

Mississippi Municipality and County Water Infrastructure (MCWI) Grant Program:

Subrecipient Informational Webinar February 27, 2024 2:30 p.m. – 4:00 p.m. CST

Today's Panelists



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Webinar Agenda

- i. Introduction & Program Updates
- ii. Overview of Required Programmatic Steps
- iii. Procurement Requirements
- iv. Reimbursement Process
- v. Project Closeout
- vi. Additional Subrecipient Responsibilities
- vii. MCWI Grant Program Resources
- viii. Questions

Introduction & Program Updates





MCWI Grant Program: Key Updates

- Two application rounds for the MCWI Grant Program funding were conducted in late 2022 and early 2023.
- All applications have been reviewed according to program guidelines and initial awards have been announced.
- iii. Applicants have received subaward agreements for all approved project for execution. A subaward agreement MUST be executed in order for project costs to be reimbursed.
- iv. A few of the subawards are still outstanding, requiring signatures from subrecipients. If you have not executed your subaward please email us ASAP at: mcwisubrecipient@horne.com

MCWI Grant Program: Key Updates

Crucial Deadlines:

- 1. All funds must be obligated by August 30, 2024.
- 2. All costs must be incurred and reimbursements must be submitted to the MCWI portal by <u>September 30, 2026</u>, in order to be reimbursed with MCWI funds.

ii. Current Program Statistics:

- 1. To date the MCWI program has approved 58 reimbursement requests totaling approximately \$11.6 million.
- 2. Several projects are complete and are in the closeout phase.

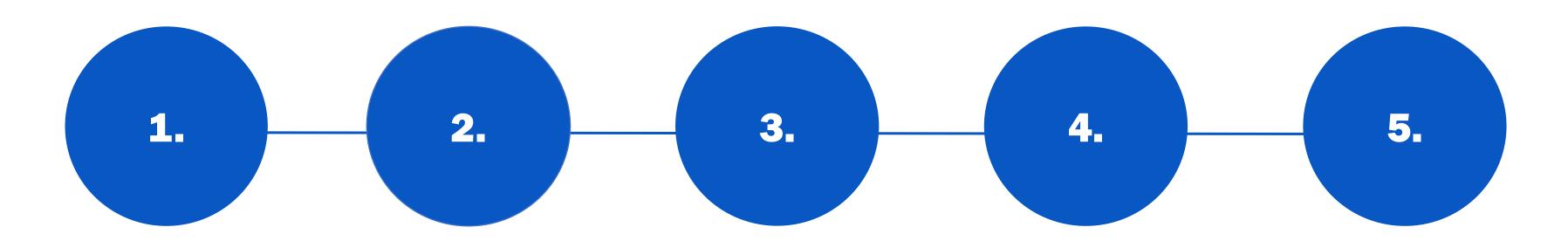
Overview of Required Programmatic Steps:

My subaward has been executed What do I do now?





MCWI Grant Program: Process Post Subaward Execution



Upload all procurement/contract documents according to Attachment A articulated in your subaward.

Upload all reimbursement documentation in order to be reimbursed for eligible project costs.

Complete all quarterly progress reports.

Complete final report and final reimbursement request upon completion of the project.

Complete closeout package following submission of final progress report and final reimbursement request.

IF NEEDED: Modify the project name, scope of work, project schedule, project budget, or plans and specifications.

Procurement Requirements: Understanding Key Requirements & Documentation





MCWI Procurements

- i. Engineering services
- ii. Grant management
- iii. Construction
- iv. Commodities and equipment

MCWI Grant Program Legal Requirements

- . Both federal and state rules apply.
- ii. State law MCWI subrecipients are "Governing Authorities."
- iii. Federal law MCWI subrecipients are "Non-Federal Entities."
- iv. Entities must use procedures "consistent with State and local ... laws and regulations ..." 2 CFR 200.318(a)
 - 1. Applicable Thresholds
 - 2. Methods of Procurement
 - 3. MBE/WBE Outreach (MPTAP)
 - 4. Policies and Procedures and Contractual Clauses
 - 5. Special Considerations

Applicable Thresholds

Procurements for commodities, equipment, and construction:

	Micro-purchase	Small Purchase	Procurement in excess of the simplified acquisition threshold
Subrecipient	Up to \$5,000	\$5,000.01 - \$75,000	Above \$75,000

Procurements for personal and professional services:

	Micro-purchase	Small Purchase	Procurement in excess of the simplified acquisition threshold
Subrecipient	Up to \$10,000	\$10,000.01 - \$250,000	Above \$250,000

Methods of Procurement

- Micro Purchases
- ii. Small Purchases/Quotes (MBE/WBE Required)
- iii. Formal Advertising
 - 1. Professional Services Requirements
 - a. In absence of state law requirements, follow federal.
 - b. Engineering Services
 - Request for Qualifications (no price component)
 - ii. MBE/WBE Required
 - iii. MPTAP Recommended
 - iv. Negotiation of Price with most qualified
 - c. Other professional services
 - i. Invitations for Bids, Request for Qualifications, Requests for Proposals
 - 2. Construction & Commodity/Equipment Requirements Miss Code Ann. Section 31-7-13
 - a. Cost Estimates
 - b. Advertising (including MPTAP submission for MBE/WBE outreach)
 - c. Construction Bonding Miss. Code Ann. Section 31-5-51 required where projects exceed \$25,000.00

MBE/WBE Outreach Required

- i. State law (for commodities, equipment, and construction) requires governing authorities to utilize the services of the Mississippi Procurement Technical Assistance Program (MPTAP), under the Mississippi Development Authority, which assists small and minority-owned businesses to bid on government procurements.
- ii. Federal law (for all types of purchases above the micro-purchase threshold) requires governing authorities to take affirmative steps regarding minority and women's business enterprises (MBE/WBEs) as outlined in 2 CFR 200.321(b).
- iii. MPTAP submission is required on the same day that notice is submitted to the newspaper per Miss. Code Ann. Section 31-7-13(c)(i)(2)). The Agency Bid Bank can be located <u>here</u>.
- iv. MPTAP submission satisfies both state and federal requirements.
- v. Subrecipients must comply with MBE/WBE outreach requirements when soliciting quotes at the Small Purchase threshold. Subrecipients may identify MBE/WBEs to directly solicit. MPTAP use is not required, however; MPTAP can assist in identifying MBE/WBEs for subrecipients to solicit.

Policies and Procedures and Contractual Clauses

- i. 2 CFR 200.318 requires non-Federal entities to have documented procurement procedures which conform to <u>both</u> state laws governing local governments <u>and</u> the procurement standards identified in 2 CFR 200.317 2 CFR 200.327.
- ii. At a minimum:
 - 1. Policies need to address all requirements of Miss. Code Ann. 31-7-13.
 - 2. Policies need to address all requirements of 2 CFR 200.317 2 CFR 200.327.
- All contracts must include the clauses contained within Attachment C to the Subaward Agreement and the "applicable provisions" in Appendix II to Part 200. If contract amendments are required, subrecipients may contact MCWISubrecipient@horne.com for guidance on drafting compliant amendments.

Special Considerations

Term Contracts

- 1. Contracts for commodities/equipment or construction which are based solely on unit prices and do not include a not-to-exceed (NTE) amount are incompatible for use in the MCWI program. 2 CFR 200.318(j) requires non-Federal entities to include a "ceiling price that the contractor exceeds at its own risk."
 - a. Open-ended contracts do not obligate a specific amount of funds. Existing contracts must be modified to include a NTE amount by August 30, 2024.
 - b. Both state and federal law require performance and payment bonds for the full amount of any construction work.
 - c. Appendix II and Attachment C must be added to these contracts.

ii. State Contracts

- 1. Subrecipients may traditionally use contracts established by DFA or ITS for use by local governments.
- However, when using federal funds, subrecipients must show that all federal requirements for procurement have been adhered to when utilizing these contracts.
 - a. A NTE amount will need to be established to obligate funds.
 - b. Appendix II and Attachment C must be added to these contracts.
 - c. Subrecipients may contact MCWISubrecipient@horne.com for guidance on utilizing these contracts in a compliant manner.

