



**City of Phoenix**  
NEIGHBORHOOD SERVICES DEPARTMENT



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

**CDBG 2021-2022 Public Facility Grant Program**

### **REQUEST FOR PROPOSALS**

**NSD-RFP-21-006**

### **PROPOSAL INSTRUCTIONS**

Proposals Available: 5pm local time Wednesday, June 2, 2021

Proposals Due: 5pm local time Thursday, July 1, 2021

Neighborhood Services Department  
200 W. Washington St., fourth floor  
Phoenix, Arizona 85003

**Proposal Contact:** Christy Blake, Management Assistant II | [grants.nsd@phoenix.gov](mailto:grants.nsd@phoenix.gov)

To receive the RFP 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 I – PUBLIC FACILITY GRANT PROGRAM FUNDING PRIORITIES AND ALLOCATION

Maximum Request = \$150,000

## PUBLIC FACILITY GRANT PROGRAM FOR NON-PROFIT ORGANIZATIONS

Proposals submitted under this Request for Proposals (RFP) will utilize funding authorized by the U.S. Department of Housing and Urban Development (HUD), Community Development Block Grant (CDBG) program. This RFP 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 assist nonprofit organizations to expand services to support the needs of low- and moderate-income Phoenix residents. The purpose of the funding through this RFP is to provide non-profit organizations that serve low- and moderate-income communities in Phoenix with funding to improve service delivery of critical programs and services.

## 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 application 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, proposals 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. Proposals that fail to meet the applicable tests **will not** be considered for funding.

Proposal submissions must demonstrate the following:

- For 2021-22, 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 proposal 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, meaning that if funded, the organization will be ready to commence the CDBG project process, including environmental clearance, competitive bidding and contracting by **January 31, 2022**.
- 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.

Funds must be expended by **October 1, 2022**.

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. Applications will be evaluated and scored by the Community Development (CD) Review Committee, with final recommendations presented to City Council (refer to the proposal evaluation criteria set forth in **Section 6**).

Please note: Grant awards will be administered on a reimbursement basis only, after submission of accurate invoice(s) and required source documentation.

## **SECTION 2 – INTRODUCTION TO COMMUNITY DEVELOPMENT BLOCK GRANT**

The City of Phoenix, Neighborhood Services Department, which administers the city's CDBG program, is issuing this RFP utilizing CDBG funds. The CDBG program provides annual grants on a formula basis to entitlement cities and counties. 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 people. 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.

The proposal form and detailed instructions are available to assist in the development of the proposal. For RFP related questions, email [grants.nsd@phoenix.gov](mailto:grants.nsd@phoenix.gov). The last day to submit questions is **3pm (local time) Tuesday, June 22, 2021**.

### **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. Organizations must be eligible to do business in Arizona, in good standing, at the time of proposal submission. The primary program beneficiaries must be low- and moderate-income City of Phoenix residents. To compete for this CDBG funding, proposals must result in achievement of a CDBG National Objective, typically by providing access to a facility to low- and moderate-income (LMI) Phoenix residents, fall within the Public Facility priority and comply with all reporting requirements.

### **ELIGIBLE PROGRAM ACTIVITIES**

The primary purpose of this RFP is to fund the expansion of public facilities to expand services to support the needs of low- and moderate-income Phoenix residents. All activities must result in achievement of a CDBG national objective, typically by providing access to a facility to clientele with low- and moderate-incomes (LMI). Under this RFP, eligible activities include:

- Acquisition of real property to be used as a public facility, such as land and buildings, either in whole, or in part by purchase, or long-term lease (15 years or more), including appraisals, the preparation of legal documents, and recordation fees.
- Construction, reconstruction, or rehabilitation, of non-profit owned building, that is open to the general public as a public facility and will establish or expand programs and services to low- and moderate-income Phoenix residents.
- Americans with Disabilities Act (ADA) improvements, of a non-profit owned building, that is open to the general public as a public facility and will provide opportunities for additional clients.

