

# **Orange County First-Time Sewer Service Connection and OSSF Installation/Replacement Guidelines**

**Applies to First Time Connection to Public Sewer System where available, Installation of an OSSF, or Replacement of Existing OSSF on Residential Properties**

## **I. INTRODUCTION**

Orange County, Texas has received grant funding under the general direction of American Rescue Plan Act of 2021 funded through the United States Department of Treasury (USDT), to provide first-time connections to public sewer systems where available and On-Site Sewage Facilities (OSSF) installation or replacement to eligible applicants who reside in unincorporated areas of the County.

The primary objective of the County's First-Time Sewer Service and OSSF Replacement Program is to provide adequate, safe, and sanitary sewer services for residents of single family, owner-occupied dwellings in compliance with rules of the Texas Commission for Environmental Quality (TCEQ). In these guidelines, "County" refers to officers or employees of Orange County assigned to work with the Program. Any action by the County that requires Commissioners' Court approval is specifically noted; otherwise, any action may be carried out by the appropriate officers or employees. "Grant Manager" refers to the general administration firm hired by the County to assist with the implementation of the Program.

## **II. TYPE OF ASSISTANCE**

First-Time Sewer Service and OSSF Replacement Program assistance will be in the form of a grant from Orange County to the eligible applicant for the express purpose of providing adequate and safe sewer service and related house connection on the applicant's single-family residential property. Grant funds in the amount of 80% of the costs of sewer service/OSSF installation (up to \$7,500 per property) will be paid directly from the County to the contractor or utility upon satisfactory completion of the improvements. The remaining 20% of associated costs will be the responsibility of applicant and will be due at the time of execution of the Right of Entry Agreement (see below).

Where public sewer service is available to residents, assistance may only be provided to connect to the existing utility. OSSF assistance will not be available to those residents who have access to a public sewer system.

Where public sewer service is not available to residents, assistance may be provided to replace existing or install new On-Site Septic Facilities.

## **III. SELECTION OF APPLICANTS**

### **A. Application Policies and Procedures:**

1. To obtain applications, the Grant Manager and the County will host application in-take session(s) at an accessible location(s) within the County. Following the first application intake session, the County will accept applications on a rolling basis at the Orange County Office of Emergency Management, 11475 FM 1442, Orange, Texas and by mail addressed to "Orange County Sewer Service/OSSF Applications," 11475 FM 1442, Orange, Texas 77630.

2. Via the local newspaper and with public postings, the Grant Manager will advertise the availability of the First-Time Sewer Service and OSSF Replacement Program to potential program beneficiaries at the beginning of the application acceptance period.

3. Each complete application will be marked with the date and time of receipt. A complete application means that the application form and all documentation required in sections III of these guidelines have been provided to the Grant Manager. All complete applications will be placed on an applicant list based upon the order in which they were received. Waitlisted applicants that provide updated financial and occupancy information prior to the in-take session(s) will be considered complete and will be placed at the top of the list. If waitlisted applicants do not have a complete application prior to the in-take session(s), they will be placed on the list in the order their complete information is received.

4. Because applicants may be providing confidential information during application intake, the application and associated information shall be made available only to the County, the Grant Manager, and USDT. The County is responsible for securing applicant records containing any confidential data.

#### B. Applicant Evaluation and Approval:

1. The Grant Manager will review all applications for Applicant Eligibility (Section III).

2. The County will review all applications for Property Eligibility (Section III). Only applications that include all required documentation will be accepted. Applicants will be notified of missing information and instructed to submit the missing items to Orange County, or directly to the Grant Manager. Only when all missing items are submitted will the application be considered complete and eligible for placement on the applicant list.

3. Eligible applicants who are eligible but are not offered assistance due to depletion of grant funds will be notified of this situation in writing.

4. Eligible applicants who are not eligible for assistance will be removed from the applicant list and provided written notification of the reason for their ineligibility.

5. Funding will be offered to the eligible applicants in applicant list order (referred to as the County's approved applicant list).

6. Applicants on the County's approved applicant list will be invited to enter into Assistance Agreements with the County for first-time sewer service or OSSF assistance.

##### a. *Assistance Agreements:*

The County will execute an Assistance Agreement-Right of Entry Form with each member of the applicant group selected to receive assistance. The Assistance Agreement will include the terms and conditions required to receive First-Time Sewer Service or OSSF Replacement Program assistance from the County. A homeowner's refusal to sign the Assistance Agreement-Right of Entry Form disqualifies the homeowner from receiving assistance under this program. The eligible applicant is referred to as an "assisted homeowner" after signing the Assistance Agreement. The assisted homeowner must occupy the property where the sanitary sewer service/OSSF is located throughout the assistance period, which begins with the submittal of the application and ends with a signed verification from the County that sewer service has been established or installation of an OSSF is complete.

