

Our Staff Tara Walters, Grant Manager Jennifer Marshall, Grant Manager Stefan Kulakowski, Grant Manager Tony Morgan, Grant Manager Jim Austin, DRI Team Leader Judy Peacock, Operations Manager Gail Stafford, Interim Administrator

Today's Agenda

- This morning
 - Welcome and Announcements
 - The AwardAgreement: ContractManagement
 - Reports



- This afternoon
 - Procurement and Labor Standards
 - Financial Management and Requests for Funds
 - Resident Complaints
 - Monitoring
 - Closeout
 - Questions & Answers

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The Award Agreement

- PHA certifies that it possesses the authority to receive the funds provided under this Agreement
- Signature by both parties seals the Award Agreement
- By signing Agreement, the PHA certifies that it will comply with the applicable federal and state requirements
- Contains all terms and conditions agreed upon by the parties.
- Agreement is for 2 years
- May be terminated earlier for Default



Modification of Contract

- Modifications may be referred to as Amendments
- Either party may request an amendment
- Changes are valid when put in writing, signed by each party, and attached to the original Agreement
- End date extensions are not automatically granted; Division Director must approve amendments

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Scope of Work

- Budget and Scope of Work, Attachment A
- Activity Work Plan(s), Attachment B
- Subgrant Application including revisions that are agreed to by both parties

Laws, Rules, Regulations & Policies

■ PHA and DCA are governed by State and Federal laws, rules and regulations, including but not limited to, those identified in Attachment C.



Audits

- Maintain financial procedures and supporting documents
- Follow generally accepted accounting principles
- Upon request, provide DCA with records, reports or financial statements for auditing and monitoring

- If PHA expends \$500,000 or more in Federal funds during fiscal year
 - must have a single or program-specific audit
- Use guidelines established by A-133
- If PHA expends less than \$500,000 in Federal funds
 - audit is not required
 - if audit conducted, it must be paid from non-Federal resources

- Submit a copy of audit to:
 - DCA, Office of the Inspector General
 - CDBG Program
 - Federal Audit Clearinghouse
 - Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133
- Include reports, management letter, or other information
 - Indicate date that audit was delivered to PHA (by auditor) in correspondence accompanying reporting package

- If audit shows grant funds were not spent in accordance with Agreement, PHA must reimburse DCA within 30 days after notification
- Audits must be completed by an IPA
 - a certified public accountant or
 - a public accountant licensed under Chapter 473, F. S.
- IPA must state that audit complied with applicable regulations
- Audit must be submitted no later than 9 months from the end of PHA's fiscal year (or by June 30)

Liability

- PHA is solely responsible to parties with whom it deals
- PHA must hold DCA harmless against claims by third parties arising out of the performance of work under this agreement
- PHA agrees that it is not an employee or agent of DCA, but is an independent contractor

Default

- DCA may terminate payments or exercise Default remedies for the following:
 - False or misleading representations
 - Failure to observe or perform any obligation, terms or covenants contained in the Agreement or address such in a timely manner
 - If any material adverse change occurs in the financial condition of the PHA during the term of this Agreement, and the PHA fails to cure it within 30 days from date written notice is sent by DCA
 - If any required reports are not submitted or are submitted with incorrect, incomplete or insufficient information

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Remedies

- Terminate Agreement
- Commence legal or other actions to enforce Agreement
- Withhold or suspend payments
- Exercise corrective or remedial actions
- No waiver by DCA of any right or remedy granted for a specific instance of default will apply to other default

Termination

- Misuse of funds, fraud, lack of compliance with applicable rules, laws and regulations, failure to perform in a timely manner
- Refusal by PHA to permit public access to any document, paper, letter, or other material subject to disclosure under Chapter 119, F.S.
- If continuation of Agreement will not produce beneficial results commensurate with expenditure of funds
- Mutual convenience as evidenced by written amendment
 - When Agreement is terminated, no new obligations can be incurred
 - Outstanding obligations should be cancelled if possible
 - Costs incurred after receipt of notice of termination will be disallowed
- DCA must provide PHA with 30 calendar days prior written notice
- PHA is not be relieved of liability by virtue of any breach of Agreement
- DCA may withhold payments until exact amount of damages is determined

