

through building code inspections, health inspections, and architectural and engineering review. (7-6-94)

b. Project planning (fifty (50) points). This is a measure of the effort made to coordinate all of the various agencies that may be involved in funding and planning the project. Also included is all relevant information that all grant responsibilities and requirements have been included in the planning. (7-6-94)

c. Schedule (fifty (50) points). This is a measure of the effort to schedule all the project activities, including the different grant requirements and contractors that may be involved. (7-6-94)

d. Budget (fifty (50) points). This is a measure of the effort to determine reasonable cost estimates for the various elements of the project. (7-6-94)

03. Beneficiaries (one hundred fifty (150) points). (7-6-94)

a. Population Activities (fifty (50) points). A Senior Center is presumed to meet the national objective of benefiting low and moderate income persons (unless there is evidence to the contrary). However, it is an important measure of how well a center is attracting and serving its potential senior members. The ratios of all seniors in the center's service area and those using the center are ranked from the highest to the least to compare the Applications against each other. The rankings will be divided into quartiles and assigned points as indicated.

Highest Quartile	fifty (50) points
Second Quartile	thirty (30) points
Third Quartile	fifteen (15) points
Lowest Quartile	zero (0) points

(7-6-94)

b. Activities Provided (fifty (50) points). This is a measure of how well the center is meeting the needs of its members. It is based upon the number of activities of service that the center is providing to seniors. (7-6-94)

c. Meals Provided (twenty-five (25) points). This is a measure of how well the center is serving the nutritional needs of the seniors. (7-6-94)

d. Minority outreach activities (twenty-five (25) points). This is a measure of the efforts made to include minority participation in the center's activities. (7-6-94)

04. Match (one hundred (100) points). Cash and in-kind donations which are committed to the project shall receive points according to the percentage committed up to the total points in the category of match. The sixty (60) points for cash match shall be multiplied by the percentage resulting from the match divided by total project cost. The forty (40) points for in-kind match shall be multiplied by the percentage resulting from the match divided by the total project costs. (7-6-94)

102. -- 105. (RESERVED).

106. ECONOMIC ADVISORY COUNCIL POINTS.

(two hundred (200) points). The Council, in assigning these points to the Applications, shall consider the impact of impact from the project upon the community and shall compare similar type projects with each other. Consideration may include local ability to finance the project, local effort and commitment to the project, and the impact of the project. These points shall be assigned to Application by the Economic Advisory Council after the review of the Applications and after hearing the presentations from applicants. The Council shall decide on the amount of points to be assigned to each Application in the Council's regular meeting for reviewing Applications. (7-6-94)

107. AWARD PROCESS.

The Department shall review the Applications submitted and select the top-ranked Applications using a sum of one hundred thirty percent (130%) of the funds, plus one (1) more Application. These applicants shall be invited to submit their Addenda, then present their projects to the Economic Advisory Council during its March meeting. The EAC, after reviewing the Applications, Addenda, staff recommendations, and presentations, will assign the points and recommend Applications to the Governor for funding and standby status. (7-6-94)

108. IMMINENT THREAT GRANTS.

Five percent (5%) of the annual Community Development allocation or three hundred thousand dollars (\$300,000), whichever is less, shall be reserved to fund activities which will alleviate an imminent threat to public health or safety which requires immediate resolution. Each grant amount will not exceed one hundred thousand dollars (\$100,000). Only imminent threat grant Applications which meet the criteria in Section 109 will be presented to Economic Advisory Council for funding consideration. (7-6-94)

109. APPLICATION.

01. Notice of Intent. Not necessary. (7-6-94)

02. Information to be Included. An Imminent Threat Grant Application shall contain all the information required in Sections 072 through 074 with the exception of Subsection 074.09. Section 110 entitled Imminent Threat Determination, shall replace Subsection 074.09. (7-6-94)

03. Deadline. Imminent Threat Grant requests may be submitted at any time by any eligible applicant even though they have a current grant. The funding for Imminent Threat Grants not applied for will be carried over into the next fiscal year and added to the allocation as carry over funds. (7-6-94)

04. Presentation. According to Section 065. (7-6-94)

110. IMMINENT THREAT DETERMINATION.

01. An Imminent Threat, as Defined in Section 021. (7-6-94)

02. Documentation. Communities requesting an imminent threat grant shall document the following: (7-6-94)

a. The existence of a threat to public health or safety. Describe the nature of the threat; describe the immediacy of the threat; describe what caused the threat to arise; describe what harm will occur to people if the threat becomes an event; identify how the funding will eliminate the threat and protect human health or safety; and provide an official declaration of emergency by the governing body. (7-6-94)

b. Appropriate agency verification of: the existence of the threat (verified by letter of an appropriate agency); the potential for immediate harm; in their judgment, the need for immediate resolution of the threat to avoid physical harm to people. (7-6-94)

c. Unusual Circumstances. Describe how the threat is an unusual circumstance and not a common problem of cities and counties. If the problem is one of long standing (longer than six (6) months), what changes made it become an imminent threat? (7-6-94)

d. No other funding sources are available. List the agencies worked with, including persons contacted and phone numbers or letters of response from agencies; list the reason each agency cannot assist; document why local funds cannot be used to relieve the situation; if the problem is of long standing, what local efforts have been made to solve the problem before it became a threat? (7-6-94)

03. Review and Recommendation. The Department shall review the Application and make a recommendation to the Economic Advisory Council which shall review the recommendation and recommend either funding or no funding to the Governor. (7-6-94)

04. Eligible Costs. In cases where a local government has incurred costs to deal with the imminent threat while the Application is being prepared and reviewed, the Department may authorize those block grant eligible costs to be included in the grant and paid for with grant funds. Those costs must be included in the Application and they must be directly related to the relief of the emergency. By no means shall any such costs create an obligation on, or liability for, the Department to recommend approval of a grant. All costs incurred before grant approval are the responsibility of the local government until approved by the grant award. (7-6-94)

111. -- 115. (RESERVED).

