

IX. FILE MANAGEMENT AND MONITORING

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A. INTRODUCTION

This chapter lists the contents of the files you must keep for the administration of your grant. Also included in this chapter are detailed explanations of several key parts of the grant administration process.

As a grant recipient, you must be able to fully document the CDBG housing program so that you can demonstrate compliance with all applicable regulations.

Records must be kept for a period of three years after you receive your final closeout letter. The filing system you establish should be easy to use, and must provide an historic account of your activities for examination and review by the Division of Housing and Community Development (DHCD), auditors and local staff. A separate file system should be established for each CDBG housing contract.

B. APPLICATION FILE

1. Application (pre and final)
2. Correspondence about the application.
4. Citizen participation plan and documentation of public hearings.

C. GRANT CONTRACT FILE

1. Commerce award letter.
2. Original signed grant contract plus any amendments, and correspondence concerning any grant conditions.

D. FINANCIAL MANAGEMENT FILES

1. State and federal regulations set forth the financial management procedures which must be followed in administering a CDBG grant. For details on how to comply with these requirements see Chapter IV of this handbook entitled Financial Management. If you have questions concerning those requirements, contact DHCD.
2. The following must be maintained to document your financial management activity:
 - Drawdown Register
 - Depository Certification form
 - Signature Certification form
 - Requests for Payment of CDBG Funds
 - Grant Account Transactions Journal
 - CDBG Reimbursement Request Form
 - Rehabilitation Obligations Tracking Journal
 - Working Account Transactions Journal
 - Individual Obligation Journal
 - Program Beneficiaries Data Sheet
 - Source documentation for administrative costs (invoices, payrolls, contracts, etc.)
 - Cancelled checks, deposit slips, bank statements, etc.
 - Other Funds documentation (copy of bank mortgages, donation checks, materials receipts)

E. EQUAL OPPORTUNITY FILE

The Civil Rights Laws and related laws and regulations are designed to protect individuals from discrimination on the basis of race, national origin, religion, color, sex, age, handicap or family status. As they apply to the CDBG program, they protect individuals and families from discrimination in housing, employment, business opportunities and benefits created by CDBG projects.

Please refer to Chapter V for more details. If you have questions concerning equal opportunity compliance, contact DHCD.

F. ENVIRONMENTAL REVIEW RECORD

Each CDBG grant recipient must maintain a written environmental review record (ERR) for their CDBG proposed projects. The Grantee shall make sure that the ERR is available for public review. Federally required documents shall contain all the necessary environmental review documents, public notices and written determinations or environmental findings.

Please refer to Chapter VI for a detailed narrative of a grantee's environmental responsibilities.

G. PROCUREMENT FILE

1. Procurement Policy

The grantee must adopt a local policy of procurement procedures (Attachment 1). This policy must cover acquisition of supplies and services by the grantee. A copy of this procedure must be placed in the procurement file.

2. Bidding for Construction Projects

When a grantee undertakes a construction project (e.g., neighborhood improvements, public facility) utilizing CDBG dollars, the following state statutes apply:

In advertising for and letting bids, the Grantee agrees to comply with s. 66.29, Wis. Stats., and if a county, s. 59.08; if a town, s. 60.47; if a village, s. 61.54-61.56; and, if a city, s. 62.15.

3. Acquiring Consultant, Engineering or Audit Services

- a. When acquiring the services of a consultant to administer a CDBG program or to provide other professional services (e.g., risk assessment, inspection, title company, audit, engineering), you may use simplified acquisition procedures for all service contracts that are less than the simplified acquisition threshold of \$100,000 as specified in 24 CFR Part 85.36.

Simplified acquisition procedures require that price or rate quotations shall be obtained from at least three qualified sources. If a local procurement policy is in place that is more restrictive than the simplified procedures described here, the local policy must be followed. Evidence that the appropriate procedure was followed must be in place in the procurement file.

- b. Consultants providing professional services must certify their eligibility and that they will not employ ineligible subcontractors in performing the work.

Following are the steps to make sure that you are not entering into a contract with a contractor who has been debarred:

- Address: <http://www.epls.gov/epls>, press “Enter”.
- Enter name and choose “Continue”.
- **Read text** and choose “Accept”.
- In the “EPLS Main Menu”, choose the “**EPLS Search Menu**”.
- In the “EPLS Search Menu”, choose the “**Search by state/country Menu**”.
- In the “Search by state/country Menu”, **enter the code** for the state where the contractor is located, i.e., “**WI**” for Wisconsin, and press “**Enter**”.

- When the “Search Results” screen appears, it will let you know how many records were returned.
- Choose “**Download query results**” for debarred list.
- (Possible additional step: Choose “Convert”.)
- The list will appear in alphabetical order. Scroll down to see if your contractors appear on the list. Include a note to the file of the date the search was completed and the result.
- If you are unable to view the debarred list, forward a list of potential contractors to DHCD to verify contractor eligibility.

NOTE: The list is continually updated. Do not print it or save it to disk.

- c. When the contract for services will exceed \$100,000, competitive or non-competitive negotiation procedures must be followed.

Competitive Negotiation. This type of procurement may be used when the selection could be based on factors other than price, such as experience and capacity. Procurement of architectural/engineering services falls under this latter category. Only fixed price (a specified price to be paid when the items or services are delivered and accepted) or cost reimbursement (price is usually reimbursed as costs are incurred) may be awarded. When using competitive negotiation, the following requirements apply:

- Proposals must be solicited from two or more qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement.
- A Request for Proposal must be issued and publicized which identifies all the factors that will be used to evaluate submissions, including the importance that price or cost will play in the selection.
- All proposals received must be evaluated; negotiations will be conducted normally with more than one of the bidders submitting offers. A written method for evaluation which includes the significant factors to be used to determine the contract selection award should be prepared and publicized along with the Request for Proposal.
- The award may be made to the offeror whose proposal would be most advantageous to the recipient, considering prices and other factors identified in the Request for Proposal.
- Unsuccessful offerors should be notified promptly.

