

Monitoring Strategies

A Guidebook for AOT Grantees on Subrecipient Oversight

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MONITORING STRATEGIES AND PROCEDURES

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MONITORING STRATEGIES AND PROCEDURES

Uniform Guidance clarified Federal expectations and consolidates pass-through responsibilities and subrecipient monitoring guidance from A-87, A-133 and the Compliance Supplement into one location

INTRODUCTION

- Subpart A (Definitions) modifies key terms (contract, grant agreement, subaward, and subrecipient)
- Subpart C §200.201 discusses the use of grant agreements, including fixed amount subawards per §200.332
- Subpart D §200.330 - .331 discusses subrecipient monitoring and management
- Subpart F §200.501 is explicit in stating that subrecipients and contractors may simultaneously be a recipient, a subrecipient and a contractor and that only Federal awards expended as a recipient or subrecipient are subject to audit under this part of the Uniform Guidance

Requirements for Subrecipient Monitoring

The AOT regulations (24 CFR 570.501(b)) state that:

“[the grantee] is responsible for ensuring that AOT funds are used in accordance with all program requirements. The use of . . . subrecipients . . . does not relieve the recipient of this responsibility. The recipient is also responsible for determining the adequacy of performance under subrecipient agreements . . . and for taking appropriate action when performance problems arise...”

The language in Subpart J of 24 CFR Part 85 “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” which applies to AOT grants, is even more explicit about your obligation to monitor subrecipients:

“Grantees are responsible for managing the day-to-day operations of grant and subgrant supported activities. **Grantees must monitor . . . subgrant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved.** Grantee monitoring must cover **each program, function, or activity.**”

Your Primary Legal Obligation

These regulations make clear that your primary mission is to:

- make sure your subrecipients comply with all regulations governing their administrative, financial, and programmatic operations; and
- make sure your subrecipients achieve their performance objectives on schedule and within budget.

Both responsibilities are important. On the one hand, a subrecipient that complies with applicable regulations yet fails to achieve its service or project goals is still wasting the taxpayer's money. On the other hand, a subrecipient that delivers a great many units of service, yet in the process violates program regulations, puts itself, the community, and you at risk of serious monitoring findings by AOT, disallowance of costs, and termination of activities.

Overall Monitoring Guidelines

There is no magic to monitoring, but it helps if you **avoid** giving the impression that you're trying to catch subrecipients making mistakes and nail them with the blame. Whether you are right or wrong on any given matter, if subrecipients feel this is your purpose, they are likely to become uncooperative and resentful. Such perceptions only make your work and the subrecipients' work more difficult.

Instead, establish a monitoring process that emphasizes *positive feedback* to subrecipients about what they have done well, in addition to pointing out areas for improvement. Approach the monitoring with the assumption that your view is not always correct. This means building into the process *opportunities for dialogue* with subrecipients to develop a better appreciation of their perspectives and to identify and resolve points of miscommunication or misunderstanding.

Encourage subrecipients to specify, within reason, the kinds of technical support they need from you in order to make the improvements you require.

THE MONITORING PROCESS

Monitoring should not be a “one-time event.” To be an effective tool for avoiding problems and improving performance, monitoring must involve an on-going **process of planning, implementation, communication, and follow-up.** Grantees should develop a local system for monitoring that includes the following steps.

Developing a Monitoring Plan

Develop a monitoring plan at the beginning of your program year so that you can *match available resources with the needs and capacity of your subrecipients*. Since you probably don't have enough staff to monitor all your subrecipients as frequently and thoroughly as you'd like every year, decide which subrecipients are most likely to have the most serious problems and make sure you devote extra attention to them. Make sure your monitoring plan is appropriate to your performance tracking capabilities and rotate the subrecipients selected for in-depth monitoring.

This doesn't mean you can ignore subrecipients you think won't have serious problems; it just means that if you have limited staff you may have to perform more limited monitoring of these subrecipients. Otherwise, you won't be able to help those subrecipients who will need your assistance the most.

Identifying Risky Subrecipients (Risk Based Approach)

By carefully examining subrecipients' past performance, you should be able to perform a **risk assessment to identify which subrecipients require comprehensive monitoring**. High-risk subrecipients might include:

- subrecipients new to the AOT program;
- subrecipients that have experienced turnover in key staff positions or a change in goals or direction;
- subrecipients with previous compliance or performance problems including failure to meet schedules, submit timely reports or clear monitoring or audit findings;
- subrecipients carrying out high-risk activities (such as economic development); and
- subrecipients undertaking multiple AOT activities for the first time.

By contrast, for an experienced subrecipient that has been successfully carrying out multiple activities for you, you could plan a **more narrowly focused monitoring**, that would examine:

- those area(s) of the subrecipient's operation where the regulations have changed or been clarified;
- new activities the subrecipient is undertaking; or
- aspects of a subrecipient's operations that led to monitoring recommendations in the past.

Even for subrecipients with strong past performance, you should still conduct a periodic comprehensive monitoring. Normally, effective and efficient subrecipients can begin to neglect their AOT responsibilities if accountability has not been built into the funding cycle.

