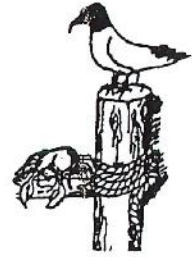




Incorporated December 27, 1912
www.seadrifttx.org

CITY OF SEADRIFT

Post Office Box 159
501 S. Main Street
Seadrift, Texas 77983
Tel: (361) 785-2251
Fax: (361) 785-2208
Email: seadrift@seadrifttx.org



NOTICE OF PUBLIC MEETINGS

=====

ALL MEETINGS OF CITY COUNCIL ARE OPEN TO THE PUBLIC
CLOSED SESSIONS CAN ONLY BEGIN FROM AN OPEN, PUBLIC SESSION

=====

WORK SESSION AGENDA

TUESDAY JANUARY 4, 2022, at 6:45PM

The City of Seadrift City Council will meet in an Agenda Review Work Session in City Council Chambers, 501 S. Main Street. The work session is limited to review of the Regular Meeting Agenda, below. No Action will be taken during the Work Session

=====

REGULAR MONTHLY MEETING AGENDA

TUESDAY JANUARY 4, 2022, at 7:00PM

The City of Seadrift City Council will meet in the Regular Monthly Meeting at 501 S. Main Street in Council Chambers for the purpose of discussing, considering, reviewing, and taking any action needed on the following:

1. **INVOCATION & PLEDGES TO US FLAG AND TEXAS FLAG**
2. **CONSENT AGENDA:** All consent agenda items listed in this item are considered to be routine by the City Council and will be enacted by motion and vote. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public view.
 - a. Consider/Approve Previous Month's Meeting Minutes (with any corrections)
 - b. Consider/Approve Accounts Payable (Bills)
3. **DEPARTMENT HEAD REPORTS:**

a. Police	b. Court	c. Public Safety	d. Permits	e. Code Enforcement	f. Harbor
g. Parks/Recreation	h. Streets/Drainage	i. Utilities	j. Solid Waste	k. General	


12/30/2021
10:00 AM

- 4. GRANTS & PROJECTS:** Consider/Approve/Take Action, Adopt Resolutions on Grants, Projects, Professional Services, Awards, Authorize Bidding/Purchases, Projects in Progress, Applications, Future Projects, Resolutions, Contracts, Payment of Invoices, Fund Distribution and/or additional Public Hearings.
- a. **FEMA-PA 10634: Restroom** – Construction is in progress with the pre-cast panels expected to arrive within in 2 or 3 weeks.
 - b. **FEMA-PA 10633: Pier** – Repairs are complete EXCEPT for Lights that are backordered. *Once the Lights in the damaged portion are repaired, then the rest of the lights will be inspected and repaired as needed so all lights will be in operation.*
 - c. **FEMA-PA 5697: DAC** – Review/Consider/Take any action to authorize payment for direct administrative cost to GrantWorks for \$5,790 (RFR #8).
 - d. **FEMA-PA 9438: Moorings/Jetty** – Review/Consider/Take any action to authorize the following payments:
 - i. Pay Application #1 for Shirley & Sons Construction Co., Inc. for \$101,365 when funds are received.
 - ii. Urban Engineering Invoice # 16018 for \$1,470.
 - e. **FEMA HMGP 0147 & 0313** – Review/Consider/Take any action to:
 - i. Approve amendments to the FEMA HMGP contract for Projects 0147 & 0313, clarifying NTE administrative payment amounts.
 - ii. Approve time extension request for the FEMA HMGP Project 0147 to December 31, 2022.
 - f. **TDA Tx-CDBG 2019 – 2020 CD** - Review/Consider/Take any action to authorize payment to Civil Corps Engineering for Invoice #160839 for \$7,400, pending a receipt of the executed construction contract and when funds are received from TDA. *6" water line replacement Grape Street, across 185 to Cemetery Rd.*
 - g. **CDBG-DR 20-065-103-C278 WATER STORAGE TANKS** – Review/Consider/Take any action to authorize payment of the following:
 - i. Texas Aquastore Pay Application #1 for \$55,264.35 (Draw #8) (Funds received)
 - ii. Texas Aquastore Pay Application #2 for \$164,428.28 when funds are received
 - iii. GrantWorks Invoice #6 for \$1,425.60 (Draw #9)
 - h. **HARBOR EDA GRANT 08-79-05328** – Review/Consider/Take Any Action to authorize the following:
 - i. Authorize Resolution 20220104-5 to create an account to handle EDA Grant Funds & Assign Signatories for account.
 - i. **SEAWALL (#3228) & 12th to 15th Street Shoreline (#18367)** - 100% Plans complete – awaiting bid advertising.

j. CDBG-MIT GRANT 22-085-070-D328: Drainage Project – *We now have a signed contract with the State, as a result we need to complete the following:* Review/Consider/Take Any Action to adopt the following:

- i.** Citizen Participation Plan 20220104
- ii.** Excessive Force Policy 20220104
- iii.** Section 504 Policy Against Discrimination 20220104
- iv.** Excessive force policy
- v.** Civil Rights Resolution 20220104-1
- vi.** Grant Signatories' resolution 20220104-2
- vii.** Fair housing resolution/proclamation 22020104-3
- viii.** Grant Administration Contract Amendment #1
- ix.** Federal Procurement Policy
- x.** Draft Engineering Contract
- xi.** Statement of Financial Goals and Policies Amendment #1
- xii.** Authorize Resolution 20220104-4 to create a depository/checking account for CDBG-MIT funds & Assign Signatories for account.

5. WASTE-WATER TREATMENT PLANT & TCEQ OUTFALL PROJECT: *FULL Engineering in progress on new WWTP & Construction has begun on the TCEQ SEP Outfall Project:* Review/Consider/Take Any Action to reimburse the Water Works Utility Fund Account and the Utility Contingency Account from the WWTP Engineering/Construction fund for amounts previously expended on Preliminary Engineering for the New WWTP & for work/materials for the TCEQ Outfall Project: All of which are tied to the new WWTP.

- a.** Reimburse Utility Fund - \$10,815.00: Preliminary Engineering & Outfall design.
- b.** Reimburse Utility Contingency Fund - \$115,261.82 – Preliminary Engineering & Outfall Project design/materials/construction.

6. S.A.V.E.S – Seadrift Area Volunteer Emergency Services: Review/Consider/Take Any Action to authorize replacement of the Siren. (Note: The one we have is the 10V2T was installed in 2010. It is Obsolete and needs major repair/rebuild due to broken/rusted sound horns and according to Storm Sirens, it is unrepairable and no parts available. The body is rusting through. The New, proposed replacement, the 10V-3 is Stainless Steel and will have a much longer life expectancy.

