



**NEIGHBORHOOD  
SERVICES  
DEPARTMENT**

*To Preserve, Enhance & Engage Phoenix Neighborhoods*



## **Community Development Block Grant (CDBG)**

**2023-2024 Public Facility Grant Program**

**Notice of Funding Opportunity (NOFO)**

**NSD-NOFO-22-008**

**NOFO INSTRUCTIONS**

NOFO Available: 5pm local time Friday, November 4, 2022

NOFO Due: 5pm local time Tuesday, December 20, 2022

Neighborhood Services Department  
Administrative Services Division  
200 W. Washington St., 4th Floor  
Phoenix, Arizona 85003

**Contact:** Christina Edwards, Management Assistant II, [nsd.procurement@phoenix.gov](mailto:nsd.procurement@phoenix.gov)

**To receive the NOFO guidelines in alternative print/audio formats, contact the  
Neighborhood Services Department ADA Liaison, 200 W. Washington St., 4<sup>th</sup> Floor,  
Phoenix, AZ 85003**

**Voice number 602-534-4444 | TTY 800-367-8939**

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# SECTION 1 – PUBLIC FACILITY GRANT PROGRAM NOTICE OF FUNDING OPPORTUNITY (NOFO)

**Maximum Request = \$150,000**

## **PUBLIC FACILITY GRANT PROGRAM FOR NON-PROFIT ORGANIZATIONS**

Notice is hereby given to qualified applicants that the City of Phoenix Neighborhood Services Department is accepting applications for Community Development Block Grant (CDBG) funding, authorized by the U.S. Department of Housing and Urban Development (HUD). This Notice of Funding Opportunity (NOFO) process is designed to focus on funding new public facility projects that establish or expand the organization's capacity to provide programs and services to low- and moderate-income Phoenix residents.

The proposed Public Facility grants will support the needs of low- and moderate-income Phoenix residents. The purpose of the funding through this NOFO is to provide non-profit organizations that serve low- and moderate-income communities in Phoenix with funding to deliver critical programs and services.

### 1.1 PROGRAM BACKGROUND AND DESCRIPTION

The City of Phoenix, Neighborhood Services Department (NSD), which administers the city's HUD CDBG program, is issuing this NOFO utilizing CDBG funds. The CDBG program provides annual grants on a formula basis to entitlement cities and communities.

The mission of the CDBG program is to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, primarily for low- and moderate-income individuals. CDBG funds must be used for programs that meet the National Low- and Moderate-Income Objective and the eligible activity criteria. Projects that fail to meet the applicable tests will not be considered for funding.

For this NOFO, only one (1) Public Facility application may be submitted, per organization. Multiple application submissions from the same organization, under a different entity or subsidiary will not be accepted.

### 1.2 ELIGIBLE APPLICANTS

**Non-profit Organizations** – Applicants must be an established non-profit providing programs and services to low- and moderate-income Phoenix residents. In addition to being an incorporated nonprofit organization, **Public and Charter School** applicants must be located in, and contribute to, revitalization strategies in one of the city's targeted areas, or the student population must primarily reside in a targeted neighborhood. **Faith-Based Organization** applicants may not use CDBG funds to support religious activities. Faith-based organizations that participate in the CDBG program shall not discriminate against a program beneficiary based on religion or religious beliefs.

At the time of application submission (December 20, 2022), organizations must have a Unique Entity Identifier (UEI) number, provide proof of System for Award Management (SAM.gov) registration or provide proof they have initiated SAM.gov registration, be eligible to do business in Arizona and be in good standing.

## **ELIGIBLE COSTS AND EXPENSES**

Eligible costs may include but are not limited to, construction (site improvements, labor, materials, equipment, fees and permits), and land (acquisition, legal services, or real estate services). Note: Davis Bacon Wage requirements apply and may affect construction/rehabilitation project costs. Any purchases being requested for reimbursement must follow applicable federal procurement requirements. A full list of eligible expenses can be found in 2 Code of Federal Regulations (CFR) Part 200 and Title 24 CFR Part 570. All budgeted costs must be reflected on the application budget form and cannot exceed the total requested amount (**maximum request is \$150,000**).

## **INELIGIBLE ACTIVITIES AND EXPENSES**

- Construction or rehabilitation of housing units or administrative offices
- Equipment, fixtures, motor vehicles, furnishings, or other personal property, not an integral structural fixture or essential and necessary for use in connection with the facility's service purpose, are generally ineligible.
- Services that do not primarily serve Phoenix residents
- Services that do not primarily serve low- and moderate-income persons
- Political activities
- Religious activities
- Income payments
- Stipends
- Marketing
- Fundraising
- Gifts/Awards/Scholarships
- Projects/services that promote religion
- Payment of debt or pre-project expenses (any costs incurred prior to entering into contract)
- Operation or maintenance costs
- Entertainment, furnishings, and personal property purchases

### **1.3 ELIGIBLE PUBLIC FACILITY ACTIVITIES**

Eligible Public Facility activities include acquisition, construction, rehabilitation, or Americans with Disabilities Act (ADA) improvements to nonprofit owned public facilities. Examples of Public Facilities include senior and youth centers, domestic violence shelters (common areas; non-housing improvements), neighborhood facilities, and childcare centers. The Public Facility category does not include housing facility projects. Organizations seeking assistance for housing facility projects will be referred to other available programs. Projects addressing building maintenance or enhancements to the facility's infrastructure resulting in an indirect impact to services **will not** be considered.

As part of HUD funding requirements, applications must meet the low- and moderate-income CDBG National Objective, Limited Clientele (LMI). Eligible applicants must be an established, incorporated non-profit organization, in good standing with the State of Arizona, that primarily serve low- and moderate-income Phoenix residents. "Primarily" is defined as serving more than 51% low- and moderate-income Phoenix residents. Funds may not be used for religious or political purposes. Applications that fail to meet the applicable tests **will not** be considered for funding.

Application submissions must demonstrate the following:

- For 2023-24, the maximum CDBG request is \$150,000 and the minimum CDBG request is \$75,000. A minimum 30 percent match of the total project cost is required (e.g., a project application requesting \$75,000 of CDBG Public Facility funding would include 30 percent matching funds of \$32,200 for a total project cost of \$107,200).
- Projects must be “shovel” ready – all planning and design, including scopes of work, architecture/engineering, and permitting, must be at an advanced stage and ready to bid to general contractors. This means if the project is funded, the organization will be ready to commence the CDBG project process, including environmental clearance, competitive bidding and contracting by **July 1, 2023**. Additionally, agencies must meet all zoning and use requirements for project scope.
- The organization has secured funding to proceed with the project without CDBG funds.
- The services provided at the facility are offered to low- and moderate-income Phoenix residents. Demographic and Area Median Income information must be collected by the organization and reported to the U.S. Department of Housing and Urban Development via the City of Phoenix.
- Organizations are required to pay for all project related soft costs, or design, insurance and permits. CDBG funds are to be applied to the hard construction costs related to the project. Engineering and architectural services (pre-design/soft costs) where the actual construction will commence in future years cannot be considered for funding.