Establishing Monitoring Schedules

In addition to the questions of how often and how thoroughly to monitor, your monitoring plan should specify when you expect to visit each subrecipient. For example, if a subrecipient is undertaking a new activity that requires procedures or a level of documentation it has rarely experienced before, schedule a monitoring visit (or at least a technical assistance visit) early enough in the program year to detect and resolve problems while they are still small. Conversely, for activities that require a long time to unfold, don't monitor too early before there is anything of substance to monitor.

Using Monitoring Checklists

Your monitoring plan should specify the particular items or documents you will examine in the course of your visit. **This list will vary depending on the activity area.** For example, for rehabilitation activities, you need to test for compliance with lead-based paint regulations and required inspections.

To ensure that you examine the correct items for the activity area in question, as well as to promote thoroughness and consistency in your monitoring, it is helpful to use standardized monitoring checklists or workbooks for your on-site reviews. These guides can be as detailed as necessary, identifying the applicable regulations or laws for each activity area, the standards that need to be met, the types of documentation required, or the accounting systems that will satisfy the standards. The checklist should also specify the steps you will follow in the site inspection or file review to measure compliance.

If you do not have a monitoring checklist or workbook for subrecipient monitoring, you should develop one. The standardized forms and approach facilitated by these checklists can dramatically increase the efficiency and quality of your monitoring. Monitoring workbooks also allow you to collect data in a form that summarizes and greatly facilitates writing up the results of the review in a monitoring letter.

Included in the Appendix is a **sample checklist for on-site monitoring** of a subrecipient, which is an amalgamation of review documents used by four different entitlement grantees. It will give you a head start in developing your own review procedures. You may wish to review certain areas in greater depth or annually determine your priority areas for review. The Appendix also provides an outline for a subrecipient monitoring workbook, which lists the **general administrative and financial management requirements** associated with the AOT program, **as well as specific requirements applicable to each of the major AOT activity areas.** You can use these two documents to review the comprehensiveness of your own monitoring checklists, or as an outline to prepare a monitoring workbook.

To assist you in developing your own process for management, monitoring and oversight of subrecipients, the Appendix also includes a listing of the areas AOT reviews when monitoring entitlement grantees for oversight of subrecipients.

PREPARATION FOR THE MONITORING VISIT

Before you begin your annual monitoring process, ensure that your monitoring staff are adequately trained. Nothing can be as destructive to good grantee-subrecipient relations than a monitor who is ill-prepared, incorrectly interprets or misapplies regulations, or exhibits a condescending or excessively bureaucratic manner.

Make sure that each of your monitoring staff is familiar with the applicable program rules and correct monitoring protocol. Initially, pair new monitoring staff with your most experienced staff so that newcomers can learn firsthand how to prepare for, conduct, and follow-up on a monitoring visit.

If more than one monitor will be involved in a monitoring visit, explain the respective roles of each staff member as part of the planning for the on-site visit. For example, grantees frequently assign one staff person to review fiscal systems and records and another staff member to look at program files and requirements. If you plan to perform a comprehensive monitoring of a subrecipient that is conducting a range of AOT-funded activities, or for which you anticipate serious problems, a “team” approach to the monitoring may be best. The specialization may permit a more efficient and thorough process.

In-House Review:

Desk Audits of Subrecipient Materials

In preparation for the monitoring visit, have the assigned monitor(s) review all the written data you already have in-house, such as:

- the subrecipient's application for AOT funding;
- the written agreement with the subrecipient;
- progress reports;
- drawdown requests;
- documentation of previous monitoring; and
- copies of audits whether by an Independent Public Accountant (IPA) or another entity such as the AOT Office of Inspector General (OIG) or the General Accounting Office (GAO).

You can use the information from this “desk audit” to learn about changes in a subrecipient's activities and to identify potential problem areas to examine during the on-site visit.

Pre-Monitoring Visits With Subrecipients

As discussed at the end of the previous chapter, consider scheduling a “pre-monitoring visit” to inform the subrecipient about your monitoring procedures and the information you will be examining during the subsequent visit. Your monitor can point out apparent weaknesses in the subrecipient's operations and suggest how they can be corrected *before the formal monitoring visit*. This will reduce the likelihood of negative “findings” after the formal monitoring.

CONDUCTING THE MONITORING VISIT

A “pre-monitoring visit” is one example of how you can reduce the anxiety and defensiveness of subrecipients in connection with the monitoring. Stress at the beginning of every visit that monitoring is **not** intended to find something wrong with the subrecipient. Rather, it is intended to provide an opportunity to **work together** to recognize the subrecipient's accomplishments and to identify ways to overcome problems and improve operations.

Avoid becoming **too informal** or casual in your approach. You may discover serious problems in a subrecipient's operations and have to mandate serious corrective action or even sanctions. You want subrecipients to be clearly aware that any problems you find will be taken seriously and have to be fixed.