#### C. Applicant Homeowner – Proof of Ownership:

Eligible applicants must be a person who owns, in whole or in part, and occupies a single-family residential unit. Ownership may be documented as follows:

1. Valid deed of trust or mortgage deed which has been filed for record with the County Clerk's office and which includes reasonable rights of redemption and quiet and peaceful possession of the property

2. Life estate, which has been filed for record at the County Clerk's office

3. Heir property, if property is in an undivided "heir ownership" situation, the applicant homeowner must be one of the heirs. Clear title is not required but proof of control of the property is necessary and can include evidence that the applicant homeowner paid insurance and property taxes in the prior year

4. 99-year leasehold interest in the property; or,

5. Fee simple title to the property

6. Tax receipt that indicates ownership of the property

7. A Contract for deed is not acceptable.

**D. Property Taxes:**

Applicant homeowner must furnish a valid current tax receipt showing that all property taxes assessed on the property proposed for assistance have been paid prior to the award of the assistance; or notice from the Orange County Tax Appraisal District Office that the property owner qualified for and received a tax deferral as allowed under Section 33.06 of the Texas Property Code; or that Applicant has entered into an installment plan with the Tax Appraisal District Office and is current in making payments.

**E. 911 Address:**

Applicant homeowner must furnish documentation showing the current 911-address for the property.

**F. No Unresolved Matters:**

Applicants must not have any outstanding complaints, financial balances, or otherwise unresolved matters with Orange County.

**III. ELIGIBILITY REQUIREMENTS**

The following are threshold requirements which must be met for an applicant homeowner to be eligible for assistance. Eligibility does not guarantee funding, as there may be more eligible applicants than can be served with available funds.

**A. Proof of Occupancy:**

Resident Beneficiary must furnish a utility bill from within the preceding three (3) months, or other proof of current occupancy of the housing unit to be assisted. Occupancy must be maintained throughout the assistance period.

**B. Unit Characteristics:**

Only single-family housing units will be eligible for assistance. Single-family housing units must have their own kitchens; and must not fit the Census definition of "group quarters". Mobile homes and manufactured housing are considered single-family housing units.

**C. Location:**

Units must be located within the following areas: Unincorporated areas of Orange County.

**D. Inspection:**

The County will conduct an initial evaluation to verify location and determine whether the condition of existing OSSF units merits replacement.

#### **IV. PROGRAM PARTICIPATION REQUIREMENTS**

- A. Relocation assistance will not be provided, as this is a voluntary participation program.
- B. All debris, abandoned vehicles, and derelict buildings that will interfere with the proposed improvements must be removed from the property prior to the start of construction. The applicant homeowner will be responsible for the removal.
- C. Self-help assistance in the form of the applicant homeowner providing the labor and the program providing material will not be permitted under this program.
- D. Eligible applicants who provide false information regarding residency status may be disqualified by the Commissioners' Court at any time prior to the installation of improvements and may be subject to criminal prosecution.

