

Chapter 1

Project Administration





Chapter One: Project Administration

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Introduction

Chapter 1: Project Administration provides a general overview of many aspects of the Community Development Block Grant (CDBG) program, from project approval to completion. Featured are key provisions required for proper project administration. Requirements for evidentiary materials, environmental review, record keeping, allowable costs, annual reporting and applicable laws and regulations are provided to assist each Grantee in the proper administration of CDBG projects. Topics outlined in this chapter are discussed in greater detail throughout this project manual.

This manual is intended as a guide, not as a substitute for a thorough knowledge of state and federal laws and regulations referenced in this manual. In the event of any discrepancy, federal regulations will prevail. The Grantee is responsible for compliance with the most current and stringent of any applicable local, state or federal law or regulation.

Upon investment of CDBG funding, all CDBG regulations apply to the project as a whole.

Approval

Each year, the Governor of the State of West Virginia formally announces the recipients of the CDBG-Small Cities Block Grant program. At the awards ceremony, the Governor presents the representatives of each local government with an approval letter and an award certificate.

Following this award, the West Virginia Development Office (WVDO) will assist the Grantee to complete each project. Grantees must not incur any costs to be reimbursed with CDBG funding prior to the full execution of a contract and necessary clearances from the WVDO.

No project funds can be expended or obligated prior to the full execution of a Grant Agreement.

Further, the Grantee must obtain an Approval of Evidentiary Materials and Notice to Proceed with Exempt Activities; or the Authority to Use Funds - Release of Funds from the WVDO.

Required Forms and Supporting Materials

Submitted to WVDO as Evidentiary Materials:

- Attachment 1-1 Project Performance Schedule and Instructions
- Attachment 1-2 Certification of Financial Management System: 24 CFR Part 85
- Attachment 1-3 Residential Anti-Displacement and Relocation Assistance Plan
- Attachment 1-4 Request for Approval of Evidentiary Materials
- Attachment 1-5 Federal Funding Accountability and Transparency Act (FFATA) Form
Additional Documents as Requested

Retained by Grantee in Project Files:

- Attachment 1-6 Sample Equal Employment Opportunity (EEO) Policy
- Attachment 1-7 Hatch Act Resolution
- Attachment 1-8 Section 504 and ADA Complaint Resolution Procedures
- Attachment 1-9 Request for Project Amendment Budget Change Form

Grant Agreement

The Grant Agreement contains general provisions of the grant, including:

- The amount and authorized uses of grant funds.
- The approved scope of work.
- The approved time period.
- The requirements for disbursement of grant funds.
- Applicable state and federal laws and regulations.
- Representations, warranties, and obligations.
- Inspection and review requirements.
- Defaults and remedies stipulations.
- Third party contract requirements.
- Supplementary provisions.
- Description of recipient activities.
- The project budget summary of proposed expenditures.

The Grantee will be informed of any additional documentation needed for the Grant Agreement. The recipient will have ten (10) business days from the date of additional request letter to submit the information to the WVDO.

Signature

The Grant Agreement will be mailed to the Grantee for review, approval and signature. The agreement must be signed by the Chief Elected Official (mayor, county commission president). The Grantee must pass a formal resolution adopting the Grant Agreement. This resolution must be returned, along with the Grant Agreement, to the WVDO.

Included with the agreement is a Grant Award page which provides the following information:

- Grant Agreement Number
- Grantee Name
- Project Name
- State Agency
- Catalogue of Federal Domestic Assistance (CFDA) title
- CFDA Number
- Federal Financial Accountability and Transparency Act
- The Grant Award Year

This information page should be filed by the Grantee as part of the official record.

The signed Grant Agreement must be returned to the WVDO for signature and processing within thirty (30) days from the date of issuance. The WVDO Executive Director will then sign the agreement. Upon completion of the signature process, the WVDO will return a signed Grant Agreement to the Grantee, along with other forms necessary to proceed. These forms outline the required Evidentiary Materials that must be submitted to the WVDO. The date the agreement is signed by the WVDO will be the effective date of the agreement. The agreement is to be kept by the Grantee as part of the project's official record.

Evidentiary Materials and Environmental Review

The Grantee will be given one hundred twenty (120) days from the grant award date to submit the Evidentiary Materials and Exempt Determination (or Request for Release of Funds [RROF] if applicable) and all related or requested documents. Any time extension request must be submitted in writing and demonstrate a reason for the delay.