Five Steps in a Monitoring Visit

There are five basic steps to any monitoring visit:

- Notification Letter
- Entrance Conference
- Documentation, Data Acquisition and Analysis
- Exit Conference
- Follow-up Monitoring Letter

A. The Notification Letter

Begin the on-site monitoring process with a telephone call to explain the purpose of the monitoring and to arrange mutually convenient dates for your visits. Send a formal notification letter at least several weeks before the scheduled visit to:

- confirm the dates and the scope of the monitoring;
- provide a description of the information you want to review during your visit; and
- specify the expected duration of the monitoring, which of your staff will be involved, what office space you require, and what members of the subrecipient's staff you need to talk with

B. The Pre- Monitoring Review

Sub Recipient Pre-Monitoring Review Form

Please fill out all information asked on the monitoring review form and send it back to our office within 10 days after receipt of this form we will be setting up monitoring for these grants.

Subrecipient name:

Today's Date:

Here is a list of the grants that will be reviewed

Grant Name	Grant Number	Obligated \$\$ Amount	Execution Date	Closed
				<input type="text"/> Date:

1. Who was responsible for completing the application process for the above listed grants?

2. Is this project(s) completed?

3. Who was the project manager associated with the above grants?

4. Who was the project manager associated with the above grants?

5. Who oversaw the financial payments for the above grants?

Procurement

1. Does your organization have a written procurement policy in place?

2. In the above grants did you hire any contractors?

3. a) If yes, did you use a Bid Process?

Please explain your bid process.

Internal Controls

1. Do you have proof of payments to your contractors?

2. Do your invoices match your cancelled checks?

3. Do you have a separate line item for each grant in your general ledger?

4. Please describe how invoices are processed within your organization and who Processes them.

5. Please describe how payments are made with your organization and who pays them.

6. Please describe how many are on the Select board.

7. Please describe your warrant process.

8. Who are authorized signatures on your checks?

9. How many signatures are required for each check? _____

10. What type of accounting system does your organization use?

- cash
- accrual
- modified
- n/a
- other

Davis Bacon

1. Did the above projects need to be in compliance with Davis Bacon?

1. Where the timesheets collected weekly for all projects?

2. Where wages equal or higher than federal standards?

3. Did all projects use a fair bid process?

Documentation

4. Do you maintain a separate file for the above grants?

5. Do you have the following documentation?

a) The signed original grant agreement

b) Grant application

c) Suspension and Debarment certification

d) Copy of Secretary of State certification

e) Insurance certificates

f) All reports required to be filed by the grantee
(financial, programmatic and performance)

g) Documentation of monitoring performed by the granting agency, including
audit reports and documentation of single audit review (when applicable)

h) Invoices and payment documentation

Audit

1. Do you have to have an A-133 single Audit this year?

3) **The Exit Conference**

At the end of your visit, you or your monitoring team should meet again with key representatives of the subrecipient organization to present the tentative conclusions from your monitoring. This exit conference should have four objectives:

- to present preliminary results of the monitoring visit;
- to provide an opportunity for the subrecipient to correct any misconceptions or misunderstandings on your part;
- to secure additional information from subrecipient staff to clarify or support their position; and
- for any deficiency that the subrecipient agrees with, to provide an opportunity for subrecipient staff to report on steps they are already taking to correct the matter.

Maintain careful notes on the exit conference in order to document what you told the subrecipient and whether the subrecipient agreed with your tentative findings. At the end of the conference, there should be a clear understanding of the areas of agreement and disagreement about your monitoring results.

E. The Monitoring Letter

Monitoring without formal feedback to the subrecipient is worse than “half a loaf.” If the subrecipient is doing a good job, it deserves formal written recognition of its success. If the subrecipient is experiencing problems or is failing to comply with regulations, you need to describe these deficiencies formally and quickly in a letter that also includes your recommendations or requirements for improvement. Otherwise the subrecipient will conclude that its performance is satisfactory or, worse still, that you condone its failure to comply.

Use the monitoring letters to create a permanent written record of what you found during the monitoring review. Make your letter positive in tone by recognizing areas where the subrecipient has done a good job or shown significant improvement as well as pointing out areas where corrective action or improvement is required.

Your monitoring letter should identify fully every finding and concern. You should issue a **finding** for non-compliance with the rules and regulations of the AOT program. Be careful that the finding is:

- correctly identified;
- based on applicable law, regulation, or program policy; and
- supported by the facts presented in the monitoring letter.

For each finding, specify **corrective actions** the subrecipient must take.

Present as **concerns** in the monitoring letter instances where the deficiency is not a finding, or where non-compliance may occur in the future because of weaknesses in the subrecipient's operations. For each concern, include **specific recommendations** for improvement.

Include **deadlines** in the monitoring letter for:

- providing a **written response** to your monitoring letter that describes how the subrecipient will resolve any finding(s); and
- **correcting each deficiency** identified in your letter.

You do not have to require a written response for concerns noted in your monitoring letter.

