



**U.S. Department of Housing and Urban Development**

Public and Indian Housing

Community Development Block Grant Program for Indian Tribes and Alaska Native Villages

FR-6500-N-23

10/25/2021

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**Program Office:**

Public and Indian Housing

**Funding Opportunity Title:**

Community Development Block Grant Program for Indian Tribes and Alaska Native Villages

**Funding Opportunity Number:**

FR-6500-N-23

**Primary CFDA Number:**

14.862

**Due Date for Applications:**

10/25/2021

**Overview**

The U.S. Department of Housing and Urban Development (HUD) issues this Notice of Funding Opportunity (NOFO) to invite applications from eligible applicants for the program and purpose described within this NOFO. Prospective applicants should carefully read all instructions in all sections to avoid sending an incomplete or ineligible application. HUD funding is highly competitive. Failure to respond accurately to any submission requirement could result in an incomplete or noncompetitive proposal.

During the selection process HUD is prohibited from disclosing 1) information regarding any applicant's relative standing, 2) the amount of assistance requested by an applicant, and 3) any information contained in the application. Prior to the application deadline, HUD may not disclose the identity of any applicant or the number of applicants that have applied for assistance.

For Further Information Regarding this NOFO: Please direct questions regarding the specific requirements of this Notice of Funding Opportunity (NOFO) to the office contact identified in Section VII.

***Paperwork Reduction Act Statement.*** *The information collection requirements in this notice have been approved by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid OMB control number. Each NOFO will identify its applicable OMB control number unless its collection of information is excluded from these requirements under 5 CFR part 1320.*

**OMB Approval Number(s):**

2577-0191

**I. FUNDING OPPORTUNITY DESCRIPTION.****A. Program Description.****1. Purpose**

The purpose of the Indian Community Development Block Grant (ICDBG) program is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with

low- and moderate- incomes. See the ICDBG regulation of 24 CFR §1003, the full text of which is available at [24 CFR part 1003](#).

**a. Single Purpose Grants.** Projects funded by the ICDBG program must principally benefit low- and moderate-income persons (24 CFR §1003.208). These are competitive grants and are the subject of this NOFO.

**b. Imminent Threat Grants.** Projects funded with Imminent Threat grant funds are to address issues that have an immediate negative impact on public health or safety of tribal residents.

You do not have to submit an application for an Imminent Threat grant by the deadline established in this NOFO. These funds are awarded on a first-come first-serve basis until the amount set aside for this purpose is expended. The Imminent Threat request must be submitted to the Area Office of Native American Programs (ONAP) for your region in accordance with [ONAP Program Guidance 2018-04, “Imminent Threat Grants”](#) and the requirements in [24 CFR part 1003 Subpart E](#).

Separately, in the CARES ACT and the American Rescue Plan Act of 2021, Congress provided supplemental funding for ICDBG Imminent Threat grants to Indian tribes to prevent, prepare for, and respond to the COVID-19 National Emergency. Generally, the regular Imminent Threat funding references in this NOFO will be made available to help Tribes address emergencies that are unrelated to the COVID-19 National Emergency. However, HUD reserves the right to award this funding for COVID-19-related emergencies, subject to program demand, changed circumstances on the ground, and other factors at HUD’s discretion.

## **2. Changes from Previous NOFO.**

### **Section I.A.-Purpose**

A hyperlink provides the Imminent Threat Program guidance.

### **Section II.A.-Available Funds**

The available funds for the FY21 NOFO was updated to \$76,555,025. This NOFO covers one fiscal year, whereas the previous NOFO covered two fiscal years. An explanation was included of how the amount was calculated. The availability of up to \$4,000,000 in noncompetitive funding for ICDBG Imminent Threat grants. The Area ONAP allocations and grant ceilings have been updated accordingly.

### **Section II.B.-Number of Awards**

Updated the number of expected awards to 80.

### **Section II.C.-Minimum/Maximum Award Information**

Some area ONAP ceilings were adjusted to reflect regional conditions.

### **Section II.D.-Period of Performance**

The period of performance for projects considered under this NOFO is set at a maximum of 5 years. Applicants may request a shorter period of performance based on the project(s) proposed

for ICDBG funding. The budget period will be the same as the period of performance.

### **Section III.C.-Cost Sharing or Matching**

Added the following language regarding leveraging: “HUD will award maximum points for applications that propose a certain percentage of leverage and provide the required firm commitments and/or supporting documentation to support each source of leverage. (See Rating Factor 4 of this NOFO). All leveraging must be secured and used by the end of the grant term. Other Federal sources are only allowed to be used as leveraging if permitted by the statutory authorities governing the other Federal source. Grantees will be required to show evidence that leveraging resources were actually received and used for their intended purposes through quarterly Federal Financial Reports (SF-425) as the project proceeds.”

### **Section III.D.-Threshold Eligibility Requirements**

- Threshold #3-Grant Ceiling: Added language clarifying that if an applicant requests more than the maximum Area ONAP grant ceiling amount applicable under this NOFO, then the application will not be reviewed.
- Threshold #4-Rating Factor Thresholds: Added language specifying that applicants must receive a minimum score of 17 points for Rating Factor 1-Capacity of the Applicant and an overall score of 70 points (without the addition of Preference Points) to be eligible for an award under this competition.

### **Section IV.A.-Obtaining an Application Package-Instructions for Applicants**

Updated Area Office contact information chart

### **Section IV.B.-Content and Form of Application Submission**

- Submissions for All Projects Instructions: Added examples of what ONAP will consider as “submitted incorrectly” under this NOFO.
- “Narrative addressing the five rating factors in Section V.A.” language was divided into the following submission requirements: e) One-Page Proposal Summary (Curable deficiency) and f) Workplan Narrative.
- Added instructions on how to complete the following submission items. HUD also may require successful applicants to update errors on these forms based on the pre-award requirement process outlined in this NOFO:
  - a) Application for Federal Assistance (SF-424)
  - b) Implementation Schedule (HUD-4125)
  - c) Cost Summary (HUD-4123)
- Budget Narrative: This is a new submission item. Applicants must include a Budget Narrative separate from the Workplan Narrative that shows a breakdown for each budget line, including all sources and uses of funding for the proposed project(s).
- Acknowledgement of Application Receipt (HUD-2993): This is now a curable deficiency.

- **Firm Commitment Documentation:** This submission item replaces “Resolution on Tribal Funds Committed.” Applicants proposing leveraging must submit the appropriate firm commitment documentation as explained in Rating Factor 4 of this NOFO.
- “Public Services” submission requirement from the FY19/20 competition was moved to Section IV.F.-Funding Restrictions.
- **Indirect Cost Rate Agreement:** Added instructions on what to submit if requesting indirect costs.
- **Submission Requirements for Preference Points:** Added Preference Point forms to the list of application materials. Applicants may qualify for either Opportunity Zone Preference Points or Promise Zones Preference Points, not both.
- **Certification for Opportunity Zone Preference Points (HUD-2996):** This is a new submission item. Applicants will be required to complete and submit this form along with the SF-424 in order to be eligible for Opportunity Zone preference points.
- **Certification of Consistency with Promise Zone Goals and Implementation (HUD-50153):** Added to the list of submission items. To receive Promise Zones Preference Points, applicants must submit form HUD-50153, "Certification of Consistency with Promise Zone Goals and Implementation," signed by the Promise Zone Official authorized to certify that the project meets the criteria to receive preference points.

#### **Section IV.F.-Funding Restrictions**

Added the following content to this section:

- **Eligible activities:** Projects funded under this NOFO are limited to eligible activities consistent with 24 CFR part 1003 subpart C.
- **Program administration costs:** No more than 20 percent of the sum of any grant plus program income received shall be expended for activities described in 24 CFR 1003.206 and in 24 CFR 1003.205.
- **Pre-award costs:** With the exception of proposal costs incurred to prepare an application for submission under this NOFO and the value of land acquisition used towards an applicant's leveraging contribution as discussed in Rating Factor 4, all costs, including leveraging resources, must be incurred within the period of performance dates established in the ICDBG grant agreement.
- **Consultant Cap:** In accordance with 24 CFR 1003.501, ICDBG funds may not be used, directly or indirectly, to pay or provide reimbursement for payment of compensation to a consultant in an employer-employee type of relationship at more than the daily equivalent of the rate paid for the Level IV of the Executive Schedule (2021 rate: \$82.65/hr, \$661.24/day).
- **Public Services:** An applicant may not receive a Single Purpose grant solely to fund public service activities. However, an application may contain a public service component for up to 15 percent of the total grant. In addition, the public service(s) may be unrelated to the other project(s) in the application. If an application does not receive full funding, HUD will reduce the public service allocation so that it comprises no more than 15 percent of the total grant award. A complete description of public service projects can be found at 24 CFR 1003.201(e).

## **Section V.A.-Review Criteria**

### **Rating Factor Changes:**

- Minimum total points decreased to 70 without the addition of Preference Points.
- The language for new and current was removed such that all subfactors apply to all applicants.
- Rating Factor 1
  - Subfactors 1.3, 1.7, and 1.9 were changed to include all ONAP programs
  - Added language to the Rating Factor chart specifying that applicants must receive a minimum score of 17 points for Rating Factor 1-Capacity of the Applicant.
  - Subfactor 1.1. Managerial and Technical Staff was changed from Subfactor 1.1.a for clarity. The 8-point requirement to describe the roles/responsibilities and knowledge/experience of key staff was changed from "most" to "each".
  - Subfactor 1.2. Audit Submission was changed from Subfactor 1.1.b for clarity. The maximum points allowed was decreased to 4. Language was added to address submission delays caused by COVID-19.
  - Subfactor 1.3. The word Findings was added to the subfactor title and was changed from Subfactor 1.1.c for clarity.
  - Subfactor 1.4. Procurement and Contract Management was changed from Subfactor 1.1.d for clarity. The maximum points allowed was decreased to 4.
  - Subfactor 1.5. Program Performance Going Forward was added to Rating Factor 1 that requires a detailed explanation of applicants are affected by COVID-19.
  - Subfactor 1.6. Disbursements subfactor has higher percentages than last year.
- Rating Factor 2
  - Subfactor 2.3. Connection to Tribal Youth. Added a second option to earn points by addressing pandemic-related issues of social isolation and hunger among youth as a public service activity.
  - Subfactor 2.4. New/Unfunded Applicants (New Applicants Only). Decreased the maximum points allowed to 5.
- Rating Factor 3
  - Subfactor 3.1. Description of and Rationale for Proposed Project section the 10-point requirement to “Describe how you will train and/or employ Section 3 residents or contract with Section 3 businesses to provide other economic opportunities in accordance with Section VI.B.1. of this NOFO” was removed.
  - Subfactor 3.4. Commitment to Sustain Activities. Decreased the maximum points allowed for Rating Factor 3 to 5.
  - Subfactor 3.2. Budget: Added language specifying that HUD will evaluate whether the budget is thoroughly prepared, mathematically correct, and that all costs including leveraging are eligible under ICDBG, allowable, allocable, reasonable, and necessary for implementing the proposed project and activities. Additionally, the budget on the SF-424, Cost Summary, Budget Narrative, and supporting documentation must be consistent.
- Rating Factor 4



- Updated language to address acceptable pre-award leveraging resources (value of land acquisition and proposal costs). Otherwise, all other leveraged resources must be incurred within the Period of Performance of the award.
- Added “Federal Resources” and “Loans” categories to the firm commitment chart.
- Specified that land that has previously been used as leverage towards other ONAP competitions may not be proposed as leveraging for this NOFO.
  - Added that if the applicant does not provide HUD with evidence of the firm commitment from the original leverage source or an alternative source within six months of the date of grant approval, or if anticipated leverage is not provided, HUD will re-rate and re-rank the application with the updated leverage information. If the application no longer meets the threshold point requirements after re-rating and re-ranking the application, HUD will rescind the grant and recapture grant funds.
  - Provided a more detailed example of how HUD will calculate the percentage of leveraged resources for this Rating Factor.

### 3. Definitions.

#### a. Standard Definitions

**Affirmatively Furthering Fair Housing (AFFH).** Affirmatively Furthering Fair Housing (AFFH) means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant’s activities and programs relating to housing and urban development.

**Assistance Listings** means a unique number assigned to identify a Federal Assistance Listing, formerly known as the CFDA Number.

**Federal Financial Assistance** means assistance that entities received or administer in the form of:

- 1) Grant;

2. Cooperative agreements (which does not include a cooperative research and development agreement pursuant to the Federal Technology Transfer Act of 1986, as amended (15 U.S.C. 3710a));
  3. Loans;
  4. Loan guarantees;
  5. Subsidies;
  6. Insurance;
  7. Food commodities;
  8. Direct appropriations;
  9. Assessed or voluntary contributions; or
  10. Any other financial assistance transaction that authorizes the non-Federal entity's expenditure of Federal funds.
- b. Federal Financial Assistance does not include:
1. Technical assistance, which provides services in lieu of money; and
  2. A transfer of title to federally owned property provided in lieu of money, even if the award is called a grant.

**Authorized Organization Representative (AOR)** is the person authorized to submit applications on behalf of the organization via Grants.gov. The AOR is authorized by the E-Biz point of contact in the System for Award Management. The AOR is listed in item 21 on the SF-424.

**Consolidated Plan** is a document developed by states and local jurisdictions. This plan is completed by engaging in a participatory process to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions with funding from formula grant programs. (See 24 CFR part 91 HUD's requirements regarding the Consolidated Plan and related Action Plan).

**Contract** means, [for the purpose of Federal financial assistance](#), a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award. For additional information on contractor and subrecipient determinations see 2 CFR 200.331.

**Contractor** means an entity that receives a contract as defined in 2 CFR 200.1.

**Deficiency** is information missing or omitted within a submitted application. Examples of deficiencies include missing documents, information on a form, or some other type of unsatisfied information requirement (e.g., an unsigned form, unchecked box.). Depending on specific criteria, deficiencies may be either curable or non-curable.