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Attachments

- Attachments are incorporated into Agreement
 - Exhibit 1 Funding Sources
 - Attachment A Budget and Scope of Work
 - Attachment B Activity Work Plan(s)
 - Attachment C Program Statutes, Regulations and Program Conditions
 - Attachment D Reporting Requirements
 - Attachment F Warranties and Representations
 - Attachment H Certification Regarding Debarment, Suspension, Ineligibility And Voluntary Exclusion
 - Attachment J Special Conditions
 - Attachment K Signature Authority Form
- In the event of inconsistencies or conflict between Agreement and attachments, attachments are controlling, but only to extent of such conflict or inconsistency

Budget and Scope of Work

- Attachment A
- Reflects
 - Activities
 - Budget
 - Proposed accomplishments
 - Proposed beneficiaries
- May be amended for justifiable reasons

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Activity Work Plans

- Attachment B
- Timeframes for completion of activities
- May be amended for justifiable reasons



Program Conditions

- Attachment C
- Prior to the obligation or disbursement of funds, except for administrative expenses not to exceed \$15,000, and no later than 90 days from the effective date of this Agreement, the PHA shall:
 - Comply with Environmental Review
 Procedures and receive a Release of Funds
 from DCA

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- PHA must undertake an annual activity to affirmatively further fair housing pursuant to 24 C.F.R. 570.487(b)(4)
- PHA must conduct all public hearings relating to Agreement in a location that is accessible to physically handicapped persons or make accommodation to provide for participation of handicapped persons

Special Conditions

- Attachment J
- Requirements that apply specifically to your grant

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Reports

- Environmental Review (24 CFR 58)
- Quarterly Status Report (QSR)
- Contractual Obligations and Minority Business Enterprise (MBE)
- Section 3 Summary Report
- Audit
- Closeout



Reporting Requirements

- Failure to timely file reports constitutes an event of default
 - Contractual Obligation and MBE Report must be submitted to by April 15 and October 15 annually
 - Reflect all contractual activity for the period
 - If no activity has taken place during the reporting period, the form must indicate "no activity"
 - The Request for Funds Form must be submitted electronically through FloridaPAPERS by an authorized person at a minimum of once per quarter

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- QSR and projections of contract payments is due 15 days after the end of the quarter: April 15, July 15, October 15 and January 15
- Section 3 Summary Report (HUD form 60002), as required by 24 CFR Part 135, is due annually by July 31
- Administrative Closeout must be submitted 45 days after the Agreement termination date or upon grant completion
- If PHA meets threshold for submission of a single or program specific audit, audit must be conducted in accordance with OMB Circular A-133 and submitted no later than 9 months from the end of PHA's fiscal year

Procurement and Labor Standards

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CONSTRUCTION PROCUREMENT

- Under the CDBG program, procurement is governed by:
 - Section 3 of the HUD Act of 1968 [24 CFR Part 135]
 - Other applicable federal regulations [24 CFR Part 85.36]
 - Applicable state regulations [Rule 9B-43.0031 & 9B-43.0051 (2), (3), (4) & (8), F.A.C., and Chapter 287.133
 F.S.]
- Adhere to local purchasing policies and procedures except where they conflict with federal and state requirements

- Procurement transactions must be conducted in a manner to provide open and free competition
 - PHA must be alert to conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition
 - Contractors that develop or draft specifications, requirements, statements of work, invitations for bids and/or RFPs must be excluded from competing for such procurements
 - Awards must be made to the bidder whose bid is responsive to the solicitation and is most advantageous to the PHA, price, quality and other factors considered
 - Solicitations must specify all requirements that the bidder must fulfill in order for the bid or offer to be evaluated
 - Any and all bids or offers may be rejected when in the PHA's interest to do so

Procurement Conflict of Interest

- No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by public grant funds if a real or apparent conflict of interest would be involved
- Covers all aspects from solicitation to award and administration (writing selection criteria; evaluating proposals, negotiating, etc.)
- Resolution: affected person <u>must not participate</u>
 - "level" of conflict is irrelevant; any conflict requires non-participation

Procurement conflict cannot be waived

- person with conflict cannot participate at any time during this contract
- no CDBG funding for any contract with conflict of interest present

■ Use of force account labor for construction activities exceeding \$200,000 (or \$50,000 for electrical) must comply with Section 255.20 F.S.

