



GOVERNMENT OF PUERTO RICO
Department of Housing

**NOTICE OF FUNDING AVAILABILITY
FOR THE
SMALL BUSINESS INCUBATORS & ACCELERATORS
PROGRAM
UNDER THE
COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY**

CDBG-DR-NOFA- 2020-01

PUERTO RICO DEPARTMENT OF HOUSING

March 26, 2020

May 26, 2020

NOFA Issued

Application Due Date

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Funding Announcement Summary

Agency Name: Puerto Rico Department of Housing (PRDOH)

Funding Opportunity Title: The Small Business Incubators & Accelerators (SBIA) Program under the Community Development Block Grant-Disaster Recovery (CDBG-DR) Program – Availability of Funds to address the damage in the disaster impacted areas (DIA) of federally declared disasters under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Stafford Act), 42 U.S.C § 5121: Puerto Rico Hurricane Irma (FEMA-4336-PR) and Puerto Rico Hurricane María (FEMA-4339-PR).

Announcement Date: March 26, 2020

Announcement Type: Notice of Funding Availability (NOFA) for programs funded through the CDBG-DR from the United States Department of Housing and Urban Development (HUD) allocation under Public Law 115-56, as amended, and Public Law 115-123, as amended.

Application Submissions: Applicants must submit a completed Application and all associated Application exhibits, as described in this NOFA, by May 26, 2020.

- Electronic Application – Applicants must follow instructions provided within this document and at <https://cdbg-dr.pr.gov/>. No hard copies will be accepted.

Funding Opportunity Description: The PRDOH is pleased to announce the availability of thirty-five million dollars (\$35,000,000) in CDBG-DR funds for the SBIA Program. The funds announced in this NOFA cover various allocations as detailed in the Action Plan approved by HUD. PRDOH reserves the right to award selected Applicants in accordance with funds made available by HUD and based on any applicable statutory constraint at the time of award issuance. Under the conditions of this NOFA, it is the intent of PRDOH to award grant funds to eligible incubator and/or accelerator firm Applicants in an individual award amount not to exceed two million five hundred thousand dollars (\$2,500,000).

This NOFA is the initial process in identifying organizations and entities to participate in the Program. After the NOFA process has closed and projects are reviewed and selected, PRDOH will implement the Program utilizing Agreements with notified and eligible Subrecipients.

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Attachments

- 1. Form for Submission of Inquiries

Exhibits

- A Mandatory Requirements Checklist
- B Non-Conflict of Interests Certification
- C Non-Conflict of Interest on Existing or Pending Contracts Certification
- D Limited Denial of Participation Affidavit
- E Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- F Sworn Statement Under Act 2-2018
- G Anti-Lobbying Certification
- H Authorization for Background and/or Financial Information
- I Budget Template
- J Entity Prior Performance Certification

1. Definitions/Acronyms

The following terms shall have the meanings indicated below, which will 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 \$9.7 billion CDBG-DR funds allocated to Puerto Rico, found at www.cdbg-dr.pr.gov.
- **Addendum** or **Addenda** refer to a written or graphic document issued by PRDOH before the Application Due Date, which modifies or interprets the NOFA by means of additions, deletions, clarifications, or corrections.
- **Applicant** means a(n) (i) Administrative Agency or Department of the Government of Puerto Rico (State Agencies), (ii) NGO (501(c)(3)) or Not for Profit Entities, (iii) Community Based Development Organizations, (iv) public institutions of higher learning (universities) , or (v) for profit or not for profit entities who facilitate economic development by providing credit, technical and general assistance to microenterprises, who submits a response to this NOFA and is not currently debarred.
- **Application** refers to the responses(s) submitted by the Applicant(s) to this NOFA. **Only electronic Applications will be accepted. No hard copies are accepted.**
- **Authorized Representative** refers to the person authorized to bind the Applicant and appear on its behalf in matters related to this 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.
- **CDBG-DR Website** refers to the CDBG-DR Program website at www.cdbg-dr.pr.gov.
- **Direct Cost** refers to costs directly related to implementing the eligible activity. Typical examples of direct costs may include salaries of staff working directly on the Program, equipment and supplies used directly by the Program, and other expenses that are specific to the Program.
- **Evaluation Committee** refers to a committee designated by PRDOH, 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** or **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 created in the future.
- **HUD** refers to the United States Department of Housing and Urban Development.
- **Indirect Costs** refers to costs incurred for a common or joint purpose benefiting more than one (1) cost objective. Typical examples of indirect costs may include depreciation on buildings and equipment, the costs of operating and maintaining facilities, general administration and general expenses, such as the salaries and expenses of executive officers, personnel administration, and accounting.
- **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(s) must meet to pass to the next evaluation stage of the NOFA Application 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 PRDOH.
- **PRDOH** refers to the Puerto Rico Department of Housing.
- **Qualified Applicant** means a responsible and responsive Applicant whose Application meets the mandatory requirements and, therefore, may continue on to the technical requirements evaluation process.
- **Subrecipient Agreement** refers to an agreement entered into between PRDOH and a Program Subrecipient which governs the relationship between both parties as well as subrecipient funding and activities.

2. Overview, Purpose, and Authority

2.1 Overview

The PRDOH announces this NOFA through the CDBG-DR Program for the SBIA Program to seek Applications from potential Subrecipients across Puerto Rico, as defined in the SBIA Program Guidelines found on the CDBG-DR Website.

Under the conditions of this NOFA it is the intent of PRDOH to award grant funds to eligible incubator and/or accelerator firm Applicants for the purpose of providing services and physical spaces to develop Puerto Rico's small businesses and entrepreneurs creating jobs and expanding economic opportunities for residents Island wide. Applications awarded under this NOFA must comply with the SBIA Program Guidelines, CDBG-DR Action Plan, as amended, and applicable laws and regulation as referenced in this NOFA.