Successful applicants must demonstrate cost reasonableness and be responsive to the needs of the community. Applications will be reviewed for completeness and compliance with federal, state, and local regulations.

### **SPECIAL TERMS AND CONDITIONS**

1. Applicants must be an established non-profit organization, eligible to do business in the State of Arizona.
2. Projects must serve low- and moderate-income Phoenix residents.
3. The city requires \$2 million aggregate insurance coverage. In construction or renovation contracts, the agency is responsible for insuring against direct physical damage to the construction project as well as to construction materials stored at the construction site. Therefore, in addition to the required liability and workers' compensation insurance, the City also requires the agency to provide evidence of property insurance, builders risk and other required coverages to protect the project site against damage while under construction.
4. Fingerprinting is required for funded staff and contractors working with vulnerable populations (i.e., children, the elderly or vulnerable adults).
5. Congress created the CDBG program and federal regulations apply. Funded organizations will be required to comply with all federal regulations associated with the funding and will be required to submit documents demonstrating administrative and financial capacity to manage a CDBG program.
6. Applications are reviewed through a competitive process.

7. Funded project records are subject to review by the City of Phoenix and HUD.
8. Affirmative action and nondiscrimination employment practices and ADA requirements apply; a Drug Free Workplace is required.
9. Organizations are responsible for Workers' Compensation benefits, or claims by employees, and must indemnify and hold the city harmless against any and all claims.
10. Funded organizations cannot be indebted to the IRS or any public entity nor have judgments or liens.
11. CDBG programs must comply with state and city licenses, zoning, permit and other related requirements.
12. Funded organizations must have a UEI number and provide proof they've initiated registration with SAM.gov prior to the NOFO application submission date (December 20, 2022). These can be obtained for free but can be a lengthy process. Contact the System for Award Management (SAM) at [www.sam.gov](http://www.sam.gov). Organizations **must** be registered with SAM.gov prior to contracting with the City of Phoenix.
13. Organizations must not be party to any criminal activity or investigation. If funded, organizations are responsible to disclose any inappropriate and/or criminal activity that occurs during the NOFO evaluation process and/or during the contract period.
14. Funds must be expended by **June 30, 2024**. Grant funds will be administered on a reimbursement basis only, after submission of accurate invoices and required source documentation.
15. Project expenses incurred prior to City Council approval, environmental review, and execution of the CDBG contract are ineligible for reimbursement.
16. Work to be performed under the project is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u ("Section 3").

#### 1.4 DELIVERY OF APPLICATION

Handwritten applications will not be accepted. **Applications are requested to be submitted in one (1) Portable Document Format (PDF) document and submitted in one (1) email.** The contents of the **one PDF** must include the completed NOFO Application/Budget forms project and/or site photos, design plan(s) (if applicable), a signed project commitment letter for matching funds, and all signed addendum(s).

Applications must be submitted electronically to the Neighborhood Services Department, at [nsd.procurement@phoenix.gov](mailto:nsd.procurement@phoenix.gov) on **Tuesday, December 20, 2022, no later than 5pm local time**. Enter the solicitation number on the subject line of the email (i.e., NSD-NOFO-22-008) when submitting your application. Applications will only be accepted through the Procurement email mailbox and will not be accepted through any other transmission format (postal, hand-delivered, etc.). Contact Christina Edwards at [nsd.procurement@phoenix.gov](mailto:nsd.procurement@phoenix.gov) if your PDF document exceeds the mail server's size limit, and your email cannot be sent.

Applications received **after the deadline of 5pm (local time), Tuesday, December 20, 2022**, will not be accepted regardless of the reason. Applicants are strongly encouraged to submit their applications early and request a "delivery and read receipt" notification.

## 1.5 RESPONSIVE APPLICATIONS

Applications must meet all the material requirements of the NOFO. Only those applications determined to be responsive will be evaluated and scored by the Community Development (CD) Review Committee in accordance with the NOFO evaluation criteria set forth in Section 2.3. Exceptions, conditions, reservations, or understandings are presumed to be unacceptable, and an application that includes unacceptable exceptions, conditions, reservations, or understandings may be rejected as nonresponsive. Alternatively, the City in its sole discretion may instruct in writing that any Applicant remove the conditions, exceptions, reservations, or understandings. If the Applicant fails to do so in writing, the City may determine the Offer to be nonresponsive. The CD Review Committee makes funding recommendations to the Phoenix City Council. Applications are reviewed and scored based on the application contents and additional documents submitted for consideration. The order in which applications are received in the email inbox is not an evaluation factor the CD Review Committee uses when scoring applications. The highest scoring applications will be recommended for funding.

## 1.6 NON-RESPONSIVE APPLICATIONS

Applications deemed non-responsive, or ineligible will not be evaluated or considered for award. Examples of non-responsive Applications include:

- Applications that do not meet the CDBG requirements and regulations.
- Applications that do not meet the HUD National Objective.
- Applications that are not eligible or do not conform to the NOFO instructions.
- Applications that do not include all the required forms (application/budget project/site photos, design plans, commitment letter, and signed addendums).
- Applications that do not include matching funds.

Applications submitted by an organization, which do not have valid certifications and/or licenses required by state, federal or local law or regulations to perform the service requested at the time of the submittal or are not incorporated in the state of Arizona at the time of the application submission date, will be deemed nonresponsive and will not be evaluated or considered for award.

## 1.7 QUESTIONS/INQUIRIES

Questions or inquiries that arise relating to this NOFO should be presented in writing and directed via email to Christina Edwards, Management Assistant II, at [nsd.procurement@phoenix.gov](mailto:nsd.procurement@phoenix.gov). **The last day to submit questions is 3pm (local time) Friday, December 2, 2022.** Questions received after the deadline will not be considered. Responses to written questions or inquiries will be posted in an addendum on the solicitation website (<https://solicitations.phoenix.gov>) by 3pm (local time) on Tuesday, December 6, 2022.

Technical assistance is provided throughout the NOFO process. To request technical assistance email [nsd.procurement@phoenix.gov](mailto:nsd.procurement@phoenix.gov). Technical assistance communication will only provide applicants with minor clarifications that will be immaterial to the NOFO, Application Instructions, or Application Form. City staff will accommodate requests for Technical Assistance meetings as needed. Receiving technical assistance is not a guarantee of award funding.

## **NOFO ORIENTATION SESSION**

All interested applicants must attend the 2023-24 CDBG NOFO Orientation Session **on Wednesday, November 16, 2022, from 11:00a.m. – 12:00p.m., via Cisco WebEx**. NSD staff will provide an overview of the NOFO process and answer any NOFO related questions to help organizations develop a viable application. **This orientation is mandatory**. To access the orientation, click the link below.

