

**CASS COUNTY  
RESOLUTION #2020-013**

**RESOLUTION OF CASS COUNTY ADOPTING CERTAIN POLICIES, RULES AND  
REGULATIONS DURING THE PERFORMANCE OF THE COMMUNITY DEVELOPMENT  
BLOCK GRANT PROGRAM.**

**WHEREAS:** Cass County desires to build capacity of a temporary food delivery system in response to COVID-19; and,

**WHEREAS:** Cass County was awarded \$86,580 through the Iowa Economic Development Authority, Community Development Block Grant Program, Project #20-OT-014, by which to complete this work; and,

**WHEREAS:** Cass County must adopt certain policies and abide by certain rules and laws during the performance of this project.

**NOW THEREFORE BE IT RESOLVED BY THE  
CASS COUNTY BOARD OF SUPERVISORS**

**THAT:** Cass County hereby adopts the following policies and statements, and authorizes and directs the Board Chairman to sign the same:

- Cass County - Code of Conduct
- Cass County - Procurement Policy
- Cass County - Equal Opportunity Policy
- Cass County - Excessive Force Requirements
- Cass County - Affirmative Fair Housing Policy
- Cass County - Residential Anti-Displacement and Relocation Assistance Plan

Adopted this 30th day of April, 2020.

/s/-Steve Baier, Chair

Attest: /s/-Dale Sunderman, Auditor

## **CASS COUNTY CODE OF CONDUCT**

### **PURPOSE**

The purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 2 CFR Part 200.318 and other applicable federal and state standards, regulations, and laws.

### **APPLICATION**

This Code of Conduct applies to all officers, employees or agents of the Cass County engaged in the award or administration of contracts supported by federal grant funds.

### **REQUIREMENTS**

No officer, employee or agent of the Cass County shall participate in the selection, award or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

1. The employee, officer, or agent;
2. Any member of his/her immediate family;
3. His/her partner; or
4. An organization which employs, or is about to employ any of the above; or, has a financial or other interest in the firm selected for award.

Cass County officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or subcontractors.

### **REMEDIES**

To the extent permitted by federal, state, or local laws or regulations, violation of these standards may cause penalties, sanctions or other disciplinary actions to be taken against the Cass County officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

Adopted this 30th day of April, 2020.

/s/-Steve Baier, Chair

Attest: /s/-Dale Sunderman, Auditor

# **CASS COUNTY PROCUREMENT POLICY**

## **PURPOSE**

The purpose of this Procurement Policy is to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, construction and services are obtained efficiently and economically and in compliance with applicable federal law and executive orders and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition.

## **APPLICATION**

This policy applies to the procurement of all supplies, equipment, construction and services of and for Cass County related to the implementation and administration of the Community Development Block Grant. All procurement will be done in accordance with 2 CFR Part 200 and Appendix II to Part 200.

## **POLICY**

### **GENERAL PROCUREMENT PRACTICES**

The Cass County will adhere to the following general procurement practices: document procurement standards; maintain oversight of contractors to ensure performance in accord with standards; avoid acquisition of unnecessary or duplicative items; encourage procurement or use of shared goods and services; use Federal excess and surplus property when feasible; encourage value-engineering clauses in construction contracts; award contracts only to responsible contractors; limit use of time and materials contracting and use good administrative judgment to settle all contractual and administrative issues.

### **COMPETITION**

The Cass County will provide full and open competition; prohibit use of state or local geographical preferences; develop written procedures for procurement transactions to ensure competition is not restricted; and ensure that pre-qualified lists are current.

### **METHODS OF PROCUREMENT**

Procurement under grants shall be made by one of the following methods, as described herein: (a) micro-purchase; (b) small purchase procedures; (c) sealed bids (formal advertising); (d) competitive proposals; (e) noncompetitive proposals.

1. Micro-purchase includes the acquisition of supplies or services that do not exceed \$3,000 (or \$2,000 for acquisitions for construction subject to Davis-Bacon Act)
2. Small purchase procedures are relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, supplies or other property, costing in the aggregate not more than \$150,000. If small purchase procedures are used for procurement under a grant, price or rate quotations shall be obtained from an adequate number of qualified sources to determine the most advantageous provider.
3. In sealed bids (formal advertising), sealed bids are publicly solicited and a firm- fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is lowest in price. The

sealed bids method is the required method for procuring construction.

