



**NOTICE OF FUNDING AVAILABILITY
FOR THE
SOCIAL INTEREST HOUSING PROGRAM
UNDER THE
COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY**

CDBG-DR-NOFA-2020-03

PUERTO RICO DEPARTMENT OF HOUSING

April 30, 2020

June 30, 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 Social Interest Housing (SIH) 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: April 30, 2020

Announcement Type: Notice of Funding Availability (NOFA) for the SIH Program funded through the CDBG-DR Program 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 06/30/2020.

- 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: In accordance with the PRDOH Action Plan, as amended, the SIH Program was assigned thirty-two million five hundred thousand dollars (\$32,500,000) of CDBG-DR funds and currently has eleven million one hundred thousand dollars (\$11,100,000) in available funds. However, because funds are provided through various allocations as detailed in the Action Plan approved by HUD, availability is subject to HUD's release of such funds. 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 Applicants in an individual award amount not to exceed two million five hundred thousand dollars (\$2,500,000.00).

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 Non-Conflict of Interests Certification
- B Non-Conflict of Interest on Existing or Pending Contracts Certification
- C Limited Denial of Participation Affidavit
- D Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- E Sworn Statement Under Act 2-2018
- F Anti-Lobbying Certification
- G Authorization for Background and/or Financial Information
- H 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, under Public Law 115-56 and Public Law 115-123, found at the CDBG-DR Website.
- **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 non-profit, non-governmental organization who submits a response to this NOFA and is not currently debarred.
- **Application** refers to the response(s) submitted by the Applicant(s) to this NOFA. Only electronic applications will be accepted. No hard copies will be 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 HUD funding stream allocated to eligible disaster recovery entities via congressional appropriations to rebuild affected areas and provide crucial seed money to start the recovery process.
- **CDBG-DR Website** refers to the Puerto Rico Department of Housing CDBG-DR Program website at www.cdbq-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 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.
- **NGO** refers to non-profit, non-governmental organizations.
- **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 to the technical requirements evaluation process.
- **Subrecipients** refer to non-Federal entities that receive a subaward from a pass-through entity to carry out part of a Federal program.
- **Subrecipient Agreement** refers to an agreement entered into between PRDOH and a Subrecipient which governs the relationship between both parties as well as subrecipient funding and activities.

2 Overview, Purpose, and Authority

2.1 Overview

Residents with special needs become increasingly susceptible to recovery barriers caused by the impact of disasters, such as Hurricanes Irma and Maria. As a result, additional appropriate supportive housing is needed for these populations.

The PRDOH announces this NOFA through the CDBG-DR Program for the Social Interest Housing Program to seek applications from potential subrecipients across Puerto Rico, as defined in the SIH 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 **NGO** Applicants to create housing for vulnerable populations. Applications awarded under this NOFA must comply with the SIH Program Guidelines, CDBG-DR Action Plan, as amended, and applicable laws and regulation as referenced in this NOFA.

2.2 Purpose

The PRDOH is seeking qualified Applicants to enter into Subrecipient Agreements for the implementation of the SIH Program. Entities eligible to apply must be NGOs who are specialized service providers, experienced in working with vulnerable populations in Puerto Rico. The collaboration of PRDOH with NGOs will ensure accessibility of services and facilities to individuals having wide-ranging disabilities including mobility, sensory, developmental, emotional, and other impairments.

The SIH Program will provide funding for the construction or rehabilitation of housing solutions with the expectation that eligible NGO Applicants will provide the majority of support services as part of their separately funded service delivery. Some client services related to the initial use of funded housing, such as establishing initial occupants, may be considered an activity delivery cost.

2.3 Authority

This NOFA is issued by PRDOH for the CDBG-DR Program, which has allocated funds appropriated by the Continuing Appropriations Act, 2018 and Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Pub. L. 115-56, as amended) and the Bipartisan Budget Act of 2018 (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 for HUD-approved construction 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 Applicant under the SIH Program; however, it is possible that not all Applicants will receive the maximum amount as funding will be based on the project 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 are provided through 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 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 provisions set forth immediately above. This NOFA is not a commitment of funds to any activity or Applicant.

