**Section 3025.70 Program Compliance Requirements**

a) Any property acquired or developed through assistance from the Illinois OSLAD grant program must be open to the public for outdoor recreation use as set forth in this Part without regard to race or color, creed, national origin, sex or disability nor on the basis of residence except to the extent that reasonable differences in user fees may be imposed amounting to no more than double the fees charged to residents. Land acquired with funding assistance from the OSLAD program shall be operated and maintained in perpetuity for public outdoor recreation use. Projects receiving development grant assistance only shall be bound by the terms of this Part for the period of time specified below for the total amount of OSLAD funds expended on the project:

|  |  |  |
| --- | --- | --- |
| Total Grant Expenditure |  | Time Period after Final Grant Payment |
| $0-$50,000 |  | 6 years |
| for every $25,000 increment over $50,000 |  | add 1 year |

Property acquired or developed with OSLAD funds may not be converted to a use other than public outdoor recreation use as provided in this Part without prior Department approval. Approval for property conversion will be granted only if the project sponsor substitutes replacement property of at least equal fair market value and comparable outdoor recreation usefulness, quality and location.

b) For projects receiving acquisition assistance, an appraisal must be provided by the sponsoring agency and submitted to the Department for review and certification to establish the property's fair market value. The appraisal must be completed to Department specifications.

c) For projects receiving development assistance, the sponsoring agency must possess either fee simple title or other means of legal control and tenure (easement, lease, etc.) over the property being improved for a period of time commensurate with the program amortization schedule shown in subsection (a), unless otherwise approved by the Department. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the local unit of government prohibit such arrangements. The sponsor must also adhere to applicable local bidding and procurement requirements and make available to the Department, upon request, all working plans, specifications, contract documents and cost estimates for review prior to commencing work. The format for any advertisement or prospectus soliciting and inviting bids, indicating dates of same, must also be presented, upon request, to the Department for review prior to publication.

d) The local project sponsor is required to enter into an agreement with the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant assistance amount and program compliance regulations.

e) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant assistance is sought, as well as required billing documentation, as follows:

1) Acquisition Project: Proof of good faith negotiations or fair market value offer to land seller, copy of property deed and title insurance policy (Judgement Order in case of condemnation) showing ownership transferred to the local project sponsor, and copies of canceled checks showing proof of payment to seller.

2) Development Projects: Copy of construction As-Built drawings (no larger than 11" x 17") and verification of actual project costs.

f) All financial records on approved projects must be maintained and retained, in accordance with State laws, by the project sponsor for possible State audit after final reimbursement payment is made by the Department.

g) The sponsoring agency must permanently post an OSLAD grant acknowledgment sign at the project site. The necessary sign will be provided by the Department or specifications for its construction will be furnished to the local project sponsor, if requested.

h) Projects assisted with OSLAD grant funds shall be implemented in accordance with all applicable federal, State and local laws, ordinances and regulations relating to public agency expenditure of funds for public works projects.

i) It shall be understood by the project sponsor that a Department representative may make periodic inspections of the project as construction progresses and that a final inspection and acceptance of the completed project must be made by a representative or agent of the Department prior to final payment of grant reimbursement to the local sponsoring agency.

j) The sponsoring agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of OSLAD-assisted facilities.

k) In connection with and prior to the construction, and the subsequent operation and maintenance, of OSLAD-assisted facilities, it shall be understood that the project sponsor is responsible for obtaining any and all necessary construction permits, licenses or forms of consent, as required by law. Failure to obtain any required permits may jeopardize approved grant funding.

l) The sponsoring agency must comply with and abide by the following operation and maintenance provisions:

1) All lands and facilities assisted with OSLAD funds shall be continuously operated and maintained by the sponsoring agency in a safe and attractive manner at no cost to the Department and be operated and utilized in such a manner as to maximize the intended benefits to and for the public.

2) The Department shall have access to OSLAD-assisted facilities at all times for inspection purposes to ensure the project sponsor's continued compliance with this Part.

3) The sponsoring agency may enter into a contract or agreement with responsible concessionaires to operate and/or construct facilities, for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring agency for enjoyable and convenient use of the OSLAD-assisted site. Any and all concession revenue in excess of the costs of operation and maintenance of the OSLAD lands and/or facilities shall be used for the improvement of said lands or facilities or similar nearby public facilities. All sub-leases or licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the OSLAD facility for benefit of the public shall be submitted to the Department, upon request, for its approval prior to the sub-lease or license being entered into or granted by the sponsoring agency.

m) Conflict of Interests

1) No official or employee of the local political subdivision who is authorized in his official capacity to negotiate, make, accept, or approve or to take part in such decisions regarding a contract or subcontract in connection with an approved OSLAD grant project shall have any financial or other personal interest in any such contract or subcontract.

2) No person performing services for the local political subdivision in connection with an approved OSLAD grant project shall have a financial or other personal interest other than his employment or retention by that local political subdivision in any contract or subcontract in connection with an approved OSLAD grant project. No officer or employee of such person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved OSLAD grant project unless such interest is openly disclosed upon the public records of the local political subdivision and such officer, employee or person has not participated in the acquisition for or on behalf of the local political subdivision.

n) The project sponsor certifies that it provides a drug free workplace and related employee assistance as defined and required by the Drug Free Workplace Act [30 ILCS 105/16].

o) Pursuant to 775 ILCS 5/2-105(A)(4), the project sponsor certifies that it has a written sexual harassment policy that includes, at a minimum, the following information:

1) the illegality of sexual harassment;

2) the definition of sexual harassment under State law;

3) a description of sexual harassment utilizing examples;

4) the contractor's internal complaint process, including penalties;

5) the legal recourse, investigation and complaint process available through the Illinois Department of Human Rights and the Human Rights Commission and directions on how to contact both; and

6) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act [775 ILCS 5/6-101]. A copy of the policy shall be provided to the Department of Human Rights upon request.

p) Program Violations and Project Termination

1) The State will unilaterally rescind project agreements at any time prior to the commencement of the project in the event that State funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified or amended only by mutual agreement with the local political subdivision. A project shall be deemed to be commenced when the local political subdivision makes any expenditure or incurs any obligation, exclusive of architectural and engineering fees, with respect to the project.

2) Failure by the local sponsoring agency to comply with any of the program terms listed in this Section shall be cause for the suspension of all grant assistance obligations, unless, in the judgment of the Department, such failure was due to no fault of the local sponsoring agency (e.g., statutory changes, acts of God).

(Source: Amended at 39 Ill. Reg. 1145, effective December 31, 2014)