- a. In order for formal advertising to be feasible, appropriate conditions must be present, including, at a minimum, the following:
    - i. A complete, adequate and realistic specification or purchase description;
    - ii. Two or more responsible suppliers are willing and able to compete effectively for the Cass County's business; and
    - iii. The procurement lends itself to a firm-fixed-price contract, and selection of the successful bidder can appropriately be made principally on the basis of price.
  - b. When sealed bids are used for a procurement under a grant, the following requirements apply:
    - i. A sufficient time prior to the date set for opening of bids, bids shall be solicited (publicly advertised) from an adequate number of known suppliers.
    - ii. The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation for bids.
    - iii. All bids shall be opened publicly at the time and place stated in the invitation for bids.
    - iv. A firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specifications in the bidding documents, factors such as discounts, transportation costs and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of the Cass County indicates that such discounts are generally taken.
    - v. Any or all bids may be rejected when there are sound documented business reasons in the best interest of the program.
4. Procurement by competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. In competitive negotiation, proposals are requested from a number of sources and the Request for Proposal is publicized. Negotiations are normally conducted with more than one of the sources submitting offers, and either a fixed-price or cost-reimbursement type contract is awarded, as appropriate. Competitive negotiation may be used if conditions are not appropriate for the use of formal advertising. If competitive negotiation is used for procurement under a grant, the following requirements shall apply:
- i. Request for Proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extend practical.
  - ii. Requests for Proposals shall be solicited from an adequate number of qualified

sources.

- iii. The Cass County shall have a method for conducting evaluations of the proposals received and for selecting awardees.
  - iv. Awards will be made to the responsible offeror whose proposal will be most advantageous to the procuring party, with price (other than architectural/engineering) and other factors considered. Unsuccessful offerors will be promptly notified in writing.
  - v. The Cass County should use competitive proposal procedures for qualification-based procurement of architectural/engineering (A/E) professional services whereby competitor's 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 the procurement of A/E professional services. It cannot be used to procure other types of services (e.g. administration professional services) even though A/E firms are a potential source to perform the proposed effort.
5. Noncompetitive proposals negotiation is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Noncompetitive negotiation may be used when the award of a contract is infeasible under small purchase, sealed bids (formal advertising) or competitive proposals. Circumstances under which a contract may be awarded by noncompetitive negotiation are limited to the following:
- a. The item is available from only a single source;
  - b. After solicitation of a number of sources, competition is determined inadequate;
  - c. A public emergency when the urgency for the requirement will not permit a delay incident to competitive solicitation; and,
  - d. The awarding agency, (IEDA) authorizes noncompetitive proposals. (Sole source procurement for supplies, equipment, construction, and services valued at \$25,000 or more must have prior approval of the Iowa Economic Development Authority).
6. The Cass County will provide, to the greatest extent possible, that contracts be awarded to small Qualified small and minority firms, women business enterprises, and labor surplus area firms whenever they are potential sources. Any other method of procurement must have prior approval of the Iowa Department of Economic Development.
7. Any other method of procurement must have prior approval of the Iowa Economic Development Authority.

## RECYCLED MATERIALS

The Cass County will procure items with the highest percentage of recycled materials practical.

## CONTRACT PRICING

1. The cost plus a percentage of cost and percentage of construction cost method of contracting shall **not** be used.
2. The Cass County shall perform some form of cost/price analysis for every procurement action, including modifications or change orders.

## PROCUREMENT RECORDS

The City shall maintain records sufficient to detail the significant listing of a procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. The Cass County shall make technical specifications and procurement documents available for review upon request.

## BONDING REQUIREMENTS

Bond requirements for construction or facility improvement contracts must meet the federal minimum requirements or receive a determination that the federal interest is adequately protected.

## EFFECTIVE DATE

Adopted this 30th day of April, 2020.