Noncompetitive Negotiation is procurement through solicitation of a proposal from only one source, or after solicitation of a circumstance under which a contract may be awarded by noncompetitive negotiation are limited to the following: (a) after solicitation from a number of sources, competition is

determined inadequate; (b) the items or services required are available only from one source; (c) if federal grantor agency (the state agency in the state-administered CDBG program) authorizes the noncompetitive method; (d) public exigency or emergency is such that the urgency will not permit a delay beyond the time needed to employ the other method described above. The mere fact that a contractor is performing other consultant services for the grantee is not in itself an adequate justification for a noncompetitive negotiated award.

Include in the Grant Contract file the minutes of the meeting at which the consultant contract is awarded and a copy of the consultant contract.

If you have questions concerning this procedure, call DHCD.

4. Acquisition and Disposition of Property

- a. All grantees are required to maintain an Acquisition/Disposition Register (see Attachment 2). Use this document to report all property (including real property) acquisitions for items costing over \$500 if CDBG funds were used for their purchase. The register should include a description of the item, cost, date purchased, how disposed, and when. If the grantee has not acquired anything costing more than \$500, it must still maintain a register to show that. All dispositions of CDBG-purchased items (including those purchased with previous state-administered grants) must also be recorded on this Register.

Keep the Acquisition/Disposition Register in your closeout file as it must be submitted with the Closeout Report when your program is completed.

- b. Lease/Purchase of Equipment

Items valued at less than \$2,000 may be purchased with the CDBG funds designated for grant administration.

Items (including computer software) valued in excess of \$2,000 are not normally eligible expenses. These items should be of a size and capacity appropriate to the current CDBG program administrative needs. If the grantee wishes to acquire an item with greater capacity than is needed for current administrative needs, the CDBG administrative funds will pay for only that size/capacity needed to serve the CDBG program. If the grantee wishes to purchase equipment with the intention of also using it for other local government needs, the cost should be prorated with other users based upon the percentage of usage.

Equipment valued in excess of \$2,000 may be acquired in one of the following ways:

- i. Items may be leased from a vendor based on a 5-year amortization of the cost of the item, or the life of the item, whichever is greater. In this case, the CDBG administrative budget will cover the monthly cost of this lease for the 18-month contract period; or

- ii. The local unit of government may purchase the item and then charge the CDBG administrative budget the equivalent of the lease cost of the item based upon the terms stated in 4.b.1) above for the 18-month life of the program. The remaining cost becomes the responsibility of the local government; or
- iii. The grantee may purchase the item outright using the CDBG administrative budget funds. At the end of the contract period the grantee must appraise the trade-in value of the item and add that trade-in value to the calculation of the amount to be returned to the Department at the end of the contract period (see 4.c. below).

TO BE AN ELIGIBLE ADMINISTRATIVE EXPENSE, ALL PURCHASES OF PROPERTY VALUED IN EXCESS OF \$2,000 MUST BE APPROVED IN WRITING BY DHCD PRIOR TO THE PURCHASE.

c. Disposition of Equipment

At the time of closeout of a CDBG program, the grantee must assess the trade-in value of those items purchased with CDBG funds and reimburse the Department of Commerce for the assessed trade-in value of that equipment if the aggregate value of the items exceeds \$2,000. This amount should be included on line D.3. of the Certificate of Completion (see Chapter X).

H. CITIZEN PARTICIPATION FILE

All CDBG grants are subject to citizen participation (CP) requirements as spelled out in Title I of the Housing and Community Development Act of 1974 as amended.

In order to meet the CP requirements, this process must be initiated when a community begins to plan for development of an application. The specific requirements for this process are spelled out in the CDBG Housing Program Application.

Your Citizen Participation File must contain:

- 1. Publications or documentation of postings used to announce the required public hearings.
- 2. Minutes from the public hearings documenting that they were held and their content.

If you have questions concerning citizen participation requirements contact your DHCD representative.

I. DHCD MONITORING/INSPECTION FILE

- 1. Monitoring reports, DHCD letters of findings and recommendations, response to letters of findings, and evidence clearing any monitoring findings.
- 2. Other correspondence related to DHCD monitoring inspection visits.

J. GENERAL CORRESPONDENCE FILES

Correspondence, incoming and outgoing, that does not fall into one of the above categories nor into the project file categories.

K. PROJECT CLOSEOUT FILE

1. Completion Report, evidence of disposition of third party claims and DHCD certificate of completion.
2. Single Audit Report(s).

L. INDIVIDUAL PROJECT FILES

Individual project files should contain a complete record of all project activities. Each project should have its own file. Within each file there should be documentation to record the chronological history of the project. An example of the type of documentation which must appear in every individual project file can be found in Chapter IX.

1. Projects Covered by Davis-Bacon

In some cases, projects will be covered by Davis-Bacon wage rates and related federal acts. Because not all projects will be subject to these requirements, grantees should consult with DHCD staff to determine whether they apply to a specific project.

Please consult Chapter IV (Financial Management) and Chapter VII (Bidding, Contracting and Labor Standards) to determine required documentation.

2. Acquisition File

Maintain a separate file for each acquired parcel. All documentation cited on the Acquisition Summary checklist must be maintained in the file (see Chapter VIII).

3. Relocation File

Maintain a separate file for each displaced household or business. If a project involves relocation, the grantee must maintain a relocation file in accordance with COMMERCE 202 which is detailed in Chapter VIII.

M. ELIGIBLE ADMINISTRATIVE EXPENSES

Each CDBG contract includes a budget line for administrative expenses.

Eligible administrative expenses include:

- salary
- fringe benefits
- office rent
- travel
- CDBG-related training
- consultant payments
- inspection fees

CDBG administrative funds may NOT be used for:

- refreshments
- salary for elected officials
- payments for activities not related to implementing the CDBG housing contract

N. CONFLICT OF INTEREST

All grant recipients are responsible for compliance with 24 CFR Part 570.489 (h), Conflict of Interest (see Attachment 3).

O. MONITORING

All CDBG Grantees will be monitored at least once per contract period; usually close to the end of the contract period. Many grantees will also receive a “TA/Administrative Review” visit during the contract period.

When DHCD CDBG representatives come to your community to monitor your CDBG program, you can expect the following:

- You will be notified well in advance of the monitoring visit. CDBG reps will never pay a “surprise” monitoring visit to your office.
- You will receive a letter and/or email prior to the monitoring visit describing when the reps will arrive, and what will be reviewed during the visit.
- You will be requested to provide an area in which at least two people can work comfortably.
- CDBG reps have the right to review any file or record that is associated with the CDBG program.
- **The CDBG reps monitoring your program will use the forms included below**
- To the extent you are able to have the necessary forms and documentation ready and available, your monitoring visit will go quickly and smoothly.