<https://cityofphoenix.webex.com/cityofphoenix/onstage/g.php?MTID=e8c4c9676201010c177d03040a971a176>

*Attendance at the orientation session is required in order to be deemed eligible to submit an application. An agency that does not attend the mandatory orientation session for good cause may be permitted to view a recording of the session. City staff will make the final eligibility determination.*

## **1.8 WEBSITE / STAFF CONTACTS**

Interested applicants may download the complete NOFO from <https://solicitations.phoenix.gov>. Any interested applicants without internet access may obtain this solicitation by contacting the Procurement Officer or picking up a copy **by appointment only** at the **City of Phoenix Neighborhood Services Department, 200 W. Washington St. 4<sup>th</sup> Floor, Phoenix, AZ 85003**. To make an appointment contact **Christina Edwards, Management Assistant II** [nsd.procurement@phoenix.gov](mailto:nsd.procurement@phoenix.gov).

It is the applicant's responsibility to check the website, read the entire solicitation, and verify all required information is submitted with their offer.

## **1.9 SOLICITATION TRANSPARENCY POLICY**

Beginning on the date the solicitation is issued and until the date the contract is awarded or the solicitation withdrawn, all persons or entities that respond to the solicitation for the Community Development Block Grant, (CDBG) Notice of Funding Opportunity (NOFO), including their employees, agents, representatives, proposed partner(s), subcontractor(s), joint venture(s), member(s), or any of their lobbyists or attorneys, (collectively, the Applicant) will refrain, from any direct or indirect contact with any person (other than the designated contracting officer) who may play a part in the selection process, including members of the City Manager, Assistant City Managers, Deputy City Managers, Department Heads, the Mayor and other members of the Phoenix City Council. If the solicitation is not discussed, Applicants may continue to conduct business with the city and discuss business that is unrelated to the solicitation with the city staff.

Applicants may discuss their application or the solicitation with the Mayor or one or more members of the Phoenix City Council, **provided such meetings are scheduled through NSD staff**, conducted by phone or virtually, and are posted as open meetings with the City Clerk at least twenty-four (24) hours prior to the scheduled meetings. The City Clerk will be responsible for posting the meetings. The posted notice shall identify the participants and the subject matter, as well as invite the public to participate.



With respect to the selection of the successful Applicant, the City Manager and/or City Manager's Office will continue the past practice of exerting no undue influence on the process. In all solicitations of bids and Applications, any direction on the selection from the City Manager and/or City Manager's Office and Department Head (or representative) to the Application review panel or selecting authority must be provided in writing to all prospective Applicants.

This policy is intended to create a level playing field for all Applicants, assure that contracts are awarded in public and protect the integrity of the selection process. **APPLICANTS THAT VIOLATE THIS POLICY SHALL BE DISQUALIFIED.**

### 1.10 DISCUSSIONS

The Neighborhood Services Department staff reserves the right to conduct discussions with applicants for the purpose of eliminating minor irregularities, informalities, or apparent clerical mistakes in the application to clarify an offer and assure full understanding of the organization application.

### 1.11 APPLICATION WITHDRAWAL

An organization may withdraw an application by submitting a letter **via email** addressed to the Neighborhood Services Department, Administrative Services Division, Attention: Christina Edwards, 200 W. Washington St., 4<sup>th</sup> Floor, Phoenix, AZ, 85003. The email address is [nsd.procurement@phoenix.gov](mailto:nsd.procurement@phoenix.gov). **The notice must be on agency letterhead, signed and submitted as a PDF document.**

### 1.12 CONFIDENTIAL INFORMATION

The City of Phoenix is obligated to abide by all public information laws. If an Applicant believes that a specific section of its Application is confidential, **the Applicant shall isolate the pages marked confidential in a specific and clearly labeled section of its Application.** The Applicant shall include a written basis for considering the marked pages confidential including the specific harm or prejudice if disclosed and the Procurement Officer will review the material and make a final determination. Marking documents confidential does not guarantee they will not be subject to a public record request.

### 1.13 APPLICATION REVIEW PROCESS

Staff will receive applications as they are submitted, on a first come, first serve basis. Each Applicant will receive an acknowledgement of receipt, including the time and date. The Procurement Officer will review the application for eligibility and responsiveness to ensure all items are included. Responsiveness will be based on application's conformity to the NOFO guidelines.

Before completing the application, organizations should review the evaluation and scoring criteria (e.g., organizational capacity and past experience, project description and need, project feasibility, and project budget). The CD Review Committee will use these criteria to evaluate and score each application.

## APPLICATION REVIEW PROCESS

- All applications will be reviewed by city staff for eligibility and completeness.
- Applications that are deemed ineligible will not be considered for funding and not forwarded to the CD Review Committee. The organization will be notified in writing and offered technical assistance for future funding opportunities.
- Staff will develop Technical Reviews for all eligible/feasible applications. The Technical Review summarizes the project, notes application concerns, and includes agency past performance for future funding rounds.
- The organization/applicant will receive the application Technical Review via email. Technical Reviews will be emailed to the organization/applicant contact (*listed on page 1 of the Public Facility NOFO Application, Applicant Information section, Prompt #8*).
- The CD Review Committee will review, evaluate, and score each application based on the NOFO Evaluation Criteria described in Section 2.
- The CD Review Committee may determine if a short list and/or presentation with interviews is needed to complete the final recommendations.
- The Committee will use all the information provided during this process (i.e., application package and application, staff Technical Review questions and Applicant responses, presentations, interviews) to score and/or rank applications and develop funding recommendations to City Council for final approval.
- If approved, awarded organizations must successfully contract with the City of Phoenix, which includes submitting all required pre-contract documents, detailed scope of work and approved budget.
- Organizations may not expend any federal funds until all pre-contract documentation is submitted, and a contract has been executed. Funded agencies will be required to submit all completed pre-contract documents within forty-five (45) days of award notification. **Organizations that fail to submit the completed pre-contract documents within this timeframe may cause reason for the City to rescind their grant award.**

## CD REVIEW COMMITTEE

The members of the Community Development (CD) Review Committee are appointed by the Mayor and Phoenix City Council. The committee is comprised of members from the Human Services Commission, non-profit community, business community and the community at-large. Although the committee may represent a specific profession or geographic area, members provide recommendations based on the needs of the city of Phoenix. The primary purpose of the committee is to provide funding recommendations on CDBG grant applications that best address critical needs in the community.

