

THE CITY OF LEXINGTON POLICIES AND PROCEDURES ON AFFIRMATIVELY FURTHERING FAIR HOUSING

STATEMENT OF POLICY

In accordance with the regulations of the State of Nebraska's Community Development Block Grant Program and Federal Fair Housing laws and in furthering The City of Lexington's commitment to nondiscrimination and equal opportunity in housing, the City of Lexington hereby establishes policies and procedures to affirmatively further fair housing within the City. These policies and procedures are intended to further the objectives of Title VIII of the Civil Rights Act of 1968 and Executive Order 11063.

Execution shall be through the following procedure:

Host an informational fair housing session for local employers/citizens to encourage cooperation in efforts to find housing for Lexington's workforce and to promote equal housing choices within the community. This will be accomplished in conjunction with an area-wide Housing Study.

This policy shall have full force and become effective on this 23rd day of July, 2013.

Joe Pepplichtsch, Lexington City Manager

CDBG GRANTEE INFORMATION SHEET

This information is provided to the Department of Economic Development to be used in updating mailing lists necessary for distributing CDBG Information.

CDBG Grant Number: 12-TD-004 Federal Tax ID number: 47-6006255

Local Government Grantee: City of Lexington DUNS No: 156284986

City Village County of: _____

Mailing Address: P. O. Box 70
Lexington, NE 68850

Mayor/Chairperson: John Fagot Email: frae@hamilton.net

Clerk: Pamela Berke Email: pberke@cityoflex.com

Local Government CDBG Contact

Complete this item even if the local contact will be the mayor/chairperson or clerk. List below the person from the local government that will serve as the day-to-day contact for the CDBG grant. A local contact person must be designated even if the local government has hired a for-profit or not-for-profit firm as the certified administrator for the grant.

Contact Person/Title: Joe Peplitsch, City Manager

Address (if different than above): _____

Phone Number: 308-324-2341 Fax Number: 308-324-4590

Email Address: jpepp@cityoflex.com

Check here if this person will be the Certified Administrator
_____ Certified Date _____ Date Expires

Fair Housing Representative

Same as Local Contact
 Name: _____ Email: _____ Phone: _____

Certified Administrator

Provide the following information if the Certified Administrator is not the Local Contact.

Dawson Area Development

Firm: Deb Jensen		
Name of Grant Administrator 1501 Plum Creek Parkway, Suite 2B		
Address Lexington NE 68850		
City	State	Postal Code
308-217-0005	308-324-5505	
Phone Number	Fax Number	
deb@dawsonareadevelopment.com		
Email		
1995	2017	
Certified Date	Date Expires	

Architect, Business, Engineer, or
 Development Corporation

Firm:		
Primary Contact		
Address		
City	State	Postal Code
Phone Number	Fax Number	
Email		
DUNS Number if Business is checked above		

ADDITIONAL CONTACTS: If you want other persons to receive correspondence, please attach listing of names, titles and mailing addresses. This list could include the Architect, Engineer, Development Corporation, Planner, etc.

AUTHORIZATION TO REQUEST GRANT FUNDS

CDBG CDBG-R HOME NAHTF NSP

This is to Certify that Joe Peplitsch and
(TYPED NAME [Mayor/Board Chairperson])

Pamela Berke are authorized to
(TYPED NAME [Clerk/Executive Director])

request Grant Funds for Grant Number(s)** 12-TD-004 ;

and that the signatures appearing below are the true signatures of
the aforementioned individuals.

SIGNATURES OF AUTHORIZED OFFICIALS

Signature

Joe Peplitsch

Typed Name

City Manager, City of Lexington

Title

jpepp@cityoflex.com

Email

July 23, 2013

Date

Signature

Pamela Berke

Typed Name

Clerk, City of Lexington

Title

pberke@cityoflex.com

Email

July 23, 2013

Date

EXCESSIVE FORCE CERTIFICATION

On this 23rd day of July, 20 13, the

Mayor John Fagot

(Title and Name of Chief Elected Official)

of the City of Lexington

(Name of Local Government Unit)

does hereby certify to the Nebraska Department of Economic Development that the

City of Lexington

(Name of Local Government Unit)

has adopted and will enforce a policy to prohibit the

use of excessive force by law enforcement agencies within its jurisdiction against any individual engaged in nonviolent civil rights demonstration.

