



GOVERNMENT OF PUERTO RICO
Department of Housing

Notice of Funding Availability Guideline

Puerto Rico Department of Housing

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1. Description:

The Notice of Funding Availability (NOFA) is a process to specifically solicit proposals for projects that provide services or activities in program areas of public services and housing services included in the Action Plan of the Puerto Rico Community Development Block Grant – Disaster Recovery (CDBG-DR) program.

This guideline is adopted by the Puerto Rico Department of Housing (PRDOH) to provide and implement the administrative process to announce and solicit applications for a specified amount of funding that will be awarded under a CDBG-DR program to be used within the designated impacted areas according to stated criteria and schedules. The availability of the funds will be subject to the Puerto Rico CDBG-DR Action Plan and Subpart I of the regulations at Title 24 Part 570 of the Code of Federal Regulations.

2. Definitions/Acronyms:

The NOFA Agreement shall include the terms applicable to the specific funds announced in the NOFA. In addition to the specific definitions that applies to the project or services solicited, basic definitions that will apply to all NOFAs are the following:

- **“Action Plan”** refers to the Puerto Rico Disaster Recovery Action Plan, as it may be amended, that outlines the uses of CDBG-DR funds allocated to Puerto Rico.
- **“Addendum”** or **“Addenda”** refers to a written or graphic document issued by the PRDOH before the Application Submission Due Date which modifies or interprets the NOFA by means of additions, deletions, clarifications, or corrections.
- **“Applicant”, “Bidder”, “Proposer”** or **“Respondent”** means a(n) (i) legal person, (ii) joint venture, or (iii) partnership, or (iv) consortium of individuals, and/or partnerships, and/or companies or other entities that submit a response to a NOFA and is not debarred.
- **“Application”** refers to the responses(s) submitted by the Applicants(s) to a NOFA.

- **“Authorized Representative”** refers to the person authorized to bind the Applicant in matters related to the NOFA. This is the person authorized to appear on behalf of the Applicant in matters related to the NOFA.
- **“Bid Board”** refers to an organization of the PRDOH comprised of five (5) members each designated by the Secretary by an Administrative Order. The members of the Board may be officials or employees of the PRDOH and ascribed agencies. The Bid Board will oversee the mission to evaluate, award or decide the applications, bids or Request for Proposals for the acquisition of non-personal goods or nonpersonal services and professional services in a formal procurement process to be executed by PRDOH, according to the applicable regulations.
- **“CDBG-DR”** refers to the Community Development Block Grant - Disaster Recovery which is additional funding appropriated by the United States Congress to rebuild affected areas and provide crucial seed money to start the recovery process.
- **“Cooperative Agreement”** refers to an award of financial assistance that is used to enter into the same kind of relationship as a grant and is distinguished from a grant in that it provides for substantial involvement between the PRDOH (pass-through entity) and the recipient in carrying out the activity contemplated by the award, as defined in 2 CFR 200.24 and in accordance with 2 CFR Part 200.
- **“Evaluation Committee”** refers to a committee designated by the Secretary of the Puerto Rico Department of Housing which will evaluate all the Applications pursuant to the criteria listed in this NOFA.
- **“Federal Government”** means any of the departments of the Executive Branch of the Government of the United States of America, or any department, corporation, agency or instrumentality created, or which may be created, designated or established by the United States of America.
- **“Grant Agreement”** refers to the agreement(s) to be executed between the PRDOH and the Qualified Applicant(s) that result(s) awarded after a NOFA process is completed.
- **“Government Entity”, “Government Entities”** refer to any department, agency, board, commission, body, bureau, office, public corporation or

instrumentality of the Government of Puerto Rico's Executive Branch, whether existing or to be created in the future.