### **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 CFR Part 200 and Title 24 Code of Federal Regulations, Part 570. All budgeted costs must be reflected on the proposal 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 facilities 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
- 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

## **SEPARATE PROPOSALS**

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

## **ENVIRONMENTAL REVIEWS**

An environmental review must be performed on any project funded in part or whole with CDBG dollars. Prematurely committing or expending any funds **prior** to the environmental review will jeopardize the eligibility of the project. This includes an organization's matching funds from other sources. 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. If the proposal is funded, Grants Administration 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 in making this determination. Depending upon the project location projects involving construction, rehabilitation and demolition, it may take up to 120 days to obtain an environmental clearance. City staff will notify the organization when the project is cleared to proceed.

## **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 Christy Blake at [grants.nsd@phoenix.gov](mailto:grants.nsd@phoenix.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 Facilities 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 proposers' 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.

## **PREMATURE COMMITTING OR EXPENDING FUNDS**

Project expenses incurred prior to City Council approval, environmental clearance and execution of the CDBG contract 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 October 31, 2027. (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 Proposer shall not discriminate against any worker, employee or applicant or any member of the public, Proposers must be in compliance 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.

## **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 and Disadvantaged Business Enterprises are utilized when possible as sources of supplies, equipment, construction and services.

## **PUBLIC RECORDS**

All proposals submitted in response to the Request for Proposal 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 RFP will be required to register in SAM.gov prior to receiving a city contract. Registration in SAM is NOT required to submit a proposal. Failure to successfully and timely register with SAM.gov may result in the loss of funding.

### **MONITORING**

Projects awarded through this RFP 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.

### **SPECIAL TERMS AND CONDITIONS**

1. 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.
2. Funded organizations will be required to enter into a subrecipient agreement that includes federal, state and local terms governing the use of CDBG funds and the activities funded pursuant to this RFP.
3. Applicants must be an established non-profit organization, eligible to do business in the State of Arizona, providing programs and services to low- and moderate-income Phoenix residents.
4. Project must benefit low- and moderate-income Phoenix residents.
5. 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.
6. Fingerprinting is required for funded staff and contractors working with vulnerable populations (i.e. children or vulnerable adults).
7. Proposals are reviewed through a competitive process.
8. Funded project records are subject to review by the City of Phoenix, HUD, the Comptroller General of the United States and the Government Accounting Office.
9. Affirmative action and nondiscrimination employment practices and ADA requirements apply; a Drug Free Work Place is required.
10. Organizations are responsible for Workers' Compensation benefits, or claims by employees, and must indemnify and hold the city harmless against any and all claims.
11. Funded organizations cannot be indebted to the IRS or any public entity nor have judgments or liens.

12. CDBG projects must comply with state and city licenses, zoning, permit and other related requirements.
13. Funded organizations must have a DUNS number and be registered with SAM.gov prior to contracting with the City of Phoenix. These can be obtained for free but can be a lengthy process. DUNS – 1-866-705-5711 and System for Award Management (SAM) at [www.sam.gov](http://www.sam.gov).
14. 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 RFP evaluation process and/or during the contract period.
15. Organizations are responsible to ensure proposed projects are in line with CDC guidelines, Governor's orders, and federal and state requirements and/or guidance.
16. Project expenses incurred prior to City Council approval, environmental review and execution of the CDBG contract are not eligible for reimbursement.

# SECTION 3 – PROPOSER INSTRUCTIONS

## DELIVERY OF PROPOSALS

Handwritten proposals will not be accepted. **Proposals must be submitted in one Portable Document Format (PDF) document and submitted in one email.** The contents of the **one PDF** must include the completed RFP Application, a completed RFP Budget form, a signed project commitment letter for matching funds and all signed addendum(s). Proposals must be submitted electronically to the Neighborhood Services Department, at [grants.nsd@phoenix.gov](mailto:grants.nsd@phoenix.gov), on **Thursday, July 1, 2021, no later than 5pm local time.** Enter the solicitation number on the subject line of the email when submitting your proposal. Applications will only be accepted through the Grants email mailbox and will not be accepted through any other transmission format (postal, hand-delivered, etc.). Contact Christy Blake at [grants.nsd@phoenix.gov](mailto:grants.nsd@phoenix.gov) if your pdf document exceeds the mail server's size limit and your email cannot be sent.

