

SUPPLEMENTAL ITEM CHECKLIST
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
DUE DATE: MAY 8, 2025

Submit one copy of the following items:

Required:

- ☐ NA Board of Directors list including position/title on board/city of residence.
- ☐ NA Contact numbers for Board Chair or President and Treasurer.
- ☐ NA Resolution or Board Minutes showing approval to apply and designation of person who will sign documents on behalf of the organization.
- ☐ X Organization Chart
- ☐ NA Articles of Incorporation
- ☐ _____ Bylaws
- ☐ x Tax Exempt Determination Letter (for non-profit organizations)
- ☐ X Organization's Current Budget and Proposed Budget for next fiscal year
- ☐ NA Most recent audit or CPA prepared review.
- ☐ X Description of employees, board members, volunteers who will work with the project
- ☐ _____ Non-discrimination Policy Statement

If applicable:

- ☐ X Service area boundary for area benefit projects
- ☐ X Fee schedule or structure for the project proposed for funding
- ☐ NA Copy of program application if one is used to select beneficiaries
- ☐ NA Description of how applicant income will be determined if there are direct beneficiaries
- ☐ NA Detailed explanation of any lawsuits, judgments, or bankruptcy proceedings
- ☐ NA Job descriptions for new positions expected to be filled using CDBG funding

CITY OF SAN MARCOS
2025 CDBG PROJECT APPLICATION



NOTE: This form is not to be used for applicants seeking funds to support social services programs. A separate application form for "Public Services" is available and should be used for projects of that nature.

Due Date: May 8, 2025

I. APPLICANT CONTACT INFORMATION

Applicant Organization: City of San Marcos – Department of Engineering/CIP

Contact Name: Jakob Peetz Telephone: [REDACTED]

Mailing Address: 630 E Hopkins St. San Marcos, TX 78666

Physical Address, if different from mailing address: _____

Contact E-Mail Address: [REDACTED] Web Address: _____

Who is authorized to execute program documents? Stephanie Reyes, City Manager

II. APPLICATION SUMMARY INFORMATION

Project Name: Thorpe Lane Sidewalk Improvements

Amount of CDBG Funds Requested: \$750,000

Project Location: Thorpe Lane From Hopkins to Loop 82

High Priority Need

☐ Affordable Housing

☐ Public Services [Use the Public Services Application]

☒ Public Facilities

☐ Other Priority [Describe] _____

National Objective

☒ Benefit to Low/Mod Income Persons

☐ Slum or Blight Elimination/Prevention

☐ Urgent Need (such as disaster)

III. PROJECT DESCRIPTION

A. PROJECT SUMMARY

Summarize how CDBG funds are proposed to be used:

The existing sidewalks along Thorpe Lane remain non-compliant with ADA standards. This area is home to two low-income housing complexes with a high concentration of residents with disabilities. The proposed ADA improvements are essential to enhancing accessibility and mobility for these individuals. Initial funding was approved to fund both design and construction; however, as design work progressed, field investigations revealed additional needs that require further design efforts and increased construction scope. As a result, additional funding is now being requested to address these unforeseen conditions and ensure the project area fully meets ADA requirements. The estimated cost for the additional design work is ~\$35k and anticipated to be completed September 2025. The additional construction scope is expected to cost ~\$715k and is anticipated to be completed by April 2026.

B. PROJECT SCOPE:

Please check all statements that apply to this project:

- ☐ All project design work is complete for this project (plans, specifications, etc.)
- ☒ This project will include selection of professional service providers (architect, engineer, etc.)
- ☒ This project includes acquisition of real property
- ☐ This project includes the rehabilitation of existing buildings
- ☐ This project includes new construction
- ☒ This project includes demolition of existing structures
- ☐ This project includes a public facility (such as a senior center)

*Acquisition of property will be 'temporary construction easements' that will only be while the project is in progress. This will ensure the driveways can obtain ADA compliance

C. LEVERAGED RESOURCES

Provide a brief description of other funding sources, volunteers, or in-kind donations that are expected to be used with this program.

This project will consist of 100% CDBG funding. If all the funding is not provided, then the project will not move forward. The salaries of the organization are paid by the City of San Marcos for project management.

D. ACCOMPLISHMENTS

Once the project is completed, how can its success be measured?

The success would be measured by all the sidewalks and driveways installed passing inspection and being ADA complaint. 575 Low-income households will be directly impacted. This sidewalk will provide an ADA compliant pathway for these residents to grocery stores and other amenities.

E. NEED AND JUSTIFICATION

Describe the need for this project. Has the need been increasing in recent years?

The sidewalk existed prior to 1995, and with the construction of newer private facilities along Thorpe Lane the sidewalk has fallen out of ADA compliance. The need for this project has increased with the number of total residents moving to the area. There are two student housing complexes that were developed in the immediate area in the last ten years. This sidewalk will provide all the residents in the area with access to Hopkins St. where many government facilities are located (City Hall, San Marcos Library, Activity Center, City Clerks Office).

F. CITY COUNCIL STRATEGIC INITIATIVE

Does this project or program positively impact one of the initiatives described in the attached City Council Strategic Plan? Which one?