## CDBG PUBLIC FACILITY GRANT PROGRAM NOFO TIMELINE\*

Notice of Funding Opportunity (NOFO) Opens	5pm (local time), Friday, November 4, 2022
NOFO Orientation ( <b>Mandatory</b> )	Wednesday, November 16, 2022
Questions Due Date	3pm (local time) Friday, December 2, 2022
Response to questions posted	3pm (local time) Tuesday, December 6, 2022
NOFO Closes	5pm (local time), Tuesday, December 20, 2022
NSD Staff Eligibility Reviews	January 2023
Technical Reviews – City staff	January 2023
Technical Reviews – Agency response	January 2023
Applications Reviewed and Scored by Committee <ul style="list-style-type: none"> <li>• <i>Agency presentations/interviews may be requested by the CD Review Committee</i></li> </ul>	February – March 2023
Subcommittee & City Council Approval	April - May 2023
Award Notification Letters Sent	May 2023
Agency Pre-Contract Orientation ( <b>Mandatory</b> )	June 2023
Funding Available	July 1, 2023

**\*All dates are subject to change**

### 1.14 NEGOTIATIONS WITH APPLICANTS

NSD staff will review the award recommendation against the available funding amount. Staff may offer to increase or decrease the amount awarded based on the Applicant's rank and their proposed budget. The applicants that are offered new funding amounts will be provided seven (7) days to respond. The applicant may reject, approve, or request a reevaluation of the funding amount. If a reevaluation is requested, staff will consider the request and prepare a final offer within seven (7) days. The applicant will reject or accept the final offer within three (3) business days. All negotiated awards must be resolved before the recommendations are submitted to city council.

The City reserves the right to make an award to an Applicant whose application is the highest rated, best value, and most advantageous to the City based on the evaluation criteria, without conducting written or oral discussions with any Applicant and without negotiations.

## 1.15 COMPLAINT PROCESS

Any unsuccessful applicant may file a complaint no later than seven calendar days after the recommendation is made. All complaints shall be in writing, addressed to Spencer J. Self, Neighborhood Services Department Director, and include the following:

1. Identification of the NOFO or other solicitation number (NSD-NOFO-22-007)
2. The name, address and telephone number of the agency contact person;
3. A detailed statement describing the legal and factual grounds for the complaint, including copies of relevant documents;
4. The form or type of relief requested; and
5. Signature of authorized representative.

The Neighborhood Services Department will render a written decision within fourteen calendar days after the complaint is received by the Procurement Officer. Applicant must submit complaints to [nsd.procurement@phoenix.gov](mailto:nsd.procurement@phoenix.gov). All resolutions will be deemed final by NSD.

## 1.16 APPLICATION PACKAGE FORMAT

A complete application submission includes the below specified items. Any missing items will deem the application as non-responsive.

1. **Application Form – Separate fillable Word document on the solicitation page**
  - o Completed in its entirety (See Section 2 – Application Instructions)
  - o Provide detailed narrative to each question that will provide a clear description of plan, services, and approach.
  - o Signed and dated - Authorizing signature from the organization's Chief Executive Officer/President, Executive Director, or designated representative (electronic signatures, will be accepted e.g., Adobe, DocuSign, etc.).
2. **Attachments – Organizations must include the following documents:**
  - o Proof of SAM.GOV registration.
  - o Corporate Resolution
  - o Articles of Incorporation and By-laws
  - o Board of Directors List
  - o Résumés for Key Staff
  - o Proposed Project and/or Site Photos
  - o Design plans
3. **Signed Commitment Letter –** The organization must have matching funds totaling at least 30 percent of the total project cost and the funds must be secured when the application is submitted and remain available until notification letters are sent in September 2021. The letter must be signed by the organization's Chief Executive Officer/President, Executive Director, or designated representative (electronic signatures will be accepted) committing the 30 percent of the total project cost in matching funds.
4. **Addendum(s) -** The City of Phoenix will not be responsible for any oral instructions made by any employees or officers of the City of Phoenix regarding this solicitation. Any changes will be in the form of an addendum. **Applicants must acknowledge receipt of any/all addenda by signing and returning the document with the application submission.**

## 1.17 EVALUATION CRITERIA

All responsive applications will be evaluated by the Community Development (CD) Review Committee based on the following criteria:

### **ORGANIZATIONAL CAPACITY AND PAST EXPERIENCE (UP TO 250 POINTS)**

Points will be awarded based on the organization's ability to successfully manage grant funded projects that support its mission and facility services and its commitment to provide qualified key staff to this project. More points will be awarded to applications that demonstrate evidence of completed grant funded construction projects and key staff with qualified experience with grant funded construction projects.

### **PROJECT DESCRIPTION AND NEED (UP TO 250 POINTS)**

Points will be awarded based on the overall project description, need, clientele, and project-based outcomes. The project should be well-defined and clearly address the need(s) of the clientele or area. More points will be awarded to applications that demonstrate evidence that the improvements will provide specific long-term benefits to agency's clients or service area.

### **PROJECT FEASIBILITY (UP TO 250 POINTS)**

Points will be awarded based on the planning and design activities and the project schedule. Organizations must demonstrate that proper planning and design activities occurred to support the feasibility of the application. Organizations must provide a schedule that demonstrates the organization's readiness and ability to complete project and achieve grant closeout **before June 30, 2024**. More points will be awarded for projects that provide evidence of professional design activities prior to submission of the application.

### **PROJECT BUDGET (UP TO 250 POINTS)**

Points will be awarded based on the overall project budget, including the amount of project leveraging of other resources, and resources for continued operations. The funding request must be realistic, the budget/expenses must be reasonable, and the CDBG funds need to be an appropriate resource for this project. Applications must demonstrate evidence that funding for continued operations is available for 5 years after grant closeout. Projects must achieve closeout and final reimbursement by June 30, 2024.

### **TOTAL POSSIBLE POINTS 1,000 POINTS**

## 1.18 FEDERAL REQUIREMENTS

### **NOTICE OF FEDERAL FUNDS AND REQUIREMENTS**

This NOFO is funded by Community Development Block Grant (CDBG) funding from the U.S. Department of Housing & Urban Development. The following regulations will apply to any funding award made through this process.

### **CONFLICT OF INTEREST**

Conflicts of interest (or appearance thereof) can negatively impact activities supported with federal funds. The general rule is that no employee, board member, officer, agent, consultant, elected official or appointed official of the recipients or sub-recipients that are receiving funds

under a CDBG assisted program who have responsibilities with respect to the CDBG activities or are in a position to participate in decision making processes or have access to inside information with regard to the activities can obtain a financial interest or benefit from a CDBG assisted activity during their tenure or for one year thereafter (Federal Regulation 24 CFR 570.611).

### **CERTIFICATON**

By signing the application form the Applicant certifies:

1. The submission of the offer did not involve collusion or other anti-competitive practices.
2. Applicant will not discriminate against any employee, or applicant for employment in violation of Federal or State Law.
3. Applicant has not given, offered to give, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor or service to a public servant in connection with the submitted offer.
4. Applicant is financially stable and solvent and has adequate cash reserves to meet all financial obligations while waiting reimbursement from the city.

### **ENVIRONMENTAL REVIEWS**

Environmental reviews are required to comply with National Environmental Policy Act (NEPA) and HUD's regulations. The review includes analysis of 13 federal laws designed to protect certain environmental areas. An environmental review must be performed on any project funded in part with CDBG dollars. Premature committing or expending any funds prior to the environmental review will jeopardize the eligibility of the project. This includes an agency's matching funds from other sources.

If the application is funded, NSD staff will initiate the review and the agency will be kept informed about the estimated length of time to clear the project. The review normally is completed at no cost. However, if the project is geographically located in an area of potential archaeological resources, archaeological monitoring or testing will be required and must be included in the project budget. Staff can assist Applicants in making this determination. Depending upon the project location, projects involving construction, rehabilitation, and demolition may take up to 90 days to obtain an environmental clearance.