Mail the monitoring letter to the subrecipient **within thirty days** after the exit conference, especially if your letter details significant problems in the subrecipient's operations. You cannot delay your monitoring letter and then require the subrecipient to take “immediate action” to correct its deficiencies. Do not ask the subrecipient to meet a standard to which you, as the grantee, do not adhere.

You will be able to write your monitoring letter faster if you develop standardized language for the opening paragraphs and for sections on findings, corrective action, concerns and recommendations.

[The Appendix to this chapter provides a sample monitoring letter that includes such “boilerplate” language.] Standardization also helps to ensure more even-handed treatment of subrecipients for similar performance characteristics or monitoring problems. However, take care to ensure that the monitoring letter is not so “canned” that it ignores the unique characteristics (both positive and negative) of the particular subrecipient.

ADDITIONAL SOURCES OF EVALUATION INFORMATION

According to OMB Circular A-133, *any public agency or non-profit organization that cumulatively expends \$500,000 or more in Federal funds in a year must have an independent audit performed*, consistent with the Single Audit Act of 1993. In most cases, these audits are performed by an IPA.

Subrecipient Audits

These audits can provide another source of information on subrecipients' finances and compliance with relevant fiscal requirements of the AOT program. They are especially helpful in reviewing how subrecipients allocated expenses across multiple Federal sources. Establish a system for tracking when your subrecipients' audit reports are due (see Chapter 6) and review these reports carefully for indications about how well your subrecipients are performing. See the Appendix to this chapter for more information on IPA audit reports.

Subrecipient Reports

Subrecipients themselves may prepare quarterly or annual reports on their operations. These are particularly helpful in providing an appropriate context for your own monitoring by identifying areas you may want to explore in greater detail.

Local Agency Evaluations

Other local agencies that work with the subrecipient may conduct their own evaluations. These evaluations may identify generic characteristics of the subrecipient's operations that are relevant to its AOT activities as well. They can suggest aspects of the subrecipient's operations that should receive special attention during your monitoring, or serve as an “early warning” system (particularly for subrecipients that have not been monitored recently). For example, such reports might mention major staffing changes that could indicate internal management difficulties.

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AOT Audits

AOT's Field Office staff or its OIG, or sometimes even GAO may audit subrecipients. These audits can be important to you in a different way if they conclude that there were serious deficiencies that you didn't know about or weren't concerned about. Obviously, in such instances you need to become directly involved in the process to help sort out the facts. If the deficiencies are proven to exist, you should take the lead in helping to solve these problems with the subrecipient.

SUMMARY

This chapter has described strategies and procedures that you can use to fulfill your regulatory responsibility to monitor your subrecipients. Effective monitoring depends on building a sense of partnership with subrecipients and securing a mutual commitment to solve problems and improve the delivery of services.

Monitoring can be time consuming. However, a consistent and thorough monitoring process will produce significant payoffs over time in terms of fewer subrecipient problems, improved performance, and greater compliance with program regulations.

NOTES:

SUMMARY OF MONITORING OBJECTIVES

1. To determine if a subrecipient is carrying out its community development program, and its individual activities, as described in the application for AOT assistance and the Subrecipient Agreement.
2. To determine if a subrecipient is carrying out its activities in a timely manner, in accordance with the schedule included in the Agreement.
3. To determine if a subrecipient is charging costs to the project that is eligible under applicable laws and AOT regulations and reasonable in light of the services or products delivered.
4. To determine if a subrecipient is conducting its activities with adequate control over program and financial performance, and in a way that minimizes opportunities for waste, mismanagement, fraud, and abuse.
5. To assess if the subrecipient has a continuing capacity to carry out the approved project, as well as future grants for which it may apply.
6. To identify potential problem areas and to assist the subrecipient in complying with applicable laws and regulations.
7. To assist subrecipients in resolving compliance problems through discussion, negotiation, and the provision of technical assistance and training.
8. To provide adequate follow-up measures to ensure that performance and compliance deficiencies are corrected by subrecipients, and not repeated.
9. To comply with the Federal monitoring requirements of 24 CFR 570.501(b) and with 24 CFR 84.51 and 85.40, as applicable.
10. To determine if any conflicts of interest exist in the operation of the AOT program, per 24 CFR 570.611.
11. To ensure that required records are maintained to demonstrate compliance with applicable regulations.

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AOT MONITORING REVIEW OF GRANTEE OVERSIGHT OF SUBRECIPIENTS

AOT Field Office staff from the Office Contract and Grants monitors AOT Grantees to review the adequacy of the grantee's management, monitoring, and oversight of its subrecipients as required by 24 CFR Part 85 and 24 CFR 570.501–503. The following outline provides a condensed list of the items covered in that review. **THE OUTLINE BELOW DOES NOT NECESSARILY COVER ALL THE AREAS YOU SHOULD ADDRESS IN YOUR SUBRECIPIENT MONITORING PROCESS, ONLY THE BASIC AREAS THAT AOT TYPICALLY REVIEWS WHEN MONITORING ENTITLEMENT COMMUNITIES.**

[NOTE: Items preceded by asterisk (*) are not related to statutory or regulatory requirements, but are only included to assist AOT reviewers in understanding a grantee's program, and/or to identify issues that if not properly addressed could result in deficient performance. Negative conclusions to items with an asterisk may result in a “concern” being raised, but not a “finding.”]