Procurement Resources

- Procurement Webinar & Checklists are available <u>here</u>.
- ii. Subrecipients may elect to seek a **preliminary procurement review** by the MCWI Procurement Team.
 - 1. Subrecipients may request review of pre-solicitation documents, post-solicitation/pre-contract documents, or both.
 - 2. Please allow a minimum of 14 days for review.
 - 3. Following review, you will receive communication from an MCWI Procurement Team member providing feedback.

How to Request a Review

Mississippi Municipality & **County Water Infrastructure Grant Program**

The Mississippi Legislature and Governor Tate Reeves created the Mississippi Municipality & County Water Infrastructure Grant Program Act (MCWI) to provide approximately \$450 Million of matching funds to eligible entities for making necessary investments in water, waste water and stormwater infrastructure. All funds must be obligated by August 30, 2024, and expended by September 30, 2026. The program is a reimbursement-based program where subrecipients can submit reimbursement requests for eligible costs incurred on approved projects.

GRANT/REIMBURSEMENT PORTAL 🗀

REQUEST PRELIM PROCUREMENT REVIEW [OPTIONAL] 🔄

MCWI subrecipients may request a preliminary compliance review from HORNE prior to procurement and contract execution.

* This review is optional.

Upon request, HORNE's MCWI Program Administration Team, contracted through the Mississippi Department of Environmental Quality (MDEQ) will perform a review of:

- 1. pre-solicitation documents,
- 2. post-solicitation/pre-contract documents.

Subrecipients may request either or both reviews.

Although this review cannot guarantee full compliance with all relevant laws and regulations, this offering is designed to provide additional technical assistance to subrecipients in curing defects before procurement steps have been taken or contracts have been executed.



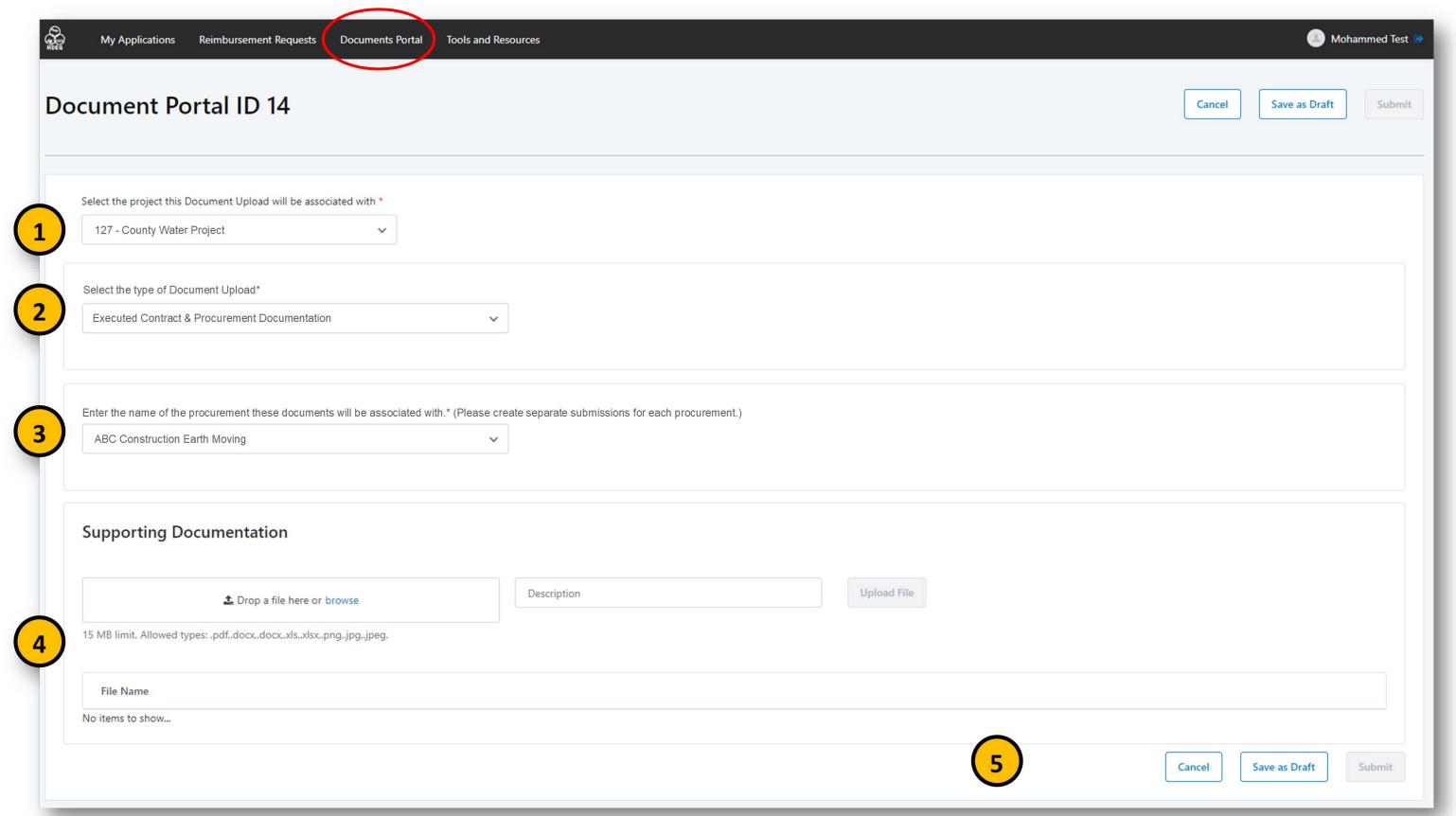
To request a review, please complete the following steps:

- Download the procurement and contract worksheet.
- Complete the worksheet to the extent possible given the current project stage and upload to the MCWI Portal along with relevant documents.
- Email MCWISubRecipient@horne.com and include the subject "REQUEST FOR PRELIMINARY REVIEW [Include Subaward #]"
- Additionally, the following webinars and other resources remain available to all subrecipients.
- At this time, the Program Administration Team is requesting a minimum of <u>14 days</u> to review any request. This may be subject to change depending on the volume of requests received.