Evidentiary Materials

The Grant Agreement packet will contain a list of Evidentiary Materials (Attachment 1-4) indicating documents that must be submitted to the WVDO prior to the obligation or expenditure of funds.

The Grantee must submit all required Evidentiary Materials and complete the appropriate level of environmental review prior to the obligation or expenditure of funds. If the Grantee obligates or expends funds for any activity prior to WVDO approval of Evidentiary Materials, the expenses will be considered an ineligible cost and the recipient will be denied access to those CDBG funds for the expenditure.

Delay in submitting these materials will delay project implementation, and may result in the recapture of funds. The WVDO may terminate the grant and grant agreement if the required Evidentiary Materials are not submitted within 120 days of the grant award date. Any extensions of the deadline must be requested in writing by the recipient.

Environmental Review

Along with other Evidentiary Materials, the Grantee may request 1) Approval of Evidentiary Materials, and 2) Notice to Proceed with Exempt Activities. Pursuant to HUD environmental regulations found at 24 CFR Part 58, Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities, the Grantee must conduct the appropriate environmental review prior to the obligation or expenditure of funds.

Most often, the Grantee will request authorization for an Exempt Determination under the regulations found at 24 CFR Part 58, in order to proceed with exempt activities prior to the completion of a full environmental review and request for release of funds. **In certain circumstances, the Grantee may forego the Exempt Determination and request a Notice of Authority to Use Grant Funds and a Release of Funds based upon one of five levels of environmental review in compliance with 24 CFR Part 58.**

Upon approval, the WVDO will issue the appropriate written authorization, based upon the required level of environmental review. All aspects of the environmental review are presented in detail in Chapter 2: Environmental Review. In all cases, every CDBG activity is subject to one of five levels of environmental review:

1. Exempt (Attachment 2-9)
2. Categorically excluded not subject to 24 CFR 58.5 (rarely seen in the program)
3. Categorically excluded subject to 24 CFR 58.5 (Attachment 2-10)
4. Environmental Assessment (Attachment 2-11)
5. Environmental Impact Statement (rarely seen in the program)

The Grantee must group together and evaluate, as a single project, all the individual activities that will take place in order to complete the project. **This includes activities that are not assisted by HUD**, but aggregated by the Grantee in accordance with Sec. 58.32. Note the following guidelines:

1. To begin work on activities that are Exempt from NEPA procedures prior to the completion of the Environmental Review Record (ERR) and Release of Funds (ROF), the Grantee shall first complete Attachment 2-9 (Environmental Review for Activity that is Exempt).
 - The Grantee must list the activities that are being proposed for exemption on Attachment 2-9 under the heading “Level of Environmental Review Determination.”
2. The project description must be accurate, stable, finite, and capture the maximum scope of the project. The description must remain consistent throughout all components of the review.
3. Submit all components of the ERR to the WVDO for prior review before publication of notices.
4. Project plans and specifications are a required component of the ERR and must be submitted to the WVDO and included with the ERR for public comment.

Completion of the environmental review process is **mandatory** before taking a physical action on a site, or making a commitment or expenditure of HUD or non-HUD funds for property acquisition, rehabilitation, conversion, lease, repair, or construction activities.

A complete Environmental Review Record (ERR) and Request for Release of Funds (ROF), in accordance with 24 CFR Part 58.36, will be required for non-exempt activities, to include construction.

The WVDO will review the submitted forms and information and send a *Notice of Approval of Evidentiary Materials and Release of Funds* (ROF) form stating which requirements have been met and that funds have been released. If additional steps are required, they will be addressed on a case by case basis. Only after an approved ROF has been issued by the WVDO may a Grantee expend funds for construction activities. Refer to Chapter 2: Environmental Review for additional information.

Records Management

Record retention requirements are governed by 24 CFR 570.506. The Grantee must fully document compliance with all applicable regulations. This is accomplished through maintaining records and submitting reports. The filing system should be easy to use and provide a historic, chronological account of all project activities for examination and review by federal, state and local staff.

In addition, United States Department of Housing and Urban Development (HUD) representatives, the Inspector General, the General Accounting Office, and the Comptroller General of the United States must have access to any pertinent financial files, books, records,

accounts, documents, papers, and other property belonging to the community that pertains to the grant.

