

### **Residential Anti-displacement and Relocation Assistance Plan**

The Ohio County Fiscal Court will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than as low/moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606.

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the grantees will make public and submit to the Governor's Department for Local Government, State of Kentucky, the following information in writing:

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

The County will provide relocation assistance, as described in 24 CFR 570.606 to each low/moderate income household displaced by the demolition of housing or by the conversion of a low/moderate income dwelling to another use as a direct result of assisted activities.

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

**THERE WILL BE NO DISPLACEMENT AS A RESULT OF THIS CDBG PROJECT.**

Adopted by Ohio County Fiscal Court this \_\_\_\_ day of \_\_\_\_\_ 2021.

ATTEST:

Judge Executive David Johnston

**RESOLUTION #\_\_\_\_\_**

WHEREAS, the Ohio County Fiscal Court has applied for and received funding from the Community Development Block Grant Program for the purpose of utility assistance; and

WHEREAS, the County understands that a procurement policy must be adopted when federal funds are used; and

WHEREAS, the County understands that the Community Development Block Grant Program is a federally funded program; and

WHEREAS, the County understands that a procurement policy ensures that maximum open and free competition is upheld in soliciting the professional services contract.

NOW, THEREFORE, BE IT RESOLVED, by the Ohio County Fiscal Court, that a procurement policy has been devised and will be utilized for solicitation of professional and construction services.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Judge/Executive David Johnston

\_\_\_\_\_  
Attest

## KCDBG PROCUREMENT CODE

All procurements made by Ohio County Fiscal Court (hereafter referred to as "Grantee/ Subrecipient") involving the expenditure of local, state and federal funds on CDBG Project #20C-017 shall be made in accordance with the following procurement standards.

Procurement transactions, regardless of method or dollar value, will maximize open and free competition. The Grantee/Subrecipient shall not engage in procurement practices that may be considered restrictive in trade.

Purchases will be reviewed by the Treasurer to prevent duplication and to ensure that costs are reasonable.

### 1. Methods for Procurement

Procurements shall be made by one of the following methods: (a) small purchase procedures, (b) competitive sealed bids, (c) competitive negotiation, (d) non-competitive negotiation.

#### A. SMALL PURCHASES

For purchases of less than \$50, efforts will be made to get the lowest and best price, but written records of such efforts are not necessary.

Purchases that cost more than \$50 but less than \$30,000 require quotations of rate, price, etc., but no legal advertisement is required. The **Grantee/Subrecipient** will solicit responses from at least three vendors. If written responses are not available, a statement explaining the procurement will be prepared and filed. If quotations are obtained via telephone, a memorandum will be prepared setting forth the date the calls were made, parties contacted, and prices obtained.

The **Grantee/Subrecipient** will make the award to the lowest responsive and responsible source and enter into a contract formalizing the scope of work and terms of compensation.

#### B. COMPETITIVE SEALED BIDS

Bidding will be employed when detailed specifications for the goods or services to be procured can be prepared and the primary basis for award is cost. When the cost of a contract, lease or other agreement for materials, supplies, equipment, or contractual services other than those personal or professional exceeds \$30,000, an Invitation for Bids (IFB) notice will generally be prepared. Per KRS 424.120, this notice will be published at least once in a qualifying official newspaper

of general circulation within the community. This newspaper notice will appear not less than seven (7) days and not more than twenty-one (21) days before the due date for bid proposals. In addition, the Grantee/Subrecipient must solicit sealed bids from responsible prospective suppliers by distributing a copy of such notice to them.

The IFB will include a general description of the goods or services to be procured, the bid deposit and bond performance required (if applicable), the location where bid forms and specifications may be secured, the time and place for opening bids, and whether the bid award will be made on the basis of the lowest bid price or the lowest evaluated price. If the lowest evaluated price is used, the measurable criteria to be utilized must be stated in the IFB. The newspaper notice must also contain language that calls to the attention of bidders all applicable requirements that must be complied with such as Section 3 of the 1968 Housing Act, Section 109 of the 1974 Housing and Community Development Act, the Civil Rights Act of 1964, Executive Order 11246 and the Davis-Bacon Act.

