



City of Elgin
Community Development Block Grant
Program

PROGRAM GUIDELINES

Program Year 2022

This Packet Includes:

- General Guidelines for All CDBG Activities
- Supplemental Guidelines for Facility Development and Improvement Activities
- Supplemental Guidelines for Homeless and Supportive Services Activities

**CITY OF ELGIN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
GENERAL GUIDELINES**

I. PURPOSE

In 1974, the federal government enacted the Federal Housing and Community Development Act. Title I of the Act combined several previous categorical programs into a single program named the **Community Development Block Grant (CDBG)** program. Congress designed the CDBG program to enhance and maintain viable urban communities. The CDBG program accomplishes this by providing decent housing, suitable living environments and expanded economic opportunities, principally for low- and moderate-income persons. The U.S. Department of Housing and Urban Development (HUD) administers the CDBG program, which provides grants to local and state jurisdictions.

The City of Elgin participates in the CDBG program as an **Entitlement City** and is the “recipient” of an annual allocation of CDBG funding. Agencies that receive sub-grants of CDBG funds are defined by HUD as “Project Sponsors” or “sub-grantees” and referred to by the City of Elgin as Project Sponsors. At its discretion, the City of Elgin will use these federal funds to assist eligible projects to meet local community development and housing needs. Under CDBG regulations, all projects must serve residents of the City of Elgin.

These **General Guidelines**, and the accompanying **Supplemental Guidelines** are intended to create a unified set of standards for activities funded under the CDBG program. Such activities, whether they consist of “brick and mortar” development or services to the public, will be referred to throughout these guidelines as “Activities”. The overall goal of the Community Development Program is to foster viable urban communities by providing decent housing, creating suitable living environments, and expanding economic opportunities, principally for low- and moderate-income persons.

II. GENERAL COMPLIANCE WITH FEDERAL REGULATIONS

Project Sponsors must comply with all applicable requirements of 24 CFR 570 concerning CDBG funds, all applicable portions of 2 CFR 200 OMB’s Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and all other federal requirements and policies issued pursuant to these regulations, including, but not limited to, those set forth herein. Project Sponsors shall be responsible for complying with all applicable changes or additions to the requirements currently set forth in said regulations. Project Sponsors must comply with all other applicable federal, state and local laws and regulations governing the funds provided to the City.

III. ELIGIBLE APPLICANTS

In order to be eligible, applicants must be non-profit 501(c)(3) organizations and must be in good standing with state and federal authorities. Additionally, in order to meet federal reporting requirements, applicants must be registered with CCR & DUNS and must maintain valid tax exempt status. Consideration will be given to whether applicant agencies and projects are located within the corporate limits of the City of Elgin.

IV. MEETING A NATIONAL OBJECTIVE

In order to be considered for funding, an activity must satisfy a national objective of the CDBG program. Generally, this means it must benefit low- to moderate-income residents and it can do this by satisfying one of two criteria detailed below. The distinguishing factor between the two categories is whether the service will be offered to all residents of a specific neighborhood or to a particular group of residents from throughout the community.

Under the **Area Benefit** criteria, the activity must be available to all residents of an area where **at least 51% of the residents are low to moderate income**. The area must be clearly delineated by the project sponsor and must be primarily residential. The following documentation is required for activities that are proposed under this criteria:

- Maintain records of the boundaries of the service area;
- Document that the area is primarily residential (e.g., zoning map); and
- Document the income characteristics of households in the service area.

Under the **Limited Clientele** criteria, the activity will benefit a specific targeted group of persons of which **at least 51% are low to moderate income**. In order to meet the Limited Clientele criteria, the activity must meet one of the following standards:

- Serve at least 51 percent low to moderate income persons, as evidenced by documentation and data concerning beneficiary family size and income; **OR**
- Have income-eligibility requirements which limit the service to persons meeting the LMI income requirement, as evidenced by the administering agency's procedures, intake/application forms, income limits, and other sources of documentation; **OR**
- Serve a group made up exclusively of persons that are "presumed" to be low to moderate income. Such populations include abused children, battered spouses, elderly persons, severely disabled adults, homeless persons, illiterate adults, persons living with AIDS and migrant farm workers.

V. ELIGIBLE/INELIGIBLE PROJECTS

Federal regulations limit the kinds of activities that the City may carry out with CDBG funds. The regulations governing the CDBG program provide detailed eligibility requirements. In general, a project may be undertaken when the following requirements are met.