7. CITY ELECTION: Review/Consider/Authorize and take any action needed to authorize the following:

- a.** Order May 7, 2022, Election from 7AM to 7PM for three Council Member positions.
 - i.** Terms Expiring: 1) Mayor: Elmer DeForest; 2) Council: Ranier Brigham; 3) Council: Peggy Gaines.
 - ii.** Filing Deadlines: January 19, 2022, through February 18, 2022.
- b.** Designate Early Voting to begin April 25, 2022, through April 29, 2022, and May 2, 2022 through May 3, 2022 during the following times:
 - i.** 8:00AM to 5:00PM on April 25th, April 27th, April 29th, May 2nd, and May 3rd
 - ii.** 7:00AM to 7:00PM on April 26th and April 28th


12/30/2021
10:00 AM

8. SUBSTANDARD BUILDING DEMOLITION: Review/Consider/Take Action to select a bid from those received to demolish a structure and properly dispose of all demolition debris. *Subject property is located at 703 W. Cleveland Avenue (Block 69, Lot 11). This structure has gone through the Public Hearings process and required contact process with Certified/Return receipt mails in accordance with Substandard Structure Ordinance #BC05 with timeline beginning in June 2021. Council ordered demolition of the structure, ordering advertising for demolition bids at the December 7, 2021, meeting.*

9. POLICE SEIZURE FUNDS – Review/Consider/Take Any Action to Authorize Resolution 20220104-6 to create a non-interest bearing account to handle Seizure Funds, titled "Seizure Funds" & assign signatories.

10. VEHICLE/EQUIPMENT UPDATES & ETC.

- a. **Info: New 2021 Ford F-150 Truck (Utility) –** Received and In Service
- b. **2008 Chevrolet VIN 1GCEC14X18Z328156 –** Review/Take Action to declare Surplus and put up for Auction with the other Vehicles & Equipment.
- c. **2000 Ford VIN 1FTRX17L4KB33093 –** Review/Take Action to declare Surplus and put up for Auction with the other Vehicles & Equipment.

11. 2022 CITY COUNCIL MEETING DATES – Consider/Take Action to move the following Regular City Council dates due to the following holidays:

- a. Tuesday, July 5, 2022, Move to Thursday, July 7, 2022
- b. Tuesday, September 6, 2022, Move to Thursday, September 8, 2022

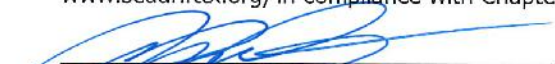
12. EXECUTIVE SESSION: At any time, during the Regular Meeting, the City Council may adjourn into an Executive Session, as needed, on any item listed, including the items listed here and which the Texas Government Code section 551 authorizes Executive Sessions to be held: Sections 551.071 (attorney consultation), 551.072 (Real Property), 551.073 (Gifts & Donations), 551.074 (Personnel), 551.076 (Security) and 551.087 (Economic Development).

13. COUNCIL CORRESPONDENCE

14. ADJOURN

CERTIFICATION

I, Gabriela Torres, City Secretary, do hereby certify that the above Agenda was posted on the City Hall bulletin board, a convenient and readily accessible place to the public at all times, at 501 S. Main St., Seadrift, Texas 77983, and on the City's website, www.seadrifttx.org, in compliance with Chapter 551, Texas Government Code.



Gabriela Torres, City Secretary

Date Posted: 12/30/2021 @ 10:00 AM
(Date Stamped, Month, Day, Year, AM/PM, Time)

The Seadrift City Hall Council Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours, not including Saturday/Sunday, prior to this meeting. Please contact the City Secretary's Office at (361) 785-2251 or FAX (361) 785-2208 for further information.



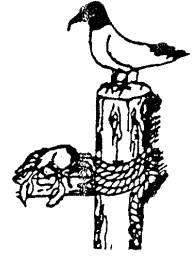

12/30/2021
10:00 AM



CITY OF SEADRIFT

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JANUARY 4, 2022 REGULAR CITY COUNCIL MEETING

MAYOR
ELMER DEFOREST

CITY COUNCIL MEMBERS

MAYOR PRO-TEM (ALDERMAN)
RAINER BRIGHAM, *PUBLIC SAFETY, STREETS & DRAINAGE*

ALDERMAN
PEGGY GAINES, *PARKS & RECREATION*

ALDERMAN
GEOFFREY HUNT, *MUNICIPAL HARBOR*

ALDERMAN
TRACEY JOHNSON, *SOLID WASTE*

ALDERMAN
KENNETH REESE, *PUBLIC UTILITIES*

The City Council met in a Regular Meeting on January 4, 2022, at the City Hall Council Chamber located at 501 S. Main St., Seadrift, TX 77983.

PRESENT

Elmer DeForest, *Mayor*
Ranier Brigham, *Mayor Pro-Tem*
Kenneth Reese, *Aldersperson*
Geoffrey Hunt, *Aldersperson*
Tracey Johnson, *Aldersperson*

ABSENT

Peggy Gaines, *Aldersperson*

WORK SESSION

Mayor DeForest called the Work Session to order at 6:45 p.m. The City Council met in an Agenda Review Work Session to review the Meeting Agenda.

Work Session closed at 6:59 p.m.

CALL TO ORDER

Mayor DeForest called the meeting to order at 7 p.m.

1. INVOCATION AND PLEDGE OF ALLEGIANCE

Cody Logan gave the invocation and Mayor DeForest led the pledge to the flags.

2. CONSENT AGENDA

MOTION: Aldersperson Reese made the motion to approve the consent agenda as presented.
Aldersperson Johnson seconded the motion.

VOTE: Motion carried unanimously 4-0.

3. DEPARTMENT HEAD REPORTS

a. POLICE

Seadrift Police Chief Leonard Bermea gave the Police Report for December 2021: 225 calls for service, 59 traffic stops, 15 reports written, and 2 total arrests for the month.

b. MUNICIPAL COURT

Municipal Court Clerk Marilyn Dufner read the Municipal Court Report for December 2021 with 19 new cases, 34 closed cases, 120 current cases, and \$4,983 fines collected for the month.

c. PUBLIC SAFETY

Aldersperson Brigham did not have a report.

**CITY OF SEADRIFT
REGULAR COUNCIL MEETING MINUTES – JANUARY 4, 2022**

d. PERMITS

Mayor DeForest read the Permit Report for December 2021 with a total gross property valuation increase of \$336,000. Mayor DeForest read the 2021 Permit Report with a gross property valuation increase of \$3,569,289.

e. CODE ENFORCEMENT

Mayor DeForest read the Code Enforcement Report for December 2021 with 7 tall/weeds/grass/clean-up letters sent out for the month.

f. HARBOR

Aldersperson Hunt did not have a report.

g. PARKS AND RECREATION

Aldersperson Gaines was not present, and no report was provided.

h. STREETS AND DRAINAGE

Aldersperson Brigham did not have a report.

i. UTILITIES

Aldersperson Reese did not have a report

j. SOLID WASTE

Aldersperson Johnson did not have a report.

k. GENERAL

Mayor DeForest did not have a report.

