



FREQUENTLY ASKED QUESTIONS

1. Can we use our professional service providers that are currently under contract?

Response: If the grantee is not going to request RCIP funds to pay professional service costs, the grantee can use an existing service provider. To be reimbursed by OCD-DRU, the grantee must follow all procurement rules for CDBG. Using an existing professional service list is not necessarily excluded; however, there are related risks. Please review the grantee manual and all procurement rules for procuring all professional services, including engineering services. The Disaster Recovery CDBG Grantee Administrative Manual may be found here: <https://www.doa.la.gov/doa/ocd/policy-and-reports/administrative-manual/>

2. Must any contracted engineer or other consultant used on RCIP projects be competitively procured following CDBG-DR guidelines even if the services performed are not being funded, now or in the future, by the CDBG-DR grant?

If services contracted, including architecture and engineering, are not being funded by CDBG-DR funds, procurement may follow your own procurement policies.

If CDBG-DR funds will be used for contracted services, including architecture and engineering, those services must be procured using the policies and procedures as outlined in the Disaster Recovery CDBG Grantee Administrative Manual.

3. When amending citizen participation (CP), how long must the public comment period remain open?

According to 24 CFR 91.105(a)(3) regarding citizen participation for local governments:

*(3) Citizen comment on the citizen participation plan **and amendments**. The jurisdiction must provide citizens with a reasonable opportunity to comment on the original citizen participation plan **and** on substantial amendments to the citizen participation plan, and must make the citizen participation plan public. The citizen participation plan must be in a format accessible to persons with disabilities, upon request.*

For those making amendments to the original CP, for instance in the case of a grantee wanting to take advantage of the waiver for the buildings for the general conduct of government, where the original CP stated only certain types of activities were included, and now the list of allowable activities has changed, it is recommended that the grantee follow the same steps as followed for the original CP to inform the public of the new option/changes. OCD has indicated for RCIP that a reasonable opportunity for the comment period is a minimum of 7 days. Please keep in mind, in the event an amendment is required, a reasonable opportunity for a comment period will be a minimum of 7 days.

4. If costs are incurred in the development of the application, but the application is not approved by OCD, will those costs be reimbursed?

Costs related to developing the plan or proposal(s) may be charged under planning for up to 5% of the project cost. Costs related to developing a specific project application are typically considered activity delivery costs and are reimbursable when and if the application is approved. Some application development (but excluding certain costs such as engineering and design activities) may be considered “Individual project plans” and may be reimbursable under planning for up to 5% of the project cost. The maximum amount that a grantee can charge to planning is 5% of the overall allocation. See CFR 570.205 for more information on eligible planning activities.

5. What factors determine if OCD approves an application?

OCD shall, at its sole discretion, make approval determinations of individual Project Applications pursuant to current OCD-DRU policy and CDBG and HUD guidelines and regulations. All applications must demonstrate:

- A low to moderate income national objective, including specifics regarding how the objective will be achieved;
- An eligible activity, including a scope, timeline and project estimate;
- Citizen participation; and
- Consideration of resilience and mitigation factors in design and implementation of the proposed project.

During our review of proposals submitted, we have identified that the highest risk to grantees not receiving an approved application is the LMI requirement. **Under this program, only projects meeting the benefit low- and moderate-income (LMI) persons national objective will be considered for funding. This is necessary due to the overall grant LMI percentage required by HUD for these storm events.**

Before incurring significant activity delivery costs associated with the specific project application development, you may submit your LMI Beneficiary Data so that OCD can conduct a preliminary review and ensure that the project will successfully meet this national objective. To complete this review, OCD-DRU will need the project description, proposed scope of work, a map, and a kmz or shapefile, if available. Please note that for some project types, an engineer’s input may be required to fully define the area of benefit (e.g., stormwater management projects). OCD-DRU may require further reviews as the project is developed.

LMI National Objective

The following tests are used to determine whether a project primarily benefits persons of LMI and qualifies under the LMI national objective:

- Area Benefit Test: The project benefits all residents of a primarily residential area within a delineated service area where at least 51% of the households are persons of LMI;
- Jobs Test: At least 51% of the jobs created or retained with CDBG-DR assistance are held by or are available to persons of LMI (“available to” means no special education or training is necessary); and/or
- Limited Clientele Test: The project is limited to benefiting a specific group of persons, at least 51% of whom are LMI, or is limited to serving persons of LMI only. Some activities, such as services for elderly people, are presumed to benefit persons of LMI, although the presumption can be challenged based on the facts and circumstances of the project.
- Direct Benefit: Individuals benefitting from the project complete a form wherein they self-certify as LMI, using forms provided by OCD. At least 51% of participants must be LMI. This might be appropriate for a training program.

Detailed information regarding the process to be followed in documenting LMI Benefit are described in Exhibit 5 of the RCIP Policy and Procedures document at this [link](#) under “Program Resources” and on the [HUD Exchange Website](#).