### **DAVIS BACON LABOR STANDARDS**

The Davis Bacon Act is a regulatory requirement that applies to all projects using \$2,000 or more in federal funds for construction activities. The act requires all contractors and subcontractors to pay laborers and mechanics working on the project the prevailing wages and fringe benefits as determined by the federal government. This may increase the project costs. To obtain a sample wage determination or if you have questions about how Davis Bacon Labor Standards will affect your project, contact email Christina Edwards at [nsd.procurement@pheonix.gov](mailto:nsd.procurement@pheonix.gov).

### **ARCHITECTURAL SERVICES**

Architectural services are generally required for all new construction projects and for most rehabilitation projects. Architects assess existing buildings to determine the level and extent of repairs needed to meet the local occupancy and building codes, zoning requirements and to determine safety issues. Issues include physical accessibility, emergency egress and sprinkler systems. Architects also are important in the helping the agency through the bid solicitation process and complying with federal procurement rules.

## **LEAD-BASED PAINT REGULATIONS**

HUD has issued final regulations on notification, evaluation, and reduction of lead-based paint hazards in some facilities receiving federal assistance. Rehabilitation of facilities where children are served may be affected by this new regulation, which may require the testing of painted surfaces that will be disturbed to determine the presence of lead-based paint. If painted surfaces are not lead-free, remediation and safe work practices will be required.

## **ASBESTOS TESTING**

An asbestos survey will be required on all renovation projects to determine the presence of asbestos. The agency should include the cost of the survey and provide for contingency funds for remediation if asbestos is present. The survey will visually review all suspect asbestos containing materials (ACMs) associated with the building's interior and will collect samples for laboratory analysis prior to the Public Facility renovation project. The survey will identify whether asbestos containing materials were found and what classification. For further information about asbestos surveys and remediation requirements, contact the Arizona Department of Environmental Quality at 602-506-6708.

## **CONSTRUCTION BONDING**

The following requirements will apply to all successful Applicant's bid processes for construction contractors:

- A performance bond on the part of the contractor for 100 percent (100%) of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

## **PROCUREMENT PROVISIONS**

Funded organizations are required to conduct a fair and open bid process, in compliance with City and Federal requirement, to procure a general contractor to perform the proposed work. Organizations are strongly encouraged to utilize the services of an architect on any CDBG funded project. Organizations also need to have solid financial management practices (e.g., accounting standards and cost principles) that comply with 24 CFR 84.21-28 and OMB Circulars A-122 "Cost Principles for Non-Profit Organizations" or A-21 "Cost Principles for Educational Institutions", as applicable.

## **VOLUNTEERS**

The use of volunteers on a Public Facility project may be allowed provided they are not otherwise employed by the agency or contractor. Depending on the work the volunteers will perform, state licensing requirements will apply. For example, volunteers performing trade work (electrical, plumbing) must be licensed. To determine if the use of in-kind volunteer labor is appropriate for your project **post award**, please contact the Neighborhood Services Department (NSD) Project Manager (PM) assigned to your organization's project. If volunteer labor is deemed appropriate, determining the labor contributions for the budget can be obtained by estimating the amount of what a paid worker would earn doing the same type of work.

## **CDBG LOAN AND LIEN POLICIES**

To assure the long-term benefit for low- and moderate-income persons, CDBG funds provided for Public Facility projects (acquisition, rehabilitation, new construction or Americans with Disabilities Act (ADA) improvements) are in the form of a deferred loan. The deferred loan does not have to be repaid, provided the agency provides CDBG eligible services for a specified time period of **five (5) years** from the completion of the project. If during the five-year period following completion of the project, the property is no longer used to meet a national objective, then the funded organization must pay to the City of Phoenix the current market value of the property less any portion of the value attributable to non-CDBG funds. The CDBG loan is secured by the placement of a lien on the real property. The lien is released upon completion of the appropriate service term.

## **PROGRAM INCOME**

All income received from a CDBG funded project shall be considered program income and subject to the requirements set forth in CDBG program regulations. Program Income includes, but is not limited to, the sales/lease return on investment and the payments of principal and interest on loans. Program Income received by a Subrecipient shall be tracked and returned to the City of Phoenix.

## **PREMATURE COMMITTING OR EXPENDING FUNDS**

Project expenses incurred prior to City Council approval, environmental clearance, and prior to July 1, 2023, are not eligible for reimbursement.

## **PROOF OF SITE CONTROL**

If the site(s) where the project will take place is not owned by the organization, a copy of a lease or use agreement must be submitted prior to the CDBG contract execution. The lease or use agreement must be valid through June 30, 2029 (five years from the date of the executed Certificate of Completion).

## **ACCESSIBILITY TO PERSONS WITH DISABILITIES**

Programs, information, participation, communications, and services must be accessible to persons with disabilities and comply with the Americans with Disabilities Act (ADA).

## **EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS**

Any Applicant shall not discriminate against any worker, employee or applicant or any member of the public, Applicants must comply with Phoenix City Code, Chapter 18, Article V, as amended, Equal Employment Opportunity Requirements. Any questions regarding these requirements should be directed to the Equal Opportunity Department, 602-262-6790. The City of Phoenix extends to each individual, firm, vendor, supplier, contractor and subcontractors an equal economic opportunity to compete for city business and strongly encourages voluntary utilization of small or disadvantaged businesses.

## **SMALL AND MINORITY BUSINESSES, WOMEN'S BUSINESS ENTERPRISES AND DISADVANTAGED BUSINESS ENTERPRISES**

Funded organizations will be required to take affirmative steps to assure that small and minority businesses, women's business enterprises, labor area surplus firms, and Disadvantaged Business Enterprises are utilized when possible as sources of supplies, equipment, construction, and services.



## **PUBLIC RECORDS**

All applications submitted in response to the NOFO shall become the property of the city and shall become a matter of public record available for review pursuant to Arizona state law after the award notification. The City of Phoenix is obligated to abide by all public information laws.

## **LEGAL WORKER REQUIREMENTS**

As mandated by Arizona Revised Statutes 41-4401, the City of Phoenix is prohibited after Sept. 30, 2008, from awarding a contract to any contractor who fails, or whose subcontractors fail, to comply with Arizona Revised Statute 23-214-A. That statute requires that employers verify the employment eligibility of their employees through the federal e-verify system.

In signing or performing any contract for the City, the Organization fully understands that any subcontractors it may use must comply with all federal immigration laws and with A.R.S. 23-214-A. The City is authorized by law to randomly inspect the records relating to an employee of the contractor or any of its subcontractors who works on the contract to ensure compliance.