2.2 Purpose

PRDOH is seeking Applicants to enter into a Subrecipient Agreement with PRDOH for the delivery of SBIA Program services. Subrecipients will support the implementation of the SBIA Program.

The SBIA Program supports the growth and success of small and new businesses by providing awards to eligible entities for the expansion or creation of business incubation and acceleration services and/or the expansion of workspaces to render said services. This Program aims to significantly increase success rates for Puerto Rico's entrepreneurial business community. The Program seeks proposals that encourage diversity of small business types and activities, promote the most potential for Low to Moderate Income¹ job creation/retention, and eliminate hurdles for Program participation through efficiency of service provision.

Small business incubators and accelerators are organizational programs that provide specialized business services for small and new businesses. They provide physical space, education, mentorship, access to capital investment, and technical assistance that supports entrepreneurial success and business sustainability:

- A small business incubator: Assists small or new businesses through the provision of business development technical assistance services and/or programs in a physical space for a period of time. This helps businesses get new ideas off the ground, reduce costs, and create sustainable jobs and economic activity.
- A small business accelerator: Is a kind of business development "boot camp" for small and new businesses with proven concepts and provides participant businesses with support on shorter time frames. The goal of accelerators is to launch viable ideas quickly and attract additional investment opportunities for the participants.

¹ HUD 2019 Income Limits for CDBG-DR: <https://files.hudexchange.info/resources/documents/2019-Puerto-Rico-Income-Limits.pdf>

Incubators and Accelerators are not necessarily mutually exclusive, and a diversity of hybrid concepts have proven effective for small business development. All business Incubators and Accelerators, however, share two (2) main goals: 1) to provide physical space and business resources at non-prohibitive costs to small and new businesses; and 2) to provide daily work in a shared, collaborative environment with access to mentoring services, professional networking, idea-exchanges, hands-on management training/workshops, consulting, and technical assistance. Incubators and Accelerators operate across all industry sectors and in a variety of facilities.

2.3 Authority

This NOFA is issued by PRDOH for the CDBG-DR Program, which has allocated funds appropriated by the Supplemental Appropriations for Disaster Relief Requirements 2017 (Pub. L. 115-56, as amended, and Pub. L. 115-123, as amended), to provide assistance in long-term recovery from 2017 natural disasters.

3. Funding Opportunity Description

3.1 Program Description

Funding provided under this NOFA is intended to support HUD-approved economic development activities under the CDBG-DR Program. Selection for award under this NOFA will be made based on the qualifications of the Applicant and viability of proposed activities in compliance with HUD and PRDOH requirements. Funding for this Program will be distributed on a reimbursement basis for the eligible expense of grant funds, as supported by substantial supporting documentation.

Funding up to two million five hundred thousand dollars (\$2,500,000) total is available for each selected eligible Applicant under the SBIA Program; however, it is possible that not all incubators and/or accelerators will receive the maximum amount as funding will be based on incubator/ accelerator capacity as proposed in the Application.

Additional funds may become available for award as a result of PRDOH's efforts to recapture unused funds, carryover funds, or availability of additional appropriated funds. Use of these funds is subject to statutory constraints. The funds announced in this NOFA cover various allocations as detailed in the Action Plan. Funding opportunities referenced in this NOFA, and all obligations of PRDOH herein, are expressly subject to and conditioned upon the ongoing availability of funds, as well as the continued authority of PRDOH to operate the CDBG-DR Program. In the event that funds are not available to fund any, or all, activities offered herein, or if PRDOH's authority to operate the CDBG-DR Program or act under this NOFA is eliminated, or in any way restricted, PRDOH reserves the right, at its sole discretion, to amend, rescind, suspend, or terminate this NOFA and

any associated funding pursuant to the provision set forth immediately above. This NOFA is not a commitment of funds to any activity or Applicant.

PRDOH's NOFA is seeking Applications from existing incubator and/or accelerator entities. The purpose of the SBIA Program is to provide grants to organizations and entities that demonstrate, through an Application, that they can operate or develop small business incubators and/or accelerators and associated programming. These services must serve hurricane affected populations on the Island while performing eligible activities outlined in the Program Guidelines and meeting one of the Program's national objectives. Eligible Applicants may apply for one (1) of two (2) Program options:

1. Technical Assistance Only Option –

This option includes the provision of business development technical assistance programming related to the incubation/acceleration of small and new businesses and associated activities.

2. Technical Assistance + Construction Option –

This Program option includes the renovation or construction of an incubation/accelerations space & the associated programming that will be carried out within that facility or location.

A full description of the two (2) Program options can be found in the SBIA Program Guidelines found at the CDBG-DR Website.

3.2 Eligible Applicants

Eligible entities for the SBIA Program includes:

- NGO (501(c)(3)) or Not for Profit Entities
- Community Based Development Organizations
- Public Institution of Higher Learning (e.g. Universities)
- Administrative Agency or Department of Government of Puerto Rico (State Agencies)
- For Profit Entities as authorized under § 570.201(o)

Organizations simply offering shared workspaces for lease or purchase as a private-sector business model, without also offering supportive technical assistance programmatic services are not eligible Applicants.

3.3 Eligible Activities

Eligible activities for this Program, per the Housing and Community Development Act of 1974 (42 U.S.C. § 5301 *et seq.*) (**HCDA**), are:

- Section 105(a)(15) assistance to neighborhood-based nonprofit organizations, local development corporations, nonprofit organizations serving the development needs of the communities in non-entitlement areas, or entities organized under section 301(d) of the Small Business Investment Act of 1958 to carry out neighborhood revitalization, community economic development or energy conservation projects in furtherance of the objectives of section 101(c) of the HDCA, (42 U.S.C. § 5305(a)(15)), and
- Section 105(a)(17) for-profit assistance to private, for profit-entities, when the assistance is appropriate to carry out an economic development project. This may include, but is not limited to, an economic development project which creates or retains jobs, creates or retains businesses owned by community residents, assist businesses that provide goods or services needed by LMI residents, prevents or eliminates slums and blight, meets an urgent need, or creates or retains businesses owned by community residents, ((42 U.S.C. § 5305(a)(17)),and
- Section 105(a)(22) provides for assistance to a public or private organizations, agencies, and other entities to enable them to facilitate economic development of microenterprise by providing credit for the establishment, stabilization, and expansion of the entity. Also, for providing technical assistance, general business support services, training and capacity building ((42 U.S.C. § 5305(a)(22)).

