



GOVERNMENT OF PUERTO RICO
Department of Housing

NOTICE OF FUNDING AVAILABILITY
FOR THE
HOUSING COUNSELING SERVICES PROGRAM
UNDER THE
COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY

CDBG-DR-NOFA-2018-01

PUERTO RICO DEPARTMENT OF HOUSING

December 10, 2018

NOFA Issued

January 11, 2019

Application Due Date

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Attachments

- 1. CDBG-DR Housing Counseling Guidelines**
- 2. Form for Submission of Inquiries**

Exhibits

- A-1 Mandatory Requirements Checklist**
- A-2 Qualifications, Work Plan, and Budget Checklist**
- B Application**
- C Non-Conflict of Interests Certification**
- D Non-Conflict of Interest on Existing or Pending Contracts Certification**
- E Limited Denial of Participation Affidavit**
- F Non-Collusive Affidavit**
- G Debarment Suspension Voluntary Exclusion Affidavit**
- H Sworn Statement Under Act 2-2018**
- I Anti-Lobbying Certification**
- J Authorization for Background and/or Financial Information**
- K Applicant Prior Performance Certification**
- L Certification for Compliance with HUD General Provisions**

1. Definitions/Acronyms

The following terms shall have the meanings indicated below, which shall be applicable to both their singular and plural forms:

- **“Action Plan”** refers to the Puerto Rico Disaster Recovery Action Plan, as it may be amended, that outlines the uses for the approximately \$1.5 billion CDBG-DR funds allocated to Puerto Rico.
- **“Addendum”** or **“Addenda”** refers to a written or graphic document issued by the PRDOH before the Application 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 this NOFA and is not currently debarred.
- **“Application”** refers to the responses(s) submitted by the Applicants(s) to this 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.
- **“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.
- **“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.
- **“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.
- **“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 this 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.
- **“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.
- **“Subrecipient Agreement”** refers to the agreement(s) to be executed between the PRDOH and the Qualified Applicant(s) that result(s) awarded after this NOFA process is completed.
- **“Team Member”** means a member of an Applicant.

2. Overview, Purpose and Intent

2.1. Intent

The Puerto Rico Department of Housing (PRDOH) announces this Notice of Funding Availability (NOFA) through the Community Development Block Grant - Disaster Recovery (CDBG-DR) Housing Program to seek Applications from non-profit, HUD-Certified Housing Counseling organizations to provide guidance, advice, disaster case management and other technical assistance to applicants to the PRDOH Housing Programs and other hurricane-impacted individuals.

It is the intent of PRDOH to provide individualized recovery plans incorporating general social and public services to particularly vulnerable applicants. PRDOH also intends to assist applicants, on an individual or group instruction basis, by providing technical assistance in the areas of homeownership and financial counseling, legal assistance and other assistance as provided under the CDBG-DR Housing Counselor Program Guidelines.

2.2. Purpose

Housing counseling services will foster resilience through public education and advocacy, especially when delivered in conjunction with other forms of housing assistance.

The PRDOH Housing Counseling program will:

- Provide financial support to selected housing counseling agencies with CDBG-DR funding to provide vital services to Puerto Rican residents to address their housing and social-service needs.

- Ensure that financial support is provided to agencies whose past performance and quality of housing counseling services reflect the priorities and sense of urgency to serve Puerto Rican Residents.
- Encourage the continued advancement of standards of housing counseling testing and certification.
- Ensure housing counseling agencies will address rural areas having traditionally low levels of access to housing counseling services, including areas with insufficient access to the Internet.

2.3. Authority

This NOFA is issued by the PRDOH for the CDBG-DR, which allocated funds appropriated by the Supplemental Appropriations for Disaster Relief Requirements (Appropriations Act), under Public Law 115-56 of 2017, to provide assistance in long-term recovery from 2017 natural disasters.

This NOFA provides notice of CDBG-DR grant program that supports the provision of basic housing counseling needs. This financial support will assist housing counseling agencies to increase the counseling and trainings provided island-wide, under the authority of HUD's Housing Counseling Program, Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x).