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Prior to Advertising

- PHA cannot publicize any request for bids for construction or distribute bid packages until DCA has provided written acceptance of the specifications, construction plans, and bid documents
- No more than 25% of the grant administration may be requested until the plans and specifications have been received by DCA

Advertising

- Invitation to Bid (ITB) must be published in a Metropolitan Statistical Area (MSA) Newspaper; or at least three (3) bids must be received and considered
- The ITB must be published at least 12 days before the deadline to submit bids
- Cannot not restrict competition
- Cannot require unnecessary experience
- Cannot require excessive bonding
- Cannot require a local contractor, etc.

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- Use of pre-qualified bidder's list:
 - Must be current and up-to-date
 - Must include sufficient number of firms
 - May not preclude bidder qualification during the bidding period

Evaluation of bids, including tabulation, must be written and uniform

- Construction contracts must be awarded to the low, responsive and responsible bidder
- CDBG and other sources of funding applied under a single contract must be shown separately in the bid proposal

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- If bids exceed available funds after applying specified deductive alternates, the PHA may not negotiate with the low bidder unless:
 - There is only one (1) bidder; or
 - All bidders are allowed to submit revised bids

- If construction costs can be reduced (without compromising program requirements) by deleting entire bid line items or reducing quantities based on unit prices identified in the bid, the affect must be applied to all bids and the award made to the lowest responsive and responsible bidder
- Construction contracts must contain provisions addressing Section 3 requirements

- If contract is to be awarded to sole bidder and
 - is over \$25,000, DCA approval is required prior to award
 - is less than \$25,000, PHA must maintain documentation of compliance

- Procurement Protests
 - Must be resolved in accordance with procedures
 - DCA must be notified in writing of protests
 - Documentation of resolution must be maintained
- Failure to adhere to procedural and regulatory requirements related to protests may result in disallowed costs and may delay or impede progress of your project

- If the contract is over \$100,000:
 - It must include a 5% Bid Security
 - It must include a 100% Performance Bond
 - It must include a 100% Payment Bond

- Construction contracts and subcontracts must contain clauses addressing:
 - Termination for cause or convenience
 - Access to records by the grantor and designees
 - Retention of records for a period of 6 years
 - Remedies for breach of contract

Before awarding a contract, always check the excluded parties list on the internet:

http://epls.arnet.gov/

LABOR STANDARDS

- Basic Requirements
- Project Implementation
- Monitoring Issues

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- ■Davis-Bacon Act
 - minimum hourly rate of pay
- Contract Work Hours Safety Standards Act
 - overtime pay
- Copeland Act
 - payroll deductions

- Exceptions to Davis-Bacon Requirements
 - Force Account Labor (PHA employees)
 - Volunteers
 - Incidental construction (13% or less of cost)

- Request decision 45 days before bidding
- Recipients request decision from DCA
- DCA will report to HUD
- Wage Decision Request form is available on the DCA website

- Determine if one or two decisions apply
 - One decision if under one category only
 - Two decisions if 20%+ of construction falls under two categories; or if the 2nd category exceeds \$1M
 - ■Categories include: Highway, Heavy, Sewer & Water, Building, and Residential

- Before contract award obtain contractor clearance from DCA
 - DCA tracks decision Modifications until contract bid
 - Use Contractor Clearance and Bidding Information form found on DCA Website
 - Access EPLS at: <u>www.epls.gov</u>

- Two wage decisions are being used
 - Use decision applicable to category of work
 - Workers covered by both can be paid highest rate
 - Decision classifications not interchangeable

- Collect weekly payroll reports from prime and all subcontractors
 - Use subcontractor listing from contractor's bid proposal to identify subcontractors
 - Engineer inspector can identify unreported subcontractor
 - Day labor firms submit payroll, not contractor

Interviews

- Obtain interviews for each classification
- Interview workers paid exactly at minimum

Apprentices

- Confirm enrollment is state/federal program
- Program will specify % of journeyman rate