Documents and forms to have ready for your TA and monitoring visits:

- Excessive Use of Force Ordinance
- Adopted Residential Anti-Displacement and Relocation Assistance Plan
- Invoices, timesheets, and any other documents needed to support CDBG payments
- Acquisition/Disposition Register
- Fair Housing activity documentation
- Citizen Participation public hearing documentation
- All financial management forms – with entries current
- Housing and other project files – with documentation arranged in an orderly fashion
- Modified Housing Procedures Chapter XIII (if applicable)
- Municipal procurement policy for goods and services

PROGRAM FILES CHECKLIST

GRANTEE _____ CONTRACT NO. _____

REVIEW DATE(S) _____ REVIEWER(S) _____

- ___ A. APPLICATION
 - ___ Application and supporting materials.
 - ___ Correspondence about the application.
 - ___ Citizen Participation Plan "Implementation" hearing date _____

- ___ B. GRANT CONTRACT
 - ___ COMM award letters.
 - ___ Signed grant contract plus any amendments and correspondence about any grant conditions.

- ___ C. PROCUREMENT FOR SERVICES UNDER \$100,000
 - ___ Grantee maintains file with signed procurement policy.
 - ___ Contractors/consultants/engineers/auditors hired using procurement: _____
 - ___ Price and rate quotations from three (3) qualified sources.
 - ___ Grantee provides a rationale for contractor selection or rejection.
 - ___ Current acquisition/disposition register.
 - ___ DHCD approval for purchase/lease of equipment valued in excess of \$2,000.

- ___ D. AUDIT
 - ___ Single Audit submitted per requirements.
 - ___ Previous concerns and findings addressed.

- ___ E. MODIFIED HOUSING PROCEDURES/Chapter XIII
 - ___ Current Local Housing Procedures (for example local rent limits)
 - ___ Approval of local policies by Committee/Board/Council.
 - ___ Copy of Amendments and minutes approving.
 - ___ Housing Committee membership list.
 - ___ Housing Committee meeting minutes (Conflict of Interest).
 - ___ List of qualified contractors.
 - ___ Program outreach materials.
 - ___ Record of annual LMI tenant verification (or established system)

MISCELLANEOUS

- ___ Grantee understands 3-day guideline.
- ___ Grantee understands 10-day project fund disbursement guideline.
- ___ Grantee has collected "lobbying" forms from all contractors receiving ≥ \$100,000.
- ___ Grantee has Excessive Use of Force policy.
- ___ Grantee has Anti-Displacement Policy.
- ___ Grantee has Non-Violent Demonstration Policy.
- ___ Grantee maintains timesheets for grantee staff time on CDBG Program.

COMMENTS

ENVIRONMENTAL REVIEW CHECKLIST

Part I. General Review (CDBG monitoring only)

1. Name of Grantee _____

2. How did the grantee categorize its housing rehab activities?

a. Categorically Excluded:

1. Individual Actions on one-to-four family dwellings(35(a)(4))_____
2. Removal of Architectural barriers(35(a)(2))_____
3. Acquisition/disposition of existing structures or vacant land(35(a)(5))_____
4. Rehab of multifamily residential bldgs. (35(a)(3))_____
5. Combinations of the above (35(a)(5))_____

Projects requiring an environmental assessment (36)_____

3. Were all activities carried out by the grantee anticipated in the original ERR?

Yes _____ no _____

If “no,” was a separate ERR prepared for activities not included in the original ERR?

Yes _____ no _____

4. Is there documentation to show that each project undertaken by the grantee is in compliance with the environmental requirements listed on the Statutory Checklist (at a minimum each project folder should contain a completed Statutory Checklist)?

Yes _____ no _____

5. Does the grantee lie within, or carry out specific projects, within a community containing an approved **Intensive Survey**?

Yes _____ no _____

Name of community _____

6. Is the community located within a Wisconsin Coastal Zone county (Ashland, Bayfield, Brown, Door, Douglas, Iron, Kenosha, Kewaunee, Manitowoc, Marinette, Milwaukee, Oconto, Ozaukee, Racine and Sheboygan counties)?

Yes _____ no _____

If the answer is “yes,” then the grantee must consult with the Regional Planning Commission to assure consistency with its coastal zone management plan. A written statement from the RPC so indicating must be included in the ERR.

7. Were there any new construction projects located in a county which has a designated endangered species or critical habitat, per 2/13/95 list?

Yes _____ no _____

If “yes,” did the ERR include a letter from the U.S. Fish & Wildlife Service indicating that a review was conducted?

Yes _____ no _____

8. Clearance letter received from DHCD? Yes _____ No _____

Date of letter _____

Part II. Compliance of Individual Projects (both CDBG and HOME)

9. Project Address _____

10. Historic Preservation

a. Was the project identified as 50 years of age or older? Yes _____ no _____

 If “no,” go to Question 11.

b. If “yes,” were all the activities carried out contained on the *Activities Exempt from further review list*?

 Yes _____ no _____

 If “yes,” go to Question 11.

c. If the project is 50 years of age or greater, and if the activities were **not** found on the *Activities Exempt from further review list*, there must be correspondence with the Division of Housing and Community Development requesting compliance review. Was there?

 Yes _____ no _____

d. Did the grantee wait until receiving approval from DHCD before carrying out any activities not found on the *Exempt* list?

 Yes _____ no _____

e. If the SHSW specified conditions under which the project could proceed (i.e., either a “No Adverse Effect” or “Conditional No Adverse Effect”), is there documentation that the grantee has complied with the agreed upon conditions in carrying out the rehab?

 Yes _____ no _____

f. If there is a finding of Adverse Effect on the property, does the ERR contain an executed Memorandum of Agreement?

 Yes _____ no _____

11. Floodplains

a. Does the Statutory Checklist list the Flood Insurance Rate Map (or FIRM) on which the property is located?

 Yes _____ no _____

b. Was the project located in a 100-year floodplain? Yes _____ no _____

 If “yes,” did the activity exceed the threshold that defines *substantial rehab* (exceeding 50% of the before-rehab value of the property)?

 Yes _____ no _____

 If “yes,” does the file contain evidence that a floodplain review (the 8-step process) was performed?

