of tie-back such as reports, staff documentation, or maps will be included in the specific project folder.

It should be noted that tie-back to the disaster event is not a requirement for potential mitigation projects.

Types of Eligible Infrastructure and Public Facilities Projects

Eligible Infrastructure and Public Facilities Projects may include, but are not limited to:

- Stormwater Management Systems
- Facilities utilized to manage, clean, and convey stormwater, to include storm/septic combined systems
- Stabilization materials and structures for stormwater conveyance
- Conveyance systems (swales, storm sewer systems) and other facilities or structures intended for the handling and conveyance of storm water and other Low Impact Development stormwater management systems
- Structural Flood Controls
- Roads
- Sidewalks
- Street Improvements / enhanced drainage
- Curbs/gutters
- Bridges
- Retention/detention ponds

- Outfall areas
- Berms
- Water and Sewer Improvements
- Potable water lines
- Potable water pumping, handling, cleaning facilities, and structures
- Sanitary sewer lines
- Sanitary sewer pumping, handling, cleaning facilities, and structures
- Emergency Management Systems/911 Systems Improvements
- Retrofits or modifications to infrastructure or a public facility designed to increase the structures' ability to withstand hurricane force winds and flooding
- Restoration of Public Facilities/Infrastructure
- Construction of Public Facilities
- Other infrastructure facilities and structures as determined by County staff

Mitigation Set Aside Activities

The Disaster Relief Supplemental Appropriations Act of 2021 requires HUD to set aside 15% of any disaster recovery grant for mitigation activities. Orange County received $28,658,000 in CDBG-DR funds as a set-aside for mitigation activities. These funds do not require a tie-back to the specific qualified disaster and can be used for mitigation activities which will increase the County's resiliency from future disasters. Infrastructure and Public Facilities projects may incorporate activities that may qualify as mitigation set-aside activities.

Mitigation set-aside activities must:

- Meet HUD's definition of mitigation activities.
- Address the current and future risks as identified in the County's mitigation needs assessment.
- Be at least one of the CDBG-DR eligible activities.
- Meet at least one of HUD's national objectives.

Orange County will incorporate mitigation measures in construction, reconstruction or rehabilitation of residential and non-residential structures being carried out using CDBG-DR funds. More specifically, mitigation measures will be incorporated into CDBG-DR activities as a construction standard to ensure that Orange County communities and neighborhoods become more resilient to the impacts of natural disasters and climate changes as a result of implementation of the CDBG-DR Program. As part of incorporating the required mitigation measures, the structures should be designed and constructed to withstand the existing and future climate impacts expected to occur over the service life of the project.

Procurement

Funding for Infrastructure and Public Facilities projects will be awarded to eligible applicants based on a competitive selection process. Orange County will require the submission of project proposals in response to competitive Request for Applications (RFAs) or Request for Proposals (RFPs) and for all prospective eligible applicants. Orange

County has adopted specific procurement standards in accordance with 2 CFR 200.318 through 2 CFR 200.237. The Orange County Procurement Procedures Manual provides the specific details used to award government funds, including the procurement of services and activities under federal funds. The basic objective of the procurement process is to obtain the best total value consistent with operational needs, while maintaining fair and open competition.

Minimum and Maximum Awards

OCHCD reserves the right to adjust the requested award amount for CDBG-DR funding based upon funding availability on a case-by-case basis.

The maximum CDBG-DR award amount per activity is $15,000,000.

Insurance and Property Management

All CDBG-DR Subrecipient projects must procure and maintain insurance, the requirements for which will be further specified in the agreement, for the duration of the Subrecipient Agreement to protect all contract assets from loss due to any cause, such as theft, fraud and physical damage.

If CDBG-DR funds are used to acquire real property or personal property, the Subrecipient Agreement will contain clauses and ensure that the property continues to be used for its intended (and approved public) purpose for the duration of the specified use period, the Subrecipient keeps track of, and maintains the property, and if the Subrecipient sells or disposes of the property prior to the expiration of the terms of the subrecipient agreement, the Subrecipient shall reimburse OCHCD.

Recordkeeping, Retention, and File Management

Record retention is a requirement of the CDBG-DR Infrastructure and Public Facilities Program. Records shall be maintained to document compliance with Program, Federal, State, and local regulations and requirements to facilitate a review and/or monitoring by the County and HUD. OCHCD adheres to State of Florida record retention requirements, which require all records to be maintained for a period of five years after the CDBG-DR grant closeout with HUD. This requirement is in line with 24 CFR part 570.490, or as required by applicable laws and regulations under 24 CFR parts 570.487, 570.488 and 570.502(a)(7). All Subrecipients shall ensure that all requisite records and associated documentation related to the Program project are provided in a format that has the ability to be input into the DRDG system without the need for conversion prior input by OCHDC staff.

All Subrecipients are required to keep comprehensive and accurate records related to the project. Subrecipients must ensure that all records are in compliance with the above rules and regulations.

Construction Standards and Requirements

Contractor Standards

All Subrecipients must ensure that any contractor or tiered subcontractor performing work on a CDBG-DR funded project complies with the Contract Work Hours and Safety Standards Act and the Copeland Anti-Kickback Act.

Contract Work Hours and Safety Standards Act

The Contract Work Hours and Safety Standards Act (40 USC, Chapter 5, Sections 326-332; and 29 CFR Part 4, 5, 6 and 8; 29 CFR Part 70 to 240) applies to contracts over $100,000 and requires that workers receive overtime compensation (time and one-half pay) for hours they have worked in excess of 40 hours in one week. All Subrecipients shall provide proof to OCHCD staff, when requested, that they are complying with the Contract Work Hours and Safety Standards Act. Failure to do so will result in a breach of the Subrecipient Agreement and the Subrecipient may be required to reimburse funding.

Copeland Anti-Kickback Act

The "Anti-Kickback" provision of the Copeland Act applies to contractors and subcontractors that perform work on contracts for the construction, prosecution, repair, or completion of public buildings, public works, or works which are financed in whole or in part by loans or grants from the federal government. The Copeland Anti-Kickback Act (40 USC, Chapter 3, Section 276c and 18 USC, Part 1, Chapter 41, Section 874; and 29 CFR Part 3) requires that workers be paid weekly, that deductions from workers' pay be permissible, and that contractors maintain and submit weekly payrolls. See 29 CFR 3.5 for permissible payroll deductions. All Subrecipients shall provide proof to OCHCD staff, when requested, that they are complying with the Copeland Anti-Kickback Act. Failure to do so will result in a breach of the Subrecipient Agreement and the Subrecipient may be required to reimburse funding.

Davis Bacon and Related Acts (DBRA)

The Davis Bacon and Related Acts mandate that all contractors and subcontractors on Federal or Federally assisted construction contracts over $2,000 must pay their workers prevailing wage rates and fringe benefits as determined by the Secretary of Labor. For prime contractors and subcontractors on DBRA contracts over $150,000 and subcontracts over $100,000, the Contract Work Hours and Safety Standards Act requires overtime pay at one and a half times the regular rate for hours exceeding 40 hours per week. Subrecipients must ensure compliance by submitting certified payroll records and conducting worker interviews, with documentation reviewed by OCHCD through LCPTracker or other designated software.

Section 3 of the Housing and Urban Development Act of 1968, 24 CFR Part 75

Section 3 mandates that the economic opportunities funded by CDBG be directed towards low- and very low-income workers, especially those residing in public or government-assisted housing. Subrecipients using CDBG-DR funds for housing or public construction must, to the extent possible, offer training and employment opportunities to lower-income residents and provide contracting opportunities to businesses within the project area. Priority should be given to Section 3 workers from the local area or participants in YouthBuild programs whenever feasible.

OCHCD enforces compliance with Section 3 by requiring affirmative action plans and documentation. The Section 3 Clause and Contractor Certification of Efforts to Comply with Section 3 must be included in all bid packets for CDBG-DR projects. Additionally, all bidders must be notified that adherence to the Subrecipient's Section 3 Plan is mandatory for contracts and subcontracts over $200,000.

Section 3 of the Housing and Urban Development Act of 1968 (Rule 24 CFR Part 75) applies to all HUD-funded projects that exceed $200,000. If the project is below $200,000, then Section 3 does not apply, however, recipients that are not subject to Section 3 are encouraged to consider ways to support the purpose of Section 3.

Construction Standards

The Division of Building Safety staff reviews plans, issues building permits and performs inspections to ensure compliance with the Florida Building Code, the National Electrical Code and Orange County's Construction Regulations. Proper code compliance ensures the life-safety, structural integrity and accessibility of new construction, alterations, and repairs as well as the safe installation and function of electrical, solar, plumbing, fuel gas, heating and air conditioning systems.

The County requires quality inspections and code compliance inspections on all projects and places an emphasis on high-quality, durable, sustainable, and energy-efficient construction methods and materials. Site inspections will be required on all CDBG-DR projects to ensure quality and compliance with building codes.