## **SYSTEM FOR AWARD MANAGEMENT**

The System for Award Management (SAM) is the Official U.S. Government system that tracks federal contracts, including City of Phoenix CDBG contracts. Selected contractors of the NOFO will be required to register in SAM.gov prior to receiving a city contract. A completed SAM.gov registration is NOT required to submit an application however **Applicants will need to provide proof they have initiated registration prior to the application submission date (December 20, 2022)**. Failure to attach proof of an initiated SAM.gov registration will result in the application being deemed nonresponsive and ineligible. Unsuccessful registration with SAM.gov after City Council award may result in the loss of grant funding.

## **1.19 INSURANCE REQUIREMENTS**

If the Application is funded, the organization will enter into a contract with the City of Phoenix. City contractors and subcontractors must procure insurance against claims that may arise from or relate to performance of the work hereunder by the contractor and its agents, representatives, employees and subconsultants.

The insurance requirements listed below are minimum requirements and the City in no way warrants that the minimum limits are sufficient to protect the organization from liabilities that might arise from carrying out the funded project. The organization is free to purchase additional insurance, as they deem necessary. Depending upon the project activities and the project beneficiaries, several types of insurance coverage will be required. This information is provided to help in the development of the overall cost of the proposed project and to ensure sufficient funds are set aside for insurance. Final insurance requirements will be determined after award and may vary depending on the size and scope of the project.

**Minimum Scope and Limits of Insurance** - coverage with limits of liability not less than those stated below are required for funded CDBG Public Facility programs. An excess liability policy or umbrella liability policy may be used to meet the minimum liability requirements provided that the coverage is written on a "following form" basis.

### **1. Commercial General Liability – Occurrence Form**

Policy must include bodily injury, property damage and broad form contractual liability coverage.

General Aggregate

\$2,000,000

Products – Completed Operations Aggregate	\$1,000,000
Personal and Advertising Injury	\$1,000,000
Each Occurrence	\$1,000,000

- a. The policy must be endorsed to include coverage for sexual abuse and molestation.
- b. The policy must name the City of Phoenix as an additional insured with respect to liability for bodily injury, property damage and personal and advertising injury with respect to premises, ongoing operations, products and completed operations and liability assumed under an insured contract arising out of the activities performed by, or on behalf of the Agency.
- c. There shall be no endorsement or modification which limits the scope of coverage or the policy limits available to the City of Phoenix as an additional insured.
- d. City of Phoenix is an additional insured to the full limits of liability purchased by the Agency.
- e. The Agency’s insurance coverage must be primary and non-contributory with respect to any insurance or self-insurance carried by the City.

**2. Automobile Liability**

Bodily Injury and Property Damage coverage for any owned, hired, and non-owned vehicles used in the performance of the funded activities.

Combined Single Limit (CSL)	\$1,000,000
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- a. The policy must be endorsed to include the City of Phoenix as an additional insured with respect to liability arising out of the activities performed by, or on behalf of the Agency.
- b. City of Phoenix is an additional insured to the full limits of liability purchased by the Agency.
- c. The Agency’s insurance coverage must be primary and non-contributory with respect to any insurance or self-insurance carried by the City.

**3. Worker’s Compensation and Employers’ Liability**

Workers’ Compensation	Statutory
Employers’ Liability	
Each Accident	\$100,000
Disease – Each Employee	\$100,000
Disease – Policy Limit	\$500,000

- a. Policy must contain a waiver of subrogation against the City of Phoenix.
- b. This requirement does not apply when an agency or subcontractor is exempt under A.R.S. §23-902(E), **AND** when such contractor or subcontractor executes the appropriate sole proprietor waiver form.

**4. Builders' Risk Insurance or Installation Floater**

In an amount equal to the initial Contract Amount plus additional coverage equal to

Contract Amount for all subsequent change orders.

- a. The City of Phoenix, the Agency, and subcontractors, must be insureds on the policy.
- b. Coverage must be written on an all risk, replacement cost basis and must include coverage for soft costs, flood, and earth movement.
- c. Policy must be maintained until final payment has been made.
- d. Policy must provide coverage from the time any covered property becomes the responsibility of the Agency, and continue without interruption during construction, renovation, or installation, including any time during which the covered property is being transported to the construction installation site, or awaiting installation, whether on or off site.
- e. Policy must contain a waiver of subrogation against the City of Phoenix.
- f. Agency is responsible for the payment of all policy deductibles.

**5. Contractor's Pollution Liability**

If required by the City, for losses caused by pollution conditions that arise from the operations of the work.

Per Occurrence \$1,000,000  
General Aggregate \$2,000,000

- a. The policy should be written on an "occurrence" basis with no sunset clause.
- b. The policy must name the City of Phoenix as an additional insured with respect to liability arising out of the activities performed by, or on behalf of Agency.
- c. The policy must provide coverage for pollution conditions that arise from the operations of Agency described under the Scope of Services of the contract. The policy should include the following coverages:
  - Bodily injury, sickness, disease, mental anguish, or shock sustained by any person, including death and medical monitoring costs.
  - Property damage including physical injury to or destruction of tangible property including the resulting loss of use thereof, cleanup costs, and the loss if use of tangible property that has not been physically injured or destroyed including diminution in value.
  - Environmental damage including physical damage to soil, surface water or groundwater, or plant or animal life, caused by pollution conditions and giving rise to clean-up costs.
  - Defense including costs, charges and expenses incurred in the investigation, adjustment, or defense of claims for such compensation damages
  - Asbestos or lead – no exclusion
  - Mold and legionella coverage
  - Transportation of cargo
  - Non-Owned Disposal Site coverage
  - Definition of pollution conditions includes sediments
- d. If the scope of work involves treatment, storage, or disposal of hazardous wastes

from the job site, the Contractor must furnish an insurance certificate from the designated disposal facility establishing that the facility operator maintains current Pollution Legal Liability Insurance in the amount of not less than \$1,000,000 per occurrence/\$2,000,000 annual aggregate and will cover sudden and gradual pollution losses arising from the facility in association with the work performed.

NOTICE OF CANCELLATION: For each insurance policy required, the Agency must provide to the City, within two business days of receipt, a notice if a policy is suspended, voided, or cancelled for any reason. Such notice must be mailed, emailed, or hand delivered to Neighborhood Services Department, Administrative Services Division, Attention: Grants Administration, 200 W. Washington St., 4<sup>th</sup> Floor, Phoenix, AZ, 85003. The email address is [grants.nsd@phoenix.gov](mailto:grants.nsd@phoenix.gov).

ACCEPTABILITY OF INSURERS: Insurance is to be placed with insurers duly licensed or authorized to do business in the state of Arizona and with an “A.M. Best” rating of not less than B+ VI. The CITY in no way warrants that the above-required minimum insurer rating is sufficient to protect the Agency from potential insurer insolvency.

VERIFICATION OF COVERAGE: The Agency must furnish the City with certificates of insurance (ACORD form or equivalent approved by the City). The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf.

All certificates and any required endorsements are to be received and approved by the City before work commences. Each insurance policy required must be in effect at or prior to commencement of work and remain in effect for the duration of the program/project.