 Yes _____ no _____

12. Coastal Zones

Is the project site located within a coastal zone county (see list, question 7, above)?

Yes_____ no_____

If "yes," has the grantee secured a written statement from the RPC stating the proposed activity is consistent with the Coastal zone management plan?

Yes_____ no_____

13. Wild and Scenic Rivers

Is the project located on either the Lower Wisconsin River, the Upper or Lower St. Croix Rivers, or the Wolf River?

Yes_____ no_____

If "yes," then the project file must include documentation of a review by the National Park Service.

14. Runway Clear Zones

Does the Statutory Checklist show evidence of consultation with HUD Circular letter HD 85-8 (runway clear zones)? This requirement affects certain properties in Milwaukee, Eau Claire, Manitowoc, Janesville, Oshkosh, La Crosse, Grand Rapids (near Wisconsin Rapids), and Hayward).

Yes_____ no_____

If the property is listed on HD 85-8, then the project file must contain a signed copy of the required notice that must be given to owner/occupants, tenants, and/or prospective purchasers.

15. Manmade Hazards

Did the grantee determine whether any leaking underground storage tanks, hazardous waste facilities, spill sites or other potential public health and safety problems either directly or indirectly affect the project site?

Yes_____ no_____

Were any such sites found?

Yes_____ no_____

If "yes," the grantee must consult with DHCD and determine whether further review and/or actions are necessary before carrying out the project. Were actions taken?

Yes_____ no_____

16. Noise

Is the project located near a highway with more than 10,000 vehicles/day, a railroad with more than 2-trains/per day, an airport with commercial operations or any stationary noise source?

Yes_____ no_____

If "yes," is there evidence that measures were taken to reduce interior noise levels?

Yes_____ no_____

17. Wetlands

- a. Is the project located in a wetland?
Yes_____ no_____
- b. Will the project as proposed affect a wetland, such as through either placing fill in it, or by altering natural drainage patterns?
Yes_____ no_____
- c. If the answer to either question is “yes,” was a wetland review carried out and included in the project file?
Yes_____ no_____

18. Water Quality

- a. Will the project adversely affect either water quality or supplies?
Yes_____ no_____
 - b. Will the project affect any navigable waters, including rivers and lakes?
Yes_____ no_____
- If “yes,” did the grantee obtain a permit from the U.S. Army Corps of Engineers?
Yes_____ no_____

19. Solid Waste Disposal

- Did the project generate hazardous waste, such as asbestos or lead-based paint?
Yes_____ no_____
- If “yes,” was the waste disposed using a certified waste hauler and a DNR-registered waste site?
Yes_____ no_____

20. Endangered Species

- Did the grantee determine whether this project posed any threat to either endangered species or habitats?
Yes_____ no_____
- Were any endangered species or habitats found?
Yes_____ no_____
- If “yes,” the grantee must consult with US Fish & Wildlife and/or Wisconsin DNR and determine whether further review and/or actions are necessary before carrying out the project. Were actions taken? Yes_____no_____

21. Farmland Preservation

- Does the Statutory Checklist indicate the project site contains either “prime,” “unique,” or “important” farmland, as designated by the USDA?
Yes_____ no_____
- If “yes,” the project file must show documentation of a farmland preservation review.

22. Thermal and Explosive Hazards

If new construction, did the grantee locate the project a safe distance from hazards such as aboveground storage tanks and other industrial facilities using or storing flammable or explosive materials?

Yes_____ no_____

Comments on what actions the grantee took, and whether the actions appear to have addressed the concerns, and whether further monitoring or review appears necessary.

Part III. Environmental Review Summary (both CDBG and HOME)

23. Observations and comments

a. Has compliance improved since the last monitoring visit, or has it worsened?

b. Do certain areas appear to be in better compliance than others?

c. What areas suggest a need for further training?

d. Other comments

REHAB PROJECT/PARTICIPANT FILE CHECKLIST

Grantee/Contract Number: _____

Property Owner: _____ Phone: _____

Rehab Address: _____ Loan # _____

CDBG \$ in Project: _____ Total Project Cost: \$ _____

Project is: _____ owner-occupied _____ renter-occupied _____ homestead

FILE CONTENTS (does the file contain:) Y (YES)N (NO) N/A (not applicable)

Completed rehabilitation application form? _____
(Must include **marital property statement, age of structure, conflict of interest**)

Release of information form? _____

Verification of: Title? _____

Homeowner Insurance? _____

LMI status/income?: _____

Property inspection reports? _____
(before _____, during _____, and after _____ rehab)
(Must specifically mention **lead-based paint** and **smoke detectors**)

Specifications for the work to be done? _____
(Must have adequate number of working smoke detectors when work done.)

Final loan approval by Grantee? (Date: _____) _____

Acceptance of bids by property owner? _____

Was any relocation (temporary or permanent) involved? _____
(Attach Relocation Monitoring form)

Recorded mortgage? (Date signed: _____) (Date recorded _____) _____
(Recorded 1-2 weeks after signing max. Should be same amount as total bids + C.O.)

Mortgage Amount \$ _____

Promissory Note? _____

Right of Recission? (Date: _____) _____

Truth-In-Lending statement? (Date: _____) _____

Lead-based paint brochure to occupant? _____
(Be sure to complete Lead-based Paint Review)

Local unit of government added to homeowner's insurance? _____

Payment Log/Individual Obligations Journal completed to date _____

Documentation of match or other funds brought into project. _____

Timely Completion Report or Close-out Letter _____

ENVIRONMENTAL REVIEW: (does the file contain) Y (YES) N (NO) N/A (not applicable)

Completed Statutory Checklist? _____

Evidence of consultation where indicated by Statutory Checklist? _____

Copy of all correspondence regarding historic preservation? _____

Age of structure: _____

CONSTRUCTION OR REHABILITATION PROJECTS

Bids for the work to be done? _____
(List bids.)