3. Funding Opportunity Description

3.1. Program Description

PRDOH's Housing Counseling Grant Program is to provide funding for the services that will be provided to tenants and homeowners as guidance and counseling. Current homeowners and tenants, as well as displaced residents, will receive counseling services on property maintenance, financial management, funding resources, and financial and credit literacy and other areas as needed and appropriate to assist in helping clients fulfill their responsibilities as homeowners, improve their housing conditions, meet their financial needs and others.

Funding provided under this NOFA is intended to support HUD-approved housing counseling agencies to respond flexibly to the needs of residents and neighborhoods and deliver a wide variety of housing counseling services to homebuyers, homeowners, renters, and the displaced or homeless. Puerto Rico's Department of Housing (PRDOH) understands the vital role of continuing to stabilize Puerto Rico's housing market by helping individuals and families obtain housing and stay in their homes through responsible homeownership or affordable rental housing.

Traditionally underserved populations, such as minorities, the elderly, veterans, persons with disabilities, persons with limited English proficiency and residents of rural areas, face unique disaster recovery housing and economic challenges. PRDOH's Housing Counseling Program funds housing agencies that provide expert, unbiased guidance and information to help families and individuals, particularly the most vulnerable, meet their housing needs and improve their financial situations. These agencies should act as an important safeguard in the prevention of housing scams and discrimination as well as an important gateway to local, state, federal and private housing assistance and resources.

This program will provide recovering residents with wrap-around educational services to promote understanding of housing and financial options such as: financial literacy education, homebuyer counseling, credit repair counseling, mitigate default/foreclosure proceedings, etc. Housing Counselors will be equipped to connect program participants with resources including, but not limited to Voluntary Organizations Active in Disaster (VOAD), and other federally funded programs like Continuums of Care (COC) and Housing Choice Vouchers, and rental subsidy programs. PRDOH will work with HUD-approved housing counseling agencies which are uniquely situated to assist with long-term recovery.

Special training seminar(s) for selected providers will be held to ensure current and new counselors are well-informed about programs offered under CDBG-DR. Curriculum will cover the scope of available programs and cover eligibility requirements in depth. Additional efforts will be made, as necessary, to hold special training sessions to educate surge staff new to housing counseling services to ensure service providers are appropriately staffed to meet applicant needs.

Counseling services can range from individualized, one-on-one counseling to help homeowners identify and address barriers to permanent, safe and affordable housing, to advocacy with insurance and mortgage companies, to group education addressing how to remediate mold or how to avoid common scams. Services will be made accessible to individuals having wide-ranging disabilities including mobility, sensory, developmental, emotional, and other impairments through communication standards and or program guidelines that adhere to HUD policies such as Americans with Disabilities Act (ADA) compliance and Section 504 of the Rehabilitation Act of 1973 (504). Services may also be provided related to rental counseling.

3.2. Eligible Applicants

Eligible Applicants include:

1. HUD Approved Housing Counseling agencies approved by HUD prior to the NOFA issue date are eligible for this NOFA.
2. Applicant and Sub-grantee Status. To be eligible to receive a grant or sub-grant under this NOFA, all Applicants, Sub-grantees and Branches must be:
 - a. Tax-exempt organizations under Internal Revenue Code (IRC) section 501 (a) as described in IRC section 501(c) (26 U.S.C. 501 (a) and (c)), or units of local, county or state government.;
 - b. in good standing under the laws and regulations of the state of their organization; and
 - c. authorized to do business in Puerto Rico.

Applicants must submit evidence of "tax exempt" status under section 1101.01 of the Puerto Rico Internal Revenue Code of 2011, as amended and "tax exempt" status under section 501 (a) **pursuant to section 501(c)(3) of the Internal Revenue Code.**

3.3. Eligible Use of Funds

The funding will be provided to implement various service activities, which may include:

- Financial Status or Financial Resource assessment

- Applying for public and private resources
- Negotiating mortgage and rent forbearance
- Short and long-term budgeting living expenses
- Explaining insurance options
- Acting as a safeguard against fraud and scams
- Hurricane season planning and preparation
- Relocation counseling for home purchase options
- Establishing Property purchase eligibility/ capacity
- Credit Repair counseling
- Advocacy with insurance and mortgage companies
- Connection to other resources that provide home repair relief and emergency assistance
- Group education addressing how to remediate mold
- Other case management services permitted under HUD Housing Counselor activities.