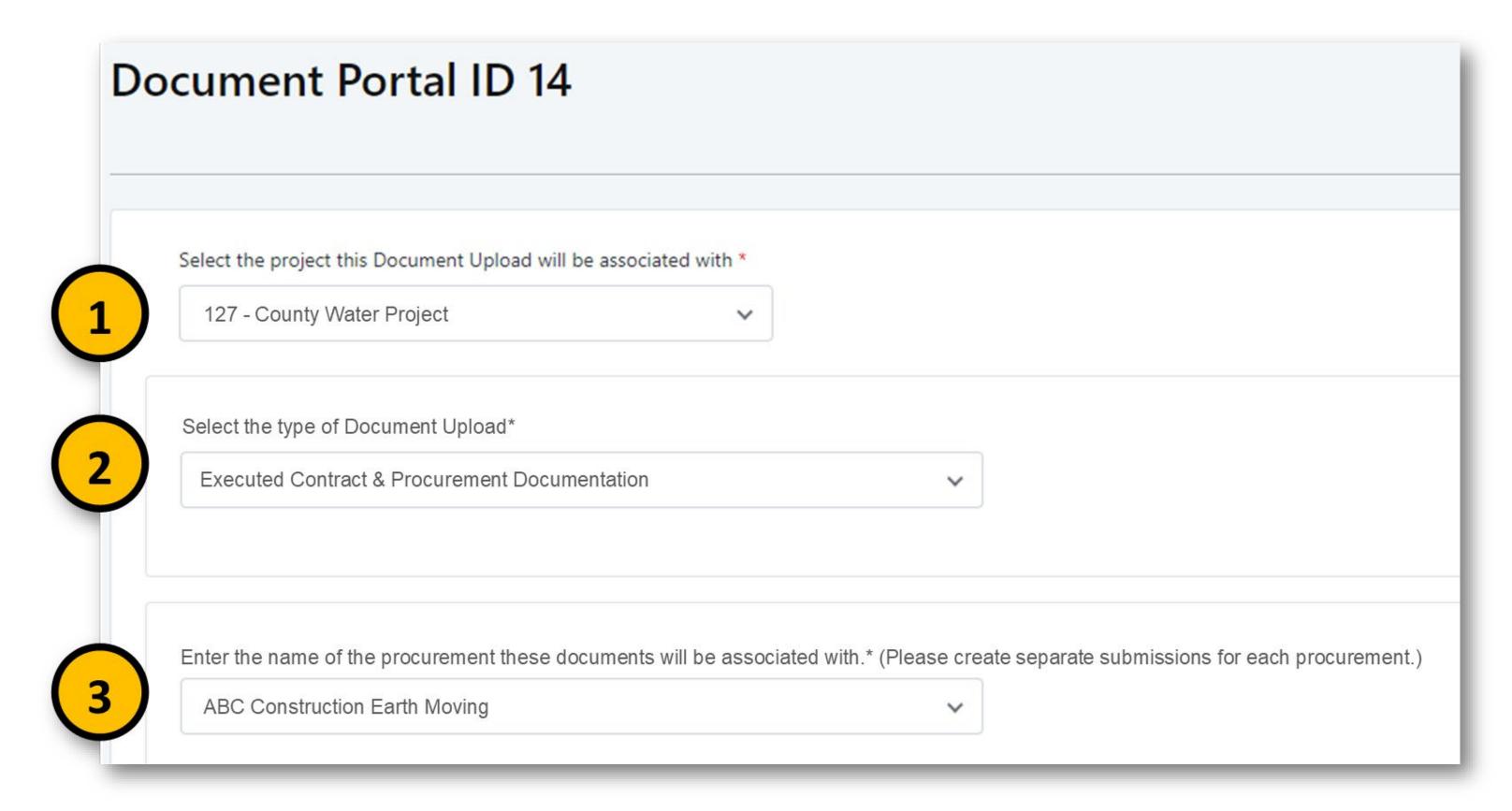
Submitting Required Procurement Documentation

- All subrecipients MUST submit required documentation in the MCWI Documents Portal only (not by email) according to the schedule outlined in Attachment A of the Subaward Agreement.
- ii. Complete documentation must be submitted timely in order for reimbursements to be processed.
- iii. Required documents include: (see program FAQ #62)
 - Your entity's procurement policies & procedures
 - Solicitation documentation (Invitation to Bid/Request for Proposals/Request for Qualifications)
 - Proof that your solicitation was publicized
 - Affirmative MBE/WBE outreach documentation
 - All received bids, quotes, proposals and/or statements of qualifications
 - Bid tabulation or request for proposal/qualifications evaluation
 - Executed contracts including any change orders

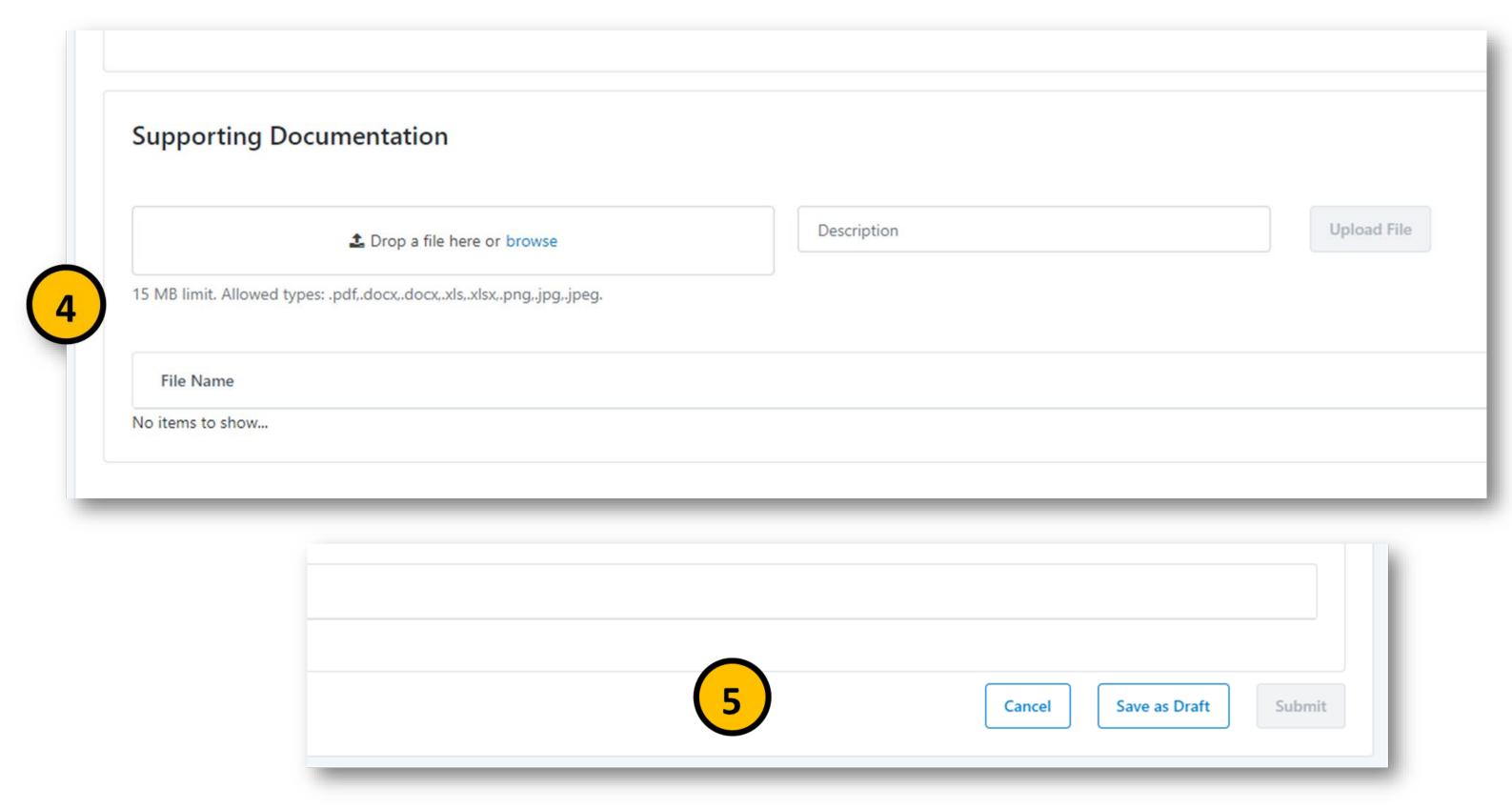
Procurement: Documents Portal



Procurement: Documents Portal



Procurement: Documents Portal



Procurement: Missing Documentation

- i. How will I know if I need to provide additional documentation?
 - 1. If you are missing required procurement documentation you will receive an email from an MCWI program representative.
 - 2. If you have any questions about what is missing, please contact the team using the program email address: MCWIsubrecipient@horne.com.
- ii. How do I submit additional procurement information after my initial submission?
 - 1. You will need to upload your documents & <u>CLICK SUBMIT</u> in order for any new documents uploaded to the documents portal to be reviewed by the MCWI team.
- iii. If your procurement submission is complete and approved you will receive a communication from an MCWI program representative.