116. REVIEW PROCESS.

If staff, through reviewing the project, find that the applicant meets the criteria in Section 110, the Application may be recommended to the EAC for review. (7-6-94)

117. AWARD PROCESS.

The staff shall review the project, the Application, and any additional information requested. The staff shall assist the applicant in the development of the project. If, after the Economic Advisory Council reviews the project and receives the staff's recommendation for funding, it finds that an imminent threat exists, the Council may recommend the project to the Governor for funding. (7-6-94)

118. TECHNICAL ASSISTANCE GRANTS.

To assist communities in their planning efforts and discourage uncoordinated piecemeal approaches to solving community problems, one percent (1%) of the annual Community Development allocation shall be set aside for technical assistance grants. (10-3-95)T

119. STATEWIDE TECHNICAL ASSISTANCE GRANT.

01. Purpose. To create a statewide information base which all communities can use in their economic development, community development, growth management, housing activities, and grant compliance. (10-3-95)T

02. Contract for Services. The Department may contract for these services. (10-3-95)T

03. Technical Assistance Program. Shall collect, develop, and provide information and materials including, but not limited to, "how to" information and "boiler plate" ordinances on capital improvement planning and budgeting; tax increment financing; impact fees; zoning; subdivisions; housing information; housing plans; community development and economic development plans; other ordinances and information on development as may be appropriate. (10-3-95)T

120. DIRECT TECHNICAL ASSISTANCE GRANT PURPOSE.

01. Technical Assistance Grant. A technical assistance grant is used for the purpose of assisting qualified communities in developing local leadership skills, developing multi-jurisdictional approach to regional problems, formalizing their planning efforts, and encouraging a written plan to identify long range goals and short ordinances and regulations necessary to implement such plans. (7-6-94)

02. Eligible Uses. The following are Technical Assistance Grant eligible uses: gathering data, studies and analysis; preparation of plans including, but not limited to updating or developing comprehensive plans, Community Development Plans, Capital Improvement Programs, and housing plans; and development of codes, ordinances and regulations necessary to implement such plans. (7-6-94)

121. INVITATION TO SUBMIT A DIRECT TECHNICAL ASSISTANCE GRANT APPLICATION.

01. Threshold Criteria. In order to be invited for a Technical Assistance Grant, a community must demonstrate either: high growth is predicted in the next twelve (12) months from business expansion or the current growth rate is above the state average for the past year; or where there is a loss (within the past twelve (12) months) of major business employer resulting in a net job loss with in the same labor market area; or a natural disaster has happened within the past six (6) months. (7-6-94)

02. Problem Statement. The community must describe and provide evidence of the threshold criteria and document the impacts and problems resulting or expected from the threshold criteria. (7-6-94)

03. Additional Conditions. In addition, the community must demonstrate the following conditions exist: the lack of experienced technical staff; it will take multi-jurisdictional action, coordination and responsibility to manage the growth/decline or to implement the plans and project. Local match funds are committed and documented. Match can be in the form of local dollars, services, other grants, and in-kind administrative costs. The community shall commit one dollar (\$1) in match for every three dollars (\$3) of grant funds. Extensive community involvement and discussion of the problem, including elected officials and interested citizens. This involvement should include, but not be limited to, public hearings, town meetings, task forces, workshops, and training sessions. (7-6-94)

04. Technical Assistance Grant Process. Technical assistance grants are not intended to be just studies and data collection but are to include a process to integrate the information into the decision making processes. The community shall describe how they intend to use the grant funds and what results will be expected. The technical assistance grant process may include the following steps: identify community needs; set long-term goals and short-term objectives, including infrastructure design; develop projects and/or regulations to implement goals and objectives, evaluate the progress of such projects and/or regulations in accomplishing these goals and objectives; and carry out other management, coordination and monitoring of activities necessary to implement plans effectively. (7-6-94)

122. REVIEW PROCESS.

A community may request the assistance of the Department to determine if they qualify for a Technical Assistance Grant. Department staff shall investigate and analyze the community's situation to determine if the community meets the above criteria. A written report and recommendation will be provided to the Department Director and the community for review. The Director may invite the community to apply for a Technical Assistance Grant. (7-6-94)

123. APPLICATION.

A Technical Assistance Grant Application shall contain all information required in Section 072. through Subsection 074.09. The Department staff shall assist the applicant in the development of the project. The applicant shall describe the intent and goals of the planning grant, the various local government units committed to the planning process, the proposed method of accomplishing the planning and the practical results that can be expected. Applications shall be submitted by the first Monday of the month preceding a quarterly EAC meeting. The Community may make a presentation to the Council according to Section 065. (7-6-94)

124. AWARD PROCESS.

The Department staff shall review the proposed project, the Application, and any additional information requested. The Department shall make a recommendation to the Economic Advisory Council which shall review the recommendation and recommend either funding or no funding to the Governor. (7-6-94)

125. -- 134. (RESERVED).

135. TAG-ON HANDICAPPED ACCESS FUNDING.

01. Additional Activity. An applicant may include in their PFH or ED application as additional activity to improve the accessibility of public buildings for persons with disabilities, if the applicant meets all of the following conditions: the applicant has adopted a Section 504 Transition Plan; the applicant's total grant request does not exceed the maximum grant amount allowed for PFH or ED grants; the applicant matches the handicapped access funds requested with an equal amount of local matching funds; the grant funds requested for this activity does not exceed ten thousand dollars (\$10,000); and the applicant can show previous progress in implementing the Transition Plan. (7-6-94)

02. Separate Description and Cost Estimate. The applicant shall provide a separate description of the handicapped accessibility items to be improved and a separate cost estimate. The activities shall be included in the general project budget and schedule. (7-6-94)

136. -- 151. (RESERVED).

152. GRANT AWARD.

01. Funding Allocations. Each year the Department will receive an allocation from the Department of Housing and Urban Development. This allocation is derived from the formula contained in 42 USC, Sec. 5301, the Housing and Community Development Act of 1974, as amended. The allocation shall be generally divided in the following manner: first, one hundred thousand dollars (\$100,000) plus two percent (2%) of the total shall be reserved for the Department's administrative costs; second, one percent (1%) of the total shall be reserved for Technical Assistance Grants; third, five percent (5%) or three hundred thousand dollars (\$300,000), whichever is less, of the total allocation shall be set aside for Imminent Threat (IT) grants; fourth, six percent (6%) or six hundred thousand dollars (\$600,000) whichever is less, of the total allocation, shall be set aside for Senior Citizen Center (SR) grants; fifth, any program income, recaptured funds, or carryover funds from the previous fiscal years shall be added to the remainder; and finally, of the remainder, fifty percent (50%) shall be reserved for Public Facilities or Housing (PFH) grants and fifty percent (50%) for Economic Development (ED) grants. (10-3-95)T