/s/-Steve Baier, Chair

Attest: /s/-Dale Sunderman, Auditor

**CASS COUNTY  
EQUAL OPPORTUNITY POLICY STATEMENT**

It is the policy of Cass County to provide equal opportunity to all employees, applicants, and program beneficiaries; to provide equal opportunity for advancement of employees; to provide program and employment facilities which are accessible to the disabled; and to administer its programs in a manner which does not discriminate against any person because of race, creed, color affiliation, familial affiliation, or citizenship.

The Mayor has ultimate responsibility for the overall administration of the affirmation action/equal opportunity program. The total integration of equal opportunity into all parts of personnel and program management is the Mayor responsibility. The Mayor will review all policies and procedures as they affect equal opportunity and affirmative action and ensure compliance with relevant federal and state statutes.

The right of appeal and recourse is guaranteed by Cass County. Any person who feels that he or she has been denied employment, participation, representation, or services in any program administered by Cass County because of race, creed, color, religion, sex, national origin, age, disability, political affiliation, familial affiliation, or citizenship has the right to file an equal opportunity complaint. Information and assistance relative to equal opportunity complaints shall be provided by the Auditor, who can be contacted at Cass County Courthouse.

This Equal Opportunity Policy of Cass County shall be posted in conspicuous places at the Cass County Courthouse, distributed to all employees, contractors, and to the chairpersons of all advisory and policy-making groups.

Adopted this 30th day of April, 2020.

/s/-Steve Baier, Chair

Attest: /s/-Dale Sunderman, Auditor

**CASS COUNTY  
COMPLIANCE WITH PROHIBITION OF THE  
USE OF EXCESSIVE FORCE REQUIREMENTS**

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

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

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

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

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

Information and assistance relative to excessive force complaints shall be provided by the Cass County Mayor's office.

Adopted this 30th day of April, 2020.

/s/-Steve Baier, Chair

Attest: /s/-Dale Sunderman, Auditor



**CASS COUNTY  
AFFIRMATIVE FAIR HOUSING POLICY**

This notice is published pursuant to the requirements of Executive Order 11063 on equal opportunity in housing and nondiscrimination in the sale of Civil Rights of 1968, as amended, which prohibits discrimination in the provision of housing because of race, color, creed, religion, sex, national origin, disability, or familial status.

The Cass County, Iowa, advises the public that it will administer its assisted programs and activities relating to housing and community development in a manner to affirmatively further fair housing and it shall also take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing and the provision of brokerage services.

The Cass County, Iowa shall assist individuals who believe they have been subject to discrimination in housing through the resources of the Iowa Civil Rights Commission or the U.S. Department of Housing and Urban Development.

The Cass County, Iowa has designated the Auditor as the contact to coordinate efforts to comply with this policy. Inquiries should be directed to:

Name:	Dale Sunderman
Office:	Auditor
Address:	5 West 7 <sup>th</sup> St
City/State/Zip Code:	Atlantic, IA 50022
Phone Number:	712-243-4570
Hours:	8:00-4:30, Monday thru Friday

## **RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

This Residential Anti-displacement and Relocation Assistance Plan (RARAP) is prepared by the Cass County in accordance with the Housing and community Development act of 1974, and amended; and HUD regulations at 24 CFR 42.325 and is applicable to CDBG, UDAG and/or HOME-assisted projects.

### **Minimize Displacement**

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

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
- Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.
- Establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are “lower-income dwelling units” (as defined in 24 CFR 42.305)).
- Target only those properties deemed essential to the need or success of the project.

### **Relocation Assistance to Displaced Persons**

The Cass County will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG and/or H OME Programs, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation

assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49CFR Part 24.

### **One-for-One Replacement of Lower-Income Dwelling Units**

The Cass County will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG and/or HOME programs in accordance with 24 CFR 42.375

Before entering into a contract committing the Cass County to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the Cass County will make public by publication in the local newspaper and submit to HUD Iowa the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent know, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided.
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g. a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the Cass County will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

### **Replacement no Required Based on Unit Availability**

Under 4 CFR 42.375(d), the Cass County may submit a request to HUD for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

## **Contacts**

The Auditor 's office is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period.

The Auditor 's office is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

Adopted this 30th day of April, 2020.

/s/-Steve Baier, Chair

Attest: /s/-Dale Sunderman, Auditor