(Chief Elected Official Signature)

Nebraska Department of Economic Development

__City of Lexington__ 12-TD-004__
CDBG Grantee CDBG No.

__406 7th Street; P. O. Box 70__
Address

__Lexington__ NE __68850__
City Zip Code

__Joe Peplitsch__ (__308_)_324-2341__
Contact Person Telephone

FINANCIAL MANAGEMENT CERTIFICATION

Check "Yes" or "No" in the column to the left to indicate if your financial management system complies with these statements:

YES NO

1. Does the financial management system provide for:

- ✓ (a) proper recording and accounting for all CDBG receipts?
- ✓ (b) control over and accountability for all funds, property, and other assets?
- ✓ (c) records that identify the source and use of funds?
- ✓ (d) the expenditure of CDBG funds within ten days of the receipt of funds?
- ✓ (e) the application of program income to the CDBG fund?
- ✓ (f) the disbursing of program income prior to making additional drawdowns?
- ✓ (g) accounting records that are supported by source documents
- ✓ (h) a comparison of actual expenditures with amounts budgeted for activities within the grant?
- ✓ (i) audits to be conducted in accordance with OMB Circular A-128
- ✓ (j) a method which assures timely and appropriate resolutions of audit findings and resolutions?
- ✓ (k) audits of non-profit subrecipients to be conducted in accordance with OMB Circular A-133?

YES NO

2. Are the individuals who are responsible for the financial management of the CDBG:

- ✓ (a) familiar with OMB Circular A-102 and A-87 and Treasury Circular 1075?
- ✓ (b) aware that failure to comply with these regulations will result in audit findings and the repayment of ineligible costs to the Department of Economic Development?

I certify that the above responses are an accurate indication of the status of the financial management system which will be used for the Community Development Block Grant Funds.

SIGNATURE OF CITY MANAGER

__Joe Peplitsch__
TYPED NAME

__July 23, 2013__
DATE

NEBRASKA CDBG GRANTEE IMPLEMENTATION SCHEDULE INSTRUCTIONS

PROJECT ACTIVITIES AND MILESTONES

Grantee Activity – Enter the activity that corresponds with the activity found in the Sources and Uses of Funds section of the Contract.

CDBG Amount – Enter the total CDBG amount approved for the corresponding activity. On the same line, under each quarter, enter the amounts anticipated for expenditure for that activity in that quarter, include CDBG and match.

Month – Place the first letter of the month in each column for your Program period.

Uniform reporting requires the following months to be used for quarters: January, February, March; April, May, June; July, August, September; October, November, December. A project approved in May would begin by entering A, M, J in the first quarter.

Activity Milestones – For each activity, list the milestones to be accomplished. Place an “X” in the columns representing those months in which that milestone will be accomplished.

NEBRASKA CDBG GRANTEE IMPLEMENTATION SCHEDULE

PROJECT ACTIVITIES AND MILESTONES

Name of Grantee: City of Lexington CDBG # 12-TD-004 Program Representative Steve Charleston

Date of Project Completion (contracted): 5/30/2015 Extended Completion Date: N/A Page 1 of 2

Project Activity / Milestones	CDBG / LOCAL AMOUNT BUDGETED	1 ST QTR. J,A,S 2013	2 ND QTR. O,N,D 2013	3 RD QTR. J,F,M 2014	4 TH QTR. A,M,J 2014	5 TH QTR. J,A,S 2014	6 TH QTR. O,N,D 2014	7 TH QTR. J,F,M 2015	8 TH QTR. A,M,J 2015
Activity: CDBG 0490 Arch Barriers	\$ 52,000	\$ -0-	\$ 7,000	\$ 15,000	\$ 15,000	\$ 15,000	\$	\$	\$
Other	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$	\$	\$
a) Remove barriers and make entry and bathrooms accessible			X X	X X X	X X X	X X X			
b)									
c)									
Activity: CDBG 0690 Land/Bldg	\$ 158,000	\$ -0-	\$ 2,160	\$ 31,560	\$ 17,160	\$ 17,160	\$ 17,160	\$ 10,653	\$ 19,794
Other	\$ 82,900	\$ -0-	\$ 2,340	\$ 34,190	\$ 18,590	\$ 18,590	\$ 18,590	\$ 11,542	\$ 21,411
a) Roof replacement			X X	X X X					
b) Mech. systems				X X X	X X X	X X X	X X X		
c) Façade Imp.								X X X	X X
d) Sign replacement								X X X	X X
e) Fire sprinkler									X X

CITY OF LEXINGTON, NEBRASKA

PROCUREMENT PROCEDURES AND CODE OF CONDUCT

The City of Lexington, Nebraska will in all cases of procurement for professional services construction services and materials needed for Community Development Block Grant (CDBG) Programs adhere to Code of Federal Regulation 24 C.F.R. Section 85.36 or current state statutes; in all cases the stricter shall apply. The following procedures summarize said laws and regulations.