- **“Guideline”** refers to the NOFA Guideline that establishes the administrative process for the Notice of Funding Availability under the CDBG-DR allocation to the Government of Puerto Rico.
- **“HUD”** refers to the United States Department of Housing and Urban Development.
- **“Key Individuals”** means an individual who will play an important role in the engagement or agreement on behalf of a Team Member resulting from a NOFA
- **“Local Parties”** means local subcontractors or professionals and relevant service providers who are based in or have a significant on-going business presence in Puerto Rico.
- **“Mandatory Requirements”** refers to those requirements that Applicant must meet to pass to the next stage of the procurement process. Non-compliance with Mandatory Requirements will result in the disqualification of the Applicant.
- **“Manual”** refers to the PRDOH's Manual for Procurement and Contractual Requirements for the CDBG-DR Program.
- **“NOFA”** means Notice of Funding Availability and any addenda issued by the PRDOH.
- **“PRDOH”** refers to the Puerto Rico Department of Housing.
- **“Public Interest”** means any government action directed to protecting and benefiting citizens at large, whereby essential goods and services are provided for the welfare of the population
- **“Qualified Applicant”** means a responsible and responsive Applicant whose Application meets the Mandatory Requirements and qualifications of this NOFA.
- **“Team Member”** means a member of an Applicant.

3. Overview, Purpose and Intent

The NOFA shall comply with the requirements stated in the Action Plan and establish the award process, the application acceptance period and threshold criteria. The NOFA shall include the provisions applicable to the specific funds.

This section shall describe and communicate early in the document the program purpose and intent of the NOFA in a streamlined way, without excessive detail.

The document must establish the date application acceptance will begin. Based on the availability of funds and intended use, the PRDOH may accept applications from the date the NOFA is published on an ongoing basis until all funds are expended.

Award of funds will be made as grants or loans, depending on the program the award originates from.

4. Funding Opportunity Description

4.1. Program Description

The program description is specific to the PRDOH CDBG-DR Program to be provided and outlines the general purpose, eligible activities, and the eligible beneficiaries.

4.2. Eligible Applicants

The NOFA must be specific in describing the Eligible Applicants. Reference to applicant and sub-grantee status necessary to be eligible shall be made, making reference to the applicable provision (ie. Tax- exemption, good standing or authorization to do business). Applicants are generally non-profits or units of general local government and will be specified as such in the NOFA.

To be eligible for assistance under the NOFA, an applicant must meet the criteria or objectives of the Program according to the Action Plan. Criteria may include the project, number of jobs per project, minimum annual income, business gross revenue, eligible areas, etc.

4.3. Eligible Use of Funds

The NOFA shall define the eligible use of the funds to be awarded according to the Action Plan's Program requirements and 24 CFR Part 570, Subpart C.

Eligible use of funds shall describe the service activities that may be implemented.

4.4. Service Delivery Area

NOFAs may designate specific Service Delivery areas and geographic assignments based on capacity of respondent providers, application case-loads for programs, and other criteria. Service Delivery areas may also be assigned upon application approval. Geographic assignments may be adjusted throughout the program based on capacity and applicant need.

4.5. Description of Funding

The NOFA shall state the availability of funds and the category of eligible activities for which the funds have been set-aside. Also, the NOFA shall define for whom the funds will be available.

The applications will be processed through a first come, first served selection process or in order of scoring results within funds availability. All applications submitted will be evaluated for eligibility and threshold criteria. Applications that successfully satisfy eligibility and threshold criteria will then be reviewed for financial feasibility.

Recommendations for funding will be made only for applications that have met all evaluation criteria to the satisfaction of the program.

The description of funding will specify the maximum available funds for the program under the CDBG-DR program, and the possibility of additional funds as a result of PRDOH's efforts to recapture unused funds, use carryover funds, or because of the availability of additional appropriated funds. Use of these funds is subject to statutory constraints. All awards are subject to the applicable funding restrictions contained in this NOFA.

4.6. Minimum/Maximum Award Information

The announcement must indicate the maximum and minimum award amount. It also shall include and clarify to applicants the information related to the total grant request, award adjustments and the estimated total funding.

4.7. Cost Limitations

This section must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, and the

grant agreement. PRDOH shall reserve the right to reject funding requests for any cost that are outside the scope granted for the specific program.

4.8. Period of Performance

The NOFA shall state the initial term of the Agreement and that on a case-by-case basis, PRDOH may approve requests from applicants to extend the initial period of performance. The NOFA may provide an estimate of commencement of performance.