4. GRANTS & PROJECTS

a. FEMA-PA 10634 RESTROOM

MOTION: No action taken.

b. FEMA-PA 10633 PIER

MOTION: No action taken.

c. FEMA-PA 5697 DAC

MOTION: Aldersperson Brigham made the motion to authorize payment for direct administrative services from GrantWorks for FEMA-PA projects for \$5,790 (RFR #8). Aldersperson Johnson seconded the motion.

VOTE: Motion carried unanimously 4-0.

d. FEMA-PA 9438 HARBOR MOORINGS & JETTY

i. SHIRLEY & SONS CONSTRUCTION – PAY APPLICATION #1

MOTION: Aldersperson Reese made the motion to approve payment of pay application #1 for \$101,365 to Shirley & Sons Construction Co., Inc when funds are received. Aldersperson Johnson seconded the motion.

VOTE: Motion carried unanimously 4-0.

ii. URBAN ENGINEERING – INVOICE 16018

MOTION: Aldersperson Hunt made the motion to approve payment of Invoice # 16018 to Urban Engineering for \$1,470. Aldersperson Brigham seconded the motion.

VOTE: Motion carried unanimously 4-0.

e. FEMA HMGP 0147 & 0313

i. FEMA HMGP PROJECTS 0147 & 0313 CONTRACT ADMENDMENTS

MOTION: Aldersperson Johnson made the motion to approve the amendments to the FEMA HMGP administrative contract for Projects 0147 and 0313, clarifying not-to-exceed administrative payment amounts. Aldersperson Reese seconded the motion.

VOTE: Motion carried unanimously 4-0.

ii. FEMA HMGP PROJECT 0147 CONTRACT TIME EXTENSION

MOTION: Aldersperson Reese made the motion to approve the contract time extension request for the FEMA HMGP Project 0147 to December 31, 2022. Aldersperson Brigham seconded the motion.

VOTE: Motion carried unanimously 4-0.

**CITY OF SEADRIFT
REGULAR COUNCIL MEETING MINUTES – JANUARY 4, 2022**

f. TDA TX-CDBG 2019-2020 CD

MOTION: Alderperson Brigham authorized payment to Civil Corps Engineering for Invoice # 160839 for \$7,400, pending receipt of the executed construction contract and when funds are received from the Texas Department of Agriculture (TDA). Alderperson Reese seconded the motion.

VOTE: Motion carried unanimously 4-0.

g. CDBG-DR 20-065-103-C278 WATER STORAGE TANKS

i. TEXAS AQUASTORE – PAY APPLICATION #1

MOTION: Alderperson Reese made the motion to authorize payment of Pay Application #1 for \$55,264.35 to Texas Aquastore. Alderperson Johnson seconded the motion.

VOTE: Motion carried unanimously 4-0.

ii. TEXAS AQUASTORE – PAY APPLICATION #2

MOTION: Alderperson Johnson made the motion to authorize payment of Pay Application #2 for \$164,428.28 to Texas Aquastore when funds are received. Alderperson Reese seconded the motion.

VOTE: Motion carried unanimously 4-0.

iii. GRANTWORKS – INVOICE # 6

MOTION: Alderperson Hunt made the motion to authorize payment of invoice #6 for \$1,425.60 to GrantWorks. Alderperson Brigham seconded the motion.

VOTE: Motion carried unanimously 4-0.

h. HARBOR EDA GRANT 08-79-05328

i. RESOLUTION 20220104-5

MOTION: Alderperson Johnson made the motion to authorize Resolution 20220104-5 to create a non-interest-bearing account to manage the EDA grant funds and assign Elmer DeForest, Ranier Brigham, Geoffrey Hunt, Gabriela Torres, and Marilyn Dufner. Alderperson Hunt seconded the motion.

VOTE: Motion carried unanimously 4-0.

i. FEMA-PA 3228 SEAWALL & 18367 12TH TO 15TH SHORELINE

MOTION: No action taken.

j. CDBG-MIT 22-085-070-D328

Justin Meyer with Langford Management Community Services, grant administrators for the CDBG-MIT project, was in attendance. Justin stated that adoption of the Civil Rights Resolution 20220104-1 (Item #4. j.v.) would automatically adopt items #4.j.i through iv.

MOTION: Alderperson Reese made the motion to approve the Civil Rights Resolution 20220104-1. Alderperson Johnson seconded the motion.

VOTE: Motion carried unanimously 4-0.

MOTION: Alderperson Johnson made the motion to approve Grant Signatories Resolution 20220104-02. Alderperson Brigham seconded the motion.

VOTE: Motion carried unanimously 4-0.

MOTION: Alderperson Johnson made the motion to approve the Fair Housing Resolution Proclamation 20220104-3. Alderperson Hunt seconded the motion.

VOTE: Motion carried unanimously 4-0.

MOTION: Alderperson Johnson made the motion to approve the grant administrative contract amendment #1. Alderperson Reese seconded the motion.

VOTE: Motion carried unanimously 4-0.

**CITY OF SEADRIFT
REGULAR COUNCIL MEETING MINUTES – JANUARY 4, 2022**

MOTION: Alderperson Hunt made the motion to approve the Federal Procurement Policy. Alderperson Johnson seconded the motion.
VOTE: Motion carried unanimously 4-0.

MOTION: Alderperson Johnson made the motion to approve the draft engineering contract with Lynn Engineering. Alderperson Reese seconded the motion.
VOTE: Motion carried unanimously 4-0.

MOTION: Alderperson Brigham made the motion to approve the Statement of Financial Goals and Policies Amendment #1. Alderperson Johnson seconded the motion.
VOTE: Motion carried unanimously 4-0.

MOTION: Alderperson Hunt made the motion to approve Resolution 20220104-4 to create an interest-bearing checking account for the CDBG-MIT funds and assign Elmer DeForest, Ranier Brigham, Kenneth Reese, Gabriela Torres, and Alice Romero as signatories. Alderperson Johnson seconded the motion.
VOTE: Motion carried unanimously 4-0.

5. WASTE-WATER TREATMENT PLANT (WWTP) & TCEQ OUTFALL PROJECT

a. UTILITY FUND

MOTION: Alderperson Brigham made the motion to reimburse the Utility Fund \$10,815 from the WWTP C/O funds for preliminary engineering and outfall designs. Alderperson Reese seconded the motion.
VOTE: Motion carried unanimously 4-0.

b. UTILITY CONTINGENCY FUND

MOTION: Alderperson Reese made the motion to reimburse the Utility Contingency Fund \$115,261.82 from the WWTP C/O funds for preliminary engineering and outfall design/materials/construction. Alderperson Johnson seconded the motion.
VOTE: Motion carried unanimously 4-0.

