

Subrecipient Monitoring Plan and Procedures

Monitoring of subrecipients should not be a one-time event. To be an effective tool for avoiding problems and improving performance, monitoring must be an on-going process. The most successful strategy is one of establishing a monitoring plan at the beginning of the project. That plan should include a schedule for monitoring, documents and reporting to be reviewed, checklist of items to be reviewed through a monitoring visit, and issuance of a monitoring letter.

MONITORING SCHEDULE

The frequency and coverage of monitoring is highly dependent on the risk associated with a particular project, as measured by:

- Experience of the subrecipient with CDBG. Obviously, an organization which has never been exposed to CDBG requirements needs a lot more training and "handholding" than one which has years of experience (unless, of course, that experience has been consistently inadequate);
- Stability of the subrecipient's organization, particularly as measured by staff turnover;
- Previous experience with the execution of government-funded programs, particularly if there were previous compliance or performance problems; and
- Complexity of the project and/or activities. HUD views certain activities as "risky" by definition, especially housing rehabilitation and economic development. Complexity is an issue primarily to the extent that a project involves third and fourth parties (businesses, homeowners, financial institutions, etc.) in project execution.

The grantee should establish a monitoring schedule early on. The frequency should be based on the assessment of risk, noted above. There is no required frequency, except that there must be **at least one** formal monitoring during the life of the project. Other than risk assessment, the general rule of thumb is to schedule monitoring at the time when it can have the most beneficial impact...not too early (when there's nothing to look at), or too long after the fact (when resolution becomes more difficult). And, schedule visits at "logical" points in the process, when certain programmatic milestones are expected and/or payment is requested.

By establishing a schedule early in the process, the subrecipient does not have to "worry" about the prospect of "surprise" inspections. The certainty of a systematic evaluation process is established in a business-like manner.

MONITORING CHECKLISTS

The monitoring plan should specify which areas will be examined during the course of any given monitoring visit. At the same time, it should be clear what documents, processes, reports and files will be examined during any given visit. This list will vary, depending on the activities to be monitored.

To ensure that the proposed areas are covered adequately, as well as to promote thoroughness and consistency, it is helpful to use standardize monitoring checklists for on-site reviews. The grantee has several options in this regard:

Develop a checklist(s) specifically tailored to the project. In constructing this checklist, the grantee can "borrow" from checklists but the HCD Subrecipient Monitoring Checklist is recommended (see Attachment 11-2).

MONITORING VISIT

While there is no formal requirement as to how to conduct the monitoring visit, the following are suggested steps to make the process predictable, understood and well documented:

1. *Initiate the visit with a notification letter.* This serves as a reminder to the subrecipient of the upcoming visit, as well as the issues which will be examined.
2. *Conduct an entrance conference.* This reinforces the purpose of the visit and allows the subrecipient an opportunity to ask any questions, clarify the expectations and make any necessary arrangements for access to staff and files.
3. *Keep good notes.* Document any conversations with staff or reminders on issues to check later. Write it down rather than trust it to memory.
4. *Conduct an exit conference.* Give the subrecipient a summary of tentative conclusions. This provides an opportunity for clarifications, if appropriate, and cuts down on the prospect of big surprises in the formal monitoring letter. Take good notes on what was said, so that the letter isn't inconsistent with what transpired.

MONITORING LETTER

The grantee should prepare and send a formal monitoring letter. As a matter of good management practice, not to mention legal standing, formal feedback is crucial. This letter should be sent expeditiously; obviously the length of time it will take to prepare the letter is dependent on the complexities of the issues monitored and the extent of problems encountered. The letter should clearly identify any "Concerns" or "Findings" that must be addressed. See "Monitoring Follow Up" below.

Always require a response, addressing any concerns and outlining the steps to be taken to correct the problem. In the final analysis, these letters are the ultimate proof to HCD that the grantee is executing its formal monitoring responsibilities.

Other Sources: The grantee is not required to rely solely on monitoring visits to check subrecipient performance and progress. Annual required audits are a most appropriate source of information. The grantee can (and in some cases must) also require certain documentation beyond that necessary to support requests for drawdown of CDBG funds. This documentation can give the grantee periodic "snapshots" of progress or problems before they get too large. In addition, another effective tool is periodic informal site-visits (as opposed to the formal monitoring visit). Finally, the grantee can (and should) require review of periodic reports. The HCD Quarterly Progress reports can be used as a method to track the work of the subrecipient. The grantee can require submission and review of those reports by the subrecipient ahead of the due date to HCD.

FOLLOW-UP

The Monitoring Letter should identify problems that were found as a result of the entire monitoring process. Any "problem" should be classified as either a:

- **Concern**, a matter, which, if not properly addressed, can become a finding and can ultimately result in sanctions. Concerns are often used to point out operational or management problems, or patterns of performance which could lead to larger problems later, even if they are not evident at the time of monitoring; or
- **Finding (of noncompliance)**, a violation of law or regulation which **must** be remedied. A finding is always a condition of contract default and can result in an immediate sanction or threat of sanction if corrective action or cure (if appropriate and required) is not taken in a specified manner and/or timeframe. For each finding, the grantee must

determine if a corrective action, either to correct a past problem or to avoid further problems, must be taken by the subrecipient.

If a subrecipient is not in compliance with its contract with the grantee, the grantee may be in default of its agreement with HCD. The grantee should consult with its legal counsel where enforcement of the subrecipient contract is required.

Sanctions as a result of noncompliance can range from a warning, temporary suspension of payments, cancellation of the project, to a demand that all funds be returned. The rule of thumb in determining what level of sanction to impose is to "let the punishment fit the crime". For instance, it might be considered "overkill" to demand repayment of all CDBG funds for failure to submit the required audit on a timely basis. On the other hand, it would send the wrong signal to "reprimand" the subrecipient spending funds illegally.

Grantees should consult with HCD when they are uncertain as the appropriate level of sanction for noncompliance.