Yes,

- Core Services- Public infrastructure improvement
- Mobility and Connectivity- Provide ADA mobility to multiple services
- Quality of Life-Access to amenities and facilities without barriers

G. IMPACT

Describe in detail the impact this project will have on the identified need and on San Marcos residents.

Removing ADA barriers and increasing mobility and connectivity to amenities for X residents including the 575 low-income households that are located in the two housing complexes.

H. EXPERIENCE OR REFERENCES

Describe your experience in implementing a similar project, or if this is a first-time venture, provide an explanation of why you believe you will be successful in implementation. You may attach up to three letters of reference.

The Public Works department has a goal of 10'000 feet of sidewalks a year. This program was established in 2017 and has installed over thirteen miles of ADA compliant sidewalk.

AGENCY INFORMATION

1. Does your organization have an office located in San Marcos? ☒ Yes ☐ No
2. Has your organization been in operation for 2 or more years? ☒ Yes ☐ No
3. Has your organization served San Marcos residents for 2 or more years? ☒ Yes ☐ No

IV. BENEFICIARIES

The CDBG program allows several different methods of documenting that a project benefits low to moderate income persons. *Direct Benefit* projects provide services directly to an individual or family; for example, a housing rehabilitation project is a Direct Benefit project. *Area Benefit* projects benefit a geographic location; for example, a Sidewalk Project.

DIRECT BENEFIT PROJECTS:

Applicant must be able to document that at least 51% of the beneficiaries have an annual income that is at or below 80% of the Area Median Income and are San Marcos residents.

1. How many unduplicated individuals or households are expected to be served by this project? At least 500+
households directly impacted

Presumed Benefit: Activities that exclusively serve a group of persons in any one or a combination of the following categories may be presumed to benefit a population in which at least 51% of the population is low-to-moderate income. Individual income verification is not required, although residency and other client statistics must be collected. The Presumed Benefit categories are:

a. Elderly persons (62 or older)	e. Battered spouses
b. Homeless persons	f. Abused children
c. Persons living with AIDS	g. Migrant farm workers
d. Illiterate persons (includes non-English speakers)	h. Severely disabled adults (Census Bureau definition)

2. Will all the program's beneficiaries be in a Presumed Benefit Category? ____ Yes or X No

If "yes", list the categories: _____

3. If the program's beneficiaries cannot be considered "Presumed", how will income eligibility be determined?

____ Projection of the individual or family's income based on family size; or,

X Other. Please provide details of how eligibility will be determined:

Area benefit

AREA BENEFIT PROJECTS:

Some projects, such as a senior center or a park, serve an area rather than individual persons. HUD defines an area benefit project as an activity which is available to benefit all the residents of an area which is primarily residential. To meet the eligibility requirement of benefitting low to moderate persons, the area served must be an area where at least 51% of the residents are low/mod income persons. Most, but not all, San Marcos residential neighborhoods are low/mod.

1. Will this project be available to benefit all persons in the service area? X Yes ____ No

2. Are the neighborhoods that will benefit from this project primarily residential? X Yes ____ No

If "No", please explain: _____

3. What neighborhoods will benefit from this project? Please list either individual neighborhoods or describe the boundaries that will define the service area:

Millview West: Allen Woods Homes (San Marcos Housing authority), Uptown Square Apartments, The Lyndon Apartments, College Town San Marcos, The Village at Springtown, Palm Square Apartments, The Summit, Springtown Villa

PUBLIC FACILITY PROJECTS

In the CDBG program, Public Facilities are broadly interpreted to include all improvements and facilities that are either publicly owned or that are traditionally provided by the government, or owned by non-profit organizations, and operated so as to be open to the general public. Facilities providing shelter for persons having special needs are also considered to be public facilities.

- *Public facility projects cannot include the costs of operating and maintaining public facilities, costs of purchasing construction equipment, the costs of furnishings and other personal items such as uniforms, or new construction of public housing.*
- *Public facilities are intended to benefit all the residents of an area; thus, in most cases it must serve an area having at least 51% low/mod population.*
- *Public facilities owned by a nonprofit must be made available to the general public and must be open for use by the general public during all normal hours of operation.*
- *Reasonable fees may be charged for the use of the facilities assisted with CDBG funds, but charges, such as excessive membership fees, which will have the effect of precluding low/mod income persons from using the facilities, are not permitted.*

1. Who is/will be the owner of the facility? City of San Marcos

2. Will fees be charged for the use of the facility? ☐ Yes or ☒ No

If yes, please attach a fee schedule.

3. How will the facility be made available to the general public? Public accessible Right of Way

V. PROJECT BUDGET

The CDBG program requires that a project be completed and serving beneficiaries within a reasonable time – generally within one year of award date. Thus, it is important for any additional funds needed to complete the project to be secured prior to award of CDBG funds or shortly thereafter.