Signed contract(s) between owner and contractor? (Date: _____) _____
(**Must** include Lead-based paint restrictions and One year guarantee of work)
(List)

Request by contractor for each payment made? _____
(List) (Must have homeowner's authorization **for EACH** payment request)

Lien waivers? _____
(A FINAL or one for each payment request)

Written and authorized change orders? _____

HOMEBUYER PROJECTS:
(does the file contain)

Y (YES) N (NO)

N/A (not applicable)

Homebuyer Loan Calculation Form? _____

Proof of first mortgage financing amount? _____

Affordable Calculation Sheet (if applicable) _____

RENTAL REHAB PROJECTS: (does the file contain)

Landlord agreement to rent to LMI? _____

Verification of LMI tenants? _____

Rent/utilities less than or equal to FMR _____

General Information Notice – Residential Tenant that will not be Displaced? _____

Notice of Non-displacement to Residential Tenant _____

LEAD-BASED PAINT REVIEW

Is unit exempt? _____ why? (per 24 cfr 35) _____

If **yes**, you are finished with the review.

If **no**, please complete **LEAD-BASED PAINT COMPLIANCE CHECKLIST**.

INDIVIDUAL PROJECT INSPECTION

Y (YES) N (NO) N/A (not applicable)

- Was on-site visit made to this rehab project? _____
- Was a phone interview done for this project? _____
- Were all contracted items satisfactorily completed? _____
- To be asked of the property owner:
- Were you satisfied with rehab? _____
- Were you satisfied with rehab loan process? _____
- Did you receive the lead-based paint brochure? _____
- Did the agency recommend that your children be tested before the rehab work was begun? (do you have any questions about lead-based paint?) _____
- Did you receive copies of all paperwork in a timely manner? _____
- If a tenant, did you receive the two Notices regarding displacement? _____
- Could the program have been more helpful to you in any way?

Do you have any comments about the assistance you received or wish you had received?

PROJECT SUMMARY

LEAD-BASED PAINT COMPLIANCE CHECKLIST

This Checklist is based on "A Working Guide To Lead-based Paint Regulations in Wisconsin"

GRANTEE _____ CONTRACT NO. _____

REVIEW DATE(S) _____ REVIEWER(S) _____

PROJECT # _____

Is unit exempt? _____

Why? (per 24 cfr 35)

- _____ built after 1/1/78
- _____ documented lead-free
- _____ unoccupied and scheduled for demolition
- _____ not used for human habitation
- _____ rehab will not disturb a painted surface
- _____ single room occupancy
- _____ specifically designed for elderly or disabled (unless a child under the age of six resides in the unit.)

If **yes**, you are finished with the checklist.

If **no**, please continue.

1. Did inspection identify **any** deteriorating paint? Where? _____

2. Will proposed work disturb a painted surface? Where? _____

If answer to **both #1 and #2** is **no**, you are finished with the checklist.

If answer to **either #1 or #2** is **yes**, please continue.

Complete using rehabilitation level calculation form:

Total rehab project estimate _____

Estimated costs attributed to lead-based paint? _____

What is the "level of rehabilitation assistance"? _____

If <\$5,000 please complete sheet "A"

If between \$5,000 and \$25,000, please complete sheet "B"

If <\$25,000 please complete sheet "C"

A.

For units where the level of rehab assistance is <\$5,000

Is contractor working on painted surfaces trained and certified? _____

License # _____

Date contract signed. _____

Is occupant protection plan on file? _____

Is relocation recommended or required? _____

Date "notification of abatement" was submitted to dhfs. _____

Has all deteriorated paint been stabilized? _____

Have disturbed paint surfaces been repaired? _____

Did stabilized or disturbed paint surfaces exceed *di minimus* levels? _____

(*di minimus* is less than: 20 sq ft on exterior surfaces; 2 sq ft in any one interior room or space; 10% of total surface area of an interior or exterior component with a small surface area, i.e., Window sills, baseboards)

If **area exceeded** *di minimus* levels, was clearance done? _____

Is report on file? _____

Date unit passed clearance _____

If **area did not exceed** *di minimus* levels, does work meet hfs 163 definition of abatement? _____

(abatement is any measure or project designed to permanently eliminate lead-based paint hazards)

If **no**, you are finished with the checklist.

If work met hfs 163 definition of abatement, was clearance done? _____

Is report on file? _____

Date unit passed clearance _____

Date any and all clearance findings delivered to owner and all occupants. _____

B.

For units where the level of rehab assistance is \$5,000 - \$25,000

Is risk assessment on file? _____ Date received _____

Date risk assessment delivered to owner and **all** occupants _____

Is contractor working on painted surfaces trained and certified? _____

License # _____

Date contract signed. _____

Is occupant protection plan on file? _____

Is relocation recommended? _____

Date "notification of abatement" was submitted to dhfs. _____
(within 15 days of receipt)

Does contract include lead-based paint controls as prescribed in risk assessment?

Clearance report on file? _____

Date unit passed clearance _____

Have property owner(s) and all occupants been notified? _____

C.

For units where the level of rehab assistance is >\$25,000

Is risk assessment on file? _____ date received _____

Date risk assessment delivered to owner and **all** occupants _____

Is contractor working on painted surfaces trained and certified? _____

License # _____

Date contract signed. _____

Is occupant protection plan on file? _____

Date "notification of abatement" was submitted to dhfs. _____
(within 15 days of receipt)

Does contract include lead-based paint abatement as prescribed in risk assessment?

Clearance report on file? _____

Date unit passed clearance _____

Have property owner(s) and all occupants been notified? _____

LABOR STANDARDS MONITORING

GRANTEE: _____ CONTRACT # _____

DATE OF REVIEW: _____ REVIEWER _____

1. Have all required notices been submitted for project:
 - a. Request for wage decision Yes ____ No ____
 - b. Labor Standards Contractor Information Yes ____ No ____
 - c. Final Labor Standards Compliance Report Yes ____ No ____

2. Project Information:
 - a. Labor Standards Officer: _____
 - b. Bid Advertisement Date: _____
 - c. Bid Opening Date: _____
 - d. Contract Award Date: _____
 - e. Construction Start Date: _____
 - f. Wage Decision # & Date: _____
 - g. Modification # & Date: _____
 - h. Preconstruction Conference:
Date and Location: _____
Meeting Minutes: Yes ____ No ____