3.4. Service Delivery Area

Services may be delivered in any of the Puerto Rico disaster-declared *municipios* for Hurricanes Irma and/or Maria. PRDOH may make geographic assignments based on capacity of respondent providers, application case-loads for programs, and other criteria. Geographic assignments may be adjusted throughout the program based on capacity and applicant need.

3.5. Description of Funding

Funding of up to **\$7,500,000** is available for this program under the CDBG-DR program.

Additional funds may become available for award under this NOFA 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.

3.6. Number of Awards

PRDOH estimates that ten (10) housing counseling programs will be implemented. If ten (10) distinct HUD-certified counseling organizations are unable to provide services, any remaining funds may be made available to one or more of the other contracted counseling providers.

3.7. Minimum/Maximum Award Information

- + **Total Grant Request.** Applicants must provide a proposed budget identifying the staffing levels and rates and other direct costs associated with delivering the level of service proposed by the applicant.
- + **Award Adjustments.** PRDOH reserves the right to adjust funding levels for each grantee. Once Applicants are selected for award, PRDOH will determine the total amount to be

awarded to any grantee, based upon the scope of services to be provided and funds available and other factors that PRDOH may determine.

- + **Minimum and Maximum Award Amounts.** Minimum and maximum award amounts for initial awards made from funds available under this NOFA will depend on the number of eligible applicants and other factors. For information on the methodology used to make award determinations under this NOFA, please see Section V.B Review and Selection Process below.
 - o Estimated Total Funding: \$7,500,000.
 - o Minimum Award Amount: \$50,000
 - o Maximum Initial Award Amount: \$750,000

3.8. Cost Limitations

Successful applicants under this NOFA will execute a subrecipient agreement with PRDOH which provides direct reimbursement of allowable costs associated with eligible activities defined in this procurement and that meet eligibility criteria. Allowable costs are costs incurred in the performance of this program that are determined by HUD and PRDOH to be allowable, allocable, and reasonable in accordance to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, and the grant agreement. PRDOH reserves the right to reject funding requests for any cost that are outside the scope of housing counseling.

3.9. Period of Performance

The initial term of the Agreement will be two (2) years with the option of annual extensions up to a maximum of three (3) additional years . The period of performance for this project is estimated to start on the 1st Quarter of 2019.

3.10. CDBG-DR Grant Requirements

Because the Agreement is being funded with CDBG-DR federal funds, the Agreement shall be governed by federal terms and conditions applicable to this federal grant. Applicant shall provide a description of experience with such grant requirements and affirmatively represent and certify that the Applicant shall adhere to any requirements applicable to the CDBG-DR grant. Any funds disallowed under the CDBG-DR grant or program shall be disallowed from the award to the Applicant.

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.

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

The PRDOH encourages Applicants to engage local subcontractors, professionals and relevant service providers headquartered in Puerto Rico ("Local Parties") as Team Members and Key

Individuals to the greatest extent possible. Applicants are strongly encouraged as part of this NOFA to provide descriptions of their current and/or anticipated business arrangements with Local Parties and, in particular, Local Parties who are Team Members and Key Individuals for the Project, as applicable.

PRDOH recognizes its obligation to promote opportunities for maximum feasible participation of certified Minority and Women Owned Business Enterprises (MBE/WBE's), and the employment of minority group members and women in the performance of all PRDOH federal funded contracts. PRDOH is committed to ensuring that firms which are MBE/WBE certified are encouraged to submit applications in response to this NOFA.

Pursuant to Section 3 of the Housing & Urban Development Act of 1968, PRDOH is committed to ensuring that employment and other economic opportunities generated by HUD financial assistance shall, to the greatest extent feasible, and consistent with existing federal, state and local laws and regulations, be directed to 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.

4. NOFA Procedures

4.1. NOFA Documents Acquisition

Copies of this NOFA are available for download by prospective Applicants at the CDBG-DR Website (<http://www.cdbg-dr.pr.gov/en/procurement/>). To download the documents, prospective Applicants must go to the "Procurement" section of the Website, where all procurement documents will be published. To submit an Application in response to this NOFA, Applicants are required to go to the CDBG-DR Website and register for participation in the process. To register into the NOFA, prospective Applicants must go to the "Procurement" section of the CDBG-DR Website, complete the CDBG-DR Procurement Process Registration Form, download, and send it to cdbgdr-procurement@vivienda.pr.gov. Alternatively, prospective Applicants can also pick up copies of this NOFA at the PRDOH's Headquarters' 9th floor, PRDOH's Headquarters are located at 606 Barbosa Avenue, Juan César Cordero Dávila Building, Río Piedras, PR 00918; attention Mr. José A. Rivera Delgado. NOFA Documents will be available starting at the Document Availability Start Date stated in Section 4.3.