Reimbursement Process: Understanding the Process & Required Documentation





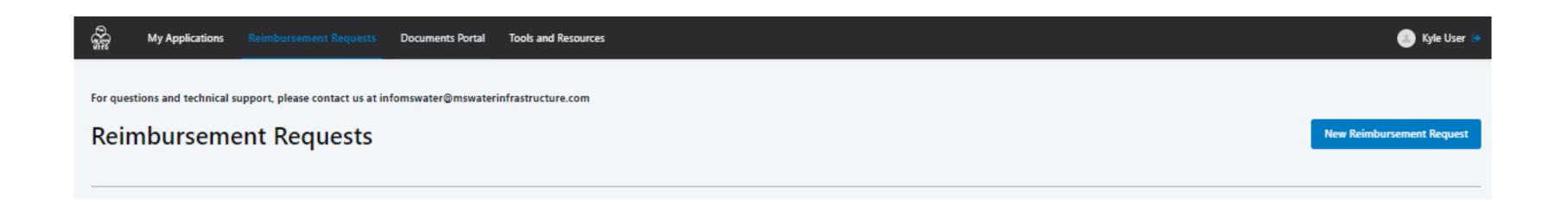


Reimbursement Process: When do you submit?

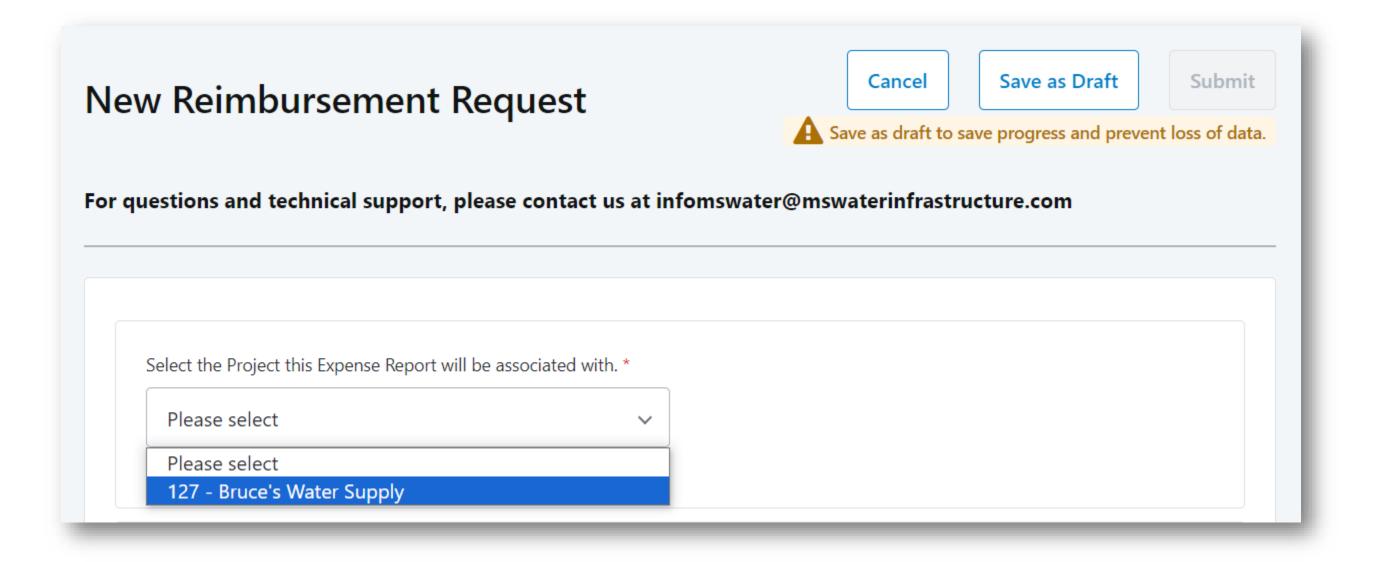
- Incurred costs may be submitted monthly for reimbursement at any time throughout your project.
 - 1. Costs claimed do not necessarily have to be paid by the Subrecipient at the time of submission of the reimbursement request.
- ii. Please ensure that you have previously provided all procurement documentation to substantiate the underlying contract associated with each invoice.



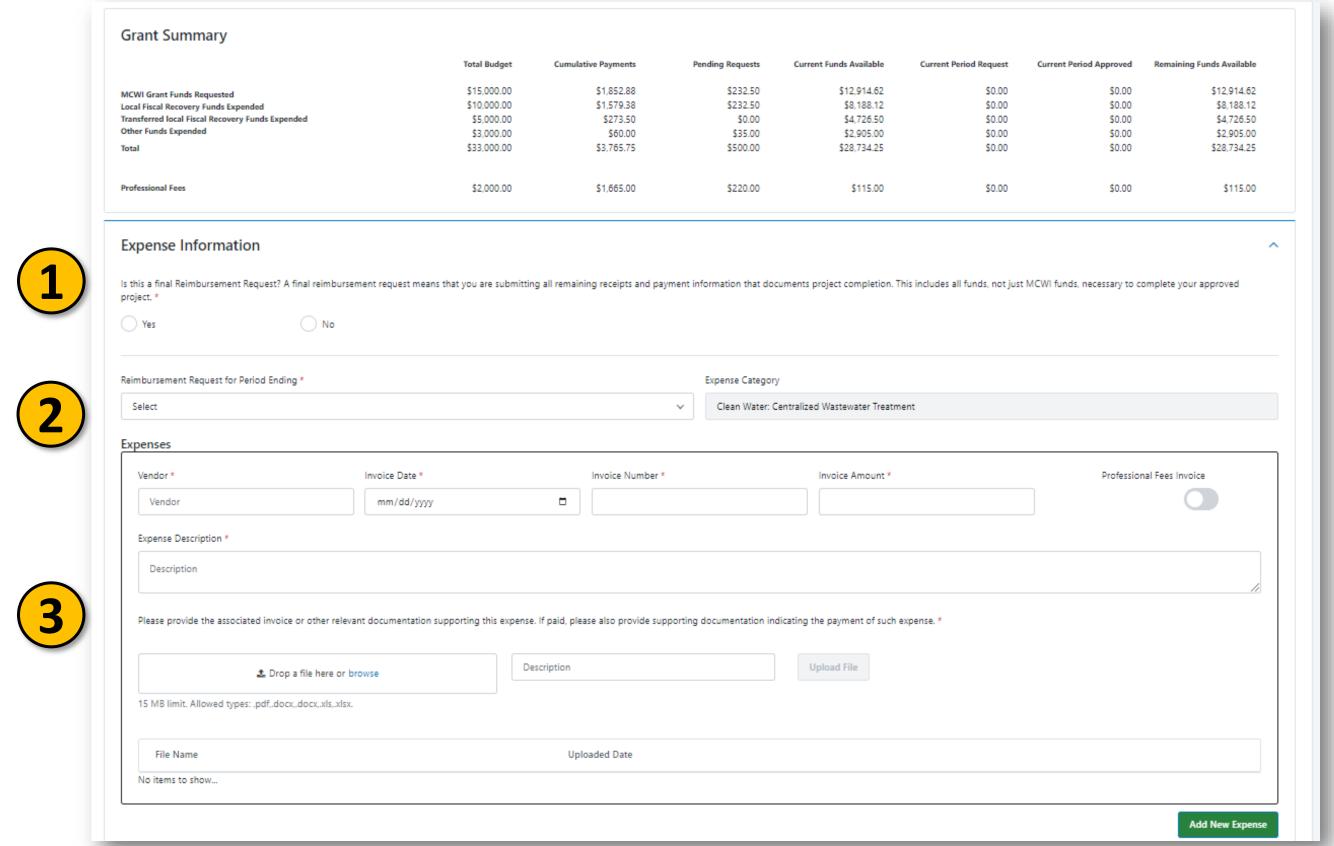
 All requests for reimbursement must be submitted through the MCWI Grant Portal – Reimbursement Portal.