- *Curable Deficiencies* may be corrected by the applicant with timely action. To be curable the deficiency must:
- Not be a threshold requirement, except for documentation of applicant eligibility;
- Not influence how an applicant is ranked or scored versus other applicants; and
- Be remedied within the time frame specified in the notice of deficiency.

- *Non-Curable Deficiencies* cannot be corrected by an applicant after the submission deadline.

Non-curable deficiencies are deficiencies that, if corrected, would change an applicant's score or rank versus other applicants. Non-curable deficiencies may result in an application being marked ineligible, or otherwise adversely affect an application's score and final determination.

**DUNS Number** is the nine-digit Dun and Bradstreet Data Universal Number

System identification number assigned to a business or organization by Dun & Bradstreet and provides a means of identifying business entities on a location-specific basis. OMB removed duplicate recipients based on recipient Data Universal Number System (DUNS) numbers, from Dun & Bradstreet (D&B). At this time all Federal financial assistance recipients are required to register for DUNS numbers.

**E-Business Point of Contact (E-Biz POC)** A user registered as an organization applicant who is responsible for the administration and management of grant activities for his or her organization. The E-Biz POC is likely to be an organization's chief financial officer or authorizing official. The E-Biz POC authorizes representatives of their organization to apply on behalf of the organization (see Standard AOR and Expanded AOR). There can only be one E-Biz POC per DUNS Number.)

**Eligibility requirements** are mandatory requirements for an application to be eligible for funding.

**Federal award**, has the meaning, depending on the context, in either paragraph (1) or (2) of this definition:

- (1)(i) The Federal financial assistance that a recipient receives directly from a Federal awarding agency or a subrecipient receives indirectly from a pass-through entity, as described in 2 CFR §200.101; or
  - ii. The cost-reimbursement contract under the Federal Acquisition Regulations that a non-Federal entity receives directly from a Federal awarding agency or indirectly from a pass-through entity, as described in 2 CFR §200.101.
2. The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (2) of the definitions of Federal financial assistance in 2 CFR §200.1, or the cost-reimbursement contract awarded under the Federal Acquisition Regulations.
3. Federal award does not include other contracts that a Federal agency uses to buy goods or services from a contractor or a contract to operate Federal Government owned, contractor operated facilities (GOCOs).
4. See also definitions of Federal financial assistance, grant agreement, and cooperative agreement.

**Grants.gov** is the website serving as the Federal government's central portal for searching and applying for Federal financial assistance throughout the Federal government. Registration on Grants.gov is required for submission of applications to prospective agencies unless otherwise specified in this NOFO.

**Non-Federal Entity (NFE)** means a state, local government, Indian tribe, Institution of Higher Education (IHE), or non-profit organization that carries out a Federal award as a recipient or subrecipient.

**Opportunity Zone (OZs)** are defined in 26 U.S.C. 1400Z-1. In general, OZs are census tracts located in low-income communities where new investments, under certain conditions, may be eligible for preferential tax treatment.

**Point of Contact (POC)** is the person who may be contacted with questions about the application submitted by the AOR. The POC is listed in item 8F on the SF-424.

**Promise Zones (PZs)** are high poverty communities where the federal government partners with local leaders to increase economic activity, improve educational opportunities, leverage private investment, reduce violent crime, enhance public health and address other priorities identified by the community.

**Recipient** means an entity, usually but not limited to non-Federal entities, that receives a Federal award directly from HUD. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.

**Small business** is defined as a privately-owned corporation, partnership, or sole proprietorship that has fewer employees and less annual revenue than a corporation or regular-sized business. The definition of "small"—in terms of being able to apply for government support and qualify for preferential tax policy—varies by country and industry. The U.S. Small Business Administration defines a small business according to a set of standards based on specific industries. {[e-CFR Title 13-Chapter I – Part 121](#)}

**Subaward** means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that pass-through entity considers a contract.

**Subrecipient** means an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly for a Federal awarding agency.

**System for Award Management (SAM)** means the Federal Repository into which an entity must provide information required for the conduct of business as a recipient. Registration with SAM is required for submission of applications via Grants.gov. You can access the website at <https://www.sam.gov/SAM/>. There is no cost to use SAM.

**Threshold Requirements** are an eligibility requirement that must be met for an application to be reviewed. Threshold requirements are not curable, except for documentation of applicant eligibility and are listed in Section III.D Threshold Eligibility Requirements. Similarly, there are eligibility requirements under Section III.E, Statutory and Regulatory Requirements Affecting Eligibility.

**Unique Entity Identifier** means the identifier required for SAM registration to uniquely identify business entities.

#### 4. Program Definitions

The following definitions apply to the ICDBG program. See a more detailed list at 24 CFR 1003.4.

**Adopt** - To approve by vote of the governing body of the tribe or tribal organization.

**Community Based Development Organization (CBDO)** - As defined in 24 CFR 1003.204(c).

**Current Applicant/ Current ICDBG Grantee** – An applicant that has an ICDBG grant that is currently open or that was closed within the 2 years of the NOFO application deadline date.

**Document** - When the NOFO asks you to document something it means that you should provide information and/or data in your application to satisfy that particular NOFO requirement.

**Entity Other Than Tribe** - This means that the organization is not part of the tribal government.

**Firm Commitment** - A letter of commitment from a partner by which an applicant or an applicant's partner agrees to perform an activity specified in the application and demonstrates the financial capacity and conditional agreement to deliver the resources necessary to carry out the activity, either in cash or through in-kind contributions if HUD awards ICDBG funds. If a tribe is committing resources to the project the amount of such commitment must be included in the tribal resolution. If a tribal organization is the applicant, it must submit evidence of such commitment in the equivalent of a tribal resolution.

**Ineligible Activities** - A complete list of ineligible activities can be found at 24 CFR§1003.207.

**Low- and Moderate-Income (LMI) beneficiary** - As defined in 24 CFR 1003.4, LMI beneficiary means a family, household, or individual whose income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger households or families. However, HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of unusually high or low household or family incomes. In reporting income levels to HUD, the applicant must include and identify the distributions of tribal or village income to families, households, or individuals.

**Rating Period** - Unless otherwise specified, the term "Rating Period" is the two-year period immediately preceding from the application deadline date.

**Standard Housing/Standard Conditions** - Housing that meets the quality standards (HQS) adopted by the tribe or tribal organization depending on the type of housing proposed. The HQS adopted by the applicant must be at least as stringent as the Section 8 HQS contained in 24 CFR 982.401 (Section 8 Tenant-Based Assistance: Housing Choice Voucher program) unless the Area ONAP approves less stringent standards based on a determination that local conditions make the use of Section 8 HQS infeasible. The adopted standards must provide for: (a) a safe

house, in physically sound condition with all systems performing their intended design functions; (b) a livable home environment that is energy efficient and incorporates energy conservation measures; and, (c) adequate space and privacy for all intended household members.

**Tribal Resolution** - The formal manner in which the tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic documents, a written expression adopted pursuant to tribal practices will be acceptable (24 CFR 1003.4).

**Youth**- A community member that has not reached the age of 24.

## **B. Authority.**

The authority for this program is Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) and the program regulations in 24 CFR part 1003. HUD's authority for making funding available under this NOFO are the Consolidated Appropriations Act, 2021, (Public Law 116-260, approved December 27, 2020) (2021 Appropriations Act), the Further Consolidated Appropriations Act, 2020 (Public Law 116-94, approved December 20, 2019), the Consolidated Appropriations Act, 2019 (Public Law 116-6, approved February 15, 2019), and any other authorities that may make additional funds available for award under this NOFO at any time.

## **II. Award Information.**

### **A. Available Funds**

Funding of approximately **\$ 76,555,025** is available through this NOFO.

Additional funds may become available for award under this NOFO, because of HUD's efforts to recapture funds, use carryover funds, or because of the availability of additional appropriated funds. Use of these funds is subject to statutory constraints. All awards are subject to the funding restrictions contained in this NOFO.

In the 2021 Appropriations Act, ONAP was appropriated a total of \$70,000,000 for ICDBG Single Purpose and Imminent Threat grants.

In accordance with the 2021 Appropriations Act, HUD is setting aside funding of up to \$4,000,000 to be used for emergencies that constitute imminent threats to health and safety. HUD may award these noncompetitive funds in accordance with [24 CFR part 1003 subpart E- Imminent Threat Grants](#) and [ONAP Program Guidance 2018-04, "Imminent Threat Grants."](#)

With the remaining \$66,000,000 from the 2021 Appropriations Act and remaining carryover from the FY19/20 competition, funding of \$76,555,025 is available for Single Purpose Grants through this NOFO. Applications that pass the initial application screening and threshold requirements will be rated and ranked. Funds will be awarded in descending rank order based on the score received on the application submitted under this NOFO.

HUD reserves the right to issue a supplemental or independent NOFO if necessary (e.g., to

ensure that all appropriated funds are awarded or if additional requirements apply to future funds).

**1. Allocations to Area ONAPs.** The ICDBG regulations specify how the funds for the Single Purpose ICDBGs will be allocated among the six Area ONAPs. See 24 CFR 1003.101.

The chart below provides the FY 2021 Area Allocations.

<b>Area ONAP Office</b>	<b>Total Area ONAP Allocations</b>
Alaska	\$9,458,215
Eastern Woodlands	\$6,030,948
Northern Plains	\$11,429,259
Northwest	\$3,834,751
Southern Plains	\$21,493,549
Southwest	\$24,308,303

## **2. Grant Ceilings.**

This NOFO will award applications with primarily FY 2021 funding. Applications may include more than one project, but the entire grant may not exceed the limits listed below for your region.

<b>Area ONAP</b>	<b>Population</b>	<b>Ceiling</b>
Alaska	ALL	\$800,000
Eastern Woodlands	ALL	\$700,000
Northern Plains	ALL	\$1,200,000
Northwest	ALL	\$750,000
Southern Plains	ALL	\$1,000,000
Southwest		
	50,001+	\$4,000,000
	10,501-50,000	\$2,000,000
	7,501-10,500	\$1,600,000
	7,500 and below	\$800,000

In the Southwest ONAP (SWONAP) jurisdiction, HUD will determine the ceiling for applications based on the Native American population that resides on a reservation or Rancheria. You should contact SWONAP prior to submitting your application to confirm the population that HUD will use to determine the ceiling.

**NOTE:** Only one ICDBG application may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR part 1003. An applicant may include more than one project, but it cannot exceed the grant ceilings listed in Section II. Tribal organizations applying on behalf of multiple tribes may combine ceiling amounts for a project if the project will benefit the members of all such respective tribes. Several tribes may submit individual applications for one combined activity if the project will benefit the members of all such respective tribes.

**2. Housing Rehabilitation Cost Limits.** HUD will not provide more than the following amounts for each housing unit rehabilitated with ICDBG funds. The rehabilitation costs may exceed these limits, but your budget must show that you will not spend more than these amounts of ICDBG funds on each unit.

Alaska	\$120,100
Eastern Woodlands	up to \$78,650
Northern Plains	up to \$78,650
Northwest	up to \$78,650
Southern Plains	up to \$78,650
Southwest	up to \$78,650

#### **B. Number of Awards.**

HUD expects to make approximately 80 awards from the funds available under this NOFO.

#### **C. Minimum/Maximum Award Information**

Please refer to the grant ceilings listed in the section above. Only one large tribe in the SWONAP region is eligible for the maximum award amount.

Estimated Total Funding:

\$ 76,555,025

Minimum Award Amount:

\$ 500,000

Per Project Period

Maximum Award Amount:

\$ 4,000,000

Per Project Period

#### **D. Period of Performance**

The period of performance and planned drawdowns for any grant awarded under this NOFO must be identified in the Implementation Schedules, and approved by HUD. Costs must be



incurred during the period of performance identified on the grant award or addendum. HUD can require you to spend funds in accordance with the Implementation Schedule submitted with your application. If funded and you do not make progress toward meeting your Implementation Schedule, HUD reserves the right to recapture funds.

The period of performance for projects considered under this NOFO cannot exceed 5 years. Applicants may request a shorter period of performance based on the project(s) that is being proposed for ICDBG funding.

This NOFO refers to a project period, which should be the same as the budget period for purposes of 2 CFR part 200.

Estimated Project Start Date:  
01/19/2022

Estimated Project End Date:  
01/19/2027

Length of Project Periods:  
Other

Length of Periods Explanation of Other:  
Projects awarded under this NOFO will be limited to 5 years.

#### **E. Type of Funding Instrument.**

Funding Instrument Type:  
G (Grant)

#### **III. Eligibility Information.**

##### **A. Eligible Applicants.**

07 (Native American tribal governments (Federally recognized))

11 (Native American tribal organizations (other than Federally recognized tribal governments))

##### **Additional Information on Eligibility**

An applicant must be eligible as an Indian tribe (or as a tribal organization), as required by 24 CFR part 1003.5, by the application deadline date.

**Tribes:** Eligible applicants are any Indian tribe, band, group, or nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaska Native village of the United States which is considered an eligible recipient under Title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450) or which had been an eligible recipient under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221). Eligible recipients under the Indian Self-Determination and Education Assistance Act will be determined by the Bureau of Indian Affairs and eligible recipients under the State and Local Fiscal Assistance Act of 1972 are those that have been determined eligible by the Department of Treasury, Office of Revenue Sharing. For more information, see “Indian Entities Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs” (85 FR 5462, January 30, 2020, <https://www.federalregister.gov/documents/2020/01/30/2020-01707/indian-entities-recognized->

[by-and-eligible-to-receive-services-from-the-united-states-bureau-of](#)).

**Tribal Organizations:** Tribal organizations which are eligible under Title I of the Indian Self-Determination and Education Assistance Act may apply on behalf of any Indian tribe, band, group, nation, or Alaska Native village eligible under that act for funds under this NOFO when one or more of these entities have authorized the tribal organization to do so through concurring resolutions. In addition, the Bureau of Indian Affairs (BIA) or the Indian Health Service (IHS), must provide a letter that states that the tribal organization is eligible under Title I of the Indian Self Determination and Education Assistance Act. A copy of this letter must be included in your application submission, unless your organization has already provided such a letter in previous years approved by HUD and the status of your tribal organization has not changed. HUD will not review an application submitted by a tribal organization on behalf of a specific tribe if the tribe itself submits an application for the same funding round.