All rehabilitation, reconstruction, or new construction of residential structures assisted with CDBG-DR funds must meet an industry-recognized construction standard, as specified below. that has achieved certification under at least one of the following programs:

Green and resilient building standard for: (1) new construction and reconstruction of housing and (2) all rehabilitation activities of substantially damages residential buildings, including changes to structural elements, can be achieved through one or more of the following certifications:

- Enterprise Green Communities;

- LEED (New Construction, Homes, Midrise, Existing Building Operations and Maintenance or Neighborhood Development);
- ICC-700 National Green Building Standard or NGBS Green + Resilience;
- Energy STAR (Certified Homes or Multifamily High Risk);
- Enterprise Green Communities;
- LEED (New Construction, Homes, Midrise, Existing Building Operations and Maintenance or Neighborhood Development);
- ICC- 700 National Green Building Standards;
- EPA Indoor AirPlus; or Living Building Challenge; or
- Any other equivalent comprehensive green building standard program acceptable to HUD.

Additionally, all such covered construction must achieve a minimum energy efficiency standard, which could include one or more of the following:

- ENERGY STAR (Certified Homes or Multifamily High-Rise);
- DOE Zero Energy Ready Home;
- EarthCraft House, EarthCraft Multifamily;
- Passive House Institute Passive Building or EnerPHit certification from the Passive House Institute US (PHIUS), International Passive House Association;
- Greenpoint Rated New Home, Greenpoint Rated Existing Home (Whole House or Whole Building label);
- Earth Advantage New Homes; or
- Any other equivalent energy efficiency standard acceptable to HUD.

Furthermore, Orange County requires that the standards for new affordable rental housing construction meet, at a minimum, one of the following Green Building certifications: Leadership in Energy and Environmental Design (LEED); Florida Green Building Coalition (FGBC); or ICC- 700 National Green Building Standard (NGBS). This will also be the requirement for CDBG-DR new construction or reconstruction activities and related projects. Any residential structure that has a total cost of repairs of more than 50% will be considered substantially damaged and will require the entire home to be brought into compliance with building codes. Orange County will identify, in each project file, which of the Green and Resilient Building Standards listed above will be used for any building subject to these requirements.

For rehabilitation of non-substantially damaged residential structures, the County will follow the guidelines, to the extent applicable, as specified in the HUD CPD Green Building Retrofit Checklist. When older or obsolete products are replaced as part of rehabilitation work, the rehabilitation is required to use ENERGY STAR-labeled, WaterSense-labeled, or Federal Energy Management Program (FEMP)-designed products and appliances. Similar to the County-managed Homeowner Rehabilitation Program standards, activities related to rehabilitation or reconstruction of existing residential structures using CDBG-DR funds will be implemented to ensure maximum compliance with energy-efficiency and water-efficiency standards. Examples include utilization of the following features: energy-efficient doors, windows, HVAC units, and improved insulation; water-efficient facets, shower heads and toilets.

For infrastructure projects, Orange County will encourage, to the extent practicable, implementation of one of the above listed industry-recognized standards.

Orange County will incorporate mitigation measures in construction, reconstruction or rehabilitation of residential and non-residential structures being carried out using CDBG-DR funds. More specifically, mitigation measures will be incorporated into CDBG-DR activities as a construction standard to ensure that Orange County communities and neighborhoods become more resilient to the impacts of natural disasters and climate changes as a result of implementation of the CDBG-DR Program. As part of incorporating the required mitigation measures, the structures should be designed and constructed to withstand the existing and future climate impacts expected to occur over the service life of the project.

Uniform Relocation Act (URA)

The Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended (the URA), and its implementing regulations at 49 CFR 42 establish minimum standards for federally funded programs and projects requiring the acquisition of real property or displacing persons from their homes or businesses. The URA applies broadly to all planned or intended federally funded projects, funded in part or in whole, where acquisition, rehabilitation, or demolition occurs during any phase. The County must consider all acquisition of property, including easements, along with the potential impacts on the tenants. If an identified project results in tenants leaving their homes involuntarily (being displaced), the tenants may be eligible for tenant relocation assistance under the URA. These requirements apply to the relocation of any displaced person as defined at 49 CFR § 24.2(a)(9). Displaced persons, under this definition, must be fully informed of their rights and entitlement to relocation assistance and payments provided by the URA and its implementing regulations. For more information, refer to 49 CFR 24, Subpart C.

The County shall ensure that residents and/or residential properties impacted or acquired by any proposed infrastructure or public facility project be provided replacement housing, either temporary or permanent as applicable. The Subrecipient and County shall ensure that at a minimum the replacement housing is decent, safe and sanitary. Factors that determine these requirements include:

- Structural soundness
- Weather tightness
- Good repair
- Safe electrical wiring
- Heating system
- Adequate size
- Separate, well-lit, and ventilated bathroom
- Unobstructed egress to safe, open space
- Free of barriers for people with disabilities

As part of the CDBG-DR Program implementation, the County has developed a Residential Anti-Displacement Relocation Assistance Plan (RARAP) to ensure the requirements of Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (URA), as amended (49CFR Part 24), and Section 104(d) of the Housing and Community Development Act of 1974, as amended, are met.

Elevation Standards

To ensure future resiliency to flooding and safety of County residents, Orange County will require that all Subrecipients of CDBG-DR funds, to include implementation vendors and contractors, comply with elevation standards established by FEMA and its National Flood Insurance Program (NFIP) defined at 44 CFR 59.1, Insurance and Hazard Mitigation, and 24 CFR 55.2(b)(10).

All programs for new construction and repair of substantially damaged or substantially improved structures will meet the following guidelines:

Residential structures:

- For new construction, reconstruction, rehabilitation of substantial damage, or rehabilitation that results in substantial improvement, as defined in 24 CFR 55.2(b)(10), all structures principally utilized for residential use and located in the 1 percent annual (or 100-year) floodplain must be elevated with the lowest flood, including the basement, to at least two feet above the 1 percent annual floodplain elevation.
- Mixed-use structures with no dwelling units and no residents below two feet above base flood elevation must be elevated or floodproofed, in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(3)(ii) or successor standard, up to at least two feet above base flood elevation.
- If a structure is located in a 500-year floodplain, the structure must be elevated to the higher of the 500-year floodplain elevation or three feet above the 100-year floodplain elevation. All Critical Actions, as defined at 24 CFR 55.2(b)(3), must be elevated or floodproofed to the same elevation standard. Alternatively, if the Critical Action is in the 100-year floodplain, then the structure must be elevated or floodproofed (in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(2)–(3) or successor standard) at least three feet above the 100-year floodplain elevation. Critical Actions are defined as ‘‘any activity for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons or damage to property.’’

Non-Residential Structures:

- All non-residential structures, to include infrastructure, must be elevated to the standards described in this paragraph or floodproofed, in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(3)(ii) or successor standard, up to at least two feet above the 100-year (or one percent annual chance) floodplain.

- All Critical Actions, as defined at 24 CFR 55.2(b)(3), within the 500-year (or 0.2 percent annual chance) floodplain must be elevated or floodproofed (in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(2)–(3) or successor standard) to the higher of the 500-year floodplain elevation or three feet above the 100-year floodplain elevation. If the 500-year floodplain or elevation is unavailable, and the Critical Action is in the 100-year floodplain, then the structure must be elevated or floodproofed at least three feet above the 100-year floodplain elevation.

Activities subject to elevation requirements must comply with applicable federal accessibility mandates. All CDBG-DR projects and activities must also comply with state and local standards for floodplain management, including elevation, setbacks, and cumulative substantial damage requirements. Orange County's floodplain management requirements are outlined in Chapter 19 of the County's Code of Ordinance and are aligned with requirements of the Florida Building Code.

In the event Orange County intends to use CDBG-DR funds as a non-Federal match in a FEMA-funded project, the County may apply to alternative requirement for the elevation of non-residential structures described in section IV.D.5 of the Federal Register notice.

Flood Insurance Requirements

Subrecipients who receive assistance using CDBG-DR funds must comply with all flood insurance requirements. Projects that are determined to be located in a Special Flood Hazard Area (or 100-year floodplain) must obtain and maintain flood insurance in the amount and duration prescribed by FEMA's National Flood Insurance Program (NFIP). Orange County may not provide disaster assistance for the repair, replacement, or restoration of a property to a Subrecipient who has received Federal flood disaster assistance that was conditioned on obtaining flood insurance and then failed to obtain or allowed their flood insurance to lapse.

The County will ensure that all applicable Subrecipients of CDBG-DR funds are compliant with the requirement of notifying property owners receiving assistance of their responsibilities under section 582.

Americans with Disabilities Act (ADA)

Subrecipients must be in compliance with the ADA requirements. The ADA mandates that all Infrastructure and Public Facilities projects must be accessible to individuals with disabilities. This includes ensuring that new constructions, renovations, and repairs adhere to ADA standards. Subrecipients must incorporate ADA compliance into the planning and design phases of all funded projects. This includes designing facilities with features such as ramps, accessible entrances and restrooms, parking spaces, and communication systems.

APPLICATION AND SELECTION PROCESS

Project Proposal Application Review Process

Prior to the RFA process, OCHCD engaged with community members, local governments, public housing authorities, and advocacy groups through surveys, focus groups, public meetings, and digital communication to obtain feedback regarding housing, infrastructure, economic recovery, and public services needs remaining after the Hurricane Ian event. These efforts focused on identifying and addressing the needs of vulnerable and impacted communities.

