

**BOARD OF COUNTY COMMISSIONERS, SARPY COUNTY, NEBRASKA**

**A RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROCUREMENT PROCEDURES, CODE OF CONDUCT AND OTHER POLICIES**

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2007), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, from time to time, Sarpy County applies for Community Development Block Grants (CDBGs) for the benefit of economic development in the County; and,

WHEREAS, the Department of Economic Development requires that certain policies be followed and that assurances be made to be eligible for CDBG funds.

NOW THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT the attached Community Development Block Grant (CDBG) Procurement Procedures, Code of Conduct, Residential Anti-displacement and Relocation Assistance Plan, Financial Management Certification, Fair Housing Policy, Citizen Participation Plan and the Excessive Force Policy are hereby approved and further, the Chair is hereby authorized to sign the attached policies.

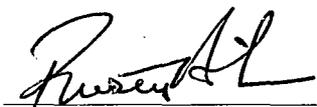
BE IT FURTHER RESOLVED THAT all previous Resolutions or parts of Resolutions of the Sarpy County Board of Commissioners on said subjects or in conflict with the provisions of this resolution are hereby repealed.

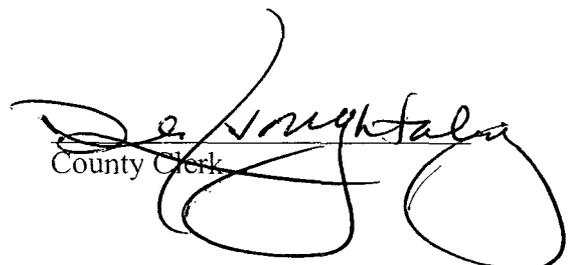
The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 24<sup>th</sup> day of January, 2012.

Attest



SEAL

  
Sarpy County Board Chairman

  
County Clerk

**SARPY COUNTY, NEBRASKA**  
**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAMS**  
**PROCUREMENT PROCEDURES AND CODE OF CONDUCT**

Sarpy County, 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. Cost plus percentage of cost and percentage of construction cost method of contracting shall not be used.
- C. Sarpy County, Nebraska shall maintain records sufficient to detail the significant history of each 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, relating to Affirmative Action (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, relating to non-discrimination
- Section 3 compliance clause, relating to contractors consideration of hiring low-to-moderate income persons (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 Sarpy County, 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.

# Sarpy County Board of Commissioners

1210 GOLDEN GATE DRIVE  
PAPILLION, NE 68046-2895  
593-4155

[www.sarpy.com](http://www.sarpy.com)

ADMINISTRATOR Mark Wayne

DEPUTY ADMINISTRATOR Scott Bovick

FISCAL ADMIN./PURCHASING AGT. Brian Hanson



## COMMISSIONERS

Rusty Hike District 1  
Jim Thompson District 2  
Tom Richards District 3  
Jim Nekuda District 4  
Jim Warren District 5

## RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Sarpy County, Nebraska will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with Community Development Block Grant (CDBG) funds provided under the Housing and Community Development Act of 1974, as amended.

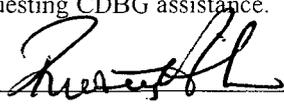
All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, Sarpy County will make public and submit to DED the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy.

Sarpy County, Nebraska will provide relocation assistance, according to either the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR Part 24) or 24 CFR 570.496a(c) to each low/moderate-income family displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the CDBG program, Sarpy County will take the following steps to minimize the displacement of persons from their homes:

1. Maintain current data on the occupancy of houses in areas targeted for CDBG assistance.
2. Review all activities prior to implementation to determine the effect, if any, on occupied residential properties.
3. Include consideration of alternate solutions when it appears an assisted project will cause displacement, if implemented.
4. Require private individuals and businesses to consider other alternatives to displacement causing activities, if they are requesting CDBG assistance.

Signed 

Title Chair

Date January 24, 2012

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## CITIZEN PARTICIPATION PLAN SARPY COUNTY, NEBRASKA

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### A. Participation by Citizens

All citizens, including low- and moderate-income citizens, shall be requested and encouraged to participate in the assessment of community issues, problems, needs, the identification of potential solutions, and priority to such issues, problems, and needs, as follows:

1. All citizens shall be periodically requested to complete a community needs survey to identify community and neighborhood issues, problems and needs.
2. All citizens shall be notified by publication and posting of all meetings to discuss the identified needs, potential solutions and solution priorities.
3. All citizens, particularly low- and moderate-income citizens, shall be afforded the opportunity to serve on the various community improvement task forces established by the County Board.