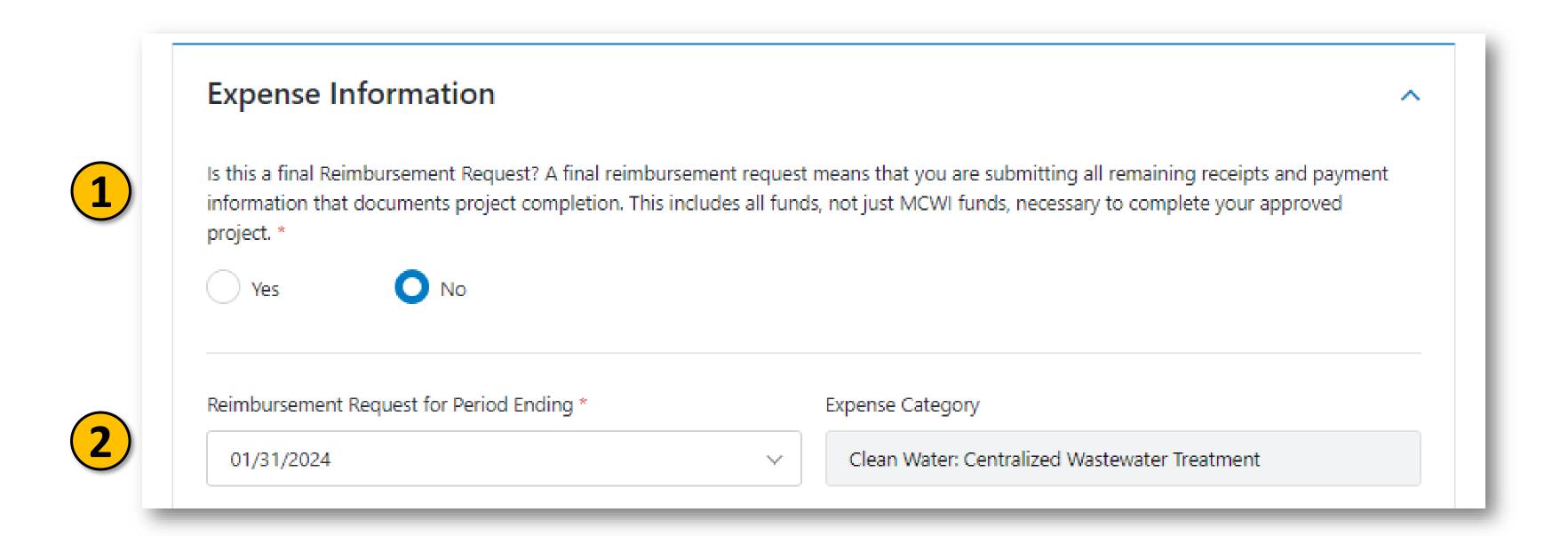


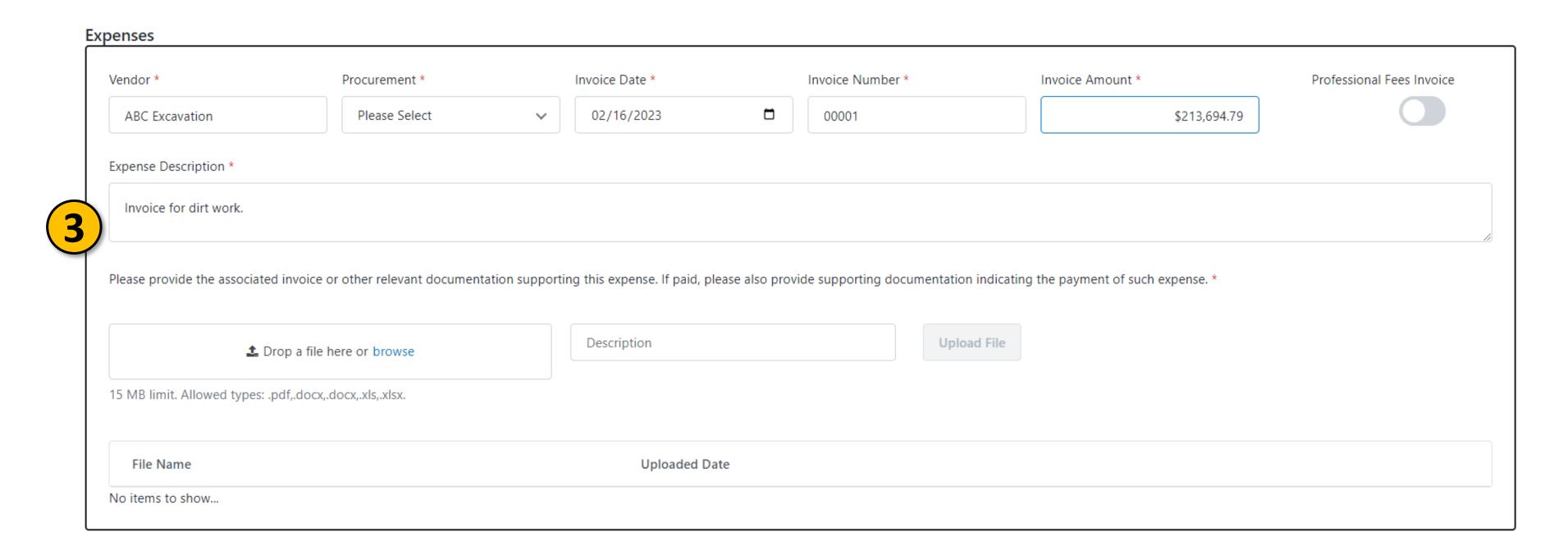


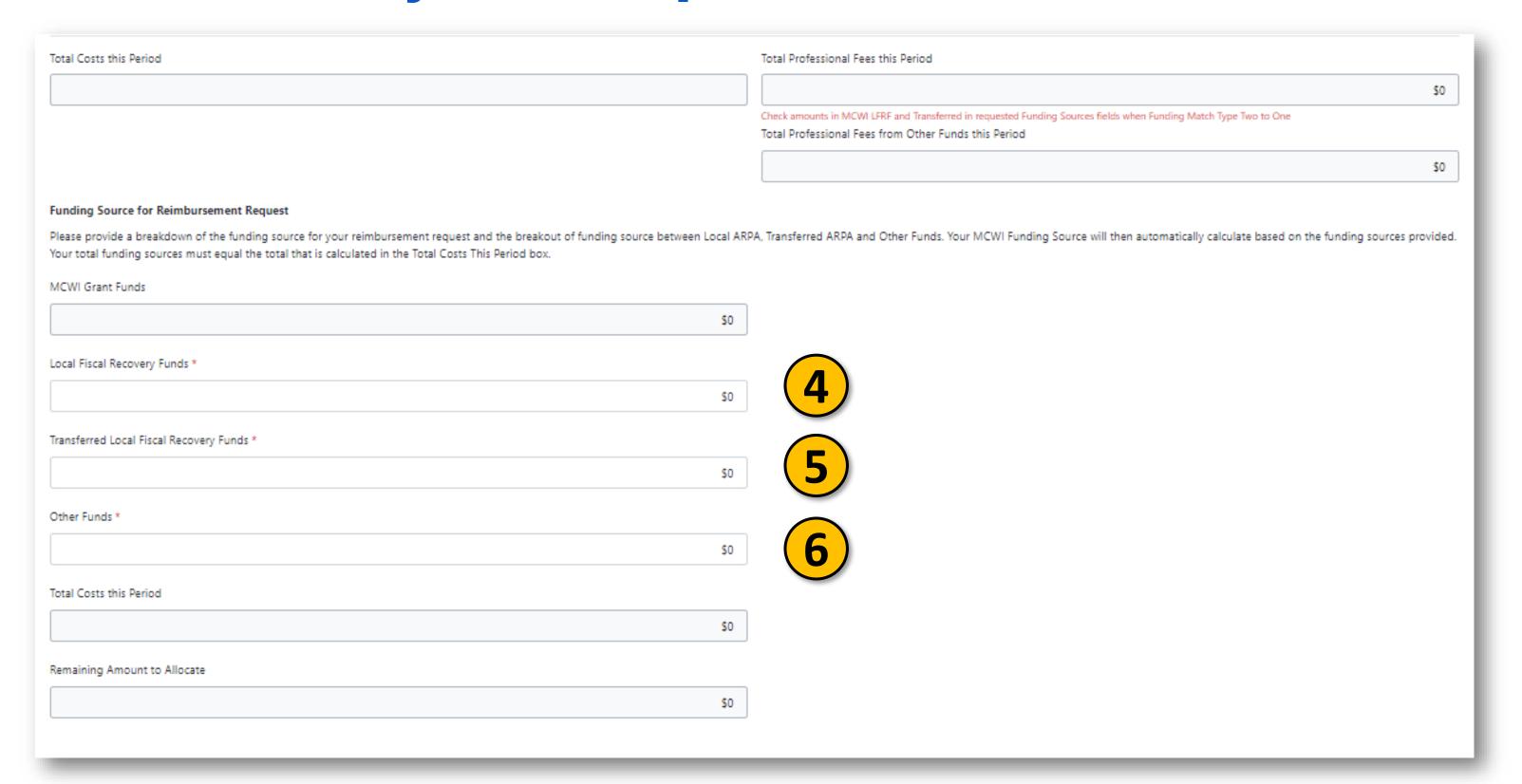


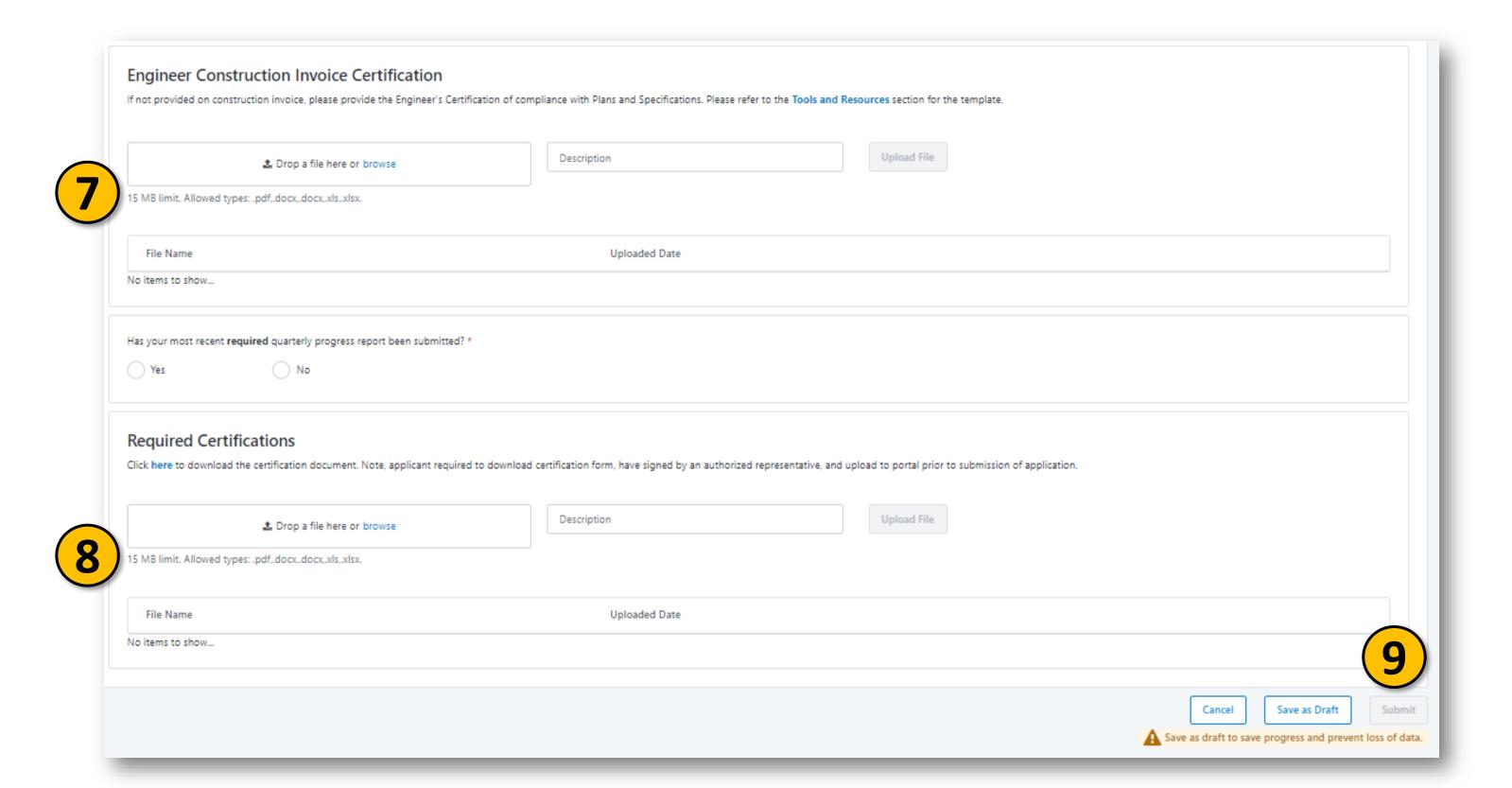














Reimbursement Process: What is sufficient documentation?

- i. Engineering Services Invoices
 - 1. Complete Procurement File for Services Contract, if not previously submitted.
 - 2. Invoices
 - 3. Proof of Payment, if available at time of submission.
 - a. Please note: If submitting invoices that have not been paid, proof of payment will be required after funds have been sent to your entity.

ii. Construction

- 1. Complete Procurement File for Construction Contract, if not previously submitted.
- 2. Construction Invoice OR Contractor's Application for Payment
 - a. Please note: The Contractor's application for payment must be signed by the Contractor, Supervising Engineer and Owner.
- 3. Proof of Payment, if available at time of submission.
 - a. Please note: If submitting invoices or applications for payment that have not been paid, proof of payment will be required after funds have been sent to your entity.

Reimbursement Process: What is sufficient documentation? (cont'd)

- iii. Additional required documentation
 - 1. Engineer certification of compliance with plans and specifications
 - a. Template available within Tools and Resources Section of Portal
 - 2. Must be current on quarterly progress report submissions
 - 3. MCWI Reimbursement Request Certification Form
 - a. Template available for download on Reimbursement Request
 - Must be signed by Mayor, President of Board of Supervisors or Officer of Public Utility

Reimbursement Process: Final reimbursement request process

- i. Final reimbursements cannot be submitted until the MCWI funded project is complete.