AREAS OF REVIEW

A. SUBRECIPIENT MANAGEMENT AND TRAINING SYSTEM

1. The grantee's management system for subrecipient oversight.
- *2. Efforts the grantee has made to assure its **subrecipients' understanding** of applicable AOT program requirements through technical assistance, training, and distribution of source materials (regulations, OMB Circulars, AOT Policies.
3. The grantee's process to ensure that subrecipients maintain adequate records that comply with program requirements, including record retention.
4. The grantee's process for handling audit reports required **OMB Circular A-133** and appropriate follow-up.
5. The grantee's procedures for identifying subrecipients as **“high risk”** (e.g., agencies not familiar with AOT regulations, with high staff turnover, or carrying out high-risk activities, etc.)
6. The grantee process to review subrecipients for evidence of **conflicts of interest**, involving grantee and subrecipient, or subrecipient and its contractors.

B. GRANTEE REVIEW OF SUBRECIPIENT'S INTERNAL CONTROLS

1. The grantee's system to assure that:
 - a. The subrecipients' **financial management systems** are in compliance with (as applicable): (a) **24 CFR 85.20(b)** [financial reporting, accounting records, internal control, budget control,

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allowable costs, source documentation, and cash management] or (b) **24 CFR 84.21–28** [disclosure of financial results; sources and uses of funds; control of funds, property, and other assets; comparison of actual with budgeted outlays; cash management; procedures for determining reasonableness, allowability and allocability of costs; figures supported with source documentation; examination with audits by qualified individuals and resolution of audit results].

- b. Time reporting/distribution records for subrecipient employees working on both

AOT and non-AOT activities are kept appropriately.

2. The grantee’s process to ensure subrecipient compliance with **procurement and/or subcontracting requirements** of **24 CFR 85.36** [governmental subrecipients] or **24 CFR 84. 40–48** [non-governmental subrecipients].

C. SUBRECIPIENT AGREEMENTS (§570.503)

1. Review a Sampling of Agreements for:

- a. Elements **required in §570.503 (b)**:

Statement of Work

Records and reports

Uniform administrative requirements

Other program requirements

- b. Adequacy of Statement of Work. Does it contain?

- 1) A description of the types and amount of work or products **in sufficient detail to permit effective monitoring by grantee;**
- 2) A schedule with a **deadline indicated for each major service or product** identified in the Statement of Work (**24 CFR 570.503(b)(1)**);
- 3) A specified period for which the agreement is in effect;
- 4) **Projected costs specified in sufficient detail** to provide a basis for comparing budgeted costs with actual costs of work (**24 CFR 570.503(b)(1)**);

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- c. Documentation **required** for payment of expenses sufficient to ensure that (1) payments are made **only for eligible** expenses, (2) expenses are **reasonable** in relation to actual performance, and (3) funds requested are **not in excess of immediate needs**;
 - d. Where **program income** is retained by subrecipient, the provisions to ensure that it is **used in accordance with AOT rules** (24 CFR 570.504(c)).
2. Analysis of Grantee-Subrecipient Agreement.
- a. Determine whether there is universal coverage for all subrecipients.
 - *b. The procedures for amendments.
 - c. Adequacy of subrecipient agreements – conclusion (i.e., are systemic changes necessary to comply with program requirements?).

D. ON-SITE MONITORING BY THE GRANTEE

- *1. The process for selecting subrecipients and activities for **on-site review** (e.g., dollar amount, nature of activity, program experience).
- *2. The **frequency** of grantee on-site monitoring.
- 3. Review on-site monitoring conducted during preceding 12 months:

Names of subrecipients

Dates monitored

Number and type of findings

Date(s) of monitoring letters

Dates when findings were resolved

Percentage of subrecipients monitored to the total number of subrecipients

- *4. Results of Monitoring.
 - a. Documentation for areas monitored, conclusions reached, and improvements or corrective actions necessary in the project file.
 - b. Adequacy of time for subrecipients' response.
 - c. Timeliness of grantee transmittal of monitoring results **communicated** to subrecipients.

d. **Corrective actions** and **dates for resolution** indicated.

- *5. Grantee's **internal procedures** for ensuring **quality** of monitoring efforts, including **documentation and intended actions**, and follow-through on promised actions.

G. ON-SITE REVIEW OF SELECTED SUBRECIPIENTS BY AOT

[For a sample of subrecipients selected by AOT for on-site monitoring, the AOT monitor records the subrecipient's name, program or activity, records/data reviewed, and concerns/findings identified by grantee.]

