

City of Gautier  
Grant Policy and Procedures



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# Grant Policy and Procedures

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# Grant Policy and Procedures

## CHAPTER 1: PURPOSE, DEFINITION, AND AUTHORITY

### 1.1 PURPOSE

The purpose of these policies and procedures is to develop, implement, and maintain effective grant oversight and coordination for the City of Gautier (the “City”), thereby increasing grant-related revenue, enhancing compliance, limiting the City’s exposure to grant-related legal liability, and improving the efficiency, effectiveness, and impact of programs and services funded through grants. These policies and procedures are intended to encourage prudent financial stewardship and foster public trust through a rigorous adherence to ethical and professional standards. Adherence to these policies and procedures will promote efficiency, enhance transparency and accountability, and create a strict approach to funding opportunities, while placing the City in a more competitive position to secure grant funds. Grants to local governments support new initiatives, build on or broaden the immediate concerns of local government, and help address issues difficult for localities to fund. They can diversify local government funding bases and help improve or expand services to citizens in need. Because entering into grant agreements may also have a cost to local governments (e.g., matching requirements, required continuation of service(s) without additional financial assistance, and/or indirect costs), responsible local governments provide systems for weighing benefits and costs of grant programs under consideration. It is the goal of the City of Gautier to seek funding opportunities that are well suited to local needs while controlling the costs associated with financial assistance.

### 1.2 DEFINITION OF A GRANT

A grant is a type of financial assistance (in cash or in kind) bestowed by a government or other organization (called the grantor) for specified purposes to an eligible recipient (called the grantee). Grants are conditional upon certain qualifications and are bound by some type of contractual obligation as to the use, maintenance of specified standards, or a proportional contribution (cost share or match) by the grantee or other grantor(s).

A grant can be defined in, but is not exclusive to, the following forms:

- Loan Contract
- Loan Guarantee
- Intergovernmental Agreement
- Contractual Agreement
- Joint Participation Agreement
- Cooperative Agreement



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A grant can be restricted or unrestricted to be used by the recipient in any manner within the parameters of the recipient organization's activities or for a specific purpose by the grantor. A grant from the federal government will retain its character and will not lose its identity even when it is passed through the state. City departments must ensure all federal regulations are followed throughout the grant period. Where there are discrepancies between federal, state, and local requirements during implementation of the grant, staff must follow the most stringent of the rules and regulations.

## 1.3 GRANT TYPES

In addition to grants, there are other types of financial assistance the City receives that may not include the term "grant" but are also covered by this policy. The City considers the term "grant" to include, but not be limited to, contracts or agreements that fall under the purview of 2 CFR 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, also known as the Uniform Guidance. This circular incorporates guidance previously found in OMB Circulars A-87, A-102, and A-133.

Discretionary Grants: A discretionary grant awards funds on the basis of a competitive process. The Grantor reviews applications, through a formal review process, in light of the legislative and regulatory requirements and published selection criteria established for a program.

Block Grants: A broad, intergovernmental transfer of funds or other assets by the U.S. Congress to state or local governments for specific activities. Block grants are distributed according to legal formulas defining broad functional areas such as health, income security, education, or transportation. They are used for a variety of activities, largely at the recipient's discretion, and can include a wide range of government programs under one funding umbrella.

Continuation Grants: A continuation grant provides additional funding for budget periods subsequent to the initial budget period. Also referred to as a "renewal grant."

Cooperative Agreements and Contracts: A type of grant assistance awarded by a federal agency when it anticipates having substantial involvement with the grantee during the performance of a funded project.

Corporate Grants: A grant made by a corporation.

Foundation Grants: A grant made by a philanthropic foundation.

Pass Through Grants: Grant funds received from one grantor, but passed through another grantor or funding source.

Earmarks: Refers to a provision in legislation requiring that a portion of a certain source of revenue be designated for specific projects, usually at the request of a legislator. Typically, the



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City submits requests for projects to state and federal legislators, who seek to obtain funds for those requests, usually to be spent in the district the legislator represents.

Formula Grants: A grant that a federal agency is directed by Congress to make to grantees, for which the amount is established by a formula based on criteria written into the legislation and program regulations. This funding is directly awarded and administered in the federal agency's program offices.

## 1.4 GOVERNING LAWS AND REGULATIONS

- Federal Grant and Cooperative Agreement Act of 1977, as incorporated in Title 31 Section 6304 of the U.S. code.
- 2 CFR Chapter I, and Chapter II, Parts 200, 215, 220, 225, and 230 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal Awards (a.k.a. the "Omni Circular").
- Single Audit Act of 1984 as amended in 1996.
- OMB Circular A-133 and compliance supplements.

## 1.5 UPDATES AND REVISIONS

This living document contains federal, state, and city policies and procedures that by its nature may be revised over time as regulations change, new tools emerge, new processes are designed, and risks change. This document may be updated or amended at any time by a majority vote of the Gautier City Council.

