Workshop Agenda

- Program Information.
- Important Application Definitions.
- Eligibility.
- National Objectives and Eligible Activities.
- Rejection Issues.
- Citizen Participation.
- Defining Service Areas and Surveying Beneficiaries.
- Procurement of Professional Services.
- Readiness to Proceed Requirements.
- Economic Development.
- Completing the Application.
Basic Information

March 21, 2019

Program Categories

Applications will be accepted in the four program areas listed in section 290.044(2), Florida Statutes (FS).

- Commercial Revitalization (CR).
- Economic Development (ED).
- Housing Rehabilitation (HR).
- Neighborhood Revitalization (NR).
Federal Fiscal Year (FFY) 2018 Funding

The FFY 2018 Annual Action Plan budgeted the following amounts for the program areas:

- Commercial Revitalization $1,655,820
- Economic Development $7,526,456
- Housing Rehabilitation $6,272,046
- Neighborhood Revitalization $9,633,863

FFY 2018 Timeline*

- Notice of Funding Availability (NOFA) published – February 18, 2019
- Application cycle closes – 5 p.m. on May 6, 2019.
- Application reviews completed – May 27, 2019.
- Site visits completed – June 24, 2019.
- Completeness letters mailed – July 1, 2019.
- ED Application period to close – July 6, 2019.
- Award letters mailed – July 24, 2019.
- Final Award List posted – July 31, 2019.

*Some dates may change depending on the number of applications received.
Rule Revision

- Chapter 73C-23, Florida Administrative Code (FAC), underwent a major revision in 2018.

- The revised rule was adopted on May 27, 2018.

- CDBG requirements listed in Florida Statute or the Code of Federal Regulations (CFR) still apply to the Florida Small Cities CDBG Program.

Rule Revision (cont.)

- The Small Cities CDBG Application for Funding was revised.

- The revised application form, dated February 2018, must be used for the FFY 2018 application cycle.
Rule Revision (cont.)

• The revised application, Form SC-60 can be downloaded at:
  www.FloridaJobs.org/CDBGApplicantInfo

• Requirements and directions from the former rule have been moved to the application form.
• The form is incorporated into the rule by reference.

Rule Revision (cont.)

Changes to the rule include:

• All penalty points have been removed (deficiencies may still result in payments being delayed or recipients having to repay CDBG funds).

• Some “Readiness to Proceed” flaws can be cured during the “Completeness Period.”

• Citizen participation requirements have been modified.
Rule Revision (cont.)

Changes to the application include:

- “Readiness to Proceed” is now 50 points.
- Increases and changes in goal score points in NR and CR.
- Increases and changes to “Health and Safety” points in NR.
- Portions of old rule have been added to the instruction sections of the application form.

State Clearinghouse Review

- Do not send a copy of the application to the State Clearinghouse.
- After an applicant is notified that their application is being funded, they are to submit portions of the CDBG application to the Clearinghouse for review.
Regional Planning Council Review

- **One copy of Part 2 and Part 3 from the Small Cities CDBG Application for Funding** shall be sent to the Regional Planning Council that serves the Applicant, by the application deadline.

- If the Department’s review of the application determines that Parts 2 and 3 were not submitted to the Regional Planning Council by the application deadline, the applicant will be directed to submit Parts 2 and 3 to the Regional Planning Council and to provide documentation confirming that the action has been undertaken no later than the end of the Completeness Period.

Mail Applications Early

Florida Small Cities CDBG Program
Department of Economic Opportunity
107 East Madison Street – MSC 400
Tallahassee, Florida 32399-6508.

Do not wait until the day before the deadline to overnight an application.

**Application Deadline is May 6, 2019.**
Hand Delivery to the Caldwell Building

Applications can be hand delivered to the CDBG Office in the Caldwell Building.

Parking on May 6, 2019

Vendor Entrance

Park in the CDBG designated spot.
Important Application-Related Definitions in Rule

March 21, 2019
• **Application Cycle** - the 45-day period during which DEO will accept applications.

• **Funding Cycle** - the time period from the starting date of one application cycle through the last day before the starting date of the next application cycle.

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**Notice of Funding Availability (NOFA)** - the notification released by DEO, which announces the availability of federal funds, and which includes the application cycle starting date, the deadline date for application submission; and the allocation amounts for each grant program category.
• **Public Notice** - an advertisement published in a local newspaper of general circulation at least five days and no more than 30 days prior to the day of the event for which the notice was placed.

• The calculation of the time period shall include the date of publication of the notice but not the day of the event.

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<td>Public Hearing</td>
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• **Addressed Need** - the activities that the Applicant proposes to complete with the funds requested in its Small Cities Community Development Block Grant (CDBG) Application for Funding.

• **Unaddressed Need** - the activities that the Applicant listed in its Small Cities CDBG Application for Funding for which funds were not budgeted in the application.
73C-23.0031, FAC, Definitions (cont.)

- **Biddable Construction Plans and Specifications** - construction plans and specifications, dated and sealed by an engineer or architect, that include all addressed need service areas and all addressed need work activities outlined in the application and contain all documents, forms and information necessary for a contractor to submit a bid, except for a wage decision, the CDBG Supplemental Conditions, and the local government’s current Minority and Women Business Enterprises list.

73C-23.0031, FAC, Definitions (cont.)

- **Readiness to Proceed Points** - points awarded in the Commercial Revitalization and Neighborhood Revitalization categories for projects that have biddable construction plans and specifications completed by the application deadline for all “addressed need” activities requiring plans and specifications and have all required permit applications for infrastructure activities submitted to the proper agencies by the application deadline.
Eligibility

March 21, 2019
Who Is Eligible To Apply?

- **Counties** with less than 200,000 residents in the unincorporated area.
- **Cities** with less than 50,000 people that have not accepted special entitlement status and have not opted to join an entitlement program.

Who Is Not Eligible To Apply?