Sealed bids will be opened in public at the time and place stated in the IFBs. The Grantee/Subrecipient will tabulate the bids at the time of bid opening. The results of the tabulation and the bid documents will be evaluated by the review committee, which will make recommendations to the Grantee/Subrecipient. The Grantee/Subrecipient will make a firm fixed-price contract award in writing to the lowest responsive and responsible bidder. After the Grantee/Subrecipient makes the bid award, a contract will be prepared for execution by the successful bidder. After the contract is signed, all bid deposits will be returned to all unsuccessful bidders.

The Grantee/Subrecipient may cancel an Invitation for Bid or reject all bids if it is determined in writing that such is in the best interests of the Grantee/Subrecipient. The Grantee/Subrecipient may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened.

#### Bid Overages:

The following options are available for awarding a bid following an overage:

- 1) Obtaining additional funds from another source and continuing with the original IFB.

- 2) Rejecting all bids, revising project scope and bid specifications, and issuing a revised IFB (competitive sealed bid) open to the entire public; or
- 3) Conducting competitive negotiations with **all** bidders. **(Grantees must seek pre-approval from DLG for this option).**

Competitive negotiations under option (3) must take place under the following criteria:

1. If discussions pertaining to the revision of the specifications or quantities are held with any bidder, all of the bidders shall be afforded an opportunity to take part in such discussions.
2. After discussions with the bidders, the grantee shall revise the scope of work accordingly and issue an RFP open to all bidders, providing for expedited proposals. No advertisement is required, but the grantee shall allow **at least seven days** for bidders to submit proposals.
3. The RFP shall be awarded on the basis of **lowest bid price**.

#### C. COMPETITIVE NEGOTIATION

The Grantee/Subrecipient may utilize competitive negotiations, regardless of contract amount, upon a written determination that:

1. Specifications cannot be made specific enough to permit the award of a bid on the basis of either the lowest bid price or the lowest evaluated bid price (in other words, bidding is not feasible).
2. The services to be procured are professional or personal in nature.

**The use of the competitive negotiations procurement method for contracts other than architectural, engineering, planning or administrative services must be pre-authorized by DLG.** With the exception of procurement of certain professional services (principally engineering services), competitive negotiations will proceed as follows:

1. Proposals will be solicited through a qualifying official newspaper advertisement; additionally, a Request for

Proposal (RFP) may be prepared and mailed to qualified vendors. The newspaper advertisement must be published at least seven (7) days and not more than twenty-one (21) days before the date for receipt of the proposals. The RFP will describe services needed and identify the factors to be considered in the evaluation of proposals and the relative weights assigned to each selection factor. The RFP will also state where further details regarding the RFP may be obtained. The RFP will call attention to the same regulations discussed in the bidding process. Requests for proposals will always include cost as a selection factor except for engineering services.

2. Award must be made to the offeror whose proposal is determined by the review committee to be most advantageous to the program, with price and other factors considered. Evaluations must be based on the factors set forth in the Request for Proposal and a written evaluation of each response prepared. The review committee may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms or the procurement may be abandoned.

For the procurement of architectural/engineering (A/E) professional services, an alternative to RFPs may be used. The Grantee/Subrecipient may publish a Request for Qualifications. RFQs are handled in a similar method to RFPs with the exception that cost is not a factor in the initial evaluation. A review committee will evaluate the responses and rank them by comparative qualifications. The highest scoring person or firm will be contacted and the selection committee will negotiate cost. If the committee is unable to negotiate a satisfactory cost arrangement, the second highest scoring person or firm will be invited to negotiate. The committee will maintain a written record of all such negotiations.

#### D. NON-COMPETITIVE NEGOTIATIONS

Non-competitive negotiation is procurement through solicitation of a proposal from one source, and is often referred to as sole source procurement. A contract may be awarded by noncompetitive negotiation only when the award is infeasible under small purchase procedures, competitive sealed bids, or competitive negotiations and one of the following circumstances applies:

1. There is some public emergency that will not permit delay resulting from competitive solicitation (the grantee must declare an emergency as authorized by law); or
2. The results of the competitive negotiations are inadequate; or
3. The product or service is available only from a single source.

**Caution: The use of the non-competitive negotiations procurement method must be authorized by DLG.**

The following requirements apply to the non-competitive negotiations procurement process:

1. Negotiations must be conducted with the selected company regarding a scope of work and price; and
2. Preparation and signing of a contract formalizing a scope of work and the terms of compensation is required.

## II. CONTRACTS

Generally, all procurement in excess of \$500 will be memorialized and supported by a written contract. Where it is infeasible or impractical to prepare a contract, a written finding to this effect will be prepared and a purchase order regarding the transaction will also be prepared. The contractual provisions required by "The Common Rule" will be included in all contracts and purchase orders.

