



TOWN OF DARTMOUTH

OFFICE OF THE DIRECTOR OF BUDGET & FINANCE & TREASURER

COMMUNITY PRESERVATION FUND APPROPRIATION PAYMENT, ACCOUNTING AND PROCUREMENT POLICY

Whereas, pursuant to Massachusetts General Laws Chapter 44B, §7 the authority to approve expenditures from the Town of Dartmouth's Community Preservation Fund is limited to the Dartmouth Town Meeting acting upon recommendation from the Dartmouth Community Preservation Committee; and

Whereas, once said appropriation has been approved by the Dartmouth Town Meeting, it is the responsibility of the Town Treasurer to pay such expenses in accordance with Chapter 41; and

Whereas, funds from the Community Preservation Fund may only be expended for certain allowed purposes pursuant to Massachusetts General Laws Chapter 44; and

Whereas, it is essential to the prudent and reasonable fiscal management of said Community Preservation Funds that this office promulgate a Policy governing the payment of Community Preservation Funds;

Now, Therefore, I, Gregory W. Barnes, Director of Budget and Finance and Treasurer for the Town of Dartmouth do hereby promulgate this Community Preservation Fund Appropriation Payment, Accounting and Procurement Policy (hereinafter the "Policy").

I. MUNICIPAL PROJECTS

- a. All goods and services for projects overseen by the Town of Dartmouth (hereinafter "Municipal Projects") and funded through the Dartmouth Community Preservation Fund shall be procured in accordance with the applicable provisions of the Uniform Procurement Act, as determined by the Chief Procurement Officer.
- b. All expenditures for goods and services for Municipal Projects funded through the Dartmouth Community Preservation Fund shall be made in accordance with the Town of Dartmouth warrant system and the applicable financial practices and policies of the Town of Dartmouth

II. NON-MUNICIPAL PROJECTS

a. Definitions

- i. Authorized Representative – the person duly authorized by the Grant Recipient to execute documents on behalf of the Grant Recipient.
- ii. Award Letter – the official notification to the Grant Recipient from the CPC informing the Grant Recipient that the Dartmouth Town Meeting has appropriated funding, in full or in part, as requested by the Grant Recipient.
- iii. CPC – the Town of Dartmouth Community Preservation Committee.
- iv. CPF - the Community Preservation Fund for the Town of Dartmouth.
- v. Disbursement – the issuance of funding from the CPF by the Dartmouth Town Treasurer, either in the form of a reimbursement to a Grant Recipient or a direct payment to a vendor.
- vi. Grant Agreement – an agreement executed by the Town of Dartmouth acting through the Dartmouth Community Preservation Committee and the Town of Dartmouth Treasurer, and a Grant Recipient setting forth the amount of funding the Grant Recipient is to receive from the CPF and the conditions under which said funding is to be expended by the Grant Recipient.
- vii. Grant Funds – funding from the CPF that has been appropriated by the Dartmouth Town Meeting and which a Grant Recipient may receive disbursement of pursuant to a valid Grant Agreement.
- viii. Grant Funds Disbursement Schedule – the exhibit attached to the Grant Agreement and incorporated therein which sets forth the dates and amount of disbursements of funds from the CPF to the Grant Recipient and the conditions therefor.
- ix. Grant Recipient – a non-municipal or quasi-municipal entity receiving funding from the Dartmouth Community Preservation Fund.
- x. Initial Disbursement – the first disbursement of Grant Funds to a Grant Recipient pursuant to the Grant Funds Disbursement Schedule.
- xi. Project – the activity for which the Grant recipient has received Grant Funds.
- xii. Project Closeout Reports - the report filed by the Grant Recipient as more fully described in Section 2(g) hereof.
- xiii. Project Manager – the person or entity designated by the Grant Recipient to oversee the implementation, progress and successful completion of the project for which the Grant Recipient has received Grant Funds.
- xiv. Project Status Report or “PSR” – the periodic report filed by the Grant Recipient as more fully described in Section 2(f) hereof.
- xv. Subsequent Request for Disbursement – a request for disbursement of Grant Funds, other than the Initial Disbursement or Final Disbursement.
- xvi. Town Accountant – the Town Accountant for the Town of Dartmouth.