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- Requesting additional classifications
 - Consult with DCA before requesting
 - No additional classification before award
 - Additional classification must be consistent with wage decision
 - No "Helpers"; classify as laborer or trade, depending on tools used

- Independent contractors are covered
 - One worker who is owner
 - Obtain documentation of independent status
- "Owner" of covered entity is not exempt
 - Anyone performing manual labor or operating equipment is covered

Contract Hours & Safety Standards Act

- Applies to construction contracts over \$100K
- Additional pay for work over 40 hours week
 - -150% of actual basic rate paid

Copeland Act

- Payroll deductions must be authorized in writing by worker
 - Unless required by Federal, State, Local law or court order
- Maintain documentation of authorizations
 - DCA will review during monitoring visit

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■ Download labor standard forms at:

www.floridacommunitydevelopment.org/cdbg/index.cfm

Refer to: downloads/procurement & labor standards



Funding Consideration

- Must expend funds in accordance with Application, Budget (Attachment A) and Project Work Plans (Attachment B)
- Request for funds (RFFs) must be requested through FloridaPAPERS
- Signature Authority Form (Attachment K)
 - Person(s) authorized to approve RFFs

Reimbursement

- PHA will request funds in accordance with invoices and/or force account timesheets.
- DCA will monitor the expenditure of funds from invoice to cancelled check.

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Non-Reimbursement

- PHA must establish non-interest bearing bank account for our funds.
- No more than \$5,000 allowed to stay in the account as a buffer.
- If there is an excess of \$5,000 in the account, the PHA has 14 calendar days to spend the money before it has to be reimbursed.

Repayments

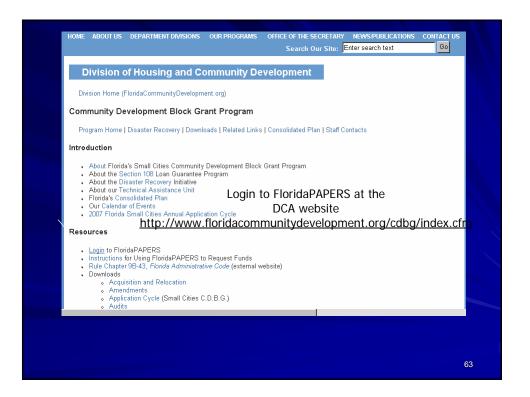
- All refunds or repayments are to be made payable to the "Department of Community Affairs"
- A service fee applies to checks returned to DCA for collection

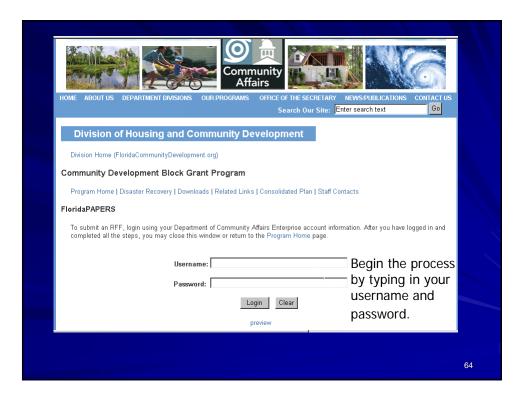


Requests For Funds

- Requests for funds (RFFs) must be submitted through FloridaPAPERS
 - http://papers.eoconline.org/FloridaPAPERS/cdbg/
- Person(s) authorized to approve RFFs on the Signature Authority Form must approve each RFF
 - Keep a paper copy on file for monitoring purposes
- Person authorized to submit RFFs via FloridaPAPERS, on the Signature Authority Form, will be provided a log-in and password and must submit all RFFs
- Signature Authority Form must be updated when there is a change in personnel approving RFFs or submitting RFFs