- A. The type of the project must be included within the list of eligible activities in the CDBG regulations (see 24 CFR 570.201). The CDBG regulations also list activities that are explicitly ineligible (see 24 CFR 570.207). Note: Maintenance work and equipment purchases are ineligible.
- B. Projects funded under this application must **principally serve low- and moderate-income persons** (see Section IV for more information).
- C. Projects funded under this program must be consistent with one of the following the objectives and strategies outlined in the **Kane-Elgin Consolidated Plan**, as follows:
 - 1. Facility Development and Improvement
 - 2. Homeless and Supportive Services

Depending on the type of project contemplated, applicants should review the supplemental guidelines that have been established for each of these activity types. These general guidelines and the applicable supplemental guidelines are intended to be utilized together.

VI. ELIGIBLE/INELIGIBLE USE OF CDBG FUNDS

Costs incurred, whether charged on a direct or an indirect basis, must be in conformance with 2 CFR 200, subpart E. Specifically, all costs must be **REASONABLE** and **ALLOCABLE** to the activity, as further detailed in 2 CFR 200 Subpart Part E – Cost Principles. See the supplemental guidelines for additional information regarding eligible/ineligible uses specific to the type of project proposed.

VII. DOCUMENTING ELIGIBILITY

The primary objective of the CDBG program is the development of viable communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. Low and moderate income levels are defined by HUD as 50% and 80% respectively, of Area Median Income as adjusted by household size, and are updated by HUD on an annual basis (See **Appendix A** for current Income Limits).

All individuals directly benefitting from or receiving CDBG-funded services must certify their household income. It is the responsibility of the Project Sponsor to obtain and maintain income documentation for each client served and to make this documentation available upon request to the City, or its designees, or HUD, or its designees. Sufficiently detailed documentation must be obtained to verify the income of each client/household benefitting from each CDBG-funded activity.

- A. Collecting Data. The Project Sponsor is required to collect and maintain the following demographic data for HUD reporting purposes:
 - 1. Household Size

2. Household Income
3. Client Race
4. Client Ethnicity
5. Total Number of Clients Served
6. Total Number of Clients who are Female Heads of Households
7. Total Number of Clients who are Elderly (62+ years of age)

B. Presumed Benefit. The following beneficiaries are considered “presumed benefit”:

1. elderly (62+),
2. severely disabled adults,
3. homeless persons,
4. illiterate adults,
5. migrant farm workers,
6. abused children,
7. persons with AIDS or battered spouses.

If 100% of the clients served by a project meet one or more of these standards, the project is “presumed” to benefit low- and moderate-income residents. Nevertheless, Project Sponsors are still required to collect, maintain, and report the data outlined under paragraph A above.

VIII. PURCHASING AND PROCUREMENT

The federal rules and regulations related to purchasing and procurement are based on the principles and expectations that tax-funded projects should be managed responsibly and efficiently. Prices for all goods and services needed to complete a CDBG-funded activity should be **reasonable, competitive, and well-documented**. The Project Sponsor and clients being served should receive high-quality services and value for the investment of federal funds. This means that CDBG funds should be used to purchase only what is necessary under the terms of the contract and nothing more. The integrity of purchasing process must be documented in order to substantiate the decision-making process and record the results. Generally, the guidelines related to procurement are contained in the Uniform Grant Guidelines found in 2 CFR 200.317-326.

NOTE: Procurement requirements for CDBG-assisted activities become applicable on the date that a Project Sponsor submits an application for CDBG funding. Regardless of whether CDBG funds will be used to pay for all or part of the project scope, all goods and services needed to complete the project will be subject to federal procurement regulations, beginning on the date the application is submitted and put forth for funding consideration. [24 CFR 58.2(a)(1)]

All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards described in the Uniform Grant Guidelines, 2 CFR 200.319, Competition. In order to ensure objective contractor selection and performance, and to eliminate the possibility of an unfair competitive advantage, firms that develop or draft

specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

Additionally, Project Sponsors must take all necessary affirmative steps to assure that minority-owned businesses and women-owned business enterprises have an opportunity to compete for contracts associated with CDBG-funded activities. The City of Elgin follows the policies of the Kane-Elgin Consortium as it relates to outreach to minority- and women-owned businesses, as described in **Appendix B**.

The detail below will help identify the methods of procurement available under the program (2 CFR 200.320). In all cases, Staff will assist in determining the applicability of the following provisions based on the specifics of the project or activity. Project Sponsors must receive Staff approval prior to initiating any procurement process.

- A. Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold of \$3,000. To the extent practicable, the Project Sponsor must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations, provided the price is determined to be reasonable.