1. Did grantee monitor this subrecipient on-site? If so, when?
- *2. Are there **significant differences** between **actual and reported** performance?
3. Do any costs appear **clearly unreasonable**? Do any costs warrant **further review**?
- *4. Does there appear to be **adequate knowledge of AOT rules** and other applicable regulations among subrecipient staff to support regulatory compliance? **Areas of weakness**?
5. Did grantee's monitoring report **fail to find** something it should have? If so, what?

H. SUMMARY

Adequacy of monitoring causes of problems, actions recommended and positive observations.

CHECKLIST FOR ON-SITE MONITORING OF A SUBRECIPIENT

Subrecipient

Project Name/Agreement No.

Project Director

In-house review and general oversight conducted on _____

On-site monitoring visit(s) conducted on _____

Monitoring letter sent on _____

Follow-up monitoring visit conducted/letter sent on: _____

A. Conformance to the Subrecipient Agreement

1. Contract Scope of Services – Is the full scope of Performance Measurements listed in the Agreement being undertaken? List any deviation.
2. Levels of Accomplishments – Compare actual accomplishments at the point of monitoring with planned accomplishments. Is the project achieving the expected levels of Performance Measurements. Explain any problem the subrecipient may be experiencing. **Acknowledge major accomplishments.**
3. Time of Performance – Is the work being performed in a timely manner (i.e., meeting the schedule as shown in the Agreement)? Explain.
4. Budget – Compare actual expenditures versus planned expenditures. Note any discrepancies or possible deviations.
5. Requests for Payment – Are requests for payment being submitted in a timely manner and are they consistent with the level of work accomplished? Is program income properly accounted for and recorded? Explain.

C. Record-Keeping Systems (570.506)

Records should demonstrate that each activity undertaken meets the criteria for National Objectives compliance. Such records should be found in both the grantee's project file and the subrecipient file.

1. Filing System – Are the subrecipient's files orderly, comprehensive, secured for confidentiality where necessary, and up-to-date? Note any areas of deficiency.
2. Documentation (activities, costs and beneficiaries) – Do the HCD project file and subrecipient records have the necessary documentation supporting the National Objective being met, eligibility, and program costs as they relate to 570.506? Do the project files support the data the subrecipient has provided for the CAPER?
- 3 Record Retention – Is there a process for determining which records need to be retained and for how long?
4. Site Visit (where applicable) – Is the information revealed by a site visit consistent with the records maintained by the subrecipient and with data previously provided to the grantee? Explain any discrepancies.
 - a. Is the project manager located on-site and running the day-to-day operations? Does the staff seem fully informed about program requirements and project expectations? Explain.
 - b. Is the project accomplishing what it was designed to do? Explain any problems.

D. Financial Management Systems [85.20 (local governments) and 84.21–28 (non-profits)]

1. Systems for Internal Control – Are systems in compliance with accounting policies and procedures for cash, real and personal property, equipment and other assets (85.20(b)(3) and 84.20(b)(3))?
2. Components of a Financial Management System – Review the chart of accounts, journals, ledgers, reconciliation, data processing, and reporting system. Note any discrepancies.
3. Accounting – Compare the latest performance report, drawdown requests, bank records, payroll records, receipts/disbursements, etc. Note any discrepancies
4. Eligible, Allocable, and Reasonable Costs – See OMB Circulars A-87, A-122. Pay particular attention to the time distribution records where the subrecipient has employees who work on both AOT and non-AOT funded activities. Note any discrepancies.

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5. Cash Management/Drawdown Procedures – See Treasury Circular 1075, 85.20(b)(7), and 84.20. Has all cash been promptly drawn down and deposited? Are all drawdowns of Federal funds properly recorded? Note any discrepancies.

6. Audit Reports/Follow-up – (OMB Circular A-133) Determine if the subrecipient has expended \$750,000 or more in Federal funds for the subject program year.

Audit Required Yes___ No___ N/A___
Date Conducted_____

Any findings related to AOT activity? Status? Explain.

7. Maintenance of Source Documentation – (85.20(b) and 84.20(b)) Note any discrepancies in sample records, invoices, vouchers and time records traced through the system.

8. Budget Control – Do actual expenditures match the line item budget? Refer to 85.20(b)(4) and 84.20. Note any discrepancies.

E. Insurance

1. Has the subrecipient submitted a current copy of its Certificate of Insurance?

F. Procurement

1. Procurement Procedures – Do the procedures the subrecipient uses for procurement of goods and services meet AOT requirements? Review a sample number of procurements.

2. Conflict of Interest – How does the subrecipient assure there was no conflict of interest, real or apparent? Review the process and comment.

G. Conclusion and Follow-up

1. Is the subrecipient meeting the terms of the Subrecipient Agreement and AOT regulations? Discuss both positive conclusions and any weaknesses identified.

2. Identify any follow-up measures to be taken by the grantee and/or the subrecipient as a result of this monitoring review.

a. List the required schedule for implementing corrective actions or making improvements.

b. List the schedule for any needed technical assistance or training and identify who will provide the training.