3.4 Eligible Use of Funds

Program funding will be provided to implement various services or coordination of activities as listed below:

- Technical assistance related to small business Incubation/acceleration as defined in the Program Guidelines and including but not limited to the following:
 1. Recruitment activity costs that are allowable under federal cost principals and approved by PRDOH;
 2. Marketing of the Program and securing eligible tenants and participants;
 3. Screening and capacity assessment of participant businesses;
 4. Mentoring, instruction, and certification of participants;
 5. Subrecipient staff salaries, benefits, supplies, and travel costs that are directly associated with implementing the Program. Travel costs will be reimbursed in compliance with Federal regulations.
- Architectural, engineering, and design costs for construction related to rehabilitation of an incubator /accelerator space.
- Operational costs including but not limited to utilities, maintenance, and equipment for incubators/accelerators or business within. These may include but are not limited to the following:

1. Management of the physical development and operation of the incubator facility, such as personal computers, copiers, facsimile, conference rooms, labs, etc.;
 2. Materials, equipment, supplies, and other materials necessary for participants to complete business Incubation/acceleration;
 3. Rent and utilities that are directly related to executing the Program;
 4. Software and instructional materials for training and educational purposes. All purchased materials and supplies will need to be acquired through proper procurement procedures as defined by PRDOH, found at CDBG-DR website;
- Preservation, renovation, or rehabilitation of existing buildings for use as small business incubators/accelerators.
 - Non-Profit assistance and Microenterprise assistance.
 - Indirect costs.²

3.5 Ineligible Use of Funds

Selected Subrecipients shall NOT use CDBG-DR SBIA funding for the following:

- Entertainment, including amusement, diversion and social activities; food and alcohol associated with parties or socials, meals, lodging, transportation, and gratuities associated with entertainment;
- Pre-award costs, including preparation of the grant proposal;
- Donations and contributions, including cash, services or property;
- Fundraising activities;
- Lobbying;
- Stipends for participants;
- Supplanting Federal and State Funds;
- Any other items unallowable under federal cost principals as stated in 2 C.F.R. part 200.

3.6 Number of Awards and Maximum Award Information

PRDOH estimates that at least one (1) or more awards may be issued. Maximum number of awards will be determined by the amount of funds available for the Program and the

² Indirect costs are defined as those costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. For major nonprofit organizations, those which receive more than ten million dollars (\$10,000,000) in direct federal funding, indirect costs are classified within two (2) broad categories: Facilities and Administration. 2 C.F.R. § 200.56; 2 C.F.R. § 200.414

responses received. All awards are subject to the applicable funding restrictions contained in this NOFA.

- **Maximum Initial Award Amount:** Applicants are eligible to receive no more than two million five hundred thousand dollars (\$2,500,000). This maximum award includes all services funded under all Program Options as described herein.
- **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 based upon the scope of services to be provided, funds available, and other factors that PRDOH may determine.

3.7 Cost Limitations

Selected Applicants will execute a Subrecipient Agreement with PRDOH which provides direct reimbursement of costs associated with eligible activities defined in the SBIA Program Guidelines and in this NOFA. Costs incurred in the performance of the Program, as determined by HUD or PRDOH must be allowable, allocable, and reasonable in accordance with 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 outside of the scope of the Program.

3.8 CDBG-DR Program Requirements

Because the Subrecipient Agreement is being funded with CDBG-DR funds, the Agreement shall be governed by Federal terms and conditions applicable to this grant. Applicant(s) shall provide a description of its experience with such grant requirements and affirmatively represent and certify that it shall adhere to any requirements applicable to the CDBG-DR Program. Any funds disallowed under the CDBG-DR Program because of the Applicant's performance will be disallowed from the award to the selected Applicant.

3.9 Environmental Compliance

Environmental review is the process of reviewing a project and its potential environmental impacts to determine whether it meets federal, state, and local environmental standards. Every project undertaken with Federal funds, and all activities associated with such project, are subject to the provisions of the National Environmental Policy Act of 1969 (NEPA), as well as to the HUD environmental review regulations at 24 C.F.R. § 58 on Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities.

SBIA Program Applications will be subject to a level of environmental determination for project activity. This review and determination (based on project Application) will be

required prior to the development of the SRA. The environmental review (based upon that level of environmental determination) will then be required prior to receiving funding.

To conduct the appropriate level of environmental review the Program will need to determine the environmental classification of the project. The term "project" may be defined as an activity or group of activities geographically, functionally, or integrally related, regardless of funding source, to be undertaken by the Program in whole or in part to accomplish a specific objective. Additional information about the SBIA environmental review can be found in the SBIA Program Guidelines.

3.10 Local Participation; Minority and Women Owned Business Enterprises; and Section 3

3.10.1 Local Participation

PRDOH encourages all Applicants to engage Local Parties as team members and key individuals to the greatest extent possible. Applicants are strongly encouraged to provide descriptions of their current and/or anticipated business arrangements with Local Parties and, in particular, those who are team members and key individuals for the project, as applicable.

3.10.2 Minority and Women Owned Business Enterprises (MWBEs)

PRDOH recognizes its obligation to promote opportunities for maximum feasible participation of certified minority and women owned business enterprises (**MWBEs**), and the employment of minority group members and women in the performance of all PRDOH Federal funded contracts³. PRDOH encourages MWBE certified firms to submit Applications in response to this NOFA (as applicable).