02. Shifting of Funds. The above allocation divisions are to establish target amounts for decision making by the Economic Advisory Council (EAC). This division shall be made for the first quarter EAC meeting. These targets may be modified by the Department Director with the advice of the EAC. The allocation system shall be updated quarterly before each quarterly EAC meeting to include any additional recaptured funds, program income, or carryover funds. Of the allocation for ED grants, one quarter of the amount shall be set aside for funding full-applications during the quarter following each EAC meeting. The quarterly set-aside amount may be modified at the discretion of the Department Director upon the advice of the Council. Any funds not awarded in the PFH category shall be shifted to the first quarter ED category. If in any quarter there are surplus funds in the ED category, the Department Director, with the advice of the EAC, may shift funds back to the PFH or SR category to fund standby projects. Otherwise, surplus funds not awarded to ED projects in a quarter shall be carried into the succeeding quarter ED set-aside. (7-6-94)

03. Standby Applications. At its quarterly meeting in March of each year, the Economic Advisory Council (EAC) may recommend PFH or SR Applications for funding even though not enough funds are available to fund the project(s). These Applications become "standby projects". Standby projects shall be eligible for funding should additional funds become available or surplus funds exist in the ED category. At any subsequent quarterly meeting, the Advisory Council may review and recommend a standby project to the Governor for funding. Standby status shall continue through the fourth quarterly meeting. Any standby projects not funded shall automatically be invited to submit an Addendum for the next Fiscal Year, thus bypassing the Application stage of the application process. However, the Application must remain eligible and must continue to meet all requirements of the program regulations. The standby applicant shall update its Application during the Addendum process. (7-6-94)

04. Termination of Project Selection for Funding. (7-6-94)

a. If, during the period between the award of a grant and signing of a grant contract, a project loses its viability, its status of being selected for funding may be terminated by the Department. The Department shall, by letter, notify the applicant that in the judgment of the Department, the applicant's project is no longer viable and that the applicant has a clearly stated period of time no less than fourteen (14) days to demonstrate the project's viability. If viability cannot be demonstrated within the stated period of time the award of the grant status shall be considered terminated and the funds be made available for the next standby project. (7-6-94)

b. After a grant contract has been executed, the Department shall periodically evaluate the progress of the project. If, at any time, the project loses viability and/or cannot be completed as described in the Application, the Department shall, by letter, notify the grantee that the grant contract shall be terminated within a clearly stated period of time of no less than fourteen (14) days from the date of the letter. The grantee may, within the stated period of time, demonstrate substantial progress on the project and request the Department revoke the termination. If viability cannot be demonstrated within the specified amount of time, the grant shall be considered terminated. (7-6-94)

c. Loss of viability will be defined to include: the inability to secure the other project financing; the lack of due diligence to pursue the implementation of project requirements; the lack of local coordination with all funding and regulatory agencies; the inability to develop agreements necessary to manage the cash flow and ownership of the project where several different entities are involved in the project; and the inability to complete a project of the same general size and benefits as presented in the application. (7-6-94)

05. Excessive Funds. In the event a project can be completed for less than the grant amount, the difference between actual project costs and the grant amount shall be reserved by the Department for standby projects, or added to the total of the next fiscal year allocation for distribution. The Department shall amend the grant contract to reflect the reduced costs. In extraordinary circumstances the excess funds may be used for an eligible activity which further enhances the project as described in the Application. Before the Department decides to allow the additional activity, the grantee must demonstrate the activity will provide an equal or greater benefit than the original project; it will increase the benefits to low and moderate income persons, it will be completed within the original time frame, and the additional activity will be completed with the excess funds. The grantee must also show completion of the original project, its objectives and benefits. (7-6-94)

06. Amendment of Project. A funded project as described in the Application shall not be changed without prior approval from the Department Director. Any amendment of the project shall be reviewed to determine if the project will retain its competitive ranking in the Application review and ranking system. Any amendment shall provide equal or greater benefits than the original project. In unusual circumstances, the Department Director may approve a grant amendment increasing the grant amount, provided unobligated funds are available. In unusual circumstances the Department Director may waive the ten percent (10%) limitation on administrative costs when, in the opinion of the Department, the complexity of the project warrants an increase. (7-6-94)

07. Allowable Costs. Once an applicant has been invited to submit an Addendum and prior to the effective date of a grant contract an applicant submitting an Addendum may obligate and spend out of local funds for the purpose below. If awarded a grant and after the effective date of the grant contract, the grantee may be reimbursed for these costs provided such locally funded activities are undertaken in compliance with the program requirements (including but not limited to procurement, financial, acquisition, environmental and the ten percent (10%) limitation on administrative costs). Other project costs shall not be incurred until the Special Terms and Conditions of the contract are completed by the grantee and the funds released by the Department. (See Section 080.) (7-6-94)

a. Planning, Design and Administration. Procure and proceed with administrative and architectural or engineering services, adopting the Fair Housing Resolution and the Anti-Displacement Plan, and having public hearings. (7-6-94)

b. Project Costs, such as: preliminary and final Engineering Design, preliminary and final Architectural Design, conducting the Environmental Assessment, and completing procedural requirements for acquisition, but not the cost of the property. (7-6-94)

08. Audit Requirements. All ICDBG projects shall be audited annually or biannually in accordance with Sections 50-1010 and 31-1701, Idaho Code, the Single Audit Act of 1984, the implementing regulations in OMB Circular A-128, and all applicable federal audit standards, and other applicable state laws. Audits shall include any management letters associated with the audit. The audit shall be submitted to the Legislative Auditors Office within thirty (30) days of completion. Grantees shall require sub-grantees to provide audits conducted according to applicable federal and state laws, regulations and standards. The grantee shall have these audits reviewed as part of the grantee's audit. This review shall be commented and noted in the audit report. This review shall opine that sub-grantees are in compliance with the applicable program laws, regulations, contracts, and standards. (7-6-94)

153. PROCUREMENT.

Service needed by local governments to complete ICDBG projects typically include professional grant managers, engineers, architects, construction contractors, and materials and equipment. The city or county may choose to perform these services with their own staff and equipment or contract for these services. If the city or county chooses to obtain these services from outside sources, then formal procurement procedures must be followed. However, city or county staff doing grant management must be certified by the Department (according to Section 213.). (7-6-94)

01. ICDBG Funds. If an applicant chooses to use ICDBG funds to pay for part or all of a contract, the applicant shall use the procedures outline in this rule. (7-6-94)

02. Other Funds. If an applicant chooses to use its own funds to pay all of a contract amount, the applicant may use its own procurement procedures. However, the applicant shall not at a later time use ICDBG grant funds to pay any contract costs not procured by the ICDBG procurement rules. (7-6-94)

03. Provisions. Applicants are still required to follow applicable provisions of state law for procurement of goods and services. An applicant may accept proposals or bids from companies, non-profits and persons which have provided guidance and technical assistance in establishing the applicants procurement process as long as the process is open and competitive; the procurement standards are not unreasonably restrictive and no conflict of interest (as defined by Section 191) exists. (7-6-94)

154. -- 160. (RESERVED).