b. Requirements For Disbursement of Funds

- i. Valid Award Letter
 1. No Grant Funds shall be disbursed to a Grant Recipient unless a valid Award Letter has been issued to the Grant Recipient and said letter has not been revoked.

ii. Valid Grant Agreement

1. No Grant Funds shall be disbursed to a Grant Recipient unless a valid Grant Agreement has been executed with the Recipient and said Agreement is not in default nor has been terminated.

c. Uniform Procurement Act Applicability

A Grant Recipient receiving funds from the CPF is actually receiving public funds and it is in the public interest of Town of Dartmouth that all public funds be expended in a cost effective, efficient and appropriate fashion, therefore it is the policy of the Town of Dartmouth that all expenditures of funds of that exceed \$10,000.00 from Community Preservation Act funded grants by Grant Recipients shall comply with the Procurement Guidelines as set forth in Exhibit "A", which is attached hereto and incorporated herein.

d. State Prevailing Wage Law Applicability

Since a Grant Recipient receiving Community Preservation Act funds is actually receiving public funds and since it is in the public interest of Town of Dartmouth that all public funds which are expended for wages be expended on wages that are fair, it is the policy of the Town of Dartmouth that all expenditures of funds for wages from Community Preservation Act funded grants by Grant Recipients shall comply with Massachusetts General Laws Chapter 149, §§ 26-27 (the Commonwealth of Massachusetts' State Prevailing Wage Law), unless they have been deemed to be exempt by the Executive Office of Labor and Workforce Development's Division of Occupational Safety's Prevailing Wage Program.

e. Grant Disbursement Procedures

i. Grant Funds Disbursement Schedule

1. Each Grant Agreement shall include a Grant Funds Disbursement Schedule.
2. All disbursements of Grant Funds pursuant to the Grant Agreement shall be in accordance with the Grant Funds Disbursement Schedule as set forth in said Grant Agreement.

ii. Initial Disbursement

1. A Grant Recipient may request an initial disbursement of no more than 25% of the Grant Funds. Such an Initial Disbursement must comply with all applicable provisions of this Policy.
2. An initial disbursement can only be made if it is allowed under the Grant Funds Disbursement Schedule as set forth in the Grant Agreement.

iii. Subsequent Request for Disbursement

1. Each Subsequent Request for Disbursement must be accompanied by a Project Status Report. The PSR is to be completed by the Project Manager and shall be signed by the Authorized Representative.

iv. Final Disbursement

1. At least 10% of the Grant Funds shall be retained as the Final Disbursement. Notwithstanding the previous sentence, the percentage of the holdback may be reduced to 5% upon the following conditions:
 - a. At least 80% of the disbursements under the Grant Agreement or Municipal Award have been made; and
 - b. The CPC has provided written notice to the Treasurer:
 - i. that it is the opinion of the CPC that all Project Status Reports have been filed in a timely manner and have substantially complied with the requirements of the Grant Agreement and this Policy regarding Project Status Reports; and
 - ii. that it is the opinion of the CPC that the reduction to 5% holdback will facilitate successful completion of the project while adequately insuring submission of the Project Closeout report in a timely and comprehensive fashion.
2. The Final Disbursement shall only be made upon determination by the CPC that the Grant Recipient has complied with all applicable terms of the Grant Agreement and determination of the Director of Budget & Finance that all previous disbursements have complied with the terms of the Policy.