- Local governments that have been designated as an *Entitlement* community by the U.S. Department of Housing and Urban Development (HUD).
- Small communities that have opted to participate in another local government’s *Entitlement* program.
What Affects Eligibility?

• A local government with an open housing rehabilitation, neighborhood revitalization, or commercial revitalization contract is not eligible to apply for another housing rehabilitation, neighborhood revitalization, or commercial revitalization grant until administrative closeout of its existing contract...

[section 290.046, FS]

What Affects Eligibility? (cont.)

• A local government with an open housing rehabilitation, neighborhood revitalization, or commercial revitalization community development block grant contract whose activities are on schedule in accordance with the expenditure rates and accomplishments described in the contract may apply for an economic development grant.

[section 290.046, FS]
What Affects Eligibility? (cont.)

• A local government with an open economic development community development block grant contract whose activities are on schedule in accordance with the expenditure rates and accomplishments described in the contract may apply for a housing rehabilitation, neighborhood revitalization, or commercial revitalization community development block grant.

[section 290.046, FS]

Funding Ceilings 73C-23.0041(2)

(a) Population calculations for county government applications may be based only on populations in the unincorporated areas of the county.

(b) Limits on the amount of funds that may be requested per application are established as set forth below, using the most current U.S. Census of Population data:

<table>
<thead>
<tr>
<th>LMI Population</th>
<th>Funding Ceiling</th>
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<tbody>
<tr>
<td>1 – 499</td>
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<td>500 – 1,249</td>
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<td>4,000 +</td>
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</table>
Funding Ceilings 73C-23.0041(2) (cont.)

(c) The maximum amount that may be requested for an Economic Development subgrant is $1,500,000. The funding limit calculation must be based on the number of jobs to be created or retained by the participating parties, multiplied by $34,999 for each full time equivalent job to be created or retained.
The National Objectives and Eligible Activities

March 21, 2019

National Objectives

• Each CDBG-funded activity must meet one of the following National Objectives:
  1. Provide benefit to low- and moderate-income (LMI) persons,
  2. Prevent or eliminate slum or blight conditions, or
  3. Address urgent community development needs which pose a serious and immediate threat to the health or welfare of the community for which other funding is not available.
**National Objective - LMI**

- For Indirect Benefit activities, such as road paving, the LMI National Objective is met if at least 51 percent of the beneficiaries are LMI (≤ 80 percent area median income).

- For Direct Benefit activities, like housing rehabilitation, all beneficiaries must be LMI.

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**National Objective - Slum and Blight**

Commercial Revitalization projects only

- Focus on spot blight.

- Must conform to the requirements found in 24 CFR 570.483(c) and section 163.340, FS.
National Objective - Urgent Need

DEO shall award Emergency Set-Aside funds based on the following eligibility criteria:

(a) Applications will only be accepted from eligible local governments as defined in section 290.042(5), FS, and shall include local governments with open subgrants.

(b) Applicant local governments must demonstrate serious, urgent community needs of low- and moderate-income residents resulting from a natural disaster in an area that has been declared to be in a state of emergency by executive order of the Governor. [73C-23.0061(1)]

National Objective - Urgent Need

(c) If more than one county with eligible local governments meets criteria in subsection (b), the Department shall rank the counties using damage estimates from the Federal Emergency Management Agency and/or the Florida Division of Emergency Management. The Department shall issue a NOFA for those eligible local governments.

[73C-23.0061(1)]
National Objective - Urgent Need – NOFA

- A NOFA will be published in the Florida Administrative Register to make CDBG FFY 2018 Emergency.
- Set-Aside funds available to the eligible communities in the county that incurred the most damage from Hurricane Michael.

Eligible Activities

Infrastructure Improvements:

- Water and sewer (NR, CR and ED).
- Street and sidewalk paving (NR, CR and ED).
- Flood and drainage (NR, CR and ED).
- Parking lots (CR).
- Natural gas lines and rail spurs (ED).
- Fire protection (NR, CR and ED).
**Eligible Activities (cont.)**

**Public Facilities**
- Community center (NR).
- Temporary shelters (NR).
- Parks and playgrounds (CR and NR).

**Direct Benefit Activities**
- Housing rehabilitation (HR).
- Temporary relocation (HR).
- Water or sewer hookups (HR).
- Loans to businesses (ED).
- Building facades (CR).

**Ineligible Activities**
- General government expenses.
- Buildings for the general conduct of government.
- Political activities.
- Purchase of equipment (with exceptions).
- Operating and maintenance expenses.
- New housing (with exceptions).
- Income payments (excludes emergency grants).
Resources

• Lists of eligible communities, special designations, census data and scoring data are located on the DEO website.

• A list of eligible activities is included in the application form (located on the DEO website).

Resources (cont.)

• The HUD Guide to National Objectives and Eligible Activities (updated December 2014) is available at:

  • https://www.hudexchange.info/
  or

  • to avoid having to download 19 individual files, it is available at:

  www.FloridaJobs.org/CDBGApplicantInfo
Rejection of Applications

March 21, 2019
Rejection of Applications

Applications are ineligible for funding if any of the following circumstances arise:

1. Application is not received by the Department by the application deadline 5:00 p.m. Eastern Time on May 6, 2019.
2. Project does not meet a national objective.
3. Project is not an eligible activity.

Section 290.0475, FS

Rejection of Applications (cont.)

4. Application is not consistent with the local government’s comprehensive plan.
5. Applicant has an open CDBG Grant.
6. Applicant is not in compliance with the citizen participation requirements.
7. Information provided in the application that affects eligibility or scoring is found to have been misrepresented.

Section 290.0475, FS
Local Government Requirements

Each unit of general local government shall meet the following requirements:

(1) Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG funds are proposed to be used.

(2) Ensure that citizens will be given reasonable and timely access to local meetings, information and records relating to the unit of local government's proposed and actual use of CDBG funds.