Files should, to the extent possible, be maintained in a central location. The recipient is responsible for all files whether kept at the recipient's official office or at the office of the administrator. Records must be maintained for a period of three years from the issuance date of the final single audit report and be available for review at any time. Strict adherence to record keeping procedures should commence immediately following the grant award.

Examples and content requirements of major files are as follows:

1. Project Application

- a. Small Cities Application
- b. Amendments and revisions to the application, if any
- c. Correspondence concerning the application

2. Grant Agreement

- a. Letter from Governor approving the application
- b. Preliminary approval letter
- c. Grant agreement
- d. Request for Approval of Evidentiary Materials and ROF documentation
- e. Approval of Evidentiary Materials and Release of Funds
- f. Correspondence concerning Evidentiary Materials and Release of Funds
- g. Amendments and documentation

3. Financial Management

- a. Request for Payment with all supporting documents
- b. Accounting books of original and final entry: General Ledger
- c. Cancelled checks, deposit slips, bank statements, etc.
- d. Recipient's procurement policies
- e. Recipient's Code of Ethics
- f. Adoption of allowable, allocable cost policy
- g. Adoption of the Three-Day-Rule policy

4. Project Monitoring

- a. WVDO Technical Assistance and/or monitoring letters
- b. Recipient monitoring responses
- c. Evidence clearing any monitoring findings
- d. Other correspondence related to WVDO monitoring visits

5. Citizen Participation

- a. Copies of public notices and minutes of meetings
- b. Where program documents and records are available for public review
- c. Proposals from citizens or other groups for project activities
- d. Listing of persons attending meetings, including addresses
- e. Copies of handouts, guidebooks, or other technical assistance for citizens
- f. Evidence of special efforts made to secure minority- or low-income participation
- g. Copies of any citizen complaints or comments and actions taken
- h. Timetable specifying all activities undertaken to inform citizens of the local CDBG project

6. Equal Opportunity

- a. Recipient Section 3 Affirmative Action Plan
- b. Recipient Employment Affirmative Action Plan
- c. Recipient Fair Housing Resolution or Ordinance
- d. Evidence of attempts to identify and solicit minority contractors and vendor
- e. Demographic profiles of the city by enumeration district
- f. Documentation of all actions taken to achieve fair housing
- g. Documentation of persons estimated to benefit from program activities
- h. Data which record affirmative action in employment
- i. Equal Employment Opportunity Policy (Attachment 1-6)
- j. Hatch Act Restrictions Resolution (Attachment 1-7)
- k. 504 and ADA Complaint Resolution and Form (Attachment 1-8)
- l. 504 Self-Evaluation and Transition Sample available at: tinyurl.com/504PlanExample

7. Environmental Review Record

- a. Level of Clearance Findings: Exempt, Categorically Excluded, or Environmental Assessment
- b. Copy of Public Notices-Combined Notice of Finding of No Significant Impact and Intent to Request Release of Funds OR Notice of Intent to Request
- c. Release of Funds AND Floodplain and Wetlands Notices, if applicable
- d. Copy of distribution list for public notices
- e. Request for Release of Funds and Certification
- f. Copy of all applicable regulatory agency clearances
- g. Statutory Checklist and Other Requirements Checklist, if applicable
- h. Copies of environmental comments received and responses
- i. Copies of draft Environmental Impact Statement with comments and Final EIS

8. Audit

- a. Audit Report
- b. Documentation that all audit findings have been cleared

9. Project Closeout

- a. Final Performance Report
- b. Evidence of public input, if applicable

10. General Correspondence

- a. Correspondence, incoming and outgoing, that does not fall into one of the above categories or into the project file categories

11. Individual Project Files

Include all data relating to the implementation of specific projects. This includes the following:

11.1 Real Property Acquisition

Except as otherwise specified, a separate file is to be maintained for each person displaced containing the following:

- a. A complete record form indicating the project #, project approval date, the recipient's parcel number for the real property, and the name of each owner and/or tenant