4.9. CDBG-DR Grant Requirements

Request applicant to provide a description of experience with the grant requirements and affirmatively represent and certify that the Applicant shall adhere to any requirements applicable to the CDBG-DR grant.

The NOFA may include a provision that NEPA does not apply: "This NOFA provides funding for activities which do not contain environmental review provisions because it is excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) ("NEPA"). Accordingly, under 24 CFR §50.19(c)(5), this NOFA is categorically excluded from environmental review under the NEPA.

4.10. Local Participation; Minority and Women Owned Business Enterprises; and Section 3

The NOFA shall include all existing federal, state and local laws and regulations that protect the local participation, minorities, women and low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.

5. NOFA Application Process

5.1. NOFA Documents Acquisition

Provide the CDBG-DR Website address to obtain copies of the NOFA for download by prospective and instructions to submit an Application in response to the NOFA. In the alternative, provide physical address to prospective Applicants to pick up copies of the NOFA.

5.2. Addenda

Use this section to explain the PRDOH's right to amend the NOFA at any time, the mechanism and posting.

Provide time, date and how (provide link to website) addendum to NOFA will be released.

5.3. Schedule

A summary schedule of major activities as associated with the NOFA will be presented in a table format. Advise of the responsibility of the applicant to periodically review the PRDOH CDBG-DR website for regular updates and other important information, which may alter the terms or requirements of this NOFA.

5.4. Correspondence, Communications and Conferences

Provide the electronic mail for allowed communications regarding the NOFA with the warning that any correspondence sent to any other email address regarding the NOFA will not be answered. Explain the possibility of a conference call to discuss the NOFA and instructions for the scheduling.

5.5. Submission of Inquiries

Explain the procedure to submit questions by each prospective Applicant to the intent of clarity of the NOFA, its attachments, and its Exhibits and the deadline established.

Provide period of time and email address to submit questions to the published NOFA.

5.6. Allowed and Prohibited Communications

Specify that only questions and requests for clarifications on the NOFA are allowed. Other than these communications for clarifications purposes regarding any matter related to the contents of the NOFA or the qualification and selection process, are prohibited during the submission and selection processes. Advise that failure to adhere to this requirement may result in the rejection of submitted applications.

5.7. Representations for Application Submission

Explain in this section that all cost associated with the response to the NOFA are the sole responsibility of Applicant. It shall be stated clearly that no individual, or firm, is assured of obtaining any award because of this NOFA process. The PRDOH shall reserve the right, without limitations, to reject partially or completely any and all Applications received in response to the NOFA; to make such investigations as it deems necessary as to the qualifications or perceived conflicts of interest of any and all entities submitting Applications in response to this NOFA; to re-solicit Applications.

Advise that the PRDOH reserves the right, without limitations, to: (i) grant more than one agreement and/or select more than one qualified Applicant; (ii) amend the Agreement(s) of the Selected Applicant(s) to, among others, extend its original duration, as further explained in this NOFA, or to extend its scope to include work under subsequent CDBG-DR action plans.

Clarify that the NOFA, its award, and any derivative agreement are subject to the execution of a grant agreement between the Government of Puerto Rico or the PRDOH, and HUD; and the availability of the allocated CDBG-DR funds.

5.8. Application Modification or Withdrawal

Explain in detail the procedure to modify or withdraw an Application by the Applicant.

5.9. Ownership of Applications

All materials submitted in response to this NOFA shall become the property of the PRDOH and will not be returned. Selection or rejection of an Application does not affect this provision.

6. General Application Requirements

All Applications shall comply with the general requirements stated in the following sections.

6.1. Application Format

To ensure uniformity to specific requirements and prompt reference among all Applications, this section will list the parameters for the format of the Applications.

6.2.Submission Due Date

This section shall include the due date, physical or email address and the consequences of submitting the NOFA after the prescribed deadline. Applicants shall follow the instructions for the submission of their responses as detailed in this section.

7. Qualifications Requirements

As part of the NOFA process, qualifications will be solicited from interested Applicants to perform services related to one or more of the service activities within the solicitation of the NOFA.