1. Estimated total project cost: \$ 1,395,788 CDBG Funds requested: \$ 750,000
2. Funds from all other sources that will be available on or before October 1, 2025: _____
3. How will budget shortfalls be addressed? If funding is not received, additional non-compliant ADA sidewalk and driveways identified will need to be removed from the construction scope.
4. Are any additional funds for this project being requested from the City of San Marcos?
____ Yes X No. If “yes”, please describe type and amount requested: \$ _____
Type of funds requested: _____

FUNDING HISTORY

1. Has your organization received CDBG funding in the past 5 years? X Yes _____ No
2. If yes, how were the funds used? This project request is submitted by the division that administers all CDBG funding, which is used for public services, park improvements, public infrastructure, and housing repair. Staff in this division also implement several CDBG-funded in-house programs, including Home Repair and Rehabilitation and Housing Demolition.
3. Is the project complete? _____ Yes X No If no, explain status and expected completion date:
All past funding has been spent or reallocated to current projects. The City receives CDBG funding annually and is in process of spending the current allocations. Projects have varying completion dates. The current Thorpe Lane Sidewalk Improvements funding is expected to be spent by the end of 2025.

LINE ITEM BUDGET

Please use the following format to present your proposed line-item budget. Secured funds are funds on-hand, pledged, or awarded. City Council has waived fees for Construction Permitting and Development Code Processes for CDBG projects. Impact fee charges, when applicable, are not waived. Round budget numbers to the nearest dollar.

CDBG funds cannot be spent or obligated until final environmental clearance for the project has been obtained. HUD has interpreted "obligated" to mean that we cannot execute contracts or take bids as that will "obligate" funds. The environmental review is generally prepared by the City's CDBG staff. **Please include \$1,000 for environmental fees for rehabilitation, new construction, demolition or clearance, and land acquisition projects.** No environmental expenses are required for professional service projects that will not include construction.

Budget Item	Total Budget	CDBG Funding Proposed	2024 CDBG Approved Funding	Secured Funds available at project start	Additional Funds Needed to Complete Project
Project Soft Costs					
Estimated Construction Costs	\$1,296,629.30	\$714,700.60	\$581,928.70	\$0.00	\$0.00
Project Hard Costs					
Professional Services Under Contract	\$48,459.30	\$0.00	\$48,459.30	\$0.00	\$0.00
Consultant Environmental Review Costs	\$15,400.00	\$0.00	\$15,400.00	\$0.00	\$0.00
Professional Services Additional	\$35,299.40	\$35,299.40	\$0.00	\$0.00	\$0.00
BUDGET TOTAL	\$1,395,788.00	\$750,000.00	\$645,788.00	\$0.00	\$0.00

VI. PROJECT IMPLEMENTATION SCHEDULE WITH PERFORMANCE GOALS

The first activity should be environmental review. Projects that do not impact the physical environment generally take about 15 days for environmental review – this would include public services, professional services, homebuyer assistance.

Projects that will potentially have a physical impact on the environment (construction or demolition, for example) generally take 45 to 60 days for environmental review. If the project is in a FEMA floodplain, add 30 additional days.

Please include reasonable time for procurement activities, including procurement of professional service providers.

Projected Start Date: 01/2025 **Projected Completion Date:** 04/2026

Projected Implementation Schedule with Performance Goals			
Activity Description	Start Month/Year	End Month/Year	Performance Measurement Goal
Procurement of design engineer	December 2024	January 2025	Contract executed
Consultant Environmental Review	May 2025	June 2025	Approval to use funds
Design of Project	January 2025	August 2025	Approved plan set for construction
Bidding of Project	September 2025	November 2025	Award construction contract
Construction of Project	November 2025	April 2026	Completion of ADA compliant project

VII. ORGANIZATION INFORMATION

REQUIRED ATTACHMENTS

Please attach the following documents with your application, as applicable:

Most of the items below are not submitted since this is a City application. Attached is a description of the employees who will work on the project.

☐ Organizational Chart

☐ Articles of Incorporation

☐ Proof of Tax-Exempt status

☐ Current year budget

☐ Most recent balance sheet and financial statement

☒ A listing of key staff and employees who will work directly with the proposed project, their primary job duties, and other pertinent information relating to your proposed project.

☐ If CDBG funds will be used to hire new personnel, please provide a brief job description of the proposed position(s).

☐ A listing of your board of directors, including position or title on the board. Provide a contact number for the Chair or President and Treasurer. Note: Information provided will be available for public review.

☐ Board minutes and resolution authorizing application submittal and specifying who will sign documents. *(The organization's governing board must approve the submittal of this funding application and designate a person who is authorized to execute program documents.)*

BACKGROUND INFORMATION

1. Organization Type:

☐ 501© Non-Profit Corporation

☐ Public Corporation

☒ Government Entity

Other: _____

2. Name and title of Board of Directors Chair or President: Mayor Jane Hughson

3. How many years has your organization been in business? 174

4. Organization's Taxpayer Identification Number (EIN): 74-6002238

5. Organization's Unique Entity Identifier Number: LRPGLNZT4WR3

6. Is organization currently registered in the federal System for Award Management (SAM)? ☒ Yes ☐ No

FINANCIAL INFORMATION

1. What is the date of your fiscal year end? 09/30

2. Does your organization have a purchasing policy? ☒ Yes ☐ No

3. Has your organization currently or within the past five years had any litigation that is pending or has been resolved?
☐ Yes ☒ No

If "Yes", please attach a summary of the litigation and its status, including any outstanding judgments.