## III. DOCUMENTATION

All source documents supporting any given transaction (receipts, purchase orders, invoices, RFP/RFQ data, and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement shall be separately filed and maintained. Where it is infeasible to maintain individual procurement files, source documents will be filed and maintained in a reasonable manner (examples include chronologically, by vendor, by type of procurement, etc.). Whatever form of documentation and filing is employed, the purpose of this section is to ensure that a clear and consistent audit trail is established. At a minimum, source document data must be sufficient to establish the basis for selection, basis for cost (including the issue of reasonableness of cost) and basis for payment.

## IV. LOCALLY OWNED, MINORITY OWNED, FEMALE OWNED AND SMALL BUSINESSES

The Grantee/Subrecipient shall make and document efforts to solicit participation of locally owned, minority owned, female owned and small businesses. Where

feasible, evaluation criteria will include a factor with an appropriate weight for these firms. A list of locally owned, minority owned, female owned and small businesses and also minority businesses located within the trade region shall be maintained and utilized when issuing IFBs, RFPs and RFQs. The Grantee/Subrecipient shall also consult this list when making small purchases.

## VI. SECTION 3

Grantee/Subrecipient shall abide by its Section 3 action plan and shall, to the maximum extent feasible, as required by 24 CFR Part 135, award contracts to businesses that provide economic opportunities for low and very low-income persons residing in the project area.

## VII. CODE OF CONDUCT

### A. CONFLICTS OF INTEREST

In addition to the prohibitions set forth in 24 CFR 570.489(h) and 24 CFR 85.36(b)(3), the following prohibitions shall apply:

It shall be a breach of ethical standards for any employee with procurement authority to participate directly in any proceeding or application; request for ruling or other determination; claim or controversy; or other particular matter pertaining to any contract, or subcontract, and any solicitation or proposal therefor, in which to his knowledge:

(a) He, or any member of his immediate family has a financial interest therein; or

(b) A business or organization in which he or any member of his immediate family has a financial interest as an officer, director, trustee, partner, or employee, is a party; or

(c) Any other person, business, or organization with whom he or any member of his immediate family is negotiating or has an arrangement concerning prospective employment is a party. Direct or indirect participation shall include but not be limited to involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or purchase standard, rendering of advice, investigation, auditing, or in any other advisory capacity.

(2) It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee 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 part of a purchase request, influencing the content of any specification or purchase standard,

rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling or other determination, claim or controversy, or other particular matter, pertaining to any contract or subcontract and any solicitation or proposal therefor.

(3) It is a breach of ethical standards 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 or any person associated therewith, as an inducement for the award of a subcontract or order.

(4) The prohibition against conflicts of interest and gratuities and kickbacks shall be conspicuously set forth in every local public agency written contract and solicitation therefor.

(5) It shall be a breach of ethical standards for any public employee or former employee knowingly to use confidential information for his actual or anticipated personal gain, or the actual or anticipated personal gain of any other person.

#### B. PENALTIES

Any elected official, employee or designated agent of the **Grantee/Subrecipient** who knowingly and deliberately violates the provisions of this code will be open to civil suit without the legal protection of the **Grantee/Subrecipient**. Furthermore, such a violation of these procurement standards is grounds for dismissal by the **Grantee/Subrecipient**.

Any contractor or potential contractor who knowingly and deliberately violates the provisions of these procurement standards will be barred from future transactions with the Grantee/Subrecipient.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
Judge/Executive David Johnston

ATTEST

\_\_\_\_\_

**RESOLUTION \_\_\_\_\_**

**RESOLUTION OF THE OHIO COUNTY FISCAL COURT  
OF  
OHIO COUNTY, KENTUCKY**

A RESOLUTION OF THE OHIO COUNTY FISCAL COURT, OHIO COUNTY, KENTUCKY, AUTHORIZING THE COUNTY TO ENTER INTO A LEGALLY BINDING AGREEMENT, AND AUTHORIZING THE JUDGE EXECUTIVE TO SIGN AND EXECUTE ANY AND ALL DOCUMENTATION OF THE LEGALLY BINDING AGREEMENT, FOR THE PURPOSE OF ENTERING INTO A GRANT AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY, DEPARTMENT FOR LOCAL GOVERNMENT.