- b. A copy of the Preliminary Acquisition Notice and evidence, including dates, of receipt by owner
- c. Evidence that the owner was invited to accompany each appraiser on the inspection of the real property
- d. A copy of any appraisal report
- e. A copy of any review appraisal report
- f. A copy of document establishing just compensation
- g. A copy of the written purchase offer, including all basic terms and conditions and citation of date of delivery to owner
- h. A copy of the Statement of the Basis for the Determination of Just Compensation and citation of date of delivery to owner
- i. Purchase agreement, deed, declaration of taking, waiver, and any similar or related documents involving conveyance
- j. A copy of the Statement of Settlement Cost
- k. Evidence that owner received purchase price
- l. Waiver of compensation if property is voluntarily donated
- m. A copy of any appeal concerning payment of incidental or litigation expenses, along with a copy of all pertinent determinations and other relevant documentation

11.2 Construction Management

- a. Method used to select architects/engineers/ contractors
- b. Preliminary design and costs estimates
- c. Final design documents and costs estimates
- d. Architect's compliance with Architectural Barriers Act
- e. Evidence that all necessary land or easement acquisition has been completed prior to advertising for bids
- f. Bid document
- g. Approval of bid documents by authorities having jurisdiction over the project, as appropriate
- h. Proof of publication of advertisement for bids
- i. Qualification statements, RFP(s) and Proposal(s) received
- j. Minutes of public bid opening
- k. Tabulation of bids
- l. Cost and pricing data supporting fee
- m. Verification of contractor eligibility
- n. Recommendations for award
- o. Notice of contract award and pre-construction conference
- p. Executed contract documents
- q. Certification of insurance/bonding
- r. Notice to Proceed
- s. Notice of State of Construction
- t. Records of partial payments and supporting documentation (in Financial Management Files)
- u. Contract amendments, if any, and rationale for amendment
- v. Copy of "as-built" plans.

11.3 Authorization to Bid

- a. The Authorization to Bid must be issued by WVDO prior to the advertisement for bids.

- b. The Notice of Intent to Bid (Attachment 6-2) and Bid Document Checklist (Attachment 6-3) must be submitted and approved by WVDO prior to the advertisement for bids.
- c. Project Manual/Bid Document specifications are required.
- d. The ERR must be reviewed and approved by WVDO prior to the advertisement for bids.

11.4 Labor Standards Compliance

- a. Wage Rate Determination Request and Acknowledgment (SD-308)
- b. Review of changes in wage rate
- c. Verification of contractor and sub-contractor eligibility (filed in EO Compliance file)
- d. Minutes of pre-construction conference (cross-reference filed in EO Compliance file)
- e. Contractor's Certification Concerning Labor Standards
- f. Subcontractor's Certification Concerning Labor Standards and Prevailing Wage Requirements (HUD-1421)
- g. Weekly payrolls and statement of compliance
- h. Complaints, if any, and actions taken
- i. Employee interviews (HUD-11)
- j. Contractor's interviews
- k. Documentation of any required restitution made
- l. Final Wage Compliance Report

11.5 Equal Opportunity Compliance

- a. Minutes of pre-construction conference (cross-reference files to Labor Standards Compliance file)
- b. Contractor Certification of Equal Employment Opportunity (HUD 950.1)
- c. Subcontractor's Certification of Equal Employment Opportunity (HUD 950.1)
- d. Contractor's Certification Regarding Section 3 and Segregated Facilities
- e. Subcontractor's Certification Regarding Section 3 and Segregated Facilities
- f. Project Site Inspection Report (filed in Labor Standards compliance file)
- g. Correspondence

11.6 Anti-Displacement and Relocation Plan and Documentation

Allowable Costs

Allowable costs are direct costs required for the implementation of a CDBG program and are directly allocable to an activity supported in the grant agreement. Costs are found in OMB Circular A-87: www.whitehouse.gov/omb/circulars_a087_2004/

Administration

Administration of a CDBG project is the responsibility of the Grantee. Administration may be completed internally by using recipient personnel, or externally by advertising and contracting for administrative services.

Administrative Costs

Administrative costs **must not exceed 10 percent of the CDBG contract amount** and must be supported by proper documentation. Other funds must be used for additional administrative costs, if necessary.

- Funds may not be used to administer other federal or state grant programs which may be conducted in conjunction with a CDBG project.
- Funds may not be used to support salary increases of local government personnel due to administrative assignment to a CDBG project, and funds may not be used to increase salaries set by state law.