161. PROFESSIONAL SERVICES.

01. Costs Below Twenty-five Thousand Dollars (\$25,000). If the cost of the grant management, engineering, architectural or other professional services does not exceed twenty-five thousand dollars (\$25,000), then a "small purchase" method or informal method of procurement can be used. The grantee should write or call two (2) or more potentially qualified professionals and request written qualifications. Verbal requests for qualifications must be clearly documented in the grantee's file. This documentation shall, at a minimum, be date, person's name, company name, services discussed, dollar amounts or basis of rates quoted. Once qualifications have been reviewed, the grantee shall inform the proposers of the selection and provide the reasons the professional was selected or rejected. (7-6-94)

02. Costs in Excess of Twenty-five Thousand Dollars (\$25,000)). If the amount of grant management, engineering, architectural or other professional services exceeds twenty-five thousand dollars-(\$25,000) then a formal competitive negotiation method of procurement shall be utilized. The appropriate procedures for the competitive negotiation procurement method are as follows. (7-6-94)

a. Prepare request for proposals (RFP). RFP must include all factors that will be used to evaluate submissions. Evaluation factors must be outlined and the weight of each factor must be identified. (7-6-94)

b. Publish the RFP in local newspaper of general circulation. The RFP must be published at least once. The proposal due date must be at least two (2) weeks after the publishing date. The RFP must also be sent to the Disadvantaged Resource Center. It is advisable to send a copy of the Request to local and area firms that may be qualified to respond. (7-6-94)

c. Establish a selection committee. This may be the governing body, a citizen review committee, or a combination of members of both. (7-6-94)

d. Evaluate all submitted RFPs for completeness and appropriateness. Review and rank the proposals according to the review criteria. All grant managers selected must be certified by the Department. Check with the Department for certification before awarding grant management contracts. Notify, in writing, all proposers about the decision and the reasons for the committee's selection or rejection. (7-6-94)

e. Draft a services contract and send the draft, a copy of the RFP, the minutes of the selection committee decision, and a sample of the ranking document to the Department for approval. Do not execute the contract until Department approval is received. All contracts for professional services must be submitted to the Department for review and approval thirty (30) days before the intended effective date. (7-6-94)

162. CONSTRUCTION SERVICES.

01. Costs Under Five Thousand Dollars (\$5,000). If the cost of the construction is under five thousand dollars (\$5,000), then the "small purchase" method of procurement may be used. The grantee should write or call two (2) or more potentially qualified contractors and request written or verbal quotations for the construction needed. The documentation of this transaction shall include, at a minimum, the date of communication, the person's name, the company name, the services discussed, the dollar amounts, and the basis of rates quoted. Once a contractor has been selected, the grantee shall inform the contractors of the selection and the reasons they were selected or rejected. (7-6-94)

02. Costs in Excess of Five Thousand Dollars (\$5000). For Cities Only - Cost Over Five Thousand

Dollars (\$5,000) and Under Twenty-five Thousand Dollars (\$25,000) (10-3-95)T

a. Price quotes - when an expenditure exceeds five thousand dollars (\$5,000) and is less than twenty-five thousand dollars (\$25,000) three (3) price quotes are required to be obtained from registered vendors having a significant economic presence in Idaho. (10-3-95)T

b. Responsible vendor - when a city finds it impractical or impossible to obtain three (3) quotations for the proposed transaction then the city may procure the goods or services from the lowest responsible bidder/vendor. (10-3-95)T

c. Bid security - cities are no longer required to obtain bid security but may at its discretion require bid security when it is in the best interest of the city. (10-3-95)T

d. Competitive bids - when an expenditure exceeds twenty-five thousand dollars (\$25,000) it shall be contracted for and let to the lowest responsible bidder. Where both bids and quality of property offered are the same, preference shall be given to property of local and domestic production and manufacture or from bidders having a significant Idaho economic presence as defined in section 67-2349, Idaho Code. (10-3-95)T

e. Check with the Department ten (10) days prior to bid opening to update Davis-Bacon wage rates. (7-6-94)

f. Open and read bids publicly at the time and place specified in the newspaper publication. Document the bid opening proceedings with official minutes. (7-6-94)

g. Choose a responsible, apparent low bidder. If two (2) bids are the same, preference shall be given to the bidder that has significant Idaho economic presence as defined in Section 69-2349, Idaho Code. (10-3-95)T

h. Check with the Department for clearance of the successful bidder against the Federal Debarred List. This needs to be done prior to the Notice of Award being sent to the apparent low bidder. (7-6-94)

i. Award the contract. (7-6-94)

03. Costs in Excess of Five Thousand Dollars (\$5,000) for Counties and Twenty-five Thousand Dollars (\$25,000) for Cities. If the cost of the construction is over five thousand dollars (\$5,000) for counties and twenty-five thousand dollars (\$25,000) for cities, then the competitive sealed bid procedure must be followed. In most cases the grant manager and the project engineer will prepare the bid documents for review. The steps required to award construction contracts through the competitive sealed bid process are as follows: (10-3-95)T

a. Prepare bid documents. (10-3-95)T

b. Contact the Department for most current wage decision to be included in the bid documents. (10-3-95)T

c. Submit the bid documents to the Department for review and approval. Bid documents shall be submitted to the Department thirty (30) days prior to the proposed bid opening. Failure to meet the thirty (30) day time frame may result in the city/ county and grant manager being liable for lacking or wrong information. (10-3-95)T

d. Publicly advertise bids in local newspaper of general circulation (minimum two (2) weeks for cities, thirty (30) days for counties). Cities shall publish twice, not less than one (1) week apart, two (2) weeks before the bid opening, and counties need to publish twice, at least one (1) week apart, with first publication thirty (30) days before bid opening. (10-3-95)T

e. Check with the Department ten (10) days prior to bid opening to update Davis-Bacon wage rates. (10-3-95)T

f. Open and read bids publicly at the time and place specified in the newspaper publication.