6. S.A.V.E.S. – REPLACEMENT SIREN

MOTION: Alderperson Johnson made the motion to approve replacement of the siren with the condition to go digital and based on the dollar amount approved by either Elmer DeForest or Ranier Brigham. Alderperson Hunt seconded the motion.
VOTE: Motion carried unanimously 4-0.

7. CITY ELECTION

a. ORDER OF ELECTION – MAY 7, 2022

MOTION: Alderperson Johnson made the motion to order the election for May 7, 2022, for one Mayor and two council member positions. Alderperson Hunt seconded the motion.
VOTE: Motion carried unanimously 4-0.

MOTION: Alderperson Reese made the motion to designate early voting to begin April 25 through April 29 and May 2 to May 3 from 8 AM to 5 PM, and April 26 and April 28 to be from 7 AM to 7 PM.

VOTE: Motion carried unanimously 4-0.

8. SUBSTANDARD BUILDING DEMOLITION – 703 W. CLEVELAND AVENUE (BLOCK 69, LOT 11)

MOTION: Alderperson Hunt made the motion to select White Trash Services bid for \$5,794 to demolish and properly dispose the substandard structure at 703 W. Cleveland Avenue (Block 69, Lot 11). Alderperson Johnson seconded the motion.

VOTE: Motion carried unanimously 4-0.

**CITY OF SEADRIFT
REGULAR COUNCIL MEETING MINUTES – JANUARY 4, 2022**

9. POLICE SEIZURE FUNDS – CREATION OF ACCOUNT

MOTION: Alderperson Johnson made the motion to authorize Resolution 20220104-6 to create a non-interest-bearing account to manage seizure funds and assign Elmer DeForest, Ranier Brigham, Gabriela Torres, Leonard Bermea, and Darla Heath as signatories. Alderperson Johnson seconded the motion.

VOTE: Motion carried unanimously 4-0.

10. VEHICLE EQUIPMENT UPDATES AND ETC.

a. 2021 FORD F-150 TRUCK (UTILITY)

MOTION: No action taken.

b. 2008 CHEVROLET (VIN# 1GCEC14X18Z238156)

c. 2000 FORD (VIN# 1FTRX17L4KB33093)

MOTION: Alderperson Brigham made a motion to declare both the 2008 Chevrolet (VIN# 1GCEC14X18Z238156) and the 2000 Ford (VIN# 1FTRX17L4KB33093) as surplus and to be put up for auction.

VOTE: Motion carried unanimously 4-0.

11. 2022 CITY COUNCIL MEETING DATES

MOTION: Alderperson Reese made the motion to move the following Regular City Council meeting dates due to following holidays: July 5, 2022, to July 7, 2022, and September 6, 2022, to September 8, 2022. Alderperson Johnson seconded the motion.

VOTE: Motion carried unanimously 4-0.

12. EXECUTIVE SESSION

MOTION: No Executive Session deemed necessary.

13. COUNCIL CORRESPONDENCE

14. ADJOURN

MOTION: Alderperson Reese made the motion to adjourn the meeting. Alderperson Johnson seconded the motion.

VOTE: Motion carried unanimously 4-0.

Meeting adjourned at 8:10 P.M.

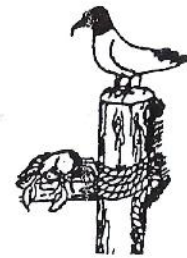
Gabriela Torres, City Secretary

Elmer DeForest, Mayor
Approved: _____



CITY OF SEADRIFT

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Email: seadrift@seadrifftx.org



RESOLUTION 20220104-1

**Regarding Civil Rights -
The City of Seadrift, Texas**

Whereas, the City of Seadrift, Texas, (hereinafter referred to as "City of Seadrift") has been awarded CDBG-MIT funding through a CDBG-MIT grant from the Texas General Land Office (hereinafter referred to as "GLO"), and

Whereas, the City of Seadrift, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability, and

Whereas, the City of Seadrift, in consideration for the receipt and acceptance of federal funding, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections, and

Whereas, the City of Seadrift, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the CDBG project area, and

Whereas, the City of Seadrift, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, the City of Seadrift, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

Whereas, the City of Seadrift, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period of the CDBG contract, to affirmatively further fair housing, and

Whereas, the City of Seadrift, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEADRIFT, TEXAS, THAT THE CITY OF SEADRIFT ADOPTS/REAFFIRMS THE FOLLOWING:

1. Citizen Participation Plan and Grievance Procedures;
2. Section 3 Policy;
3. Excessive Force Policy;
4. Section 504 Policy and Grievance Procedures;
5. Fair Housing Policy.

Passed and approved this 4th day of JANUARY, 2022.



Elmer DeForest, Mayor

ATTEST:



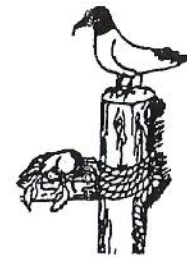
Gabriela Torres, Secretary





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CITIZEN PARTICIPATION PLAN

REGARDING THE USE OF GRANT FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

This Citizen Participation Plan was prepared in accordance with Section 104(a) of the Housing and Community Development Act of 1974, as amended. The 24 CFR 91.105 federal regulations outline the "citizen participation" requirements.

The plan is to be used to address citizen participation in the Community Development Block Grant (CDBG) Program. With receipt of HOME Investment Partnerships (HOME) Program funds, the program will be included under this Citizen Participation Plan.

The Citizen Participation Plan (CPP) sets forth policies and procedures for citizen participation in the development of project specific applications and substantial amendments to these projects with funding.

CERTIFICATION OF COMPLIANCE

The City of Seadrift is certifying to the U. S. Department of Housing and Urban Development (HUD) and State Agencies administering HUD programs that they have an approved Citizen Participation Plan, which:

- Provides for and encourages citizen participation with emphasis on participation by persons who are residents of slum and blighted areas, by residents in low- and moderate-income neighborhoods, or targeted revitalization areas.
- Provides for and encourages citizen participation of residents of public and assisted housing developments, as well as provides information to the public housing authorities within our jurisdiction activities related to these programs.
- Provides for and encourages citizen participation of persons with disabilities as well as provides documents in a format accessible to persons with disabilities, upon request.
- Provides for and encourages citizen participation of all citizens, including minorities and non-English speaking persons, and identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

- Provides citizens with reasonable and timely notification and access to local meetings, information, and records relating to the City's proposed and actual use of federal Community Development Block Grant funds.
- Provides for public hearings and/or public postings to obtain citizen views; to respond to proposals and questions at all stages of the community development program, including at least the development of needs; and the review of proposed activities, and review of program annual performance. If hearings are held, they shall be after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for the disabled; and,
- Provides for a timely written response to written complaints and grievances where applicable.