f. Project Status Reports

- i. The Recipient shall submit a Project Status Report (hereinafter a “PSR”) to the CPC, with a copy to the Town Accountant with every Subsequent Request for Disbursement and at least every quarter from the Commencement Date of the Project to the Completion Date of the Project.
 1. Quarterly PSRs are due on the 1st of January, April, July and October.
- ii. Every Quarterly PSR shall contain the following:
 1. A narrative of the work that has been completed on the Project in the past quarter, the deliverables the work has produced, challenges that have been encountered in completing the Project and how those challenges have been overcome, and projected work and deliverables for the next quarter;
 2. Project Timeline setting forth the schedule for the Project, milestones for the successful completion of the Project and the percentage of completion;
 3. A copy of the Project’s Budget showing revenue and expenses through the date of the PSR and showing the percentage of the budget that has been received and expended through the date of the PSR;
 4. An Affidavit of the Authorized Representative of the Recipient that all information in the PSR is true and accurate.

iii. Each PSR accompanying a Subsequent Request for Disbursement shall contain the following:

1. A brief description of the work completed since the last PSR;
2. A brief description of the attached expenses documentation;
3. Expense documentation that reconciles with the disbursement amount requested.

iv. The form of the PSR for a particular project shall be approved by the CPC and the Town Accountant.

g. Project Closeout Report

i. Every Recipient of Grant Funds shall prepare and file a Project Closeout Report no later than 30 days after the Completion Date.

ii. Each Project Closeout Report shall contain the following information:

1. Narrative of the Project, including photographs where appropriate.
 - a. The Narrative should include the goals and aims of the project; the Community Preservation Act purpose that the Project sought to satisfy; the existing conditions prior to the implementation of the project; the current conditions relative to the Project purpose and how the implementation of the project contributed to the current conditions.
2. A timeline setting forth the Project Schedule and indicating when project milestones were achieved.
3. A detailed accounting of all matching grants which the Project received and how those matching grants were expended.
4. A detailed accounting of all CPC funded grants the project received.
5. A detailed accounting of all expenses paid or reimbursed by CPC funded grants.
 - a. This detailed accounting must include photocopies of all invoices, bills, or receipts of expenses paid or reimbursed by CPC granted funds.
6. Copies of all Project Status Reports submitted for the Project.
7. An Affidavit of the Authorized Representative of the Recipient that all information in the Project Closeout Report is true and accurate.

iii. All Original Project Closeout Reports shall be retained by the CPC and a copy retained by the Town Accountant for at least three (3) years.

h. Recapture Provisions

i. Failure to comply with the provisions of this Policy or the terms of the Grant Agreement shall result in a total forfeiture of remaining Grant Funds which have not yet been disbursed to the Grant Recipient.

ii. If the Recipient fails to comply with the provisions of this Policy or the terms of the Grant Agreement the Town, upon the recommendation of the CPC,

may require the Grant Recipient to repay all previously disbursed Grant Funds.

1. If the Town incurs any legal fees or court costs as a result of the Recipient's failure to repay Grant Funds, then the Grant Recipient shall be responsible for payment of all such reasonable legal fees and court costs.

III. AMENDMENT OF POLICY

This Policy may be amended by the Director of Budget and Finance by promulgation of amendments or a new policy. Any such amendment shall not apply to previously disbursed Grant Funds, but will apply to all future disbursements of Grant Funds. Copies of any amendments or changes to this Policy shall be provided to all Recipients.

IV. EFFECTIVE DATE - This Policy shall be effective as of July 1, 2010.

Revised 2/3/10

Revised 6/30/10

**EXHIBIT “A”
PROCUREMENT GUIDELINES**

The following procurement requirements are for all non-municipal community preservation grant recipients. These requirements pertain to all contracts, other than real property transactions. All municipal contracts are subject to Chapter 30B and must be approved by the Town's Chief Procurement Officer.

These bidding procedures are intended to award contracts to a responsive and responsible bidder who offers the best price. Your objective is to obtain the best value by establishing evaluation criteria that will ensure you obtain the quality from a bidder who will perform as you require.