A Notice of Funding Availability (NOFA) will be published in the local media providing information on the program, eligible activities, application timeframe, and additional information regarding the RFA. The RFA for the CDBG-DR Infrastructure and Public Facilities Program is very competitive. In some instances, County staff may request site visits to the proposed projects to aid in the evaluation process. All applicants will have the opportunity to meet with OCHCD staff at a Pre-Award Technical Assistance Workshop in advance of the RFA submission deadline to ask questions or obtain additional information regarding the grant requirements.

Evaluation Committee

All potential applicants will be required to attend a mandatory pre-award technical assistance workshop, during which the program requirements will be discussed, the application process, to include application questions and required documentation, will be reviewed, the evaluation and scoring criteria presented, and questions about the application process and associated requirements answered by staff.

To ensure that projects are selected fairly, an evaluation committee composed of a variety of stakeholders will conduct an extensive review of all application submissions. The evaluation committee, which was formed in consultation with the Local Mitigation Strategy group to provide the technical expertise necessary for scoring the project submissions, will be responsible for reviewing and scoring projects based on the evaluation criteria listed in Program Policies and Procedures.

To be eligible to serve of the evaluation committee, potential members must meet the following minimum criteria: (1) have experience in or a working knowledge of infrastructure, public facilities, and/or mitigation projects; (2) no significant involvement in the projects being proposed or submitted during the RFA process from the agency they represent; and (3) ability to either sign a Conflict of Interest statement or to recuse themselves if needed.

The evaluation committee will not exceed ten (10) members and may consist of representatives from the following organizations:

- Orange County Government (representatives from Public Works, Utilities, and Housing and Community Development)
- Local Municipalities

- East Central Florida Regional Planning Council
- Florida Department of Transportation
- A Water Management District
- A Special Interest Group (ex. hospitals, public schools, educational institutions, local utility companies, etc.)

The exact membership of the evaluation committee will be finalized prior to the RFA closing date, based on the recommendations of the Local Mitigation Strategy group and minimum criteria. Once the RFA closes, the evaluation committee will receive the applications packages for review, and members will be provided with an overview of the process and review of the evaluation criteria. The committee will be given the opportunity to ask applicants questions regarding their project(s) during the agency presentations, which will be scheduled once the RFA closes. The evaluation committee will then meet again to submit individual scores for each project. Once all members have submitted their scores, the evaluation committee will discuss the scores, and all applications will be given an average score. The evaluation committee recommendations will be presented to the Community Development Advisory Board (CDAB) during their scheduled monthly meeting. The CDAB provides a general oversight of the CDBG-DR program and its implementation. Upon review of the evaluation committee recommendations, the CDAB will move to present the recommended projects and associated award amounts to the Board of County Commissioners for the final approval.

Qualifying Criteria (not a comprehensive list of the application questions)

- Is one of the three (3) National Objectives being addressed by the project?
- Is the proposed project an eligible activity?
- Does the project have a tie-back to Hurricane Ian? If not, is it an eligible mitigation project/activity?
- Does the project increase sustainability, resiliency and/or mitigation for future disasters?
- Is the project consistent with HUD policies and regulations?
- Is the project consistent with established priorities of the County's CDBG-DR Action Plan's Infrastructure and Public Facilities Program?
- Does the project have measurable goals, objectives, outputs and outcomes?
- Does the organization comply with Generally Accepted Accounting Principles?
- Does the organization comply with 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards?
- Does the organization have a policies and procedures manual that includes programmatic and personnel policies?
- Does the organization have the capacity to carry out the project and comply with all of the Federal requirements?
- Will the proposed project be completed within 1 to 3 years? Does the project have phasing?
- Is the organization experienced in implementing capital and/or infrastructure projects? Federally-funded projects?

- Does the organization provide any additional funding such as general funds or other grants as leverage for the proposed project?
- Will future maintenance be required after the project completion? If so, is the organization capable of funding the required maintenance during the project use period?

OCHCD staff will conduct an initial review of the applications to ensure completeness. Incomplete applications, or failure to submit all information requested in the Request for Applications, will result in the application being considered incomplete and the project becoming ineligible. Once an application has been determined to be complete, it will be packaged and provided to the Evaluation Committee for review, scoring, and recommendation to the Community Development Advisory Board (CDAB). CDAB will review the Evaluation Committee's recommendations, and their funding recommendations will be forwarded to the BCC for final approval.

Minimum Eligibility Criteria

Applicants must meet all the minimum eligibility criteria listed below to be considered for CDBG-DR funding.

1. Proposed project addresses one of the following: 1) benefits LMI persons/area, 2) prevents or eliminates slums or blight, or 3) addresses an urgent need in accordance with the United States Department of Housing and Urban Development (HUD) National Objectives.
2. The proposed project must be an eligible activity. Eligible activities include:
    - Flood control and drainage repair and improvements, including the construction or rehabilitation of storm water management system;
    - Restoration of infrastructure (such as water and sewer facilities, streets, provision of permanent generators, bridges, etc.);
    - Demolition, rehabilitation, or construction of programmatically eligible public or semi-public facilities (such as fire stations, shelters, food banks);
    - Acquisition (easement, right-of-way [ROW]) following Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA).
3. Project addresses a direct or indirect impact of Hurricane Ian OR is a mitigation only project.

Summary of the Application Requirements

The following is a brief summary of the elements required within the application to OCHCD. Application requirements will be discussed in more details during the Pre-Award Technical Assistance Workshop.

Project Description/Service Area

Applications must include descriptions of the proposed project, including the objective of the activity, the anticipated service area and populations benefiting from the improvements, and an explanation of whether and how the project addresses disaster-related impacts. The description should explain whether and how the project mitigates the natural hazard risks identified in the County's CDBG-DR Action Plan.

For mitigation projects, applicants will be asked to describe how the proposed project aligns with local or regional hazard mitigation plans and strategies. The description must address how and why the project needs to be created, updated, or integrated to mitigate the risks attributable to future threats and hazards.

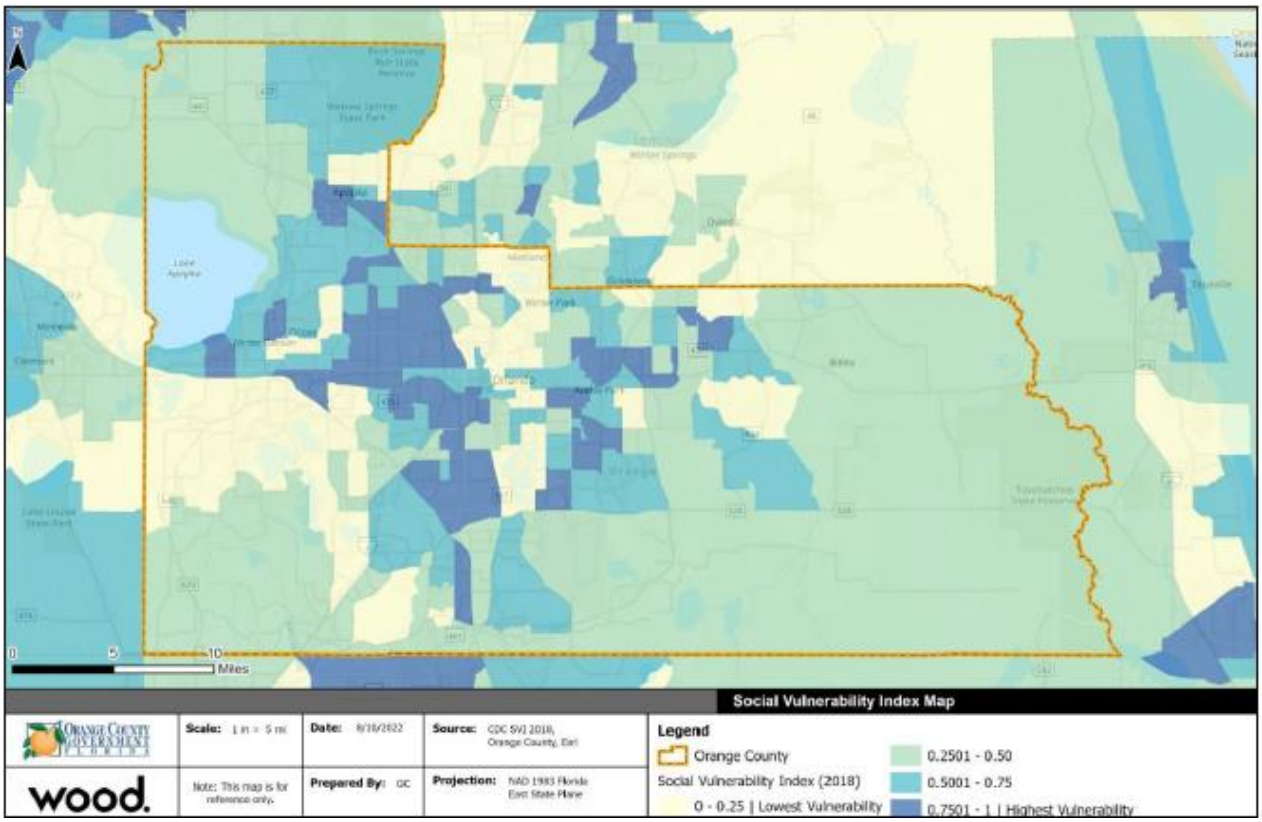
The description also should summarize how the project responds to the program priorities, including the following:

- Identify the project's impact area
- Demonstrate how the project will respond to future disaster-related impacts
- Determine how the project protects and benefits the public, especially vulnerable populations and protected classes
- Identify how the project will mitigate natural hazard risks to critical structures, facilities, and systems
- Incorporate nature-based solutions to improve communities' wellbeing and support better urban stormwater and flood management
- Describe the applicant's ability to operate and maintain the project upon completion
- Identify the project's ancillary benefits
- Describe how the design accommodates climate change projections and future conditions
- Identify how the project leverages federal, State, and local partnerships and funding sources
- Ensure community engagement
- Demonstrate the cost-reasonableness of the project
- Describe the project's readiness to proceed

Disadvantaged Communities

This program prioritizes projects that benefit the most at-risk and vulnerable populations. To facilitate this, the scoring criteria provides preference to projects serving communities with high proportions of vulnerable populations. Orange County uses the social vulnerability index to highlight communities that may experience disproportionate challenges to disaster recovery as seen in **Figure 1** below. The index uses the most recent U.S. Census data to measure the social vulnerability of all census tracts within Orange County. The index is a comparative metric facilitating examination of differences in social vulnerability across census tracts, the building blocks of counties. Applications must address the extent to which the project benefits such populations and underserved communities.