It is resolved that:

The OHIO County Fiscal Court is hereby authorized to enter into a Legally Binding Agreement, a copy of which is attached hereto, with the Audubon Area Community Services, for the purpose of entering into a grant agreement with the Commonwealth of Kentucky, Department for Local Government; and

David Johnston, Judge Executive is hereby approved and appointed to enter into said agreement and to execute all documents necessary to effectuate the closing of the Agreement.

NOW, THEREFORE, be it resolved this \_\_\_\_\_ day of \_\_\_\_\_ 2021, by the OHIO County Fiscal Court, OHIO County, Kentucky

In Witness hereof I hereunto affix my signature on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
David Johnston  
Judge Executive

\_\_\_\_\_  
Secretary/Clerk

## **Fair Housing Resolution**

LET IT BE KNOWN TO ALL PERSONS OF Ohio County Fiscal Court that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing or in the provision of brokerage services because of race, color, religion, sex or national origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law).

It is the policy of the Ohio County Fiscal Court to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex or national origin. The Fair Housing Amendments Act of 1988 expands coverage to include disabled person and families with children. Therefore, the county does hereby pass the following Resolution.

BE IT RESOLVED that, within available resources, the Ohio County Fiscal Court will assist all persons who feel they have been discriminated against because of race, color, religion, sex, national origin, disability or familial status to seek equity under federal and state laws by filing a complaint with the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Compliance Division.

BE IT FURTHER RESOLVED that the Ohio County Fiscal Court shall publicize this Resolution and through this publicity shall encourage owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and amendments and any applicable state or local laws or ordinances.

SAID PROGRAM will at a minimum include: 1) printing and publicizing of this policy and other applicable fair housing information through local media and community contacts; 2) distribution of posters, flyers, and any other means that will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing; and 3) prepare an analysis of impediments to fair housing choice and actions to mitigate such impediments.

EFFECTIVE DATE:

This Resolution shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Judge Executive David Johnston

**OHIO COUNTY FISCAL COURT POLICY ON  
PROHIBITING DRUG USE AND CERTIFICATION  
OF DRUG FREE WORKPLACE FOR COUNTY EMPLOYEES AND  
OFFICIALS AND ESTABLISHMENT OF A GRIEVANCE PROCEDURE**

It shall be unlawful for any employee to manufacture, distribute, possess, or use a controlled substance unless specifically prescribed by a licensed physician, on any premise or property of the Ohio County Fiscal Court (hereafter referred to as "Grantee"). It is a violation of law and will be grounds for immediate termination of employment.

Literature is available to all employees concerning the dangers of drug abuse in the workplace and available drug counseling and rehabilitation programs within the community. Said literature will be distributed and maintained at the McLean County Courthouse, address of place of performance is as follows:

Office of the Judge/Executive  
Ohio County Fiscal Court  
130 East Washington Street, Suite 209  
Hartford, KY 42347-1186

All employees are required to abide by this policy and to notify their immediate supervisor of any drug use occurring in the workplace.

In the event that an infraction of this policy occurs it will be reported immediately. The matter must be reported to the judge executive. An investigation of the infraction will be confidential as far as practicable and any recommended disciplinary action will be in accordance with the Grantee Personnel Policies and a hearing before the Grantee may be requested.

This policy shall be distributed to all Grantee employees and officials who will acknowledge that they have read and understood it. It will also be posted in all departments.

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David Johnston  
Judge/Executive

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Date

**RESOLUTION OF THE OHIO COUNTY FISCAL COURT  
ADOPTING A POLICY PROHIBITING DRUG USE AND  
CERTIFYING DRUG-FREE WORKPLACE**

WHEREAS, the Ohio County Fiscal Court (hereafter referred to as "Grantee") presently has no separate written policy prohibiting the manufacture, distribution, possession or use of a controlled substance in the workplace unless specifically prescribed by a licensed physician; and

WHEREAS, such a separate written policy is a requirement of federal law and would be helpful in enunciating proper conduct by employee and officials of the Grantee.

NOW, THEREFORE, BE IT RESOLVED by the Grantee that:

1. There is hereby adopted a Policy Prohibiting Drug Use and Certifying a Drug-Free Workplace for Grantee employees and officials and establishing a Grievance Procedure.
2. Said policy shall be available to all Grantee employees and made a permanent part of the Order.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

Judge/Executive David Johnston

\_\_\_\_\_  
Attest