3. Is there a separate file for this project? Yes ____ No ____

4. Did grantee follow state law and OMB A 102 (ARR. 'O') in awarding bids*: Yes ____ No ____

5. Is wage decision included in bid documents and construction contract? Yes ____ No ____

6. Is 4010 Labor Standards Provision contained in bid documents and construction contract? Yes ____ No ____

7. Is Equal Opportunity language included in bid documents and construction contract? Yes ____ No ____

8. Sec. 3 clause included in contracts \geq \$100,000 Yes ____ No ____

9. Prime Contractor(s) & Fed. I.D. #: _____

10. Subcontractor(s) & Fed. I.D. #: _____

* Bids were advertised, publicly opened, recommendation from engineer and board/council approval

11. Weekly Payrolls or "No Work" letter filed Yes ____ No ____
12. Payrolls numbered (initial-final)? Yes ____ No ____
13. Payrolls signed by authorized person? Yes ____ No ____
14. Workers' SS number and addresses shown on at least one payroll? Yes ____ No ____
15. Do hourly wage rates shown on payroll equal or exceed rate on wage decision? Yes ____ No ____
16. Additional Classification(s) Form 4230A
- a. present for classes not on decision Yes ____ No ____
- b. classification conformed, written approval by employer & worker Yes ____ No ____
17. Time and one half paid for over 40 hours/wk Yes ____ No ____
18. For worker in two classifications is payroll signed or daily time sheet submitted? Yes ____ No ____
19. Is Statement of Compliance properly filled out? (including fringe benefit boxes) Yes ____ No ____
20. Are "other" deductions documented? Yes ____ No ____
21. Employee Interviews:
- a. Number of HUD 111s completed: _____
- b. Forms filled out, compared to payrolls, signed by payroll examiner? Yes ____ No ____
22. Apprentice/Trainee indentures attached to payrolls where such employees appear? Yes ____ No ____
23. Are Apprentices/Trainees working alone? Yes ____ No ____
24. Wage underpayments collected: \$_____
25. Payroll examiner signs off on payouts of wage underpayments? Yes ____ No ____
25. Violations NOT resolved If yes, explain: Yes ____ No ____

COMMENTS/RECOMMENDATIONS:

EQUAL OPPORTUNITY MONITORING CHECKLIST

COMMUNITY _____

REVIEWER _____ REVIEW DATE _____ GRANT # _____

Y (YES) N (NO) N/A (not applicable)

____ 1. Has demographic profile of community on file, e.g., data relating to race/ethnicity, gender, age, head of household (HOH), handicapped persons (V-3 & 9-10)

____ 2. Were any actions taken to implement Title VI and Section 109?

____ 3. Is an AAP notice in a conspicuous place, visible for all to see?

____ 4. Maintains charts showing EO compliance:
 _____ Program beneficiaries and supporting data.
 _____ Grantee employment data.
 _____ Current chart of MBE/WBE contracts/subcontracts.
 _____ Specify actions taken and documented (or planned) to remedy any problems indicated by review of data above.
 _____ Evidence of efforts made to promote the use of local businesses.

____ 5. Section 3: Local employment/training efforts.
 _____ Section 3 "Preference Policy" on file.
 _____ Income status of existing employee(s) paid with CDBG funds is documented.
 _____ Specific action taken and documented to promote local LMI employment/training.
 _____ Employment/training of local LMI documented.
 _____ Were any new or vacant positions filled or existing employees' hours expanded?
 ___ If yes, were they paid for with CDBG funds?
 ___ If yes, was effort made to hire LMI persons?

____ 6. Section 3: Local contracting efforts (≥\$100,000).
 _____ Preference Policy on file for "Section 3 Businesses"
 _____ Specific action taken and documented to promote use of local businesses.
 _____ Use of local businesses documented.
 _____ Preference Policy and Section 3 Clause in bidding and contract documents

____ 7. Appropriate language in bid specifications and contracts. (Should include Title VI and Section 109 and EO 11246.

	CONTRACT	EO 11246	TITLE VI	SECTION 109
____ a.	_____	_____	_____	_____
____ b.	_____	_____	_____	_____
____ c.	_____	_____	_____	_____
____ d.	_____	_____	_____	_____

____ 8 FAIR HOUSING

Actions taken to further Fair Housing; list below:

ACQUISITION MONITORING CHECKLIST

GRANTEE / CONTRACT NUMBER: _____

Acquired Property Address: _____

Reviewer / Date: _____

Is Relocation (Temporary or Permanent) Involved? _____

Purpose of Relocation: _____

Property Use:

_____ Single Family Residential _____ Multi Family Residential
_____ Commercial _____ Industrial
_____ Other _____

Occupants:

Seller's Name / Current Address / Phone: _____

Tenant's Name / Current Address / Phone: _____

SIGNIFICANT DATES:

Date

Official determination to acquire _____
(usually execution of grant agreement or amendment, or Committee approval for purchase of this property)

Notice of Intent to Acquire/Preliminary Acquisition Notice _____

Notice of Land Acquisition Procedures (brochure) given to owner _____
(WI Relocation Rights and/or Rights of Landowners Under WI Eminent Domain Law and Your Relocation Rights)

Appraisal Conducted _____

Review Appraisal Conducted _____

Initiation of Negotiations (start date of displacement process if relocation applies) _____
(initial written offer to purchase provided w/ Summary Statement of Just Compensation)

Owner accepted offer _____

Condemnation proceeding instituted (if applicable) _____

Estimated just compensation deposited with court (condemnation only) _____

Final firm contract entered (all parties) _____

Grantee takes title _____

90 day Notice to Vacate Property delivered _____

Significant Dollar Amounts

	<u>Date</u>	<u>Amount</u>
First Appraisal	_____	_____
Second Appraisal	_____	_____
Third Appraisal	_____	_____
Review Appraisal	_____	_____
Just Compensation	_____	_____
Initial Written Offer	_____	_____
Acquisition Price	_____	_____

Appraisal Review

	<u>Yes</u>	<u>No</u>
Are the data contained in the appraisals adequate to determine fair market value?	_____	_____
Are the analyses of the data in the appraisals reasonable?	_____	_____
Do the appraisals disregard the influence of the project on the fair market value of the property?	_____	_____
Is the amount determined to be just compensation an acceptable conclusion of the fair market value of the property?	_____	_____
Are the appraisals of fair market value and determination of just compensation acceptable for each tenant-owned improvement?	_____	_____

COMMENTS:

General Findings

	Yes	No
Did the Grantee provide the owner an adequate Notice of Land Acquisition Procedures brochure in advance of initiating negotiations? _____	_____	_____
Was the owner invited to accompany all of the appraisers on their inspection of the property? _____	_____	_____
Was the amount determined for Just Compensation the same or more than the grantee's approved appraisal of the fair market value of the property? _____	_____	_____
Prior to any bargaining, did the grantee furnish the owner with a firm offer to purchase, stating all basic terms and conditions, at the full just compensation amount? _____	_____	_____
Did the grantee provide the owner a Statement of the Basis for the Determination of Just Compensation at the time the owner was given the written offer to purchase? _____	_____	_____
Did the owner receive the amount determined to be just compensation? _____	_____	_____
Does it appear that the grantee generally carried out the acquisition process in a manner that minimized hardships to the owner and was consistent with its treatment with other owners? _____	_____	_____

COMMENTS:

Reviewer/ Date _____

RELOCATION MONITORING CHECKLIST

GRANTEE / CONTRACT NUMBER: _____

Reviewer / Date: _____

Purpose of Relocation: _____

Is Relocation Temporary or Permanent? _____

Project Household Name: _____

Property Address: _____

Telephone Number: _____

Number of People in Family Affected by the Relocation: _____

Does the file contain age and sex of dependent family members? _____

Average monthly income: _____

Average Monthly Housing Cost of Acquired/Replacement Dwelling: _____

If a farm or business operation, does file contain a description? _____

If a farm or business operation, is displaced person going to relocate or discontinue? _____

Average Monthly Cost of Acquired/Replacement Facilities: _____

Does the file contain a description of the dwelling, habitable space, # of rooms/bedrooms and type of construction? _____

Does the file contain a description of relocations needs and preferences? _____

Evidence displaced person received "Wisconsin Relocation Rights", date received _____

Copy of the written Preliminary Acquisition Notice: _____

Description of relocation services provided: _____

Referral to replacement dwelling, business or farm operation, including date, address and sale/rental price. _____

Copy of the occupancy agreement: _____

Copy of the replacement property inspection report with dates, description of property and condition: _____

Payment made to Project Household for Lodging _____

Copy of the claim, documentation and related documents: _____

Amount of Payment \$ _____

Payment made to Project Household for Meals _____

Copy of the claim, documentation and related documents: _____

Amount of Payment \$ _____

Payment made to Project Household for increased Transportation Costs _____

Copy of the claim, documentation and related documents: _____

Amount of Payment \$ _____

Payment made to Project Household for Laundry Facilities _____

Copy of the claim, documentation and related documents: _____

Amount of Payment \$ _____

Written Acknowledgment from Project Household of receipt of total relocation payment _____

Copy of appeal and explanation of any action taken to resolve and final determination _____

Copy of individual case reports or other correspondence with the department: _____

Name of agency representation who provided relocation assistance: _____

Notice of Temporary Relocation _____

Moved Out _____

Replacement Address: _____

Telephone Number: _____

Moved Back _____

FINANCIAL MANAGEMENT MONITORING CHECKLIST

GRANTEE: _____ CONTRACT #: _____

DATE: _____ DATE CONTRACT SIGNED: _____

GRANT FILE:

- _____ Signature Certification form
- _____ Depository Certification form
- _____ Drawdown Register
- _____ Copies of Requests for Payments submitted to DHCD

DRAWDOWN REGISTER:

- _____ Has all _____ payment requests recorded
- _____ Shows balances for each budget category and they match the balances on the Drawdown Summary Register (Excel).
Budget category _____
DHCD Balance _____
- _____ The total remaining balance as of _____ agrees with DHCD figures
DHCD figure: _____
Grantee figure: _____

GRANT ACCOUNT TRANSACTIONS JOURNAL:

- _____ Is current
- _____ Has columns for date, check #, amount of check, and each budget category
- _____ Records all fund receipts into Grant Account (CDBG, program income, and misc. - NOT RLF)
- _____ Records all disbursements on the day they were made from the Grant Account
- _____ Shows balance of Federal Funds on Hand for every day a disbursement was made
- _____ Lists all check numbers and indicates which, if any, are voided checks (verify)
- _____ Shows the same disbursements to date as appears on the last Request for Payment of CDBG Funds
Date of last payment request: _____
Amount of ACTUAL DISBURSEMENTS on payment request: _____
TOTAL DISBURSEMENTS on Grant Account Transactions Journal: _____
- _____ Shows the Grant Account never has more than \$5,000 for more than three days

GRANT ACCOUNT TRANSACTIONS JOURNAL (continued)

_____ Reconciles with Bank Statement

Date of Bank Statement: _____

- 1. Balance shown on Grant Account Transactions Journal:
\$ _____
- (-) 2. Deposits not shown on Bank Statement
\$ _____
- (+) 3. Checks not cleared on Bank Statement
\$ _____
- (+) 4. Funds paid by municipality that have
not been reimbursed by grant account
\$ _____
- (=) 5.
\$ _____
- 6. Balance from Bank Statement
\$ _____

(#5 should equal #6)

_____ Disbursements from Grant Account authorized/signed by municipal official (clerk, finance director, etc.)

Comments:

SOURCE DOCUMENTS TO SUPPORT FINANCIAL TRANSACTIONS:

- _____ There is an invoice for each check. (Use reconciliation form to check off invoices that support the checks written.)
- _____ The drawdowns were disbursed for the budget categories from which they were requested.
- _____ If administrator is municipal employee, timesheets verify expenditure of administrative funds

REHABILITATION OBLIGATION TRACKING JOURNAL:

- _____ Is current
- _____ Documents that Revolving Loan Funds are obligated before obligating Grant funds

BENEFICIARIES DATA SHEET:

- _____ Documents that **30%** of program funds (_____) were spent on Low-Income (LI & VLI) units

WORKING ACCOUNT TRANSACTIONS JOURNAL:

- _____ Is current
- _____ Records deposits into the Working Account from the Grant Account
- _____ Contains funds for rehabilitation projects only
- _____ Documents that funds drawn for rehab projects were disbursed in 10 days from date deposited in account
- _____ Documents that Revolving Loan Funds were expended before requesting additional Grant funds
- _____ Documents that RLF admin funds were used for appropriate purposes
- _____ Working Account Transactions Journal reconciles with Bank Statement

Date of Bank Statement: _____

- 1. Balance on Working Account Transactions Journal \$_____
- (-) 2. Deposits not shown on Bank Statement
\$_____
- (+) 3. Checks not cleared on Bank Statement
\$_____
- (=) 4. \$_____
- 5. Balance from Bank Statement
\$_____

(#4 should equal #5)

ATTACHMENT 1

SAMPLE PROCUREMENT POLICIES

All public improvements constructed with municipal funds are carried out through a contract awarded to the lowest responsible bid according to the requirements of Wisconsin Statutes.