Due to the unique structure of tribal entities eligible to submit ICDBG applications in Alaska, and as only one ICDBG application may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR part 1003.5, a tribal organization that submits an application for activities in the jurisdiction of one or more eligible tribes or villages must include a concurring resolution from each such tribe or village authorizing the submission of the application. The hierarchy for funding priority continues to be the IRA Council, the Traditional Village Council, the Alaska Native Claims Settlement Act (ANCSA) Village Corporation, and the ANCSA Regional Corporation. Questions regarding eligibility determinations and related documentation requirements for entities in Alaska should be referred to the Alaska Area ONAP prior to the application deadline. Due to the unique structure of tribal entities in Alaska you should contact the Alaska ONAP prior to the application due date if you plan to apply for an Alaska tribe or village.

#### **B. Ineligible Applicants.**

HUD does not award grants to individuals and will not evaluate applications from ineligible applicants.

#### **C. Cost Sharing or Matching.**

This Program does not require cost sharing or matching.

This Program does not require leveraging.

Cost sharing or matching is not required under this grant; but applicants are encouraged to leverage other Federal (including IHBG formula funds) and non-Federal sources. HUD will award maximum points under Rating Factor 4 for applications that propose a certain percentage of leverage and provide the required firm commitments and/or supporting documentation to support each source of leverage. (See Rating Factor 4 of this NOFO). All leveraging must be secured and used by the end of the period of performance. Other Federal sources are only allowed to be used as leveraging if permitted by a program's authorizing statute. Grantees will be

required to show evidence that leveraging resources were actually received and used for their intended purposes through quarterly Federal Financial Reports (SF-425) as the project proceeds.

#### **D. Threshold Eligibility Requirements.**

Applicants who fail to meet any of the following threshold eligibility requirements will be deemed ineligible. Applications from ineligible applicants will not be evaluated.

**1. Resolution of Civil Rights Matters.** Outstanding civil rights matters must be resolved before the application deadline. Applicants, who after review are confirmed to have civil rights matters unresolved at the application deadline, will be deemed ineligible. Their applications will receive no further review, will not be rated and ranked, and they will not receive funding.

- a. Applicants having any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (1) – (5) that have not been resolved to HUD’s satisfaction before or on the application deadline date are ineligible for funding. Such matters include:
  1. Charges from HUD concerning a systemic violation of the Fair Housing Act or receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair housing law proscribing discrimination because of race, color, religion, sex, national origin, disability or familial status;
  2. Status as a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance under 42 U.S.C. 3614(a);
  3. Status as a defendant in any other lawsuit filed or joined by the Department of Justice, or in which the Department of Justice has intervened, or filed an amicus brief or statement of interest, alleging a pattern or practice or systemic violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, the Americans with Disabilities Act or a claim under the False Claims Act related to fair housing, non-discrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;
  4. Receipt of a letter of findings identifying systemic non-compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974; or the Americans with Disabilities Act; or
  5. Receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law prohibiting discrimination in housing based on sexual orientation, gender identity, or lawful source of income.
- b. HUD will determine if actions to resolve the charge, cause determination, lawsuit, or letter of findings taken before the application deadline date will resolve the matter. Examples of actions that may be sufficient to resolve the matter include, but are not limited to:
  1. Current compliance with a voluntary compliance agreement signed by all the parties;
  2. Current compliance with a HUD-approved conciliation agreement signed by all the parties;

3. Current compliance with a conciliation agreement signed by all the parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;
4. Current compliance with a consent order or consent decree;
5. Current compliance with a final judicial ruling or administrative ruling or decision; or
6. Dismissal of charges.

**2. Timely Submission of Applications.** Applications submitted after the deadline stated within this NOFO that do not meet the requirements of the grace period policy will be marked late. Late applications are ineligible and will not be considered for funding. See Section IV. D. Application Submission Dates and Times.

### **3. Grant Ceiling**

If an applicant requests more than the maximum Area ONAP grant ceiling amount applicable under this NOFO, then the application will not be reviewed. Applicants must clearly document the amount requested under this NOFO on line 18a of the Application for Federal Assistance (SF-424). See Section IV.B.2.a. for guidance.

### **4. Rating Factor Thresholds**

Applicants must receive a minimum score of 17 points for Rating Factor 1-Capacity of the Applicant and an overall score of 70 points (without the addition of Preference Points) to be eligible to receive a grant under this competition.

### **5. ICDBG Program and Project Specific Thresholds**

The following requirements are threshold requirements and will not be considered curable deficiencies if not submitted or submitted incorrectly. If the thresholds are not met, the application will be deemed ineligible.

**a. Outstanding ICDBG Obligation:** Pursuant to 24 CFR part 1003.301(a), if you have an outstanding ICDBG obligation to HUD that is in arrears, or have not agreed to a repayment schedule you will be disqualified from the competition and not evaluated.

**b. Untimely ICDBG Closeouts:** HUD will not review your application if you have any ICDBG that is open two or more years past the due date for closeout identified on the most recently submitted project implementation schedule approved by the Area ONAP.

**c. Housing Rehabilitation projects:** The requirements for this threshold are in Section IV.B.2 of this NOFO.

**d. New Housing Construction projects:** The requirements for this threshold are in Section IV.B.2 of this NOFO.

**e. Economic Development projects:** The requirements for this threshold are in Section IV.B.2.b. of this NOFO.

## **E. Statutory and Regulatory Requirements Affecting Eligibility.**

### **Eligibility Requirements for Applicants of HUD's Grants Programs**

The following requirements affect applicant eligibility. Detailed information on each requirement is posted on [HUD's Funding Opportunities Page](#).

- Active Prime and Sub Recipient registration with SAM.gov
- Outstanding Delinquent Federal Debts
- Debarments and/or Suspensions
- Pre-selection Review of Performance
- Sufficiency of Financial Management System
- False Statements
- Mandatory Disclosure Requirement
- Prohibition Against Lobbying Activities
- Equal Participation of Faith-Based Organizations in HUD Programs and Activities

## **F. Program-Specific Requirements.**

**If you are awarded a grant under this NOFO you will have to comply with all laws, regulations, and other requirements relating to federal funds, as well as the specific ICDBG requirements found at 24 CFR part 1003.**

Other statutory or regulatory requirements specific to the ICDBG program are:

**Indian Preference** - HUD has determined that the ICDBG program is subject to Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C.450e(b)). The provisions and requirements for this section are found at [24 CFR 1003.510](#).

**Eligible Activities**- A complete list and description of eligible activities can be found at [24 CFR part 1003, subpart C](#).

## **G. Criteria for Beneficiaries.**

The ICDBG program must primarily benefit persons with low- and moderate income as defined in [24 CFR 1003.4](#).

## **IV. Application and Submission Information.**

### **A. Obtaining an Application Package.**

#### **Instructions for Applicants.**

You must download both the Application Instructions and the Application Package from Grants.gov. You must verify that the Assistance Listing Number and Assistance Listing Description on the first page of the Application Package, and the Funding Opportunity Title and the Funding Opportunity Number match the Program and NOFO to which you are applying.

The Application Package contains the portable document forms (PDFs) available on Grants.gov, such as the SF-424 Family. The Instruction Download contains official copies of the NOFO and forms necessary for a complete application. The Instruction Download may include Microsoft Word, Microsoft Excel and additional documents.

An applicant demonstrating good cause may request a waiver from the requirement for electronic submission, for example, a lack of available Internet access in the geographic area in which your business offices are located. Lack of SAM registration or valid DUNS Number is not good cause. If you cannot submit your application electronically, you must ask in writing for a waiver of the electronic grant submission requirements. HUD will not grant a waiver if HUD does not receive your written mailed, shipped, or emailed request at least 15 calendar days before the application deadline and if you do not demonstrate good cause. If HUD waives the requirement, HUD must receive your paper application before the deadline of this NOFO. To request a waiver, you must contact:

Name:

ONAP Director Grants

Email:

ONAP-ICDBG@hud.gov

HUD Organization:

PIH-ONAP

Street:

451 7th St. SW, Rm. 4108

City:

Washington

State:

DC DISTRICT OF COLUMBIA

Zip:

20410

**Notwithstanding the 15-day deadline referenced in Section IV.A. of this NOFO, applicants may submit waiver requests up to 7 business days prior to the application deadline date.**

*Applicants should send waiver requests to their respective Area Office with a copy to the contact listed above.*

For more information, please contact your Area Office:

Area ONAP	Contact Info and Addresses	
Alaska	(907) 677-9860 <a href="mailto:Greg.M.Stuckey@hud.gov">Greg.M.Stuckey@hud.gov</a>	3000 C Street, Suite 401 Anchorage, AK 99503

Eastern Woodlands	(800) 735-3239 <a href="mailto:Elton.Jones@hud.gov">Elton.Jones@hud.gov</a> <a href="mailto:Mary.White@hud.gov">Mary.White@hud.gov</a>	Ralph H. Metcalfe Federal Building 77 West Jackson Boulevard, Room 2404 Chicago, Illinois 60604-3507
Northern Plains	(303) 672-5465 <a href="mailto:CustomerService@hud.gov">CustomerService@hud.gov</a>	1670 Broadway, 24th Floor Denver, CO 80202-4801
Northwest	(206) 220-5270	909 1st Avenue, Suite 300 Seattle, WA 98104-1000
Southern Plains	(405) 609-8520	301 N.W. 6th Street Suite 200 Oklahoma City, OK 73102
Southwest	<b>Phoenix Office</b> One North Central Avenue, Suite 600 Phoenix, AZ, 85004-2361 (602) 379-7213	<b>Albuquerque Office</b> 500 Gold Avenue SW, 7th Floor, Suite 7301 PO Box 906, Albuquerque, NM 87103-0906 (505) 346-6923

*Examples of good cause for a waiver from the electronic submission requirement may include lack of reliable Internet, broadband, or other infrastructure conducive to electronic application submissions. Applicants granted a waiver of the electronic submission requirement will receive specific instructions about submitting paper applications with the approval of the waiver.*

## **B. Content and Form of Application Submission.**

You must verify that boxes 11, 12, and 13 on the SF-424 match the NOFO for which you are applying. If they do not match, you have downloaded the wrong Application Instruction and Application Package.

Submission of an application that is otherwise sufficient, under the wrong Assistance Listing and Funding Opportunity Number is non curable unless otherwise stated in Threshold requirements.

### **1. Content.**

<b>Forms/Assurances/Certifications</b>	<b>Submission Requirement</b>	<b>Notes/Description</b>
Application for Federal Assistance (SF424)	Submission is required for all applicants by the application due date.	

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
<p>HUD Applicant Recipient Disclosure Report (HUD) 2880 Applicant/Recipient Disclosure/Update Report</p>	<p>HUD will provide instructions to grantees on how the form is to be submitted.</p>	<p>HUD instructions to grantees are provided by webcast, To view the webcast, click <a href="#">here</a>.</p>
<p>Implementation Schedule (<a href="#">HUD-4125</a>)</p>	<p>The dates listed on the Implementation Schedule must match the dates proposed on the SF-424, Blocks 17a-b. For applications proposing multiple projects, applicant must submit a separate Implementation Schedule for each project. HUD may require successful applicants to update errors on the Implementation Schedule based on the pre-award requirement process outlined in this NOFO.</p>	
<p>Cost Summary (<a href="#">HUD-4123</a>)</p>	<p>Provide cost information including specific activity costs, administration, planning, and total resources that will be committed to the project, including resources from both Federal and non-Federal sources. For applications proposing multiple projects, applicant must submit a separate Cost Summary form for each project. HUD may require successful applicants to update errors on the Cost Summary form based on the pre-award requirement process outlined in this NOFO. The Cost Summary totals must match the information provided on the SF-424 and Budget Narrative and be completed as follows:</p>	



Forms/Assurances/Certifications	Submission Requirement	Notes/Description
	<ol style="list-style-type: none"> <li>1. Planned ICDBG Expenditures (Column b): List the amount requested under this grant only and this must match requested amount listed in Line 18a of the SF-424. This must not include any proposed federal funding used as leveraged funds.</li> <li>2. Planned Other Federal Funds Expenditures (Column c): List any proposed federal funds used as leverage (e.g., IHBG formula funds)</li> <li>3. Planned Non-Federal Funds Expenditures (Column d): List any proposed non-federal funds used as leverage. Note: The totals for Columns c and d must match the total leveraged funds proposed in lines 18b-18f of the SF-424.</li> <li>4. Administration (Line 5a-c): List any proposed funds towards administration and planning expenses in this section and must match the Budget Narrative. Any funds proposed towards Indirect Costs must be included in line 5b of the Cost Summary.</li> <li>5. Grand Total (Line 7): The total must match the overall total in line 18g of the SF-424.</li> </ol>	

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
<b>Certification for Opportunity Zone Preference Points (<u>HUD-2996</u>)</b>	The submission of this form is required to be considered for Opportunity Zone Preference Points.	In order to be eligible for Opportunity Zone preference points, applicants must complete and submit the HUD-2996 along with the SF-424. Applicants who do not complete this form and submit along with the rest of their application package will not be eligible to receive the points.
<b>Certification of Consistency with Promise Zone Goals and Implementation (<u>HUD- 50153</u>)</b>	The submission of this form is required to be considered for Promise Zone Preference Points.	To receive Promise Zones Preference Points, applicants must submit form HUD-50153, "Certification of Consistency with Promise Zone Goals and Implementation," signed by the Promise Zone Official authorized to certify that the project meets the criteria to receive preference points.
Needs Table for Rating Factor 2.2c		As indicated in Rating Factor 2.2c, use this table to determine the need for housing in tribal areas.