Figure 1. Social Vulnerability Index by Census Tract – Orange County, FL



Community Outreach

Applications must include information regarding the community outreach conducted to select and prioritize the proposed projects (especially if more than one project is being submitted by an organization). More specifically, the applicants must discuss the community engagement and other outreach activities in which it engaged to capture the community's values and priorities. This may include activities previously conducted or planned for the near future.

Note: The summary of the County's community outreach efforts for the CDBG-DR Action Plan might suffice as a sufficient evidence of community input for certain projects. Summaries of all community meetings are available on the program website: www.ocfl.net/CDBG-DR.

Budget

Submissions must include a proposed project budget with a detailed description of anticipated costs by category. In the project budget, the Subrecipient must provide the basis for costs estimated for each line item that applies to the project. Some items that should be included in the project budget are professional services, acquisition costs, engineering, materials, labor, rehabilitation costs, construction costs, appraisals, surveys, etc. Explanations of how funding request amounts were determined must be included. The budget also will show the anticipated sources of funding. Applicants should develop a feasible budget (based on professional estimates) that includes CDBG-DR funds, as well as any committed sources outside of the CDBG-DR funds requested, and estimated

contingencies (if applicable). The commitments of the funding sources should be documented and included with the application. This program will provide preference to applications that leverage outside sources beyond CDBG-DR funds.

The prospective applicants should include any additional clarifying information as part of the budget narrative. If the proposed project is phased, the phasing should be described in the budget narrative. If more than one project is being submitted by an organization (a separate application is required for each project), the applicant is advised to prioritize the proposed projects in the order of importance to ensure that, if awarded funds, the most time-sensitive project(s) are addressed first.

Cost-Reasonableness

The program places a high priority on funding projects that are cost-reasonable. Prospective applicants must have a clear understanding of the costs associated with the proposed project and reflect such in the proposed budget.

Proposed projects will be reviewed for fairness and reasonableness considering price, quality, delivery timetable and benefit to low to moderate income residents and communities.

Review for cost reasonableness may include:

- Verification of the proposed cost data to ensure costs directly contribute to the proposed activity and are realistic for the project
- Review to ensure costs reflects pricing for similar goods or services for the locality/region
- Evaluation of the specific elements of costs to include labor, materials, general and administrative expenses, overhead and profit to ensure costs are necessary to achieve the objectives of the proposed project or activity
- Evaluation to ensure costs does not outweigh the benefit to low to moderate income residents or community.

As a part of the application process, applicants must provide a budget narrative justifying cost in relation to the project objective.

CDBG-DR project applications will be assessed by OCHCD or its designee, in part, on cost-reasonableness demonstrated through the project budget, budget narrative, expected project objective and leverage of funds.

Implementation and Timeline

Applicants must provide evidence of management capacity and a plan to implement the project within budget and on time. Proper implementation requires that an applicant understands what is expected of them, ensures that the human capital and financial resources needed to complete the project are in place, and develops a realistic timetable. Each application must include information demonstrating the organization and financial capacity of the applicant for carrying out the project, and the projected timeline for completion. For funded projects, project completion dates will be specified in the Subrecipient Agreements or MOUs. A formal written request for time extension is required when the project is delayed for reasons beyond the control of the Subrecipient or County department/division.

For non-County projects, the applicants will be asked to identify if they require assistance from the County to implement the project (could be due to lack of internal capacity and/or experience) as part of the application. If assistance is required, the applicants should contact the County to discuss their projects prior to the RFA opening date.

Project Impact

Applicants must demonstrate how projects will enhance community resilience and address disaster-related needs. This involves providing a comprehensive impact analysis which may include a needs assessment, project goals, and a description of how the project will improve the community. Applicants should outline measurable outcomes and performance metrics – to be included with the application.

Operations and Maintenance

Applicants will be required to demonstrate how the projects will be operated and maintained beyond the life of the CDBG-DR grant, including incorporating best management practices and emerging technologies to prevent early failures of the project. This should include the identification of a responsible entity for operating and maintaining the project and a description of dedicated funding sources.

Scoring Criteria

The County will use a scoring rubric with multiple criteria for each application. Prior to being scored, applications must meet the eligibility requirements before they are scored. A scoring criteria (by categories) is shown in **Table 3** and summarized below:

- Project Eligibility and Need – max 15 points
- Agency competency – max 25 points
- Budget justification and leverage of funds – max 20 points
- Project feasibility – max 20 points
- Implementation plan and outcomes – max 20 points.

A maximum of 100 points can be awarded. The final evaluation rubric will be posted on the program website prior to the application opening date. The rubric will include detailed questions for each of the scoring categories.

Table 3. Scoring Criteria

Criteria Category	Description	Points Available
Project Description and Need	• Project need is clearly defined, and it aligns with the County's CDBG-DR Action Plan (5 points) • Applicant describes the correlation between the identified need and the proposed project/activity (5 points) • Address a direct or indirect impact of Hurricane Ian or is a mitigation project (5 points)	15
Agency Competency	• Applicant is experienced in carrying out capital and/or infrastructure projects (10 points) • Applicant has demonstrated experience and familiarity with implementation of federally-funded projects (5 points) • Applicant has organizational (staff) and financial (resources) capacity to implement the project, and do so on a reimbursement basis (10 points)	25
Budget Justification and Leverage of Funds	• Applicant shows that other funding sources (capital budget, insurance, FEMA, etc.) were unavailable or insufficient to fund the project (10 points) • Application demonstrates a leverage secured and/or available to fund a portion of the project (10 points)	20
Project Feasibility	• The project is ready to proceed and/or can be completed within five years (10 points) • Project demonstrates a reasonable cost benefit analysis that is proportional to the requested amount (10 points)	20
Implementation Plan and Outcomes	• Applicant demonstrates how the project will contribute to the sustainability and resiliency of LMI persons and LMI or vulnerable communities, or addresses the needs of historically underserved communities (10 points) • Applicant has the capacity to maintain and operate the projects upon completion, at a minimum, for the duration of the project use period (10 points)	20
Total Maximum Points Available		**100**

Pre-Award Risk Assessment for Applicants

Prior to making a Federal award, Orange County is required by 31 USC 3321 and 41 USC 2313 to review information available through any OMB-designated repositories qualification or financial integrity information, such as Federal Awardee Performance and Integrity Information System (FAPIIS), DUN and Bradstreet, and "Do Not Pay". (Please

refer to suspension and debarment requirements of 2 CFR Part 180, as well as individual; Federal agency suspension and debarment regulations in Title 2 of the Code of Federal Regulations).

In addition, for competitive grants or cooperative agreements, Orange County must have in place a framework for evaluating the risks posed by applicants before they receive Federal awards. This evaluation may incorporate results of the evaluation of the applicant's eligibility or the quality of the application. If Orange County determines that a Federal Award will be made, special conditions that correspond to the degree of risk assessed may be applied to the Federal award.

In evaluating risk posed by applicants of this RFA, Orange County may use a risk-based approach and may consider items such as the following:

- Financial stability of the organization;
- Quality of management systems and ability to meet Federal management standards;
- History of the prior performance and the applicant's record in managing Federal awards (if any), including timeliness of compliance with applicable reporting requirements, conformance to the terms and conditions of previous Federal awards and, when applicable, the extent to which any previously awarded amounts will be expended prior to future awards;
- Reports and Findings from audits performed under Subpart F – Audit Requirements, or reports and findings of any other available audits;
- The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities; and
- Quality of the Project Application.

In addition to this review, Orange County must comply with the guidelines on government-wide suspension and debarment in 2 CFR Part 180, and must require non-Federal entities comply with those provisions. The provisions restrict Federal awards, sub awards and contracts with certain parties that are debarred, suspended or otherwise excluded from or ineligible for participating in Federal programs or activities.

Based on the criteria set forth in § 200.205, Federal awarding agency review of risk posed by the applicants when an applicant has a history of failure to comply with the general or specific terms and conditions of the Federal award or failure to meet expected performance goals as described in §200.210.