- B. Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold (currently set at \$150,000). If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources. Generally, at least three such quotations must be obtained.

The small purchases method can also be used to acquire eligible types of services, such as professional consulting, environmental review, or planning. This method cannot be used if the services contract will exceed \$150,000 in value. If the services contract will exceed \$150,000, the Project Sponsor must issue an RFP under the **Competitive Proposals** approach (see Paragraph D below). In general, the small purchases procedures also should not be used to acquire construction contractors. It is recommended that these acquisitions occur under the **Sealed Bid** approach (see Paragraph C below).

Under the small purchases method, Project Sponsors send a request for quotes to potential vendors with a detailed description of the goods or services needed. In return, they receive competitive written quotations from an adequate number of qualified sources. The award should be made to the lowest responsive and responsible source.

1. Each quote should include pricing information that allows the Project Sponsor to compare costs across bidders and ensure cost reasonableness.
2. Documentation of the quotes shall be maintained in the Project Sponsor's files.

- C. Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction.

In order to comply with formal advertising, the following minimum conditions must be followed:

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

When the competitive sealed bid (formal advertising) process is used, the following requirements apply:

1. **Publication Period:** The invitation for bids must be publicly advertised and bids solicited from an adequate number of suppliers. The publication should be published at least once in a newspaper of general circulation, providing sufficient time prior to bid opening. If the publication period is not of sufficient time to attract adequate competition, the bid may have to be re-advertised.
2. **Clear Definition:** The invitation for bids, including specifications and pertinent attachments, must clearly define the items or services needed in order for bidders to properly respond to the invitation.
3. **Public Opening:** All bids must be opened publicly at the time and place stated in the invitation for bids. The public is allowed at that time to review the bids.
4. **Selection and Contracting:** A firm-fixed-price contract award must be made by written notice to the responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs and life cycle costs must be considered in determining which bid is lowest.
5. **Rejection of all Bids:** All bids may be rejected when sound documented reasons exist. Such documentation shall be made a part of the files.

- D. Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. Under this procurement method, the grantee must publish a written request for submissions and then review these submissions based on established selection criteria. The grantee must solicit proposals from an adequate number of qualified sources. Under this approach, there are two possible methods of soliciting proposals.

1. A request for proposals (RFP) asks that offerors submit both qualifications and cost information.
2. A request for qualifications (RFQ) can be used for purchasing architecture and engineering services. It only asks for information on the offeror's expertise/experience and not on cost, subject to a negotiation of fair and reasonable compensation. When acquiring any service that is not architecture or engineering, the full RFP process must be used.

When acquiring architectural or engineering services, either a RFP or a RFQ may be used. Note that if an architectural or an engineering firm is being hired to provide a non-architectural/engineering service that service must be procured using either the small purchases process or a RFP. For example, some engineering firms also provide construction and grants management services. In that situation, a RFQ cannot be used and either the small purchases or a RFP must be used.

When Competitive Proposals are utilized, the following requirements apply.

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
2. Proposals must be solicited from an adequate number of qualified sources;
3. The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients; and
4. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

IX. RECORDS, MONITORING AND COMPLIANCE

All CDBG-assisted activities must be monitored for compliance with federal rules and regulations. All of the Project Sponsor's records with respect a funded activity must be made available to the City, or its designees, or HUD, or its designees, at any time during normal business hours, as often as deemed necessary, in order to audit, examine, copy, or make transcripts of all relevant data. All rights and remedies regarding performance reviews as set forth in 24 CFR 570.900 - 570.913 are available to the City and to HUD or their designees.

The Project Sponsor should be prepared for inspection of accounting systems, client records, file organization, goal and objectives review, agreement compliance, budget status/review and program performance.

- A. Records To Be Maintained. The Project Sponsor must maintain all records required by federal regulations as specified in 24 CFR 570.506. Such records shall include, but not be limited to:
 1. Records providing a full description of the activity undertaken;
 2. Records demonstrating that each activity undertaken meets one of the national objectives of the CDBG program, as set forth in 24 CFR 570.208; namely,

benefiting low/moderate income persons, aiding in the prevention or elimination of slums or blight, and meeting community development needs that have a particular urgency;

3. Records required to determine the eligibility of activities;
4. Records required to determine client eligibility;
5. Records required to document the acquisition, improvements, use or disposition of any real property acquired or improved with CDBG assistance;
6. Records documenting compliance with the fair housing and equal opportunity components of the CDBG program to the extent applicable;
7. Financial records as required by 24 CFR 570.502; and
8. Other records necessary to document any required compliance with 24 CFR 570.600-570.612.