## RESPONSIVE PROPOSALS

Proposals must meet all the material requirements of the RFP. City staff will review all proposals for eligibility and completeness, including evidence of matching funds. Only those proposals determined to be responsive will be evaluated and scored by the CD Review Committee in accordance with the proposal evaluation criteria set forth in **Section 6**. Exceptions, conditions, reservations, or understandings are presumed to be unacceptable, and a Proposal 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 Proposer remove the conditions, exceptions, reservations, or understandings. If the Proposer 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. The highest scoring proposals will be recommended for funding.

## LATE PROPOSALS

Proposals received **after the deadline of 5pm (local time), Thursday, July 1, 2021**, will not be accepted regardless of the reason. Proposers are strongly encouraged to submit their proposals early and request a "delivery and read receipt" notification.

## NON-RESPONSIVE PROPOSALS

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

- Proposals that do not meet the CDBG requirements and regulations.
- Proposals that do not meet the HUD National Objective.
- Proposals that are not eligible or do not conform to the RFP instructions.
- Proposals that do not include all the required forms (application, budget, signed project commitment letter and signed addendum(s)).
- Proposals that do not include matching funds.

Proposals submitted by an organization, which does not have valid certifications and/or licenses required by state, federal or local law or regulations to complete the project requested at the time of the submittal or are not incorporated in the state of Arizona at the time of the proposal submission date, will not be evaluated or considered for award.

## QUESTIONS/INQUIRIES

All questions or inquires that arise relating to this RFP must be presented **in writing** and should be directed via email to Christy Blake, Management Assistant II, at [grants.nsd@phoenix.gov](mailto:grants.nsd@phoenix.gov) and must be received by the due date indicated in the RFP timeline (**see Section 6 of the Proposal Instructions**). 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 the due date indicated in the RFP timeline.

## **PRE-OFFER ORIENTATION/TECHNICAL ASSISTANCE**

All interested proposers are invited to attend the 2020-21 CDBG Orientation on **Thursday, June 17, 2021, from 9 – 10:30a.m., via Cisco WebEx**. NSD Grants staff will provide an overview of the RFP process and answer any RFP related questions to help organizations develop a viable proposal. This orientation is not mandatory. To access the orientation, click the link below.

<https://cityofphoenix.webex.com/cityofphoenix/onstage/g.php?MTID=e2696546fee638f627e8b3257be8f0631>

For RFP related questions, email [grants.nsd@phoenix.gov](mailto:grants.nsd@phoenix.gov). The last day to submit questions is **3pm (local time) Tuesday, June 22, 2021**. City staff will not be permitted to respond to any questions concerning this RFP after this date.

## **WEB SITE / STAFF CONTACTS**

Interested Proposers may download the complete RFP from <https://solicitations.phoenix.gov>. Any interested offerors 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, Christy Blake, 200 W. Washington St. 4th Floor**, Phoenix, AZ. It is the Offeror's responsibility to check the website, read the entire solicitation, and verify all required information is submitted with their offer.

**Christy Blake, Management Assistant II**

[grants.nsd@phoenix.gov](mailto:grants.nsd@phoenix.gov).

## **DISCUSSIONS**

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

## **PROPOSAL WITHDRAWAL**

An organization may withdraw a proposal by submitting a notice **via email** to the Neighborhood Services Department, Administrative Services Division, Attention: Christy Blake, Management Assistant II, 200 W. Washington St., fourth floor, Phoenix, AZ 85003. The email address is [grants.nsd@phoenix.gov](mailto:grants.nsd@phoenix.gov). **The notice must be on agency letterhead, signed and submitted as a PDF document.**

## **PROPOSAL REVIEW PROCESS**

The Proposal Review Process is described in **Section 6** of the Proposal Instructions. Before completing the proposal submission, organizations should review the scoring criteria (e.g. project description and need, project feasibility, project budget and track record and capacity). The CD Review Committee will use these criteria to evaluate and score each proposal. City staff will review all proposals for eligibility and completeness. Only those proposals that staff determine to satisfy the RFP guidelines will be distributed to the committee for consideration.