Additionally, your complete application must include the following narratives and non-form attachments.

**a. One-Page Proposal Summary (Curable deficiency):** The applicant must include a one-page summary of the proposed project. If you are requesting funds for more than one type of ICDBG-eligible project you must include a summary and narrative for each project. Indicate on the first page of each narrative and in the one-page summary, the type of project(s) you are proposing: *Economic Development, Homeownership Assistance, Housing Rehabilitation, Housing Acquisition, Land Acquisition to Support New Housing, Microenterprise Programs, New Housing Construction, or Public Facilities and Improvements*. This will help to ensure that HUD will apply the appropriate project-specific criteria and rating subfactors in reviewing your application. HUD will not consider any information in the summary when rating applications and may require successful applicants to update the summary based on the pre- award requirement process outlined in this NOFO.

**b. Workplan Narrative:** The Workplan Narrative is the response to all five rating factors in Section V.A. of this NOFO and encompasses the proposed ICDBG project(s). Label each section of your narrative in accordance with the applicable factors and subfactors in the NOFO.

**c. Budget Narrative:** The application must include a Budget Narrative separate from the Workplan Narrative that shows a breakdown for each budget line, including all sources and uses of funding (including leveraging resources) for the proposed project(s). This Budget Narrative must match the figures on the SF- 424 (Blocks 18a-g) and Cost Summary (HUD-4123). The applicant may also choose to submit this in the format of its own choosing (e.g., Word table attachment, Excel spreadsheet, etc.). The narrative must provide details on eligible activities and all planning and administrative costs (including indirect costs). For applications proposing multiple projects, applicant must submit a separate Budget Narrative for each project. HUD may require successful applicants to update errors on the Budget Narrative based on the pre-award requirement process outlined in this NOFO.

**d. Citizen Participation:** The applicant must submit a current tribal resolution stating the Citizen Participation requirements were followed in accordance with [24 CFR 1003.604](#) for the proposed project.

**e. Low and Moderate-Income (LMI) Benefit:** It is required that your application demonstrates that at least 70 percent of the grant funds will be used for activities that benefit LMI persons in accordance with the requirements of 24 CFR 1003.208. See Section IV subfactor 2.2 Project Benefit, for non-housing projects. If you are applying for any type of housing-related activity (construction, rehabilitation, and acquisition) or housing assistance, you must state in your application that all units will be occupied by LMI households upon completion or when assistance (e.g., down payment assistance) is provided.

**f. Resolution for Tribal Organization to Submit:** If you are a tribal organization defined in [24 CFR 1003.5\(b\)](#) and are submitting an application on behalf of an Indian tribe, you are required to include a resolution from the Indian tribe stating that you are submitting the application on their behalf.

**g. Firm Commitment Documentation (if applicable):** If you are proposing any leveraged resources for this NOFO, you must provide the appropriate firm commitment documentation as discussed in Rating Factor 4.

**h. Demographic Data (if applicable):** If you are applying for any type of project other than a housing project your application must include information about the number of LMI persons that will benefit from the project. You can either use the data provided on HUD's website at: [FY 2019 Data Update for Low- and Moderate-Income \(LMI\) Area Benefit Designation for HUD ICDBG](#); or submit your own data. For more information on how to submit your own demographic data, see Rating Factor 2, in Section V.A.1 of this NOFO.

**i. Housing Rehabilitation Project Requirements (if applicable):** In accordance with 24 CFR part 1003.302(a), you must submit the required information below:

1. Provide a written statement in the Workplan Narrative that the applicant has adopted rehabilitation standards and policies. The adopted rehabilitation standards and policies must be adopted before the application submission. Do not submit the policies.
2. Provide a written statement in the Workplan Narrative that ICDBG funds will be used to rehabilitate housing only when the homeowner's payments are current or the homeowner is current in a repayment agreement. (This includes rental units that are being rehabilitated as well.) The Area ONAP Administrator on a case-by-case basis, may approve exceptions to this requirement if you provide adequate justification for the exception with your application.

**j. New Housing Construction Project Requirements (if applicable):** In accordance with 24 CFR 1003.302(b), you must submit the required information below:

1. Documentation to demonstrate new housing construction will be implemented through a Community Based Development Organization (CBDO). If the organization has been previously determined by ONAP to be a CBDO, do not resubmit documentation of this in the application. Please contact your Area ONAP to determine if your CBDO has not been previously approved.
2. You must state in the Workplan Narrative that the project will be constructed in accordance with construction standards that were adopted by tribal resolution prior to the application deadline date. See definition at Section I.A.4. Standard Housing/Standard Conditions.
3. Provide documentation that shows:
  - i. No other housing is available in the immediate reservation area that is suitable for the households to be assisted; **and**
  - ii. No other sources, including IHBG, can meet the needs of the household(s) to be served (applicants that receive minimum IHBG funding pursuant to the IHBG regulation at 24 CFR 1000.328 are exempt from this provision); **and**
  - iii. Rehabilitation of the unit occupied by the household(s) to be assisted is not economically feasible; **or**

- iv. The household(s) to be assisted is currently living in overcrowded conditions (more than one household per house); **or**
- v. The household to be assisted has no current residence.

**k. Citizen Participation:** A current tribal resolution stating the Citizen Participation requirements were followed in accordance with [24 CFR 1003.604](#) for the proposed project.

**l. Economic Development Project Threshold Requirements (if applicable):** In accordance with 24 CFR 1003.302(c), you must provide an analysis which shows public benefit commensurate with the ICDBG assistance requested will result from the assisted project. This analysis should also establish that to the extent practicable: reasonable financial support will be committed from non-Federal sources prior to disbursement of Federal funds; any grant amount provided will not substantially reduce the amount of non-Federal financial support for the activity; not more than a reasonable rate of return on investment is provided to the owner; and, that grant funds used for the project will be disbursed on a pro rata basis with amounts from other sources. In addition, it must be established that the project is financially feasible and that it has a reasonable chance of success.

**m. Infrastructure Projects (if applicable):** If your infrastructure project will support future housing or community development project(s), you must submit evidence that the housing or community development project(s) will be completed within three years of the grant award.

**n. Land Acquisition to Support New Housing Projects (if applicable):** Land for future housing projects must include evidence that the land is suitable for housing. You must also establish that there is a reasonable ratio between the number of net usable acres to be acquired and the number of LMI persons to benefit from the project. See Rating Factor 3, Subfactor 1.1 in Section V.A.1. of this NOFO. Award of a grant does not constitute approval of specific sites where activities that are subject to environmental review may be carried out.

**o. Health Care Facilities (if applicable):** If you are applying for a facility that would provide health care services funded by the Indian Health Service (IHS), you must include a statement in the Workplan Narrative that the facility will meet all applicable IHS facility requirements. HUD recognizes that tribes are contracting services from the IHS may establish other facility standards. These tribes must assure these standards at least compare to nationally accepted minimum standards.

**p. Correctional Facilities/Juvenile Detention Centers (if applicable):** If you are applying for a correctional facility or juvenile detention center that would provide correctional services to be funded by the U.S. Department of Justice (DOJ) and/or Bureau of Indian Affairs (BIA), you must include a statement in the Workplan Narrative that the facility meets all applicable BIA/DOJ standards regarding correctional operations, programs and designs.

**q. Evidence of Partner Commitment (if applicable):** If you are proposing to partner with other entities/organizations on your project, you must submit a letter on letterhead of the entity/organization and signed by the chief executive of the entity/organization that demonstrates that the entity/organization is willing and able to participate. This includes entities providing funds for the project as well as service providers and entities contributing to the operation of the project.

**r. Indirect Cost Rate Agreement (Curable deficiency):** If your application will include funds for indirect costs, your application must include the documentation described below:

1. If the applicant is using a federally negotiated indirect cost rate, then the application must clearly state the approved rate and distribution base in Subfactor 3.2-Budget and amount budgeted in the Cost Summary (HUD-4123, line 5B). The applicant must also include a letter stating the approved rate and distribution base or other documentation from the cognizant agency showing the approved rate; or
2. If the applicant does not have a current negotiated (including provisional) indirect cost rate and wishes to use the de minimis rate, then the application must clearly state the intent to use the de minimis 10 percent of Modified Total Direct Costs (MTDC) in accordance with 2 CFR 200.414(f).

**s. Code of Conduct (Curable deficiency)** If your Code of Conduct (code) is not listed on HUD's website at Code of Conduct for HUD Grant Programs ([https://www.hud.gov/program\\_offices/spm/gmomgmt/grantsinfo/conductgrants](https://www.hud.gov/program_offices/spm/gmomgmt/grantsinfo/conductgrants)) or if the information on the website has changed, you must submit a copy of your code of conduct with your application. This requirement is applicable to all applicants, even if the Code of Conduct is on file with the Area ONAP.

**Submission Requirements for Preference Points: Applicants may qualify for Preference Points under this NOFO by submitting the information below. Applicants may qualify for either Opportunity Zone Preference Points or Promise Zones Preference Points, not both.**

**t. Certification for Opportunity Zone Preference Points ([HUD-2996](#)):** For Fiscal Year 2021, the applicant will earn points where the proposed activities/projects are located in a Census Tract that has been designated as an Opportunity Zone. Applicants that propose projects which substantially and directly benefit Opportunity Zone Census Tracts, but which do not consist of activities delivered within the Opportunity Zone Census Tracts may also be considered for competitive preference points.

In order to be eligible for Opportunity Zone preference points, applicants must complete and submit the HUD-2996 along with the SF-424. Applicants who do not complete this form and submit along with the rest of their application package will not be eligible to receive the points. Additionally, applicants who do complete this form, but indicate they intend to use less than 50% of the award within Opportunity Zone tracts will also be ineligible to receive preference points, unless: a.) the grantee can show why they are unable to expend at least 50% of the grant award within Opportunity Zone designated tracts, or b.) the grantee is able to make a compelling case for why the amount that will be expended will have a significant impact within Opportunity Zone designated tracts. To view the list of designated OZs, please see the following link on the

U.S. Department of the Treasury website: <https://www.cdfifund.gov/Pages/Opportunity-Zones.aspx>

**u. Certification of Consistency with Promise Zone Goals and Implementation (HUD-50153):** To receive Promise Zones Preference Points, applicants must submit form HUD-50153, "Certification of Consistency with Promise Zone Goals and Implementation," signed by the Promise Zone Official authorized to certify that the project meets the criteria to receive preference points. To View the list of designated Promise Zones and persons authorized to certify, please see the Promise Zone pages on <https://www.hudexchange.info/programs/promise-zones/>.

## **2. Format and Form.**

Narratives and other attachments to your application must follow the following format guidelines.

30 Pages maximum length of narratives

Double spaced 12-point (minimum) Times Roman font on letter sized paper (8 1/2 x 11 inches) with at least 1-inch margins on all sides

## **C. System for Award Management (SAM) and Dun and Bradstreet Universal Numbering System (DUNS) Number.**

### **1. SAM Registration Requirement.**

Applicants must be registered with <https://www.sam.gov/> before submitting their application. Applicants must maintain current information in SAM on immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded a Federal contract or grant within the last three years, if applicable. Information in SAM must be current for all times during which the applicant has an active Federal award or an application or plan under consideration by HUD.

### **2. DUNS Number Requirement.**

Applicants must provide a valid DUNS number, registered and active at <https://www.sam.gov/> in the application. DUNS numbers may be obtained for free from Dun & Bradstreet.

### **3. Requirement to Register with Grants.gov.**

Anyone planning to submit applications on behalf of an organization must register at grants.gov and be approved by the E-Biz POC in SAM to submit applications for the organization. Registration for SAM and grants.gov is a multi-step process and can take four (4) weeks or longer to complete if data issues arise. Applicants without a valid registration cannot apply through grants.gov. Complete registration instructions and guidance are provided on grants.gov.

## **D. Application Submission Dates and Times.**

### **Application Due Date Explanation**

The application deadline is 11:59:59 PM Eastern Standard time on

10/25/2021

Applications must be received no later than the deadline, or, if HUD has issued you a waiver allowing you to submit your application in paper form, by HUD no later than the deadline.

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit

your application in paper form. Instructions for submitting your paper application will be contained in the waiver of electronic submission.

"Received by Grants.gov" means the applicant received a confirmation of receipt and an application tracking number from Grants.gov. Grants.gov then assigns an application tracking number and date-and timestamps each application upon successful receipt by the Grants.gov system. A submission attempt not resulting in confirmation of receipt and an application tracking number is not considered received by Grants.gov.

Applications received by Grants.gov must be validated by Grants.gov to be received by HUD.

"Validated by Grants.gov" means the application has been accepted and was not rejected with errors. You can track the status of your application by logging into Grants.gov, selecting "Applicants" from the top navigation, and selecting "Track my application" from the dropdown list. If the application status is "rejected with errors," you must correct the error(s) and resubmit the application before the 24-hour grace period ends. Applications in "rejected with errors" status after the 24-hour grace period expires will not be received by HUD. Visit Grants.gov for a complete description of processing steps after applying.

HUD strongly recommends you submit your applications at least **48 hours before the deadline** and during regular business hours to allow enough time to correct errors or overcome other problems.

**Grants.gov Customer Support.** Grants.gov provides customer support information on its website at <https://www.grants.gov/web/grants/support.html> . Applicants having difficulty accessing the application and instructions or having technical problems can receive customer support from Grants.gov by calling (800) 518-GRANTS (this is a toll-free number) or by sending an email to [support@grants.gov](mailto:support@grants.gov). The customer support center is open 24 hours a day, seven days per week, except Federal holidays. The phone number above may also be reached by individuals who are deaf or hard of hearing, or who have speech disabilities, through the Federal Relay Service's teletype service at 800-877-8339.

You can verify the contents of your submitted application to confirm Grants.gov received everything you intended to submit. To verify the contents of your submitted application:

- Log in to Grants.gov.
- Click the Check Application Status link, which appears under the Grant Applications heading in the Applicant Center page. This will take you to the Check Application Status page.
- Enter search criteria and a date range to narrow your search results.
- Click the Search button. To review your search results in Microsoft Excel, click the Export Data button.
- Review the Status column, to view more detailed submission information, click the Details link in the Actions column.
- To download the submitted application, click the Download link in the Actions column.