24 CFR 570.486

Local Government Requirements

(3) Furnish citizens information, including but not limited to:

i. The amount of CDBG funds expected to be made available for the current fiscal year (including the grant and anticipated program income);

ii. The range of activities that may be undertaken with the CDBG funds;

24 CFR 570.486
Local Government Requirements

iii. The estimated amount of the CDBG funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons; and

iv. The proposed CDBG activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under Section 570.488.

24 CFR 570.486

Public Notices and Hearings

• Public notices must be advertised in a newspaper of general circulation in the applicant’s jurisdiction with sufficient lead time to allow citizens to plan to attend the hearings.

• Additional methods of informing the public of hearings are encouraged, such as social media, notices on the applicant’s website, public service announcements and posters.

• Notices need to give enough information so the people who are affected by a proposed CDBG application know they are affected.
Public Notices and Hearings

- Applicant shall provide public notice of all public hearings in accordance with subsection 73C-23.0031(27), FAC.
- All public hearings must be conducted by a member of the Applicant’s governing body or the Applicant’s duly authorized representative at a time and place convenient to potential beneficiaries.

73C-23.0041(1)

Time and Place

If the public hearing for a project near Lanark Village is held in Apalachicola on bingo night in Lanark Village, could a citizen argue that the hearing was held at a time and place to discourage Lanark residents from participating?
First Public Hearing

- Provide general information to residents on the availability of CDBG funding and the amount available.

- Discuss the types of activities that could be implemented with CDBG funds.

- Obtain the views of citizens on community development needs.

Second Public Hearing Notice

Second public hearing notice shall include:

1. A summary of the draft application to include:
   - The federal fiscal year for which an application is being considered;
   - A description of the activities that will be undertaken with CDBG funding;”

[73C-23.0041(1)(c)]
Second Public Hearing Notice (cont.)

- A budget that lists the specific CDBG dollar amounts that will be allocated for each activity;
- The National Objective that will be met by each activity, except administration and engineering; and
- For Neighborhood Revitalization, Commercial Revitalization and Economic Development projects, the locations of the proposed activities, including street names or road numbers (e.g., County Road 50).

[73C-23.0041(1)(c)]

Notice for the Second Public Hearing (cont.)

2. The website or physical location where a copy of the draft application can be obtained.

3. Information describing where written comments may be submitted and the deadline for submission.

4. The date, time and address of the hearing.

[73C-23.0041(1)(c)]
**Location Language of Notice**

**Poor Language:**
The City of Hibernation will construct a new elevated storage tank **within the city limits.**

**Correct Language:**
The City of Hibernation will construct a new elevated storage tank next to Well #1 located on city property at High Road between 21st and 22nd Avenues.

**Location Language of Notice (cont.)**

**Poor Language:**
The locations of the street improvements will be identified on a map at the public hearing.

**Correct Language:**
The locations of the street improvements include the following roads: Oak, Pine and Maple Streets between Main Street and Third Avenue and First and Second Avenues between Oak and Maple Streets.
### Public Notice Examples

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**FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY**

### Public Notice Examples (cont.)

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**FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY**
Second Public Hearing

- The proposed application is discussed, including the planned activities, the specific location(s) of those activities and the specific budget amounts for the activities.

- Citizens must be allowed to comment on the proposed application, and their comments must be documented.

- The applicant should consider all public comments and modify the application, as appropriate.
Hearing Documentation Required

- Include the following in the application:
  - Proof of publication – a copy of each hearing notice and affidavits from the newspaper.
  - Minutes from the public hearings. Include the names of everyone who spoke. If certified minutes are not available, include draft minutes and have certified minutes ready for a site visit.
  - Sign-in sheet for the public hearing or copies of all speaker cards. Document who attended and who spoke during the public hearing.

Citizens Advisory Task Force

- The Citizens Advisory Task Force (CATF) is no longer a mandatory part of the citizen participation process. It is voluntary, and points are awarded in the application if the criteria is met.
- The CATF must have at least five members appointed by the local governing board, must be at least 51 percent LMI and at least 51 percent of the members must attend the meeting.
- The Citizens Advisory Task Force can hold more than one meeting.
<table>
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<tr>
<th><strong>Citizens Advisory Task Force</strong></th>
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<tr>
<td>• CATF meets before the first public hearing is conducted, <strong>score 10 points.</strong></td>
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<tr>
<td>• CATF meets before the notice for the second public hearing is published and before a draft application is finalized, <strong>score 5 points.</strong></td>
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<tr>
<td>• All CATF meetings must be properly noticed.</td>
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<td>• Include meeting minutes, sign-in sheet and documentation of the public notice in the application.</td>
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<th><strong>Citizens Advisory Task Force (cont.)</strong></th>
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<td>• The CATF meeting should not be used by the local government as a means to “rubber stamp” a project that the staff or elected officials want funded.</td>
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<td>• The CATF meeting should not be dominated by local government staff advocating for a specific project.</td>
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<td>• Past CDBG applications, both successful and unsuccessful, should not be discussed at the meeting until all CATF members have had the opportunity to discuss what they see as the community’s current needs.</td>
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Citizens Advisory Task Force (cont.)

- “Citizens know their own needs, and their advice and participation is essential to the success of the program.”

  [HUD guidebook on citizen participation]

Consequences

- Failure to meet any of the citizen participation requirements previously discussed will result in an application being rejected, as required by section 290.0475(6), FS.
Fair Housing Points

An applicant can claim up to 10 points in their Application for Funding if it completes the following:

1. **Adopts a fair housing ordinance** prior to the application cycle deadline - claim 5 points.
2. **Conducts a fair housing workshop** during the 12 months prior to the application cycle deadline - claim 5 points.