Project Approval

After a project is reviewed and scored, Staff will present the Evaluation Committee’s recommendations to the Community Development Advisory Board (CDAB). Once the CDAB makes the recommendation to the BCC and the BCC approves the proposed budget and funding recommendations, a draft budget will be incorporated in the County’s Action Plan as amended. A list of selected projects, to include project description and allocated amount, will be made available on the CDBG-DR website.

Award Letters

A letter announcing the award recommendation will be sent to each applicant, regardless of whether the funds are awarded or not. The letter will state the next steps in the process. For those awarded funds, the letter will specify requirements for an environmental review of the projects, when a Subrecipient Agreement is expected to be executed, and technical assistance to be offered by the CDBG-DR staff.

For those projects not awarded funds, the letter will offer a technical review of the application with the County staff. The Applicants agencies may request technical assistance to discuss application scoring and gain insight on ways to improve their application in the event that another application cycle is opened for future submittal.

Appeal Process

Limited resources are expected to limit the number of new projects that can be selected for funding and implemented using CDBG-DR funds. An Applicant may submit a request to receive information addressing the reasons why the project proposal was not funded, or to request technical assistance for future applications. Recommendations are not a guarantee of funding. Orange County does not assume responsibility for any costs or losses incurred in the preparation of this Application.

Applicants may contact the Division regarding an appeal, except for the following reasons:

1. The proposed activity is ineligible under CDBG-DR regulations.
2. The Applicant failed to meet federal and Orange County eligibility requirements for the grant.
3. The Application is incomplete (missing narratives, documentation, or an explanation of why the required documentation is not available).
4. The Applicant is dissatisfied with the amount of a grant award.

An Applicant must appeal the recommendations by providing a written notice to the Manager of the Housing and Community Development Division no later than 5:00 p.m. on the third business day after the agencies have been notified of the funding recommendations. The written notice should be addressed to:

Mr. Mitchell Glasser, Manager
Housing and Community Development Division
525 East South Street
Orlando, FL 32801

An appeal committee comprised of the following individuals will review appeals and render a decision:

- One individual serving on the Community Development Advisory Board;
- One individual serving on the Evaluation Committee;
- One independent person to be appointed by the Director of the Planning, Environmental, and Development Services Department, and

- The Manager of the Housing and Community Development Division or his designee.

Subrecipient Agreements/Memorandums of Understanding

Projects selected for award will be required to execute a Subrecipient Agreement (for local municipalities/non-profit entities)/Memorandum of Understanding (MOU) (for County departments/divisions). County projects awarded funds will be administered directly by the department/division with an oversight and assistance from program staff and grants administration. A draft of the Subrecipient Agreement/MOU is available on the County's CBDG-DR website.

The Subrecipient Agreement/MOU will outline the conditions of the CDBG-DR grant funding for the approved project. The Subrecipient Agreement/MOU terms may include, but not limited to:

- Project Name
- Award amount
- Scope of Services
- Performance Monitoring & Reporting
- Period of performance and term
- Budget
- Payment Requests Requirements & Process
- Program Requirement & Award Conditions
    - Tie-back to disaster
    - Eligible Activity and National Objective
    - Environmental Review (24 CFR, Part 58)
    - Evidence of commitment of leverage funds
    - Approved Federal and Local Procurement Policies
    - Conflict of Interest
    - Fraud, Waste, & Abuse Policy
    - Anti-Displacement and Relocation Plan
    - Cross-Cutting Compliance
    - Fair Housing and Civil Rights Law
    - Federal Labor Standards to include Davis Bacon and Related Acts
    - Section 3
- Project Closeout
- Termination of Agreement
- Other requirements as applicable

Subrecipient Agreement/MOU Amendments

The County reserves the right to amend Subrecipient Agreements at any time. Subrecipients/County divisions may request an amendment to extend the period of performance, amend budgets, change the scope of work, or update project milestones. The County will review the amendment request and determine if the amendment is warranted. Subrecipients/County divisions are encouraged to submit the request to amend

as soon as the need is identified. Requests to amend the Subrecipient Agreement/MOU must be submitted within a reasonable timeframe.

Monitoring and Compliance

The Subrecipient/County division shall ensure that all records and files pertaining to the project, as well as any additional information requested by the County, are made available during the monitoring visit or at the time specified by the County. The County may request a visit to the project site as part of the monitoring visitor during the project construction.

The County will notify subrecipients and divisions of monitoring events in advance. In response to subrecipient monitoring, the County will provide technical assistance to mitigate identified risks and to address concerns and findings. At a minimum, subrecipients and County divisions will be monitored at least once annually for the use period of the project. The use period will be specified in a subrecipient agreement (for local judications and non-profit entities) or in a memorandum of understanding (for County department/divisions). The County will determine the frequency of monitoring with each subrecipient and reserves the right to change the frequency at any time at the County's discretion. The County will use monitoring checklists to ensure consistency and to provide a detailed record.

Each monitoring will address project-specific issues and may be carried out through a combination of desk review, remote monitoring, and/or on-site monitoring. The primary goals of monitoring are to:

1. Review activity eligibility and achievement of national objectives;
2. Evaluate conformance to the subrecipient agreement/MOU;
3. Ensure compliance with CDBG-DR program and all other applicable federal, state, and County requirements, including, but not limited to appropriate insurance coverage, assessment management processes, procurement procedures, conflicts of interest disclosures, and fair housing and civil rights compliance;
4. Review and ensure accuracy and completeness of record keeping and financial management systems;
5. Evaluate program and project performance, as well as on-going project viability (financial health, management capacity, etc.);
6. Design any corrective actions necessary to improve or reinforce performance; and
7. Identify the technical assistance needs.

Upon completion of a monitoring, the County will provide a monitoring letter to each subrecipient outlining the results of the monitoring. If corrective actions are needed as a result of findings or concerns, a corrective action plan will be included with the letter. The subrecipient will be provided the opportunity to respond to the monitoring results, and County staff will work collaboratively with the subrecipient to resolve any findings or concerns.

ELIGIBLE AND INELIGIBLE COSTS

Eligible Costs

Beyond eligible activities described in this Program Manual, the program will make use of 2 CFR Part 200 Subpart E (Cost Principles), to understand what costs can be incurred through the CDBG-DR grant. Each cost should adhere to accounting principles, be necessary and reasonable for the performance of the grant award, be consistent with policies and procedures, and be adequately documented.

Eligible costs consist of, but are not limited to, the following:

- Repair or replacement of damaged roads, bridges, and related infrastructure
- Restoration or improvement of water, sewer, and stormwater systems
- Repair, replacement or construction of public facilities
- Projects that aim to reduce future disaster risks, such as flood control measures

Ineligible Costs

Ineligible activities are defined in 24 CFR 570.207, these include, but are not limited to:

- Buildings or portions thereof used for conduct of government
- General government expenses
- Political activities
- Purchase of equipment (except as provided for in 24 CFR 570.201(c)
- Operating and maintenance expenses
- Income payments.

DISBURSEMENT OF FUNDS AND DOCUMENTATION

Payment Method and Process

Funding will be provided to Subrecipients and County Divisions on a cost reimbursement basis based on actual expenditure and percentage of project completion.

Payment Conditions

The Subrecipient must complete all conditions specified in the Subrecipient Agreement/MOU before requesting payment. Upon execution of the Subrecipient Agreement/MOU, the Subrecipient/County Division may proceed with implementation of the project. Conditions may include, but not limited to, the following:

- Requirements outlined in the Subrecipient Agreement/MOU
- Procurement documentation
- Contracts documentation
- Insurance and bonding documentation

Supporting Documentation

Subrecipients and County Divisions must verify all costs before submitting invoices to the County for reimbursement and provide all required reporting and supporting documentation (e.g., detailed invoices, purchase order, proof of services, and paid itemized receipts requested by the County. At a minimum, the supporting documentation should include:

- Vendor name and contact information
- Invoice number
- Invoice date
- Date of service
- Services performed
- Amount due

Additional documentation may be requested at any time before payments can be made.

Payment Requests

The Subrecipient/County Division is responsible for billing the County for invoiced costs, the County will review the invoices to ensure all required information is included to pay the subrecipient. Payment requests must be submitted no more than monthly. Before submitting a payment request, the Subrecipient must verify the invoices are accurate and complete, the activities and costs were incurred during the period of performance, and all required supporting documentation is included in the payment request. Payment requests that do not include the required information or supporting documentation will be rejected and returned to the subrecipient to collect the necessary information and resubmit.

Payment Monitoring and Reconciliation

The County will monitor payment requests and reconcile any issues that may arise as a result. The quality assurance/quality control process will involve, but is not limited to, the following:

- Documentation reviews and data collection during the payment review process.
- Program monitoring to ensure that activities are within program guidelines.
- Program expenditure and payment request review for eligibility based on applicable laws, CDBG- DR requirements, and CDBG regulations.
- Follow-ups regarding identified compliance issues, initiation of corrective actions, and implementation of program controls, as necessary.