Document the bid opening proceedings with official minutes. (10-3-95)T

g. Choose a responsible, apparent low bidder. If two (2) bids are the same, preference shall be given to the bidder that has significant Idaho economic presence as defined in Section 69-2349 Idaho Code. (10-3-95)T

h. Check with the Department for clearance of the successful bidder against the Federal Debarred List. This needs to be done prior to the Notice of Award being sent to the apparent low bidder. (10-3-95)T

i. Award the contract. (10-3-95)T

163. MATERIAL AND EQUIPMENT.

The guidelines in these rules for construction services also regulate the procurement process of materials and equipment, with the one (1) exception that ten thousand dollars (\$10,000) is the limit, rather than five thousand dollars (\$5,000). (7-6-94)

164. CHANGE OF USE OF REAL PROPERTY.

01. Time Frame. These standards apply to real property which was acquired or improved (in whole or in part) with more than twenty-five thousand dollars (\$25,000) of ICDBG funds. These standards shall apply from the date of closing on the real property (when title and funds are transferred) until five (5) years after grant closeout. (7-6-94)

02. Standards. A grantee shall not change the use, planned use or beneficiaries of real property acquired or improved with ICDBG funds without consulting with affected citizens and the Department. A grantee may change the use, planned use or beneficiaries of real property acquired or improved with ICDBG funds after consultation with affected citizens and the new proposed use is determined by the Department to meet one of the National Objectives (See Section 015) and is not an Ineligible Activity (See Section 052). The grantee shall follow its Citizen Participation Plan to provide affected citizens reasonable notice and opportunity to comment on any proposed changes. If, after consultation with affected citizens, the grantee determines to change the use of the real property to a use which does not meet a National Objective or is an Ineligible Use; the grantee shall reimburse the Department's ICDBG program the fair market value of the property. The reimbursement shall be the prorated share of the ICDBG funds initially paid for the property plus any ICDBG funding improvements. The fair market value shall be established by an appraisal. After receipt of the reimbursement to the ICDBG program, the real property is no longer subject to ICDBG and any federal requirements. (7-6-94)

165. -- 170. (RESERVED).

171. PROGRAM INCOME.

01. Definition. Program income is monies earned by a grantee or its sub-grantee that were generated from the use of ICDBG funds. Program income includes, but is not limited to, the following: payments of principal and interest on loans made using ICDBG funds; proceeds from the sale of loans made with ICDBG funds; interest earned on ICDBG funds held in a revolving fund account; proceeds from the lease or disposition of real property acquired with ICDBG funds; gross income from the use or rental of property acquired, constructed or improved with ICDBG funds less the costs incidental to the generation of the income; interest earned on any program income pending disposition of such income; proceeds from the disposition of equipment purchased with ICDBG funds; proceeds from sale of loans secured by ICDBG funds; funds collected through "special assessments" made against properties owned and occupied by non-LMI households, where the "special assessment" is used to recover all or part of the ICDBG funds used to improve a public facility; and gross income for an equity position or interest in a for-profit entity which was acquired with ICDBG funds. (7-6-94)

02. Requirements on Usage. A grantee or sub-grantee may retain the program income only as long as it is used for the purpose and jurisdiction for which the funds were originally granted. Any other use of program income shall require the grantee to repay the program income to the Department. Other governing requirements of program income depend on when the income is received and the status of the grant. See Section 173. (Carry Forward of Program Income to Subsequent Grants), Section 176. (Program Income on Hand at Closeout), and Section 181. (Program Income Remaining in Closed Out Projects) for more applicable requirements. (7-6-94)

03. Responsibility of Grantee or Sub-grantee. Program income that is retained by the grantee or its sub-grantees and earned before or after grant closeout remains the revenue and responsibility of the local government grantee. These conditions shall be contained in the sub-grant contract between the local government grantee and the sub-grantee. (7-6-94)

04. Exception to Requirements. Receipts derived from the operation of a public work or facility which received an ICDBG grant for its construction do not constitute program income. Examples of receipts include admission fees paid by persons using recreational facilities constructed with grant funds and service fees paid by households using a water facility constructed with grant funds. (7-6-94)

05. Minor Amounts Exemption. If the total amount of program income earned in one program year (state fiscal year) is less than twenty five thousand dollars (\$25,000); the amount is not considered program income and is exempt from these regulations. The total amount is the total earned by the grantee and its subrecipients from all open ICDBG grants. (10-3-95)T

172. USE OF PROGRAM INCOME BEFORE DRAWDOWN OF ADDITIONAL GRANT FUNDS.

Before making additional drawdowns from the Department to finance approved community development activities, program income shall be disbursed as follows: (7-6-94)

01. Repayments. Program income in the form of repayments to a revolving loan fund (RLF) established to carry out an approved economic development activity, shall be substantially or completely disbursed from the RLF fund before additional drawdowns are made from the Department for the RLF. For example, a county receives a grant to establish an RLF through a Local Development Corporation (LDC) for the purpose of making several business loans, the first loan is made and the business begins repaying the loan before the second loan is made; the program income on hand must be used as part of the second loan, and only the balance of funds needed for the second loan can be requested from the Department. (7-6-94)

02. Other Program Income. All other program income shall be substantially or completely disbursed for any approved activity before additional drawdowns are made from the Department. (7-6-94)

03. Uses of a RLF to Distribute Program Income. A RLF is a separate fund established through an LDC (with a set of accounts that are independent of other program accounts) established to carry out a business loan program which, in turn, generates repayments to the fund to make additional loans. The grantee may establish a RLF program to provide a mechanism to hold program income for redistribution for additional business loans. Normally the grantee must disburse program income on hand for any immediate cash need. Revolving loan funds allow the grantee to hold program income for distribution to business loans and continue to drawdown ICDBG grant funds for other budgeted activities. The grantee must define what activities the fund has been set up to serve in the re-use plan and grant Application. Program income in the RLF, including amounts which cover only a portion of the drawdown need, must be used to meet cash needs for business loans to be funded by the RLF. When a grantee requests funds to meet immediate cash needs for the type of activities which the RLF is designed to fund, the grantee must use program income on hand to meet those needs before any additional ICDBG grant funds are drawn down. The grantee may have to use a combination of ICDBG grant funds and program income to meet the business loans' cash needs. Revolving loan funds are capitalized with program income, not grant funds. Grant funds are awarded and budgeted for specific business loans. (7-6-94)