Fair Housing Requirements

Each CDBG recipient must:

- **Adopt** a fair housing resolution or ordinance,
- **Designate** a local coordinator,
- **Create** a method for tracking citizen concerns from start to resolution and
- **Conduct** quarterly activities.
Resolution/Ordinance

• Adopt a fair housing resolution or ordinance that covers all federally protected classes:
  • race,
  • color,
  • familial status,
  • handicap,
  • national origin,
  • religion, and
  • sex.

Fair Housing Coordinator

Designate an employee as the point of contact for fair housing issues.

This individual should:
  • Be trained on fair housing,
  • Keep records of fair housing complaints, and
  • Publish contact information quarterly so that residents know who to contact.
Tracking Fair Housing Complaint

Create a simple spreadsheet to record:

- The nature of the calls,
- actions taken in response to the calls,
- results of the actions taken and
- the end results of any referrals to other agencies, when applicable.

Fair Housing Activities

- **Conduct at least one activity** each quarter.
  - An activity is an educational procedure designed to stimulate learning by firsthand experience.

Students from Wauchula show off their Fair Housing Poster Contest winning entries.
Fair Housing Activities (cont.)

• Different activities during the year.

• Displaying fair housing posters in a community is not considered an activity.

• Publishing the fair housing coordinator’s phone number is not considered an activity.

Zolfo Springs had a fair housing booth at its Back to School Fair.
Defining Service Areas and Surveying Beneficiaries

March 21, 2019

Service Area Development

A service area is required for “indirect benefit” activities.

- Indirect benefit means “benefit to an area.”
- Work is on public property or an easement.
- Hookups are allowed if they are related to the indirect benefit activities.

The service area boundaries are based on the beneficiaries of the activity.

- “Work location” may be misleading for defining boundaries.
- At least 51 percent of the service area beneficiaries must be LMI.
Service Area Development (cont.)

Procedure

• Locate the activity on the map.

• Identify the beneficiaries on the map.

• Draw the service area boundary.

Service Area Development (cont.)

• Multiple activities may require multiple service areas when the beneficiaries are not identical for all activities.
Multiple Maps Can Be Submitted

Service Area Map

The service area map is a visual representation of the project. The map:

- Shows activities, locations and beneficiaries.
- Must be consistent with the beneficiaries identified in the survey.

FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY
Service Area Map (cont.)

An improperly drawn service area map can:

- Affect eligibility and funding.
- Identify people who are not beneficiaries or exclude people who are beneficiaries.
  - If the low-to-moderate-Income (LMI) percentage of the service area is overstated, the activity could be ineligible for funding.

Project Narrative and Map

- An activity that is not included in the project narrative or the service area map is not a part of the project.
- The service area map governs the project if the project narrative is inconsistent with the map.
Service Area and Map Issues

• All Neighborhood Revitalization and Commercial Revitalization activities must be located in the service area(s).

• For Neighborhood Revitalization projects, a maximum of 25 percent of the beneficiaries may be located outside the jurisdiction.
  - **Exception:** Up to 50 percent of the beneficiaries may be outside the jurisdiction if all the work is done within the recipient’s jurisdictional boundaries or on property owned by the recipient.

Service Area and Map Issues (cont.)

**Commercial Revitalization**

• Normally, the entire jurisdiction is the service area.

• It is possible to justify a smaller service area (i.e. County CRA).

**Housing Rehabilitation**

• There are no service areas. Housing is a direct benefit activity, so all beneficiaries must be LMI.
Service Area Example

New sewer lines and paving will be installed on all five streets.
As beneficiaries are identical for both activities, this is one service area, and it must be at least 51 percent LMI.

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Service Area Example (cont.)

First, Second and Third streets will receive new sewer lines and paving; Fourth and Fifth will only be paved.
As the activities that the beneficiaries are receiving are not identical, two service areas are needed, and each must be at least 51 percent LMI.
Service Area Example (cont.)

Replace sewer lines on First and Second streets. No activity on Third Street. Replace sewer lines on Fourth and Fifth streets.

Two service areas are needed. There are no beneficiaries on Third Street.

Service Area Example (cont.)

Pilgrim Drive is being paved, but Grit Road isn’t. The homes on Grit Road are included in the service area because the residents have to use Pilgrim Drive to get to their homes, so they benefit from the paving.
Surveying

• Establishes the LMI benefit in a service area.

• Establish the number of beneficiaries:
  • very low income (VLI) = 30% Area Median Income (AMI).
  • low income (LI) = 50% AMI.
  • moderate income (MI) = 80% AMI.
  • over income = > 80% AMI.

for application scoring and data reporting.

Surveying

Four Methods:

1. Census Data
2. Previous Survey
3. Small Service Area
4. Random Sample
Census Data

- Use Census (American Community Survey) data only if a service area corresponds exactly to entire block groups, tracts or (for jurisdiction-wide activity) the jurisdiction’s boundary.

- If a service area is an entire census unit and a partial unit, the partial unit can be surveyed and the results can be added to census info.

Example

- Data from Census tract 003 can be used, but the area in yellow would have to be surveyed.
Survey Data from a Previous Grant

• To use the survey data of a defined service area from a previously funded grant:
  
  • Data and maps are valid for five years, unless information exists that shows that the data is no longer valid.
  
  • Service area boundaries must be identical; no deletions/additions.
  
  • Beneficiary totals from the survey must be used; no updating is allowed.

Survey Data from an Unfunded Application

• To use the survey data of a defined service area from a previously submitted unfunded application:
  
  • Service area boundaries must be identical; no deletions/additions.
  
  • Beneficiary totals from the survey must be used; no updating is allowed.
  
  • Data will be reviewed for validity.
Small Service Area Survey

- Required for service areas with less than 50 homes.
- All homes must be included in the survey.
- If a home cannot be surveyed, assume that it is over income.
- To determine the unsurveyed household size use the average household size from the homes surveyed.