Major equipment purchases are made from the lowest responsible bidder following public advertisement and distribution of specifications.

Common materials and supplies are purchased from the most price-advantageous source following bids or price quotations usually secured through unpublicized solicitation of more than two sources.

Signature

Date

The purchase of all materials and services for all activities within the municipality shall be by written contracts, or pre-numbered purchase orders. Purchase orders are issued by the Clerk's Office upon the request of department foreman.

Purchases of \$500 or less can be approved by the individual Department Chairman and/or foreman provided that the amount has been appropriated in a previous budget. All purchases over \$500 require prior approval of the majority of the Council. Purchase of materials that cost more than \$1,000 requires quotes or bids prior to the approval of the purchase. Public works contracts should be let as provided under section 62.15 of the Wisconsin Statutes.

Signature

Date

The following represents the procurement policy of the City, Village, County, or Town of _____:

1. Supplies required for operation of municipal offices and departments shall be purchased, as required, in accord with purchase order issued by the respective department head. It is required that purchases be made from suppliers located in the community unless price is not competitive or comparable to that of non-local suppliers.
2. Purchase of outlay items, such as vehicles and other equipment, shall be subject to competitive bidding. The department requesting purchase of these items shall make the request based on specifications. The responsible department head, along with the respective council committee, will determine which bid will be most advantageous to the community and make recommendation thereon to the full council. Bids may be invited by letter or by advertisement in the local newspaper.
3. Public Works Projects exceeding the Wisconsin Statutory amount of _____ will be bid in accord with Wisconsin State Statutes. Specifications, and/or plans and bid documents, will be furnished to all requesting same. Notice of bid taking shall be published in the local newspaper, Western Builder and Builders Exchange releases. All bids timely received will be opened and read at a pre-specified time and place open to the public. Bids will be received and recommendation thereon will be made to the council. Contract will be awarded to the responsible bidder submitting lowest bid. Force account projects are exempt from this policy.

Signature

Date

Purchase and contracts for equipment, materials, supplies and nonpersonal services, shall be made in the following manner:

- a. The Executive Director shall make purchases not to exceed \$500 in the open market using Small Purchase Procedures after such inquiry as necessary to ensure that the price obtained is the most advantageous to Housing Authority.
- b. For purchases and contracts from \$500 to \$3,000, the Director shall use competitive negotiation and invite offers orally, by telephone, or in writing from at least three suppliers if they are available in the locality.
- c. For purchases in excess of \$3,000 (or as required by State Law), the Director shall use formal advertising methods and shall solicit bids by advertisement in at least one newspaper of general circulation, or by mailing solicitations to bid to all available dealers or by a combination of such methods.
- d. Purchases may be made from the HUD consolidated supply contracts without further solicitation or invitations for bids unless it is believed that lower prices may be available elsewhere.

The Executive Director is required to obtain Board of Commissioners' approval for purchases of equipment and supplies which are in excess of 15 percent of the line item in the approved budget.

The Director shall establish written Small Purchase Procedures to monitor the procurement actions of the staff which will ensure compliance with the above policy.

For purchases specified in "b" and "c" above, lack of competition is permissible when an emergency exists which permits no delay because of the possibility of injury, loss of life or destruction of property, or when only one source of supply is available.

Signature

Date

ATTACHMENT 2

ACQUISITION/DISPOSITION REGISTER

FUNDING GRANT	ITEM DESCRIPTION	IDENTIFICATION NUMBER	DATE ACQUIRED	CONDITION	DISPOSITION AMOUNT & DATE	YEARLY INVENTORY
<u>Real Property</u>						
Personal Property	Non-Expendable (\$500 or greater)					
Expendable						

ATTACHMENT 3

CONFLICT OF INTEREST

Code of Federal Regulations

Title 24 PART 570 Subpart I

Sec. 489 Program administrative requirements.

(h) Conflict of interest

(1) *Applicability.* (i) In the procurement of supplies, equipment, construction, and services by the States, units of local general governments, and subrecipients, the conflict of interest provisions in paragraph (g) of this section shall apply.

(ii) In all cases not governed by paragraph (g) of this section, this paragraph (h) shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance with CDBG funds by the unit of general local government or its subrecipients, to individuals, businesses and other private entities.

(2) *Conflicts prohibited.* Except for eligible administrative or personnel costs, the general rule is that no persons described in paragraph (h)(3) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this subpart or who are in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

(3) *Persons covered.* The conflict of interest provisions for paragraph (h)(2) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving CDBG funds.

(4) *Exceptions: Thresholds requirements.* Upon written request by the State, an exception to the provisions of paragraph (h)(2) of this section involving an employee, agent, consultant, officer, or elected official or appointed official of the state may be granted by HUD on a case-by-case basis. In all other cases, the state may grant such an exception upon written request of the unit of general local government provided the state shall fully document its determination in compliance with all requirements of paragraph (h)(4) of this section including the state's position with respect to each factor at paragraph (h)(5) of this section and such documentation shall be available for review by the public and by HUD. An exception may be granted after it is determined that such an exception will serve to further the purpose of the Act and the effective and efficient administration of the program or project of the state or unit of general local government as appropriate. An exception may be considered only after the state or unit of general local government, as appropriate, has provided the following:

(i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

(ii) An opinion of the attorney for the state or the unit of general local government, as appropriate, that the interest for which the exception is sought would not violate state or local law.

(5) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the requirements of paragraph (h)(4) of this section have been satisfactorily met, the cumulative effect of the following factors, where applicable, shall be considered:

(i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;

(ii) Whether an opportunity was provided for open competitive bidding or negotiation;

(iii) Whether the person affected is a member of a group or class of low or moderate income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decisionmaking process with respect to the specific assisted activity in question;

(v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (h)(3) of this section;

(vi) Whether undue hardship will result either to the State or the unit of general local government or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(vii) Any other relevant considerations.