173. CARRY-FORWARD OF PROGRAM INCOME TO SUBSEQUENT GRANTS.

If the grantee has a concurrent, open grant contract, the program income received from previous grants (before and after the previous grant closeout) shall be treated as program income of the active grant contract and shall be subject to the ICDBG requirements and the terms of the grant contract. (7-6-94)

174. REPORTING OF PROGRAM INCOME.

Grantees shall record the receipt and expenditure of revenues related to the project as a part of the grant project transactions. This includes the receipt and expenditure of program income received by sub-grantees such as local development corporations and sewer and water districts. The grantee is responsible for ensuring sub-grantee's use of the program income in accordance with these regulations. (7-6-94)

175. RE-USE PLANS FOR PROGRAM INCOME.

The local government shall include in the Application a re-use plan for any program income expected to be received from the grant funds. The plan shall identify the project's national objective, identify the eligible activity(ies), provide a time frame for project completion, and identify the process and procedure for using the program income. Use of funds must meet the requirements of Section 074. This plan shall be reviewed and modified, if necessary, and approved along with the Application. The plan shall become part of the grant project and govern the use of program income. The Department may require changes to be made at any time to ensure program income is used in accordance with ICDBG rules and HUD guidelines. For specific applicable requirements on program income see appropriate subsections in Section 171 of this rule. (7-6-94)

176. PROGRAM INCOME ON HAND AT CLOSEOUT OF GRANT.

01. Closing Procedure. When preparing to close a grant with a grantee, the Department must ascertain what program income, if any, the grantee or sub-grantee has earned through the use of ICDBG funds. The Department may close the grant, even though program income governed by the ICDBG requirements remains on hand, and does not need to wait until the program income has been expended. (7-6-94)

02. Restrictions on Use. If program income is held by the local government (or a sub-grantee) when the grant is closed, this program income shall be used in accordance with the provisions of Title I of the Housing and Community Development Act of 1974, as amended, and Subpart I of Part 570, and IDAPA 48.01.01. (7-6-94)

03. Return of Income to the Department. The program income shall be returned to the Department if the following conditions exist: the program income cannot be spent on the same community development activity from which the program income was generated. The same activity is the activity as defined in Section 022, entitled Eligible Activities, which was the basis for awarding the original grant; and there is no expectation of additional program income. (7-6-94)

04. Usage After Closeout. If the grantee is allowed to keep the program income received prior to closeout, the grantee shall have twelve (12) months from the date of closeout, to identify an approved eligible project on which to spend the program income. Any unobligated program income at the end of the twelve (12) months shall be returned to the Department. (7-6-94)

177. -- 180. (RESERVED).

181. PROGRAM INCOME REMAINING IN CLOSED OUT PROJECTS.

01. Receipt of Income After Closeout. Except as otherwise provided under the terms of the grant or the closeout agreement, program income received after grant closeout may be treated by the grantee as miscellaneous revenue, the use of which is not subject to the requirements of the Act and Subpart and these rules, notwithstanding any subsequent participation by the unit of local government in a community development grant program. (7-6-94)

02. Existing Income as of October 1, 1990. In those projects closed out prior to October 1, 1990 where program income exists that is still governed by ICDBG regulations, the Department shall require the grantee to develop or update the program income re-use plan to identify specific eligible activities on which to use the program income. The grantee shall have six (6) months starting October 1, 1990 in which to identify and receive Department approval of the project. They shall have an additional six (6) months within which to expend the program income on the approved project. By October 1, 1991 any existing program income in closed out projects shall be expended or returned to the Department. (7-6-94)

182. ADMINISTRATIVE COSTS PAID FROM PROGRAM INCOME.

In addition to the budgeted administrative line item, a grantee or sub-grantee may use up to ten percent (10%) of any program income received for eligible administrative costs incurred. All costs and the accounting of such costs shall be in accordance with OMB Circulars A-102, A-87, A-110 and A-122. The total of administrative costs incurred by the grantee and its sub-grantee shall not exceed ten percent (10%) of the total grant and ten percent (10%) of any program income. (7-6-94)

183. RECIPIENT ACCOUNTING SYSTEM FOR PROGRAM INCOME.

The Department requires that program income be subject to all ICDBG requirements. The Department requires that a process be established at the local level to identify and account for program income. (7-6-94)

01. Objectives. The accounting system objectives are to provide a means for the recording of program income in the accounting records, provide a methodology for assuring that all program income is collected and properly classified, and assure that the handling of program income complies with federal and state requirements. (7-6-94)

02. Accounts. The typical accounting entry to record program income is a debit to "cash" or "accounts receivable" and a credit to "program income." At the completion of the grant program, the program income account balance should be equal to the total amount of program income received and applied to the program. Once the proper accounts are established, accounting procedures and internal controls must be adequate to assure that all program income is properly recognized. This, in part, requires the recipient to establish a system which allows it to anticipate repayments of loans and take appropriate actions when loan repayments are delinquent. Program income recording involves a minimum of two (2) ledger accounts: (7-6-94)

a. Cash account. The cash account is debited when the program income is received and credited when it is disbursed. Generally, it will not be necessary for a recipient to establish a new cash account on its books for program income since all receipts for a particular grant may be included in the cash account already established by the recipient. Likewise, it is not necessary to establish a separate bank account for program income. A recipient may include program income cash in its bank account with other cash, provided its accounting records adequately disclose the ICDBG portion of the cash balance. (7-6-94)

b. Program income account. This account should be classified as a revenue account similar to the ICDBG grant account. Additional program income accounts may be established to reflect the different types of program income which may be received. (7-6-94)

184. PROCEDURES FOR PROGRAM INCOME ACCOUNTING SYSTEM.

01. Principal Factors. The principal factors to be addressed by the recipient's accounting procedures and internal controls include: procedures to assure collection of all program income due to the recipient (e.g., loan payments); procedures to assure that all funds received by the recipient are accurately classified and coded to the accounts to be credited; procedures to safeguard and prevent the misappropriation of funds; procedures to assure that funds are immediately deposited into the proper bank account; and procedures to assure that program income funds are disbursed before requesting additional grant funds. (7-6-94)

02. Retaining and Expending Program Income. Recipients that retain and expend program income on their programs are required, by the Department, to include program income data in the financial reports in requests for funds to the Department. (7-6-94)

185. -- 190. (RESERVED).