## CHAPTER 2: GRANTS MANAGEMENT POLICY

The City encourages its agencies and departments to seek supplemental grant funding to support functions and programs that are beneficial to the public. All City departments are subject to the policies and procedures of the Grant Policy and Procedures for application, acceptance, and implementation of all grant awards. However, for those grants that require no application or were received on an entitlement basis, the grant application, grant award, or other portions of this policy may not be applicable. Any questions regarding the applicability of portions of the policy should be resolved by contacting the Grants and Projects Director.

### 2.1 GENERAL PRINCIPLES

The Grants Policy and Procedures establishes the following principles:

- The City of Gautier has a **centralized** grant department, meaning that all grant applications and activities must be coordinated through the Grants and Projects Department.
- The total additional costs associated with each new grant, including estimated indirect costs, must be identified for all grants.



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- **Upon grant expiration, all approved matching City funds and all positions funded by the grant will end.** The City Manager or City Council may continue funding a program or position previously funded from grant revenues.
- The benefitting department is responsible for adhering to all policies and procedures attached to the grant by the grantor.
- All City departments must follow the procedures outlined in the Grant Policy and Procedures unless otherwise authorized by the City Council and/or City Manager.

## 2.2 APPLICATION APPROVAL

Departments may submit grant applications without the approval of the City Council except in the following circumstances:

- The grantor requires it.
- There is matching fund (cash) requirement of more than \$25,000.
- There are future or ongoing contributions required after the grant period expires.
- The grant, if awarded, would require City Council execution and the City Council could not refuse to accept the grant.
- There may be controversy resulting from the application or receipt of the grant.

## 2.3 APPLICATION PROCESS

- a) Departmental Assessment – Prior to applying for a grant, a department should assess its capacity to aid in the application of and manage the grant in question. City departments that seek and utilize grant funds are responsible for assisting with: planning for grant acquisition; preparation and submission of grant proposals; grant writing; preparing City Council agenda items; preparing budget revision requests to accept grant funds; grant orientation and review; managing grant programs and projects; preparing and submitting reports to grantors; managing and monitoring subrecipients whenever applicable; and properly closing out grant projects as detailed in this policy and the grant agreement or award letter that delineates the terms and conditions of the grant.
- b) Approval Process – Departments interested in applying for a grant must first contact the Grants and Projects Department to discuss the opportunity, well in advance of the grant application deadline. Departments may write their own grants or coordinate with the Grants and Projects Department to have the grant written.
- c) City Attorney Review – When required and prior to application submission, the City Attorney shall conduct a legal review of grant applications.
- d) City Council Approval – When City Council approval is required for the submission of an application, the Grants and Project Department shall be responsible for preparing the agenda item, unless a different department is writing the grant.



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- e) Mayor's/City Manager's Signature – In time sensitive cases, to meet a grant application or grant agreement deadline, where the next City Council meetings is after the grantor's deadline, the Mayor/City Manager has authority to sign grant applications.
- f) Federal and State Grants Systems – The Grants and Projects Department has the sole responsibility of managing and renewing the City of Gautier's registration with the U.S. Government's System for Award Management (SAM) and for managing user access to federal and state grants systems that are used by multiple departments to apply for grants.
- g) A copy of all grant applications (including all attachments) must be filed with the Grants and Projects Department.

## 2.4 GRANT AWARD AND ACCEPTANCE

To ensure fiscal control, the City of Gautier must approve all contracts and/or accept all grants on behalf of the City. The Mayor/City Manager, or designee, signs grant agreements that have been approved by City Council, with copies of all executed agreements given to the Grants and Projects Department and Purchasing Clerk. In time sensitive cases, where the next City Council meeting is after the grantor's deadline, the Mayor/City Manager has authority to sign grant agreements.

## CHAPTER 3: ROLES AND RESPONSIBILITIES

All City personnel engaged in preparing grant proposals, administering grant awards, or who are responsible for grant-funded assets serve an important role in the success of project outcomes and objectives and ensuring that all grant terms, conditions, budgetary requirements, and regulatory requirements are met. Below are the "key players" in the management and administration of grant-funded projects received by the City and a representational list of the responsibilities.

**City Council:** The City Council has the authority to set policies and budgets.

**City Manager:** The City Manager is the Authorized Organizational Representative (AOR) on behalf of the City within SAM.gov and has the authority to grant waivers to the grant process and procedures.

**Grants and Projects Department:** The Grants and Projects Department ensures overall management of grant contracts/agreements are in compliance with all regulatory requirements and in alignment with the City's strategic plan, policies, and goals. The Department is also responsible for:

- 1) Developing, revising, and distributing the official grants policies and procedures of the City of Gautier.