Please make note of the Grants.gov tracking number as it will be needed by the Grants.gov Help Desk if you seek their assistance.



HUD may extend the application deadline for any program if Grants.gov is offline or not available to applicants for at least 24 hours immediately prior to the deadline date, or the system is down for 24 hours or longer and impacts the ability of applicants to cure a submission deficiency within the grace period.

HUD may also extend the application deadline upon request if there is a presidentially declared disaster in the applicant's area.

If these events occur, HUD will post a notice on its website establishing the new, extended deadline for the affected applicants. HUD will also include the fact of the extension in the program's Notice of Funding Awards required to be published in the Federal Register.

In determining whether to grant a request for an extension based on a presidentially-declared disaster, HUD will consider the totality of the circumstances including the date of an applicant's extension request (how closely it followed the basis for the extension), whether other applicants in the geographic area are similarly affected by the disaster, and how quickly power or services are restored to enable the applicant to submit its application.

**PLEASE NOTE:** Busy servers, slow processing, large file sizes, improper registration or password issues are not valid circumstances to extend the deadline dates or the grace period.

### **1. Amending or Resubmitting an Application.**

Before the submission deadline, you may amend a validated application through Grants.gov by resubmitting a revised application containing the new or changed material. The resubmitted application must be received and validated by Grants.gov by the applicable deadline.

If HUD receives an original and a revised application for a single proposal, HUD will evaluate only the last submission received by Grants.gov before the deadline.

### **2. Grace Period for Grants.gov Submissions.**

If your application is received by Grants.gov before the deadline, but is rejected with errors, you have a grace period of 24 hours after the application deadline to submit a corrected, received, and validated application through Grants.gov. The date and time stamp on the Grants.gov system determines the application receipt time. Any application submitted during the grace period not received and validated by Grants.gov will not be considered for funding. There is no grace period for paper applications.

### **3. Late Applications.**

An application received after the NOFO deadline date that does not meet the Grace Period requirements will be marked late and will not be received by HUD for funding consideration. Improper or expired registration and password issues are not causes that allow HUD to accept applications after the deadline.

### **4. Corrections to Deficient Applications.**

HUD will not consider information from applicants after the application deadline.

HUD will uniformly notify applicants of each curable deficiency. See curable deficiency in the definitions section (Section I.A.3). Examples of curable (correctable) deficiencies include inconsistencies in the funding request and failure to submit required certifications. These examples are non-exhaustive.

When HUD identifies a curable deficiency, HUD will notify the authorized organization representative identified on the SF 424 Application for Federal Assistance via email. This email is the official notification of a curable deficiency.

Applicants must email corrections of curable deficiencies to [applicationsupport@hud.gov](mailto:applicationsupport@hud.gov) within the time limits specified in the notification. The time allowed to correct deficiencies will be no less than 48 hours and no more than 14 calendar days from the date of the email notification. The start of the cure period will be the date stamp on the email sent from HUD. If the deficiency cure deadline date falls on a Saturday, Sunday, Federal holiday, or on a day when HUD's Headquarters are closed, then the applicant's correction must be received on the next business day HUD Headquarters offices in Washington, DC are open.

The subject line of the email sent to [applicationsupport@hud.gov](mailto:applicationsupport@hud.gov) must state: Technical Cure and include the Grants.gov application tracking number or the GrantSolutions application number (e.g., Subject: Technical Cure - GRANT123456 or Technical Cure - XXXXXXXXXXXXX). If this information is not included, HUD cannot match the response with the application under review and the application may be rejected due to the deficiency.

Corrections to a paper application must be sent in accordance with and to the address indicated in the notification of deficiency. HUD will treat a paper application submitted in accordance with a waiver of electronic application containing the wrong DUNS number as having a curable deficiency. Failure to correct the deficiency and meet the requirement to have a DUNS number and active registration in SAM will render the application ineligible for funding.

**5. Authoritative Versions of HUD NOFOs.** The version of these NOFOs as posted on Grants.gov are the official documents HUD uses to solicit applications.

**6. Exemptions.** Parties that believe the requirements of the NOFO would impose a substantial burden on the exercise of their religion should seek an exemption under the Religious Freedom Restoration Act (RFRA).

#### **E. Intergovernmental Review.**

This program is not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

#### **F. Funding Restrictions.**

**1. Eligible activities:** Projects funded under this NOFO are limited to eligible activities consistent with 24 CFR part 1003 subpart C.

**2. Program administration costs:** No more than 20 percent of the sum of any grant plus program income received shall be expended for activities described in 24 CFR 1003.206 and in

24 CFR 1003.205—Eligible planning, urban environmental design and policy-planning-management capacity building activities. This does not include staff and overhead costs directly related to carrying out activities eligible under 24 CFR 1003.201 through 1003.204, since those costs are eligible as part of such activities. In addition, technical assistance costs associated with developing the capacity to undertake a specific funded activity are also not considered program administration costs. These costs must not, however, exceed 10% of the total grant award.

**3. Pre-award costs:** With the exception of proposal costs incurred to prepare an application for submission under this NOFO and the value of land acquisition used towards an applicant's leveraging contribution as discussed in Rating Factor 4, all costs, including leveraging resources, must be incurred within the period of performance dates established in the ICDBG grant agreement. Applicants requesting reimbursement of proposal costs associated with the preparation of the ICDBG application must clearly identify this amount and activity in the narrative. If successful, any proposal costs incurred that are reimbursed with grant funds will count towards the applicant's program administration costs.

**4. Consultant Cap:** In accordance with 24 CFR 1003.501, ICDBG funds may not be used, directly or indirectly, to pay or provide reimbursement for payment of compensation of a consultant in an employer-employee type of relationship at more than the daily equivalent of the rate paid for the Level IV of the Executive Schedule (2021 rate: \$82.65/hr. \$661.24/day). For more information on the Executive Schedule, please see the Office of Personnel Management (OPM) website: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/21Tables/exec/html/EX.aspx>.

**5. Public Services:** An applicant may not receive a Single Purpose grant solely to fund public service activities. However, an application may contain a public service component for up to 15 percent of the total grant. In addition, the public service(s) may be unrelated to the other project(s) in the application. If an application does not receive full funding, HUD will reduce the public service allocation so that it comprises no more than 15 percent of the total grant award. A complete description of public service projects can be found at 24 CFR part 1003.201(e).

#### **Indirect Cost Rate.**

Applicants other than state and local governments. If you have a Federally negotiated indirect cost rate, your application must clearly state the approved rate and distribution base and must include a letter or other documentation from the cognizant agency showing the approved rate. If your agency does not have a current negotiated rate (including provisional) rate and elects to use the de minimis rate, your application must clearly state you intend to use the de minimis rate of 10% of Modified Total Direct Costs (MTDC). As described in 2 CFR 200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until you choose to negotiate for a rate, which you may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

Normal indirect cost rules under 2 CFR part 200, subpart E apply. If you intend to charge indirect costs to your award, your application must clearly state the rate and distribution base you intend to use. If you have a Federally negotiated indirect cost rate, your application must also include a letter or other documentation from the cognizant agency showing the approved rate. Successful applicants whose rate changes after the application deadline must submit new rate

and documentation.

State and local governments. If your department or agency unit has a Federally negotiated indirect cost rate, your application must include that rate, the applicable distribution base, and a letter or other documentation from the cognizant agency showing the negotiated rate. If your department or agency unit receives more than \$35 million in direct Federal funding per year, you may not claim indirect costs until you receive a negotiated rate from your cognizant agency for indirect costs as provided in Appendix VII to 2 CFR Part 200.

If your department or agency unit receives no more than \$35 million in direct Federal funding per year and your department or agency unit has developed and maintains an indirect cost rate proposal and supporting documentation for audit in accordance with 2 CFR Part 200, Appendix VII, you may use the rate and distribution base specified in that indirect cost rate proposal. Alternatively, if your department or agency unit receives no more than \$35 million in direct Federal funding per year and does not have a current negotiated rate (including provisional) rate, you may elect to use the de minimis rate of 10% of MTDC. As described in 2 CFR 200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until you choose to negotiate for a rate, which you may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

## **G. Other Submission Requirements.**

### **1. Application, Assurances and Certifications.**

Standard Form 424 (SF-424) Application for Federal Assistance Programs is the government-wide form required to apply for Application for Federal Assistance Programs, discretionary Federal grants and other forms of financial assistance programs. Applicants for this Federal assistance program must submit all required forms in the SF-424 Family of forms, including SF-424B (Assurances of Non construction Programs) or SF424D (Assurances for Construction Programs). Applications receiving funds for both non-construction programs and construction programs must submit both the SF-424B and SF-424D.

By signing the forms in the SF-424 either through electronic submission or in paper copy submission (for those granted a waiver), the applicant and the signing authorized organization representative affirm that they have reviewed the certifications and assurances associated with the application for Federal assistance and (1) are aware the submission of the SF-424 is an assertion that the relevant certifications and assurances are established and (2) acknowledge that the truthfulness of the certifications and assurances are material representations upon which HUD will rely when making an award to the applicant. If it is later determined the signing authorized organization representative to the application made a false certification or assurance, caused the submission of a false certification or assurance, or did not have the authority to make a legally binding commitment for the applicant, the applicant and the individual who signed the application may be subject to administrative, civil, or criminal action. Additionally, HUD may terminate the award to the applicant organization or pursue other available remedies. Each

applicant is responsible for including the correct certifications and assurances with its application submission, including those applicable to all applicants, those applicable only to Federally recognized Indian tribes, or Alaska native villages and those applicable to applicants other than federally recognized Indian tribes or Alaska native villages.

**Assurances.** By submitting your application, you provide assurances that, if selected to receive an award, you will comply with U.S. statutory and public policy requirements, including, but not limited to civil rights requirements. Applicants and recipients are required to submit assurances of compliance with federal civil rights requirements. *See, e.g.,* Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975; *see also* 24 C.F.R. §§ 1.5; 3.115; 8.50; and 146.25. HUD accepts these assurances in the form of the SF-424B and SF-424D, which also require compliance with all general federal nondiscrimination requirements in the administration of the grant.

## **V. Application Review Information.**

### **A. Review Criteria.**

#### **1. Rating Factors.**

The factors for rating and ranking applications and the points for each factor are explained below. A maximum of 100 points may be awarded under Rating Factors 1 through 5. An additional 2 points are available under this NOFO for Opportunity Zones **or** Promise Zones, which applicants **must provide the required documents/certification in the application.**

To be considered for funding, your application must receive a minimum of 17 points under Rating Factor 1 and a total of at least 70 points without the addition of Preference Points.

The criteria for Subfactors 2.2 and 3.4 will vary according to the type of project you are applying for.

<b>RATING</b>	<b>FACTOR TITLE</b>	<b>POINTS</b>	<b>PROJECT TYPE</b>
<b>1</b>	<b>CAPACITY OF THE APPLICANT</b>	<b>34</b>	<b>Minimum of 17 Points Required</b>
1.1	Managerial and Technical Staff	8	All Project Types
1.2.	Audit Submission	4	All Project Types

1.3	Audit Findings	4	All Project Types
1.4	Procurement and Contract Management	4	All Project Types
1.5	Program Performance Going Forward	4	All Project Types
1.6	Disbursements	3	All Project Types
1.7	Timely Reporting	3	All Project Types
1.8	Close-outs	2	All Project Types
1.9	Monitoring Findings	2	All Project Types
<b>2</b>	<b>NEED/EXTENT OF THE PROBLEM</b>	<b>25</b>	
2.1	Need and Viability	6	All Project Types
2.2	Project Benefit	10	All Project
2.2.a.	Public Facilities and Infrastructure Projects		---
2.2.b.	Economic Development Projects		---
2.2.c.	New Housing Construction, Housing Rehabilitation, Housing Acquisition, Land Acquisition to Support New Housing, and Homeownership Assistance Projects		---
2.2.d.	Microenterprise Programs		---
2.3	Project Connection to Tribal Youth	4	All Project Types

2.4	New/Unfunded Applicants (New Applicants Only)	5	All Project Types
<b>3</b>	<b>SOUNDNESS OF APPROACH</b>	<b>29</b>	
3.1	Description of and Rationale for Proposed Project	10	All Project Types
3.2	Budget	10	All Project Types
3.3	Project Implementation Schedule	4	All Project Types
3.4	Commitment to Sustain Activities	5	All Project Types
3.4.a.	Public Facilities and Infrastructure Projects		---
3.4.b.	Economic Development Projects		---
3.4.c.	New Housing Construction, Housing Rehabilitation, Housing Acquisition and Homeownership Assistance Projects		---
3.4.d.	Microenterprise Programs		---
3.4.e.	Land Acquisition Projects		---
<b>4</b>	<b>LEVERAGING RESOURCES</b>	<b>6</b>	<b>All Project Types</b>
<b>5</b>	<b>COMPREHENSIVENESS AND COORDINATION</b>	<b>6</b>	<b>All Project Types</b>
5.1	Coordination	2	---
5.2	Outputs, Outcomes, and/or Goals	4	---
<b>Preference Points</b>		<b>Points</b>	
Opportunity Zones or Promise Zones		2	
<b>Total Points</b> (Minimum of 70 points needed, without the addition of Preference Points, to meet threshold requirement)		<b>102</b>	

#### **Subfactor 1.1 Managerial and Technical Staff.**

**Maximum Points: 8**

You must describe the project specific roles and responsibilities and the knowledge/experience of all individual key staff and/or contractors, in planning, managing, and implementing projects in accordance with the implementation schedule for which funding is being requested.