## **PROPOSAL PACKAGE FORMAT**

A complete proposal submission includes the following:

- Proposal Application Form – Separate fillable Word document on the solicitation page**
  - Completed in its entirety

- Signed and dated - Authorizing signature from the organization's Chief Executive Officer/President, Executive Director or designated representative (electronic signatures will be accepted).
- **Budget Form** – The budget form is provided separately from this document in an Excel format. The budget will be utilized by the CD Review Committee to assist in evaluating the organization's readiness to proceed and capacity to successfully carry out the project.
  - Complete the Excel spreadsheet in its entirety
  - Project expenses are aligned with RFP instructions
  - Required matching funds is 30 percent of the total project cost and secured
  - Convert and submit in PDF format is preferred
- **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 proposal 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.
- **Signed 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. **Proposers must acknowledge receipt of any/all addenda by signing and returning the document with the proposal submission.**

## SECTION 4 – DEFINITION OF KEY WORDS

### 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.

AREA MEDIAN INCOME (AMI)
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>

### CONFLICT OF INTEREST

Conflicts of interest (or appearance thereof) can plague 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 the 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 proposal. 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**

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

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 one's self, 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, is defined in Section 102(7) of the Developmental Disabilities Assistance and Bill or 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—

(i) self-care;

(ii) receptive and expressive language;

(iii) learning;

(iv) mobility;

(v) self-direction;

(vi) capacity for independent living; and

(vii) 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)



## **SECTION 5 - INSURANCE REQUIREMENTS**

If the proposal 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 operating 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 projects.

### **Commercial General Liability**

- General Aggregate \$2,000,000
- Products – Completed Operations Aggregate \$2,000,000
- Personal and Advertising Injury \$1,000,000
- Each Occurrence \$1,000,000

### **Sexual Abuse and Molestation Coverage**

- Policy endorsement required if the activities involve working with or caring for children or vulnerable adults

### **Automobile Liability - Combined Single Limit \$1,000,000**

- Bodily Injury and Property Damage for any owned, hired, and non-owned vehicles used in the performance of this contract.

### **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

### **Professional Liability - Errors and Omissions Liability**

Each Claim \$1,000,000

Annual Aggregate \$2,000,000

### **Builders' Risk Insurance**

- Policy must be in an amount equal to the initial contract amount plus additional coverage equal to contract amount for all subsequent change orders.

### **Environmental**

- Depending on the proposed scope of work, the contract may require Contractor's Pollution Liability - \$1,000,000 per occurrence and \$2,000,000 General Aggregate.

### **All Risk Property Insurance**

- Property Insurance for all improvements, including buildings, unattached structures, fencing, swimming pools, and playground equipment associated with the Subrecipient Agreement.

**NOTICE OF CANCELLATION:** Insurance policies must be the appropriate coverage for and shall not be suspended, voided, canceled, reduced in coverage or endorsed to lower limits.

**ACCEPTABILITY OF INSURERS:** Insurance is to be placed with insurers duly licensed or approved unlicensed companies 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 organization from potential insurer insolvency.

**VERIFICATION OF COVERAGE:** The City must receive certificates of insurance (ACORD form or equivalent approved by the City) as required. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage. The City of Phoenix must be listed as an additional insured on all certificates of insurance. Policy must contain a waiver of subrogation against the City of Phoenix.

# SECTION 6 – EVALUATION CRITERIA AND PROPOSAL REVIEW PROCESS

## EVALUATION CRITERIA

All responsive proposals will be evaluated by the CD Review Committee based on the following criteria:

### PROJECT DESCRIPTION AND NEED

**(0 TO 250 POINTS)**

Points will be awarded based on the overall project description and need. The project should be well-defined, with a realistic implementation plan, addresses unmet needs and provides opportunities for additional clients served by the organization and/or the City. More points will be awarded to proposals that demonstrate evidence of collaboration with existing programs and services and sustainability for future program years.

### PROJECT FEASIBILITY

**(0 TO 250 POINTS)**

Points will be awarded based on the project schedule and the organization's capacity, readiness, and ability to complete project on an accelerated schedule (**by September 30, 2022**). More points will be awarded for projects that demonstrate key staff capacity, commitment to project delivery and project practicality, including obtaining any applicable permits for the project, and to projects that are ready to start within **four months** of receiving funding (e.g. all other needed financial and in-kind resources are in place. Projects must achieve closeout and final reimbursement **by September 30, 2022**).