- ii. In order to submit your final reimbursement request, subrecipients will be required to submit the following documentation:
 - 1. Final Report (template is included in Tools and Resources)
 - 2. As Built Plans & Specifications
 - 3. Engineer Certification of Compliance with Plans & Specifications for Final Closeout

Final Report

- The Final Report is due at the time of final reimbursement request.
- ii. The Final Report must address the following elements of your project:
 - 1. General Information
 - 2. Project Milestones
 - 3. Financial Summary
- iii. The Final Report must be signed by the Authorized Representative (Mayor, President of Board of Supervisors, or Officer of Public Utility).

Project Closeout: Understanding the Process & Required Documentation





Project Closeout: When and how do I close out my MCWI Award?

- i. Closeout will commence after approval of the Final Reimbursement Request.
- ii. Following approval of the Final Reimbursement Request, the MCWI Program Administration team will provide you with a Closeout Package and instructions for completing the package.
- iii. Upon receipt of the Closeout Package, your entity will need to fill out the remainder of the package and submit it to the MCWI Program Administration Team.
 - 1. The Closeout Package will provide information on certain ongoing responsibilities such as audit requirements, record retention requirements, disclosure of the sale of any capital assets acquired, and your obligation regarding any subsequent rebates or refunds.
- iv. Upon acceptance of the Closeout Package from your entity, the MCWI Program Administration Team will provide formal correspondence indicating the final closeout of your MCWI Award.