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- 2) Coordinating the tracking of grant applications, awards, and major project management decisions associated with awarded grants.
- 3) Assisting departments with the interpretation and application of city, county, state, federal or other grants policies.
- 4) Assisting with the resolution of disputes between the City of Gautier and funding sources.
- 5) Offering grants training and technical assistance services.
- 6) Preparing agenda items for City Council meetings for grant awards.
- 7) Researching appropriate funding opportunities.
- 8) Informing all departments about relevant funding opportunities.
- 9) Writing grant proposals.
- 10) Reviewing proposals written by other departments, upon request.
- 11) Offering training and technical assistance in proposal writing.
- 12) Ensuring that requests for grant funds are promptly submitted to minimize the advance use of City funds.
- 13) Ensuring that project reporting requirements and deadlines for submissions are observed.
- 14) Recording revenues and expenditures associated with approved grants.

## CHAPTER 4: GRANT PRE-AWARD PROCESS

The pre-award process involves all steps from project development to submitting a grant proposal to a grantor. In some cases, the pre-award process may take years depending on the complexity of the project. Organizations that are successful with obtaining funds for their projects are cognizant of the fact that you should never chase the dollar when it comes to grants. A project that is not well developed will often fail even if the proposal is awarded for funding.

### 4.1 Project/Program Development

A grant project or program should be well defined prior to seeking grant funds. In general, projects should align with the City's and/or the department's strategic plan or in support of City functions. The project should be well thought out prior to seeking grant funds. Once a Notice of Funding Opportunity (NOFO) is posted, the typical timeframe for application submission is between 8-12 weeks. A well thought out project/program will reduce the stress of preparing a grant application when funding is made available. The following are questions to consider when developing a project:

- Is the project/program temporary or permanent?
- If it's permanent, is there funding to support the project/program once the grant expires?



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- What is the goal or end product?
- Are the goals and objectives achievable and measurable?
- What are the steps necessary to achieve end results?
- Have similar projects/programs been done before by another agency?
- If needed, are there any existing funds or programs that can be utilized as leveraging or matching?
- Will additional staff be needed to support the project/program? If so, will the grant support the position, or will the position be requested as part of the City budget?
- Will the project/program require outside partnership? If so, has the organization been contacted for interest? Is there an agreement in place with the partners?
- What is the anticipated project/program cost?
- Will the grant cost more to implement than it is worth?

When possible and if potential funding is identified, it is best to prepare the application ahead of time in anticipation of the NOFO. This is especially true for those NOFOs that are likely to recur every year.

## 4.2 Review of Grant Opportunities

Each grant proposal will be reviewed and analyzed for the following considerations:

### A. Financial

- Total anticipated project cost
- Matching requirements and sources
- Project income considerations
- Staffing requirements
- Cash flow needs
- A continuation plan for sustaining the program after expiration of grant funds (if applicable)

### B. Programmatic

- Alignment with City strategic priorities and department's mission
- Provision or expansion of services to address critical needs and core services
- Capacity to administer the financial and administrative aspects of the grant
- Consideration of potentially political or conflict issues

## 4.3 Grant Search

There are thousands of grants available in the United States. Grants can come from all different sources: federal, state, foundations, and private philanthropy. No matter the source of the grant, the commonality is the grant has to meet the objectives of the grant source. The best resources in searching for funding are through competitors and colleagues.



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## 4.4 Application Preparation

The Grants and Projects Department is available to provide technical support and assist with the preparation of grant applications.

- A. Once a Notice of Funding opportunity (NOFO) or Funding Opportunity Announcement (FOA) has been identified for a proposed project/program, the most important thing is to read the entire NOFO or FOA as soon as possible. Keep in mind that you will be re-reading the NOFO or FOA a few times prior to submitting the application. Things to identify up front before starting the preparation are:
  - a. Grantee eligibility
  - b. Funding goals, priorities, and ceilings
  - c. Letter of intent (if applicable)
  - d. Submission deadline
  - e. Matching requirements
  - f. Letters of support or commitment
  - g. Partnership requirements
  - h. Grantor points of contact

One or more of the previous items can help determine if the grant is feasible. It is recommended that a department not waste time on applying for a grant if there is not sufficient time to prepare a good proposal. Good projects/programs are rejected all the time by grantors for incomplete or ineligible applications.

- B. If a federal grant is being considered, keep in mind the federal government has stringent principles on how grant funds can be spent and managed by grantees. Super circular Title 2 CFR 200 is the "Uniform Administrative Requirements, Cost Principles, an Audit Requirements for Federal Award." Its policies went into effect for grants awarded after December 26, 2014. Also, pay close attention to the NOFO for guidance as to what is an eligible cost under the grant.
- C. If unsuccessful in being awarded the grant, contact the grantor for a debriefing. Granting agencies routinely provide review comments or telephone debriefings for proposals they do not award.