CONFLICT OF INTEREST

There are two sets of conflict-of-interest provisions applicable to activities carried out with CDBG-DR funding. The first set, applicable to the procurement of goods and services by subrecipients and County divisions, is the procurement regulations located at 24 CFR 84.42 and 85.36. (See 24 CFR 570.611(a)(1).) The second set of provisions is located at 24 CFR 570.611(a)(2). These provisions cover situations not covered by parts 84 and 85.

With respect to procurement activities, Orange County requires that a subrecipient and County division must maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. At a minimum, these standards must:

- Require that no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict would be involved. Such a conflict would arise when any of the following parties has a financial or other interest in the firm selected for an award:
    - an employee, officer, or agent of the subrecipient;
    - any member of an employee's, officer's, or agent's immediate family;
    - an employee's, agent's, or officer's partner; or
    - an organization which employs or is about to employ any of the in the preceding section.
- Require that employees, agents, and officers of the subrecipient neither solicit nor accept gratuities, favors, or anything of value from contractors, or parties to sub agreements. However, subrecipients and County divisions may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value.
- Provide for disciplinary actions to be applied for any violations of such standards by employees, agents, or officers of the subrecipient.

With respect to all other CDBG-DR assisted activities, the general standard is that no employee, agent, or officer of the subrecipient, who exercises decision-making responsibility with respect to CDBG-DR funds and activities, is allowed to obtain a financial interest in or benefit from CDBG-DR activities, or have a financial interest in any contract, subcontract, or agreement regarding those activities or in the proceeds of the activities. Specific provisions include that:

- This requirement applies to any person who is an employee, agent, consultant, officer, or elected or appointed official of the grantee, a designated public agency, or a subrecipient, and to their immediate family members, and business partner(s).
- The requirement applies for such persons during their tenure and for a period of 1 year after leaving the grantee or subrecipient organization.
- Upon written request, exceptions may be granted by HUD on a case-by-case basis, after consideration of the cumulative effect of various factors listed at 24 CFR 570.611(d), and only with: (a) full disclosure of the potential conflict, and (b) a legal opinion of the grantee’s attorney that there would be no violation of state or local laws in granting the exception.

ANTI-FRAUD, WASTE, AND ABUSE

The process for complaints regarding fraud, waste, or abuse of government funds will be published on the CDBG-DR Program website: www.ocfl.net/CDBG-DR. Complaints alleging violation of fair housing laws will be reviewed using the County-established

process and directed to HUD for review when required. Complaints regarding fraud, waste, or abuse of government funds should be forwarded to the HUD office of Inspector General Fraud Hotline (phone: 1–800–347–3735 or email: hotline@hudoig.gov).

To maintain accountability for the use of public funds, the Orange County Comptroller has established the County Audit Division (County Audit) to review allegations of fraud, waste, and abuse of County property and resources. Orange County's citizens or County employees may contact the County Audit Division's Fraud Hotline in instances where fraud, waste, or abuse of County assets or resources are suspected. Individuals are not required to provide their name.

Orange County Fraud Hotline: (407) 836-5775

Allegations of fraud, waste, abuse, mismanagement or Whistleblower related matters within the U.S. Department of Housing and Urban Development (HUD) and HUD Funded programs to the Office of Inspector General (OIG) can be submitted as follows:

HUD OIG Fraud Hotline: (800) 347-3735 or (800) 877-8339 TTY/ASCII

TIMELY EXPENDITURES AND PROJECT COMPLETION

The County expects to complete program activities as quickly as possible to address the unmet infrastructure needs. The County is required by HUD to disburse CDBG-DR funding allocated through this program to be disbursed within 6 years of the execution of the County's grant agreement with HUD unless HUD grants an extension. However, the awarded project must be completed within the period of performance as specified in the Subrecipient Agreement and MOU unless an executed amendment to the subrecipient agreement allows for additional time.

To ensure the expenditure of all CDBG-DR funds within the six (6) year time frame, the County must submit projections regarding the obligation and expenditure of all CDBG-DR funds as well as the anticipated outcomes associated with program activities. The County has existing financial management procedures which include processes for financial reporting, recordkeeping, accounting systems, payment procedures, and audit requirements.

The CDBG-DR Action Plan outlines projections of programs and projects for the timely expenditure of funding. The Action Plan may be amended as needed to accommodate any subsequent changes, updates, or revisions to project and activity budgets. The County will submit projections to HUD via the DRGR system.

All grant awards received by the County are tracked and managed through Advantage, the County's primary accounting system. All budgets and financial transactions are tracked and processed using this system, within which accounting protocols have been set up to ensure segregation of duties. Financial transactions will continue to manage utilizing Advantage for CDBG-DR to ensure timely reimbursement.

Procedures to Track Progress and Program Expenditures

The County will assign Implementation Contractors, Project Leads, and Subrecipients to track and submit required reporting to the OCHCD CDBG-DR Team to demonstrate grant performance and ensure timely expenditure of funds within the grant performance period. This will be accomplished through a combination of status meetings to compare projected budgets to actuals, track milestones and tasks, review key data points, and analyze reporting. The assigned Implementation Contractors, Project Leads, and Subrecipients will inform the County if there are barriers to compliance and to timely preparation of status reports, tasks, and deliverables.

Some CDBG-DR activities may generate program income, which is income the County receives as a direct result of its CDBG-DR funded investment. All program income received will be entered into DRGR by the Fiscal Team and drawn before any program funds.

When applicable, the County Program Manager will document:

- How program income will be accounted for and managed;
- The process to identify and address stalled activities; and
- Performance of contractors and subrecipients (both projected and actual performance and expenditures).

REPORTING REQUIREMENTS

System of Records

The County and Subrecipients will utilize the adopted system of records for record keeping. The County has all rights, title, or other ownership interest in all County documents and work products. All reports provided by the system of records must be compliant with HUD's audit and compliance reporting requirements and must have the ability to be exported into csv files to populate HUD data upload templates for import to DRGR.

Record Retention

Subrecipients and County divisions must retain all CDBG-DR records for a minimum of five (5) years after closeout of the subrecipient agreement. In addition, subrecipients must provide access the County, HUD, the Comptroller General of the United States, or other authorized governmental agencies to any pertinent records for purposes of monitoring and to make audits, examinations, excerpts, and transcripts (2 CFR 200.337).

Consistent with applicable state and local laws regarding privacy and obligations of confidentiality, subrecipients and County divisions must also provide citizens with reasonable access to records on the past use of CDBG-DR funds (24 CFR 570.508 and 2 CFR 200.338).

Reporting Requirements

The County will report to HUD on a quarterly basis, however subrecipients and County divisions will be required to provide a monthly performance report that details the activities completed in the previous month. These reports will be aggregated and used to provide HUD with a report on grant progress. The reports will include, at a minimum:

- Narrative of the activities completed during the quarter.
- Financial metrics that demonstrate costs incurred to date, projected future spending and any program income.
- Documentation showing total number of beneficiaries served or accomplishments completed.
- Section 3 reporting on total labor hours and target labor hours.
- Data in accordance with Federal Funding Accountability and Transparency Act (FFATA) guidelines.
- Davis-Bacon requirements, as applicable.

In addition to those listed above, the subrecipient shall also include mitigation measures and resilience performance metrics as described in the subsections below in their monthly performance report.

Resilience Performance Metrics

Before carrying out CDBG–DR funded activities to construct, reconstruct, or rehabilitate residential or non-residential structures, subrecipients and County divisions must establish resilience performance metrics for the activity. The process for developing resilience performance metrics includes:

1. An estimate of the projected risk to the completed activity from natural hazards, including those hazards that are influenced by climate change (e.g., high winds destroying newly built homes),
2. Identification of the mitigation measures that will address the projected risks (e.g., using building materials that are able to withstand high winds), and
3. An assessment of the benefit of the mitigation measures through verifiable data (e.g., upgrading a levee system decreases annual flood events by 60%).

In the DRGR system, HUD has published specific measures for mitigation activities such as the number of non-residential buildings constructed, number of fewer outages of critical facilities and utilities, number of linear feet of public improvement, number of public facilities, number of residents protected from future flooding, and number of plans or planning products developed. Examples of other resilience performance metrics include:

- Number of acres no longer vulnerable to flood events
- Number of floodplain design standards updated
- Number of properties with access above 100 year or 500-year flood level
- Number of linear feet/miles of public improvement
- Number of public facilities constructed or reconstructed
- Number of residents protected from future flooding

CLOSE-OUT

Orange County must expend one hundred percent of its CDBG-DR allocation within six (6) years of the date HUD signs the grant agreement. When the period of performance has ended, HUD will close out the grant and any remaining funds not expended by Orange County for appropriate programmatic purposes will be recaptured by HUD.

When completing executing closeout procedures, the Subrecipient will be required to provide close out documents to the County. The Subrecipient can request final funds when the project meets the following conditions:

- All eligible activities are completed and meet a national objective.
- All funds are expended in full, or the remaining funds are intended to be returned to HUD.
- All reporting requirements as required (e.g., Quarterly Performance Reports, HUD Monthly Status Reports, HUD Contract Reports, other internal reporting) are completed and submitted.
- Any special conditions of the program are met.
- All program income, if any, has been accounted for, and returned to the County.
- All audit and monitoring issues are resolved.
- All terms of the agreement have been met.