Knowledge and experience will be judged in terms of recent, relevant and successful experience for each key staff. In rating this factor, HUD will consider the following:

- Recent: Experience within the last 5 years;
- Relevant: Experience pertaining to the specific activities being proposed or the specific roles and responsibilities described in the application; and
- Successful: Experience producing measurable impact on the quality and/or quantity of housing in the tribal community. Some indicators of success may include a description of key outcomes, overall impact of the accomplishment, award recognition, etc.

Do not include job descriptions or resumes. An individual and/or contractor included in this subfactor must meet the following criteria below. Individuals must be listed. Do not include an organization as key staff.

**(8 points)**

**The applicant thoroughly described all of the following for this Subfactor:**

- The applicant identifies key staff and describes the roles and responsibilities of each of its key staff in planning, managing, and implementing the proposed projects;
- Key staff knowledge and experience as described is recent;
- Key staff knowledge and experience as described is relevant;
- Key staff experience as described produced specific successful accomplishments; and,
- The applicant either provided an assessment and plan for addressing identified gaps in capacity for managing and implementing the proposed project or the applicant confirmed there were no gaps in staff capacity for managing and implementing the proposed project.

**(6 points)**

**The following is applicable for awarding points under this Subfactor:**

- The applicant identifies key staff and describes the roles and responsibilities of some, but not all of its key staff in planning, managing, and implementing the proposed project.
- The applicant describes the knowledge and experience of some, but not all of its key staff. However, one of the following applies:
  - Key staff knowledge and experience as described in the application is not recent;
  - Key staff knowledge and experience as described in the application is not relevant; or
  - Key staff experience as described in the application did not produce specific successful accomplishments.
- The applicant either provided an assessment and plan for addressing identified gaps in capacity for managing and implementing the requested ICDBG funds or the applicant confirmed there were no gaps in staff capacity for managing and implementing the proposed project.



**(4 points)**

**The following is applicable for awarding points under this Subfactor:**

- The applicant identifies key staff and describes the roles and responsibilities of some, but not all of its key staff in planning, managing, and implementing the proposed project.
- The applicant describes the knowledge and experience of some, but not all of its key staff. However, two of the following applies:
  - Key staff knowledge and experience as described in the application is not recent;
  - Key staff knowledge and experience as described in the application is not relevant; or
  - Key staff experience as described in the application did not produce specific successful accomplishments.
- The applicant neither confirmed there were no identifiable gaps in staff capacity nor provided an assessment and plan for addressing identified gaps in capacity for managing and implementing the requested ICDBG funds.

**(0 points)**

The applicant did not address any of the components described above to receive points under this Subfactor

### **Subfactor 1.2 Audit Submission**

**Maximum Points: 4**

Indicate whether an audit submission was required the last two audit periods and whether it was submitted timely or required a deadline extension. 2 CFR part 200 requires that audits must be complete and submitted within nine months after the end of the audit period. If the due date falls on a Saturday, Sunday, or Federal holiday, the reporting package is due the next business day. (*Specific references: §200.501 Audit requirements, §200.504 Frequency of audits, §200.512 Report submission* ; *Federal Audit Clearinghouse: <https://harvester.census.gov/facdissem/main.aspx>*).

If an applicant's audit submission is delayed by the COVID-19 national emergency, applicants may qualify for full points in this Subfactor by submitting evidence that the applicant's Area ONAP has acknowledged the delay is due to COVID-19 and not to the applicant's lack of action. Acceptable evidence for this Subfactor is a copy of a Voluntary Compliance Agreement (VCA) with the Area ONAP or a copy of a Letter of Warning (LOW) issued by the Area ONAP making this acknowledgement, along with evidence of compliance (i.e., the applicant's most recent Audit Progress Report). HUD will rely on this evidence and its own records to assess whether the applicant is substantially in compliance with the terms of the VCA or the LOW, including contacting the applicant's Area ONAP to confirm that compliance.

Points will be assigned as follows:

**(4 points)**

- The annual audits for the last two audit periods were submitted and accepted by the FAC in accordance with 2 CFR part 200.500 (within 30 days after completion of the audit or 9 months after the fiscal year ends, whichever is earlier), **or**
- You received an extension of the audit submission date and you submitted your audit by the extended due date. If you received an extension, you must submit a copy of the extension approval letter. Do not submit your audit with the application, **or**,
- You are submitting a copy of the VCA or a copy of a LOW issued by the Area ONAP acknowledging the delay is due to COVID-19, along with evidence of compliance with the VCA or LOW (i.e., the applicant's most recent Audit Progress Report, or,
- You are not required to submit an annual audit; you must state why you did not meet the audit threshold under 2 CFR part 200.500.

**(0 points)**

The application did not contain information sufficient to award points under this Subfactor.

**Subfactor 1.3 Audit Findings.**

**Maximum Points: 4**

Describe whether there are any audit findings that were cited to HUD or any financial statement findings that impact the management of ONAP programs from either a Single Audit, HUD's Office of the Inspector General (OIG) and/or the US Government Accountability Office (GAO) at anytime during the rating period, and if so, whether these will be resolved. Points will also be assigned based on the auditor's opinion for the most recent audit. (References: *Specific references: 2 CFR 200.511 Audit findings follow-up and 200.504 Frequency of audits*). Points will be assigned as follows:

**(4 points)**

There were no audit findings that were cited to HUD or any financial statement findings, OR You are not required to submit an annual audit; you must state why you did not meet the audit threshold under 2 CFR part 200.500.

**(2 points)**

During the rating period, you resolved all open audit findings that were cited to HUD or any financial statement findings that impact the management of ONAP programs by the established target date(s) and the most recent audit contained an unmodified opinion.

**(0 points)**

During the rating period, you did not resolve all open audit findings that were cited to HUD or any financial statement findings that impact the management of ONAP programs by the established target date(s).

**Subfactor 1.4 Procurement and Contract Management**

**Maximum Points: 4**

To address this Subfactor, the applicant must describe how it will implement its procurement and contract management-policies and procedures in accordance with each of the following

regulatory requirements. Applicants must comply with the applicable requirements at 2 CFR part 200 to the extent that part 200 is incorporated into and made applicable by 24 CFR part 1003.

Recent amendments to 2 CFR part 200 were effective on August 13, 2020, November 12, 2020, and February 22, 2021. Where any previous or future amendments to 2 CFR part 200 replace or renumber sections of part 200 that are cited specifically in applicable Federal Register notices, Grant Agreements (as may be amended), or program regulations, activities carried out under the grant after the effective date of the part 200 amendments will be governed by the part 200 requirements as replaced or renumbered by the part 200 amendments.

- General procurement standards at 2 CFR 200.318-327 (excluding 200.322 and except that 200.326 shall only apply under the terms of 24 CFR 1003.501(a)(8));
- Indian and tribal preference at 24 CFR 1003.510; and
- Conflict of interest at 24 CFR 1003.606.

For full points, the applicant must address each of the regulatory requirements and describe how its implementation policies and procedures are consistent with the applicable procurement requirements. Referring to copies of procurement policies and/or citing that the policies meet the regulatory requirements is insufficient for awarding points under this Subfactor. **Applicants may submit copies of policies or the appropriate extracts from the policies, but only as supporting documentation to their description of how their policies and procedures meet regulatory requirements.**

Points will be assigned as follows:

**(4 points)**

The applicant or the entity that will be responsible for procurement and contract management of the project clearly describes how it is implementing its procurement and contract management policies and procedures in accordance with each of the regulatory requirements cited above.

**(2 points)**

The applicant provided some description of how it is implementing its procurement and contract management policies and procedures in accordance with some of the regulatory requirements. However, it did not address each of the regulatory requirements cited above.

**(0 points)**

Either the applicant did not describe how it is implementing its procurement and contract management policies and procedures in accordance with the applicable regulatory requirements or the description provided does not meet the regulatory requirements.

**Subfactor 1.5 Program Performance Going Forward**

**Maximum Points: 4**

HUD recognizes the COVID-19 pandemic has presented and continues to present significant challenges for tribes to conduct normal program operations, including drawdowns, closeouts, the submission of audits, the resolution of audit and monitoring findings, the submission of financial reports, and the submission of ONAP program reports. For this subfactor, performance will be evaluated on your plans and ability to meet submission and reporting

deadline requirements moving forward.

Points will be assigned as follows:

**(4 points)**

- Applicant provided a brief summary of how COVID 19 has affected (or not) the submission of drawdowns, closeouts, audits, the resolution of audit and monitoring findings, the submission of financial reports, and the submission of ONAP program reports; **and**
- Applicant provided a detailed explanation of how they plan to meet the requirements for the submission of drawdowns, closeouts, audits, the resolution of audit and monitoring findings, the submission of financial reports, and the submission of ONAP program reports going forward. Explain processes already in place, or that will be in place, to ensure requirements will be met, along with an estimated date of when meeting required deadlines will resume. If COVID 19 has not affected all or some of these operations, why? If COVID-19 has not hit the community, are there plans in place to maintain submission and reporting deadline requirements in the event that it happens?

**(2 points)**

- Applicant provided a brief summary of how COVID 19 has affected (or not) the submission of drawdowns, closeouts, audits, the resolution of audit and monitoring findings, the submission of financial reports, and the submission of ONAP program reports; and
- Applicant provided a detailed explanation of how COVID 19 has affected (or not) the submission of drawdowns, closeouts, audits, the resolution of audit and monitoring findings, the submission of financial reports, and the submission of ONAP program reports. Explain processes already in place, or that will be in place, to ensure requirements will be met, along with an estimated date of when meeting required deadlines will resume. If COVID 19 has not affected all or some of these operations, why? If COVID-19 has not hit the community, are there plans in place to maintain submission and reporting deadline requirements in the event that it happens?; **but**
- Applicant did not address two or more of the named performance areas in either or both the brief summary or the detailed explanation.
- 

**(0 points)**

- The applicant did not provide sufficient information to award points under this subfactor.

**Subfactor 1.6 Disbursements**

**Maximum Points: 3**

For this subfactor, performance will be evaluated for all ICDBG grants, to include Imminent Threat grants and excluding ICDBG CARES and ARP grants, that are open during the rating period. ICDBG funds awarded within 2-years of the application deadline are not included when calculating the Line of Credit Control System (LOCCS) percentage under this subfactor. However, ICDBG grants closed during the 2-year rating period are included in the calculating the LOCCS percentage under the subfactor.

Applicants should not submit supporting attachments on this Subfactor, as HUD will utilize its records to verify.

Points will be assigned as follows:

<b>POINTS</b>	<b>TOTAL AMOUNT IN LOCCS (as of application deadline date)</b>
3	Up to 35% <b>OR</b> you are not a current ICDBG grantee
2	More than 35% and less than 50%
1	More than 50% and less than 80%
0	More than 80%

### **Subfactor 1.7 Timely Reporting**

**Maximum Points: 3**

Applicants who currently receive HUD-ONAP grants will be evaluated on the timely submission of reports across **ALL open ONAP** grants during the rating period. The applicants must have ensured the timely submission of Annual Performance Report (APR), Annual Status and Evaluation Report (ASER), and the Federal Financial Report (SF-425) to receive full points. If a report was submitted within a deadline extension afforded due to the COVID-19 national emergency, that is not considered late. HUD will review reports for Indian Housing Block Grant formula program, IHBG Competitive Program, Indian Community Development Block Grant (ICDBG) program, COVID-19 Recovery Programs (IHBG-CARES, IHBG-ARP, ICDBG-CARES, and ICDBG-ARP) and the Tribal HUD-VASH program. Applicants who have never received a HUD-ONAP grant will be awarded 1 point under this Subfactor.

Applicants should not submit supporting attachments on this Subfactor, as HUD will utilize its records to verify.

Points will be assigned as follows:

#### **(3 points)**

The applicant submitted **all** required reports by the original submission deadlines or by extended deadlines granted because of the impact of the COVID pandemic for all HUD-ONAP grants during the rating period.

**(2 points)**

The applicant submitted some, but not all required reports by the submission deadlines or by the extended deadlines granted because of the impact of the COVID pandemic for all HUD-ONAP grants during the rating period.

**(1 points)**

The applicant has never received a HUD-ONAP grant.

**(0 points)**

The applicant did not submit any required reports during the rating period.

**Subfactor 1.8 Close-outs**

**Maximum Points: 2**

For this subfactor, performance will be evaluated for all ICDBGs that were closed, due to be closed or should have been closed during the rating period. NOFO Applicant submitted closeout documents in accordance with 24 CFR 1003.508 within 90 days from the date that the project was completed based on the latest Project Implementation Schedule (HUD-4125) and the date that the final Federal Financial Report (SF-425) was submitted showing that all grant funds and leveraged resources had been disbursed.

Applicants should not submit supporting attachments on this Subfactor, as HUD will utilize its records to verify.

Points will be assigned as follows:

**(2 points)**

You submitted the close-out documents within 90 days of the date that the criteria for closeout was met, as described above or you had no projects that were closed, due to close or should have been closed during the rating period; **OR** you are not a current ICDBG grantee.

**(0 points)**

You did not submit closeout documents within 90 days of the date that the criteria for closeout was met, as described above.

**Subfactor 1.9 Monitoring Findings**

**Maximum Points: 2**

For this subfactor, performance will be evaluated for resolved or unresolved HUD-ONAP monitoring findings during the rating period. Do not submit responses to open findings with the application.

Applicants should not submit supporting attachments on this Subfactor, as HUD will utilize its records to verify.

Points will be assigned as follows:

**(2 points)**

The applicant did not have HUD-ONAP monitoring findings at any time during the rating period.

**(1 point)**

**One of the following applies:**

- The applicant had outstanding HUD-ONAP monitoring findings during the rating period but submitted information by the established target date(s) or revised target date(s) that ultimately resolved these findings; or
- The outstanding HUD-ONAP monitoring findings were not due for resolution during the rating period based on the established target date(s) or revised date(s).

**(0 points)**

- During the rating period, the applicant had HUD-ONAP monitoring findings that were due for resolution, and the applicant did not resolve the findings by the established target date(s) or revised target date(s).

