

RESOLUTION NO. 2011 R - 16

A RESOLUTION CONCERNING ADOPTION OF PROGRAM POLICIES

WHEREAS, the City of Marshall has applied for participation in the Illinois "IKE" CDBG Disaster Recovery Public Infrastructure Program; and

WHEREAS, the City of Marshall is required to adopt various policies.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall, Illinois:

Section 1. That the City of Marshall does hereby adopt the Residential Antidisplacement and Relocation Assistance Plan attached hereto and made a part hereof and marked Exhibit A.

Section 2. That the City of Marshall does hereby adopt the Procurement Policy attached hereto and made a part hereof and marked Exhibit B.

Section 3. That the City of Marshall does hereby adopt the Policy on the Prohibition of the Use of Excessive Force attached hereto and made a part hereof and marked Exhibit C.

Section 4. That the City of Marshall does hereby adopt the Code of Conduct attached hereto and made a part hereof and marked Exhibit D.

Section 3. That this Resolution shall be effective immediately upon its passage.

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Beverly K. Church	✓	✓	
Terry Clatfelter	✓		
John D. Ferris	✓		
Warren J. Le Fever	✓		
James McKittrick		✓	
Cheryl A. Raisner		✓	
Tim J. Sanders	✓		
James White	✓		

PASSED this 12<sup>th</sup> day of September, 2011.

  
MAYOR

ATTEST:

  
CITY CLERK

(SEAL)

## EXHIBIT A

### **RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN UNDER SECTION 104(d) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED**

The City of Marshall will replace all occupied and vacant occupiable low/moderate-income (LMI) dwelling units demolished or converted to a use other than as LMI 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(b)(1). The City of Marshall Antidisplacement contact person is Cory Sheehy, who can be reached at 217-826-8084.

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 City of Marshall will notify the public and submit to the Illinois Department of Commerce and Economic Opportunity the following information in writing:

A description of the proposed assisted activity;

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 LMI dwelling units as a directly result of the assisted activity;

A time schedule for the commencement and completion of the demolition or conversion;

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;

The source of funding and a time schedule for the provision of replacement dwelling units; and

The basis for concluding that each replacement dwelling unit will remain in a LMI unit for at least 10 years from the date of initial occupancy.

The City of Marshall will provide relocation assistance, as described in 24 CFR 570.606(b) (2), to each LMI household displaced by the demolition of housing or by the conversion of a LMI dwelling to another use as a direct result of assisted activities.

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

1. All public facilities projects (water, sewer, gas, etc.) will be designed so that there will be no displacement of any residences or businesses;
2. No homes will be demolished that can be rehabilitated; and
3. There will be no displacement of any residential or business occupants on CDBG projects.

## EXHIBIT B

### 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 the City of Marshall related to the implementation and administration of the CDBG award. All procurement will be done in accordance with 24 CFR; Part 85.36.

#### POLICY

##### METHODS OF PROCUREMENT

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

- A. Small purchase procedures are relatively simple and informal procurement methods that are sound and appropriate for the procurement of services, supplies, or other property, costing in aggregate not more than \$100,000. If small purchase procedures are used for a procurement under a grant, price or rate quotations shall be obtained from an adequate number of qualified sources.
- B. 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 the lowest in price. The sealed bids method is the preferred method for procuring construction.
  1. In order for formal advertising to be feasible, appropriate conditions must be present, including, at a minimum, the following:

- (a) A complete, adequate and realistic specification or purchase description is available.
  - (b) Two or more responsible bidders are willing and able to compete effectively for the City of Marshall's business; and
  - (c) The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can be made principally on the basis of price.
2. When sealed bids are used for a procurement under a grant, the following requirements apply:
- (a) 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.
  - (b) 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.
  - (c) All bids shall be opened publicly at the time and place stated in the invitation for bids.
  - (d) 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 specified 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 City of Marshall indicates that such discounts are generally taken.
  - (e) Any or all bids may be rejected if there are sound documented business reasons in the best interest of the program.
- C. 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. Competitive proposals is generally used when conditions are not appropriate for the use of sealed bids. If the competitive proposals method is used for a procurement under a grant, the following requirements apply:

1. Requests 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 extent practical.
  2. Requests for Proposals shall be solicited from an adequate number of qualified sources.
  3. The City of Marshall shall have a method for conducting evaluations of the proposals received and for selecting awardees.
  4. 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.
  5. The City of Marshall may 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 can not 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.
- D. Noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation from a number of sources, competition is determined inadequate. Noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids (formal advertising), or competitive proposals. Circumstances under which a contract may be awarded by noncompetitive proposals are limited to the following:
1. The item is available from only a single source;
  2. After solicitation of a number of sources, competition is determined inadequate;
  3. A public exigency or emergency exists when the urgency for the requirement will not permit a delay incident to competitive solicitation; and

4. The Department of Commerce and Economic Opportunity (DCEO) authorizes noncompetitive proposals. (Sole source procurement for supplies, equipment, construction, and services valued at \$25,000 or more must have prior approval of DCEO).
- E. The City of Marshall will provide, to the greatest extent possible, that contracts be awarded to qualified small and minority firms, women business enterprises, and labor surplus area firms whenever they are potential sources.
- F. Any other method of procurement must have prior approval of the DCEO.

EXHIBIT C

**POLICY ON THE PROHIBITION OF THE USE OF EXCESSIVE FORCE**

WHEREAS, the City of Marshall 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 Recipient 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 exits to a facility that is the subject of a nonviolent protest demonstration; and

WHEREAS, the City of Marshall endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its Recipient of this policy,

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

Information and assistance relative to excessive force complaints shall be provided by Kevin Paddock, Chief of Police, City of Marshall, Phone: 217-826-8081.

## **EXHIBIT D**

### **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 24 CFR; Part 85 (85.36(b).(3)) and other applicable federal and state standards, regulations, and laws.

#### **APPLICATION**

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

#### **REQUIREMENTS**

No officer, employee, or agent of the City of Marshall 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:

- a. The employee, officer, or agent;
- b. Any member of his/her immediate family;
- c. His/her partner; or
- d. An organization which employs, or is about to employ any of the above;

has a financial or other interest in the firm selected for award.

The City of Marshall 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 City of Marshall's officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.