Managing AOT
Grant Subrecipients
strategies

VTRANS- Monitoring

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AOT compliance with Davis-Bacon and related acts, Copeland Act, Contract Work
Hours and Safety Standards

Prevailing Wages (applicability) *24 CFR 570.603, Handbook 1344.1 Rev. 1*

Dissemination, Notices Posted *(same as above)*

Person in Charge of Labor Standards *(same as above)*

Documentation in Files *(same as above)*

Field Inspections/Payroll Review *(same as above)*

Contractor Eligibility *24 CFR 570.609*

EXAMPLE OF A GRANTEE MONITORING LETTER TO A SUBRECIPIENT

August 9, _____

Mr. John Brown
Executive Director
Midtown Community Development Corporation, Inc. (MCDC)
606 Main Street
Midtown, California xxxxx-xxxx

RE: Monitoring of MCDC's AOT Activities

Dear Mr. Brown:

On July 21 and 22, ____, Elaine Black and Joshua Green, Monitoring Specialists for the Midtown Office of Community Development, monitored the MCDC's AOT activities. The MCDC is a subrecipient of the City of Midtown, and is carrying out two AOT-funded programs: an economic development loan program and a housing rehabilitation loan and grant program. The economic development loan program provides financing for both existing and start-up businesses, and funds a variety of business needs such as real estate, equipment, inventory, leasehold improvements, and working capital. The housing rehabilitation program assists primarily owner-occupied, low- and moderate-income housing in the East End neighborhood.

The period under review was from July 1, ____ to June 30, _____. In addition to examining relevant files in the course of the review, the Monitoring Specialists met with you, the MCDC Finance Director (Jane White), and the MCDC program directors for the economic development and housing rehabilitation programs (Bill Blue and Yvonne Grey, respectively). The Monitoring Specialists also visited two assisted projects/cases for each program. An exit conference was held with you and your staff at the MCDC offices on July 22, ____, to discuss the results of the monitoring.

The purpose of a monitoring visit is to determine whether the subrecipient has implemented and administered AOT-funded activities according to applicable Federal requirements. In this monitoring review, particular attention was paid to compliance with eligibility and National Objective requirements. Other areas emphasized were financial management systems, procurement practices, compliance with civil rights requirements, and use of program income.

Overall, the MCDC is making diligent efforts to comply with applicable Federal requirements. The Monitoring Specialists found that the MCDC had achieved significant improvements in their financial management systems and management of program income. During the previous monitoring visit, these two areas had been the source of several serious findings regarding inadequate internal controls and failure to keep proper records on receipt and use of program income. The most recent review, however, revealed that the MCDC's systems and procedures in these areas are now satisfactory. In fact, the MCDC's new bookkeeping system for tracking and reporting on the use of program income, with its automated generation of monthly

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reconciliations and reports, is exemplary. This office will be recommending its adoption by several other subrecipients in our community.

The July ____ monitoring visit revealed, however, that some project files (cases number A-13, A-17, and A-18) lack the necessary documentation to demonstrate that a National Objective has been met through the creation of jobs, per 570.506(b)(5).

Corrective Action

MCDC must provide this office with documentation regarding the creation of jobs for loans number A-13, A-17, and A-18. The documentation should include an accounting of the actual number of full-time equivalent positions created, by title, and the number of positions filled by low- and moderate-income persons. For each low- and moderate-income person hired, MCDC must also identify the method it used to determine family income prior to the person's being hired, e.g., the Private Industry Council (PIC) referral or copies of the self-certifications. If a self-certification is used, it must be signed by the employee and clearly advise that the information may be subject to verification.

Secondly, for all future activities, MCDC must assure this office that a system is in place to maintain documentation for a National Objective for each provision of assistance to a for-profit business.

Lastly, we advised the MCDC staff to provide language in its written loan agreements that would impose consequences upon any business failing to demonstrate a good faith effort in hiring the necessary percentage of low- and moderate-income persons.

Concern Number 1 – Compliance with the escrow account requirements set forth in 24 CFR 570.511

The above referenced regulation sets forth four basic requirements for the use of escrow accounts:

1. The use of escrow accounts is limited to loans and grants for the rehabilitation of primarily residential properties containing no more than four units each.
2. An escrow account shall not be used unless the contract between the property owner and the contractor selected to do the rehabilitation work specifically provides that payment to the contractor shall be made through an escrow account.
3. All funds withdrawn under this section shall be deposited into one interest earning account with a financial institution.
4. The amount of funds deposited into an escrow account shall be limited to the amount expected to be disbursed within 10 working days from the date of deposit.

Although the MCDC housing rehabilitation program has been able to meet these requirements thus far, a proposed change in the structure, staffing level and

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procedures of the MCDC's Finance Office has raised some concerns about the continued ability of MCDC to achieve the 10-day standard for disbursement of escrow account funds.

Requested Action

We request that MCDC, within thirty (30) days of receipt of this letter, forward a detailed description of the proposed MCDC Finance Office re-organization that will reassure this office that there will continue to be a capacity to disburse escrow account funds within ten working days. We look forward to receiving your responses within thirty (30) days of receipt of this monitoring letter by MCDC. If there should be any reason why your organization would have difficulty responding by this deadline, please contact me immediately.