**Subfactor 2.1. Need and Viability**

**Maximum Points: 6**

The applicant must identify the needs of the tribe which may include but are not limited to issues of housing cost burden, overcrowding, housing shortages, and/or issues related to plumbing issues. Additionally, the applicant must identify the viability of the project which may include how the project will help the community grow and develop.

**(6 points)** To receive full points:

- You describe the need for the project
- You demonstrate that the project will meet an essential community development need,
- You describe **how and why** the project will improve the viability of the community.

**(3 points)** To receive points:

- You describe the need for the project
- You demonstrate that the project meets an essential community development need **or**
- You describe how and why the project will improve the viability of the community.

**(0 points)**

The application did not contain information sufficient to award points under this Subfactor.

**Subfactor 2.2. Project Benefit**

**Maximum Points: 10**

The criteria for this subfactor will vary according to the type of project you are applying for. Information below is based on the data you will be using.

To determine the percentage of LMI persons who will benefit from area-wide public facility and improvement projects as well as economic development projects, you may rely on census data HUD provides or data you can provide as explained below. The calculation of LMI benefit may be calculated based on households or persons, whichever is more advantageous to the applicant.

**Using HUD Data**

If you wish to use HUD data you must indicate which tabulation of census data you will use from the tables at: <https://www.huduser.gov/portal/icdbg/home.html>

### **Using Your Own Data**

You may submit data that are unpublished, not generally available, and not older than the latest data available from the U.S. Census Bureau. If you are submitting demographic data other than the Census, you must state in your application that:

- Generally available published data are substantially inaccurate or incomplete;
- Data you are submitting has been collected systematically and is statistically reliable;
- Data are, to the greatest extent feasible, independently verifiable; and
- Data differentiate between reservation and BIA service area populations, when applicable.

If you are submitting your own data, you must include each of the following in your application:

- A sample copy of the survey form used to collect the data;
- An explanation of the methods used to collect the data;
- The number of persons that will benefit from the project;
- A list of incomes by household including household size; and
- The number of LMI persons that will benefit from the project.

Your survey cannot be older than 2010. If you fail to include all components listed above to support your own demographic data, HUD will use the information at: <https://www.huduser.gov/portal/icdbg/home.html> to determine points to be assigned in this subfactor.

Applicants proposing projects that meet the standard for limited clientele activities as described in 24 CFR 1003.208(b) will receive the full 10 points in this subfactor and do not have to submit demographic information.

**Subfactor 2.2.a. Public Facilities and Infrastructure Projects (up to 10 points).** If you are proposing a project that will serve a limited clientele as defined in 24 CFR 1003.208(b) you must demonstrate that at least 51 percent of families/individuals to be served by the project will be LMI to receive the full points in this subfactor.

HUD will rely on the most advantageous demographic information to assign points for this subfactor. Points will be assigned as follows:

**(10 points)**

At least 85 percent of the beneficiaries are LMI.

**(5 points)**

At least 75 percent but less than 85 percent of the beneficiaries are LMI.

**(2 points)**

At least 51 percent but less than 75 percent of the beneficiaries are LMI.

**(0 points)**

Less than 51 percent of the beneficiaries are LMI.



**Subfactor 2.2.b. Economic Development Projects (up to 10 points).** The beneficiaries from this type of project can be the persons served by the project (see above) and/or persons employed by the project based on the jobs created or retained because of the project. As with public facility and infrastructure projects, HUD will rely on demographic information submitted with your application to assign points for this subfactor.

To document persons employed by the project, you must describe the nature and number of jobs created or retained for LMI people. This information includes but is not limited to brief descriptions of proposed job responsibilities, job titles, salaries, and the number of full-time equivalent positions. HUD will assess whether the person employed by the project qualifies as LMI if the person will be LMI at the time the person is hired. If jobs will be retained because of the ICDBG project, you must include information that shows clearly and objectively that jobs will be lost without the project. Jobs retained only for the period of the grant will not count under this rating factor; they must be permanent jobs.

Points will be assigned as follows:

**(10 points)**

At least 85 percent of the beneficiaries are LMI.

**(5 points)**

At least 75 percent but less than 85 percent of the beneficiaries are LMI.

**(2 points)**

At least 51 percent but less than 75 percent of the beneficiaries are LMI.

**(0 points)**

Less than 51 percent of the beneficiaries are LMI.

**Subfactor 2.2.c. New Housing Construction, Housing Rehabilitation, Housing Acquisition, Land Acquisition to Support New Housing and Homeownership Assistance Projects (up to 10 points).** Every year to accompany the ICDBG NOFO, HUD prepares a Factor 2 Needs Table (Needs Table) that is used to determine the need for housing in tribal areas. The ratio is based on the dollars allocated to a tribe/TDHE under the IHBG formula program for need divided by the total number of American Indian and Alaskan Native (AIAN) households in the following categories:

- annual income below 80 percent of the median;
- overcrowded or without kitchen or plumbing;
- housing cost burden greater than 50 percent of annual income; and
- housing shortage (number of low-income AIAN households less total number of NAHASDA and Formula Current Assisted Stock).

You can find a copy of the Needs Table in the zip file with the Application Instructions for the ICDBG program when you download your application from [grants.gov](https://www.hud.gov/programs/icdbg). You do not need to attach the table with your application. HUD will refer to it when assigning points in this subfactor.

**(10 points)**

The dollar amount for the Indian tribe is \$0 - \$750 or the tribe's total FY 2020 IHBG amount

was \$100,000 or less and the Needs Table indicates that the Indian tribe has American Indian and Alaskan Natives (AIAN) households experiencing income or housing problems.

**(5 points)**

The dollar amount for the Indian tribe is \$751 - \$1,250.

**(2 points)**

The dollar amount for the Indian tribe is \$1,251 - \$3,999.

**(0 points)**

The dollar amount for the Indian tribe is \$4,000 or higher, or the Needs Table indicates that the Indian tribe has no AIAN households experiencing income or housing problems.

**Subfactor 2.2.d. Microenterprise Programs (up to 10 points).** A microenterprise is a business with five or fewer employees, one or more of whom owns the business. The owner(s) of the microenterprise must be LMI and the majority of the jobs created or retained must be for LMI persons. For documenting persons employed by the project, you do not need to submit a demographic data statement and corresponding documentation. However, you need to submit information that describes the nature and number of the jobs created or retained. These types of projects will be scored as follows:

**(10 points)**

All employees are LMI.

**(5 points)**

At least 75 percent but less than 100 percent of the employees are LMI.

**(2 points)**

At least 51 percent but less than 75 percent of the employees are LMI.

**(0 points)**

Less than 51 percent of the employees are LMI.

**Sub Factor 2.3: Connection to Tribal Youth**

**Maximum Points: 4**

This sub factor provides points to tribes/tribal organizations who are (1) proposing ICDBG-related activities with the main purpose of helping prepare youth to be contributing members of their community by increasing access to developmental programs, or (2) public service activities under 24 CFR 1003.201(e) that address childhood hunger or social isolation caused by the disruption of community youth social activities that provide support, social circles, and/or mentorship due to the COVID-19 pandemic.

Option 1: The applicant will receive maximum points if proposing ICDBG-related activities with the main purpose of helping prepare youth to be contributing members of their communities. The ICDBG project may include other activities, but the main purpose must be preparing youth to be contributing members of their community for the proposed project to receive points under this subfactor. Applicants must demonstrate how the ICDBG project would foster opportunities for youth in general skill building, including life skills, pursuing higher education, access to trades, leadership opportunities, etc. Applicants are required to provide a

description of how the project will have a clear and direct connection to the youth and impact their communities, in addition to being able to show reportable output and outcome measures. Failure to submit this information may result in not receiving the maximum points in this subfactor and Rating Factor 5.

Examples of youth-related projects include: projects that house or provide dedicated space for youth, such as homeless shelters for families, youth counseling facilities, gymnasiums, classrooms, student housing, and recreational centers, or projects that incorporate youth into the actual design and construction portion of the project, such as training of youth for building trades and related on-the-job training.

Option 2: If proposing public service activities under 24 CFR 1003.201(e), the applicant will receive maximum points if the entire 15% public service component goes toward public services that address childhood hunger or social isolation caused by the disruption of community youth social activities that provided support, social circles, and/or mentorship due to the COVID-19 pandemic. Under 24 CFR 1003.201(e), the amount of ICDBG funds used for public services shall not exceed 15 percent of the grant. Such projects must therefore be submitted with one or more other projects, which must comprise at least 85 percent of the total requested ICDBG grant amount.

Points will be assigned as follows:

**(4 points)**

**Option one:** The main purpose of the proposed project and/or activities is to prepare youth to be contributing members of their community, the proposed project has a clear and direct connection to tribal youth and the proposed project will have a direct impact on the community;

**Option two:** OR for a public service activity to address childhood hunger or social isolation, 15% of the proposed grant amount is for a public service activity to address childhood hunger or social isolation.

**(2 points)**

**Option one:** The proposed project includes activities designed to prepare youth to be contributing members of their community and the proposed project and/or activities are geared towards tribal youth, but these activities are not the main purpose of the proposed project.

**Option two:** OR for a public service activity to address childhood hunger or social isolation, less than 15% but more than 10% of the proposed grant amount is for a public service activity to address childhood hunger or social isolation.

**(0 points)**

The application did not contain information sufficient to award points under this subfactor.

**Subfactor 2.4: New and Unfunded Applicants**

**Maximum Points: 5**

Points are provided in this subfactor to applicants who have not received ICDBG awards, excluding ICDBG ARP and CARES awards, in recent years. It applies to the tribe, or the tribal organization on whose behalf the tribal organization is submitting the application, not the subrecipient working on the project.

Applicants should not submit supporting attachments on this Subfactor, as HUD will utilize its records to verify.

Points will be assigned as follows:

**(5 points)**

You have not received an ICDBG award since the FY2014 NOFO.

**(0 points)**

You have received an ICDBG award since the FY2014 NOFO.

**Subfactor 3.1. Description of and Rationale for Proposed Project**

**Maximum Points: 10**

Points will be assigned as follows:

**(10 points)**

- You describe the project in detail including: *size* (for example: square feet, linear feet, and bedroom size as applicable); *type* (for example: type of building, type of construction, and material used); and *location* (for example: a map, address and aerial photo), if available, provide architectural renderings and floor plans;
- You described how the project is feasible and cost effective;
- You explain your rationale behind the project design;
- NOFO Describe how you will comply with Indian Preference requirements.
- **Housing Construction/Rehabilitation or Public Facility Building projects (only):** You describe and provide the cost savings (in percentage or dollar amount) resulting from either the building design or construction methods or energy efficiency measures that will be realized in future years;
- **Land for Future Housing (only):** You establish that there is a reasonable ratio between the number of usable acres to be acquired and the number of LMI households to benefit from the project.

**(5 points)**

- You described the project, but not in detail including: *size* (for example: square feet, linear feet, and bedroom size as applicable); *type* (for example: type of building, type of construction, and material used); and *location* (for example: a map, address and aerial photo), if available, provide architectural renderings and floor plans;
- You describe how the project is feasible and/or cost-effective; **or (but not both)**
- You explain your rationale behind the project design;
- **Housing Construction/Rehabilitation or Public Facility Building projects (only):** You describe and provide the cost savings (in percentage or dollar amount) resulting from either the building design or construction methods or energy efficiency measures that will be realized in future years;
- **Land for Future Housing (only):** You establish that there is a reasonable ratio between the number of usable acres to be acquired and the number of LMI households to benefit from the project.

**(2 points)**

- You did not describe the project in detail;
- You did not describe how the project is cost-effective; or
- You did not explain your rationale behind the project design;
- **Housing Construction/Rehabilitation or Public Facility Building projects (only):** You did not describe and provide the cost savings (in percentage or dollar amount) resulting from either the building design or construction methods or energy efficiency measures that will be realized in future years;
- **Land for Future Housing (only):** You did not establish that there is a reasonable ratio between the number of usable acres to be acquired and the number of LMI households to benefit from the project.

**(0 points):** The application did not contain information sufficient to award points under this Subfactor.

**Subfactor 3.2. Budget**

**Maximum Points: 10**

You must submit the Cost Summary ([Form HUD-4123](#)) and a detailed Budget Narrative for the proposed project and activities. HUD will evaluate whether the budget is thoroughly prepared, mathematically correct, and that all costs (including leveraging) are eligible under ICDBG, allowable, allocable, reasonable, and necessary for implementing the proposed project activities. Additionally, the budget on the SF-424, Cost Summary, Budget Narrative, and supporting documentation must be consistent.

If your application includes a public service component, your budget must also include a breakdown of those costs. For planning and administrative costs, do not include direct project costs /activity delivery costs (e.g. certain architectural/engineering, environmental, technical assistance, and some staff/overhead costs related to directly carrying out eligible activities) but include any funds the applicant will contribute toward administering the grant. If applicable, applicants including indirect costs as part of the budget must demonstrate how they are calculating these costs in accordance with either their current federally- approved negotiated rate or the de minimis rate in accordance with 2 CFR 200.414. Indirect costs that are administrative costs will count towards the administration and planning cap. If you are not requesting ICDBG funds to administer the project, you must specify who will pay for this.

Finally, you must describe the qualifications and experience of the individual(s) that prepared the budget and how the experience is recent (within the last 5 years) and relevant to the proposed the specific activities being proposed in your application. Points will be assigned as follows:

**(10 points)**

- The budget is thoroughly prepared, mathematically correct, and that all costs (including leveraging) are eligible under ICDBG, allowable, allocable, reasonable, and necessary for implementing the proposed project and activities.
- Your budget is reasonable and reflects construction costs for the area, if applicable.

- To demonstrate the budget is reasonable, you must provide a cost comparison to one or more similar type(s) of project(s) in the area.
- Costs are broken down by line item for each proposed activity and the budget includes planning and administration.
- You described the qualifications of the person who prepared the cost estimates.
- Experience of the cost estimator is recent and relevant.