PRDOH's NOFA for SIH is seeking Applications from existing NGOs. The purpose of the SIH Program is to provide funding to organizations that demonstrate, through an Application, that they currently work with a vulnerable population, that the population is in need of additional housing, identify how much of the need would be addresses through a new facility and their ability to provide the necessary associated programming. These facilities must serve hurricane affected populations on the Island while performing eligible activities outlined in the SIH Program Guidelines and meet the program's national objective.

3.2 Eligible Applicants

Eligible entities for the SIH Program are NGOs. This program's aim is to fund entities working in Puerto Rico that may have been affected by the hurricanes or that were born from a need that was realized after the hurricanes. The SIH Program will support the Island's NGOs who currently work with vulnerable populations in Puerto Rico.

3.3 Eligible Activities

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

- Section 105(a)(2) - acquisition, construction, reconstruction, or installation of public works, facilities, and sites or other improvements;

- Section 105(a)(4) - clearance, demolition, removal, reconstruction, and rehabilitation of buildings and improvements;
- Section 105(a)(5) - building modifications to create accessibility accommodations for persons with disabilities;
- Section 105(a)(8) - supplementary public services, a component to place limited clientele in the funded projects once completed;
 - When applicable, client services related to the initial use of funded housing may be considered an activity delivery cost as those costs support the documentation of the national objective.
- Section 105(a)(15) - assistance to nonprofits organized under state or local law to carry out community development activities which address the development needs of the community in question.

3.4 Eligible Use of Funds

Program funding will be provided to implement construction, design and coordination of activities as listed below:

- Soft costs incurred in support of eligible new housing construction activities;
- Clearance of environmental contamination from sites to be used for the construction of new housing;
- Site improvements to publicly owned land to enable the property to be used for the new construction of housing, provided the improvements are undertaken while the property is still in public ownership;
- New Construction of housing as part of commercial structure (mixed-use);
 - The costs clearly attributable to the commercial portion of the project are ineligible under this Program. Mixed-use may not be appropriate for all types of housing strategies (i.e. when client privacy considerations do not make it feasible).
- Staff costs and related expenses required for management of contractors procured for projects, outreach efforts for marketing the Program, screening potential Applicant households and structures, and other eligible services related to completion of the Program; and
- Costs of permanent fixtures and furnishings for the facility.

3.5 Ineligible Use of Funds

Selected Subrecipients **shall NOT** use CDBG-DR Social Interest Housing Program funding for the following:

- Entertainment, including amusement, recreation 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 properties;
- Fundraising activities;
- Lobbying;
- Supplanting Federal and State Funds;
- Operating costs associated with day-to-day functions of the NGO not associated with the approved social interest housing project;
- Support service-only activities;
- Rental assistance; and
- 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 award may be issued. Maximum number of awards will be determined by the amount of funds available for the Program and the 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 Subrecipient. 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 SIH 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 Period of Performance

The period of performance for Program Delivery will be for no less than **three (3) years**, unless otherwise stated in the Subrecipient Agreement or based on special circumstances.

3.9 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. PRDOH may arrange technical assistance on CDBG-DR requirements for subrecipients to ensure compliance with CDBG-DR rules and regulations throughout the duration of their performance. The possibility of technical assistance does not relieve nor excuse subrecipients from complying with applicable CDBG-DR requirements.

3.10 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 projects, 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. part 58 on Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities.

SIH 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 Subrecipient Agreement. The environmental review (based upon that level of environmental determination) will then be required prior to receiving funding.

Additional information about the SIH environmental review can be found in the SIH Program Guidelines.

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

3.11.1 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.

3.11.2 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 contracts¹. 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. § 200.321, 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 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.

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> .

3.11.3 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 funds, 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 a 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 the staff meets the definition of a Section 3 individual; or (c) if the business has a firm commitment to provide **twenty-five percent (25%)** of the total dollar amount of subcontracts to a Section 3 business.

For entities that receive more than two hundred thousand dollars (\$200,000) in CDBG-DR assistance and contractors awarded contracts over one hundred thousand dollars (\$100,000), 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.

¹ 2 C.F.R. § 200.321

PRDOH has established policy guidelines to ensure compliance with 24 C.F.R. part 135. It is required that 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.²

4 NOFA Procedures

4.1 NOFA Documents Availability

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 and follow the instructions contained therein. NOFA documents will be available at the Document Availability Date stated in Schedule section 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 it 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 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.