Random Sample Survey

- A 95 percent confidence level must be used.
- The applicant selects the confidence interval.
- Obtain a non-repeating list of random numbers.
- The primary sample group is the first group of homes that equals the minimum sample needed.
- Document three attempts to survey each home in the primary sample group.
- Use alternates, in order, using the same procedure.
Random Sample Survey (cont.)

• If the minimum sample size is not achieved, begin again.
• Option: To obtain the minimum sample, treat the unsurveyed houses as over income.

Resources:
• [https://surveysystem.com/sscalc.htm](https://surveysystem.com/sscalc.htm) (determine the sample size for a 95 percent confidence level at the selected confidence interval)
• [www.random.org/](http://www.random.org/) (random number generator site)
Please note: This form has two sides. Both sides must be completed.

Random Sample Survey Results

- Show project total/LMI/ VLI/over income beneficiaries from sample (worksheet).

- Calculate LMI percent total for each service area.

- To determine the LMI benefit, subtract confidence interval from LMI percent in each service area.

- If adjusted LMI percent is less than 51 percent, the service area does not qualify.

- If the service area qualifies, use the unadjusted LMI/VLI percent to score the application.
Calculations for National Objective

Random Sample Survey – Example 1
Total Beneficiaries = 754
LMI Beneficiaries = 511
Confidence Interval = 5
LMI percent = 511 ÷ 754 = 67.77 - 5.0 = 62.77 percent
Eligible activity; use 67.77 percent in the application.

Random Sample Survey – Example 2
Total Beneficiaries = 754
LMI Beneficiaries = 411
Confidence Interval = 5
LMI percent = 411 ÷ 754 = 54.51 - 5.0 = 49.51 percent
Service area is not eligible for funding.

Application Appendix A

Required maps

• For NR, CR and ED applications, include jurisdictional, service/project area and flood maps.
• Color code the service area map showing all homes.
• Show all activities on service/project area maps.
• For HR applications, include only jurisdictional and flood maps.
Application Appendix A (cont.)

In addition to the jurisdictional, service area and flood maps, NR and CR applications must include:

• A description of how the beneficiary service area was established and what survey methodology was used.

• A copy of the randomly generated list of homes used for the survey, if applicable.

Rejection Issues – Surveying

Random Sample Survey Problems

• The primary sample was not randomly selected.

• Alternate houses were not randomly selected.

• Beneficiaries were left out or wrongly included in the surveyed service area.

Service Area One – The activity is to install sewer line on Pilgrim Drive. The beneficiaries on Grit Road were improperly included in service area.
**Rejection Issues – Surveying (cont.)**

**Service Area Improperly Drawn**

- The application requests funds for upgrades to the city’s water treatment plant.
- City limits are shown as service area border.
  - However, not all city residents are connected to the water system, or
  - Some homes located outside the city limits are served by the water system.
- The service area may have to be redrawn or additional homes added to or removed from the survey; the flaw could result in the rejection of the application.

---

**Homes Missing from Survey**

- Unable to complete the minimum number of required surveys because:
  - People were not home, or
  - They did not answer the door.
- In these cases count all unsurveyed homes as “over income.” If the LMI population of the service area remains at 51 percent or above, the activity is fundable.
Rejection Issues – Surveying (cont.)

• Multi-family housing units were not treated as individual households, so the number of beneficiaries in the service area was undercounted.

• In this case, the LMI population is misrepresented and the funding request must be rejected per section 290.0475(7), FS.
**Introduction**

If CDBG funds are used, the procurement is reviewed for compliance with:

- 2 CFR 200.317-200.326 (the Super Circular),
- 24 CFR 135.38 (contracts $\geq$ $100K$, Section 3),
- 287.055, FS (for engineers),
- 73C-23.0051, FAC, and
- Recipient’s CDBG procurement policy.

If CDBG funds are not used to pay for professional services, there is no review.
Introduction (cont.)

• A separate procurement is needed for each service on each CDBG subgrant.
• The U.S. Department of Housing and Urban Development (HUD) issued a ruling that if inspection services were not listed in the request for proposal (RFP) for engineering services (procured before submitting the application to get “Readiness to Proceed” points), then the inspection services must be procured by a new RFP. DEO cannot approve a sole source procurement of the design firm for inspection services unless inspection services were listed in the RFP.

Procurement Types (2 CFR 200.320)

• Micro-purchases.
• Small purchase.
• Competitive bids.
• Competitive negotiation.
  ▪ Use when qualifications are a primary consideration.
  ▪ Price must be an evaluation factor, unless the Consultants Competitive Negotiation Act applies.
• Non-competitive.
Professional Services Procurement

1. Prior to Publishing a Request for Proposals

A. Has the method for conducting evaluations and selecting firms been written in a policy? [Code of Federal Regulations (CFR) 200.3.2(b)(3)]

B. Does the Request for Proposals (RFP) identify all evaluation factors and their associated points? [CFR 200.3.2(b)(3)]

C. Does the RFP restrict competition? [2 CFR 200.3.19(a)]

D. If the RFP includes more than one service, does it include separate scopes of work for each service and specify separate fees for each service? [7CFR 23.0.051(2), Florida Administrative Code (FAC)]

E. If the RFP includes more than one service, does it state that firms may apply for one or more services and that the qualifications for each service will be evaluated separately? [7CFR 23.0.051(2), FAC]
## Professional Services Procurement