The County will work with Subrecipients and County Divisions to collect all closeout documentation for their files to support HUD requirements for close-out. A final closeout file review will be required to ensure that all documentation required in each step of the process is completed and is compliant. Subrecipients and County Divisions are required to submit documentation, including but not limited to the following:

- Documentation reporting the grant accomplishments and expenditures of each project to the residents of the jurisdiction, including that the HUD national objective was met
- Documentation that funds were expended in full or certification of the return of the remaining funds
- Documentation describing the resolution of any outstanding audit or monitoring issues
- Duplication of benefits verification form
- Certification of completion from an engineer
- Flood insurance documentation, where applicable
- Final inspection and documentation. A final DOB review will be completed by the subrecipient and verified by Orange County as part of the closeout process.

APPENDIX A: TERMS AND DEFINITIONS

The following terms shall have the meanings indicated below, which will be applicable to both their singular and plural forms:

ACTION PLAN: Describes Orange County's unmet long-term recovery needs, the programs that will address those unmet needs, and the method of distribution of funds across those programs.

ADA (AMERICANS WITH DISABILITIES ACT): The act that prohibits discrimination against individuals with disabilities in several areas, including employment, transportation, public accommodations, communications and access to state and local government' programs and services.

ADDENDUM: A written or graphic document issued by Orange County before the Application Due Date, which modifies or interprets the NOFA by means of additions, deletions, clarifications, or corrections.

AIA (AMERICAN INSTITUTE OF ARCHITECTS): The AIA is a professional organization for architects in the United States that provides contracts and forms that reflect advice from practicing architects, contractors, engineers, surety bond producers, insurers, and attorneys.

APPLICANT or **"ELIGIBLE APPLICANT":** means an Orange County Division or Department, an incorporated municipality within the boundaries of Orange County, or a qualified non-profit organization.

AMI (ANNUAL MEDIAN INCOME): The median family income for the metropolitan statistical area (MSA).

AREA BENEFIT: An activity which is available to benefit all the residents in a particular area, where at least 51 percent of the residents are LMI persons.

AUTHORIZATION TO USE GRANT FUNDS (AUGF): Refers to the formal approval or permission given by an organization or relevant authority that allows a recipient to access and utilize the funds provided through a grant.

AUTHORIZED REPRESENTATIVE: A person authorized to bind the Applicant and appear on its behalf in matters related to this NOFA.

CDBG-DR (COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY): Grant fund issued by HUD for the purpose of recovery, repair, and rebuilding in the area affected by a disaster (for Orange County, FL – Hurricane Ian, 2022).

CDBG-DR WEBSITE: refers to the CDBG-DR Program website at www.ocfl.net/CDBG-DR.

CONTRACTOR: The entity that enters into an agreement with the County to provide services as described in the Scope of Services.

COUNTY: Refers to Orange County and its governing body, Board of County Commissioners.

DELIVERY ORDER: Issued by the County to the Contractor to perform activities outlined in the Scope of Services.

DRGR (DISASTER RECOVERY GRANT REPORTING SYSTEM): HUD system used to access grant funds and report performance accomplishments for grant-funded activities.

EVALUATION COMMITTEE: A committee designated by Orange County, which will evaluate all the Applications pursuant to the criteria listed in the NOFA for Infrastructure and Public Facilities Program.

EXTREMELY LOW INCOME: Very low-income families whose incomes do not exceed 30% of the median family income for the area, as determined by HUD, adjusted for family size.

HUD: The United States Department of Housing and Urban Development.

HIGH RISK AND VULNERABLE COMMUNITIES: Groups of people that share a common vulnerability, whether physical, economic, social, cultural, or environmental. These vulnerable social units are often disproportionately affected by disruptions and disasters. A few examples include a) Communities with a low socioeconomic level; high concentrations of poverty, lack of basic infrastructure, unacceptable environmental conditions, poor housing status, and high social stressors; b) Communities that are situated in the floodway or floodplain, landslide areas, and other natural hazards; and c) Communities that share a special need or disability.

LOW- AND- MODERATE INCOME (LMI): Households whose total annual gross income does not exceed 80% of AMI, adjusted for family size.

LOW INCOME: Low-income families whose incomes do not exceed 80% of the median family income for the area, as determined by HUD, adjusted for family size.

MANDATORY REQUIREMENTS: Requirements that Applicant(s) must meet to pass to the next evaluation stage of the NOFA Application process. Non-compliance with mandatory evaluation requirements will result in the disqualification of the Applicant.

MODERATE INCOME: Moderate income families incomes range from 81% and do not exceed 120% of the median family income for the area, as determined by HUD, adjusted for family size.

NFIP (NATIONAL FLOOD INSURANCE PROGRAM): A program managed by the Federal Emergency Management Agency (FEMA) and is delivered to the public through a network of insurance companies.

NOFA (NOTICE OF FUNDING AVAILABILITY): A notice which is issued and describes the type of funding available on a competitive basis and provides details as to how an application may be submitted.

ORANGE COUNTY HOUSING AND COMMUNITY DEVELOPMENT (OCHDC): Orange County Housing and Community Development Department section which implements County's the CDBG-DR grant award, Action Plan (as may be amended), associated Action Plan Programs, and Program policies and procedures.

PROGRAM: The plan or schedule of activities which the Contractor is hired to perform as identified in the Action Plan, as may be amended.

PROGRAM INCOME: Program income is the gross income received by the grantee or subrecipient that is directly generated by grant-supported activities.

PROJECT: Specific activities to fulfill the goals of the programs identified in the Infrastructure and Public Facility Subrecipient Agreement and/or the County's Action Plan, as may be amended.

QUALIFIED APPLICANT: A responsible and responsive Applicant whose application meets the mandatory requirements and, therefore, may continue on to the technical requirements evaluation process.

Racially or Ethnically Concentrated Areas of Poverty (R/ECAP): An area with a non-white population of 50 percent or more and with 40 percent or more of individuals living at or below the poverty line.

SCOPE OF WORK (SOW): A document prepared by the Contractor/Subcontractor provided to the County/applicant regarding actions needed to repair or replace damages to Section 2, Scope of Services a structure or property caused by Hurricane Ian. A SOW may also be developed and provided to the County/applicant to perform mitigation activities to reduce future storm related impacts to property or for new development of affordable housing units.

SELECTED APPLICANT: refers to a Qualified Applicant who has received a minimum score of 100 points and who was selected by the County as being advantageous to the furtherance of the goals of the Infrastructure and Public Facilities Program. Selected Applicants will be invited to enter into a Subrecipient Agreement with the County to administer their scope of work.

SERVICE & ACTIVITIES: The provision of a technical or intellectual service performed as part of the Scope of Services described in this RFP.

SUBRECIPIENT: A Selected Applicant with whom the County has executed a Subrecipient Agreement, receiving CDBG-DR funds to undertake CDBG-DR eligible Infrastructure and Public Facility activities for the Program. See also, 24 C.F.R. § 570.500(c), 2 C.F.R. § 200.93 and 2 C.F.R. § 200.331.

SUBRECIPIENT AGREEMENT: Refers to the agreement entered into between the County and a Program Subrecipient which governs the relationship between both parties as well as subrecipient funding and activities.

TASK: Specific activities within a project to fulfill the goals of the Programs identified in the Scope of Services and Action Plan, as may be amended.

VERY LOW: Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by HUD, adjusted for family size.

APPENDIX B: CROSS CUTTING AND OTHER FEDERAL REQUIREMENTS

OCHCD and Subrecipients must comply with all applicable federal regulations and laws, including but not limited to the cross cutting federal requirements.

If selected for funding, the applicants will be required to comply with the following laws and regulations, as they will be further specified in subrecipient agreements:

1. Employment Opportunities for Businesses and Lower-Income People (24 CFR Part 75) ensuring that economic opportunities, most importantly employment, generated by certain HUD financial assistance shall be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing or residents of the community in which the Federal assistance is spent (Section 3).

2. Civil Rights Act of 1964, Title VI of the Civil Rights Act of 1964, as amended, Title VIII of the Civil Rights Act of 1968, as amended, Section 109 of Title I of the Housing and Community Development Act of 1974, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063, and the Executive Order 11246 as amended by Executive Orders 11375 and 12086.

3. Flood Disaster Protection Act of 1973 (Pt. 93-2234) for compliance in regard to the sale, lease, or other transfer of land acquired, cleared or improved under the terms of this Agreement.

4. Lead-based paint remediation and disclosure. The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations in 24 CFR part 35, subparts A, B, H, J, K, M, and R apply to the activities performed under this Agreement. These regulations require notification to all owners, prospective owners; tenants of properties constructed prior to 1978 of hazards of lead-based paint and explain symptoms, treatment and precautions that should be taken when dealing with lead-based paint poisoning.

5. Equal participation of faith-based organizations. The HUD program requirements in 24 CFR § 5.109 apply to the activities performed under this program, including the requirements regarding disposition and change in use of real property by a faith-based organization.

6. Debarred, suspended or ineligible contractors, 2 CFR part 200.213 and 2 CFR part 200 Appendix II.

7. Clean Air Act, as amended (42 USC §§ 7401-7515.)

8. Water Pollution Control Act, as amended, 33 USC 1251, and et. seq., as amended 1318 relating to the inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued there under.