Amounts charged to the CDBG program for personal services will be based on payrolls documented and approved in accordance with generally accepted practices of the local government. Payrolls must be supported by time and attendance records for individual employees (**Chapter 3**). Salaries and wages of employees chargeable to more than one grant program or other cost objectives must be supported by appropriate time and distribution records (**Chapter 3**). The method used should produce an equitable distribution of time and effort.

Amendments

A Project Amendment requires WVDO approval. A Request for Project Amendment Form (**Attachment 1-9**) must be completed, signed by the chief elected official and submitted to the WVDO. Please note that the WVDO will allow for changes necessary for project completion and does not expect the changes to alter the project completion date.

The amendment will be reviewed carefully by a WVDO project manager and the recipient will be notified of approval or disapproval within 15 days. It is very important that the recipient never proceed with the requested changes until WRITTEN approval is received from the project manager. Grants were selected for funding based on a proposed project. Contact the WVDO project manager if problems emerge which might lead to project modifications. Early notification of potential problems will permit the project manager to work with the recipient to try to resolve them.

Furthermore, Section 104a.2.E of the Act requires that significant modifications of the proposed activities must meet certain citizen participation requirements. Upon receipt of the Request for Project Amendment, the WVDO will determine what citizen participation requirements are necessary and notify the recipient. As a general rule, the recipient should always contact a WVDO project manager prior to submitting a Request for Project Amendment.

Technical Assistance and Monitoring

The initial project review will be in the form of a Technical Assistance (TA) visit. All compliance areas (with the exception of labor and contracting if construction has not commenced) will be reviewed. A letter or email will be issued to the Project Administrator only as long as there are no major regulatory violations that require the involvement of the unit of local government. The Project Administrator must respond to the TA letter within 30 days.

If all areas of compliance are included in the TA visit and findings and concerns are minimal, the WVDO may convert this to a monitoring letter and eliminate the need for any additional monitoring visits. If a monitoring visit is still required due to major regulatory violations or the fact that construction has not commenced, the resolved TA visit compliance areas will be included in the subsequent monitoring letter referencing that no outstanding issues exist. This can only occur under the following two conditions:

1. There are no major regulatory violations that require the involvement of the unit of local government.
2. The TA letter was responded to for minor violations and they have been resolved within the allotted 30 days.

Monitoring visits may be scheduled with the recipient at any time during the life of the project to review performance. All projects must be monitored at least once during the life of the project. **Further, all projects must be monitored before submission of the Final Performance Review (FPR).**

The reviews may be conducted on site and/or at the WVDO. The WVDO will complete at least one review on site. These reviews may be a comprehensive evaluation, or they may be oriented toward assessing performance in specific areas. In either case, the recipient should cooperate with the project manager and provide files and other information as requested. Files are to be orderly. Some files might need to be obtained from other sources such as the engineer or city clerk to ensure their availability and to avoid findings being made by WVDO. Record keeping is an important component of the monitoring.

A monitoring visit is a structured session scheduled in advance. The Chief Elected Official of the recipient, as well as the grant administrator, is notified of the date, time, location, and purpose of the review visit. The WVDO project manager will conduct an entrance interview reiterating the purpose of the review and outlining files and documentation needed. Utilizing appropriate checklists, the project manager will review the files to determine if all requirements have been met. The primary issues being examined are consistent with the specific terms of the grant agreement and compliance with state and federal requirements.

When the review is completed, the project manager will conduct an exit interview, providing a preliminary summary of the results of the review. This gives the recipient an opportunity to provide more information or clarification for any problematic areas.

Within 30 days of the review, the recipient will receive a formal Monitoring Review Letter providing the results of the review. The letter will summarize the area(s) reviewed, performance expectations, analysis of what was discovered at the review, findings, and recommendations for resolution of the findings, if necessary. Following guidelines closely, all aspects of the project are usually in compliance with relevant laws and regulations.

Should problems be discovered during the review, the recipient might receive a finding of non-compliance. A finding of non-compliance constitutes a violation of law or regulation and must be remedied. A finding can result in an immediate sanction or threat of sanction if corrective action (if appropriate and required) is not taken in a timely manner. For each finding, the WVDO will determine if a corrective action, either to correct a past problem or to avoid a future problem, must be taken by the recipient.

If the required corrective action is not addressed in an appropriate or timely manner, the WVDO may impose a progressive level of sanctions ranging from additional reporting to suspension of funding, additional special conditions, return of misspent funds, termination of the grant or, if necessary, legal action.

