



MARGIE R IBARRA
COUNTY CLERK
FILED

2024 JAN 22 PM 3:38

WEBB COUNTY, TEXAS

Webb County OSSF

First Time On-Site Sewer Facilities (OSSF) or BY MMA DEPUTY
Replacement of OSSF Program

Program Guidelines amended January 22, 2024

I. DEFINITIONS AND INTRODUCTION

Applicant or Applicant Homeowner means a homeowner that has submitted a complete application.

Assisted Homeowner means an Applicant that has been selected to participate in the program and who has signed the Assistance Agreement.

Assistance Agreement and Right of Entry means an agreement which includes the terms and conditions required to receive OSSF from the County.

Assistance Period means the period from submittal of an application through the issuance of a Certificate of Construction Completion.

Certificate of Construction Completion (COCC) means a certificate, to be signed by Webb County and the OSSF Contractor once all construction has been completed and the project has been accepted.

Commissioners Court means Webb County Commissioners Court.

Eligible Applicant means a person who owns, in whole or in part, and occupies a single-family residential unit in a Webb County Colonia and meets all the applicable criteria set forth in these guidelines.

OSSF Contractor or Contractor means the contractor qualified, selected and contracted to install the septic system.

On-Site Sewage Facilities (OSSF) means a wastewater disposal system designed to treat and dispose of domestic wastewater (wastewater from kitchens, bathrooms, and laundry) on the same property that produces it. An OSSF is more commonly referred to as "septic system" or "septic tank".

Grant Manager is the ARPA Project Management Firm who Webb County has designated to manage Webb County ARPA Projects.

Webb County colonias means the following designated Colonias within Webb County: **See Attached Exhibit A**

Webb County will provide On-Site Sewage Facilities (OSSF) to Eligible Applicants who live within Webb County Colonias as listed in Exhibit A.

The primary objective of the County's OSSF is to provide adequate, safe, and sanitary sewer services for colonia residents through the installation of approved residential OSSFs for 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 Webb 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.

Webb County's OSSF will help families located in designated colonias in Webb County, Texas. Webb County will only assist applicants who reside on the property. Lots affected by a regulated floodplain may qualify for assistance if the existing dwelling(s) to be serviced and the location for the proposed OSSFs have been found to not cause an impact and are issued a current Floodplain Exemption Certificate in compliance with Webb County's Flood Damage Prevention Order (FDPO). Dwellings/OSSFs in a regulated floodplain and lots in violation of the FDPO are **not** eligible for this program and will **not** receive assistance.

Program Budget:

On-Site Sewer Facilities (OSSF) per home: No more than \$20,000.00

Onsite - Sewer Remediation per home: No more than \$10,000.00

* Webb County reserves the right to make any adjustments to the final award amount per applicant based on the specific needs to accomplish the objectives of the program within each approved application.

Fees include:

Floodplain Determination Application Fee: \$30.00 per structure

OSSF Application Fee \$310.00 per residential system + 50 if cesspool is decommissioned

Assisted Homeowner is responsible for paying all fees related to Application and Permits.

II. SELECTION OF APPLICANTS

A. Application Policies and Procedures:

1. Eligible applicants must meet primary residence requirements as described in section III of these Guidelines.

2. The County will accept applications on a rolling basis at the Webb County Planning Department office located at County 1110 Washington, Ste. 302, Street, Laredo Texas.
3. Via the local newspaper and with public postings the Grant Manager will advertise the availability of OSSF to potential program beneficiaries at the beginning of the application acceptance period.
4. 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 section III, A through C, of these guidelines have been provided to the Grant Manager or Webb County Planning Department and have been determined by the Grant Manager or Webb County Planning Department to be complete. All complete applications will be placed on an applicant list based upon the order in which they were received.
5. Because applicants will be providing confidential information during application intake, the application and associated information shall, subject to the Texas Public Information Act, be made available only to the County. 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 Webb County Planning Department 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 the Webb County Planning Department. Only when all missing items are submitted will the application be considered complete and eligible for placement on the applicant list within 10 business days.
3. Applicants who are eligible but are not offered assistance due to depletion of grant funds will be notified of this situation in writing.
4. 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. The Grant Manager will seek Commissioners Court approval of eligible applicants. Applicants will be grouped in the order that the Grant Manager determines that the applications are complete and eligible for assistance; once approved by the Court the applicants will be invited to enter into Assistance Agreements with the County for OSSF. The process of creating applicant lists may be completed several times during the grant contract period as new applications are received.

Assistance Agreements:

After Court approval, the County will execute an Assistance Agreement and Right of Entry Form with the applicant selected to receive assistance. The Assistance Agreement will include the terms and conditions required to receive OSSF from the County. A homeowner's refusal to sign the

Assistance Agreement and Right of Entry Form voids the application and the homeowner becomes ineligible. After signing the Assistance Agreement an eligible applicant is referred to as an “Assisted Homeowner”. The Assisted Homeowner must maintain residency status on the property where the OSSF will be located throughout the Assistance Period, which begins with the submittal of the application and ends with execution of the Certificate of Construction Completion (COCC).

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. Fee simple title to the property.
4. A Contract for deed is not acceptable.
5. Property leased in part or in whole do not qualify for assistance.

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 Webb 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. Applicants must have resolved any pending Right-of-Way issues with Webb County.

F. No Unresolved Matters: Applicants must not have any outstanding complaints, financial balances, or otherwise unresolved matters with any Webb County Department.

III. ELIGIBILITY REQUIREMENTS

The following are 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 Residency: The Applicant Homeowner must furnish evidence that housing unit is their primary residence. Additional housing units on the same lot may qualify if additional housing units are the residence of immediate family of the Applicant Homeowner. Residency must be maintained throughout the Assistance Period.