B. Retention. The Project Sponsor must retain all records pertinent to CDBG-assisted activities for a period of five (5) years after the termination of all activities, or after the resolution of all federal audit findings, whichever occurs later. Records for non-expendable property shall be retained for five (5) years after final disposition of such property. Records for any displaced person must be kept for five (5) years after he/she has received final payment.

C. Property Records. The Project Sponsor must maintain real property inventory records, which clearly identify any properties purchased, improved or sold with program funds. Properties retained must continue to meet eligibility criteria and must comply with the "changes in use" restriction specified in 24 CFR 570.503(b)(8).

X. PAYMENTS

The CDBG program operates on a reimbursement basis. All requests for payment must be accompanied by the appropriate receipts, invoices, canceled checks, payroll reports, timesheets and/or other documentation required by the City. The Project Sponsor may not request the disbursement of CDBG funds until the funds are needed for the payment of eligible costs. Advance disbursements of CDBG funds are not permitted.

XI. AUDIT REQUIREMENTS

Project Sponsors that expend more than \$750,000 in federal funds in any fiscal year must submit a Single Audit to the City no later than 120 days after the Project Sponsor's fiscal year ends. The Single Audit must be consistent with Generally-Accepted-Auditing Standards, meet the requirements of OMB's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and be conducted by a certified public accountant. It is the responsibility of the Project Sponsor to schedule and pay for the Audit. Any concerns or findings disclosed in the Audit Report must be addressed in a letter to the City within 30 days of such disclosure.

Project Sponsors that expend less than \$750,000 in federal funds in any fiscal year must submit Audited Financial Statements to the City no later than 120 days after the Project Sponsor's fiscal year ends. It is the responsibility of the Project Sponsor to schedule and pay for preparation of the Audited Financial Statements.

XII. ACCESSIBILITY

The following accessibility standards/requirements apply to all funded projects.

- A. American with Disabilities Act (ADA) (42 U.S.C. 12131; 47 U.S.C. 155, 201, 218, and 225):
 - 1. Provides comprehensive civil rights to individuals with disabilities in areas of employment, public accommodations, state and local government services and telecommunications.
 - 2. Discrimination includes the failure to design and construct facilities (built for first occupancy after January 26, 1993) that are accessible to and usable by persons with disabilities.
 - 3. ADA requires the removal of architectural and communication barriers that are structural in nature in existing facilities. Removal must be readily achievable, easily accomplishable and able to be carried out without much difficulty or expense.

- B. Fair Housing Act: Multifamily rental units must meet the design and construction requirements specified at 24 CFR 100.205, which implement the regulations of the Fair Housing Act (42 U.S.C. 3601-19).

- C. Section 504 of the Rehabilitation Act of 1973: Section 504 prohibits discrimination in federally assisted programs on the basis of handicap. This section of the Rehabilitation Act imposes requirements to ensure that "qualified individuals with handicaps" have access to programs and activities that receive federal funds. The definition of who must comply includes any entity that receives federal funding.

XIII. OTHER REQUIREMENTS

- A. Debarment and Suspension: Project Sponsors are prohibited from employing, awarding contracts, or funding any contractors or subcontractors that have been debarred, suspended, proposed for debarment, or placed on an ineligibility status by HUD.

- B. Environmental Review: The City is responsible for ensuring that the environmental review process is satisfied before any actions on a specific project can begin. These requirements are detailed in 24 CFR 58. Project Sponsors are expected to fully cooperate with the City, or its designees, in satisfying these requirements by providing information in their possession and access to the project site.

- C. Equal Opportunity: No person in the United States shall, on the grounds of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital

status, or status with regard to public assistance, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with CDBG funds. All entities applying for CDBG funds must certify their compliance with all federal requirements under the Equal Opportunity legislation. In addition, funds must be made available in accordance with the following:

1. The requirements of the Fair Housing Act (42 U.S.C. 3601-20) and implementing regulations at 24 CFR 100: Executive Order 11063, as amended, (Equal Opportunity in Housing) and implementing regulations at 24 CFR 107; and Title VI of the Civil Rights Act of 1964 as amended (42 U.S.C. 2000d) (non-discrimination in Federally Assisted programs) and implementing regulations issued at 24 CFR 1; and Title VIII of the Civil Rights Act of 1968, as amended; and Section 109 of Title I of the Housing and Community Development Act of 1974,
2. The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations at 24 CFR 146.
3. The prohibitions against discrimination against handicapped individuals under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR 8;
4. The requirements of Executive Order 11246 (Equal Employment Opportunity) as amended by Executive Order 12086, and the implementing regulations at 41 CFR Chapter 60;
5. The requirements of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) that:
 - i. To the greatest extent feasible, opportunities for training and employment arising in connection with the planning and carrying out of any project assisted with Program funds be given to low-income persons residing within the general area in which the project is located; and
 - ii. To the greatest extent feasible, contracts for work to be performed in connection with any such project be awarded to businesses, including but not limited to, individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the same metropolitan area of the project.
6. The requirements of Executive Orders 11625 and 12432 (concerning Minority Business Enterprise), and 12138 (concerning Women's Business Enterprise). Consistent with HUD's responsibilities under these Orders, each applicant must make efforts to encourage the use of minority and women's business enterprises (M/WBE) in connection with AHF funded activities. The Consortium maintains an M/WBE directory of firms available for bidding on projects and each applicant must comply with the County's M/WBE Outreach Program, which is further described in Appendix B.

- D. Conflicts of Interest: The Project Sponsor must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the

selection, award and administration of contracts, as further detailed in Uniform Grant Guidelines 2 CFR 200.318;

XIV. FUND ADMINISTRATION

The City of Elgin has authorized the Kane County Office of Community Reinvestment to administer its CDBG Program, under the oversight of the Director of the Elgin Community Development Department. Questions regarding the program may be directed to the Kane County Office of Community Reinvestment, 719 Batavia Avenue, Geneva IL 60134. For further information, please call Josh Beck, Assistant Director for Community Development, at 630-444-2960.

XV. WAIVER OF PROGRAM GUIDELINES

The City of Elgin may, at its sole discretion, waive compliance with any provision of these guidelines if to do so does not violate any federal, state, or local law or regulation, and is in the best interest of the City.

APPENDIX A

Income Limits

Effective: 6/29/2019

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
30% AMI (Extremely Low Income)	\$18,750	\$21,400	\$24,100	\$26,750	\$28,900	\$31,050	\$33,200	\$35,350
50% AMI (Very Low Income)	\$31,200	\$35,650	\$40,100	\$44,550	\$48,150	\$51,700	\$55,250	\$58,850
80% AMI (Low Income)	\$49,950	\$57,050	\$64,200	\$71,300	\$77,050	\$82,750	\$88,450	\$94,150

APPENDIX B

Minority/Women Business Enterprise Outreach Program

The Kane-Elgin Consortium has established this outreach program in order to maximize the participation of Minority-owned and Women-owned Business Enterprises (M/WBE) in projects funded under its programs funded by the U.S. Department of Housing and Urban Development (HUD).

An M/WBE is a business that is at least 51% owned and operated by one or more minority person(s) or women. "Minority" means Asian/Pacific Americans, Black Americans, Hispanic Americans, or Native Americans.

The Consortium has compiled a directory, in consultation with the United States Small Business Administration, the Illinois Capital Development Board, the Illinois Department of Transportation, and the Federation of Women Contractors, of eligible M/WBEs located in Kane County. The directory is categorized by occupation or specialty (i.e. building contractors, heavy-highway contractors, landscape contractors, and professional services). All qualified M/WBEs located in Kane County are encouraged to apply for inclusion in the directory, which will be reviewed and updated annually. The directory will be distributed to all project sponsors as well as any other interested parties.

All project sponsors will be required to identify the M/WBEs utilized in the completion of their projects and to document their efforts in obtaining bids, price quotes, or proposals from M/WBEs for their particular project. The county will tabulate the utilization of M/WBEs by all project sponsors in order to prepare and submit reports required by HUD.

Requests for proposals issued by, and contracts awarded by, the Kane-Elgin Consortium or its project sponsors will, however, be subject to all applicable federal, state and local procurement standards. Such standards require the award of contracts to organizations with the most cost-effective and responsive bid or quote, therefore, M/WBEs and all other bidders will have equal access to available contracts and business.

When practicable, the Kane-Elgin Consortium will participate in local business conferences in order to encourage the increased utilization of M/WBEs. Also, the Consortium will take every opportunity to express its interest in the use of M/WBEs for the completion of its own projects and to enlist further support and participation in the program.

Questions regarding the M/WBE Outreach Program may be directed to the Kane County Office of Community Reinvestment, 719 Batavia Avenue, Geneva IL 60134. For further information, please call 630-444-3027.