4.2. Addenda

The PRDOH reserves the right to amend this NOFA at any time. Any amendments to the NOFA will be issued as written Addenda. The PRDOH will post copies of each Addendum for all prospective Applicants to download at the "Procurement" section of the CDBG-DR Website. **Addenda will become a part of this NOFA. All prospective Applicants must monitor the <http://www.cdbg-dr.pr.gov/en/procurement/> to retrieve Addenda.**

4.3. Schedule

A summary schedule of major activities as associated with this NOFA is presented in **Table 1** below. The dates, times, and activities are subject to change.

Table 1: NOFA Schedule

Event	Time and Date
Public Notice	December 10, 2018
Documents Availability	December 10, 2018 at 5:00 pm
Submission of Questions and Requests for Clarification	December 20, 2018 at 4:00 pm at the latest
Responses to Questions and Requests for Clarifications	December 28, 2018, 2018
Application Due Date	On or before January 11, 2019 at 3:00 pm
Application Evaluation Period (Expected)	From: January 11, 2019
	Up To: January 31, 2019
Notice of Award (Expected)	February 7, 2019
Execution of the Agreement (Expected)	February 14, 2019

Please note that the NOFA timeline target dates may change. **It is the responsibility of the applicant to periodically review the PRDOH CDBG-DR website (<http://www.cdbg-dr.pr.gov/en/procurement/>) for regular updates and other important information**, which may alter the terms or requirements of this NOFA.

4.4. Correspondence, Communications and Conferences

Allowed communications regarding the NOFA must be submitted to the PRDOH by electronic mail to cdbgdr-procurement@vivienda.pr.gov and shall reference this specific NOFA in the subject line of the email. Any correspondence sent to any other email address regarding this NOFA will not be answered.

A conference call may also be scheduled to discuss this NOFA, accept questions, and provide preliminary responses. If a conference call is scheduled, it will be posted on the PRDOH website procurement page at (<http://www.cdbg-dr.pr.gov/en/procurement/>).

4.5. Submission of Inquiries

Each prospective Applicant may submit questions as to the intent of clarity of this NOFA, its attachments, and its Exhibits. Applicant shall submit all questions in writing on or before the deadline established in Section 4.3 **Error! Reference source not found.** of this NOFA to the electronic mailing address specified in Section 4.4 of this NOFA. Inquiries shall be submitted by prospective Applicants using the document titled Form for Submission of Inquiries included as Attachment 2.

Questions shall be clearly labeled and shall cite the Section(s) and page number in this NOFA or other document that forms the basis of the question. Questions must be submitted in English.

Responses to all Applicants' questions will be distributed as an Addendum to this NOFA on or before the date established in Section 4.3 of this NOFA and will be posted in the CDBG-DR website (<http://www.cdbg-dr.pr.gov/en/procurement/>).

4.6. Allowed and Prohibited Communications

Only questions and requests for clarifications on this NOFA submitted by prospective Applicants as per Section 4.4 and 4.5 of this NOFA are allowed. Other than these communications for clarifications purposes, communications by prospective Applicants with officials and/or representatives of the PRDOH, other Government Entities, the Government of Puerto Rico, and any of its instrumentalities, HUD, or other relevant entities of the Federal Government, and/or others associated with the CDBG-DR program, regarding any matter related to the contents of this NOFA or this qualification and selection process, are prohibited during the submission and selection processes. Failure to adhere to this requirement may result in the rejection of submitted applications.

Verbal inquiries or emails sent to addresses not specified in this NOFA will not be addressed by the PRDOH.

4.7. Representations for Application Submission

All cost associated with the response to this NOFA are the sole responsibility of Applicant. Neither the PRDOH, the Government of Puerto Rico, nor any of its Government Entities or its instrumentalities, nor HUD, or other relevant entities of the Federal Government, will be responsible for any expenses in the preparation and/or presentation of the Applications, oral presentations or for the disclosure of any information or material received in connection with this NOFA.