The review letter may also include one or more concerns. These are matters that, if not properly addressed, can become a finding and can ultimately result in sanctions. Concerns are used to point out operational or management non-compliance, or patterns of performance that could lead to larger problems later, even if they are not evident at the time of the review.

The recipient (Chief Elected Official) will respond by letter to any findings and concerns listed in the compliance review letter within 30 days. The recipient will describe all corrective actions taken or provide new information not covered during the review. The corrective actions are to follow the recommendations made by the WVDO.

WVDO will inform the recipient if the response is sufficient to clear the findings. WVDO will provide any assistance necessary during the review or after any findings or concerns are made to ensure that the project is completed according to the grant agreement and following all state and federal rules and regulations. Projects remain open until all outstanding findings and concerns have been addressed and a Clearance Letter has been issued.

Annual Reporting and Registration Requirements

All applicants and Grantees must have a Data Universal Numbering System (DUNS) number, and must register with the Federal System for Award Management (SAM) at www.sam.gov. This registration is required for the state's reporting in compliance with the Federal Financial Accountability and Transparency Act (FFATA). The following steps are required:

- **Step 1: Obtain a DUNS Number**

A DUNS number, assigned by Dun & Bradstreet, is required to register in sam.gov. If the applicant does not already have a DUNS Number, please advise them to visit www.dnb.com or call 1-866-653-1344. Most organizations will be assigned 9-digit number.

The DUNS number will be used as the unique identifier for registration at www.sam.gov. The Sam website will pull data from the DUNS record to complete this registration. This ensures data consistency. The FFATA website then pulls data from sam.gov for the state's FFATA report. This report is due during the month following a grant award, so early registration at sam.gov is necessary.

- **Step 2: Register in Sam.Gov**

All applicants must be registered with the System for Award Management (SAM). Registration is free of charge and may be completed at www.sam.gov.

Annual Reporting Requirements

Annual Reports are required each year for each open grant. If a Final Performance Report is submitted, reports will include activity through the date of the FPR. The following forms are required on an annual basis, usually at the end of July:

- 1) Section 3 Hiring and Contracting Activity-HUD Report Form 60002

- 2) Minority and Women Owned Business Contracting-HUD Report Form 2516
- 3) Section 3 and Contracting Compilation Form
- 4) Compliance with the Fair Housing Act Report Form
- 5) Program Income/Interest Earned Report Form

Fair Housing Compliance and Reporting

Compliance with the Fair Housing Act is required for each Grantee. Reports are required for each open grant on an annual basis, regardless of amount or type. As required by HUD, the WVDO encourages each Grantee, sub-recipient, and developer to update its analyses of impediments to fair housing as necessary to reflect current market conditions. As part of Fair Housing Month, each year in April, WVDO encouraged all Grantees to pass a Fair Housing Resolution as the first step in affirmatively furthering fair housing.

Grievance Procedures

The recipient may receive complaints on the project, especially from those participating in and benefiting from the project. A grievance procedure needs to be established by the recipient to handle any complaints it may receive. The procedure should be a formal written procedure and should be made available to the citizens upon request. Each complaint should be addressed and responded to within 15 working days of receipt. Each complaint and the resolution to the complaint should be well documented in the project files. The complaint procedure must be published in the newspaper of record.

The WVDO will forward any complaints it receives concerning the project to the recipient for response. Generally, the resolution of the complaint is best handled at the local level. The person making the complaint will be notified that the complaint has been forwarded to the recipient for resolution. The recipient is to respond to the complaint within 30 working days of receipt from the WVDO. A copy of the letter of resolution should be submitted to WVDO. If the recipient does not provide a resolution, the WVDO will work with the recipient and the complainant to resolve the complaint.

Conflict of Interest

The procedures for requesting, documenting, and submitting a request for an exception from the Conflict of Interest provisions shall include the applicable procedures delineated in 24 CFR 570 489(h)(4) and the local community ethics code. The Conflict of Interest provision is in addition to the requirements in the "Common Rule," 24 CFR Part 85, A-110.

