

FY2025 Beaver County CDBG Project Application

CONFLICT OF INTEREST

1. The County is required to identify any potential conflicts of interest.

Municipalities: List the names of all council members, mayor, manager, office staff working on the project, and solicitor.

Council Members _____

Mayor _____

Manager _____

Office Staff working on the project _____

Solicitor _____

Non-Profits and Other Applicants: List the names of all board members, director, office staff working on the project, attorney and any other employees that will help carry out the project.

Board Members _____

Director _____

Office Staff working on the project _____

Attorney _____

Other Employees _____

2. All persons listed above must read the "Conflicts Prohibited" pages and complete a "Certificate of Compliance" form. Everyone who fills out a form MUST print it out then fill in and sign in the yellow box.

3. All Certificates of Compliance forms must be included with the application.

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Conflicts Prohibited

Community Development Program

Effective Date: August 31, 2016

Subject: CDBG Program Conflict of Interest Provisions

Policy: Conflicts prohibited.

§ 570.611 Conflict of interest.

(a) *Applicability.*

(1) In the procurement of supplies, equipment, construction, and services by [recipients](#) and by [subrecipients](#), the conflict of interest provisions in [2 CFR 200.317](#) and [200.318](#) shall apply.

(2) In all cases not governed by [2 CFR 200.317](#) and [200.318](#), the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the [recipient](#) or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to § 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to § 570.203, 570.204, 570.455, or 570.703(i)).

(b) *Conflicts prohibited.* The general rule is that no persons described in [paragraph \(c\)](#) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate [family](#) ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure.

(c) *Persons covered.* The conflict of interest provisions of [paragraph \(b\)](#) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the [recipient](#), or of any designated public agencies, or of subrecipients that are receiving funds under this part.

(d) *Exceptions.* Upon the written request of the [recipient](#), HUD may grant an exception to the provisions of [paragraph \(b\)](#) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of [paragraph \(d\)\(2\)](#) of this section.

(1) *Threshold requirements.* HUD will consider an exception only after the [recipient](#) has provided the following documentation:

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

(ii) An opinion of the [recipient's](#) attorney that the interest for which the exception is sought would not violate State or local law.

(2) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the [recipient](#) has satisfactorily met the requirements of [paragraph \(d\)\(1\)](#) of this section, HUD shall conclude that such an exception will serve to further the purposes of the [Act](#) and the effective and efficient administration of the [recipient's](#) program or project, taking into account the cumulative effect of the following factors, as applicable:

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

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

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

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

(v) Whether the interest or benefit was present before the affected person was in a position as described in [paragraph \(b\)](#) of this section;

(vi) Whether undue hardship will result either to the [recipient](#) or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(vii) Any other relevant considerations.

[[60 FR 56916](#), Nov. 9, 1995, as amended at [80 FR 75938](#), Dec. 7, 2015]

Purpose: To assure that conflict of interest requirements as set forth in 24 CFR parts 85.36 and 84.42 and 24 CFR 570.611 are met in all CDBG activities.

Procedure: Community Development will seek assurance from the Human Resources department that any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part are not county employees and have not been employed by the County within the past 12 months.

If the party seeking funds meets the above criteria, but the County does not view the issue as a potential conflict of interest, the Community Development Program may seek exception, in writing, directly from HUD.

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Certification of Compliance

HUD-Related Conflict of Interest (24 CFR 85.36 and 84.42 and 24 CFR 570.611) Community Development Block Grant (CDBG)

THIS SECTION TO BE COMPLETED BY CDBG OFFICE ONLY:

Project# or Program Name: _____

THIS HIGHLIGHTED SECTION BELOW TO BE COMPLETED BY APPLICANT ONLY:

Financial Interest or Benefit from a CDBG Activity (Conflict of Interest)

Persons covered: Any person who is an employee, agent, consultant, officer or elected or appointed official of the County of Beaver.

No covered persons who exercise or have exercised any functions or responsibilities with respect to CDBG-assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

CERTIFICATION

I have read the conflict of interest provisions indicated and certify that the individual identified below will comply with all provisions and identify instances where conflict of interest or appearance of conflict of interest may exist.

I **AM NOT** a County employee and have not been employed by the County within the past 12 months. (Check) _____

OR

I **AM** a County employee and/or have been employed by the County within the past 12 months. (Check) _____

- County Department _____
- Title/Position _____
- Dates of Employment _____

Signature of Certifying Individual _____ Name (typed or printed)

Date

THIS SECTION TO BE COMPLETED BY BEAVER COUNTY HUMAN RESOURCES ONLY:

I certify that the above information is correct.

Authorized Human Resources Representative

Date