SUBCONTRACTORS: The Agency’s’ certificate(s) must include all subcontractors as additional insureds under its policies, **or** the Agency must furnish to the City separate certificates and endorsements for each subcontractor. All coverages for subcontractors must be subject to the minimum requirements identified above.

APPROVAL: Any modification or variation from the insurance requirements during the program/project period must be documented by an executed contract amendment.

## 1.20 REPORTING AND MONITORING REQUIREMENTS

Community Development Block Grant (CDBG) funds are distributed to nonprofit organizations throughout the city of Phoenix; however, the funds originate at the federal level, through the U.S. Department of Housing and Urban Development (HUD). The city of Phoenix is required to document the project accomplishments of each grant awarded to nonprofit organizations.

Organizations that receive CDBG funding will be required to submit **monthly** accomplishment reports (e.g., reporting beneficiary data), reimbursement requests, and supporting documentation by the 15<sup>th</sup> of each month. Accomplishment reports, reimbursement requests, and supporting documentation are **mandatory** and **must be submitted monthly**.

The following is a list of requirements expected from organizations funded in the grant period. This list can be changed at any time prior to contract execution, depending upon the guidelines

given to the city of Phoenix from HUD. This list is therefore not exhaustive; it is simply a guide so organizations can be aware of any documentation that may be required for tracking clients (e.g., beneficiaries).

- Amount of money leveraged for the project (e.g., this includes how much money went into the project from the organization, total of CDBG funds awarded, and any/ all other public/ private funds).
- Total number of persons (e.g., beneficiaries) assisted, to include the number of Phoenix residents assisted.
- Area Median Income (AMI) levels of persons assisted. This includes the total number of very low (>30% AMI), low (30-50% AMI), or moderate (50-80% AMI), adjusted for family size, persons assisted.

<b>AREA MEDIAN INCOME (AMI)</b>
0-30% of median (Extremely Low Income)
31-50% of median (Very Low Income)
51%- 80% of median (Low/Moderate Income)
Above 80% of median (Non-Low/Moderate Income) - <i>NOT ELIGIBLE for CDBG ASSISTANCE</i>

- Race, ethnicity, and disability status of each persons assisted. Please note that HUD recognizes 10 races (see list below) and 1 ethnicity, Hispanic.
  - White,
  - Black/African American,
  - Asian,
  - American Indian/Alaskan Native,
  - Native Hawaiian /Other Pacific Islander,
  - American Indian/Alaskan Native & White,
  - Asian & White,
  - Black African American & White,
  - American Indian/Alaskan Native & Black African American, and
  - Other Multi-Racial)
- Number of communities/neighborhoods assisted
- Certification of Continuing Use

**Monitoring:**

The City of Phoenix is responsible for ensuring that subrecipients comply with all regulations and requirements governing their administrative, financial, and programmatic operations. This includes assuring that performance goals are achieved within schedule and budget, and for taking appropriate actions when performance problems arise. Monitoring is not a “one-time” event. To be an effective tool for avoiding problems and improving performance, monitoring must be an ongoing process of planning, implementation, and follow-up. Grants staff will coordinate with organizations to schedule on-site monitoring visits.

Projects awarded through this NOFO will be subject to monitoring of compliance requirements, including, but not limited to:

- National Objective and Eligibility;
- Conformance to the Subrecipient Agreement;
- Record-Keeping Systems;

- Financial Management Systems;
- Insurance;
- Procurement,
- Equipment and Real Property;
- Non-Discrimination; and
- Actions to Further Fair Housing.

Please note that each organization awarded CDBG funds will be assigned a project manager who will be available to provide technical assistance, particularly in the reporting/data collection process. Project managers will provide funded organizations with several tracking and reporting tools to help organizations submit timely and accurate monthly reports and supporting documentation.

## SECTION 2 – APPLICATION INSTRUCTIONS

The application form is a fillable Word document. These instructions will guide you in the completion of the application.

### 2.1 APPLICATION INFORMATION

Prompts 1 through 3: *Self-explanatory*.

Prompt 4: Select a Council District. Find Council District here:  
<https://www.phoenix.gov/mayorcouncil/find-my-council-district>

Prompts 5 through 6: *Self-explanatory*.

Prompt 7: Select either Non-Profit or Unit of Government.

Prompt 8: Provide information for the agency's main point of contact.

Prompt 9: Provide information for the agency's authorized signer.

### 2.2 PROJECT INFORMATION

Prompt 10: Provide a succinct project title; this will be the project title used on all city and federal documentation.

Prompt 11 and 12: *Self-explanatory*.

Prompt 13: Provide a summary, no more than 100 words, that introduces the scope of work to be performed through the requested funding to the evaluation panel.

### 2.3 EVALUATION CRITERIA

#### **ORGANIZATIONAL CAPACITY AND PAST EXPERIENCE**

- Prompt 14: Describe the organization's mission and how the organization's mission serves the identified Public Facility priority clientele.
- Prompt 15: Describe the facility, include information relative to the type, size, public services, and location.
- Prompt 16: Complete the table. List the project's key staff, title, years of experience with the agency, years of experience managing grant funded projects, and percent of time committed to the project. Key staff must include employees that will directly work on the project. Provide resumes for each staff listed as attachments.
- Prompt 17: Complete the table. Provide information about previous or current grant awards from federal, state, or local grant funding.

#### **PROJECT DESCRIPTION AND NEED**

- Prompt 18: Clearly state the need for the improvements and describe, in detail, the type, size, quantities, and nature of the proposed improvements, include all components of the improvement.

- Prompt 19: Describe the clientele of the facility and provide demographic information, including age, race, ethnicity, gender, income, education, and special needs, include service area limits if the facility provides an area benefit.
- Prompt 20: Complete the table for each income level based on Area Median Income and provide the total number of beneficiaries. If beneficiaries are not identified in any income level type 00 into the box.

Projects that serve individuals or families that are not presumed low-and-moderate income must use the income limits below.

Family Size	1	2	3	4	5	6	7	8
30% of AMI	\$18,550	\$21,200	\$23,850	\$26,500	\$28,650	\$30,750	\$32,900	\$35,000
50% of AMI	\$30,950	\$35,350	\$39,750	\$44,150	\$47,700	\$51,250	\$54,750	\$ 58,300
80% of AMI	\$ 49,500	\$ 56,550	\$ 63,600	\$ 70,650	\$ 76,350	\$ 82,000	\$87,650	\$ 93,300

Projects that exclusively serve clientele limited to abused children, elderly persons, battered spouses, homeless persons, adults meeting Bureau of Census’ definition of severely disabled persons, illiterate adults, persons living with AIDS, and migrant farm workers will presume all clients have low-and-moderate incomes, and the number beneficiaries will be recorded in the 51%- 80% of median (Low/Moderate Income) category and the Total Beneficiaries will capture the same number. The organization must provide documentation showing that the activity is designed to be used exclusively by a segment of the population presumed by HUD to be L/M income persons.

Projects that serve an area, such as a public school, will use HUD’s Income Mapper through the link below. Applicants must select a service area to determine the beneficiaries based on income level. The link provides training and definitions for data categories. The service area must be described in Prompt 19. Applicants may also request technical assistance.