4. Has your organization filed a petition for bankruptcy or has a petition for bankruptcy been filed against your organization? ☐ Yes ☒ No

If "Yes", please attach an explanation that includes the status.

5. During the last fiscal year, did your organization spend \$750,000 or more in Federal financial assistance?

☒ Yes ☐ No

6. What level of financial review does your organization obtain from an independent source? Select from the following options:

☒ Single Audit ☐ Audited Financial Statement
☐ Reviewed Financial Statement ☐ Compiled Financial Statement
☐ No independent review ☐ Other (describe):

7. What period was covered by your most recent financial review? Fiscal Year 2023-2024

PERSONNEL AND POLICIES

1. Name and title of your chief administrator City Manager Stephanie Reyes

Number of years in this position? 4

2. Total number of current employees at all locations 581

3. Total number of current employees who will be involved in this project 7

4. Total number of new employees expected to be hired for the project 0

5. Does your organization have a personnel policy manual? ☒ Yes ☐ No

Does it include a procedure for filing grievances? ☒ Yes ☐ No

Does it include a non-discrimination clause? ☒ Yes ☐ No

6. Does your organization maintain a written code or standards of conduct that governs the performance of its officers, employees or agents engaged in the award and administration of contracts supported by Federal funds?

☒ Yes ☐ No

7. Separation of duties for financial transactions regarding this project (respond with job title):

a. Who will approve payment of incurred expenses? Jakob Peetz Project Engineer

b. Who will prepare the payment check? Jakob Peetz Project Engineer

c. Who will sign checks paying project expenses? Jakob Peetz Project Engineer

d. Who posts the transaction to your financial records? Jakob Peetz Project Engineer

e. Who reconciles monthly bank statements? Finance Department Staff

INSURANCE, BONDING, AND WORKER'S COMPENSATION

1. Does your organization have liability insurance coverage? ☒ Yes ☐ No

2. If yes, in what amount? \$6,000,000

3. Does your organization pay worker's compensation in accordance with Federal and state laws?

☒ Yes ☐ No ☐ N/A

4. Does your organization have fidelity bond coverage for principal staff members who handle the organization's accounts? ☐ Yes ☐ No ☒ N/A The City of San Marcos carries Public Employee Dishonesty coverage of \$300k per occurrence.

5. Will vehicles owned by the organization be used in conjunction with the proposed project?

☒ Yes ☐ No

6. If yes, what level of liability insurance is maintained on the vehicles? \$3,000,000

VIII. CONFLICTS OF INTEREST (24 CFR 570.611; 24 CFR 85.36; AND 24 CFR 84.42)

Two sets of conflict-of-interest provisions apply to activities carried out with CDBG funding. The first set, applicable to the procurement of goods and services by subrecipients (*funded applicants*), is the procurement regulation found in the *Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards as codified in Title 2, Part 200 of the Code of Federal Regulations*. The second set of provisions is located at 24 CFR 570.611(a)(2).

With respect to procurement activities, the subrecipient must maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. At a minimum, these standards must:

1. Require that no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by federal funds if a real or apparent conflict would be involved. Such a conflict would arise when any of the following parties has a financial or other interest in the firm selected for an award:
 - An employee, officer, or agent of the subrecipient;
 - Any member of an employee's, officer's, or agent's immediate family;
 - An employee's, agent's, or officer's partner; or
 - An organization which employs or is about to employ any of the persons listed in the preceding sections.
2. Require that employees, agents, and officers of the subrecipient neither solicit nor accept gratuities, favors, or anything of value from contractors or parties to sub-agreements. However, subrecipients may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value.
3. Provide for disciplinary actions to be applied for any violation of such standards by employees, agents, or officers of the subrecipient.

With respect to all other CDBG-assisted activities, the general standard is that no employee, agent, or officer of the subrecipient who exercises decision-making responsibility with respect to CDBG funds and activities is allowed to obtain a financial interest in or benefit from CDBG activities, or have a financial interest in any contract, subcontract, or agreement regarding those activities or in the proceeds for the activities. Specific provisions include that:

- The requirement applies to any person who is an employee, agent, consultant, officer, or elected or appointed official of the City, a designated public agency, or a subrecipient, and to their immediate family members and business partners.
- The requirement applies to such persons during their tenure and for a period of one year after leaving the grantee or subrecipient organization.
- Upon written request, exceptions may be granted by HUD on a case-by-case basis.

CONFLICT OF INTEREST QUESTIONNAIRE

NOTE: For the purpose of this form, a "covered person" includes any person who is an employee, agent, consultant, officer or elected or appointed official of the City of San Marcos, your organization, or any designated public agency.

Name of Organization: City of San Marcos, Texas

1. Does your organization maintain a written code or standards of conduct that governs the performance of its officers, employees or agents engaged in the award and administration of contracts supported by Federal funds?