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. If the Consultants’ Competitive Negotiation Act (CCNA – § 287.055, FSP) does not apply to the service being procured, is price an evaluation factor? [2 CFR 200.320(d)(4)]</td>
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<td>7. If the CCNA does apply to the service being procured, is price <strong>not included</strong> as an evaluation factor? [§ 287.055, FSP]</td>
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<td>8. Does the RFP include the public entity crime statement required by section 287.133, FSP</td>
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<tr>
<td>9. Does the RFP identify a specific CDING project (Federal Fiscal Year or contract number) and the scope of work for that project? [73C-23.0051(2)(6)(b), FAC]</td>
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<tr>
<td>10. Have ranking forms/score sheets been developed that reflect the evaluation factors and importance, using only the criteria specified in the RFP? [73C-23.0051(2)(6)(c), FAC]</td>
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<tr>
<td>11. Will the RFP be published at least 12 days before the deadline for submitting proposals? [1] as a nearby Office of Management and Budget-designated Metropolitan Statistical Area (MSA) daily newspaper or [2] in a local newspaper or other media that will generate at least three responsive and responsible bids? [73C-23.0051(2)(6)(d), FAC]</td>
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<td>12. Has a list of local Minority Business Enterprise/Women Business Enterprise vendors been developed to use as soliciting bids from minority- and women-owned businesses? [2 CFR 200.324(b)(10)]</td>
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**FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY**

## Professional Services Procurement

**Department of Economic Opportunity - Small Cities Community Development Block Grant Program**

### Recipient Checklist for Procuring Professional Services

**Date:** 4/18/2018

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
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<tbody>
<tr>
<td>11. Prior to Selecting a Firm: Were the proposals evaluated, in writing, solely on the evaluation factors and associated points identified in the RFP?</td>
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<tr>
<td>2. Was scoring done on the ranking forms/score sheets developed based on the criteria in the RFP?</td>
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<td>3. Were the firms ranked solely according to the written method developed for the RFP?</td>
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<tr>
<td>4. Has the basis for selecting the chosen firm been documented in the subgrant file?</td>
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<tr>
<td>5. If applicable, was profit evaluated as a separate factor if there was no price competition or cost analysis is performed? [2 CFR 200.323(b)]</td>
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<td>6. Was a cost or price analysis conducted and documented on the proposed contract? [2 CFR 200.323(a)]</td>
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<tr>
<td>7. If only one firm responded to the RFP which was advertised in an OMB-designated MSA daily newspaper and the cost is over $25,000, has DEO approved a single source procurement? [73C-25.0051(2)(b) and 2 CFR 200.323(d)]</td>
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</table>
Professional Services Procurement

8. Were all procurement protests resolved according to the adopted CDBG Procurement Policy, and did the protest files document a resolution of the protest? [2 CFR 200.318(b)]
   - Yes
   - No
   - N/A

9. Was DEO notified of the protest and its resolution?
   - Yes
   - No
   - N/A

III. Prior to Executing a Contract with the Firm

1. If the procurement is covered by 287.655, FS, and the proposed contract exceeds the $150,000 threshold, has the firm executed a Truth-in-Negotiation certification?
   - Yes
   - No
   - N/A

2. Does the contract identify the applicable CDBG subgrant number? [73 C.F.R 25:00:01(f)(6)]
   - Yes
   - No

3. Is compensation not based on a percentage of the construction cost or on a cost plus percentage of cost? [2 CFR 200.323(d)]
   - Yes
   - No

4. For engineering and architectural contracts covered by section 287.655, FS, does the contract contain:
   - A prohibition on contingent fees?
     - Yes
     - No
     - N/A
   - A contract price adjustment clause, if the firm was required to execute a Truth-in-Negotiation certification?
     - Yes
     - No
     - N/A

---

Professional Services Procurement

5. Does the contract contain the following clauses required by Appendix II to 2 CFR Part 200?
   - Termination for cause or convenience for contracts over $10,000?
     - Yes
     - No
   - Access to records by the grantee, State/Federal agencies, and their representatives?
     - Yes
     - No
   - Retention of records for six years?
     - Yes
     - No
   - Remedies for breach of contract for contracts over $100,000?
     - Yes
     - No

6. If the contract is for $100,000 or more, does the contract contain the Section 5 language required by 24 CFR 153.38?
   - Yes
   - No
   - N/A

7. Were the following documents sent to the DEO grant manager as part of the request for approval of the procurement? [Program Condition in Subgrant Agreement]
   - A copy of the RFP?
     - Yes
     - No
   - A copy of the RFP advertisement and an affidavit of publication?
     - Yes
     - No
   - If applicable, a list of entities to whom a notification of the RFP was provided by mail or fax?
     - Yes
     - No
     - N/A
   - Documentation of all efforts to get MBE/WBE vendors to submit proposals?
     - Yes
     - No
Professional Services Procurement

- For engineering/architecture contracts, if short-listing was used, a list of firms that submitted a proposal? □ Yes □ No □ N/A
- For administrative services contracts, one copy of each proposal submitted in response to the RFP? □ Yes □ No □ N/A
- Copies of all signed evaluation forms/score sheets, including a copy of the scoring summary sheet? □ Yes □ No
- A copy of the cost or price analysis? □ Yes □ No
- A copy of the minutes from the commission/council meeting approving the award of the contract? □ Yes □ No
- A copy of the proposed contract? □ Yes □ No
- For engineering contracts over $150,000, Truth-in-Negotiation certification, if not in the contract? □ Yes □ No □ N/A
- If a protest was filed, a copy of the protest and documentation of resolution? □ Yes □ No □ N/A
- Documentation of the firm’s MBE/WBE status, if applicable? □ Yes □ No □ N/A
8. Did DEO send a letter approving the procurement? □ Yes □ No

Public Notice

- Request for Proposals must be published in a nearby Metropolitan Statistical Area newspaper or at least three responsible and responsive proposals must be received.
- Request for Proposals must be published at least 12 days prior to the bid close date.
- Evaluation criteria must be provided; separate evaluation for separate services.
- Ads shall include a CDBG identifier (contract number or funding cycle).
Consultants Competitive Negotiation Act

Section 287.055, FS

• Engineers and architects (and some others)
  ▪ “Design-build” contracts covered
  ▪ “Construction manager” contracts not covered
  ▪ Administrative support services not covered
• No price information before negotiations
• Cannot reconsider a firm after ending final negotiations
• Conduct “detailed cost analysis”

Procurement Review

• Procedure that undermine competition will not be approved.
• Public notice must comply with regulations
• Evaluation criteria must have been available to all bidders.
• Train evaluators before they score proposals.
• Must use published criteria for evaluation.
• DEO cannot approve procurement until issues have been corrected.
Procurement Review (cont.)