No individual, or firm, is assured of obtaining any award because of this NOFA process. For Applications to be evaluated by the PRDOH, prospective Applicants are required to register for participation in the process. To register into the NOFA, prospective Applicants must go into the "Procurement" section of the CDBG-DR Website (<http://www.cdbg-dr.pr.gov/en/procurement/>) and **fill the CDBG-DR Procurement Process Registration Form, download, and send it to cdbgdr-procurement@vivienda.pr.gov.**

The PRDOH reserves the right, without limitations, to reject partially or completely any and all Applications received in response to this NOFA 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. The PRDOH further reserves the right, without limitations, 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. The mere appearance of a conflict of interest shall constitute sufficient cause for the outright rejection of an Application. In the event that any or all Applications are rejected, the PRDOH reserves the right, without limitations, to re-solicit Applications.

By submitting an Application, the Applicant shall adhere to complying with all applicable Federal and Puerto Rico laws and regulations.

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.

This 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. Applicant acknowledges and agrees that any suspension,

cancellation, or termination of the CDBG-DR allocation(s) will result in the immediate suspension, cancellation, or termination of this NOFA, award, or executed agreement, upon PRDOH's notice.

4.8. Application Modification or Withdrawal

An Applicant may modify or withdraw an Application at any time before the Application Due Date. The withdrawal must be submitted in writing and directed to the Procurement Director of the PRDOH. Timely withdrawal of an Application does not prejudice the right of an Applicant to submit another Application by the Application Due Date. No oral, telephonic, or facsimile modification of an Application shall be recognized. After the Application Due Date, corrections or withdrawal of Application may be permitted only if the Applicant can show clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake, and the Application budget intended. All decisions to allow correction or withdrawal of an Application shall be supported by a written determination signed by the PRDOH's Contracting Officer or Procurement Director, as delegated official after the Application Due Date. Changes in budgets or other provisions of Application prejudicial to the interest of the PRDOH or fair competition will not be permitted.

4.9. 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.

5. General Application Requirements

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

5.1. Application Format

To ensure uniformity to specific requirements and prompt reference among all Applications, the format of the Applications shall adhere to the following parameters:

- Applications shall be provided using the **CDBG-DR Housing Counseling Program Application** form provided. Attachments as allowed in the application form shall be typewritten on standard 8 ½" x 11" paper. Written content of attachments must be set at one and one-half (1.15) line spacing and the font shall be 12-point Times News Roman.
- Attachment pages shall have a one-inch margin.
- Larger paper (up to 11" x 17") and smaller fonts are permissible for charts, diagrams, spreadsheets, etc.
- The Applications and its Exhibits shall be drafted in the English language, excluding certifications and/or documents issued by the Government of Puerto Rico in the Spanish language.
- Applications shall be bound into a single document using plastic comb binding or metal ring binders at the left margin of the page.
- The Budget Proposal and Proposed Work Plan may also be included as attachments;
- The requested resume(s) and organizational chart must be provided as attachments.

- All documents that need a signature as part of the Application shall be signed in blue ink. Documents consisting of more than one page that require signature shall contain the initials of the Applicant's Authorized Representative at the right-top corner of every page.
- Documents must be sealed with the Applicant's Corporate Seal when applicable.
- Application's cover pages shall include the Applicant's name, contact information, and mailing address, the Application submission date, and the Project Title.
- Application documents shall be organized as per the Application Checklists, included as **Exhibits A-1** and **A-2**. Documents shall be subdivided using number tabs (on the right side of the document) that correlate to the Application Checklist order.
- All names must be included in print below each signature.

5.2. Submission Due Date

Applications are to be submitted on the Application Due Date stated in Section 4.3 of this NOFA. Responses to the NOFA submitted after the prescribed deadline will not be accepted. Applicants shall submit their responses in one (1) sealed envelope with the name of the Applicant and the NOFA number in the center of the envelope. The contents of such envelope shall include all documents required by:

- **Exhibit A-1** (Mandatory Requirements Checklist)
- **Exhibit A-2** (Qualifications, Work Plan, and Budget Checklist)

5.3. Submission

The envelope must contain the original of the Application and three (3) hard copies of the same document plus one (1) electronic copy Universal Serial Bus (USB) flash drive. The responses shall be delivered no later than the Application Due Date at:

Physical Address: 606 Barbosa Ave.
Juan C. Cordero Bldg., 9th Floor
San Juan, PR 00918

Attn: William G. Ríos Maldonado
Director
CDBG-DR Procurement Area

No digital submission of Application will be accepted by the PRDOH.

