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## Request for Exception to Conflict of Interest Requirement

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Upon written request by the local unit of government receiving CDBG funds (Grantee) through OCRA's Community Development Block Grant Program (CDBG), OCRA may grant on a case-by-case basis an exception to the conflict of interest provisions involving an employee, agent, consultant, officer or elected official or appointee of the Grantee. Exceptions may be granted provided the local unit of government fully documents the request in compliance with all requirements of paragraph 24 CFR 570.489(h)(4) including the Grantee's position with respect to each factor at paragraph (h)(5). All supporting documentation shall be attached and the request shall be made available for review by the public and HUD.

An exception may be granted after it is determined that such an exception will serve to further the purpose of the Act and the effective and efficient administration of the program or project of the state or unit of local government as appropriate.

An exception may be granted only after the local unit of government has provided the following:

1. The name, title, and classification of the person, and a brief description of the person's position as it relates to the CDBG-assisted project or contract award.

Name:

Title:

Classification:

Description of Persons position relative to the CDBG project:

2. A disclosure of the nature of the Conflict of Interest.

Nature of the Conflict:

3. Proof that the disclosure has been made public.

Proof of disclosure is attached.

Explain any comments from the public:

4. A legal opinion from the Grantee's attorney stating there would be no violation of state or local law if the exception were granted.

Legal opinion is attached.

In determining whether to grant an exception, OCRA will consider the cumulative effect of the following factors (24 CFR 570.489(h)(5)):

1. Will the exception provide a significant cost benefit or an essential degree of expertise to the project which would otherwise not be available?  
Explain How:
  
2. Was the opportunity for open competitive bidding or negotiation provided?  
Explain How:
  
3. Is the person a member of a group or class of low and moderate income persons intended to be the beneficiaries of the CDBG-assisted activity, and the exception would permit the person to receive generally the same interests or benefits as are being made available or provided to the group or class?  
Explain How:
  
4. Has the affected person withdrawn from his/her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question?  
Explain how, including date of withdrawal:
  
5. Was the interest or benefit present before the person was in their position as an employee, agent, consultant, officer or elected official of the grantee or sub-recipient of CDBG funds?  
Explain, giving dates:
  
6. Would undue hardship result either to the unit of general local government, recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict?  
Explain, be specific:

7. Are there any other relevant issues that OCRA should be aware of?  
Explain :

The Chief Elected Official of the local unit of government shall sign this request to be submitted to the Director of Grant Services.

\_\_\_\_\_  
Chief Elected Official

\_\_\_\_\_  
Date

For internal use only \_\_\_\_\_

Exception:     Granted     Denied

Reason for denial: \_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_

By:

\_\_\_\_\_  
Director, Grant Services

\_\_\_\_\_  
Date

\_\_\_\_\_  
General Counsel

\_\_\_\_\_  
Date