#### **V. PRELIMINARY INSPECTION, WORK ASSESSMENT AND CONTRACTING PROCESS**

- A. A required site evaluation and design will be conducted for each assisted eligible applicant by a third-party site evaluator selected by the County. The site evaluator must be currently licensed by the Texas Commission on Environmental Quality (TCEQ) or must be a licensed professional engineer. The contract for site evaluation and design services will be between the County and the lowest qualified bidder and will include all site evaluations to be carried out under this program.
- B. The successful site evaluation and design services bidder must be able to provide proof of vehicular and general liability insurance. Proof of insurance must be obtained within 30 days of notice of award.
- C. As it pertains to OSSF installation/replacement, the site evaluator shall assess, to the best of his/her ability, the need to replace yard piping and house plumbing connections in order to convey all wastewater and gray-water from the house to the new OSSF. These items, where known, shall be included in the design for bidding.
- D. Once the site evaluation is complete it will be submitted to the County for review and approval through the authority granted by TCEQ.
- E. Site evaluations and designs will be used as the basis when bidding for OSSF installations.
- F. The County will require that TCEQ licensed OSSF installation bidders obtain a 5% bid bond. A certified or cashier's check or U.S. Savings bond may be submitted in lieu of the bid bond.
- G. The County and the Grant Manager will conduct the bid process and bid opening according to all required federal, state and local procurement procedures for OSSF installation on private property. Bids must include all work indicated by the site evaluator's design including OSSF replacement and any sewer yard line or house connection plumbing improvements, where indicated.
- H. Once bids are received, the Grant Manager will create a bid tabulation. The contract for OSSF installation will be between the County and the lowest qualified bidder. The construction contract will be executed on forms approved by the County and will include all TxCDBG program requirements and technical specifications.
- I. To be eligible to participate in the construction work financed under this OSSF Assistance Program, contractors must meet the following minimum requirements:
  - a. The contractor must not be a debarred, suspended, or ineligible contractor according to U.S. General Services Administration list of Parties Excluded from Federal Procurement and Non-Procurement Programs found on the System for Award Management (SAM) website. The Grant Manager will obtain verification of contractor eligibility from the SAM database prior to awarding any contract. The contractor will comply with relevant state and federal laws. The contractor must have a current and valid OSSF license issued by the State of Texas (TCEQ) appropriate to the type of OSSF being installed.

## **VI. CONSTRUCTION PHASE PROCEDURES**

A. Changes to the First-Time Sewer Service and OSSF Replacement Program contract scope of work between the County and the contractor must be approved in writing by the County and the contractor via Change Order. All Change Orders require prior approval by the County and the United States Department of Treasury (USDT). Reasons for Change Orders may include but not be limited to adding days to a construction contract to account for inclement weather. All change orders will be reviewed on a case-by-case basis.

B. Construction Inspections serve three purposes: 1) to evaluate the contractor's progress; 2) to confirm that OSSF installation codes or standards have been satisfactorily met and that any pre-existing septic systems replaced through this program have been mitigated in accordance with Title 30 Texas Administrative Code Chapter 285 Subchapter D rule 285.36(b) so that a permit may be issued; and 3) to confirm that all requirements of the contract have been met to all parties' satisfaction. The County has established inspection procedures according to the type of OSSF and the County will be responsible for all OSSF inspections through the authority granted to it by TCEQ. The County's established OSSF procedures shall be followed for interim and final inspections with the following modifications:

1. When work on each OSSF is nearing completion, the contractor will notify the County inspector regarding the specific date when the job will be ready for a final inspection. The County will schedule final inspections for each OSSF.

2. Once the OSSF installation has been approved by the County's inspector and the permit issued, the assisted homeowner will confirm acceptance of the work in writing.

### **C. Contractor Performance**

1. Should the contractor fail to perform work in accordance with an OSSF contract, the County may serve written notice upon the Contractor of its intention to terminate the contract. The notice shall contain the reasons for such intention to terminate the contract, and unless such violation or delay shall cease and satisfactory arrangement of correction be made within ten days, the contract shall, upon the expiration of said ten (10) days, cease and terminate. In the event of any such termination, the County shall immediately serve notice thereof upon the Contractor. The County may then take over the work and complete the project by bid/contract or by force account at the expense of the Contractor. In such event the County may take possession of and utilize in completing the work, such materials, appliances, and plant as may be on the site of the work and necessary, therefore.

2. Should the contractor fail to correct any warranty issues in accordance with an OSSF contract, the contractor shall be barred from bidding on future OSSF contracts and payment for any pending OSSFs under construction will be suspended until the warranty issues are addressed to the satisfaction of the County.

3. Contractors with open OSSF contracts that are out of compliance for any reason (construction not completed by contract deadline, installation does not meet TCEQ standards or project specifications, etc.) shall be barred from bidding on future OSSF contracts until the issues are resolved to the satisfaction of the County and the contract is back in compliance.

## **VII. FILES AND REPORTS**

The County will maintain accurate files and records on the program and on each applicant, homeowner as required by USDT. Such files will be open for inspection as to qualifications, bids, and awards. The Grant Manager will ensure that the files are intact at the time the First-Time Sewer Service and OSSF Replacement Program activities are completed and will ensure that the files are updated during the implementation period.

## **VIII. CHANGES, WAIVERS, AND/OR CONFLICTS**

The Commissioners Court will have the right to change, modify, or revoke all or any part of these guidelines by a majority vote of the Commissioners Court.

Passed and approved this \_\_\_\_\_ day of January, 2023 by the Commissioners Court of Orange County, Texas.

Approved:

Attest:

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John Gothia, County Judge

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Brandy Robertson, County Clerk