Note to Grant Recipients regarding Limited English Proficiency (LEP) requirements:
 In accordance with federal law, if there is a significant number of the population who are non-English speaking residents and are affected by the CDBG project, such citizens should have 'meaningful access' to all aspects of the CDBG project. To provide 'meaningful access', Grant Recipients may need to provide interpreter services at public hearings or provide non-English written materials that are routinely provided in English. Examples of such vital documents may include Citizen Participation notices (e.g., complaint procedures, hearings notices), civil rights notices, and any other published notice that may allow an eligible person with limited English proficiency to participate in discussing proposed CDBG activities. For more information, see LEP.gov.

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of HUD's CDBG Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Seadrift, P.O. Box 159, Seadrift, Texas 78387, (361) 785 - 2251 during regular business hours. Below are the formal complaint and grievance procedures regarding the services provided under the CDBG program.

1. A person who has a complaint or grievance about any services or activities with respect to the CDBG project, whether it is a proposed, ongoing, or completed CDBG project, may during regular business hours submit such complaint or grievance, in writing to the City's Civil Rights Officer, at P.O. Box 159, Seadrift, Texas 78387 or may call (361) 785-2251.
2. A copy of the complaint or grievance shall be transmitted by the Civil Rights Officer to the person/division that is the subject of the complaint or grievance and to the Mayor within five (5) working days after the date of the complaint or grievance was received.

3. The Mayor or their representative shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within fifteen (15) days. The response may be a time extension to further review the complaint or grievance.
4. If the investigation cannot be completed within fifteen (15) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within twenty (20) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the CDBG Program Manager for their further review and comment.

If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of CDBG funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC OUTREACH AND INVOLVEMENT

Citizens will be provided reasonable advance notice of, and opportunity to comment on proposed activities in an application to the state and for grants already made regarding activities which are proposed to be added, deleted, or substantially changed from the entity's application to the state. The public outreach and notification will be accomplished through one or more of the following methods:

- a) Publication of notice in a local newspaper—a published newspaper article may also be used so long as it provides sufficient information regarding program activities and relevant dates.
- b) Notices prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
- c) Posting of notice on the local entity website (if available).
- d) Public Hearing; or
- e) Individual notice to eligible cities and other entities as applicable using one or more of the following methods: Certified mail, Electronic mail or fax, First class (regular mail), Personal delivery (e.g., at a Council of Governments meeting).

These details will be included in the Public Comment Version of the Application, prior to submission.

Citizens, with emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals.

PUBLIC COMMENT PROVISIONS AS REQUIRED BY CERTAIN STATE AGENCIES IN THE ADMINISTRATION OF FEDERAL PROGRAMS

When public notice is the sole required notification process for the submission of an application from a State agency, the following provisions shall be observed the City. A copy of a substantially complete application will be made available to allow for 14 days of public comment, but are not limited to:

1. The amount of CDBG funds expected to be made available for the current fiscal year (including the grant and any anticipated program income).
2. The range of activities that may be undertaken with the CDBG funds.
3. 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.
4. The proposed CDBG activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under § 570.488.
5. The development of housing and community development needs

When a public hearing is required for submission of an application from a State agency, the following provisions shall be observed by the City:

1. As stated in the COVID-19 Disaster Declaration Proclamation dated March 13th, 2020; public hearings may be held virtually or in person, pursuant to Section 418.017 of the code; “authorization to use all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.” Public notice of all hearings must be posted at least seventy-two (72) hours prior to the scheduled hearing.
2. When a significant number of non-English speaking residents are a part of the potential service area of the CDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens. An interpreter should be present to accommodate the needs of the non-English speaking residents at all public hearing where applicable.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must plan for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.

4. A public hearing, when required by a Federal Program, shall be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. If the agency requires a public hearing for submission, then a public notice shall be posted at city hall and the community's website notifying the public of the project selected at least 5 days prior to the submission of the application.

The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

Passed and approved this the 4th day of JANUARY, 2022



Elmer DeForest, Mayor

ATTEST:



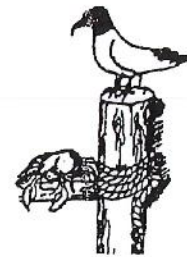
Gabriela Torres, Secretary





CITY OF SEADRIFT

Post Office Box 159
Seadrift, Texas 77983
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Fax: (361) 785-2208
Email: seadrift@seadrifttx.org



Section 3 Policy

In accordance with 12 U.S.C. 1701u the City of Seadrift agrees to implement the following steps, which, to *the greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Civil Rights Officer.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by CDBG grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in CDBG funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or GLO to the Grant Recipient.

- G. Submit reports as required by HUD or GLO regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of the federal fiscal year end (by October 20) which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of City of Seadrift, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

Passed and Approved by City Council this the 4th day of JANUARY, 2022



Elmer DeForest, Mayor

ATTEST:



Gabriela Torres, Secretary





Incorporated December 27, 1912
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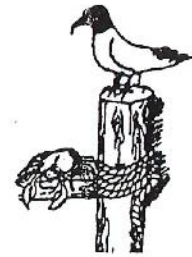
CITY OF SEADRIFT

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Excessive Force Policy

In accordance with 24 CFR 91.325(b)(6), the City of Seadrift hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of the City of Seadrift to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of the City of Seadrift to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. The City of Seadrift will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Seadrift, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Passed and Adopted this the 4th day of JANUARY, 2022

Elmer DeForest, Mayor

ATTEST:

Gabriela Torres, Secretary



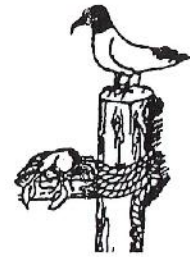


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A1004

Section 504 Policy Against Discrimination based on Handicap and Grievance Procedures

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), the City of Seadrift (*employs fifteen or more persons*) hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. The City of Seadrift does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. The City of Seadrift's recruitment materials or publications shall include a statement of this policy in 1. above.
4. The City of Seadrift shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the TxCDBG program, the City of Seadrift shall ensure that they are provided with the information necessary to understand and participate in the TxCDBG program.
6. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the City of Seadrift to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to: Elmer DeForest, City of Seadrift – Mayor, P.O. Box 159, Seadrift, Texas 77983, who has been designated to coordinate Section 504 compliance efforts.

- c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
- e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Elmer DeForest, City of Seadrift – Mayor. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
- f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Elmer DeForest, City of Seadrift – Mayor, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
- g. The Section 504 coordinator shall maintain the files and records of the City of Seadrift relating to the complaint files.
- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of Seadrift within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Seadrift complies with Section 504 and HUD regulations.