Yes X No If "No" is checked, please explain how you will comply with this requirement:

Question 2 and 3: Board members (the City Council) are not employed by the City. This program is administered in-house by City employees. City Council members and City employees who administer this program, and their relatives, are not beneficiaries of this program. Other City employees may apply if they meet the income criteria. No conflicts of interest will be created.

2. Are any of your Board Members or employees that are responsible for carrying out this project or members of their immediate families or their business associates also:

a. Employed by the City of San Marcos? Yes No

b. Members of or closely related to members of the San Marcos City Council? Yes No

c. Members of or closely related to an employee of the City of San Marcos? Yes No

d. Current beneficiaries or related to beneficiaries of the project for which funds are requested?

Yes No

e. Paid providers of goods or services to the program or having other financial interest in the program or related to such individuals? Yes No

3. For **each** relationship described above, please answer the following questions: (attach additional page if necessary)

a. Name of employee or official: _____

b. Is this person receiving or likely to receive taxable income from your organization?

Yes No

c. Is your organization receiving or likely to receive taxable income from or at the direction of the employee or official AND the taxable income is not from the City of San Marcos?

Yes No

d. Is your organization affiliated with a corporation or other business entity in which the employee or official serves as an officer or director, or holds an ownership interest of 10% or more?

Yes No

4. Describe any other affiliation or business relationship that might cause a conflict of interest with respect to CDBG funds and activities. None
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5. Will any of your organization's employees, officers, board members, or members of their immediate family or business partners have a financial interest in any contract, subcontract, or agreement regarding CDBG funded activities?

Yes No X . *If yes, please attach an explanation.*

IX. APPLICANT ASSURANCES AND CERTIFICATIONS

The applicant hereby assures and certifies with respect to this project or program, by the submission of this application, that the following are true statements:

1. It possesses legal authority to apply for the grant and to finance the proposed request; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards as codified in Title 2, Part 200 of the Code of Federal Regulations (UAR) and agrees to adhere to the accounting principles and procedures required therein, utilizing adequate internal controls and maintaining necessary source documentation for all costs incurred.
3. If it expends \$750,000 or more of federal funds in a fiscal year, it will comply with the Single Audit Act of 1984.
4. It will comply with the provisions of Executive Order 11988, relating to evaluation of flood hazards, and Executive Order 11990, relating to protection of wetlands. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, and approved December 31, 1976. Section 102(a).
5. It will have sufficient funds available or the ability to obtain the non-federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.
6. It will give the City and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
7. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the City that funds have been approved and that the project will be performed to completion with reasonable diligence.
8. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives federal financial assistance and will immediately take any measures necessary to effectuate this agreement.
9. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646), which provides for fair and equitable treatment of persons displaced because of federal and federally-assisted programs.
10. It will comply with the provisions of the Hatch Act, which limit the political activity of employees.
11. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act as they apply.
12. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the city/federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be utilized in the project is under consideration for listing by the EPA.
13. It will assist the city/federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.).

14. It will comply with Texas Civil Statutes, Article 5996a, by ensuring that no officer, employee, or member of the applicant's governing body or of the applicant's contractor shall vote or confirm the employment of any person related within the second degree by affinity or third degree by consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person who shall have been continuously employed for a period of two years prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.
15. It will ensure that all information collected, assembled or maintained by the applicant relative to this project shall be available to the public during normal business hours in compliance with Texas Civil Statutes, Article 6252-17a, unless otherwise expressly provided by law.
16. It will conduct and administer the program in conformity with the Fair Housing Act (42 USC Section 3901 et. Seq.) and that it will affirmatively further fair housing.
17. It will minimize displacement of persons because of activities assisted with CDBG funds. If displacement of residential dwellings will occur in connection with a grant-assisted project, it will follow a residential anti-displacement and relocation assistance plan as specified by the City of San Marcos.
18. It certifies that it is not now, nor has it ever been, on the Federal List of Debarred Contractors.
19. It will not attempt to recover any capital costs of public improvements assisted in whole or in part with such funds by assessing any amount against properties owned and occupied by persons of LMI, including any fee charged or assessment made as a condition of obtaining access to such public improvements unless (a) such funds are used to pay the proportion of such fee or assessment that related to the capital costs of such public improvements that are financed from revenue sources other than such funds; or (b) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, applicant certifies that it lacks sufficient funds under this contract to comply with the requirements of clause (a).
20. It agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the U.S. Housing and Urban Development regulations concerning Community Development Block Grants (CDBG)) including subpart J and subpart K of these regulations, except that (1) the Agency does not assume the recipient's environmental responsibilities described in 24 CFR 570.604 and (2) Agency does not assume the recipient's responsibility for initiating the review process under the provisions of 24 CFR Part 52. Agency also agrees to comply with all other applicable Federal, State, and local laws, regulations, and policies governing the funds provided. Agency further agrees to utilize funds available to supplement rather than supplant funds otherwise available. Agency shall comply with all applicable Federal laws, regulations, and requirements, which include compliance with the provisions of the HCD Act and all rules, regulations, guidelines, and circulars promulgated by the various Federal departments, agencies, administrations, and commissions relating to the CDBG Program. The applicable laws and regulations include, but are not limited to:
 - 24 CFR Part 570;
 - 24 CFR Parts 84 and 85;
 - The Davis-Bacon Fair Labor Standards Act;
 - The Contract Work Hours and Safety Standards Act of 1962;
 - Copeland "Anti-Kickback" Act of 1934;
 - Sections 104(b) and 109 of the Housing and Community Development Act of 1974;
 - Section 3 of the Housing and Urban Development Act of 1968;
 - Equal employment opportunity and minority business enterprise regulations established in 24 CFR part 570.904;
 - Non-discrimination in employment, established by Executive Order 11246 (as amended by Executive Orders 11375 and 12086);
 - Section 504 of the Rehabilitation Act of 1973 Uniform Federal Accessibility Standards;
 - The Architectural Barriers Act of 1968;
 - The Americans with Disabilities Act (ADA) of 1990;
 - The Age Discrimination Act of 1975, as amended;