9. HUD Environmental Procedures (24 CFR, Part 58), Environmental Protection Agency Regulations pursuant to 40 CFR, Part 50, as amended and National Environmental Policy Act of 1969.

10. Labor Standards (29 CFR Parts 3.5 and subpart A) pertaining to contracts and applicable requirements of the regulations of the Division of Labor.

11. Drug Free Workplace Act of 1988.

12. Public Law 101-144, Section 519: The 1990 HUD Appropriation Act

13. National Historic Preservation Act of 1966, as amended (Public Law 102-575).

14. Minority and Women Business Opportunities to afford minority and women-owned businesses the opportunity to participate in the performance of this Agreement. See 2 CFR § 200.321.

15. Fair Housing Act (42 U.S.C. § 3601, et. seq.) and implementing regulations at 24 CFR Part 100; Executive Order 11063, as amended by Executive Order 12259 (Equal Opportunity in Housing); and their implementing regulations in 24 CFR Part 107 and shall keep all records demonstrating said compliance.

16. Compliance with Davis-Bacon Act. The Agency shall comply, and shall require its contractors and sub-contractors to comply, with 24 CFR §570.603, and the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. §276(a) to (a-7)), as amended, and as supplemented by Department of Labor regulation 29 CFR Part 5. Any construction and contracts entered into by the Agency shall include a provision for compliance with the Davis-Bacon Act and supporting Department of Labor regulations. The Agency shall maintain documentation and records which demonstrate compliance with these regulations, including contract provisions and payroll records. Such documentation shall be provided to the County upon demand for the same.

17. Copeland “Anti-Kickback” Act. The Agency shall comply with the Copeland “Anti-Kickback” Act (18 U.S.C. §874) as supplemented by the Department of Labor regulations contained in 29 CFR Part 3. Any construction contracts entered into by the Agency shall include a provision for compliance with these regulations. The Agency shall maintain documentation and records which demonstrate compliance with these regulations. Such documentation shall be provided to the County upon request for the same.

18. Contract Work Hours and Safety Standards Act. The Agency agrees to comply with the Contract Work Hours and Safety Standards Act (40 U.S.C. §327-333), as supplemented by the Department of Labor regulations contained in 29 CFR Part 5. Any construction contracts entered into by the Agency shall include a provision for compliance with these regulations. The Agency shall maintain documentation and records which demonstrate compliance with these regulations. Such documentation shall be provided to the County upon request for the same.

19. Handicapped Accessibility Requirements. The Agency shall design and construct the Project so that it is accessible to and usable by individuals with handicaps, in compliance with the Architectural Barriers Act of 1968 (42 U.S.C. §§4151-4157); the Uniform Federal Accessibility Standards, as set forth in 24 CFR §570.614; and the Americans with Disabilities Act of 1990 (42 U.S.C. §12131, et seq.). The Agency shall keep records demonstrating compliance with these regulations.

20. Rights to Inventions Made Under this Agreement. If the Federal Award and/or this Agreement meet the definition of "funding agreement" under 37 CFR §401.2(a), and the Agency is a small business firm or nonprofit organization, then the County shall comply with the requirements of 37 CFR §401 (Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements), and any implementing regulations issued by the Federal Awarding Agency.

21. Displacement, Relocation, Acquisition and Replacement of Housing. The Agency shall comply with 24 CFR § 570.606 and shall keep all records demonstrating compliance with these requirements including, but not limited to, those records required in 24 CFR § 570.606.

22. **The relevant provisions of 2 CFR Part 200 may be found at the following link: https://ecfr.federalregister.gov/current/title-2/subtitle-A/chapter-II. These provisions apply, except as set forth in 24 CFR § 570.502. Such relevant provisions include, but are not limited to:**

- 2 CFR § 200.328 ("Financial reporting")
- 2 CFR § 200.329 ("Monitoring and reporting program performance")
- 2 CFR § 200.332 ("Requirements for pass through entities")
- 2 CFR § 200.334 ("Retention requirements for records")
- 2 CFR § 200.337 ("Access to records")
- 2 CFR § 200.338 ("Restrictions on public access to records")
- 2 CFR § 200.339 ("Remedies for noncompliance")
- 2 CFR § 200.340 ("Termination")
- 2 CFR § 200.341 ("Notification of termination requirement")
- 2 CFR § 200.342 ("Opportunities to object, hearings and appeals")
- 2 CFR § 200.343 ("Effects of suspension and termination")
- 2 CFR § 200.345 ("Post-closeout adjustments and continuing responsibilities")
- 2 CFR § 200.346 ("Collection of amounts due")

Additionally, the following federal requirements should be referred to as applicable and may be amended as deemed necessary.

Duplication of Benefits

Section 312 of the Robert T. Stafford Disaster Relief and Emergency Act of 1974 (Stafford Act) prohibits any person, business, or entity from receiving financial assistance for any part of a loss resulting from a major disaster for which the person or entity has received financial assistance under any other program, from insurance or any other source. Each recipient must adhere to this requirement and ensure that each activity that provides direct assistance to a person, business or entity complies with this requirement. Recipient staff persons responsible for implementing projects and activities under CDBG-DR will be required to receive training and adhere to this policy.

In the context of CDBG-DR, a duplication of benefits occurs when the total financial assistance received from more than one source for the same purpose as the CDBG-DR assistance is greater than the applicant's total need. CDBG-DR funds are one of multiple federal sources of disaster recovery assistance, and because CDBG-DR funds are typically the last federal source of funding, funds are often used for the same purposes as other federal funding sources. CDBG-DR subrecipients, County divisions and implementation vendors will also be required to have adequate policies in place to prevent duplication of benefits when carrying out eligible activities. Requirements for subrecipients and County divisions will include, but not be limited, to the following:

1. All grant agreements, requests for proposals or applications for services under the CDBG-DR Infrastructure and Public Facilities program must contain language indicating that any duplication of benefit received will require repayment and will include a signature agreeing to repay any duplicative assistance for the same purpose for which the CDBG-DR award was provided.
2. All proposals or applications considered for CDBG-DR funding will be assessed to determine eligibility, unmet need for CDBG-DR funding, and costs reasonableness prior to awarding assistance.
3. Subrecipients, County divisions, and implementing vendors are responsible for ensuring that the program applicants are eligible, and that duplication of benefits procedures are followed. All checklists, calculations and certifications must be available on file for all beneficiaries.
4. Subrecipients, County divisions, and implementing vendors shall be required to update their policies and procedures to specifically address duplication of benefits.
5. Subrecipients, County divisions, and implementing vendors shall require program applicants to identify all sources of funding received or anticipated with supporting documentation of those sources. Program applicants must attest/certify that the information provided is accurate.
6. To the extent possible, subrecipients and County divisions will obtain third party verification for the information provided by the program applicant.
7. If activities related to grants or loans are implemented, a subrogation agreement or continuing resolution designed specifically for CDBG-DR loans and grants will be used in accordance with all state law requirements to adequately protect Orange County's interests.

8. Orange County shall require all subrecipients, divisions and implementing vendors to report and certify whether additional funds have been received for disaster related expenses, the amount, and when funds were received, before CDBG-DR related expenses are paid or reimbursed. Examples of other funds/grants include; Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP), U.S. Army Corps of Engineers (USACE), U.S. Department of Transportation, including the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Florida Department of Transportation (FDOT), Federal Economic Development Agency (EDA), Federal Emergency Management Agency (FEMA), Municipal Insurance, State of Florida state grants/loans, or Any other funding source that may duplicate assistance.
9. Orange County will verify this information during the regularly scheduled monitoring.

Additional steps must be taken to prevent duplication of benefits related to applicants of services, including:

1. All applications for services must contain language indicating that any duplication of benefit received will require repayment and will include a signature agreeing to repay any duplicative assistance for the same purpose for which the CDBG-DR award was provided.
2. Applicants requesting CDBG-DR funds for housing rehabilitation or similar reconstruction activities must provide supportive documentation in which the insurance company has only provided a portion of the costs needed for repairs, or proof that the insurance company has denied the claim for repairs.
3. Orange County (or subrecipients/implementing vendors) may review receipts, inspections, bank statements, or other reasonable sources of documentation that are determined acceptable and necessary to validate the information.
4. Orange County (or subrecipients/implementing vendors) may also use self-certifications with additional back-up documentation to verify how the assistance was used.
5. Orange County or its subrecipients/implementing vendors should document in the applicant's file that it has completed this verification.

OCHCD will take the applicable steps to ensure that duplication of benefits does not occur in the administration of eligible projects under CDBG-DR Infrastructure and Public Facilities Program.

Recapture of Funds

A subrecipient may be required to repay all or a portion of funding received for the following reasons:

- Failure to comply with the terms of the agreement.
- Failure to meet program requirements as outlined above
- Withdrawal from the program prior to completion of the project
- Use of funding for an ineligible activity or expenditure
- Receipt of assistance for the same purpose as the CDBG-DR funding award

The method to recapture funds and the timeframe for doing so are determined on a case-by-case basis and consistent with 2 CFR part 200 and other applicable cost principles. Complete recapture provisions are included in the agreement with the Subrecipient and OCHCD.

OCHCD and Subrecipients must comply with all applicable federal regulations and laws, including but not limited to the cross cutting federal requirements.