Passed and approved this the 4th day of JANUARY, 2022


 Elmer DeForest, Mayor

ATTEST:


 Gabriela Torres, Secretary



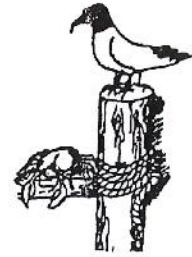


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Fair Housing Policy

In accordance with Fair Housing Act, the City of Seadrift hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. *The City of Seadrift agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).*
2. *The City of Seadrift agrees to plan at least one activity during the contract term to affirmatively further fair housing.*
3. *The City of Seadrift will introduce and pass a resolution adopting this policy.*

As officers and representatives of The City of Seadrift, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

Passed and Approved by City Council this the 4th day of JANUARY, 2022

Elmer DeForest, Mayor

ATTEST:

Gabriela Torres, Secretary



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Statement of Financial Goals and Policies

Amendment #1

4.4.4 Minimizing the Time Between Draw and Disbursement:

As stated in the Texas General Land Office’s Revised Implementation Manual (Updated: November 2021) the City will have **3 business days** for disbursement of funding from the date of receipt/deposit of funds, without specific, documented reasons for such a delay in infrequent circumstances. Subrecipients must maintain written procedures for minimizing this time period.

4.4.4 Minimizing the Time Between Draw and Disbursement

Subrecipients may submit a draw request for eligible costs as often as is actually needed, subject to limitations in their Subrecipient Agreement and at least quarterly throughout the life of their Subrecipient Agreement. Subrecipients should submit costs to the GLO for draw within 60 days of receipt of invoices to minimize the volume of individual draws that the GLO must review and approve.

Subrecipients must submit final reimbursement requests to the GLO no later than 60 days after the Subrecipient Agreement expires or is terminated. The GLO, in its sole discretion, may deny payment and de-obligate remaining funds from the Subrecipient Agreement 60 days after expiration or termination.

Pursuant to 24 CFR 570.489(c), 2 CFR 200.305(b), and 31 CFR 205, subrecipients utilizing the cash advance method must minimize the time elapsing between the transfer of funds from the GLO and the disbursement by the subrecipient for eligible costs. This period must not exceed 3 business days from the date of receipt/deposit of funds, without specific, documented



reasons for such a delay in very infrequent circumstances. Subrecipients must maintain written procedures for minimizing this time period.

Passed and approved by City Council on this the 4th day of JANUARY, 2022

Elmer DeForest, Mayor

ATTEST:

Gabriela Torres, Secretary





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CITY OF SEADRIFT

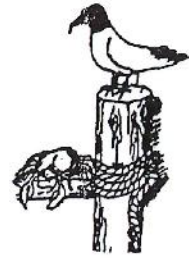
Post Office Box 159/501 S. Main St.

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seadrift@seadrifttx.org



CITY OF SEADRIFT FEDERAL GRANT PROCUREMENT POLICY

The City of Seadrift follows State of Texas and Federal 2CFR 200.318-200.327 and Appendix II to Part 200 procurement law and guidance in the purchasing and contract management of goods and services. Additional policy guidance below addresses federal purchasing requirements as required by 2 CFR 200 pertaining to the expenditure of federal grant funds.

A. Standards of Conduct

Public employment is a public trust. It is the policy of the City of Seadrift to promote and balance the objective of protecting government integrity and the objective of facilitating the recruitment and retention of personnel needed by the City of Seadrift. Such policy is implemented by prescribing essential standards of ethical conduct without creating unnecessary obstacles to entering public service.

Public employees must discharge their duties impartially to assure fair competitive access to governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the City of Seadrift procurement organization.

To achieve the purpose of this Article, it is essential that those doing business with the City of Seadrift also observe the ethical standards prescribed herein.

CITY OF SEADRIFT

FEDERAL GRANT PROCUREMENT POLICY

Code of Ethics

- 1 Personal Gain. It shall be a breach of ethics to attempt to realize personal gain through public employment with the City of Seadrift by any conduct inconsistent with the proper discharge of the employee's duties.
- 2 Influence. It shall be a breach of ethics to attempt to influence any public employee of the City of Seadrift to breach the standards of ethical conduct set forth in this code.
- 3 Conflicts of Interest. It shall be a breach of ethics for any employee of the City of Seadrift to participate directly or indirectly in procurement when the employee knows that:
 - 1) the employee of any member of the employee's immediate family has a financial interest pertaining to the procurement.
 - 2) a business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement.
 - 3) any other person, business, or organization with which the employee or any members of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.
- 4 Gratuities. It shall be a breach of ethics to offer, give or agree to give any employee or former employee of the City of Seadrift, or for any employee or former employee of the City of Seadrift to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, requesting for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement or a contract or subcontract or to any solicitation or proposal therefore pending before this local government.
- 5 Kickbacks. It shall be a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor for any contract for the City of Seadrift, or any person associated therewith, as an inducement for the award of a subcontract or order.
- 6 Contract Clause. The prohibition against gratuities and kickbacks prescribed above shall be conspicuously set forth in every contract and solicitation, therefore.
- 7 Confidential Information. It shall be a breach of ethics for any employee or former employee of the City of Seadrift knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any person.
- 8 The non-federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and condition of a proposed procurement. Consideration will

CITY OF SEADRIFT FEDERAL GRANT PROCUREMENT POLICY

be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also §200.214.

- 9** The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and basis for the contract price.
- 10** (1) The Non-Federal entity may use a time-and-material type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of:
- (i) The actual cost of materials; and
 - (ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

- 11** The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

Competition

All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and §200.320.

In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

CITY OF SEADRIFT FEDERAL GRANT PROCUREMENT POLICY

(1) Placing unreasonable requirements on firms in order for them to qualify to do business;

(2) Requiring unnecessary experience and excessive bonding;

(3) Noncompetitive pricing practices between firms or between affiliated companies; (4)

Noncompetitive contracts to consultants that are on retainer contracts;

(5) Organizational conflicts of interest;

(6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and

(7) Any arbitrary action in the procurement process.

The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

- (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
- (2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

CITY OF SEADRIFT FEDERAL GRANT PROCUREMENT POLICY

The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

Five Methods for Procuring with Federal Funds

2 CFR § 200.320 provides for five methods that must be used when making purchases with Federal funds. In some cases, these Federal methods are more restrictive than State requirements; in other cases, the State requirements are more restrictive than these Federal methods. In all cases, the City of Seadrift affirms the more restrictive requirements or methods must be followed when making purchases with Federal funds.

The type of purchase method and procedures required depends on the cost (and type, in some cases) of the item(s) or services being purchased.