- A. Procurement shall be made by one of the following methods:
- 1) **Small Purchase Procedures [24 C.F.R. Section 85.36 (d)(1)] – This method will generally be used to obtain small quantities of supplies.** 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 fixed at 41 U.S.C. 403(11) (currently set at \$100,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.
 - 2) **Competitive Sealed Bids [24 C.F.R. Section 85.36 (d)(2)] - This method will generally be used to obtain contractors for construction projects and for large quantities of goods or materials.** Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.
 - 3) **Competitive Proposals [24 C.F.R. Section 85.36 (d)(3)] - This method will generally be used to obtain professional services.** This method has two sub-parts—the Request for Proposal and the Request for Qualifications. Request for Proposals – The Request for Proposals (RFP) must clearly and accurately state the technical requirements for the goods and services required; The grantee must publicize the RFP, and to the maximum extent practicable, honor reasonable requests by parties to have an opportunity to compete; Proposals must be solicited from an adequate number of qualified sources, consistent with the nature and requirements of the procurement; The grantee must conduct a technical evaluation of the submitted proposals to identify the responsible offerors; As necessary, the grantee must conduct negotiations with those offerors who are deemed responsive and responsible and fall within a competitive price range, based on the grantee's evaluation of the bidders' pricing and technical proposals. After negotiations, these bidders may be given the opportunity to submit a "best and final" offer; and The grantee must award the contract to the most responsive and responsible offeror after price and other factors are considered through scoring the proposals or "best and final" offers according to predetermined evaluation criteria. The successful proposal/offeror must clearly be the most advantageous source of the goods and services. Request for Qualifications - Grantees and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

- 4) **Non-Competitive Proposals/Sole Source [24 C.F.R. Section 85.36 (d)(4)] – This method will only be used after approval from the Department of Economic Development.** When requesting permission to use this method, the grantee will have to show that another method of procurement was not feasible because: the item or service was only available from a single source; a public emergency or condition requiring urgency existed which did not permit the use of competitive procurement; or competition was determined to be inadequate after solicitation of proposals from a number of sources.
- B. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
- C. The City of Lexington shall maintain records sufficient to detail the significant history of a procurement. These records shall include at a minimum: rationale for the method of procurement; selection of contract type; contractor selection or rejection; and the basis for the cost or price.
- D. The following contract provisions or conditions shall be included in all procurement contracts and subcontracts:

General Administrative Provisions

- Effective date of the contract.
- Names and addresses of the firm and the grantee.
- Citation of the authority of the grantee under which the contract is entered into and the source of the funds.
- Conditions and terms under which the contract may be terminated by either party and remedies for violation/breach of contract.
- Procedures for amending or revising the contract.

Scope of Services

- Detailed description of the extent and character of the work to be performed.
- Time for performance and completion of contract services, including project milestones, if any.
- Specification of materials or other services to be provided (i.e. maps, reports, etc.)

Method of Compensation

- Provisions for compensation for services including fee and or payment schedules and specification of maximum amount payable under the contract.

Federal Standard Provisions

- Compliance with Executive Order 11246, as amended (Required for service contractors only if the contractor has 50 or more employees and the contract is for more than \$50,000)
- Title VI of the Civil Rights Act of 1964 clause
- Section 109 of the Housing and Community Development Act of 1974 clause
- Section 3 compliance clause (Required only if the contract exceeds \$100,000)
- Access to Records/Maintenance of Records clause
- When required, all construction contracts exceeding \$2,000 shall include provisions for compliance with the Davis-Bacon Act (DBA), the Contract Work Hours and Safety Standards Act (CWHSSA), The Copeland Act (Anti-Kickback Act) clause, and the Fair Labor Standards Act (FLSA) clause.

This Code of Conduct shall govern the performance of the elected or appointed officials or member of any board or commission employees or agents of the City of Lexington, Nebraska engaged in the award and administration of contracts supported by Federal funds under Community Development Block Grant.

- I. The provisions and requirements of the *Conflicts of Interest, at subpart (d)* of the Nebraska Political Accountability and Disclosure Act [such subpart (d) encompassing Sections 49-1493 through 49-14,104 of the Nebraska Revised Statutes], are incorporated in this Code of Conduct by this reference. The provisions and requirements of 24 C.F.R. Section 85.36(b)(3) are also incorporated in this Code of Conduct by this reference. The requirements of these Nebraska state statutes and federal regulations will be adhered to, and in the event of a conflict in the requirements of any of such state and federal requirements, the stricter of any conflicting provisions will be adhered to.
- II. No employee, officer or agent of the municipality shall participate in the selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when an employee or agent; any member of his or her immediate family; his or her partner; or an organization, which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.
- III. The municipal employees, officers or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontracts.
- IV. Violations of this Code of Conduct will invoke penalties and sanctions consistent with applicable Federal and State laws.

Signed:

Joe Peplitsch, City Manager
City of Lexington, Nebraska

Date:

July 23, 2013