6. Application Requirements

The purpose of this process is to solicit Applications from interested nonprofit HUD Approved Housing Counseling Agencies to provide services for a two-year period. Applicants may submit applications to perform services related to one or more of the service activities - Disaster Case Management, Homeownership Counseling, Homebuyer Counseling, Financial Counseling, and other activities. All applications must comply with the following requirements.

6.1. Mandatory Requirements

Applicants shall comply with the following Mandatory Requirements in order for their Application to be evaluated. **Mandatory Requirements will be scored as either “Pass” or “Fail”.** If the Application meets all Mandatory Requirements of this NOFA, the Application will “Pass” the Mandatory Requirements evaluation. If the Application does not meet all Mandatory Requirements of this NOFA, the Application will “Fail” the Mandatory Requirements evaluation. **Failure to comply with each of the Mandatory Requirements of this NOFA will result in the disqualification of the Applicant.** However, PRDOH reserves the right to waive minor irregularities and minor instances of non-compliance. Mandatory Requirements for this NOFA are as follows:

- 6.1.1. Application Submission:** Application must be submitted within the closing date and time for Applications as established in Section 4.3 of this NOFA.
- 6.1.2. Organizational Documentation:** The Applicant, in its Application, must submit organizational documents which will vary by the Applicant's type of organization. Such documents may include (but are not limited to) Certificates of Incorporation, Partnership Agreements, Joint Venture Agreements, Certificates of Good Standing, Joint Venture Agreements and Evidence of “Tax Exempt” Status.
- 6.1.3. Financial Requirements:** The Applicant, in its Application, shall provide information regarding how the applicant maintains sufficient financial internal controls.
- 6.1.4. 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 Applicant will be required to certify that no officer, agent or employee of the Government of Puerto Rico, or its Government Entities and instrumentalities, has a monetary interest in the Application or has participated in contract negotiations on behalf of the Government of Puerto Rico; that the Application is made in good faith without fraud, collusion, or connection of any kind with any other Applicants; that the Applicant is competing solely in its own behalf without connection with, or obligation to, any undisclosed person or firm; and that the Applicant has not been convicted or has plead guilty in a state of federal court or any other jurisdiction of the United States of America, of the crimes described in Act 2 of January 4, 2018. For compliance with this Mandatory Requirement the Applicant shall submit with his response to this NOFA **Exhibit C (Non-Conflict of Interest Certification)**, **Exhibit D (Non-Conflict of Interest on Existing or Pending Contracts Certification)**, **Exhibit E (Limited Denial of Participation Affidavit)**, **Exhibit F (Non-Collusive Affidavit)**, **Exhibit G (Debarment Suspension Voluntary Exclusion Affidavit)**, and **Exhibit H (Sworn Statement Under Act 2-2018)** duly completed and notarized. All documents authorized by a Notary Public outside of Puerto Rico jurisdiction shall be authenticated and include an official certificate or apostille from the Secretary of State, County Clerk or corresponding entity of the State government.
- 6.1.5. Other Required Documents:** Applicants shall submit the following documents duly completed and notarized, if applicable, as part of their responses to this NOFA: (a) **Exhibit I (Anti-Lobbying Certification)**, (b) **Exhibit J (Authorization for Background and/or Financial Information)**, (c) **Exhibit K (Applicant Prior Performance Certification)**, and (d) **Exhibit L (Certification for Compliance with HUD General Provisions)**.

6.2. Qualification Requirements

Applicants shall comply with each of the following requirements. Failure to comply with each of the Qualifications Requirements of this NOFA will result in the disqualification of the Applicant.

However, PRDOH reserves the right to waive minor irregularities and minor instances of non-compliance. All the following requirement must be completed in **Exhibit B** (Application).