### PROJECT BUDGET

**(0 TO 250 POINTS)**

Points will be awarded based on the overall project budget, including the amount of project leveraging of other resources. 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.

### TRACK RECORD AND CAPACITY

**(0 TO 250 POINTS)**

Points will be awarded based on the prior experience with documented results in the type of work being proposed and fiscal and organizational capacity to implement the project.

### TOTAL POSSIBLE POINTS

**1000 POINTS**

## PROPOSAL REVIEW PROCESS

- All proposals will be reviewed by city staff for eligibility and completeness.
- Proposals 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 proposals. The Technical Review summarizes the project, notes proposal concerns and includes agency past performance.
- The organization/applicant will receive the proposal Technical Review via email. Technical Reviews will be emailed to the organization/applicant contact (listed on page 1 of the Public Service RFP Application, Applicant Information section, question 11).
- The CD Review Committee will review, evaluate, and score each proposal based on the proposal evaluation criteria.

- The committee will use the proposal scores to 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 thirty (30) days of award notification.**

**CD REVIEW COMMITTEE**

The members of the 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 RFP TIMELINE \***

Request for Proposals (RFP) Opens	5pm (local time), Wednesday, June 2, 2021
RFP Orientation, Question and Answer Session	Thursday, June 17, 2021
Questions Due Date	3pm (local time) Tuesday June 22, 2021
Response to questions posted	3pm (local time) Thursday June 24, 2021
RFP Closes	5pm (local time), Thursday, July 1, 2021
NSD Staff Eligibility Reviews	July 6 – July 8
Technical Reviews – City staff	July 9 – July 15
Technical Reviews – Agency response	July 19 – July 21
Proposals Reviewed and Scored by Committee	July 27 – August 2
Proposal Presentations/Proposals Ranked by Committee	August 10
City Council Approval	September 1, 2021
Funding Available	September 1, 2021
Award Notification Letters Sent	September 2, 2021
Agency Pre-Contract Orientation	September 9, 2021
Pre-Contract Documents Due Date	October 1, 2021
Must Be Under Contract By	January 31, 2022

**\*all dates are subject to change**

## SECTION 7 – REPORTING REQUIREMENTS FOR FUNDED ORGANIZATIONS

Organizations that receive CDBG funding should be aware of several reporting requirements briefly explained in this section. Organizations will be required to submit **quarterly** programmatic reports, for one year, immediately following the completion of the project. Programmatic reports are **mandatory** and **due by the 15<sup>th</sup> of the month** following the end of each quarter (e.g. 1<sup>st</sup> quarter report is due April 15<sup>th</sup>).

### **Why Accurate Reports are Necessary:**

CDBG funds are distributed to nonprofit organizations throughout the City of Phoenix; however, the funds originate at the federal level, through HUD. The City of Phoenix is required to document the accomplishments of each grant given to nonprofit organizations.

### **What will be required of funded organizations:**

The following is a list of requirements expected for organizations funded in the grant period. This list can be changed at any time prior to execution of the Subrecipient Agreement, depending upon the guidelines given to the City of Phoenix from HUD. This list is therefore not exhaustive; it is simply a guide so that organizations can be aware of documentation that may be required for tracking clients and services.

- Amount of money leveraged for the project (how much money went into the project, total of CDBG and all other funds).
- Total number of persons assisted, to include the number of Phoenix residents assisted.
- Area Median Income (AMI) levels of persons assisted – total number of very low (>30% AMI), low (30-50% AMI) or moderate (50-80% AMI), adjusted for family size.
- Race, ethnicity and disability status of the persons assisted. HUD recognizes 10 races (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) and 1 ethnicity (Hispanic).
- Number of communities/neighborhoods assisted.
- Certification of Continuing Use

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.

## SECTION 8 – FREQUENTLY ASKED QUESTIONS

### 1. Who is eligible to apply for a Public Facility CDBG grant?

Nonprofit organizations, including neighborhood organizations, public or charter schools in a targeted area, and faith-based organizations; all are still required to be an incorporated non-profit organization.