191. CONFLICT OF INTEREST.

01. Policy. It is the policy of the ICDBG Program that the grant management shall be conducted in an equitable manner and that public funds shall be expended in a fair, efficient and effective manner. Therefore every effort should be made to assure the public that no conflicts of interest exist in the management of the program funds and that those cases that do occur from time to time shall be disclosed and that appropriate actions have been taken to avoid and abstain from conflict of interest situations. (7-6-94)

02. Conduct. The general standard of conduct is to avoid any action that might result in or create the appearance of using public office for private gain; or giving preferential treatment to anyone; or impeding governmental efficiency or economy; or the loss of independence and impartiality in the decision-making process; or making decisions outside of the official decision-making process; or creating a lack of public confidence in the integrity of the government. (7-6-94)

03. Conflicts. The general rule that shall be followed is that a covered person (described in Section 192.) who exercises or has exercised any functions or responsibilities with respect to ICDBG activities or who is in a position to participate in a decision-making process or gain inside information with regard to such activities, shall not obtain any personal interest or any financial interest or program/project benefit, except for approved eligible administrative or personnel costs, from the activity or have any interest in any contract, subcontract or agreement, or proceeds either for themselves or those with whom they have family or business ties, during their tenure or for one (1) year thereafter. (7-6-94)

04. Additional Requirements. These rules supplement requirements contained in Section 59-701 through 59-705, Idaho Code "Ethics in Government Act of 1990" and Code of Federal Regulations 24 CFR 570.611 "Conflict of Interest." (7-6-94)

192. PERSONS COVERED.

01. Persons Covered. These conflict of interest provisions shall apply to any person who is a(an) employee, agent, contractor, consultant, official, officer, elected official, or appointed official of the Department or any city or county grantee or any sub-grantee receiving funds from the ICDBG program. (7-6-94)

02. Kinship Definition. Family ties are defined as kinship relationships and dependents. Kinship includes grandparents, parents, aunts and uncles, children, siblings, grand children and in-laws of the same types. (7-6-94)

03. Business Tie Definition. A business tie is defined as: having more than a five thousand dollar (\$5,000) value interest in any sole proprietorship, partnerships, association, trust, estate, business trust, for-profit-corporation, not-for-profit corporation, or any other legal entity; or being a(an) agent, director or officer, or employee thereof. (7-6-94)

193. TYPES OF CONFLICTS.

An official, officer, employee or agent of the Department, of a grantee or a sub-grantee shall neither profit financially, directly or indirectly, from ICDBG funds under their control or authority; nor shall they have a private business tie, financial, personal, or a family in any contract or grant made by them in their official capacity or under their authority; nor shall they have conflicting responsibilities in the management of the grant funds. (7-6-94)

194. DISCLOSURE PROCEDURES.

01. Disclose. Any covered person having an interest in any discretionary matter concerning the grant coming before him in the daily course of his official duties, whether the matter be regulatory, contractual, or the formation of public policy, shall not act, but immediately disclose the conflict of interest and withdraw from the proceedings. They shall then refrain from any discussion, recommendation, action, or voting on the matter. (7-6-94)

02. Disclosure Into Minutes. At or before any meeting during which a conflict of interest arises, a covered person shall make a Declaration of a Conflict of Interest, or potential conflict of interest, either by letter or verbal declaration and it shall be entered in to the minutes of the meeting. (7-6-94)

03. Contents of Disclosure. The declaration shall contain the nature of the conflict, the parties involved in the conflict, the impact of the conflict on their duties, and the method of resolving the conflict. For example: If a city council member is a partner in a construction company bidding on an ICDBG-funded project the declaration would include a statement to the effect that Councilman X, being a full partner in XYZ Construction Company, will not be able to participate in reviewing bid proposals, and if awarded, will refrain or absent himself from discussing or voting on any actions involving the Company, including payments, change orders, contract negotiations, etc. (7-6-94)

04. ICDBG Project Files. The documentation shall also be maintained in the ICDBG project files. (7-6-94)

195. -- 200. (RESERVED).

201. EXCEPTIONS AND WAIVERS.

Upon the written request of the grantee, the Department may grant an exception to the Conflict of Interest restrictions on a case-by-case basis when the Department determines that such an exception will serve to further the purposes of a grant project and the effective and efficient management of the grantee's program or project. An exception may be considered only after the grantee has provided the following: a disclosure of the nature of the conflict, accompanied by documentation that there has been public disclosure of the conflict and a description of how the public disclosure was made; and an opinion of the grantee's attorney that the conflict of interest situation for which the exception is sought would not violate these regulations or any other state law or local ordinance. (7-6-94)

202. FACTORS TO BE CONSIDERED, BY THE DEPARTMENT, FOR EXCEPTIONS.

In determining whether to grant a requested exception, after the grantee has satisfactorily met the requirements of Section 201., the Department shall consider the cumulative effect of the following factors, where applicable: (7-6-94)

01. Significant Cost Benefit or Expertise. 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. (7-6-94)

02. Open Competitive Bidding or Negotiation. Whether an opportunity was provided for open competitive bidding or negotiation. (7-6-94)

03. Low to Moderate Income Persons. 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 provided to the group or class. (7-6-94)

04. Functions, Responsibilities or the Decision-Making Process. Whether the affected person has withdrawn from the functions, responsibilities or the decision-making process with respect to the specific assisted activity in question. (7-6-94)

05. Interest or Benefit. Whether the interest or benefit was present before the affected person was in a position as described in Section 191. (7-6-94)

06. Undue Hardship. Whether undue hardship will result either to the grantee or the person affected when weighed against the public interest served by avoiding the prohibited conflict. (7-6-94)

07. Any Other Relevant Consideration. (7-6-94)

203. DEPARTMENT-GRANTED EXEMPTIONS OR WAIVERS.

The Department shall grant a waiver or exemption by letter which shall describe: the nature of the conflict, the parties involved, the nature of their responsibilities, the opinion of the local government attorney that the above requirements have been met, and any conditions, safeguards or actions the person and the grantee must take to ensure the conflict is limited or resolved. (7-6-94)

204. EFFECT OF VIOLATIONS AND PENALTIES.

Any covered person who intentionally or negligently fails to disclose a conflict of interest shall be subject to the penalties contained in Section 59-705, Idaho Code which provides for a maximum fine of five hundred dollars (\$500). Actions in Violation of Rules. The Department may determine any action in violation of these conflict of interest rules to be null and void. (7-6-94)

205. GRANT CLOSEOUT.

Grant closeout will be in accordance with the federal requirements stated in OMB Circular A-102 or as authorized by the U.S. Department of Housing and Urban Development. (7-6-94)

206. -- 210. (RESERVED).