## CHAPTER 5: GRANT POST-AWARD PROCESS

When the City receives a grant from an outside source, it generally incurs obligations. At a minimum in accepting the grant, the City assumes the obligation of ensuring that the grant money is spent only for the specific purposes attached to the grant. In addition, there may be impacts to internal service departments, reporting obligations, compliance with nondiscrimination laws, indemnity and releases—all of which become City obligations upon receipt of the grant funds.



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## 5.1 Award Notification, Review, and Acceptance Procedures

Grant agreements are legal contracts. It is the City's responsibility to carry out grant activities to accomplish its objectives, while adhering to the regulatory and budgetary terms and conditions prescribed by the grantor in the grant agreement. Failure to do so exposes the City to legal liability and compromises current and future grant funding. The City carries a significant legal and ethical responsibility when accepting grant funding, and management of grant awards requires heightened awareness throughout the organization.

It is the responsibility of the Grants and Projects Department and/or the benefitting department to review the contract or agreement, especially the scope of work, to ensure the department concurs with the language and conditions stipulated within the document.

## 5.2 Fiscal Accountability

- No grant funds shall be disbursed until contracts are fully executed between grantor and grantee.
- Grant funds may only be used for grant-related expenses and expended within the period of performance identified in the grant agreement.
- Departments receiving grant funds shall adhere to City policies and procedures regarding revenue collection and accounting and reporting of grants received by the City.
- Modifications or reallocations to the awarded budget that alters the grant amount or moves funds from one budget line item to another must adhere to grantor and City policy and procedures.
- Grant funds awarded to the City shall not be used to supplant an existing expense so that current funds can be diverted to another use, unless such use of grants funds is explicitly identified as allowable in writing by the grantor in the grant award.
- All income resulting from a grant-funded project or program shall be managed and maintained as established in the grant agreement.
- All procurement activity associated with grant-funded projects or programs shall follow grantor and City policy and procedures for procurement of goods. Where there is discrepancy between the two, always use the more stringent of the two policies.

## 5.3 Allowable and Unallowable Costs

Grant managers are ultimately responsible for adhering to the requirements and conditions of the approved grant agreement and ensuring that only allowable and eligible expenditures are incurred. This means that they are allowable, allocable, necessary, and reasonable and provide a direct benefit to the grant-funded project. Authorized expenditures are:



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- Not included as a cost or used to meet the matching requirement for another federal grant
- Consistent with grantee policies, regulations, and procedures regarding federal awards
- Determined in accordance with Generally Accepted Accounting Principles (GAAP)

## **A. Expenditure Monitoring/Award Reconciliation**

a. It is critical to the overall success of a project that grant funds are expended accurately. After initial setup, grant awards should be monitored on a regular basis to ensure:

- Expenditures are allowable, allocable, necessary, and reasonable based on terms and conditions of the grant award.
- Expenditures are adequately supported by documentation.
- Expenditures are charged to the correct project.
- Award spending is commensurate with the project timeframe.

b. It is important that grant budgets (revenues and expenditures) are reconciled on a regular basis but, more importantly, at the end of each fiscal year. The revenues and expenditures for each grant contract must be reconciled prior to the closing of a grant contract.

## **B. Equipment and Real Property Management**

- All property and equipment acquired through grant funds shall follow the grantor and City policy and procedures for property or inventory control.
- Property and equipment purchased with grant sources shall be used exclusively during the life of the grant for the project or program for which it was acquired.
- Grant-purchased equipment must be properly maintained and safeguarded, and equipment records must be maintained per City inventory policy and procedure.
- After the grant award is closed and equipment is no longer needed for its originally authorized purpose, the grantee shall request disposition instructions from the grantor and follow City policy and procedures for property and inventory control.
- Grant-purchased equipment cannot be transferred to another project or department after the grant award is closed without approval from the grantor.
- Title 2 CFR 200.313 provides guidance on use and disposition of equipment.

## **5.4 Procurement and Suspension/Debarment**

It is the responsibility of the recipient department to properly procure goods and services and follow all procurement rules. There are some differences between the federal, state, and city procurement rules. The recipient department must comply with the most stringent of the rules



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in procurement. It is also the responsibility of the department to ensure that any subcontractor or sub-awardee that will be funded through a grant award is not prohibited from receiving federal funds due to suspension or debarment. A person or entity debarred or suspended is excluded from federal financial and non-financial assistance and benefits under federal programs and activities. Debarment or suspension of a participant in a program by one agency has government-wide, reciprocal effect.

Prime contractors for federal projects must be current with their registration in SAM.gov and have an active DUNS/UEI number. The project manager must ensure that the federal Excluded Parties List System (EPLS) within SAM.gov is verified and the proof of verification is printed or record keeping prior to entering into any contractual relationship or use of services.

## **5.5 Grant Reporting**

The recipient department is responsible for coordinating the timely and accurate preparation and submission of all reports per the grant agreement.