- Micro-purchases
- Small purchase procedures
- Sealed bids
- Competitive proposals
- Noncompetitive proposals (sole source)

Micro-Purchases (Purchases up to \$3,000.00)

Federal methods provide for procurement by *micro-purchase*. *Micro-purchase* is defined in 2 CFR § 200.320(a) as a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed \$3,000.00. The micro-purchase method is used in order to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost.

The City of Seadrift utilizes the micro-purchases method for acquiring supplies or services that do not exceed an aggregate amount of \$3,000.00 if the price is reasonable. The program manager responsible for the Federal award determines if the price is reasonable.

Quotes are not required but encouraged. If quotes are obtained for items under \$3,500.00, they should be kept in the department and attached to the requisition.

Small Purchase Procedures (Purchases between \$3,000.01 and \$149,999.99 in the Aggregate)

The Federal threshold for small purchase procedures is \$150,000. 2 CFR § 200.320(b).

CITY OF SEADRIFT FEDERAL GRANT PROCUREMENT POLICY

Small purchase procedures (as defined in 2 CFR § 200.320[b]) may be used in those relatively simple and informal procurement methods for securing non-personal contracted services, supplies, or other property that do not cost more than \$149,999.99.

For purchases funded from local funds, to obtain the most competitive price, the City of Seadrift, may, at its option, obtain price quotes for items costing less than \$150,000. Unlike the mandatory competitive procurement described for purchases over \$150,000, if an item to be paid from local funds costs less than \$150,000, the City of Seadrift may utilize price quotations or competitive procurement process (purchasing cooperatives, sole source, an existing RFP/bid or a new RFP/bid) to stimulate competition and to attempt to receive the most favorable pricing.

However, if using State or Federal funds to purchase goods or services, *price or rate quotations must be obtained* from an adequate number of qualified sources for all purchases between \$3,000.01 and \$49,999.99 or use the competitive procurement process. The City of Seadrift must

obtain more than one price or rate quote unless using a purchasing cooperative, existing Bid/RFP or sole source vendor, in which case, the prices have already been awarded. If purchasing from a purchasing cooperative or existing Bid/RFP, the departments can elect to obtain only one quote to purchase the goods or services although it is recommended to obtain more than one quote. Such price or rate quotations may be obtained orally and/or documented in writing, and the City of Seadrift must demonstrate that price or rate quotations were obtained from an adequate number of qualified sources.

Purchases \$150,000 or More in the Aggregate

According to Texas law, one of the following competitive methods must be used for purchases of \$150,000 or more in the aggregate:

- (1) competitive bidding for services other than construction services;
- (2) competitive sealed proposals, for services other than construction services;
- (3) a request for proposals, for services other than construction services;
- (4) an interlocal contract;
- (5) a method provided by Chapter 2269, Government Code, for construction services;
- (6) the reverse auction procedure as defined by Section 2155.062(d), Government Code; or
- (7) the formation of a political subdivision corporation under Section 304.001, Local Government Code.

In addition, one of the three following methods must be used, depending on the circumstance described below, when purchasing with Federal funds: sealed bids (formal advertising); competitive proposals; or noncompetitive proposals (sole source).

Sealed Bids (Formal Advertising)

CITY OF SEADRIFT FEDERAL GRANT PROCUREMENT POLICY

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

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

If sealed bids are used, the following requirements apply:

- Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids. The invitation for bids must be publicly advertised.
- The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond.
- All bids will be opened at the time and place prescribed in the invitation for bids. The bids must be opened publicly.
- A firm fixed-price contract award must be made in writing to the lowest responsive and responsible bidder.

Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of. Any or all bids may be rejected if there is a sound documented reason.

Competitive Proposals

A competitive proposal is normally used with more than one source submitting an offer, and either a *fixed price* or a *cost-reimbursement* type contract is awarded. (A *cost reimbursement contract* reimburses the contractor for actual costs incurred to carry out the contract.) Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- Requests for proposals must be publicized and must identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical.
- Proposals must be solicited from an adequate number of qualified sources.

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- The City of Seadrift must have a written method for conducting technical evaluations of the proposals received and for selecting recipients.
- Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

When using Federal funds, the City of Seadrift 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.

Noncompetitive Proposals (Sole Sourcing)

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used when using Federal funds only when one or more of the following circumstances apply:

- The item is available only from a single source and an equivalent cannot be substituted. This must be documented.
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
- After solicitation of a number of sources, competition is determined inadequate.

Additionally, *State* requirements related to sole source purchasing are, in some ways, more restrictive. In addition to the Federal requirements above, sole source purchases must meet established criteria:

- Identification and confirmation that competition in providing the item or product to be purchased is precluded by the existence of a patent, copyright, secret process or monopoly;
- A film, manuscript, or book;
- A utility service, including electricity, gas, or water; and
- A captive replacement part or component for equipment.

According to State requirements, sole source does not apply to mainframe data-processing equipment and peripheral attachments with a single item purchase price in excess of \$15,000.

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In this case, the City of Seadrift must document why only this product can meet their needs and that it is not available from any other vendor. In all cases, the City of Seadrift will obtain and retain documentation from the vendor which clearly delineates the reasons which qualify the purchase to be made on a sole source basis.

Contracting with Historically Underutilized Businesses (HUB), Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Firms

The City of Seadrift will take all necessary steps to affirmatively assure HUBs, small and minority businesses, women's business enterprises, and labor surplus firms are notified of bidding opportunities and utilized whenever possible. Affirmative steps will include the following:

- Placing qualified small and minority businesses and women's business enterprises on solicitation lists.
- Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources.
- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises.
- Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises.
- Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- Require the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in parts (1)-(5) above.

Domestic preferences for procurements.

As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

“Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

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“Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

Procurement of recovered materials.

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

Cost/Price Analysis for Federal Procurements in Excess of \$150,000

In accordance with the requirements in 2 CFR § 200.324, the City of Seadrift will make independent estimates of the goods or services being procured before receiving bids or proposals to get an estimate of how much the goods and services are valued in the current market.

To accomplish this, before bids and proposals are received, the City of Seadrift conducts either a price analysis or a cost analysis, depending on the type of contract, in connection with every procurement with Federal funds in excess of \$150,000. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the City of Seadrift will come to an independent estimate prior to receiving bids or proposals, 2 CFR § 200.324(a).

Accordingly, the City of Seadrift performs a cost or price analysis in connection with every Federal procurement action in excess of \$150,000, including contract modifications, as follows:

Cost Analysis → Non-competitive Contracts: A cost analysis involves a review of proposed costs by expense category, and the Federal cost principles apply, which includes an analysis of whether the costs are allowable, allocable, reasonable, and necessary to carry out the contracted services. In general,

- A cost analysis must be used for all non-competitive contracts, including sole source contracts.