<https://hud.maps.arcgis.com/home/item.html?id=ffd0597e8af24f88b501b7e7f326bedd>

- Prompt 21: Describe the project-based outcomes of the improvement. Include information that directly connects the improvement to specific long-term benefits for clientele or service area.

**PROJECT FEASIBILITY**

- Prompt 22: Describe the planning and design activities that created the scope of work for this project, include information relative to the solicitation and creation of budgeting, design, engineering, or product specifications documents. Provide the names of third-party consulting firms and their contributions to the planning and design process.



- Prompt 23 Complete the table. Project Design may begin and end before the submission of the application. **Environmental Review, Contractor Procurement, Construction/ Installation, and Closeout cannot begin or end until after contract award (See CDBG PUBLIC FACILITY GRANT PROGRAM NOFO TIMELINE). Anticipate Environmental Review and Construction Procurement beginning 90 days after contract award. Construction, including contractor NTP, cannot begin until after the Environmental Review is complete. Closeout, including final reimbursement, must be achieved before June 30, 2024.**
- Prompt 24: Provide any additional scheduling considerations not included in Prompt 23, including specific restriction on construction based on the facility, is applicable. If no additional considerations are necessary, type “No additional considerations” into the field.

**PROJECT BUDGET**

- Prompt 25: Complete the table. The table provides spaces to categorize construction services based on the project. Provide dollar amounts for each item. If dollars are not committed to any item type \$0.00 into the box. Provide the totals for each line item and section. Complete the Total Project Budget on the bottom of the table.
- Prompt 26: Provide any additional budget considerations important to the project, including descriptions of “other” line items. If no additional considerations are necessary, type “No additional considerations” into the field.
- Prompt 27: Describe the organization’s capacity, ability, and resources to furnish, maintain, and operate the facility for 5 years after completion. Include all funding resources and commitments to achieve continued use of the facility and its services, as described in Prompt 15. Include information relative to on-going maintenance costs and the resources to maintain the improvements.

2.4 DEFINITIONS

**LOW- AND MODERATE-INCOME OR LOW-INCOME HOUSEHOLD**

The term low-income shall be defined as at or below 50 percent of the area median income and moderate- income as at or below 80 percent of the area median income, adjusted for family size for the area as defined in Section 102 of the Housing and Community Development Act of 1974, as amended.

<b>AREA MEDIAN INCOME (AMI)</b>
0-30% of median (Extremely Low Income)
31-50% of median (Very Low Income)
51%- 80% of median (Low/Moderate Income)
Above 80% of median (Non-Low/Moderate Income) - <i>NOT ELIGIBLE for CDBG ASSISTANCE</i>

Family Size	1	2	3	4	5	6	7	8
30% of AMI	\$18,550	\$21,200	\$23,850	\$26,500	\$28,650	\$30,750	\$32,900	\$35,000
50% of AMI	\$30,950	\$35,350	\$39,750	\$44,150	\$47,700	\$51,250	\$54,750	\$ 58,300
80% of AMI	\$ 49,500	\$ 56,550	\$ 63,600	\$ 70,650	\$ 76,350	\$ 82,000	\$87,650	\$ 93,300

**CONFLICT OF INTEREST**

Conflicts of interest (or appearance thereof) can affect activities supported with federal funds. The general rule is that no employee, board member, officer, agent, consultant, elected official or appointed official of the recipients or sub-recipients that are receiving funds under a CDBG assisted program who have responsibilities with respect to the CDBG activities or are in a position to participate in decision making processes or have access to inside information with regard to the activities can obtain a financial interest or benefit from a CDBG assisted activity during their tenure or for one year thereafter (Federal Regulation 24 CFR 570.611).

Organizations should maintain a written code of standards of conduct governing the purchase of materials, product, supplies, and services and awarding and administering sub-recipient contracts. Personnel involved in the procurement process must be trained to recognize situations that create conflicts of interest, or the appearance of a conflict of interest. The organization personnel should:

- Be familiar with the organization's code of ethics and potential conflict of interest issues
- Not take gifts or gratuities from persons or organizations associated with the procurement process.

**CHILDCARE LICENSING**

This information is provided to provide a general overview of types of programs requiring licensing and those that do not require a license. For additional information, contact the Arizona Department of Health Services, Office of Childcare Licensing at 602-364-2539 or [azdhs.gov](http://azdhs.gov).

**MATCHING AND IN-KIND FUNDS**

Matching funds are other agency (non-CDBG) resources immediately accessible and firmly committed funding ready to be applied to the project. Matching funds can include a blend of cash, other funds or in-kind resources available for project costs. These resources must be firmly assigned and immediately available for the project. In-kind contributions must have a specific dollar value established in accordance with Generally Accepted Accounting Principles. The basis of determining the value for personal services and donated materials and supplies must be identified and documented in the application. Volunteer services may be counted if the service is an integral and necessary part of an approved CDBG-funded project. Rates for hours should be consistent with those paid for similar work. The value assigned to donated materials and supplies should be reasonable and should not exceed market value at the time of donation.

## **DISABLED**

Under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701), a disability is defined as follows:

1. An individual with a disability is any person who has a physical or mental impairment that substantially limits one or more major life activities. The term physical or mental impairment may include, but is not limited to, conditions such as visual or hearing impairment, mobility impairment, HIV infection, developmental disabilities, drug addiction, or mental illness. In general, the definition of “person with disabilities” does not include current users of illegal controlled substances. However, individuals would be protected under Section 504 (as well as the ADA) if a purpose of the specific program or activity is to provide health or rehabilitation services to such individuals.

The term major life activity may include, for example, seeing, hearing, walking, breathing, performing manual tasks, caring for oneself, learning, speaking, or working. This list is not exhaustive. Section 504 also protects persons who have a record of such impairment or are regarded as having such an impairment.

2. A developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. § 6001-6007) which reads as follows:

The term “developmental disability” means a severe, chronic disability of an individual 5 years of age or older that:

- A. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- B. Is manifested before the individual attains age 22;
- C. Is likely to continue indefinitely;
- D. Results in substantial functional limitations in three or more of the following areas of major life activity:
  1. self-care;
  2. receptive and expressive language;
  3. learning;
  4. mobility;
  5. self-direction;
  6. capacity for independent living; and
  7. economic self-sufficiency; and
- E. Reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, supports, or other assistance that is of lifelong or extended duration and is individually planned and coordinated, except that such term, when applied to infants and young children means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.

## **SENIOR / CHILD / YOUTH**

Senior: A person at the age of 62 or older.

Child: A person between the ages of 0–13.

Youth: A person between the ages of 14-24.

**VULNERABLE ADULT**

Vulnerable adult means an individual who is eighteen years of age or older and who is unable to protect himself from abuse, neglect, or exploitation by others because of a physical or mental impairment. Vulnerable adult includes an incapacitated person as defined in section 14-5101. A.R.S. 46-451(a)(10)