Depai Florida Small Cities Comm				
SIGN				
Submit an original Recipient	Signature Au	Contrac	m with each contract.	
Recipient		Contrac	x #	
Mailing Address (Street or Post Office Box)			SAMPLE	
City, State and Zip Code				
Contact Person		Telepho	one #	
		E-mail	Address	
Financial Contact Person		Telepho	one #	
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Requests for Funds (RFFs) from the Florida Small Citi signatures of individuals authorized below. No mor- contracts require that at least one (1) RFFs must be s that recording periods.	e than two i	ndividuals	uire (check one): [] one signature [] two can be authorized to use FloridaPAPERS. CDBG or and should reflect all expenditures incurring during	
Typed Name SALLY SMALLVILLE	Date 11-8-	07	Signature Sally Smallville	
[X] Check here if the above person will be the designated FloridaPAPERS user.	E-mail Ad		sally@smallville.usa	
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I certify, as the recipient's Chief Elected Official, that Funds and to submit RFF's electronically to the Small	the above s Cities Comn	ignatures nunity De	are of the individuals authorized to sign Requests for velopment Block Grant Program using FloridaPAPERS.	
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[] Check here if your local government utilizes Elec [] Check here if your local government will be work	ing on a rei	mbursem	ent basis.	
CDBG payments to local governments using EFT are account is interest bearing, the CDBG funds must be Program at 850/922-1678 or 487-3644 if you have quebsite: http://flair.dbf.state.fl.us/.	transferred Jestions, Yo	to a non- u can ch	nterest bearing account. Please call the CDBG	
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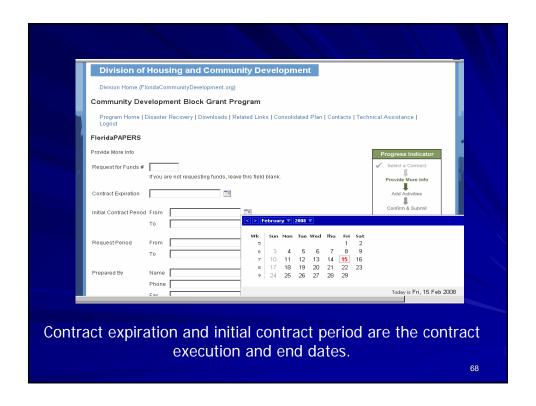




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	Community Development Block Grant Program Program Home Disaster Recovery Downloads Related Links Consolidated Plan Staff Contacts Logout FloridaPAPERS	
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S	select your contract by clicking on the radio button.	
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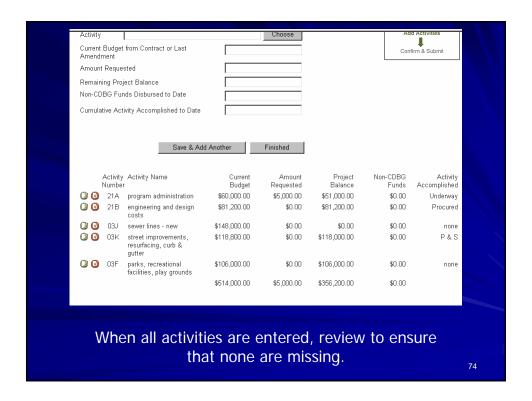
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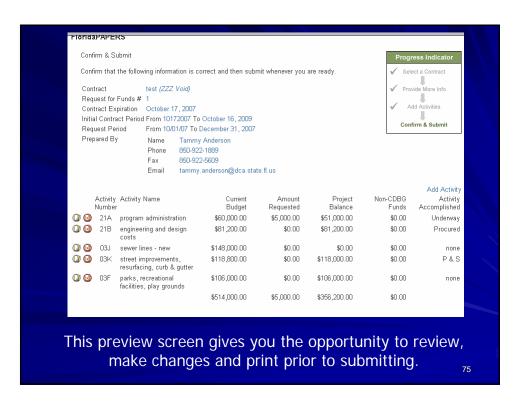
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	То	October 16, 2009			
Request Period	From	10/01/07			
	То	December 31, 2007			
Prepared By	Name	Tammy Anderson			
	Phone	850-922-1889			
	Fax Email	850-922-5609 tammy.anderson@dca.sta	ite flus		
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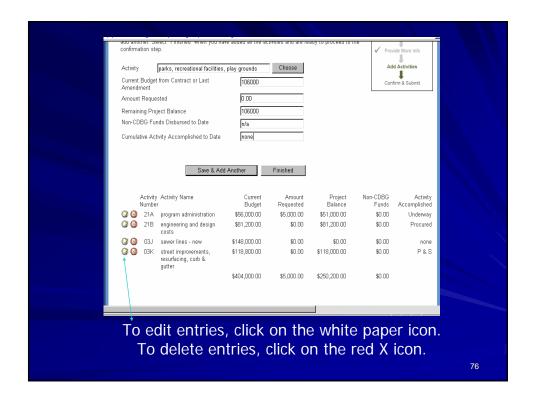
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	Add Activities Fill in the following fields to add an activity. Select "Save & Add Another" to save the current activity and add another. Select "Finished" when you have added all the activities and are ready to proceed to the confirmation step. Activity Choose Current Budget from Contract or Last Amendment Amount Requested Remaining Project Balance Non-CDBG Funds Disbursed to Date Cumulative Activity Accomplished to Date							
Click 'choose' to display the activities. Enter the current budget line items as reflected on Attachment A to the contract.								