- National Environmental Policy of 1969 (42 USC 4321 et seq.) as amended;
- Lead Based paint regulations established in 24 CFR Parts 35, 570.608, and 24 CFR 982.401;
- Asbestos guidelines established in CPD Notice 90-44;
- HUD Environmental Criteria and Standards (24 CFR Part 51);
- The Energy Policy and Conservation Act (Public Law 94-163) and 24 CFR Part 39
- Flood Disaster Protection Act of 1973;
- Colorado House Bill 06-1023 and 06-1043;
- Procurement Standards (2 CFR 200.322);
- Rights to Inventions Made Under a Contract or Agreement (37 CFR 401.2 (a));
- Energy Efficiency (2 CFR Part 200 Appendix II); and
- Recycling (2 CFR Part 200 Appendix II).

CERTIFICATIONS REGARDING LOBBYING:

21. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
22. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit standard form – “Disclosure Form to Report Lobbying”, in accordance with its instructions.
23. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
24. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

GENERAL CERTIFICATIONS:

25. The information, exhibits, and schedules contained in this application are true and accurate statements and represent fairly the financial condition of our organization;
26. Our organization is eligible to receive federal funding and has not been placed in a debarred or otherwise ineligible status under the provisions of CFR Part 24;
27. Our organization prohibits discrimination in accordance with Title VI of the Civil Rights Act of 1964; and,
28. Our governing body has duly authorized submission of this document. If funded, we agree to comply with the procedures outlined in the “Playing by the Rules” handbook that will be supplied by the City of San Marcos.

I, the duly authorized representative of the applicant organization, certify that the foregoing statements are true to the best of my knowledge and belief:

CERTIFIED BY:

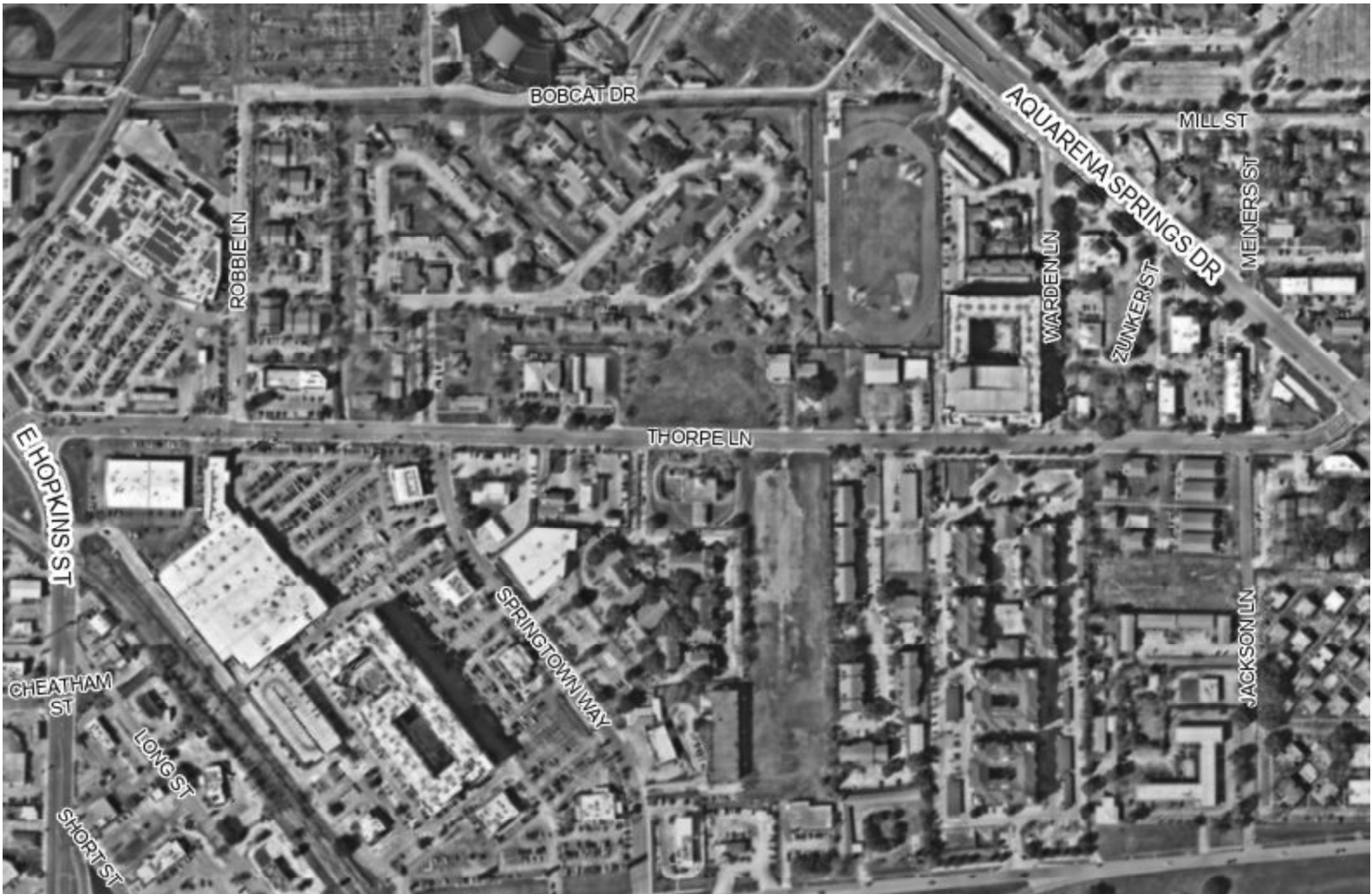
Signature: **Shaun Condor** Digitally signed by Shaun Condor
DN: cn=Shaun Condor, c=US, o=City of San Marcos, ou=Engineering
and Capital Improvements, Date: 2025.05.08 13:59:40 -05'00'