7.1.Mandatory Requirements

Applicants shall comply with the Mandatory Requirements as defined in the NOFA in order for their Application to be evaluated on their technical and cost aspects. Mandatory Requirements will be scored as either "Pass" or "Fail". Precise warning shall be made explaining that failure to comply with each of the Mandatory Requirements of the NOFA will result in the disqualification of the Applicant. Mandatory Requirements for the NOFA shall include at least the following:

7.1.1. Application Submission:

7.1.2. Organizational Documentation:

7.1.3. Comparable Projects/Services:

7.1.4. Financial Requirements: (adequate financial resources)

7.1.5. Conflicts of Interest: (Pursuant to Act 12 of July 24, 1985, as amended, Act 237 of August 31, 2004, and/or Act 2 of January 4, 2018)

7.1.6. Other Required Documents: (Anti-Lobbying Certification, Authorization for Background and/or Financial Information, Applicant Prior Performance Certification, Certifications and Representations of Offerors, and Certification for Compliance with HUD General Provisions).

7.2.Qualification Requirements

Applicants shall comply with each of the qualification requirements as defined in the NOFA. State the maximum score of points for each requirement. Precise warning shall be made explaining that failure to comply with each of the Qualifications Requirements of the NOFA will result in the disqualification of the Applicant.

Capacity to Provide Services: (capability to provide services under the CDBG-DR grant, or Federal Grants of the firm). Request the History (Profile), Tax-ID and the year it was established, active registration in the System for Award Management (SAM), Data Universal Numbering System (DUNS) identifier, form of business (e.g., corporation, non-profit corporation, limited liability company, professional services company) and detail information of the officers, directors, members and any partners, Organizational Chart of the firm, functional full-time equivalents (FTEs) if Applicant's firm is not based in Puerto Rico, statement with any pending or recent (within the past five (5) years) litigation, sanctions and/or administrative complaints, list of projects with federal funds during the last four (4) Fiscal Years and performance on previous projects and contracts for federal programs , among others.

7.2.1. Reputation and Managerial, Organization, and Technical Capabilities:

Request resumes of one or two Key Executive or Management staff who will administer the proposed CDBG-DR activities. Specify the information that must be included. When applicable request licenses to all staff, key and team members.

7.2.2. Applicant's experience:

Request information of similar projects executed successfully by the firm in a define past performance period.

7.2.3. Staffing:

Request an organizational chart of the staff and resources to be dedicated to the proposed CDBG-DR activities solicited in the NOFA.

7.3. Work Approach

As part of the work approach, request to Applicant the following information:

7.3.1. Each service activity Applicant plans to include in its Application, including target population(s), Service Delivery Area(s), Cost Proposal

7.3.2. Types/categories of beneficiary's Applicant currently serves/provides assistance to.

7.3.3. How services or assistance will be provided and the types of services

7.3.4. How the Applicant will track and monitor the progress of the services proposed and/or activities utilizing CDBG-DR funds.

7.3.5. How the Applicant will comply with federal policy and procedural requirements, demonstrate an understanding of the needs and problems of the target population; how the entity will address one or more of these needs and problems with its available resources; the type of services offered; the geographic service area to be served; and the anticipated results (outcomes) to be achieved within the period of approval.

7.3.6. Applicants will provide methodology for program/project implementation.

8. Budget Proposal Requirements

Applicant shall provide a Budget Proposal including a plan for reducing program costs over the life of the program as key milestones are reached and volume of activity reaches natural break points.

9. Evaluation and Selection

Explain the purpose and intent of the scoring and funding methodology for the NOFA; and that the selection will be conducted through a review of submitted Applications.

9.1. Evaluation Committee

An Evaluation Committee will be appointed by the PRDOH, for which it may rely on specialized advisers, consultants, and/or subject-matter experts that will review and score the different sections of the NOFA, as well as make final recommendations to the PRDOH Bid Board. Following receipt, the responses of all Applicants will be reviewed for completeness and analyzed based upon the criteria described in the NOFA.