1. Evidence of primary residence includes a valid Texas ID showing housing unit address or proof of a homestead exemption designation on the property by the Webb County Appraisal

District. Additional evidence of primary residence may be submitted for review by the Grant Manager and Webb County Planning Department for consideration.

2. Immediate Family is defined as mother, father, child, sister, brother, spouse, any step-relation, domestic partner, grandparent, uncle, aunt, and cousin, and in-law of the same relation as any of the foregoing. Evidence of Immediate Family relationship may include birth certificate, marriage license or other legal documentation recorded in the public records.

- B. Unit Characteristics: Only single-family housing units **with no access to a centralized sewer system** 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: Webb County designated colonias.
- D. Inspection: Webb County will conduct, or cause to be conducted, an initial site and facility evaluation to verify location and determine whether the condition of the existing OSSF unit merits replacement as well as property suitability to meet required set-backs.

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 is not permitted under this program.
- D. Applicants who provide false information regarding ownership, residency status or familial relationship may be disqualified, by the Commissioners Court, at any time prior to the installation of the OSSF or Electrical and may be subject to criminal prosecution.

V. TYPE OF ASSISTANCE

OSSF will be in the form of a grant from Webb County to the Eligible Applicant for the express purpose of installing a new OSSF and / or related house connection on the Eligible Applicant’s single-family owned property. The grant funds will be paid by Webb County directly to the OSSF contractor upon satisfactory completion of the installation or as otherwise determined by the County and any contract.

VI. CONFLICT OF INTEREST

Webb County Employees do not qualify for this assistance.

VII. PRELIMINARY INSPECTION, WORK ASSESSMENT AND CONTRACTING PROCESS

- A. A required site evaluation and design will be conducted for each Assisted Homeowner's property 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 Registered Sanitarian (RS) or licensed professional engineer. In the case where it is determined that the project would need of a cesspool to be remediated, a licensed sludge hauler by TECQ. 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. In addition to the OSSF evaluation, the site evaluator shall assess, to the best of his/her ability, the need to replace yard piping and exterior 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 Webb County Planning Department 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 for the installation of the OSSF 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 exterior 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 awarded by the Commissioners Court to the lowest responsible bidder. The construction contract will be executed on forms approved by the County.
- I. In order to be eligible to participate in the construction work financed under this OSSF contractors must meet the following minimum requirements:
- J. 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.

VIII. CONSTRUCTION PHASE PROCEDURES

- A. Changes to the OSSF 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. Reasons for Change Orders may include but not be limited to adding days to a construction contract in order 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 Planning Department 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 has been approved by the Webb County Planning Department and the permit issued, the Assisted Homeowner will confirm acceptance of the work in writing.
 3. Once Construction of all OSSFs within the construction contract are complete and permitted by the County, a Certificate of Construction Completion (COCC) will be signed by Webb County and the contractor. The COCC and OSSF permits from TCEQ will constitute evidence that the work was completed in accordance with TCEQ standards and the site evaluator's designs.
- C. Warranties and Liens
1. Once the COCC has been issued by the County for all OSSFs and included in the construction contract, the OSSF contractor will provide an "affidavit of all bills paid" and the final request for payment to the Grant Manager.
 2. All work performed by the OSSF contractors will be guaranteed for a period of one (1) year. Once the COCC is fully executed the warranty will be transferred to the Grantee as specified in the Assistance Agreement and Right of Entry.
- D. Contractor Payment:
1. If County may approve progress payments to the OSSF Contractor, County shall retain no more than five percent (5%) of each progress payment made to the OSSF Contractor.
 2. Final payment of retainage will be approved after a Certificate of Construction Completion (COCC) and affidavit of all bills paid is executed by the relevant parties and the contractor's

standard written one year warranty for OSSF installation is provided to each Assisted Homeowner.

3. The County shall not execute the COCC until all OSSF systems are fully completed and the County has verified through its inspection process that the OSSF systems are in compliance with relevant TCEQ and County requirements.

E. Contractor Performance

1. Should the contractor fail to perform work in accordance with the 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 and appliances 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 installations under construction will be suspended until the warranty issues are addressed to the satisfaction of the County.
3. OSSF Contractors with open contracts that are out of compliance for any reason (construction not complete by contract deadline, installation does not meet TCEQ standards or project specifications, etc.) shall be barred from bidding on future contracts until the issues are resolved to the satisfaction of the County and the contract is back in compliance.

IX. COMPLAINTS AND DISPUTES

The County and the Grant Manager will investigate all complaints, whether verbal or written, using the following procedures:

1. All complaints will be submitted in writing.
2. The Grant Manager will have ten (10) working days to respond to the complaint. If they are unable to resolve the complaint to the satisfaction of the complainant, the complainant will have five (5) working days to appeal the Grant Manager's decision to the Webb County Commissioners Court. The decision of Webb County Commissioners Court will be binding upon all parties involved.
3. Each step of the complaint resolution process will be documented and maintained in the program files.

X. FILES AND REPORTS

The County will maintain accurate files and records on the program and on each Assisted Homeowner as required by the US Treasury. Such files will be open for inspection as to qualifications, bids, and awards. The Grant Manager will ensure that the files are complete at the time the OSSF and activities are completed and will ensure that the files are updated during the implementation period.

XI. 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 Commissioner’s Court.

Passed and approved this ____ day of _____, 2024 by the Commissioners Court of Webb County, Texas.

Approved:



Tano E. Tijerina
Webb County Judge

Attest:



Margie Ramirez Ibarra
Webb County Clerk