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- The Federal cost principles apply.
- All *non-competitive contracts* must also be awarded and paid on a *cost-reimbursement basis*, and not on a fixed-price basis.
- In a cost-reimbursement contract, the contractor is reimbursed for reasonable actual costs incurred to carry out the contract.
- Profit must be negotiated as a separate element of the price in all cases where there is no competition.

When performing a *cost analysis*, the City of Seadrift negotiates profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work, 2 CFR § 200.323(b).

Price Analysis → Competitive Contracts: A *price analysis* determines if the lump sum price is fair and reasonable based on current market value for comparable products or services. In general,

- A price analysis can only be used with *competitive* contracts and is usually used with fixed-price contracts. It cannot be used with non-competitive contracts.
- Compliance with the Federal cost principles is not required for fixed-price contracts, but total costs must be reasonable in comparison to current market value for comparable products or services.
- A competitive contract may be awarded on a fixed-price basis or on a cost-reimbursement basis. If awarded on a cost-reimbursement basis, the Federal cost principles apply and costs are approved by expense category, and not a lump sum.

Costs or prices based on *estimated* costs for contracts are allowable only to the extent that costs incurred, or cost estimates included in negotiated prices would be allowable costs under the Federal cost principles.

Federal awarding agency or pass-through entity review.

The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However,

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if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the

specifications, with such review usually limited to the technical aspects of the proposed purchase.

The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

(1) The Non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;

(2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;

(3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;

(4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.

The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

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Bonding requirements.

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

- (a) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- (b) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.
- (c) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

Contract Administration

The City of Seadrift maintains the following oversights to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders, 2 CFR § 200.318(b). The program manager/director of the Federal award is responsible for monitoring contractor performance. The manager/director will compare actual performance of contract against projected performance and have the contractor explain any differences. They may also compare fees paid to date to contractor versus how far along the contractor is in performing the contractual duties. The manager/director may establish surveys of those directly benefitted by the contractor’s work for feedback purposes.

To ensure proper administration of contracts and any subgrants that may be awarded by the City of Seadrift, the City of Seadrift uses the following guidelines to determine whether each agreement it makes for the disbursement of Federal funds is a *contract*, whereby funds are awarded to a *contractor*, or a *subaward*, whereby funds are awarded to a *subrecipient*. The substance of the relationship is more important than the form of the written agreement, 2 CFR § 200.330.

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Subawards/Subgrants

A *subaward/subgrant* is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. The City of Seadrift determines who is eligible to receive what Federal assistance, and a *subrecipient/subgrantee*:

- Has its performance measured in relation to whether objectives of a Federal program are met
- Has responsibility for programmatic decision making
- Is responsible for adhering to applicable Federal program requirements, and
- In accordance with the subgrant agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the City of Seadrift.

Contracts

A *contract* is for the purpose of obtaining goods or services for the City of Seadrift 's own use and creates a procurement relationship with the contractor.

A *contractor*:

- Provides goods and services within normal business operations
- Provides similar goods or services to many different purchasers
- Normally operates in a competitive environment
- Provides goods or services that are ancillary to the operation of the Federal program, and
- Is not subject to compliance requirements of the Federal program as a result of the contract, though similar requirements may apply for other reasons

Documentation for Contracts

The City of Seadrift maintains the following written documentation, at a minimum, for each contract paid with Federal funds:

1. A copy of the written, signed contract/agreement for services to be performed
2. The rationale or procedure for selecting a particular contractor
3. Evidence the contract was made only to a contractor or consultant possessing the ability to perform successfully under the terms and conditions of the contract or procurement
4. Records on the services performed – date of service, purpose of service – ensuring that services are consistent and satisfactorily performed as described in the signed contract or purchase order
5. Documentation that the contractor was not paid before services were performed, and

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6. Records of all payments made (such as a spreadsheet or report generated from the general ledger), including the total amount paid to the contractor

Payment Only After Services Are Performed

For both State and Federally funded contracts, it is not permissible under Texas law to pay a contractor or consultant in *advance* of performing services. Advance payment to contractors is considered “lending credit” to the contractor and is prohibited under the *Texas Constitution*, Article 3, §§ 50 and 52. For ongoing services that occur monthly, payment can be made at the end of every month (based on a proper invoice submitted by the contractor and verification of work performed) for services performed during the month, or some other similar arrangement.

Consultants and contractors will not be paid without having a properly signed and dated contract or other written agreement in place which clearly defines the scope of work to be performed, the beginning and ending dates of the contract, and the agreed-upon price. The contract should also include a description of the payment procedures.

Upon performance of services (at contract milestones or upon completion of services), the contractor is required to submit an *invoice* to the City of Seadrift that contains at a minimum the following:

- a clear identification of the contractor/consultant, including name and mailing address
- a corresponding contract (or written agreement) number, if applicable
- the dates (beginning and ending date) during which the services were performed (i.e., billing period)
- a description of the services/activities completed during the billing period
- the total amount due to the contractor for the billing period

By submitting a properly-prepared invoice, the contractor is certifying that it is true and correct.

Verification of Receipt of Goods and Services Provided by Contractors

If the purpose of the contract or purchase order is to deliver goods, the City of Seadrift will designate the appropriate staff to verify that the quantity and quality of goods were as specified

in the contract/purchase order. The receiving report and procedures used in all other State/local purchases will be used for all Federal purchases.

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If the purpose of the contract is to purchase services, the contract manager along with the County Judge/City Mayor will verify that the quality and scope of services were received as specified in the contract.

Prompt Payment to Vendors/Contractors

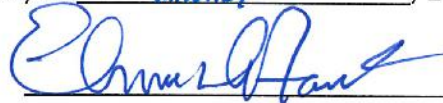
The City of Seadrift pays all vendors/contractors within thirty (30) days of receipt of a proper invoice and the receipt of the goods or services in accordance with the [Texas Prompt Payment Act](#). *Government Code, Chapter 2251, Subchapter A, for all contractors, and Property Code, Chapter 28 for Construction Contractors.*

Suspension and Debarment

The City of Seadrift will ensure, prior to award, that all contractors have met all the eligibility requirements outlined in state and Federal law. The following steps will be taken to ensure contractor eligibility for all services procured.

- Contractors: All contractors, including professional consulting and engineering firms, must be cleared via a search of the Federal System of Award Management ('SAM') to ensure the contractor is in good standing and has not been debarred. The SAM portal can be found here: <https://sam.gov/SAM/pages/public/searchRecords/search.jsf>.
- Subcontractors: Subrecipients must notify the selected prime contractors that it is the sole responsibility of the prime contractor to verify subcontractor eligibility based on factors such as past performance, proof of liability insurance, possession of a federal tax number, debarment, and state licensing requirements.

Passed and approved by the City Council on this 4th day of JANUARY, 2022



Elmer DeForest, Mayor

ATTEST:



Gabriela Torres, City Secretary