### 2. My organization is not a 501(c)3, can we still apply?

Yes, organizations do not have to be a 501(c)3 to apply for CDBG funds through the City of Phoenix. However, organizations must be an incorporated nonprofit, eligible to do business in the State of Arizona at the time of application.

### 3. Can Public Facility funds be used to renovate property that the agency does not own?

In some cases, yes. If the agency has a long-term lease with a non-profit organization or government agency, CDBG funds can usually be used for renovation. The lease term must be equal to the number of lien years applied to the property as a result of the Public Facility grant. Please consult with your Project Manager regarding lease and lien terms to determine eligibility.

### 4. What constitutes 'Matching Funds' for the Public Facility matching requirement?

Matching funds are resources immediately accessible and firmly committed resources ready to be applied to the project. Matching funds can include a blend of cash, loans or in-kind resources available to finance the project costs. In-kind contributions must have a specific dollar value established in accordance with generally accepted accounting principles.

### 3. Can my organization apply for more than one grant?

No, for this RFP, only one (1) Public Facility proposal may be submitted, per organization. Multiple proposal submissions from the same organization, under a different entity or subsidiary will not be accepted.

### 4. How can I improve the clarity of my proposal?

Read all application instructions carefully and formulate clear, concise responses to each question. Do not leave any questions blank and edit applications for spelling, typos and grammar. Determine if your project meets the National Objective, Limited Clientele. Be specific regarding the goals and outcomes of your program. Funded proposals are public information.

### 5. If our proposal is funded, when will we receive our CDBG grant?

Funded organizations will enter into a contract with the City of Phoenix for their grant award. Contracts will execute after **September 1, 2021**. Grants are made on a REIMBURSEMENT basis. Funded organizations will be reimbursed for expenses incurred after providing required back up documentation (invoices, receipts, signed/certified application and certificate of payment, payment record, and unconditional and conditional lien release(s)).

### 6. What type of reporting will be required of our organization if we are funded?

Detailed expense reports and back up information will be required for all expenses for which the agency is requesting reimbursement. Funded agencies will also be required to submit detailed **quarterly reports**, for one year following the completion of the Public Facility project and provide the

total number of clients served and the race/ethnic and Area Median Income (AMI) breakout of the clients served. Refer to Section 7 Reporting Requirements for Funded Organizations.

7. Can I receive technical assistance prior to the application submission deadline?

Yes, the Grants Administration staff will hold an orientation on **Thursday, June 17, 2021, from 9-10:30am, via Cisco WebEx** to provide an overview of the RFP process and answer any RFP related questions to help organizations develop a viable proposal. This orientation is not mandatory but highly recommended. To access the orientation, click the link below.

<https://cityofphoenix.webex.com/cityofphoenix/onstage/g.php?MTID=e2696546fee638f627e8b3257be8f0631>

For questions, please email [grants.nsd@phoenix.gov](mailto:grants.nsd@phoenix.gov). The last day to submit questions is **3pm (local time) Tuesday, June 22, 2021**. City staff will not be permitted to respond to any questions concerning this RFP after this date.

8. Can I attach additional pages or letter of support to my application?

No, do not include letters of support or other information not specifically requested. Documents not specifically requested or required per these RFP instructions may be removed prior to being evaluated by the CD Review Committee.

# SECTION 9 – OTHER REQUIRED INFORMATION

## 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) Request for Proposal, including their employees, agents, representatives, proposed partner(s), subcontractor(s), joint venturer(s), member(s), or any of their lobbyists or attorneys, (collectively, the Proposer) 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 Community Development (CD) Review Committee (RFP evaluation panel), the City Manager, Assistant City Managers, Deputy City Managers, Department Heads, the Mayor and other members of the Phoenix City Council. As long as the solicitation is not discussed, Proposers may continue to conduct business with the City and discuss business that is unrelated to the solicitation with the City staff.

Proposers may discuss their proposal or the solicitation with the Mayor or one or more members of the Phoenix City Council, **provided such meetings are scheduled through Christy Blake, Management Assistant II**, conducted by phone or virtually at 200 W. Washington St., Phoenix, Arizona 85003, and are posted as open meetings with the City Clerk at least 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 Proposer/Bidder, 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 proposals, any direction on the selection from the City Manager and/or City Manager's Office and Department Head (or representative) to the proposal review panel or selecting authority must be provided in writing to all prospective Proposers.