9.2. Evaluation

The Evaluation Committee shall evaluate each Application based on the criteria stated in the NOFA. Instruct that Initial evaluation will consider only those Applicant's that Applications meet the Mandatory Requirements will

be evaluated by the Evaluation Committee for the Qualification and Work Approach requirements of the Application.

Specify that the Evaluation Committee will evaluate the Budget Proposals submitted by the Applicants and will combine the Qualifications and Work Approach and economic aspects of the Applications to determine the Applicant(s) whose Application(s), conforming to the NOFA, is(are) most advantageous to the PRDOH.

9.3. Errors and Omissions in Applications

Warn the PRDOH's right, without limitations, to reject an Application that contains an error or omission; to request correction of any errors or omissions and/or to request any clarification or additional information from any Applicant, without opening clarifications for all Applicants.

9.4. Application Scoring

Represent in a table format the maximum points for the Mandatory and Technical Requirements of the Applications.

9.5. Selection and Award

Clarify that the "Qualified Applicant(s)" will be recommended by the Evaluation Committee for award; and that after final recommendation, the PRDOH Bid Board will issue the award notice. The awardee must execute a Subrecipient agreement with PRDOH before conducting work.

9.6. Rejection of Application and Cancellation of NOFA

Explain that the issuance of the NOFA does not constitute a commitment by the Government of Puerto Rico and/or the PRDOH to award an Agreement; and the PRDOH's right, without limitations, to accept or reject, in whole or part, and without further explanation, any or all Applications submitted and/or to cancel the notice and reissue the NOFA or another version of it, if it deems that doing so is in the best interest of the Public Interest, the Government of Puerto Rico, the PRDOH or the impacted communities. The PRDOH will also have the right, without limitations, to disregard or waive any noncompliance, informalities and/or irregularities in the Applications received in response to the NOFA, not otherwise identified as Mandatory Requirements and Qualifications when, in its opinion, the Public Interest, the best interest of the Government of Puerto Rico or the PRDOH or of the impacted communities will be served by such action.

9.7. Confidentiality of Responses and Proprietary Information

State that upon completion of the NOFA process, the PRDOH will make public its report regarding the qualification, procurement and selection process, which shall contain certain information related to the NOFA process, except trade secrets, proprietary information, or privileged and confidential information of the Applications, so identified by Applicants and the possible use or submissions or redacted copies.

Advise that the PRDOH cannot guarantee that confidentiality or proprietary claims made by an Applicant, in any way, will be honored and that any and all information, be it trade secrets, proprietary or confidential information submitted as part of the NOFA will be made available to HUD, the U.S. Office of Inspector General, or any other federal or state agency that requires said information for program evaluation and compliance purposes.

10. Administrative Procedure and Appellate Remedies

Alert of Applicant's right to file a petition for reconsideration before the PRDOH Bid Review Board within the twenty (20) days from the date on which the copy of the Award Notice is duly notified and that failure to timely file the petition for reconsideration will preclude the PRDOH Bid Review Board from considering the same. To specify the provisions applicable for judicial review, the following language shall be added to the NOFA:

"As stated in Article XVIII, Section 2 of the Manual, any person, party or entity that considers itself having been adversely affected by the Award Notice or award determination of the PRDOH Bid Board, made in relation to this NOFA, may file a petition for reconsideration before the PRDOH Bid Review Board within the twenty (20) days from the date on which the copy of the Award Notice is duly notified. This is a jurisdictional term not subject to any extension. Failure to timely file the petition for reconsideration will preclude the PRDOH Bid Review Board from considering the same. The applicable terms for the filing of a judicial review petition before the Puerto Rico Court of Appeals in relation to this action or lack of action by the PRDOH Bid Review Board, shall be those established in Law 38-2017 for bids procedures, particularly, in Sections 3.19 and 4.2 of Law 38-2017. Simultaneously with the filing of the petition for reconsideration, the petitioner shall submit a copy of the petition to all the parties in the procedure and to the PRDOH.

The mere filing of a petition for reconsideration before the PRDOH Bid Review Board or filing of a judicial review petition before the Puerto Rico Court of Appeals will not have the effect of halting the contested award."