### B. Access to Meetings, Information, and Records

Notice of public meetings conducted by the Board of Commissioners and Planning Commission shall be published and posted not later than 4 days prior to such meetings.

Agendas of all such meetings shall be available at the County Clerk's Office for public inspection.

All meetings where Community Development Block Grant (CDBG) projects or applications are to be discussed shall be published and posted at least 4 days prior to such meetings and all information and records concerning such CDBG projects or applications shall be available for public inspection at the Office of the Board of Commissioners.

All meetings will be held at the County Courthouse, which is accessible to the handicapped.

### C. Specific CDBG Project Information

All citizens shall be provided with information regarding specific CDBG projects through public meetings and publication of notices which provide all pertinent information regarding any CDBG project including, but not limited to, the following:

1. The amount of CDBG funds expected to be made available to the City for the current fiscal year, including CDBG funds and anticipated program income;
2. The specific range of activities that may be undertaken with CDBG funds;
3. The estimated amount of CDBG funds to be used for activities that will meet the national objective of benefit to low- to middle-income persons, and;
4. A description of any proposed CDBG funded activities which are likely to result in displacement of persons along with the County's anti-displacement and relocation plans.

### D. Provisions for Technical Assistance to Citizens

The Board of Commissioners shall maintain current information of available resources for community improvement efforts and CDBG funds available and provide such information upon request by any citizen or group representing any citizen or group of citizens and the Board shall provide assistance in developing proposals to address issues, problems and needs identified by such citizen or citizens.

### E. Public Hearing on CDBG Activities

The County shall cause a minimum of two (2) public hearings to be conducted with regard to any CDBG application. One such hearing shall be conducted at the initiation of any such application and a second public hearing shall be held near the completion of any CDBG funded activity to obtain citizen input, comments or opinions with regard to such application(s) and with regard to program or project performance.

The Board of Commissioners Office shall act as the contact person for all questions, comments or concerns expressed by any citizen with regard to any CDBG projects and shall forward any such questions, comments or concerns to the Board at the

next regular meeting of the Board immediately following expression of such questions, comments or concerns. The Board staff shall also be responsible for transmitting the Board's response to any such question, comment or concerns to the citizen or citizens expressing the same.

**F. Needs of Non-English Speaking Citizens**

Although it is not anticipated that non-English speaking persons will participate in the citizen participation process, the Board of Commissioners' Office shall make arrangements for oral or written translation of information regarding any CDBG program, application or project upon request by such non-English speaking persons or representatives of such persons.

**G. Compliance/Grievance Procedures**

The Board of Commissioners' Office shall post a notice at the County Office which provides name, telephone number, address and office hours of the Board Staff for citizens who wish to file a complaint or grievance regarding any CDBG project or application.

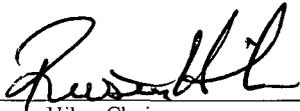
Individuals wishing to submit a complaint or file a grievance concerning activities of or application for CDBG funds may submit a written complaint or grievance to the Board Staff.

The Board Staff shall present such complaint or grievance to the Board at the next regular meeting of the Board, where it shall be reviewed by the commissioners. The individual submitting such complaint or grievance shall be notified of such meeting and shall be given the opportunity to make further comments at such meeting. The Board shall issue a written response to any complaint or grievance within five (5) working days following the meeting at which a response is formulated. Such response shall be mailed to the individual citizen(s) submitting the complaint or grievance by the Board staff to the last known address of said citizen(s).

In the event the nature of the complaint or grievance is determined to be a matter requiring immediate action, a special meeting of the Board shall be called to review the matter within ten (10) working days of receipt of such complaint or grievance.

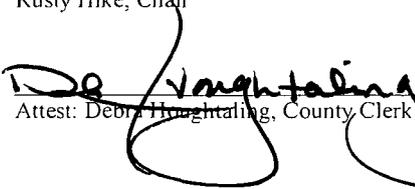
**H. Adoption**

This Citizen Participation Plan is hereby adopted by action of the Board of Commissioners of Sarpy County, Nebraska.