• Evaluation factors:
  ▪ Are they relevant?
  ▪ Are they measurable?
  ▪ Price must be a factor (for administration), unless section 287.055, FS, applies (engineering).

• Ranking procedure
  ▪ Raw scores
  ▪ Raw scores converted to ranking points
  ▪ Some other system

• Can the procedure be manipulated?

Procurement Review (cont.)

• Elected officials role vs. evaluation committee
  ▪ Elected officials can’t change rankings made by an evaluation committee.
  ▪ Elected officials can be on the committee.
  ▪ An evaluation committee can be used to “short list” the top three to five proposals.

• Ranking establishes the order of consideration.
  ▪ Must negotiate price with top-ranked firm.
  ▪ If negotiations cannot arrive at a price agreement, move on to next highest ranked firm.
If the Procurement Does Not Comply

- Implement corrective actions to bring the procurement into compliance or....

- Use local funds (leverage) to pay for the service.

Price or Cost Analysis

- A price or cost analysis must be conducted for each procurement.
  - Price analysis is done if price was an evaluation factor.
  - Price analysis is the “bottom line” and needs other prices for comparison.
  - Cost analysis is used when no prices were obtained, including single/sole source procurement.
  - Cost analysis includes labor hours and cost, indirect cost, expenses and profit.
  - Cost analysis should be performed by someone qualified to do so.
Conflict of Interest

- The following cannot participate in the RFP selection, award or administration of a contract:
  - Employees, Officers or Agents.
  - Member of immediate family.
  - Partners, people employed or “about to be employed”.
  - No waiver possible.
    - Disclose conflict and step aside.
Readiness to Proceed
Requirements

March 21, 2019

Readiness to Proceed Points

The application must have:

- A letter from the engineer or architect who prepared the construction plans and specifications, addressed to the chief elected officer of the applicant, certifying the following:
  - that the signed, sealed and dated plans and specifications are complete.

[SC-60, Part 7, page 10]
Readiness to Proceed Points (cont.)

- that the bid documentation, including the plans and specifications, provided with the application contains all of the information that a contractor would need to bid on the project, except for the Davis-Bacon wage decision(s) and the CDGB Supplemental Conditions, and

[SC-60, Part 7, page 10]

Readiness to Proceed Points (cont.)

- that applications have been submitted for all permits that are required to begin construction on the infrastructure activities included in the application. (If the only permitting agency is the applicant local government, the engineer shall certify that the applicant is the only agency from which a permit is required. If no permits are required for the project, the engineer shall certify to that effect.)

[SC-60, Part 7, page 10]
Readiness to Proceed Points (cont.)

- A signed and sealed copy of the plans and specifications, plus all necessary bid documents, except for:
  - the Davis-Bacon wage decision(s);
  - the local government’s list of minority/women business enterprises, and
  - the CDBG Supplemental Conditions;

[SC-60, Part 7, page 10]

Readiness to Proceed Points (cont.)

- Documentation that all required infrastructure permit applications were submitted to the appropriate agency(ies).
  - Receipts from UPS or the U.S. Postal Service.
  - Email or letter from permitting agency(ies) confirming the permit applications were received.

[SC-60, Part 7, page 10]
Readiness to Proceed Points (cont.)

- Some Deficiencies in Readiness to Proceed (RTP) submissions can be cured if documentation is provided no later than the end of the "completeness period" that:
  - Verifies that the plans and specifications were completed prior to the application deadline.
  - Verifies all required permit applications were submitted to the appropriate permitting agencies prior to the application deadline.
  - If not verified during the completeness period, RTPs claimed will be reduced to zero.

The Letter

April 24, 2015

Mayor Harry Bear
City of Hibernation
200 Main Street
Hibernation, FL 32199

Dear Mayor Bear:

Enclosed with this letter is a copy of the plans for the proposed CDBG project and a copy of the specifications book. Both were completed on April 23, 2015, and have been signed and sealed by the engineer assigned to the project.

A full set of bid documents are enclosed with this letter. Everything that is needed to publish a request for proposals is included in the package, except for a Davis-Bacon wage decision and the CDBG Supplemental Conditions for Construction Projects. The wage decision will have to be requested after the release of funds has
The Letter (cont.)

Dear Mayor Bear:

Enclosed with this letter is a copy of the plans for the proposed CDBG project and a copy of the specifications book. Both were completed on April 23, 2015 and have been signed and sealed by the engineer assigned to the project.

A full set of bid documents are enclosed with this letter. Everything that is needed to publish a request for proposals is included in the package, except for a Davis-Bacon wage decision and the CDBG Supplemental Conditions for Construction Projects. The wage decision will have to be requested after the release of funds has been issued. The CDBG Office does not need to review the CDBG Supplemental Conditions during the application process since it created them, but the document will have to be included in the bid documents before publication of the request for proposals.

We have applied to FDEP for a General Permit for Domestic Wastewater Collection/Transmission Systems. A copy of the letter acknowledging receipt of the permit application is enclosed. This is the only permit needed for the project.

We have applied to FDEP for a General Permit for Domestic Wastewater Collection/Transmission Systems. A copy of the letter acknowledging receipt of the permit application is enclosed. This is the only permit needed for the project.

If you have any questions regarding the attached documents, please call me at (352) 555-1212.

Sincerely,

Roger Joseph
Roger Joseph, P.E.

This is an important sentence to include in the letter.
The Letter (cont.)