PRDOH has established policy guidelines to ensure compliance with 24 C.F.R. § 85.36(e), which set goals of ten percent (10%) WBE and ten percent (10%) MBE of the total contract amount for all contracts over ten thousand dollars (\$10,000.00) for goods or services, and define affirmative steps as part of implementation of contracting opportunities with MWBEs. It is required that Applicants have an approved Utilization Plan be in place before the project is awarded and approved. Efforts taken to contract or subcontract with MWBEs should be documented. Waiver requests will be considered commensurate with the amount of the contract and the level of efforts taken.

PRDOH will be collecting quarterly reports on utilization of MWBE for the purpose of completing Yearly Reporting.

³ 2 C.F.R. § 200.321

For those interested in locating registered Minority Owned Businesses, The Puerto Rican Minority Supplier Development Council also has a digital catalog that can be accessed at: <https://www.prmsdc.org/advertising/html/men124/index.html> .

3.10.3 Section 3

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. §1701u) (**Section 3**), and its implementing regulation set forth in 24 C.F.R. § 135, require that recipients, subrecipients, contractors, subcontractors, and/or developers funded in whole or in part by CDBG-DR funding, to the greatest extent feasible, extend hiring opportunities and contracts to Section 3 eligible residents and businesses. Section 3 eligible residents are low- and very low-income persons, particularly those who live or reside in public or government assisted housing or who meet the income limits identified by HUD. For each project, there is a goal for thirty percent (30%) of new hires to be individuals who qualify as a Section 3 individual.

Businesses can qualify as Section 3 in any one of three (3) ways: (a) If your business is owned in equal to or in excess of fifty-one percent (51%) by someone who is a Section 3 Individual; or (b) if thirty percent (30%) of your staff meets the definition of a Section 3 individual; or (c) if your business has a firm commitment to provide twenty-five percent (25%) of the total dollar amount of subcontracts to a Section 3 business.

For those entities that receive more than two hundred thousand dollars (\$200,000.00) in CDBG-DR assistance, and contractors that are awarded contracts that exceed one hundred thousand dollars (\$100,000.00), there is a thirty percent (30%) goal for new hires, three percent (3%) goal for non-construction contracts and ten percent (10%) goal for construction contracts.

For professional services contracts, there is a three percent (3%) goal while for construction contracts there is a ten percent (10%) goal.

PRDOH has established policy guidelines to ensure compliance with 24 C.F.R. § 135. It is required that Applicants have an approved Section 3 plan be in place before the project is awarded and approved. The plan for compliance with Section 3 must be submitted for approval prior to the start of construction or professional services on any contract activity. All documentation for Section 3 efforts should be provided to PRDOH and should include metrics to indicate efforts for new hiring or subcontracting.

PRDOH will be collecting quarterly reports on Section 3 goals for the purpose of completing annually the Section 3 Performance Evaluation in the Reporting System (**SPEARS**).

For those interested in locating Section 3 businesses, HUD has developed a business registry for businesses who have identified themselves as a Section 3 business in order to facilitate the process of engaging in best efforts.⁴

4. NOFA Procedures

4.1 NOFA Documents Acquisition

Copies of this NOFA are available for download by prospective Applicants at the CDBG-DR Website. To submit an Application, Applicants are required to go to the CDBG-DR Website and complete the online Application available, and follow the instructions contained therein. NOFA documents will be available at the Document Availability Date stated in Section 4.3 provided below.

4.2 Addenda

PRDOH reserves the right to amend this NOFA at any time. Any amendments to the NOFA will be issued as written Addenda and will become a part of this NOFA available for all prospective Applicants to obtain by downloading from the CDBG-DR Website included above. All prospective Applicants must monitor the CDBG-DR website to retrieve the Addenda.

4.3 Schedule

A schedule summary of the major activities associated with this NOFA is presented in Table 1 below. The dates, times, and activities are subject to change. Therefore, Applicants are encouraged to periodically review the CDBG-DR website for regular updates and other important information, which may alter the terms or requirements of this NOFA.

Table 1: NOFA Schedule

Event	Time and Date
Public Notice	03/26/2020
Documents Availability	03/26/2020
Questions Due	04/09/2020
Questions & Answers Posted	04/16/2020
Application Start date	04/24/2020
Application Submission Due Date	05/26/2020
Application Evaluation Period (Expected) From:	05/27/2020

⁴ <https://portalapps.hud.gov/Sec3BusReg/BRegistry/What>

Event	Time and Date
	Up To: 07/01/2020
Notice of Award (Expected)	07/08/2020
Execution of the Agreement (Expected)	07/15/2020

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 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 this NOFA must be submitted to PRDOH electronic email EcoRecCDBG@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 addressed or considered by PRDOH.

4.5 Submission of Inquiries

Each prospective Applicant may submit questions or ask for clarifications as to the intent of this NOFA, its attachments, and its exhibits. Applicants shall submit all questions in writing on or before the deadline established in the Schedule Section of this document to the email address specified in the Correspondence, Communications, and Conferences Section of this NOFA. Inquiries shall be submitted by prospective Applicants using the document titled "Form for Submission of Inquiries" included as Attachment 1.

Questions shall be clearly labeled and shall cite the section(s) and page number(s) in this NOFA or other document that form the basis of the question. Questions can be submitted in the English or Spanish language.

Responses to all Applicants' questions will be distributed as an Addendum to this NOFA on or before the date established in the Schedule Section of this document and will be posted on the CDBG-DR Website.

4.6 Allowed and Prohibited Communications

Only questions and requests for clarifications on this NOFA submitted by prospective Applicants as per the Correspondence, Communications, and Conferences and Submission of Inquiries sections of this NOFA are allowed. Communications by prospective Applicants with officials and/or representatives of 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 the contents of this NOFA or its qualification and selection process,

are prohibited during the submission and selection processes. Failure to adhere to this requirement may result in the disqualification of submitted Applications.