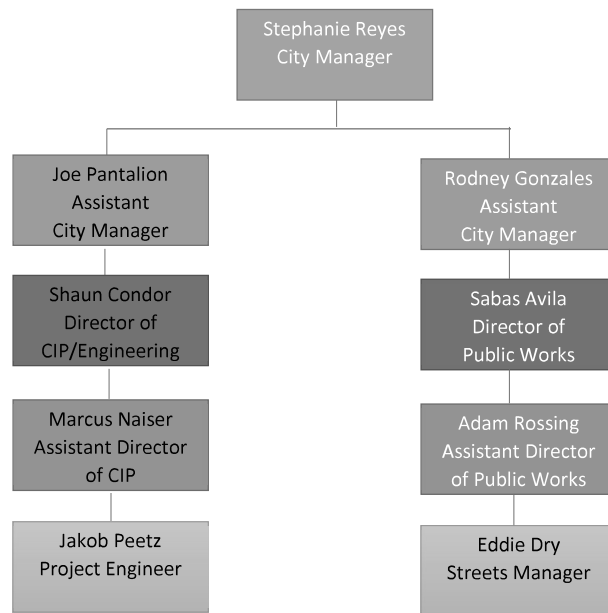
Date Signed: 05/08/2025

Printed Name: Shaun Condor, P.E., PMP

Title: Director of Engineering & Capital Improvement

Organization Name: City of San Marcos – Department of Engineering & Capital Improvement





[illegible]

EXHIBIT 2 - FEE SCHEDULE												
City of San Marcos, Texas												
Thorpe Lane Sidewalk Rehabilitation												
Professional Service Description	Total Task Hours	Total Task Cost	Kimley-Horn Staff						Subconsultants			
			Senior Engineer II	Senior Engineer I	Professional	Analyst II	Analyst I	Clerical Staff	Accessibility Code	Fee	Fee	
			\$330.00	\$280.00	\$240.00	\$195.00	\$165.00	\$125.00	Fee	Fee	Fee	
Task 4 - Construction Phase Services												
No Additional Scope	0	\$ -										
Total Task 4:	0	\$ -	0	0	0	0	0	0				
Task 5 - Record Drawings Services												
No Additional Scope	0	\$ -										
Total Task 5:	0	\$ -	0	0	0	0	0	0				
Task 6 - Environmental Services												
HUD Part 58 CEST	55	\$ 15,400		55								
Total Task 6:	55	\$ 15,400.00	0	55	0	0	0	0				
Reimbursable Expenses												
Mileage	\$0.67/mile	\$ 214.40										
Misc. Expense		\$ 200										
Total Reimbursable Expenses:		\$ 414.40	0	0	0	0	0	0				
Total Hours	#REF!		1	61	15	28	51	0				
Total Fee		\$ 35,299.40										

TOTAL FEE	\$ 35,299.40
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The hours listed above are an estimate. The hours assigned to the Phase are not exclusive to the Phase which they are assigned. The total fee will not exceed the total contract amount as discussed in Article 2. The hourly rates of this contract shall apply throughout the remainder of this contract and to all change in services.