## **5.6 General Standards for Supporting Documentation**

Costs claimed by the City under grants must be allowable, allocable, and reasonable, and adequate documentation to support charges to the grant must be maintained for audit trails (reference 2 CFR 200). Expenditures under most cost reimbursement grants are governed by the cost principles established by federal, state, and other grantors and must conform to respective policies, grant special provisions, and City policies.

Typical grant transactions may include: personnel costs, purchase of equipment and supplies, costs for contracted services, grant income or revenue, etc.

Documentation of eligible expenses may include copies of invoices, receipts, payroll or labor reports, or other proof that complies with federal and state audit standards. Proof of payment of expenditures may include a copy of a credit card receipt, receipt showing cash payment, cancelled checks, bank statements, or other proof that complies with federal and state audit standards.

## **5.7 Contract Extension or Amendment**

There are times when grantees find it necessary to amend the scope of work or extend the contract timeline. It is important to follow the procedures written in the grant agreement or in the guidelines provided by the grantor when making such a request. Grantees cannot spend funds on items that are not within the original scope of work until the amendment is pre-approved by the grantor. Keep in mind, time extension is a reflection of the recipient's ability to perform the contract.



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## 5.8 Grant Closeout

Grant closeout is the process by which the City performs all necessary administrative and financial actions to satisfactorily complete all requirements set forth in the grant agreement and generally addresses the physical completion of work and the administrative requirements for closeout.

### Best Practices

- 90 days prior to the end of a project or grant agreement, determine if an extension would be needed from the grantor in order to complete the project.
- Notify all sub-recipients, contractors, subcontractors to submit final invoices.
- Reconcile revenues and expenses prior to the last request for payment to grantor. Coordinate with finance department for a final reconciliation prior to preparation of the closeout report to the grantor.
- Review the terms of the award and ensure that all deliverables are submitted by the designated due dates including final progress/technical reports.
- Submit copies of the closeout report to the finance department.

## 5.9 Grant Termination

Unless approved by City Manager or the City Council, the City will not continue a grant-funded program once the grant ends. Therefore, all grant-supported staff positions will be abolished if the grant funding supporting them is eliminated. The recipient department may choose to continue operating capital expenses from an expired grant using other funds available.

## 5.10 Record Retention

In accordance with record keeping rules, grant documents must be kept for five (5) years after the audit year of the last expenditures. If any litigation, claim, negotiation, audit, or other action involving grant records has been started before the expiration of the five-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular five-year period, whichever is later. Grantors may require retention periods in excess of the City's policy of five years. Departments must ensure they comply with retention requirements specified by each grantor when they exceed the City's retention policy.

## 5.11 Conflict of Interest

Actual or perceived conflicts of interest can damage the reputation and credibility of the City. One of the key purposes of this policy is to eliminate or mitigate the risk, either in actual or in appearance, of a conflict of interest or breach of trust by an official or employee of the City.



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- A. No official or employee of the City shall have any interest, financial or otherwise, direct or indirect, or arrangement concerning prospective employment that will, or may be reasonably expected to bias the design, conduct, or reporting, of a grant-funded project on which they are involved.
- B. Any official or employee shall ensure that in the use of project funds, officials or employees of the City, nongovernmental recipients, or sub recipients shall avoid any action that might result in, or create the appearance of:
  - a. Using their official position for private gain,
  - b. Giving preferential treatment to any person or organization,
  - c. Losing partial or complete independence,
  - d. Making an official decision outside official channels, or
  - e. Adversely affecting public confidence or trust in the grant-funded program in particular and the City in general.
- C. In addition to any other ethics rules or standards of conduct established by the City, no employee, official, or agent of the City, shall participate in the selection, awarding, or administration, of a contract supported by federal funds if participation creates an actual conflict of interest. Such a conflict would arise when:
  - f. The employee, official or agent;
  - g. Any member of their immediate family;
  - h. Their partner; or
  - i. An organization which employs, or is about to employ, any of the above, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract or award.
- D. Organizational Conflicts of Interest in Federally Funded Procurements: An organizational conflict of interest exists where there is a relationship between a bidder or other potential contractor and the City, which is equivalent to that of a parent company, affiliate, or subsidiary organization. In such cases, the entity having an organizational conflict of interest with the guidance and/or approval from the federal awarding agency. At a minimum, for quotes and formal solicitations, the entity having an organizational conflict of interest should not have participated in the preparation of the City's specifications for the quote or solicitation and should meet all material requirements applicable to other eligible respondents.

### CHAPTER 6: FEDERAL REQUIREMENTS FOR CONSTRUCTION PROJECTS

The recipient department must comply with federal requirements involving construction-related projects. Departments should plan accordingly to ensure that adequate time, funding, and staffing are available to carry out the federal requirements for construction projects. The requirements flow down to all subcontractors and subrecipients funded through a federal grant award.