DEO CDBG grant managers are not engineers and do not know what specific permits are needed for each project. The letter must state which permits have been applied for and that they are the only ones needed in order to receive Readiness to Proceed points.

If another permit is needed after the application is received, scoring and funding could be affected.

---

DEP letter says

Florida State Clearinghouse staff has received and reviewed the City’s CDBG-NR funding proposal under the following authorities: Presidential Executive Order 12372, § 403.06(42); Florida Statutes, the Coastal Zone Management Act, 16 U.S.C. §§ 1453–1464, as amended; and the National Environmental Policy Act, 42 U.S.C. §§ 4321–4370, as amended.

Please note that any onsite or offsite improvements associated with the project that impact Florida Department of Transportation (FDOT) right-of-way will require the appropriate FDOT permits. Required permits may include utility, access management, drainage or other permits depending on the work planned. Please contact the FDOT’s District Three Maintenance Office in Marianna at (850) 482-0546 for additional information.
The Letter (cont.)

proposals in the package, except for a Davis-Bacon wage decision and the CD99 Supplemental Conditions for Construction Projects.

The only permits needed for the park improvement project are building permits that will be issued by the City. The contractor selected for the project will have to apply for these permits. No permits are required from outside agencies.

If you have any questions regarding the attached documents, please call me at (352) 555-1232.

Sincerely,

If the only permits needed for the project are issued by the applicant, state so in the letter.
Basic Economic Development Information

• $7.5 million allocated for ED projects in FFY 2018.

• Eligible Activities:
  • Infrastructure,
  • local government-owned buildings, loans to businesses (via eligible local governments), and
  • grants and loans to nonprofits (via eligible local governments).
Basic ED Information (cont.)

Public Benefit Standards
- The cost per job must be under $35,000.
- For a $1,500,000 grant: $1,500,000 ÷ $34,999 = 42.858 (round up) = 43 jobs minimum).

National Objective
- Jobs are created, and at least 51 percent of the jobs go to LMI persons. (43 jobs × .51 = 21.93 (round up) = 22 LMI jobs).

ED Project Reminders
- Economic Development applications are competitive until the application cycle deadline. Remaining funds are available for reservation on a first-received, first-reserved basis until July 6, 2019.
- The project location must be zoned appropriately at the time of application submission so that it is consistent with the comprehensive plan.

[290.0475(4), FS]
ED Project Reminders (cont.)

• An Economic Development project cannot be awarded if there isn’t a job creator.

• The job creator must be identified in the application as a participating party.

• Project must be located in a “Non-Entitlement” community.

• Underwriting analysis is required for startups and loans.

Application Narrative Content

Provide the following information:

• The roles of all parties whose actions or participation are necessary for the project’s success.

• The number and types of jobs to be created and/or retained.
Application Narrative Content (cont.)

- Additional development, spin-off jobs and the need for additional goods and services which are likely to be stimulated by the proposed project.

- The proposed CDBG and non-CDBG work and the estimated costs of all project activities.

Application Narrative Content (cont.)

- Any increases to the tax base that will occur, including property, sales and other taxes.

- Anticipated training needs of LMI persons who may apply for the created jobs, and how and who will provide the training.

- That the cost per job to be created and/or retained by each participating party as a direct result of the CDBG-assisted activity will be less than $35,000 in CDBG funds.
Applicant Support Documentation

- Local government letter of commitment (See application, Part Five – Economic Development Instructions).
- Engineer’s project cost estimate and certification of minimum infrastructure.
- Multi-jurisdictional activity information – interlocal agreements must be included and contain certain language and provisions.

Applicant Support Documentation (cont.)

- Documentation stating the applicant has committed leverage funds to project.
- Comprehensive plan conformance and relevant excerpts.
- Maps.
Participating Party Support Documentation

• Participating party letter of commitment:
  ▪ Must include the commitments listed in Part Five - Economic Development Instructions of the application.
  ▪ Becomes participating party agreement.
• Site control of the project area.
• Two Year’s financials.
  • Balance Sheet.
  • Income Statement.

Participating Party Support Documentation

• Detailed cost estimate documentation for private investment activities.
• Business plan outlining:
  • Business description,
  • Target market and marketing plan,
  • Competition,
  • Management plan,
  • Schedule, and
  • Critical risks.
Three Maps Must Be Included

• Map 1: Jurisdiction Map.
• Map 2: Project Area Map – Use Site Plan if Available.
• Map 3: Flood Plain Map.

Typical Process Timeline

• Application Review: Four weeks from receipt of application.
• Site Visit: Four to six weeks from receipt of application.
• Offer to Contract: Three to four weeks following site visit.
• Offer to Contract Period: 60 days.
• Executed Agreement: One to two weeks.
• Total Process: 4.5 to 5.5 months.
**Loss of Funding Reservation**

- ED applications can lose their funding reservation if all documentation has not been provided as required:
  - In the application.
  - At site visit.
  - During the 60-day *Offer to Contract* period (showing all project costs available, signed CDBG contracts and executed Participating Party Agreement).

**Financial Consequence**

The applicant will have to pay back subgrant funds if:

- Jobs are not created.
- The cost per job is more than $34,999.
- Less than 51 percent of all jobs created or retained were made available to LMI employees.
Completing the Application Form

March 21, 2019

Required Parts to Submit

• Neighborhood Revitalization – Cover and Parts Two, Seven, Eight and Nine.
• Housing Rehabilitation – Cover and Parts Two, Six, Eight and Nine.
• Commercial Revitalization – Cover and Parts Two, Four, Eight and Nine.
• Economic Development – Cover and Parts Two, Five, Eight and Nine.
• Submit only the relevant appendices from Part Nine.
• If leverage is being claimed for points, Part Three must also be submitted.
Thank You

If you have questions or comments about this presentation or need to discuss a future project, please contact our office.

Small Cities Community Development Block Grant Program
Main Line: 850-717-8405
Email: CDBG@deo.myflorida.com