Additional Subrecipient Responsibilities: Ongoing Reporting Requirements

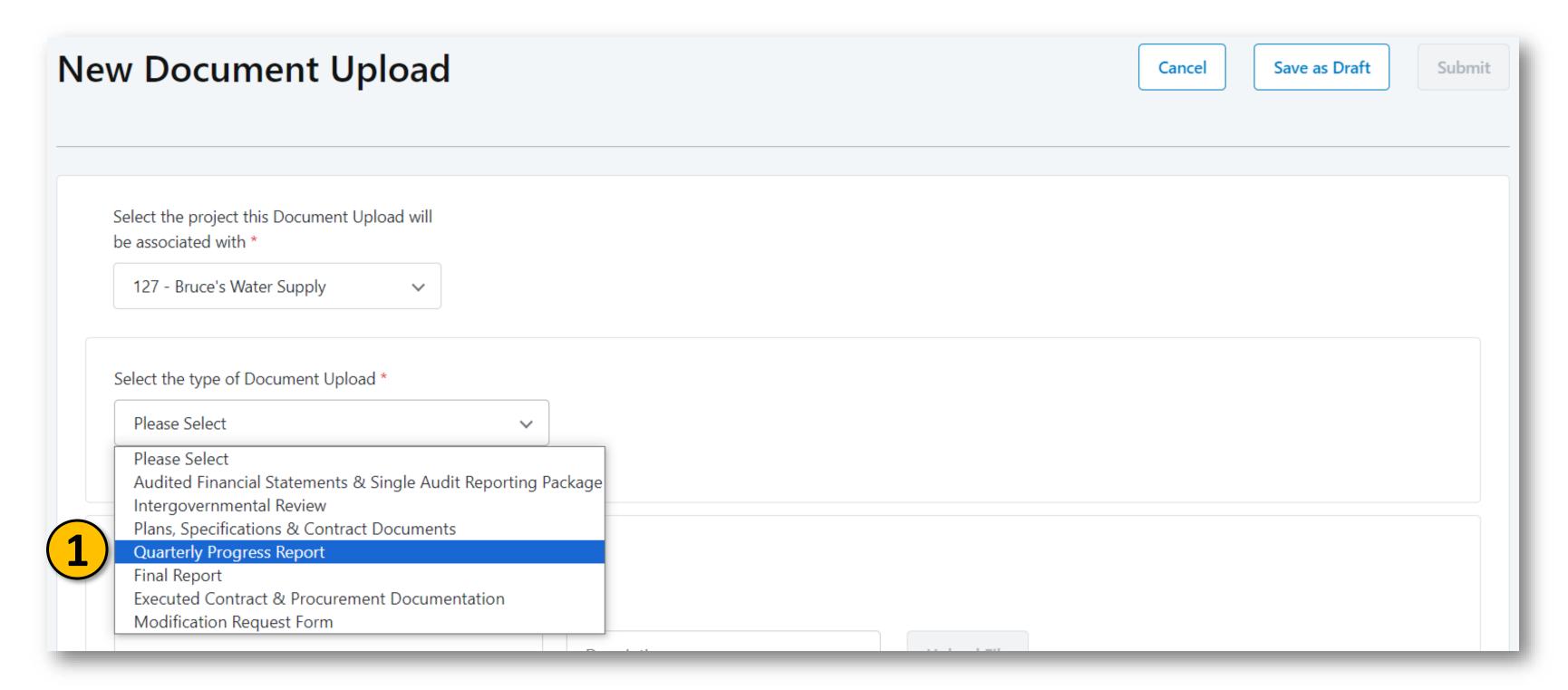




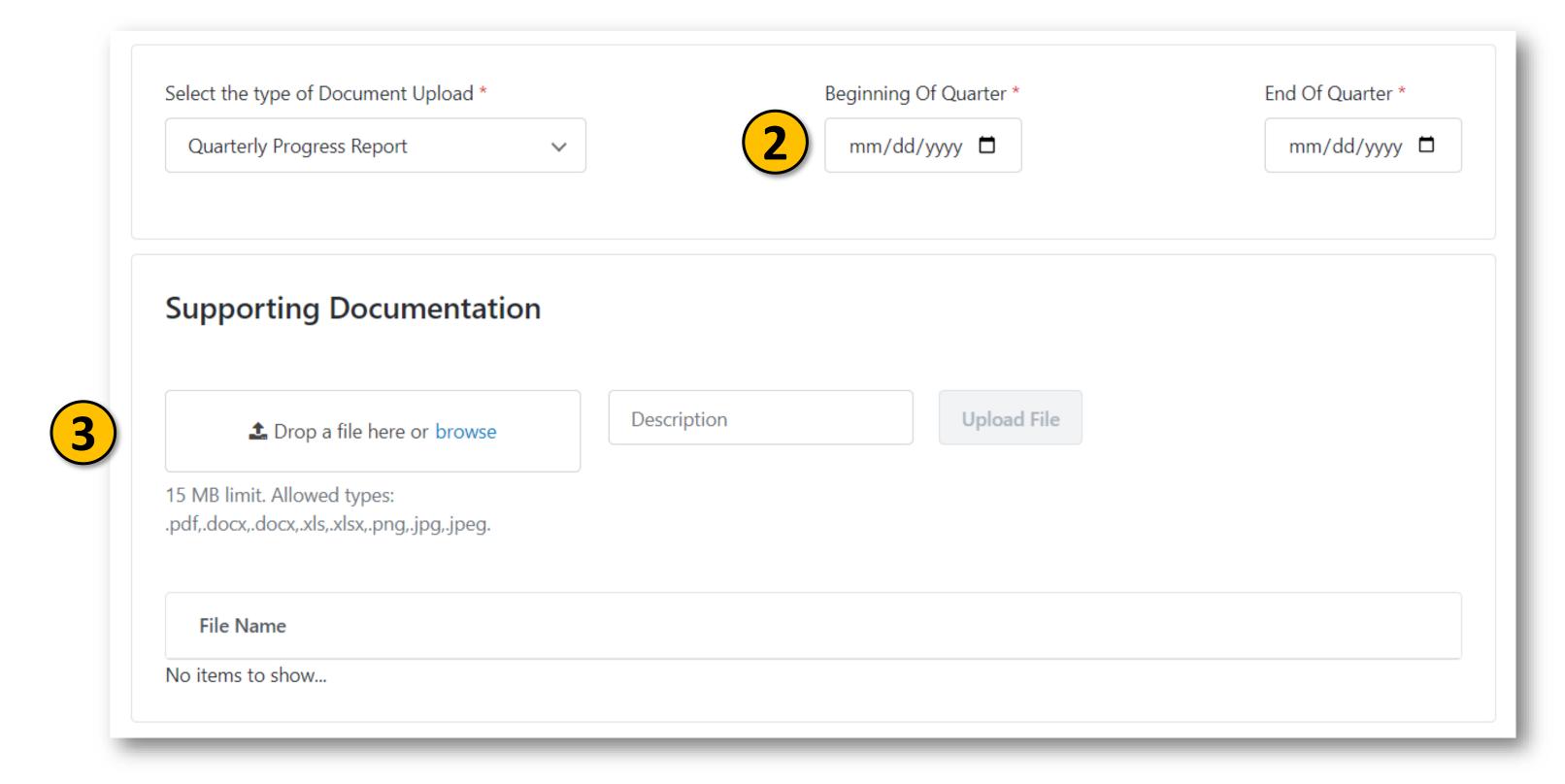
Required Quarterly Progress Reports

- i. Quarterly progress reports are generally due the 15th of the month following the close of a quarter:
 - 1. April 15th Covers activity for January March
 - 2. July 15th Covers activity for April June
 - 3. October 15th Covers activity for July September
 - 4. January 15th Covers activity for October December
- ii. Quarterly progress reports will address the following elements of your ongoing project:
 - 1. Activities undertaken
 - 2. Contract bidding status
 - 3. Modifications made to executed contracts
 - 4. Percentage of construction complete
 - Costs incurred to date
 - 6. Obligation challenges
 - 7. Financial statements
 - 8. Indications of fraud, waste or abuse
- iii. Signature will be required by the Authorized Representative which may include Project Engineer.