Payment to the ENGINEER will be made as follows:

1. Basic Services - The amounts of these invoices will be based upon the extent of work completed by the Engineer on an hourly basis.
2. Supplemental Services - The Engineer will receive approval in writing before performing supplemental services. The amounts of these invoices will be based upon the extent of work completed by the Engineer on a lump sum basis.
3. Reimbursable Expense - Reimbursable expenses including such things as expenses for plotting, reproduction of documents, auto travel mileage (current IRS approved mileage rate), delivery charges, long distance communications, freight, and state accessibility will be invoiced with appropriate backup documentation.

Invoice and Time of Payment

Invoices will be prepared in a format approved by the City prior to submission of the first monthly invoice. Invoices shall be submitted monthly and paid within 30 days.



ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST
THORPE LANE SIDEWALK RECONSTRUCTION AND REHAB
CSJ: 0914-33-XXXX
HAYS COUNTY

Prepared by: KIMLEY-HORN AND ASSOCIATES, INC. (F-928)

Date: 05/06/25

Prepared for: CITY OF SAN MARCOS

Milestone: 90%

(1) Total Project cost does not include preliminary engineering, technical services, utility relocations, acquisition of right-of-way, or construction engineering and administration.
(2) The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.

ITEM NO.	DESC NO.	SPEC NO.	DESCRIPTION	UNIT	QTY	PRICE	AMOUNT
100	7002		PREPARING ROW	STA	30.00	\$1,250.00	\$37,500.00
104	7011		REMOV CONC (DRIVEWAYS)	SY	1097.00	\$25.00	\$27,425.00
104	7013		REMOV CONC (SIDEWALK, RAMP OR SUP)	SY	2608.00	\$25.00	\$65,200.00
104	7018		REMOV CONC (CURB OR CURB & GUTTER)	LF	460.00	\$15.00	\$6,900.00
105	7004		RMV (4"-8") TRT/UNT RT BASE & ASPH PAV	SY	38.00	\$10.00	\$380.00
162	7002		BLOCK SODDING	SY	571.00	\$20.00	\$11,420.00
164	7007		BROADCAST SEED (TEMP WARM COOL)	SY	571.00	\$0.60	\$343.00
168	7001		VEGETATIVE WATERING	TGL	14.00	\$200.00	\$2,800.00
341	7065		D-GR HMA TY-D PG 76-22 (EXEMPT)	TON	97.00	\$300.00	\$29,100.00
400	7006		CUT & RESTORING PAV	SY	294.00	\$150.00	\$44,100.00
479	7001		ADJUSTING MANHOLES	EA	4.00	\$1,500.00	\$6,000.00
479	7004		ADJUSTING MANHOLES (UTILITY BOX)	EA	2.00	\$400.00	\$800.00
479	7007		ADJUSTING MANHOLES (WATER VALVE BOX)	EA	4.00	\$2,000.00	\$8,000.00
500	7001		MOBILIZATION	LS	1.00	\$120,950.36	\$120,950.00
502	7001		BARRICADES, SIGNS AND TRAFFIC HANDLING	MO	6.00	\$6,000.00	\$36,000.00
503	7002		PORTABLE CHANGEABLE MESSAGE SIGN	EA	2.00	\$5,200.00	\$10,400.00
505	7001		TMA (STATIONARY)	DAY	240.00	\$245.00	\$58,800.00
506	6041		BIODEG EROSN CONT LOGS (INSTL) (12")	LF	391.00	\$10.00	\$3,910.00
506	6043		BIODEG EROSN CONT LOGS (REMOVE)	LF	391.00	\$2.50	\$978.00
506	7034		CONSTRUCTION PERIMETER FENCE	LF	6819.00	\$4.00	\$27,276.00
506	7039		TEMP SEDMT CONT FENCE (INSTALL)	LF	6819.00	\$5.00	\$34,095.00
506	7041		TEMP SEDMT CONT FENCE (REMOVE)	LF	6819.00	\$2.50	\$17,048.00
512	7089		PCTB (FUR&INST)(F-SHAPE OR SNGL SLP)TY1	LF	2500.00	\$35.00	\$87,500.00
512	7092		PCTB (REMOVE)(F-SHAPE OR SNGL SLP)TY1	LF	2500.00	\$40.00	\$100,000.00
529	7009		CONC CURB & GUTTER (TY II)	LF	246.00	\$50.00	\$12,300.00
529	7016		CONC CURB (TY C1)	LF	742.00	\$175.00	\$129,850.00
530	7006		DRIVEWAYS (CONC)	SY	1461.00	\$120.00	\$175,320.00
531	7001		CONC SIDEWALKS (4")	SY	3334.00	\$90.00	\$300,060.00
531	7006		CURB RAMPS (TY 2)	EA	2.00	\$4,000.00	\$8,000.00
531	7010		CURB RAMPS (TY 7)	EA	1.00	\$4,000.00	\$4,000.00
			PROJECT SUBTOTAL				\$1,354,455.00
			CONTINGENCY (15%)	LS	1.00	\$203,168.25	\$203,168.25
			PROJECT TOTAL				\$1,557,623.25