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

4.7 Representations for Application Submission

All cost associated with the response to this NOFA are the sole responsibility of the Applicant. Neither PRDOH, the Government of Puerto Rico, nor HUD 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 an award under this NOFA. For Applications to be evaluated by PRDOH, prospective Applicants are required to register for participation in this process.

PRDOH reserves the right, without limitations, to reject partially or completely any/all Applications received in response to this NOFA when, in its opinion, the best interest of the Government of Puerto Rico, PRDOH, or of the impacted communities will be served by such action. PRDOH further reserve the right, without limitations, to make such investigations, as it deems necessary as to the qualifications or perceived conflicts of interest of any/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, PRDOH reserves the right, without limitations, to re-solicit Applications.

By submitting an Application, the Applicant shall comply with all applicable Federal and local laws and regulations, including but not limited to, those regarding the proper use of CDBG-DR funds and procurement processes related thereto.

PRDOH reserves the right, without limitations, to: (i) grant more than one (1) Agreement and/or select more than one (1) qualified Applicant; (ii) amend the Agreement(s) of the selected Applicant(s) to, among others, extend its original duration, as explained in this NOFA, or (iii) 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 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.

4.9 Ownership of Applications

All materials submitted in response to this NOFA will be the property of 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

Applications shall be completed at the CDBG-DR Website following specific requirements contained therein. Applications will be entered online filling in forms and information as directed.

The Application and its Exhibits can be drafted in the English or Spanish language. Certifications and/or documents issued by the Government of Puerto Rico may also be in English or Spanish language.

All attachment documents allowed for upload through the Application portal shall adhere to the following parameters:

- Attachments to the Application 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.
- 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 Budget Proposal will be included as an attachment, either in .pdf or excel format.
- The requested resumè(s) and organizational chart must be provided as attachments.
- All documents that require an ink signature as part of the Application shall be signed in blue ink. All names must be included in print below each signature. Documents consisting of more than one (1) page that require signature shall contain the initials of the Applicant's Authorized Representative at the right-top corner of every page.
- If applicable, Application documents shall be organized as per the Application Checklist included as **Exhibit A**. Documents shall be subdivided using number tabs

(on the right side of the document) that correlate to the Application Checklist order.

5.2 Submission and Due Date

Applications are to be submitted on the Application Due Date stated in the Schedule Section of this NOFA. Responses to the NOFA submitted after the prescribed deadline will not be accepted.

Applications shall be submitted at the CDBG-DR Website. Applicants will receive their final submitted Application in pdf format via email following a successful submission.

6. Application Requirements

Each Application received will be scored as described below and should comply with the requirements set forth in the following sections:

6.1 Application Scoring

Table 2 presents the maximum points for the mandatory and technical requirements of the Applications. For details regarding the distribution of scoring for each technical aspect of the Application, please refer to the corresponding section. Applicants deemed to meet the eligibility requirements will receive further consideration. Applications will be scored based on the below listed criteria and then compared against all others received for the proposed type of service (e.g. incubator services or accelerator services).

Applications will be evaluated according to the following criteria:

Table 2: Technical Aspects of the Application Scoring

Criteria	Scoring Factor
Mandatory Requirements	
Mandatory Requirements <ul style="list-style-type: none"> • Complete Application Received 	PASS/FAIL
Technical Requirements	
Proposed Program Plan <ul style="list-style-type: none"> • Program Information • Timeline • Outcomes 	50
Organizational Qualifications <ul style="list-style-type: none"> • Organizational Capacity • Partner Capacity 	20
Budget Proposal <ul style="list-style-type: none"> • Program Budget (download) • Programming Funds 	20

Criteria	Scoring Factor
<ul style="list-style-type: none"> • Other Program Financing • Future Operating Budget/Sustainability 	
Plan for Proposals including Construction or Renovation. (See description below for applicability):	50 (as applicable)
Bonus Criteria for Extra Consideration	10
TOTAL	100
TOTAL FOR PROPOSALS INCLUDING CONSTRUCTION	100+50

All mandatory requirements must be met for an Application to be eligible. Once mandatory requirements are reviewed and deemed sufficient, 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 2** Error! Reference source not found..

Once the mandatory requirements evaluation of the Applications is completed, the Evaluation Committee will evaluate technical requirements (proposed program plan, organizational qualifications, and the budget proposals) submitted by the Qualified Applicants and will combine all aspects of the Applications in order to determine the Applicant(s) whose Application(s) is (are) most advantageous to PRDOH. PRDOH will review the budget proposal to determine whether the Applicant has proposed a reasonable budget and fee structure to accomplish the proposed services.

The Applicant(s) whose Application(s) is determined to be most advantageous shall become the selected Applicant(s). To be considered for selection for an award Applicants need to achieve a technical score greater than or equal to **sixty (60) points**.

For Programs including construction activities, Applicants must meet the mandatory requirements and achieve a technical score of greater than or equal to **sixty (60) points** as described above. Then, the Applicant’s Construction or Renovation plan will be reviewed and scored by the Evaluation Committee. The Construction and Renovation plan must score greater than or equal to **twenty five (25) points** to be eligible for the Program.

All Applications must meet the mandatory requirements, receive a technical score of **sixty (60) points** or higher, and if applicable, receive a construction or renovation score of **twenty five (25) points** or higher to be eligible for consideration of award.

After the proposed work plan has been evaluated (including the Construction or Renovation plan, if applicable) and the initial budget proposals are reviewed, PRDOH may request a more detailed budget to clarify or explain portions of the already submitted budget proposal.