Except for approved eligible administrative and personnel costs, the Grantee's designees, agents, members, officers, employees, consultants or members of its governing body in which the project is situated, and no other public official of the community of such locality or localities who exercises or who has exercised any functions or responsibilities with respect to the project during his or her tenure, or who is in a position to participate in a decision-making process or gain inside information with regard to the project, has or shall have any interest, direct or indirect, in any contract or subcontract or the proceeds thereof for work performed in connection with the project or in any activity, or benefit therefrom, which is part of the project at any time during or after such person's tenure unless all procedures for an exception have been documented and submitted in writing to the WVDO and the agency has approved such exception.

Laws and Regulations

Following is a list of federal laws, executive orders and state statutes applicable in part or in whole to the CDBG program. This list may not be all-inclusive. In the event of any discrepancy or regulation which follows the publication date of the manual, the federal law, executive order or state statute shall prevail.

GENERAL**Title 1 of the Housing and Community Development Act of 1974, as amended: 24 CFR Part 570, Subpart I, Community Development Block Grant: State Program Regulations****ENVIRONMENTAL**

- National Environmental Policies Act of 1970, as amended
- National Historic Preservation Act of 1966, as amended, Section 106
- Executive Order 11593, Protection and Enhancement of the Cultural Environment
- The Reservoir Salvage Act of 1960, as amended by the Archeological and Historic Preservation Act of 1974
- Flood Disaster Protect Act of 1973, as amended
- Executive Order 11988, Floodplain Management
- Executive Order 11990, Protection of Wetlands
- Safe Drinking Water Act of 1974, as amended
- Endangered Species Act of 1973, as amended
- Wild and Scenic Rivers Act of 1968, as amended
- Clean Air Act, as amended
- Clean Water Act
- Solid Waste Disposal Act, as amended
- Farmland Protection Policy Act of 1981
- Executive Order 12895 – Federal Actions to Address Environmental Justice
- Executive Order 12898 – Justice in Minority Populations and Low-Income Populations

FINANCIAL MANAGEMENT

- 24 CFR Part 85, The Common Rule
- OMB Circular A-96
- OMB Circular A-87, Cost Principles
- OMB Circular A-102
- OMB Circular A-133 (Revised June 30, 1997), Audits Management
- West Virginia Code, Chapter 6, Article 9, Section 7

PROCUREMENT/CONTRACTS

- Section 3 of Housing and Urban Development Act of 1968, as amended
- 24 CFR Part 58, Article 3
- WV Code, Chapter 5G, Article 3

LABOR STANDARDS

- Contract Work Hours and Safety Standards Act
- Davis-Bacon Act
- Copeland "Anti-Kickback" Act
- WV Code, Chapter 21, Article 5A

ACQUISITION/RELOCATION

- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1987, as amended (49 CFR Part 24)
- WV Code, Chapter 54, Article 3

HOUSING REHABILITATION

- Truth in Lending Act
- Title I Consumer Protection Act
- Lead-Based Paint Poisoning Prevention Act
- Architectural Barriers Act of 1970 (41 CFR Part 101-107)
- Federal Non-Discrimination
- Davis Bacon Act (Rehabilitation of 8 or more units in a single structure)
- National Historic Preservation Act

CIVIL RIGHTS

- Title VI – Civil Rights Act of 1964
- Title VII – Civil Rights Act of 1968
- Title VIII – Civil Rights Act of 1968, as amended
- Section 109 of the Housing and Community Development Act of 1974, as amended
- Section 504 of the Rehabilitation Act of 1973, as amended
- Executive Order 11246 – Equal Employment Opportunity, as amended by Executive Order 12259
- Equal Employment Act of 1972
- Age Discrimination Act of 1975, as amended
- Executive Order 12432 – National Priority to Develop Minority- and Women-Owned Businesses
- Executive Order 12138 – National Women's Business Enterprise Policy
- Executive Order 11625 – Minority Business Participation
- Executive Order 12892 – Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing
- Vietnam Era Veterans' Readjustment Assistance Act of 1974
- Immigration Reform and Control Act of 1986
- Fair Housing Amendment Act of 1998
- Americans with Disabilities Act of 1990
- Civil Rights Restoration Act of 1988

Cancellation

The WVDO may cancel the grant and reallocate the grant funds if the grant agreement is not prepared, signed, and processed within 30 days of the date of the preliminary approval letter. The grant agreement also provides stipulations for termination of the agreement.

The grant agreement contains the project number for the awarded project. This number must be used on all future correspondence and reporting activities to the WVDO and referred to when contacting a WVDO project manager for assistance.