6.2.1. Capacity to Provide Services: Applicants shall establish capability to provide services under the CDBG-DR grant, or Federal Grants, by providing the following information with its response. **This part of the Applicant's Qualifications will have a maximum score of 25 points.** Applicant shall provide the information requested herein as part of **Exhibit B** (Application).

- Brief history (Profile) of the Agency.
- Applicant's Tax-ID and the year it was established.
- Applicants must have a valid, active registration in the System for Award Management (SAM).
- Applicants must have a Data Universal Numbering System (DUNS) identifier.
- Applicant's form of business (e.g., corporation, non-profit corporation, limited liability company, professional services company) and detail the names, telephone numbers and email addresses of its officers, directors, members and any partners, if applicable, as well as the persons the PRDOH should contact regarding the Application.
- Provide an Organizational Chart of your Agency with lines of responsibility and authority in the administration of the Applicant's business as a housing counseling agency.
- If Applicant's Agency is not based in Puerto Rico, Applicant must provide the functional full-time equivalents (FTEs) that will be based and staffed in Puerto Rico. Provide an availability chart that shows: immediate availability; availability of the staff in a year; percentages of available time; and committed time to other projects.
- Provide a statement of whether there is any pending or recent (within the past five (5) years) litigation, sanctions and/or administrative complaints against the Applicant and First-Tier Subcontractor, if subcontracting applies. Include citation of the litigation and opinion of counsel as to the degree of risk presented by any pending litigation and whether such pending or recent litigation will impair the Applicant's performance in an Agreement under this NOFA.
- Provide a list of projects for which the Applicant has received federal funds during Fiscal Years 2015 thru 2018.
- Describe how performance on previous projects and contracts for federal programs qualifies Applicant to develop and implement this project.

6.2.2. Reputation and Managerial, Organization, and Technical Capabilities: Each Applicant must have a good reputation and the managerial, organizational and technical capabilities, as well as the experience, to develop and administrate the Contract. **This part of the Applicant's Qualifications will have a maximum score of 15 points.**

- The Applicant must demonstrate that it has personnel capable of handling the services required herein. Applicant must submit resumes for all Key Team Members who will administer the proposed CDBG-DR activities. Resumes must include: title, tenure at

current position, main responsibilities, experience, skills and education, including HUD Certification(s).

- When applicable and required to perform the tasks or works to be performed under the Agreement; all staff, key and team members shall have valid, current and in good standing licenses or authorizations during the duration of the Agreement.

6.2.3. Applicants experience: Briefly highlight applicant's experience and major accomplishments in providing programs/ services to populations that have been affected by a major disaster (individuals, households, businesses, organizations) **and/or** vulnerable populations. **This part of the Applicant's Qualifications will have a maximum score of 15 points.**

6.2.4. Staffing: Submit names listed in Application table 4.1 for Team Members who will administer applicant's proposed CDBG-DR activities: **This part of the Applicant's Qualifications will have a maximum score of 15 points.**

- Executive Management
- Financial Oversight of Expenditures
- Project Management
- Program Compliance & Reporting
- Housing Counseling Services

6.3. Proposed Work Plan

Each Applicant shall draft and submit a Proposed Work Plan document as part of the application. **This part will have a maximum score of 30 points.**

6.3.1. Provide the information requested for each service activity applicant plans to include in its Application. For each service activity the applicant is proposing, please provide:

- Target population(s)
- Service Delivery Area(s)
- Staffing

6.3.2. The Applicant must 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 housing counseling services offered;
- The geographic service area to be served; and
- The anticipated results (outcomes) to be achieved within the period of approval.

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

6.3.4. Explain how the Applicant will track and monitor (evaluation tools) the progress of the services proposed and/or activities utilizing CDBG-DR funds.

6.3.5. Explain how the Applicant will comply with federal policy and procedural requirements.

7. Budget Proposal Requirements

The Budget Proposal will be submitted by Applicant using **Exhibit B** (Application). Applicants must provide a proposed budget identifying the staffing levels and rates and other direct costs associated with delivering the level of service proposed by the applicant.

8. Evaluation and Selection

The scoring and funding methodology for this NOFA is intended to enable entities with capacity to provide a flexible range of services to address a wide variety of housing and financial needs, especially in response to the recent and ongoing economic and housing conditions aggravated in Puerto Rico post Irma and María. Scoring under this NOFA will reward high-quality services, oversight and quality control, meeting key needs, and efficient program administration.