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## **Federal Labor Standards and Compliance**

Any construction project that will be bid to a private contractor and cost in excess of \$2,000 must adhere to the federal labor standards provisions as follows:

- Davis Bacon Act – This law requires that laborers and mechanics receive not less than the wages and benefits determined by the Secretary of Labor to be ‘prevailing’ in the area for the type of work performed. The wage determination for the proper classification of work must be included in the bid document. Wage determinations are issued by the Department of Labor (DOL) and can be found on their website. These are not necessarily the same as union wages.
- Contract Work Hours and Safety Standards Act (CWHSSA) – This law applies only if the construction contract is over \$100,000 and defines overtime as all hours worked over forty (40) in any work week; requires overtime compensation at not less than 1 ½ times the regularly hourly rate (not including fringe benefits) be paid for such hours to all laborers, mechanics, watchmen, and guards; and makes employers responsible for back wages and for liquidated damages at the rate of \$40 per day if there are violations.
- Copeland Act (Anti-Kickback Act) – This law provides that all workers be paid unconditionally, and without deductions (except those that are permissible), based on DOL criteria. Deductions that meet such criteria include taxes, legally permissible voluntary deductions and those required by court action. It also requires the maintenance and submission of weekly payroll reports and statements of compliance. Furthermore, it is a criminal offense for any person to induce an employee to give up any portion of his/her compensation.
- Fair Labor Standards Act (FLSA) – This covers wages, overtime (even if the project is not subject to CWHSSA), record keeping and child labor standards for other employees hired by the contractor (i.e., those not covered by the federal labor standards provision.)

## **Uniform Relocation Assistance Act of 1970**

The Uniform Relocation Assistance Act of 1970 is a federal law that establishes minimum standards for federally-funded programs and projects that require the acquisition of real property (real estate) or displace persons from their homes, businesses, or farms. The Uniform Relocation Assistance Act’s protections and assistance apply to the acquisition, rehabilitation, or demolition of real property for federally-funded projects. When relocation is needed for a project, there are very specific legal responsibilities to affected property owners and displaced persons that must be addressed.



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## **Conflicts of Interest**

As a part of the grant application process, the grant preparer must positively state on any grant form, when asked, that there is an absence of a financial or other interest or affiliation held by them or a member of their immediate family in the funding agency or in companies from which goods and services will be obtained under the supported activity.

## **CHAPTER 7: OTHER IMPORTANT FEDERAL GUIDELINES AND POLICIES**

### **Disadvantaged Business Enterprises (MBE/WBE)**

The City of Gautier is committed to developing mutually beneficial relationships with minority-owned, woman-owned, and disadvantaged business enterprises. Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, shall have maximum opportunity to participate in the performance of contracts for the City, specifically for those projects financed in whole or in part with federal funds under grants, contracts, or cooperative agreements.

The City encourages DBEs to compete for contracts and subcontracts and encourages joint ventures between DBE and non-DBE firms who compete for City contracts and subcontracts.

### **Lobbying Restrictions**

Lobbying restrictions can be found in Section 200.450 of the federal administrative requirements. This section also identifies other agency regulations that discuss lobbying restrictions. Generally, federal grantees and sub-recipients are prohibited from using federal funds to influence federal employees or members of Congress and their staff. If a federal grantee or sub-recipient engages in lobbying activities, they must submit a form SF-LLL, Disclosure of Lobbying Activities, with their grant application.

### **Drug-Free Workplace**

2 CFR 182, Government-wide requirements for Drug-Free Workplace (Financial Assistance) requires federal grantees and sub-grantees to agree to maintain a drug-free workplace.

### **Non-Discrimination Policy**

#### **Civil Rights**

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance. In most cases, when a recipient receives Federal financial assistance for a particular program or activity, all operations of the recipient are covered by Title VI, not just the part of the program that uses the Federal assistance.



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## **Limited English Proficiency (LEP)**

Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibility, or understanding other information provided by federally funded programs and activities. Title VI of the Civil Rights Act of 1964 requires that recipients take reasonable steps to ensure meaningful access to the information, programs, and services they provide.

**Title IX of the Education Amendments of 1972**, as amended, 20 U.S.C. §§ 1681 *et seq.*, 40 C.F.R. Part 5. Under Title IX, OECRC has jurisdiction to investigate complaints alleging discrimination on the basis of **sex** in any education program or activity receiving financial assistance from the EPA.

**Section 504 of the Rehabilitation Act of 1973**, as amended, 29 U.S.C. § 794, 40 C.F.R. Part 7. Under Section 504, OECRC has jurisdiction to investigate complaints alleging discrimination on the basis of **disability** in a program or activity receiving financial assistance from the EPA

**Section 13 of the Federal Water Pollution Control Act Amendments of 1972**, Pub. L. 92-500 § 13, 86 Stat. 903 (codified as amended at 33 U.S.C. § 1251 *et seq.* (1972)), 40 C.F.R. Part 7. Under Section 13 of the Federal Water Pollution Control Act Amendments, OECRC has jurisdiction to investigate complaints alleging discrimination based on **sex** involving a program or activity receiving financial assistance under the Clean Water Act.