	Number	Activity Name		
	01	Acquisition, acquisition (in support of), acquisition in 100 year flood plain, acquisition of real property, acquisition: land, building, easement or right-of-way		
	02	disposition only		
	03	public facilities: demolition		
	03	public facilities: open spaces		
	03	public facilities: relocation of utilities to underground (electrical or natural gas)		
	03	public facilities: site development		
	03	public facilities: solid waste disposal		
	03	public facilities & improvements (general)		
	03A	senior centers		
	03B	handicapped centers		
	03D	youth centers		
	03E	recreation/neighborhood center, senior center		
	03F	parks, recreational facilities, play grounds		
	03G	parking facilities, spaces		
	03H	solid waste disposal improvements		
Fr	om t	he dropdown menu, select all activities reflected on the Attachment A to the contract.	on	
			72	

Activity	parks, recreational facilities	s, play grounds	Choose		Ad	d Activities	\setminus	
Current Budg Amendment	et from Contract or Last	106000			Cont	firm & Submit		
Amount Requ	ested	0.00						\ \
Remaining Pr	oject Balance	106000						
Non-CDBG F	unds Disbursed to Date	n/a						
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	Save & Ac	ld Another	Finished					
Activi Numb	y Activity Name er	Current Budget	Amount Requested	Project Balance	Non-CDBG Funds	Activity Accomplished		
	1 - 0	\$56,000.00	\$5,000.00	\$51,000.00	\$0.00	Underway		
	engineering and design costs	\$81,200.00	\$0.00	\$81,200.00	\$0.00	Procured		
② ③ 03J		\$148,000.00	\$0.00	\$0.00	\$0.00	none		
③ ③ □3k	street improvements, resurfacing, curb & gutter	\$118,800.00	\$0.00	\$118,000.00	\$0.00	P&S		
	guiter	\$404,000.00	\$5,000.00	\$250,200.00	\$0.00			
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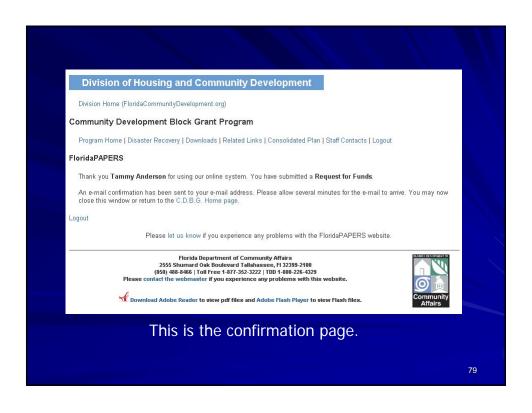