Rusty Hike, Chair

1/24/12



Attest: Debra Houghtaling, County Clerk



**FAIR HOUSING POLICY**

WHEREAS, Executive Order 11603 addresses equal opportunity in housing and nondiscrimination in the sale or rental of housing; and

WHEREAS, Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in the provision of housing because of race, color, religion, sex, national origin, or handicap or familial status,

NOW THEREFORE, BE IT RESOLVED, that Sarpy County, Nebraska advises the public that it will adopt a fair housing policy with means of enforcement in a manner to affirmatively further fair housing in the sale or rental of housing, the financing of housing and the provision of brokerage services; and

BE IT FURTHER RESOLVED that Sarpy County shall assist individuals who believe they have been subject to discrimination in housing through the resources of the Nebraska Civil Rights Commission or the U.S. Department of Housing and Urban Development;

Information and assistance relative to the fair housing policy shall be provided by the Board of Commissioners Office, (402) 593-4155.

Adopted by Sarpy County, Nebraska this 24<sup>th</sup> day of January, 2012.

Signed  \_\_\_\_\_  
Rusty Hike, Chair

Nebraska Department of Economic Development

Sarpy County 11-ED-004
CDBG Grantee CDBG No.

1210 Golden Gate Drive
Address

Papillion NE 68046
City Zip Code

Mark Wayne (402) 593-2347
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.

[Handwritten Signature]
SIGNATURE OF CHAIR

Rusty Hike
TYPED NAME

January 24, 2012
DATE

**POLICY ON THE PROHIBITION OF THE USE OF EXCESSIVE FORCE**

WHEREAS, Sarpy County, Nebraska has received federal funding through the Community Development Block Grant (CDBG) program; and,

WHEREAS, Section 519 of the Department of Veteran Affairs and U.S. Department of Housing and Urban Development, and Independent Agencies Appropriations Act of 1990 requires that all CDBG recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engage in non-violent civil rights demonstrations; and

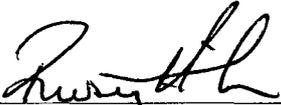
WHEREAS, all recipients of CDBG funds are further required to follow a policy of enforcing applicable state and local laws against physically barring entrances or exits to a facility that is the subject of a nonviolent protest demonstration; and

WHEREAS, Sarpy County endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its jurisdiction of this policy,

NOW, THEREFORE, BE IT RESOVED, Sarpy County hereby prohibits any law enforcement agency operation within its jurisdiction from using excessive force against any individuals engaged in nonviolent civil rights demonstrations. In addition, Sarpy County agrees to enforce any applicable state or local laws against physically barring entrances or exits from a facility or location that is the subject of a non-violent protest demonstration. Sarpy County further pledges enforcement of this policy within its jurisdiction and encourages any individual or group who feels that Sarpy County has not complied with this policy to file a complaint.

Information and assistance relative to excessive force complaints shall be provided by the Board of Commissioners Office, (402) 593-4155.

Adopted by Sarpy County, Nebraska this 24<sup>th</sup> day of January, 2012.

Signed   
Rusty Hike, Chair

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## MEMO

January 24, 2012

TO: Sarpy County Board of Commissioners

FROM: Scott Bovick, Deputy County Administrator

RE: \$505,000 Community Development Block Grant (CDBG) for Sergeant's Pet Care Products located at 134<sup>th</sup> and Cornhusker Road

Jake Hansen from MAPA has been assisting Sergeant's Pet Care Products obtain a CDBG grant from the State of Nebraska Department of Economic Development (NDED) to establish a pet care product manufacturing and office operation in an existing facility near 134<sup>th</sup> and Cornhusker Road. While the State of Nebraska is providing all the funds for the project, Sarpy County serves as the local pass through agency for the funds and is responsible for 1) holding a public hearing, 2) approving the grant application, and 3) having the required CDBG policies on file.

At the January 24, 2012 meeting the Board will be asked to approve the following Resolutions:

1. Resolution to approve CDBG program policies, consisting of:
  - a. Excessive Force Policy
  - b. Procurement Procedures and Code of Conduct
  - c. Residential Anti-Displacement and Relocation Assistance Plan (RARA)
  - d. Citizen Participation Plan
  - e. Fair Housing Policy
  - f. Financial Management Certification
2. Resolution authorizing the Chair to execute the CDBG Application and grant documents

A public hearing must be held before the Board can approve the Application. Jake Hansen will be present at the meeting to introduce the project and respond to any questions the Board or the public may have.

Please feel free to contact me if you have any questions. Thank you.

  
Scott Bovick, Deputy County Administrator

Cc: Deb Houghtaling, Mark Wayne, Brian Hanson, Jake Hansen, Lisa Haire, Nicole O'Keefe