211. SANCTIONS INVOLVING GRANTEEES.

01. Compliance. The Department is responsible for determining when an ICDBG grantee has or has not complied with all appropriate requirements of Title I of the Housing and Community Development Act of 1974,

as amended, and the ICDBG rules. If, after notice and consultation, the Department determines that the grantee has failed to take proper action to insure compliance or that the grantee's ICDBG project has not met appropriate requirements of Title I of the Housing and Community Development Act of 1974, as amended, the Department may then take appropriate sanctions against the grantee. (7-6-94)

02. Sanctions. The Department will evaluate the appropriateness of sanctions on a case by case basis. However, the Department will endeavor to allow the grantee the opportunity to propose a workable and timely resolution of matters found to be in non-compliance. In determining the level of sanctions, if necessary, appropriate to a particular grantee or a situation, the Department may decide to use any one (1) or a combination of the following sanctions: letter of warning to the grantee requiring immediate corrective actions; withholding of unexpended grant funds until compliance is achieved; cancellation of unexpended grant funds and termination of the grant contract; requiring all accumulated and/or future program income to be reimbursed to the Department; requiring the grantee to pursue appropriate legal remedies; requiring the grantee to reimburse the state an appropriate amount with funds recovered from appropriate legal remedies; requiring all accumulated and/or future program income to be transferred to another approved Title I activity or project; prohibiting a grantee from participating in the ICDBG program for a period of time determined by the Department; prohibiting a grantee from participating in certain activities with ICDBG funds or program income; and requiring a grantee to reimburse the Department the full amount of the ICDBG funds that are not in compliance with Title I of the Housing and Community Development Act of 1974 as amended, ICDBG regulations and/or the grant contract and the assurances. (7-6-94)

212. APPROVED GRANT MANAGERS.

01. List of Approved Managers. The Department requires all grantees to use approved grant managers in all ICDBG projects. The Department will maintain a list of individuals which are approved by the Department to manage block grant projects. (7-6-94)

02. Criteria. The Department will use the following five (5) criteria to evaluate the qualifications of individuals desiring to become approved grant managers: past record of experience with all types of grants; local government experience and background; record of past performance (if any) in administering ICDBG projects, including: monitoring findings, complaints, and commendations; timeliness of decision making, and successful coordination of projects; successful completion of a technical examination developed and administered by the Department, which may modify the examination to reflect program changes; and division staff review of a person's ability to successfully administer a grant, communicate, solve problems, apply regulations and requirements, and complete project and program requirements in a timely manner. (7-6-94)

213. GRANT MANAGER APPLICATION PROCESS AND ANNUAL REVIEW.

To apply for grant manager certification status individuals shall submit an application to the Department. Applicants shall submit a letter requesting approval and a resume describing their experience and performance. The Department will review the application, the examination results and the Department's experience with the individual (Subsection 212.02). This application and review will occur on an annual basis beginning with the annual grant awards. The Department will determine when an individual has sufficient qualification and experience to be placed on the approved grant manager list. (7-6-94)

214. SANCTIONS INVOLVING APPROVED GRANT MANAGERS.

The Department, in order to ensure the highest level of performance by approved grant managers, may require remedial actions be undertaken upon receipt of a valid complaint or finding. Such recommendation will be made only after a timely and impartial investigation process in which the rights of all parties are protected. (7-6-94)

215. BASIS OF IMPOSING SANCTIONS.

The Department may take sanctions against an approved grant manager as a result of any of the following actions: inability to complete project administration; findings of non-compliance or violation of federal or state rules and regulations; termination by a grantee of an administrative contract for cause; lack of cooperation in completing or complying with program requirements; or gross negligence. (7-6-94)

216. PROCESS TO IMPOSE SANCTIONS.

01. Written Complaint. Upon receipt of a written complaint alleging conduct in the immediate

preceding paragraph, or upon discovery of a problem through project monitoring, the Department shall immediately investigate the circumstances giving rise to such complaint, document the findings, and endeavor to make a determination of action within fifteen (15) days of the receipt of the complaint. The actions in Section 215 will serve as a conduct guide. (7-6-94)

02. Response. The approved grant manager shall be given a copy of the complaint and the investigation report and have fifteen (15) days to respond to the complaint in writing. The Department shall then review the complaint and the response, and determine the appropriate sanction, if any, to be imposed. All parties to the complaint shall be notified in writing of the determination. (7-6-94)

03. Administrative Appeal. Any person who is aggrieved by a decision regarding the imposition of sanctions shall be entitled to an administrative appeal pursuant to Title 67, Chapter 52, Idaho Code, Idaho Administrative Procedures Act. (7-6-94)

217. REMEDIAL ACTIONS.

The Department may decide to use any one (1) or all of the following remedial actions appropriate to approved grant managers: issue a letter of warning to correct deficient actions; require mandatory ICDBG administrative training to maintain approved grant manager status; remove an individual from the approved grant managers list for a time period determined by the Department; require that corrective action be taken by the approved grant manager to resolve the problem or conflict; or recommend initiation of appropriate legal proceedings in egregious situations. (7-6-94)

218. -- 224. (RESERVED).

225. LEAD BASED PAINT

01. Abatement of Lead Based Paint. Any applicant or grantee proposing to rehabilitate housing or structures constructed or substantially reconstructed prior to 1978 shall take measures to abate - as far as practicable - lead-based paint hazards. Such measures shall be in accordance with the Lead-Based Paint Poisoning and Prevention Act as amended and Title I of the Community Development Act of 1974 as amended. (7-6-94)

02. Housing. Housing shall be defined as any structure designed for occupation by or occupied by children of six years old or less. This includes such uses as day care centers, nurseries, playgrounds, pre-schools and residential uses etc. (7-6-94)

03. Methodology. Any lead-based paint abatement and disposal shall be by current state-of-the-art methods approved by the Division of Environmental Quality. (7-6-94)

04. Environmental Review. The lead-based paint hazard shall be determined as part of the environmental review. Abatement shall be considered as part of the project and is an eligible grant expense. (7-6-94)

226. -- 999. (RESERVED).