Estimated Contract Cost	Under \$5,000.00	\$5,000.00 to \$24,999.00	\$25,000 and over
Procurement Procedure	Sound business practices	Solicit three written or oral quotes	Sealed bids or proposals (M.G.L. c 30B, §§5 or 6)
Advertising Required	No	No	Advertise once in a newspaper of general circulation at least two weeks before bids or proposals are due, and post a notice at Dartmouth Town Clerk’s office for two weeks before bids or proposal are due. If \$100,000 or more, advertise once in <i>Goods & Services Bulletin</i>
Award contract to	Responsible person offering a competitive price	Responsible person offering the lowest price	Under §5, the responsive band responsible bidder offering the lowest price. Under §6, the most advantageous proposal from a responsive and responsible proposer taking into consideration price and evaluation criteria
Written Contract	No	Yes	Yes
Maximum Contract Term	Three years, unless specific majority vote from Board of Directors or Trustees authorizes longer.	Three years, unless specific majority vote from Board of Directors or Trustees authorizes longer.	Three years, unless specific majority vote from Board of Directors or Trustees authorizes longer.

- “Sound Business Practices” are defined as periodically checking price lists or seeking price quotes to ensure that you are receiving a competitive price for the supply or service.
- Real Property Acquisitions are exempt from the provisions of the Uniform Procurement Act pursuant to the terms of the Community Preservation Act.

- M.G.L. Chapter 30B, §2 defines a responsible bidder or offeror as “a person who has submitted a bid or proposal which conforms in all respects to the invitation to bid or request for proposals.
- If a particular service or contract has been exempted from the provisions of Chapter 30B, it shall also be exempted from this guideline.
- Recipients are encouraged to visit the Massachusetts Inspector General’s website at <http://www.mass.gov/ig> for further procedures and forms to assist them in complying with this guideline.

EXHIBIT "B"
PROJECT STATUS REPORTS

1. Each Request for Disbursement must be accompanied by a Project Status Report (PSR). The PSR is to be completed by the person who has been designated by the Recipient receiving Dartmouth CPA Funds in the Grant Agreement as the Project Manager and shall be signed by the Applicant's Authorized Representative and Dartmouth Town Accountant
2. A Cover Invoice, *from the Recipient to CPC* on **the Recipient's letterhead**, must be attached under the Project Status Report and over the other supporting documents. This Cover Invoice should include a line by line listing of the attached invoices (from vendors that the Recipient seeks to pay) and listed in the exact same order as the attached substantiating invoices.
3. If an invoice has already been paid by the Recipient and the Recipient is requesting *reimbursement*, please have either a copy of the cancelled check attached to that invoice or a PAID stamp and an authorized signature on that invoice, so that Town is aware that the disbursement is to reimburse the Recipient, rather than to pay the vendor.
4. Be sure to check invoice dates – are they within the fiscal period the money was approved for allocation? Was this invoice previously submitted for payment at an earlier time? Are charges for services or products appropriate for this project? If invoices contain items for both project and non-project related items, the invoice should be highlighted to easily reference the items that are project related. Invoices incurred before the date of the Town Meeting at which the appropriation for the grant to the Recipient was approved, are not eligible for reimbursement or payment.
5. If payments are for contracted services, a copy of the signed contract must be on file with the CPC. Additionally, a detailed report of billable hours (if applicable) must be provided.
6. If charges are for newspaper ads, a tear sheet must be provided. If this is not available, then a copy of the advertisement.
7. If charges are for travel, receipts are required (tickets, parking vouchers, food) as well as documentation regarding reason for travel (i.e. program, agenda, registration form).
8. State Law prohibits reimbursement for sales tax or for tips and gratuities. Please adjust invoices appropriately to reflect this.
9. Please DO NOT STAPLE or PAPERCLIP anything in the Request for Funds packet. Whenever possible make sure copies are on 8-½ x 11 paper (i.e. a copy of a cancelled check for a bank statement should be copied onto a standard sheet of paper, not cut out and attached as is).

10. Requests for Disbursement will be reviewed by the Town Accountant to insure that all supporting documentation is submitted. If the Request for Disbursement is complete and accurate, the Director of Budget & Finance will then review the Grant Funds Disbursement Schedule and approve the Request for Disbursement accordingly.
11. Completed Requests for Disbursement must be at the Treasurer's Office by no later than 1 week before the requested Disbursement Date.