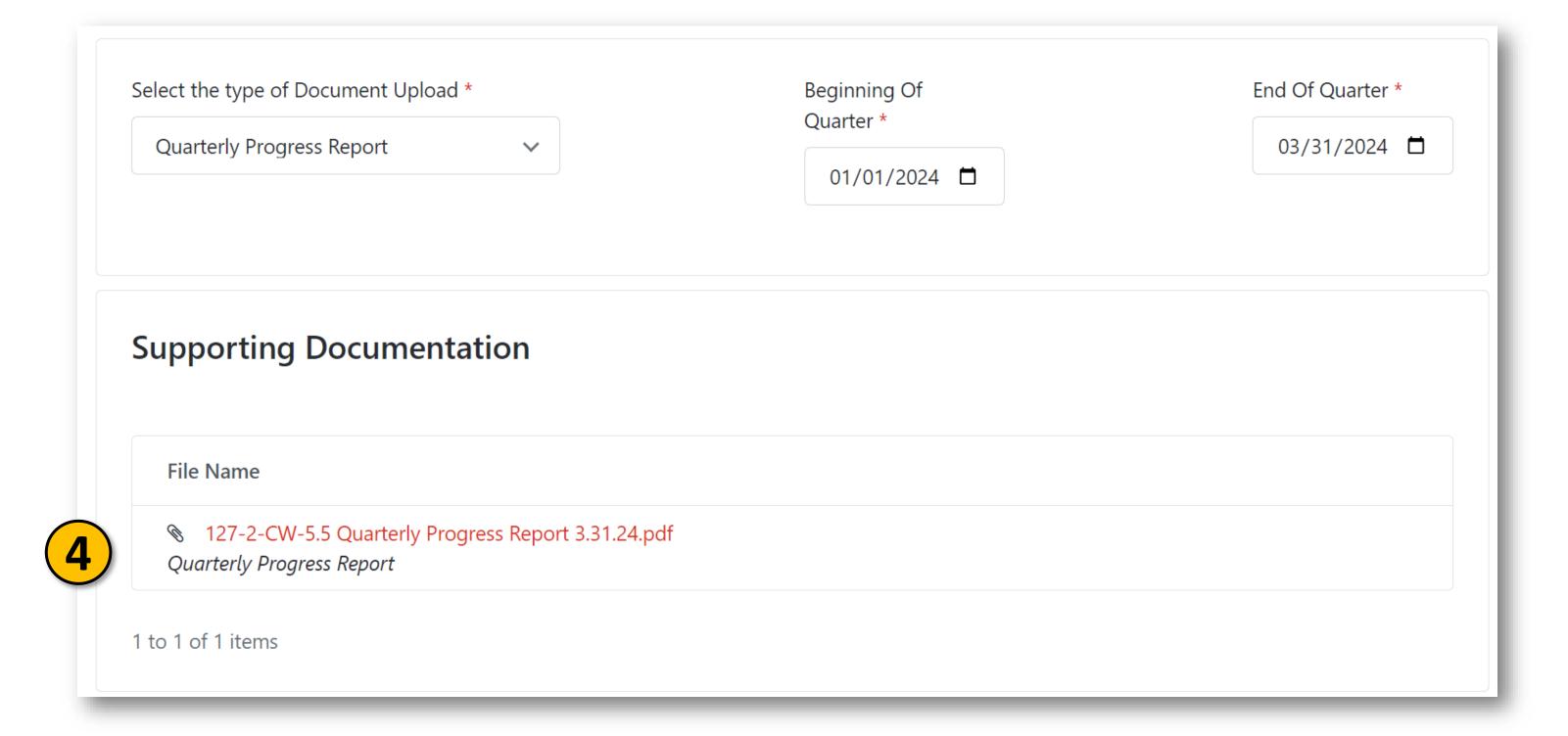
Required Quarterly Progress Reports (continued)



Required Quarterly Progress Reports (continued)



Required Quarterly Progress Reports (continued)



Project Site Visits

- All MCWI approved projects are subject to periodic site visits from MDEQ or HORNE.
- ii. We will attempt to coordinate site visits with the Project Engineer or Authorized Representative, but due to timing some visits may be unscheduled.
- iii. Site visits will be performed in order to assess:
 - 1. Project progress
 - 2. Site conditions
 - 3. Verification of eligible work
 - 4. Consistency with the scope of work in the Subaward Agreement

MCWI Grant Program: Additional Resources





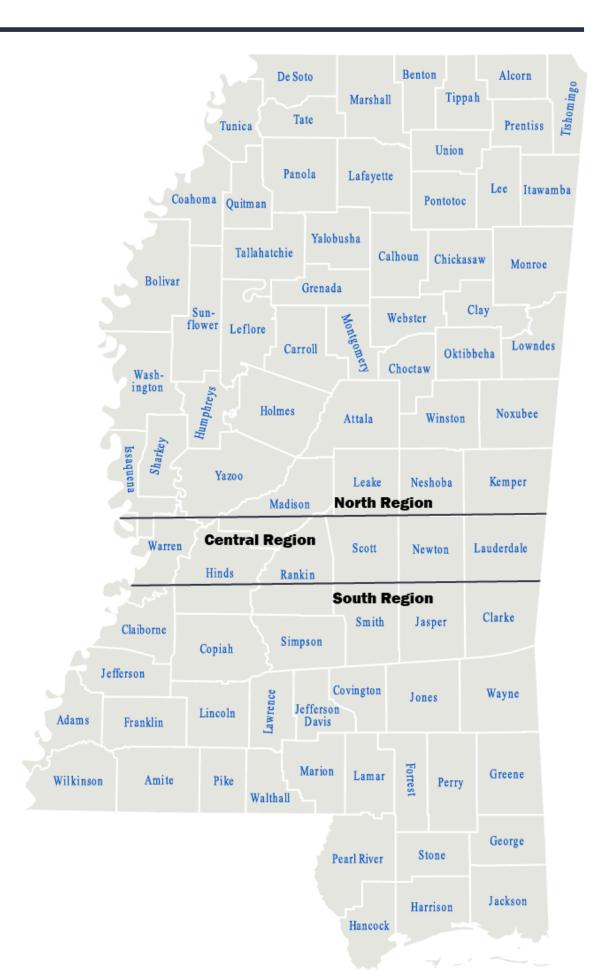
Additional Resources

Links to additional key program resources below:

- i. mswaterinfrastructure.com
- ii. <u>FAQs</u>
- iii. Procurement Webinar & Checklists
- iv. State law
- v. 2 CFR 200
- vi. Tools and Resources Tab within MCWI Grant Portal

Additional Resources

- Please feel free to contact the MCWI Program Administration Team at any time at <u>MCWISubrecipient@horne.com</u>
- Additional MCWI HORNE Team Member Contact Information:
 - Project Manager: MJ Brooks
 montre.brooks@horne.com, 901-235-5834
 - Northern Region: Jannette Nguyen
 jannette.nguyen@horne.com, 901-614-3160
 - Central Region: Grayson Reaves
 grayson.reaves@horne.com, 769-969-2169
 - Southern Region: Russell Mullins
 <u>russell.mullins@horne.com</u>, 901-557-6518





Questions?