² <https://portalapps.hud.gov/Sec3BusReg/BRegistry/What>

Table 1: NOFA Schedule

Event	Date
Public Notice	04/30/20
NOFA Documents Availability	04/30/20
Questions Due	05/17/20
Questions & Answers Posted	05/31/20
Application Due Date	06/30/20
Application Evaluation Period (Expected)	From: 07/01/20
	Up To: 07/31/20
Notice of Award (Expected)	08/14/20
Execution of the Agreement (Expected)	09/30/20

Please note that the NOFA timeline and 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 PRDOHs' electronic email SIH-CDBG@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 documents that form the basis of the question. Questions can be submitted in the English or Spanish language.

Responses to all Applicant questions will be distributed as an Addendum to this NOFA on or before the date established in the Schedule Section 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 costs associated with the response to this NOFA are the sole responsibility of the Applicant. Neither the Government of Puerto Rico or government instrumentalities, PRDOH, HUD nor any other entity 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 guaranteed 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 reserves 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. Failure to disclose accurate and complete information or making false representations as part of the NOFA application, may affect eligibility and may result in disqualification from the NOFA evaluation process and possibility of award.

PRDOH reserves the right, without limitations, to: (i) grant more than one award and/or select more than one Applicant; and (ii) amend the Subrecipient Agreement(s) of the selected Applicant(s) to, among others, extend its original duration or extend its scope to include work under subsequent CDBG-DR action plans.

This NOFA, its award, and any derivative agreements 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 by filling in forms and information as instructed.

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 accepted by the Application portal shall have a maximum file size of 25 MB;
- 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 (1.5) line spacing and the font shall be twelve (12) point;
- Attachment pages shall have a one-inch (1") margin;

- Larger paper (up to 11" x 17") and smaller fonts are permissible for charts, diagrams, spreadsheets, etc.;
- The requested resume(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; and

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 through 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.

Applications will be evaluated according to the following criteria:

[Remainder of page left blank intentionally.]

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	
Project Proposal <ul style="list-style-type: none"> Describe work done with vulnerable populations Identify need for housing Propose housing solution Outcomes 	40
Organizational Qualifications <ul style="list-style-type: none"> Organizational Capacity 	30
Financial Qualifications <ul style="list-style-type: none"> Program Financial Narrative Future Operating Budget 	30
TOTAL	100

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**.

Once the mandatory requirements evaluation of the Applications is completed and a Pass is obtained, the Evaluation Committee will go on to evaluate technical requirements (program proposal, organizational qualifications and the financial qualifications) 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.

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 **eighty (80) points**.

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 related to form (no subjective issue shall be waived). Mandatory requirements for this NOFA are as follows:

- **Application Submission:** Applications must be submitted within the closing date and time as established in the Schedule Section of this NOFA.
- **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 clearly states nonprofit status, a statement from a state taxing body that the organization is a nonprofit organization operating in good standing within the state, and 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) and 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 designated individuals that PRDOH may contact regarding the Application.
 - Organizational Chart with lines of responsibility and authority in the administration of the organization.
- **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 Act No. 2- 2018, 3 LPRA § 1881 *et seq.*, known as the Anti-Corruption Code for the New Puerto Rico (Act 2-2018), Applicants 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 A** (Non-Conflict of Interest Certification);
- **Exhibit B** (Non-Conflict of Interest on Existing or Pending Contracts Certification);
- **Exhibit C** (Limited Denial of Participation Affidavit);
- **Exhibit D** (Certification Regarding Debarment Suspension, Ineligibility, and Voluntary Exclusion) duly completed and notarized; and
- **Exhibit E** (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 F** (Anti-Lobbying Certification);
 - **Exhibit G** (Authorization for Background and Financial Information); and
 - **Exhibit H** (Entity Prior Performance Certification).

6.3 Project Proposal, Qualifications, and Financial Requirements for Scoring

Each Applicant shall draft and submit a project proposal, organization, and financial qualifications narratives as part of the Application. Provided regulatory oversight for the CDBG-DR Program, Applicants are required to have English proficiency to perform the tasks services included herein. While a proposer can respond to the NOFA in English or Spanish, the proposer must have the capacity to produce Program documents in both languages for purposes of delivering to oversight entities upon request.