**Age Discrimination Act of 1975**, 42 U.S.C. §§ 6101 *et seq.*, 40 C.F.R. Part 7, Subpart F. Under the Age Discrimination Act, OECRC has jurisdiction to investigate complaints alleging discrimination based on **age** in a program or activity receiving financial assistance from the EPA. Accepted complaints of this nature are subject to mandatory referral for mediation to the Federal Mediation and Conciliation Service (FMCS) before investigation.

## **American with Disabilities Act (ADA)/Section 504 of the Rehabilitation Act**

In the broadest sense, it requires that state and local governments be accessible to people with disability. This requirement is applicable to subcontractors and sub-recipients.

## **Notice of Non-Discrimination**

### **Purpose**

It is the policy of the City of Gautier to commit to creating and maintaining a community that is free from all forms of discrimination. The City of Gautier does not discriminate on the basis of race, color, national origin (including Limited English proficiency), age, sex, disability, sexual orientation, marital status, including harassment, failure to accommodate, intimidation, and,



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retaliation against any individual or group in administration of its programs or activities because they have exercised rights protected by all parts and subparts of 40 C.F.R Parts 5 and 7 or the purpose of interfering with such rights.

For individuals with limited English proficiency (LEP) or disabilities reviewing this policy, the City will make all reasonable accommodations in its policies and procedures which are necessary to provide full access to the complaint filing and investigative process, please contact LeKeisha Hill, Non-Discrimination Coordinator, [lhill@gautier-ms.gov](mailto:lhill@gautier-ms.gov). For questions about this notice or the non-discrimination policy, please contact the Non-Discrimination Coordinator identified below:

## **Point of Contact**

LeKeisha Hill  
Non-Discrimination Coordinator  
City of Gautier  
3330 Highway 90, Gautier, MS 39553  
Email: [lhill@gautier-ms.gov](mailto:lhill@gautier-ms.gov)  
Office: (228) 497-8000

## **Non-Discrimination Coordinator Responsibilities**

The Non-Discrimination Coordinator is responsible for ensuring the City's compliance with federal nondiscrimination laws and serves as the initial point of contact for all grievances. They are responsible for overseeing and guiding the complainant through the grievance process. The Non-Discrimination Coordinator collects, maintains, and provides information showing compliance with 40 C.F.R., Parts 5 and 7; adopts grievance procedures that assure the prompt and fair resolution of discrimination complaints alleging violations of 40 C.F.R., Parts 5 and 7; ensures the City's compliance with federal nondiscrimination laws; ensure information regarding the City's Nondiscrimination Policy is internally, and externally available; maintain public notice of, and procedures for, receipt and processing of complaints; track and review complaints received; train or obtain training for City staff on the City's Nondiscrimination Policy and procedures as well as the nature of the City's obligation to comply with federal non-discrimination laws; and provide written updates to complainants on the progress of investigations. In addition, the Non-Discrimination Coordinator is responsible for ensuring the grievance is addressed efficiently and correctly.

## **Grievance Procedures**

In accordance with federal policy for funding recipients, the City of Gautier has established an official grievance procedure to ensure prompt and fair resolution of complaints alleging violations concerning the non-discrimination requirements implanted by 40 C.F.R. Parts 5 and 7 (Non-discrimination in Programs or Activities Receiving Federal Assistance from the



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Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1973, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to collectively as the federal non-discrimination statutes) in the administration of the City of Gautier programs and activities.

The grievance procedure is intended to address allegations of discrimination, in which the individual(s) feel like they have been excluded from the City of Gautier activities, benefits, services, or programs on the basis of race, color, national origin (including limited English proficiency), age, sex, disability, sexual orientation, and marital status.

The grievance procedure provides a process for filing a timely complaint to the proper authority and describes the process that will be used to investigate and resolve the complaint. However, the procedures do not apply to administrative actions that are being pursued in another forum.

## **Who Can File a Discrimination Complaint?**

Anyone who believes that they or a class of persons have been discriminated against may file a complaint with the City of Gautier Non-Discrimination Coordinator. The person or organization filing the complaint need not be a victim of the alleged discrimination but may complain on behalf of another person or group. A complainant filing on behalf of or pertaining to another person(s) is responsible for securing any necessary written consent from that individual. Complaints shall be in writing and signed by the complainant or the complainant's representative and shall include contact information for the complainant or their representative.

## **Submission of a Complaint**

### **Filing of Complaint**

A person (or the authorized representative of a person) who believes that they or a class of persons has been discriminated against may file a complaint with the City of Gautier Non-Discrimination Coordinator.