6.2 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, the Application will “Pass” this evaluation. On the contrary, if the Application does not meet said requirements, it will “Fail” this evaluation. Failure to comply with these requirements 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:

- **Application Submission:** Application must be submitted within the closing date and time as established in Schedule Section of this NOFA. The submission must contain all components as required in the Application Checklist and include the items as listed below.
- **Organizational Information:** The Applicant, in its Application, must submit organizational documents, such as proof that the organization is tax-exempt under section 501(c)(3) of the Internal Revenue Code as amended, 26 U.S.C. § 501(c)(3), or section 1101.01 of Act No. 1-2011, as amended, known as the “Puerto Rico Internal Revenue Code of 2011”, 13 LPRA § 30011, a certified copy of the Applicant's certificate of incorporation or similar document which may state nonprofit status when applicable, a statement from a state taxing body that the organization is a nonprofit organization operating in good standing within the state, a certificate of good standing from the Puerto Rico Department of State, higher learning institutions license to operate issued by appropriate authority, as applicable. These will vary by the Applicant's type of organization. The following shall also be included, where applicable:
 - Entity Name
 - Employer Identification Number (EIN)
 - Data Universal Numbering System (D.U.N.S Number) Valid and current registration in Federal System of Award Management (SAM)(Applicants may register at <https://www.sam.gov/SAM/>)
 - Physical Address
 - Mailing Address
 - Contact Info: the persons PRDOH should contact regarding the Application.
 - Organizational Chart with lines of responsibility and authority in the administration of the organization and detail the names, telephone numbers and email addresses of its officers, directors, members and any partners.

- **Conflicts of Interest:** Pursuant to Act No. 237-2004, as amended, 3 LPRA § 8611 , et seq., known as Establishment of Uniform Parameters in the Process of Contracting Professional and Consulting Services for Puerto Rico Government Agencies and Entities, Act No. 1-2012, as amended, 3 LPRA § 1854 et seq., known as the Puerto Rico Government Ethics Code of 2011, and/or Act No. 2- 2018, 3 LPRA § 1881 et seq., known as the Anti-Corruption Code for the New Puerto Rico (Act 2-2018), 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 on its own behalf without connection with, or obligation to, any undisclosed person or firm; and that the Applicant has not been convicted or plead guilty in a state of federal court or any other jurisdiction of the United States of America, of the crimes described in Act 2-2018. For compliance with this mandatory requirement, the Applicant shall submit the following forms with the Application:
 - Exhibit B (Non-Conflict of Interest Certification),
 - Exhibit C (Non-Conflict of Interest on Existing or Pending Contracts Certification),
 - Exhibit D (Limited Denial of Participation Affidavit),
 - Exhibit E (Certification Regarding Debarment Suspension, Ineligibility, and Voluntary Exclusion) duly completed and notarized, and
 - Exhibit F (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.

- **Other Required Documents:** Applicants shall submit the following documents duly completed and notarized, if applicable, as part of their responses to this NOFA:
 - Exhibit G (Anti-Lobbying Certification),
 - Exhibit H (Authorization for Background and Financial Information),
 - Exhibit I (Budget Template), and
 - Exhibit J (Entity Prior Performance Certification).

6.3 Program Work Plan, Qualifications, and Budget Requirements for Scoring

Each Applicant shall draft and submit a proposed work plan document as part of the Application. The implementation schedule, as stated in the Application, will be implemented on a **five (5) year** timeframe with Subrecipient Agreements of **three (3) years** to include an option to extend Agreements based on organizational

programmatic implementation performance. This term can be modified with written authorization from PRDOH.

Provided regulatory oversight for the CDBG-DR Program, Applicants are required to have English proficiency to perform the tasks services included herein. While an Applicant can respond to the NOFA in English or Spanish, the Applicant must have the capacity to produce Program documents in both languages for purposes of delivering to oversight entities upon request. If Applicant deems necessary any translation services to comply with the above, costs related thereto should be included in their costs and budget proposals.

The Application will have a maximum score of **one hundred (100) points**.

NOTE: If the Applicant chooses to incorporate the optional construction component it will have a maximum score of **one hundred fifty (150) points**, which includes an extra related section below.

The scoring criteria shall consider and include:

- **Proposed Program Plan (50 points total)**

Provide a description for the proposed small business incubation/acceleration program, including, but not limited to:

- **Program Information (30 points):**

- Provide an overview description of the proposed Small Business incubation/Acceleration program. Explain the methodology and strategies for execution of program(s).
- Provide a detailed description of the proposed service area for the program, and a description of small business incubation/acceleration opportunities/programs currently available in the service area.
- Discuss the need for the program(s) and services. Include an analysis of current service demand in the area and projected demand. Cite community research, studies, surveys that document such need.
- Provide a description of the clientele targeted to participate in the small business incubation/acceleration programmatic activities, to include:
 1. A description of special needs or circumstances of the population targeted, and
 2. A statement of how the program/facility will meet one (1) of the three (3) national objectives requirement.
- Indicate how many targeted businesses are expected to participate in the proposed program(s).

- Indicate the number of businesses or entrepreneurs currently served (if expanding existing programmatic work) and the number by which the program will expand annually.
- **Timeline (10 points):**

Provide a timeline of proposed activities, including:

 - A timeline for program development and implementation.
 - Anticipated date Participants will be accepted into expanded or new programming.
 - Expected duration of incubation/acceleration for businesses (estimate).
- **Outcomes (10 points):**
 - List one (1) or more outcomes to reflect the annual number of participants that will complete the Program, and/or obtain business sustainability
 - Describe the tools and processes that will be used to track student progress and indicate the frequency of the evaluation.
- **Organizational Qualifications (20 points total)**

This part of the Applicant's qualifications will have a maximum score of **twenty (20) points**.

 - **Organizational Capacity of the Applicant:**
 - Provide an overview of your organization and their ability to administer the program, including, but not limited to:
 - Provide a description of the Applicant organization, including its mission, history, and experience as it relates to small business incubation/acceleration.
 - Identify all program staff who will be part of administering the proposed small business Incubation/acceleration program. Include;
 1. General Duties
 2. Position title
 3. Individual's Name
 4. Resume and any Certifications held

NOTE: Resumes for the Executive Manager and Financial Oversight roles are mandatory for the Application.