	<u> </u>	Small Citi	es Community Develop Department of	ment Block Grant (C Community Affairs	DBG) Program			
(1) Initial	Contract Period 10172007		through to October 16, 2009					
(2) Local Government ZZZ Void			(3) Contr	act# test	(4) Request for Funds # 1			
(5) Contract Expiration Date October 17, 2007			(6) Regu	est Period: From 1	To December 31, 2007			
(Z) Form	Prepared By: Name Tammy Ande				Tele	ephone 850-922-18		
	Email tammy.anders	son@dca.st	ate.fl.us		Fax	850-922-56	09	
(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	
Activity Number	Activity Name	IDIS Number (DCA use only)	Current Budget from Contract or Last Amendment	Amount Requested	Remaining Project Balance	Non-CDBG Funds Disbursed to Date	Cumulative Activity Accomplishments to Date	
21A	program administration		\$60,000.00	\$5,000.00	\$51,000.00	\$0.00	Underway	
21B	engineering and design costs		\$81,200.00	\$0.00	\$81,200.00	\$0.00	Procured	
03J	sewer lines - new		\$148,000.00	\$0.00	\$0.00	\$0.00	none	
03K	street improvements, resurfacing, curb		\$118,800.00	\$0.00	\$118,000.00	\$0.00	P&S	
03F	parks, recreational facilities, play gro		\$106,000.00	\$0.00	\$106,000.00	\$10,000.00	none	
COLUM	N TOTALS		\$514,000.00	\$5,000.00	\$356,200.00	\$10,000.00		

the PHA should be entered as the Local Government.

Confirm & Submit From 10/01/07 To December 31, 2007 Request Period Prepared By Name Tammy Anderson Phone 850-922-1889 Fax 850-922-5609 Email tammy.anderson@dca.state.fl.us Add Activity Project Balance Non-CDBG Activity Activity Name Number Current Budget n-CDBG Activity Funds Accomplished Amount Requested 21A program administration \$5,000.00 \$60,000.00 \$51,000.00 \$0.00 Underway 21B engineering and design \$81,200.00 costs \$0.00 \$81,200.00 \$0.00 Procured \$148,000.00 \$0.00 \$0.00 \$0.00 none \$118,000.00 \$118,800.00 \$0.00 \$0.00 P&S resurfacing, curb & gutter O3F parks, recreational facilities, play grounds \$106,000.00 \$0.00 \$106,000.00 \$0.00 \$514,000.00 \$5,000.00 \$356,200.00 \$0.00 人 Click here to preview the PDF version of this RFF. Confirm Click the 'confirm' button to submit the completed RFF.



RFFs may be rejected for the following reasons: Signature Authority Form not current Missing line item activities total budget must be reflected Mathematical errors Required fields not completed Other requirements or contract conditions not met

Resident Complaints • Follow ACOP • Notify DCA



- Monitoring is an ongoing process
 At least one on-site visit
 Written notification of visit
 Begins with entrance interview
 Records must be accessible
- Program Administration and Performance
 Civil Rights
 Records Management
 Financial Management
 Procurement
 Labor Standards
 National Objective

PROGRAM ADMINISTRATION & PERFORMANCE Verify capacity to manage and administer Status of special conditions Timely performance Review citizen complaints Review contract awards Review work plans Develop corrective action as necessary



RECORDS MANAGEMENT Records must be accessible Maintained in a secure environment

FINANCIAL MANAGEMENT Accounting system review Assess timeliness of expenditures Review compliance with 10 day rule Sample audit of financial claims Confirmation of audit trail

PROCUREMENT

- Confirm compliance with local, state, and federal policies, rules and regulations
 - Review efforts to reach out to MBEs
 - Ensure compliance with Section 3 requirements
 - Review contracts for required clauses and appropriate bonding

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LABOR STANDARDS

- Construction contract awarded timely
- Review payroll records
 - Verify payroll deduction documentation
 - Review documentation of worker interviews
- Confirm posting of labor standards notice and wage decision

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NATIONAL OBJECTIVE Confirm Documentation of Low-Mod National Objective HUD Form 50058 (retain for 6 year)

Monitoring Exit Interview Findings and Concerns Respond to findings within 35 days Document all corrective actions 15 day extension

Monitoring Response

- DCA will review and respond by:
 - Clearing all findings
 - Rejecting response
 - Partially clearing findings and requesting additional information

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Close-out

- Submit within 45 Days after termination or at project completion
- Obtain necessary certifications
- Request all CDBG funds to be expended
- Return unused funds
- Reconcile financial records
- Submit required reports
- Clear monitoring findings
- Verify that there are *No Outstanding Issues*

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Complete the closeout
 Performance Measure Reporting
 Report on Accomplishments and Expenditures
 Funds used
 Beneficiaries and accomplishments
 If applicable, include:
 Maps
 Property Register
 Professional Certifications
 Must be signed

Questions and Answers