The selection of successful service providers will be conducted through a review of submitted Applications with included Budgets.

Applications will be evaluated by the PRDOH as described in the following sections.

8.1. 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 this NOFA, as well as make final recommendations to the PRDOH Bid Board.

8.2. Evaluation

Following the submittal of Applications, the Evaluation Committee will meet to evaluate each Application based on the criteria stated in this NOFA. Initial evaluation will consider the Mandatory Requirements of the Application stated in Section 6.1 of this NOFA. Those Applicants whose Applications meet the Mandatory Requirements will be evaluated by the Evaluation Committee.

The Evaluation Committee will evaluate the Application packages submitted by the Applicants and will score and rank them in accordance with the points outlined in this NOFA. The Applicant(s) whose Application(s) was determined to be most advantageous shall become the Selected Applicant(s).

The Evaluation Committee may request clarifications to Applicants to assist in gaining additional understanding of the Applications. A response to a clarification request must be to clarify or explain portions of the already submitted Applications and may not contain new information not included in the original Application.

8.3. Errors and Omissions in Applications

The PRDOH reserves the right, without limitations, to reject an Application that contains an error or omission. PRDOH also reserves the right, without limitations, 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.

8.4. Application Scoring

Table 1 presents the maximum points for the Mandatory and Technical Requirements of the Applications. For details regarding the distribution of each technical aspect of the Application refer to the corresponding section.

Table 1: Technical Aspects of the Application Scoring

Criteria	Maximum Points
Mandatory Requirements (Section 6.1)	Pass/Fail
Qualifications (Section 6.2)	70 Points
Proposed Work Plan (Section 6.3)	30 Points
Maximum Technical Points	100 Points

Applications will be evaluated on technical aspects and a score for each criterion will be assigned based on the maximum allowable points stated in **Table 1**.

Once the technical evaluation of the Applications is completed, the Evaluation Committee will evaluate the Budget Proposals submitted by the "Qualified Applicants" and will combine the technical and economic aspects of the Applications to determine the Applicant(s) whose Application(s), conforming to this NOFA, is(are) most advantageous to the PRDOH. The Applicant(s) whose Application(s) was determined to be most advantageous shall become the Selected Applicant(s). To be considered a "Qualified Applicant", Applicants need to achieve a technical score greater than or equal to seventy (70) points.

PRDOH will review the Budget Proposal to determine whether the applicant has proposed a reasonable budget and fee structure to prudently accomplish the proposed services.

After the Proposed Work Plan has been evaluated and initial Budget Proposals are reviewed, PRDOH may request a more detailed budget to applicants to clarify or explain portions of the already submitted Budget Proposal.

8.5. Selection and Award

The "Qualified Applicant(s)" with the Application(s), conforming to this NOFA, that is(are) most advantageous to the PRDOH shall be recommended by the Evaluation Committee for award. After final recommendation from the Evaluation Committee the PRDOH Bid Board will issue the award notice.

8.6. Rejection of Application and Cancellation of NOFA

Issuance of this NOFA does not constitute a commitment by the Government of Puerto Rico and/or the PRDOH to award an Agreement. The PRDOH reserves the right, without limitations, to accept or reject, in whole or part, and without further explanation, any or all Applications submitted and/or to cancel this notice and reissue this 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 reserves the right, without limitations, to disregard or waive any noncompliance, informalities and/or irregularities in the Applications received in response to this NOFA, not otherwise identified as Mandatory Requirements and Qualifications in Section 6.1 of this NOFA, 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.

8.7. Confidentiality of Responses and Proprietary Information

Upon completion of the NOFA process, the PRDOH will make public its report regarding the qualification and selection process, which shall contain certain information related to this NOFA process. Due to the nature of this NOFA, some confidentiality or proprietary claims cannot be assured. Provision of any information marked as confidential or proprietary shall not prevent the PRDOH from disclosing such information if required by law. The ultimately awarded Contract(s) and all prices set forth therein shall not be considered confidential or proprietary and such information may be made publicly available.

Any and all information, be it trade secrets, proprietary or confidential information submitted as part of this 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.

9. Administrative Procedure and Appellate Remedies

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.

END OF NOFA