The complaint should:

1. be in writing via email or mail; (please note that complaints via social media or any form other than email or physical mail may not be received by the Non-Discrimination Coordinator, and therefore will not be considered a valid form of written complaint.
2. be filed within 60 days of an alleged violation (except as otherwise indicated in the following paragraph);



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3. describe with specificity the action(s) by City of Gautier that allegedly result in discrimination in violation of 40 C.F.R. Parts 5 and 7;
4. describe with as much detail as possible the discrimination that allegedly has occurred or will occur as the result of such action(s); and
5. identify the parties impacted or potentially impacted by the alleged discrimination.

The Non-Discrimination Coordinator may waive requirement two (2) in its discretion, in order to address allegations of potential discrimination caused by pending actions at the earliest appropriate and feasible juncture; or, for good cause, to address complaints filed more than 60 days after an alleged violation.

Person(s) who believe they or a class of persons have been discriminated against and need more information, assistance with or help with submitting a complaint, or accommodation (s) if you require an alternate means of submission due to disability or limited English proficiency or any other reason, may call or email the Non-Discrimination Coordinator, LeKeisha Hill at (228) 497-800 or email [lhill@gautier-ms.gov](mailto:lhill@gautier-ms.gov).

Complaints may be submitted by mail, email, or in-person to the City of Gautier Non-Discrimination Coordinator.

The Non-Discrimination Coordinator may attempt to conciliate and resolve the complaint through a mutually agreeable solution. Any such informal resolution must be signed by both the Non-Discrimination Coordinator and the complainant.

### **Determination of Jurisdiction and Investigative Merit**

The Non-Discrimination Coordinator may reach out for additional information to work towards informal resolution of the complaint through direct communication with the complainant or their representative. Informal resolution may include open dialogue, discussion using a staff member as an intermediary, or other process that results in an acceptable solution within ten (10) business days from the acceptance of the complaint. Any such informal resolution agreement must be signed by both the Non-Discrimination Coordinator and the complainant.

If the Non-Discrimination Coordinator determines the complaint submittal warrants further investigation, the Non-Discrimination Coordinator shall review the alleged facts to determine the course of the investigation. The investigation may include interviews of City of Gautier employees, other relevant witnesses, or others named in the complaint.



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## **Disposition of Complaints**

After the investigation concludes, the complainant will receive a written notice detailing:

- a. The findings of the investigation<<Sample Notice of Non-Discrimination.docx>>
- b. Whether discrimination or retaliation was found
- c. A summary of the investigation process
- d. Any corrective actions that will be implemented (if applicable)"

The City of Gautier Non-Discrimination Coordinator will review the City's Non-Discrimination Policy every two years to ensure prompt and fair resolution of discrimination complaints.

## **Non-Retaliation**

The City of Gautier is committed to creating and maintaining an environment where individuals can invoke these grievance procedures without fear of retaliation or reprisal. City of Gautier explicitly prohibits retaliation against any individual for any purpose, including for the purpose of interfering with any right or privilege guaranteed under any state or federal statutes or regulations because that individual has filed a complaint or has testified, assisted, or participated in any way in an investigation, proceeding, or hearing of any kind or has opposed any practice made unlawful under any state or federal statutes or regulations. Prohibited retaliatory acts include intimidation, threats, coercion, or discrimination against any such individual or group. Any concern regarding retaliation should be reported to the Non-Discrimination Coordinator and will be handled promptly and fairly pursuant to the City of Gautier Grievance Procedure.



## Discrimination Complaint Form

If you believe that you have been discriminated against on the basis of race, color, national origin (including limited English proficiency), age, sex, disability, sexual orientation, and marital status, or if you believe that one or more City of Gautier programs is being operated in a manner that discriminates against a person or group of persons on the basis of race, color, national origin (including limited English proficiency), age, sex, disability, sexual orientation, and marital status, you may file a complaint of the alleged discrimination.

Any individual who files a complaint or testifies, assists, or participates in a non-discrimination investigation, proceeding, or hearing may not be intimidated or retaliated against by the City for the purpose of interfering with any right or privilege guaranteed by the Civil Rights Act of 1964, Section 504, or any other civil rights statute.

Complete this form and mail or deliver to: LeKeisha Hill, Non-Discrimination Coordinator, City of Gautier, 3330 Highway 90, Gautier, MS 39553; or via e-mail to: [lhill@gautier-ms.gov](mailto:lhill@gautier-ms.gov).

### 1. Complainant

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

### 2. Person discriminated against (if other than complainant):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_



3. What was the discrimination based on? (Check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Race                            | <input type="checkbox"/> Age                    |
| <input type="checkbox"/> Retaliation                     | <input type="checkbox"/> Color                  |
| <input type="checkbox"/> National Origin (including LEP) | <input type="checkbox"/> Other (please specify) |
| <input type="checkbox"/> Disability                      | _____   |
| <input type="checkbox"/> Sex                             |   |

Describe the discrimination. Please include date or timeframe and contact information for others with knowledge of the complaint. For additional space, attach additional sheet(s).

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Sign and date.

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
Date

Attach any documents you believe support your complaint.