- If needed, identify if the Applicant organization will have any staffing needs to administer the proposed program. If so, outline the plan to

hire needed staff to implement the proposed program(s), or identify any work that will be contracted to another service provider.

- Provide a description of the organization's experience with administering Federally funded programs, if any.
- If applicable, names and descriptions of partner agencies or organizations involved in the program(s) and the nature of the partnership (businesses, local agencies, non-profits, schools, etc.).

NOTE: Applicants must outline each partner's roles, responsibilities, and commitments.

- **Program Budget (20 points total)**

This part of the Applicant's submission will have a maximum score of **twenty (20) points**. Provide Budget based on Exhibit L along with narrative and/or supporting documents explaining the following:

- **Program Budget (15 points):**

- Provide Budget based on Exhibit I Budget Template. Indicate the amount and type of funding requested for:
 1. Technical Assistance,
 2. Equipment purchases, if applicable;
 3. Supportive services which will further facilitate small business Incubation and Acceleration (programming etc.) and associated salaries and benefits.

NOTE: The list of allowable and unallowable expenses can be found in Section 3 of this NOFA as well as in the Program Guidelines.

- Identify all other sources of funding which will be used in completing the proposed program(s). Indicate the amount requested from each source and whether the funding is secured or pending.

- **Future Operating Budget/Sustainability (5 points):**

- Provide a projected 5-year operating budget, including a description of anticipated annual revenue sources and amounts.
- Provide anticipated revenue after CDBG-DR grant funds are exhausted.

- **FOR APPLICATIONS CONTAINING CONSTRUCTION OR RENOVATION ACTIVITIES, PROVIDE THE FOLLOWING INFORMATION (AS APPLICABLE FOR 50 POINTS).** If your Application will include construction related activities you must complete the **entire Application in addition to this section**: If your project Application will not include the construction component you may disregard this section of the Application.

- A clear description of all capital improvements (renovation/rehab, expansion, or new construction) planned as part of the project.
 - A statement describing site control (ownership, option, lease), and attach a copy of the site control document (deed, lease, purchase agreement) to the Application.
 - A statement of how the proposed project will prioritize rehabilitation over new construction.
 - Copies of preliminary architectural drawings or a description of the facility and cost estimates for construction/rehabilitation.
 - If applicable, a statement of how the facility will meet the Slum and Blight National Objective.
 - To be incorporated into the timeline proposal:
 - A construction timeline.
 - To be incorporated into budget proposal:
 - Other allowable expenses related to planned capital improvements (renovation/rehab, expansion, or new construction).
- **Bonus Criteria for Extra Consideration (10 points total)**

In addition to the work plan outlined above Applicants will have an opportunity for extra points in the scoring of proposals by incorporating one or more of the following into their proposals (**maximum extra 10 points**):

Eligible Applicant proposals **should** prioritize for **extra** consideration:

- Explain how the Program will target higher populations of Minority and Women Owned Business Enterprises and Section 3 participants.
- Explain how the Program will utilize established relationships with local business service providers and local business support networks.
- Explain how the Program will incorporate resilience measures to allow for continuity of business operations in the event of power outages, natural disasters, or other disruptive events

7. Evaluation and Selection

The scoring and funding methodology for this NOFA is intended to enable entities with capacity to support the growth and success of small and/or new businesses in the early stages of operation by providing grants that significantly minimize the risk of small and/or new business failure and speed up the time it takes to get to market. Applications will be evaluated on the level and quality of services to be provided to the incubator or accelerator participants, including cost-benefit and resiliency.

The selection of Applicants will be conducted through a review of submitted Applications with included budgets.

Applications will be evaluated based on the scoring criteria outlined above and according to the following processes:

7.1 Evaluation Committee, Selection and Award

An Evaluation Committee will be appointed by PRDOH, which may rely on specialized advisers, consultants, and/or subject-matter experts, which will review and score the different sections of this NOFA.

Upon closure of the Application Submission period, the Evaluation Committee will evaluate each Application based on the criteria stated in this NOFA. Initial evaluation will consider the mandatory requirements of the Application stated in the Mandatory Requirements Section. The Evaluation Committee will evaluate those Applicants whose Applications meet the mandatory requirements.

Applications will be scored and ranked 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 gain additional understanding of the Applications. A response to this request must be made to clarify or explain portions of the already submitted Applications and may not contain new information (not included in the original Application).

The Evaluation Committee shall recommend the most suitable Applicant(s) for the award process. The number of awards will depend on the number of Qualified Applicants and the amount of funds available and designated by PRDOH and for this purpose. After the final recommendation from the Evaluation Committee, PRDOH will issue the award notice and execute a Subrecipient Agreement.

7.2 Errors and Omissions in Applications

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. No communication between PRDOH and the Applicant shall mean that PRDOH is in any way obligated to make an award and does not create rights for the Applicant to receive an award under this NOFA.

7.3 Rejection of Application and Cancellation of NOFA

Issuance of this NOFA does not constitute a commitment by the Government of Puerto Rico and/or PRDOH to award a Subrecipient Agreement. 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 Government of Puerto Rico, PRDOH, or the impacted communities.

PRDOH reserve the right, without limitations, to disregard or waive any noncompliance, informalities and/or irregularities in the Applications, not otherwise identified in the Mandatory Requirements in Section and qualifications, when, in its opinion, the best interest of the Government of Puerto Rico, of the PRDOH, or of the impacted communities will be served by such action.

7.4 Confidentiality of Responses and Proprietary Information

Upon completion of the NOFA, PRDOH may publish its report regarding the qualification and selection 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 PRDOH from disclosing such information if required by law. The ultimately awarded Agreement(s) and all prices set forth therein shall not be considered confidential or proprietary and such information may be made publicly available.

All the information (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.