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

## CONFIDENTIAL INFORMATION

The City of Phoenix is obligated to abide by all public information laws.

If a Proposer believes that a specific section of its proposal is confidential, **the Proposer shall isolate the pages marked confidential in a specific and clearly labeled section of its proposal.** The Proposer shall include a written basis for considering the marked pages confidential including the specific harm or prejudice if disclosed and the Department will review the material and make a determination.

## CERTIFICATION

By signing the Application form the Proposer certifies:

1. The submission of the offer did not involve collusion or other anti-competitive practices.
2. Proposer will not discriminate against any employee, or applicant for employment in violation of Federal or State Law.
3. Proposer 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. Proposer is financially stable and solvent and has adequate cash reserves to meet all financial obligations while waiting reimbursement from the city.

## **PROTEST PROCESS**

Any unsuccessful bidder may file a protest no later than seven (7) calendar days after the recommendation is made. All protests shall be in writing, filed the Procurement Officer, and include the following

- Identification of the RFP or other solicitation number;
- The name, address and telephone number of the protester;
- A detailed statement describing the legal and factual grounds for the protest, including copies of relevant documents;
- The form of relief requested; and
- The signature of the protester or its authorized representative.

The Neighborhood Services Department will render a written decision within fourteen (14) calendar days after the protest is filed.

## SECTION 10 – LIST OF ASSURANCES

In submitting a proposal and signing the application form included in the RFP solicitation packet, proposer provides assurances to the following statements and the availability of required pre-contract documents.

**Note: Funded agencies will be required to submit all completed pre-contract documents within thirty (30) days of award notification.**

- The applicant organization is a registered non-profit organization.
- The applicant organization is eligible to do business in the State of Arizona and is in good standing.
- The applicant organization has on file a current staff organization chart, setting forth lines of authority, responsibility and communication in accordance with policies established by the governing body and will provide said document prior to contracting with the City of Phoenix.
- The applicant organization has on file a current copy of Articles of Incorporation and By-Laws and will provide said document prior to contracting with the City of Phoenix.
- The applicant organization has on file a current and complete list of the names and addresses of all members of the Board of Directors and will provide said document prior to contracting with the City of Phoenix.
- The applicant organization has written procedures which require due process and the prompt resolution of any complaint of discrimination on the basis of age, sex, religion, race, national origin or handicap.
- The applicant organization has on file a copy of the most recent independent audit report, including the auditor's letter to management and will provide said document prior to contracting with the City of Phoenix.
- The applicant organization has on file its latest annual financial statement, including balance statement and income statement and will provide said document prior to contracting with the City of Phoenix.
- The applicant organization agrees to serve Phoenix residents with funds received from the City of Phoenix.
- The applicant organization agrees to keep client files for individuals served by CDBG funded projects. Client files must contain income verification/documentation, family size, address or location, and race and ethnicity. Client information must be made available to HUD and the City of Phoenix, upon request.
- The applicant organization understands funding will be on a reimbursement basis after accurate monthly invoice and required source documentation.
- The applicant organization agrees to comply with the requirement of Title 24 Code of Federal Regulations, Part 570 of the Housing and Urban Development regulations concerning Community Development Block Grant (CDBG), and all federal regulations and polices issued pursuant to these regulations.
- The applicant organization agrees to hold a current insurance policy in line with the City of Phoenix contract requirements.
- The applicant organization agrees that CDBG funded employees and subcontractors working with vulnerable populations are subject to a background check and fingerprint verification at the discretion of the City of Phoenix.
- The applicant organization agrees to follow all applicable federal, state, and local laws and with all applicable license and permit requirements.
- The applicant organization assures the project will be conducted at the location stated in the application and can provide copies of current ownership or lease documents, **valid for five (5) years from the date of the executed Certificate of Completion**, prior to the contract execution.
- The applicant organization agrees to provide and hold secure matching funds totaling at least 30 percent of the total project cost and submit a signed letter 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.
- The applicant's organization president, executive director or board president supports the submission of the proposal application.