We should add that the findings from our review, in our view, do not reflect negatively on MCDC's staff and their dedication to ensuring the success of the referenced programs. As previously mentioned, this office's Monitoring Specialists saw ample evidence of significant improvements that have been made by MCDC over the last year in the operations of its two AOT-funded programs.

The Monitoring Specialists also appreciated the MCDC staff's continued assistance throughout the monitoring visits.

Sincerely,

Ilisa Aqua
Director
Midtown Office of
Community Development

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As a result of this most recent review, we are making two new findings and one concern regarding the use of AOT funds. A *finding* is defined as a program element that does not comply with a Federal statute or regulation, whereas a *concern* is either a potential finding or a program weakness that should be improved to avoid future problems. The findings and concern are detailed below:

Finding Number 1 – Public Benefit Requirements for Economic Development Loans

Section 570.203 of the AOT regulations provides that AOT funds may be used to assist a for-profit business, provided the grantee ensures that the appropriate level of public benefit will be derived before funds are obligated for that purpose. In the case of your economic development loan program, this means that a minimum number of full-time equivalent (FTE) jobs must be created or retained for each business assisted, in relation to the amount of AOT funds being provided to the business. Moreover, in order to ensure that the assistance provided does not unduly enrich the business, the subrecipient is expected to perform basic financial underwriting of each potential loan to determine that the amount of the contemplated financial assistance is not excessive, taking into account the actual needs of the business in making the project financially feasible. Therefore, a AOT grantee must review a subrecipient's files for documentation demonstrating that both of these requirements are being met.

The recent review revealed that at least some of MCDC's project files lack sufficient documentation to demonstrate that basic financial underwriting was conducted. Three loans were reviewed in our sample of the files: No-Pest Termite Control, Sportsworld, and New Day Bakery. The files contained financial statements from each business. However, other documentation was not found to indicate that a financial analysis was conducted and a determination made that the level of assistance provided was appropriate. There was also a lack of information that would demonstrate that the number of FTE jobs to be created by these businesses will meet the public benefit standards (i.e., that no more than \$35,000 per FTE job to be created was being provided to each business).

Corrective Action

MCDC must provide documentation to demonstrate that, for each of these loans listed above, a financial analysis was conducted and a determination made that the level of loan provided was appropriate given the circumstances, and that a determination was made that the public benefit limit mentioned above would be met, given the number of jobs expected to materialize. This documentation must be provided to the city of Midtown within thirty (30) days of the receipt of this letter. MCDC must also certify to this office that each of the remaining project loan files contains the documentation missing from these three case files. Lastly, for the next two loans, MCDC is requested to submit documentation supporting these two requirements (financial underwriting and public benefit) to our office for review in advance of loan approval.

Finding Number 2 – Program Benefit from Economic Development Loans

Section 570.200(a) of the AOT regulations requires that each activity assisted with AOT funds meet one of the three National Objectives. Each provision of assistance to a for-profit business is considered a separate activity; therefore, each business so assisted with AOT funds must meet a National Objective, and each loan file must contain relevant documentation to that effect. The MCDC has indicated that its economic development loans will meet the National Objective of principal benefit to low- and moderate-income persons through the creation of jobs for low- and moderate-income persons, and Section 570.506(b)(5) sets forth the requirements for documentation of

REVIEW OF AUDIT REPORTS

In reviewing audit reports, ask yourself the following questions:

- ***Does the audit accurately reflect program requirements and funding allocations, and the condition of subrecipient record-keeping systems?***

Verify Audits

There can be considerable variation in the quality of the work done by IPAs. Therefore, before you can use the information in an IPA audit, you must first decide whether the auditor's review was adequate. Check to make sure that:

- (1) the Audit is properly qualified;
- (2) the allocations, program periods, categories of expenses, and other data relative to the AOT program are consistent with your understanding of what the correct figures should be;
- (3) the audit reflects the compliance tests and reporting requirements specified in OMB Circular A-133; and
- (4) the audit report reflects any uncorrected deficiencies in the subrecipient's system that you already know about.

- ***Did the Audit gives an “unqualified” or “qualified” opinion?***

A “qualified” opinion may mean that the subrecipient's systems were so inadequate or its documentation so incomplete that the auditor could not offer its opinion with assurance. This is usually a sign of **serious** problems.

- ***Were there “repeat” findings?***

You should always be concerned if the subrecipient hasn't corrected findings from a previous audit.

- ***Were there any questioned costs?***

Sub-recipient Monitoring

Any town that receives \$750,000 or more in federal funding has to undergo an audit.

Along with these towns FEMA is going to select 5 small projects, 5 medium projects, and 5 large projects at random and those towns will undergo audits.

The Agency of Transportation is going around and meeting with all towns to make sure their finances meet compliance in case your town is randomly selected. After this meeting you as the applicant will receive a letter indicating our findings and we will make any recommendations to help your town/agency in the event it is selected for an audit.