8. Activity Tracking and Monitoring

Applicants must explain how they will track and monitor (evaluation tools) the progress of the services proposed utilizing CDBG-DR funds. Awarded Subrecipients shall submit regular monthly progress reports to PRDOH as required under the Subrecipient Agreement which will provide the guidelines and requirements applicable for the submission of the monthly progress reports.

8.1 Policy and Procedure Compliance

Subrecipients will be required to carry out all compliance requirements imposed by HUD with respect to the PRDOH's Federal award or CDBG-DR Grant. Thus, Applicants must explain how they will comply with federal policy and procedural requirements applicable to CDBG-DR funds. Such requirements include but are not limited to:

- Meeting one of the following HUD National Objectives
 - Benefit to low- and moderate-income persons (LMI) (24 C.F.R. § 570.483(b))
 - Job Creation/Retention. Under the Low- and Moderate-Income national objective, the Program considers a person income-qualified if the annual wages or salary of their job is at or under the HUD-established LMI income limit eighty percent (80%) of AMFI for a one-person household in Puerto Rico (\$28,850 for 2019).
 - Urgent Need (UN) activities (24 C.F.R. § 570.483(d))
 - Under CDBG-DR, HUD determines that an Urgent Need exists where a disaster has been presidentially declared within a jurisdiction.
 - Aid in prevention or elimination of Slums or Blight (SB) (24 C.F.R. § 570.483(c))
 - Under the Slums/Blight national objective the assistance may be for the development of an incubator facility which is or will be in a slum or blighted area. The development of an incubator can fall under the Area Slum and Blight National Objective when recipients demonstrate how the incubator helped address conditions that contributed to the decline of the area.
- Title VI of the Civil Rights (non-discrimination) (41 C.F.R. §60-1)
- Conflict of Interest (24 C.F.R. § 1003.606)
- Environmental Compliance (24 C.F.R. § 58)
- Flood Insurance Requirements (44 C.F.R. § 61.13)
- Program Income (2 C.F.R. § (200.307)
- Management of Assets (2 C.F.R. § 200.443)
- Insurance and Bonding (if applicable) (45 C.F.R. § 1301.11)
- Section 3 of the Housing and Urban Development Act (24 C.F.R. § 1000.42)
- Davis Bacon & Federal Labor Standards
- Occupational Safety and Health Administration (OSHA) Requirements
- Record-Keeping

9. Administrative Procedures and Reconsideration Remedies

Applicants may contest any determinations or denials based on Program policy. However, an Applicant may not challenge a Federal statutory requirement. Applicants have the right to request a reconsideration or request an administrative review directly with PRDOH, as stated below.

9.1 Reconsideration Request

Applicants may file a Reconsideration Request when it is believed there is an error with eligibility determinations, award, and/or failure to meet the NOFA standards, among other determinations. An Applicant must submit a written Reconsideration Request directly with the Contact included in the NOFA Announcement Summary, within **twenty**

(20) calendar days from the date a copy of the notice was filed in the record of the Agency. Provided that if the date on which the copy of the notice is filed in the records of the Agency differs from the mailing date of said notice, the aforementioned **twenty (20) calendar day-term** shall be calculated from the mailing date. Applicants who file a Reconsideration Request are encouraged to provide individual facts or circumstances, as well as supporting documents to justify their petition.

In the Reconsideration Request process, the Program will only review facts and information already included in an Applicant's file, unless the Applicant submits new documentation. The Program has the discretion to accept or reject new documentation based upon its relevance to the Reconsideration Request.

The Program will review and address the Reconsideration Request within **fifteen (15) days** of its receipt. Applicants will be notified of the reconsideration determination via a Reconsideration Request Approved or a Reconsideration Request Denied Notification. Applicants with an approved Reconsideration Request will be deemed qualified for this NOFA. Applicants with a denied Reconsideration Request will still be deemed unqualified.

Filing a Reconsideration Request does not substitute, negate, or preclude any legal right that an Applicant has to challenge a determination made by the Program. Therefore, Applicants who believe the initial determination of the Program was erroneous, may submit either a Reconsideration Request or a petition for review of the decision made by the Program by filing an Administrative Review Request at PRDOH in accordance with Regulation No. 4953 of August 19, 1993, which regulates the Formal Adjudication Process for PRDOH and its Adjunct Agencies (Regulation 4953).

9.2 Administrative Review Request

If an Applicant disagrees with a Program determination or with the Reconsideration Request Denial determination, it may file directly to PRDOH, as grantee, an Administrative Review Request. The Applicant must submit such request, in writing, within **twenty (20) calendar days** from the date a copy of the Program determination or a Reconsideration Request Denial determination notice was filed in the record of the PRDOH. Provided, that if the date on which the copy of the notice is filed in the records of the PRDOH differs from the mailing date of said notice, the aforementioned **twenty (20) calendar day-term** shall be calculated from the mailing date.

Applicants who submit an Administrative Review Request must follow the procedure established in Regulation 4953. After the Administrative Adjudicative Procedure concludes, Applications with approved Administrative Review Requests will be deemed qualified for this NOFA. Applicants with a denied Reconsideration Request will still be deemed unqualified.

If the Applicant disagrees with any final written determination on an Administrative Review Request notified by PRDOH after completing the Administrative Adjudicative Procedure, it may file a Judicial Review petition before the Court of Appeals of Puerto Rico within **thirty (30) days** after a copy of the notice has been filed. See Act No. 201-2003, as amended, known as the Judiciary Act of the Commonwealth of Puerto Rico of 2003, 4 L.P.R.A. § 24 *et seq.*, and Section 4.2 of Act 38-2017, as amended, known as the Uniform Administrative Procedures Act of the Government of Puerto Rico, 3 L.P.R.A. § 9672.

If the Applicant fails to file a Reconsideration Request, or to contest a determination under the Administrative Adjudicative Procedure with PRDOH within the time allotted, the inaction will be deemed as an acceptance of the determination.

The mere filing of a petition for reconsideration before PRDOH 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.