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

The scoring criteria shall consider and include:

- **Project Proposal (40 points total)**

Provide a description for the proposed housing project, including, but not limited to:

 - **Work with vulnerable populations** (10 points)
 - Provide an overview description of the current work done with vulnerable populations in Puerto Rico, including the number of persons served and any other relevant data.
 - Explain the methodology and strategies for execution of this programmatic work.

- Provide a detailed description of the proposed service area for the program, and a description of the programs currently available in the service area.
- **Identified need for housing** (10 points)
 - 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, and waitlists for services that document the need.
 - Describe the increase in need realized after Hurricane's Irma and/or María.
 - Provide a description of the clientele targeted to be housed by the program, to include:
 - A description of special needs or circumstances of the vulnerable population targeted.
 - A statement of how the program/facility will meet the national objective requirements.
- **Proposed housing solution** (10 points)
 - Propose a housing solution to the unmet need described, including:
 - Building type proposed such as single-family housing, two-unit structure, multi-unit rental property, group home or other property or special needs housing as needed by population served;
 - Construction Type such as renovation, rehabilitation, expansion, or new construction;
 - Location such as a specific neighborhood, site or building;
 - Indicate how many persons are/will be housed via the proposal and the number of beds and/or units required.
- **Intended outcomes** (10 points)
 - List one (1) or more outcomes to reflect the impact on the beneficiaries that will be housed.
 - Describe the tools and processes that will be used to assist beneficiaries once construction is complete and indicate the frequency of the evaluation.
- **Organizational Qualifications (30 points total)**

Provide an overview of the organization's capacity and its ability to administer the program, including, but not limited to:

- A description of the Applicant's organization, including its mission, history, and experience as it relates to work with vulnerable populations,
- The Applicant's experience overseeing housing for vulnerable populations, including the type, size and location of that housing.
- Identify all program staff who will be part of administering the proposed 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.

- 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 provide a copy of their current organization chart.

- **Financial Qualifications (30 points total)**

Provide an overview of the organization's financial status, including, but not limited to:

- Identify all other sources of funding which are currently used to maintain the operations. Indicate the amount requested from each source and whether the funding is secured or pending.
- Provide a projected **five (5)** year operating budget, including a description of anticipated annual revenue sources and amounts.
- Provide a description of the anticipated operational expenses for the project proposed.

NOTE: Applicants must provide a copy of their most recent audited financial statements.

7 Evaluation and Selection

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

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 of Omission 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 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 the following HUD National Objective
 - Benefit Low- and Moderate-Income (LMI) persons (below **eighty percent (80%)** Area Median Family Income (AMFI) according to the HUD Modified Income Limits for CDBG-DR Puerto Rico), through the Limited Clientele (LC) LMI sub-category.
 - In circumstances where LC cannot be documented, benefit to LMI housing may be allowed. To achieve the LMI national objective using the LMI Housing subcategory, housing projects must be

permanent as defined by HUD and those containing more than **two (2)** units must have at least **fifty one percent (51%)** of the units occupied by LMI individual or household.

- Title VI of the Civil Rights (non-discrimination) (42 U.S.C. § 2000d-1 and 24 C.F.R. § 570.602 for CDBG-DR specific requirements)
- Conflict of Interest (24 C.F.R. § 570.611)
- Environmental Compliance (24 C.F.R. part 58)
- Flood Insurance Requirements (24 C.F.R. § 58.6)
- Program Income (24 C.F.R. § 570.504, 24 C.F.R. § 570.489(e), and 2 C.F.R. § 200.307)
- Management of Assets (2 C.F.R. § 200.310-200.316)
- Insurance and Bonding (if applicable) (2 C.F.R. § 310)
- Section 3 of the Housing and Urban Development Act (24 C.F.R. § part 135)
- Davis Bacon & Federal Labor Standards
- Occupational Safety and Health Administration (OSHA) Requirements
- Recordkeeping

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 program-based 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 to the PRDOH electronic email LEGALCDBG@VIVIENDA.PR.GOV, 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 PRDOH. Provided, that if the date on which the copy of the notice is filed in the records of 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 LPRA § 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 LPRA § 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.