**(5 points)**

- The budget is adequately prepared. Some calculations might not be completely mathematically correct and some costs (including leveraging) are eligible under ICDBG, allowable, allocable, reasonable, and necessary for implementing the proposed project and activities
- Your budget is reasonable but no cost comparisons were provided.
- Costs are broken down for each proposed activity.
- You described the experience of the person who prepared the cost estimates. The experience is relevant, but not recent.

**(0 points)**

The application did not contain information sufficient to award points under this Subfactor.

**Subfactor 3.3. Project Implementation Schedule**

**Maximum Points: 4**

Points will be assigned based on the level of detail provided in your Implementation Schedule ([form HUD-4125](#)) and/or project implementation narrative.

Points will be assigned as follows:

**(4 points)**

Your implementation schedule ([form HUD-4125](#)) and/or project implementation narrative includes a detailed breakdown of tasks needed to complete your project.

**(2 points)**

Your implementation schedule and/or project implementation narrative includes a breakdown of tasks needed to complete your project, but it lacks detail.

**(0 points)**

The application did not contain information sufficient to award points under this Subfactor.

**Subfactor 3.4. Commitment to Sustain Projects**

**Maximum Points: 5**

**Subfactor 3.4.a. Public Facilities and Infrastructure Projects (up to 5 points).** State that either the tribe or another entity has adopted an operations and maintenance (O&M) plan to maintain the project and that it commits, by resolution or commitment letter, the funds to do so including the dollar amount. The O&M plan should also include a cost breakdown for annual expenses and indicate a time frame for maintaining and operating the project that is not less than

five years following the grant closeout date. These five components must be addressed in an O&M plan:

- Daily or other periodic maintenance activities;
- Repairs such as replacing broken windows;
- Capital improvements or replacement reserves for repairs such as replacing the roof;
- Fire and liability insurance (may not apply to infrastructure projects, such as water and sewer lines or roads); and
- Security (may not apply to infrastructure projects, such as water and sewer lines or roads).

Points will be assigned as follow:

**(5 points)**

- You included the O&M statement and funding commitment described above.
- You described how the O&M plan addresses all five of the above components and included a satisfactory cost breakdown for annual expenses along with a commitment to maintain the project for at least 5 years after the grant closeout date. **(For public facilities or community buildings**, applicant demonstrated that funds for recreation, social, or other services that will be provided in the building have been committed.)
- You included letters of commitment from outside service providers that identify both operating expenses and space needs. If the applicant is providing the funds for the recreation, social or other services a written statement to that effect was provided.
- For **infrastructure projects** like: water, sewer lines or roads, the applicant only needs to address the first 3 O&M of the 5 components.

**(3 points)**

- You included the O&M statement and funding commitment described above.
- You described how the O&M plan addresses at least four of the above components and included a satisfactory cost breakdown for annual expenses along with a commitment to maintain the project for at least 5 years after the grant closeout date. **(For public facilities or community buildings**, applicant also demonstrated that funds for recreation, social, or other services have been committed.)
- You included letters of commitment from outside service providers that identify either operating expenses or space needs but not both. If the applicant is providing the funds for the recreation, social or other services a written statement to that effect was provided.
- For **infrastructure projects** like water, sewer lines or roads, the applicant only addressed 2 of the first 3 O&M components.

**(2 points)**

- You included the O&M statement and funding commitment described above.
- You described how the O&M plan addresses at least three of the above components and/or did not include a satisfactory cost breakdown for annual expenses along with a commitment to maintain the project for at least 5 years after the grant closeout date. (For public facilities or community buildings, applicant did not demonstrate that funds for recreation, social, or other services have been committed.).
- You included letters of commitment from outside service providers, but the commitments do not address either operating expenses or space needs.
- For **infrastructure projects** like water, sewer lines or roads, only 1 of the first 3 O&M components was addressed.

**(0 points)**

The application did not contain information sufficient to award points under this Subfactor.

**Subfactor 3.4.b. Economic Development Projects (up to 5 points).** In accordance with 24 CFR 1003.302(c), you must provide an analysis which shows public benefit commensurate with the ICDBG assistance requested will result from the assisted project.

- The analysis should establish to the extent practicable:
  - Reasonable financial support will be committed from non-Federal sources prior to disbursement of Federal funds;
  - Any grant amount provided will not substantially reduce the amount of non-Federal financial support for the activity;
  - Not more than a reasonable rate of return on investment is provided to the owner; and,
  - That grant funds used for the project will be disbursed on a pro rata basis with amounts from other sources.
- In addition, it must be established that the project is financially feasible and that it has a reasonable chance of success.
- Finally, the analysis must be prepared by a qualified party that has recent and relevant experience in the type of project being proposed.

Points will be assigned as follows:

**(5 points)**

You addressed all of the components listed above and provided evidence that the projects chance for financial success is excellent.

**(3 points)**

You addressed most of the components listed above and provided evidence that the projects



chance for financial success is average.

**(2 points)**

You addressed some of the components listed above and provided evidence that the projects chance for financial success is fair.

**(0 points)**

The application did not contain information sufficient to award points under this Subfactor.

**Subfactor 3.4.c. New Housing Construction, Housing Rehabilitation, Housing Acquisition, and Homeownership Assistance Projects (up to 5 points).**

Points will be assigned as follows:

**(5 points)**

You described the ongoing maintenance and insurance responsibilities (if applicable) of the applicant and/or participants in detail. You also stated who is paying for it.

**(3 points)**

You described the ongoing maintenance and insurance responsibilities (if applicable) of the applicant and/or the participants in general. You also stated who is paying for it.

**(2 points)**

You described the maintenance and insurance responsibilities (if applicable) of the applicant and/or the participants but not who is paying for it.

**(0 points)**

The application did not contain information sufficient to award points under this Subfactor.

**Subfactor 3.4.d. Microenterprise Programs (up to 5 points).** Your application must describe the microenterprise program including the types of assistance offered to microenterprise applicants and the types of entities eligible to apply for the assistance. It must explain how you will analyze microenterprise applicants, business plans, market studies, and financial feasibility. For credit programs, you must describe how you will determine the loan terms (i.e. interest rate, maximum loan amount and duration, loan servicing provisions) that you will offer to individual microenterprise applicants.

Points will be assigned as follows:

**(5 points)**

You addressed all of the above information or documentation applicable to the proposed project and provided evidence that the chance for success is excellent.

**(3 points)**

You addressed the above information or documentation applicable to the proposed project and provided evidence that the chance for success is reasonable.

**(2 points)**

You addressed the above information or documentation applicable to the proposed project and provided evidence that the chance for success is marginal.

**(0 points)**

The application did not contain information sufficient to award points under this Subfactor.

Subfactor 3.4.e. New Land Acquisition Projects to Support New Housing (up 5 points). Your application must show the results of a preliminary investigation conducted by a qualified independent entity demonstrating that the proposed site has:

- Suitable soil conditions for housing and related infrastructure;
- Potable drinking water accessible for a reasonable cost;
- Access to utilities;
- Vehicular access;
- Drainage;
- Nearby social and community services;
- No known environmental problems; and
- The land is zoned for the type of housing proposed.

Points will be assigned as follows:

**(5 points)**

Your application includes all of the above information and demonstrates that 100 percent of all units will be constructed within two years after site purchase.

**(3 points)**

Your application includes all of the above information and demonstrates that 50 percent of the units will be constructed within two years after site purchase.

**(2 points)**

Your application includes most of the above information and demonstrates that 25 percent of the units will be constructed within two years after site purchase.

**(0 points)**

The application did not contain information sufficient to award points under this Subfactor.

**Rating Factor 4: Leveraging Resources**

**Maximum Points: 6**

Cost sharing or mandatory matching is not required under this grant, but voluntary leveraging with both Federal (including IHBG formula funding) and non-Federal funds is encouraged. Applicants proposing leveraging must identify the source and specific amount in its Workplan Narrative and include references to the Firm Commitment documentation submitted with the application.

A Firm Commitment must be submitted for any sources of leveraging including cash or in-kind contributions (e.g., property or services such as computers, software, furniture, equipment, supplies, transportation, administrative support, space, mail, internet, etc.). Contributions that could be considered as leveraged resources for point award include, but are not limited to:

- Tribal government funds;
- Donations from individuals or organizations, private foundations, businesses;
- Private foundations, businesses, state or federal loans (e.g., IHBG Title VI) or guarantees;
- Other federal grants permitted by statute, including IHBG funds;
- Donated goods and services needed for the project;
- Land needed for the project (which can include land purchased prior to the application deadline date) but not land that has been used as leverage towards other ONAP competitions;
- Land used for a building expansion project if the land was not previously used for leverage
- Direct administrative costs but only up to the 20% cap allowed for administrative costs of the ICDBG grant amount

With the exception of the value of land acquisition and proposal costs, funds that have been expended on the project prior to the Period of Performance start date will not be counted as leverage. Applicants are not allowed to spend leveraged dollars before the approval of the Request for Release of funds, with the exception of acceptable pre-award leveraging (value of land acquisition and proposal costs). Additionally, leverage resources must be for the same project that is proposed, and incurred within the timeframe Period of Performance as the proposed project.

Applicants are reminded that all ICDBG requirements apply to the commitment or use of both ICDBG and non-ICDBG funds in a leveraged project. Federal sources are only allowed to be used as leveraging if permitted by a program's authorizing statute.

HUD will award points based on the percentage of non-ICDBG resources provided relative to project costs.

Leveraged resources do not include:

- Indirect administrative costs as identified in 2 CFR part 200; and
- The value of the existing facility (if your application is to expand or rehab an existing facility).

To provide evidence of leveraged funds you must submit the following documents with your

application:

<b>Type of Leveraged Resource</b>	<b>Evidence/Documentation Needed</b>
Tribal Resources	<ul style="list-style-type: none"> <li>• Tribal resolution committing funds or equivalent; the resolution (or equivalent) must identify the exact dollar amount (or value of resources to be committed)</li> <li>• If using in-kind funds, a method of valuation detailing the dollars used must be included.</li> </ul>
Federal Resources	<ul style="list-style-type: none"> <li>• IHBG formula funds (whether administered by the tribe or a TDHE): <ul style="list-style-type: none"> <li>○ Leveraging with current program year funds: The most recently approved Indian Housing Plan (IHP) must identify the dollar amount and commit the IHBG resources to the project. If not currently approved in the most recent IHP, the application must state that an amendment to the IHP will be processed if the applicant is awarded ICDBG funds.</li> <li>○ Future IHBG funding: If future IHBG funds will be used, then the application must identify the program year and the dollar amount of IHBG funds that will be used.</li> </ul> </li> <li>• Other Federal Program Funds: might include funds from the U.S. Department of Agriculture, Indian Health Service, Bureau of Indian Affairs, or any other federal agency. If allowable by the federal program's statute, the applicant should submit a statement (e.g. letter, email, etc.) from the federal agency approving the amount of funds to be committed for leveraging.</li> </ul>
Tribal Organization (applicant) Resources	<ul style="list-style-type: none"> <li>• Statement committing and identifying the amount of funds to be committed for leveraging.</li> </ul>
Public Agency, Foundation	<ul style="list-style-type: none"> <li>• Letters of commitment which must include: <ul style="list-style-type: none"> <li>○ the donor organization's name,</li> <li>○ the specific funds proposed,</li> </ul> </li> </ul>

or Other Private Party	<ul style="list-style-type: none"> <li>○ the dollar amount of the financial or in-kind resource,</li> <li>○ method for valuation, and</li> <li>○ the purpose of that resource within the proposed project.</li> <li>○ An official of the organization legally authorized to make commitments on behalf of the organization must sign the commitment.</li> </ul> <ul style="list-style-type: none"> <li>• Memorandum of understanding, and/or agreement to participate, including any conditions to which the contribution may be subject.</li> </ul>
Goods and Services	<ul style="list-style-type: none"> <li>• Must demonstrate that the donated items are necessary to the actual development of the project and include comparable costs that support the donation.</li> </ul>
Land	<ul style="list-style-type: none"> <li>• Land valuation must be established using one of the following methods and the documentation must be contained in the application. The application of land valuation documentation must state the method used to determine land value and identify the land value. Land that has previously been used as leverage towards other ONAP competitions may not be proposed as leveraging for this NOFO.</li> <li>• The methods include: <ul style="list-style-type: none"> <li>○ A site-specific appraisal no more than two years old;</li> <li>○ An appraisal (e.g., tax assessment) of a nearby comparable site also no more than two years old;</li> <li>○ A reasonable extrapolation of land value based on current area realtor value guides; or</li> <li>○ A reasonable extrapolation of land value based on recent sales of similar properties in the same area.</li> </ul> </li> </ul>

Grantees will be required to show evidence that leveraging resources were actually received and used for their intended purposed through quarterly reports (SF-425) as the project proceeds.

Applicants are reminded that environmental review requirements under 24 CFR part 58 apply to the commitment or use of both ICDBG and non-ICDBG funds in a leveraged project. See Section VI.B. of this NOFO for information related to this requirement.

HUD recognizes that in some cases, you may not get a firm commitment of non-tribal funds by the application deadline. In such cases, you must include a statement from the contributing entity that describes why the firm commitment cannot be made at the current time. The statement must say that your tribe/organization and proposed project meets the eligibility criteria for receiving the leveraged funds. It must also include a date by which the funding decisions will be made. This date cannot be over six months from the anticipated date of grant approval by

HUD.

If you do not provide HUD with evidence of the firm commitment from the original leverage source or an alternative source within six months of the date of grant approval, or if the anticipated leverage is not provided, HUD will re-rate and re-rank the application with the updated leverage information. If the application is no longer meets the threshold point requirements after re-rating and re-ranking the application, HUD will rescind the grant and recapture grant funds. HUD reserves the right to terminate the grant for cause in accordance with 24 CFR 1003.702 or 1003.703, and to recapture the grant funds and, may award such funds in accordance with 24 CFR 1003.102.

Leveraged funds will be calculated by dividing total eligible leverage resources by the total project cost as identified on line 18g of the SF-424.

Example: Percentage of leverage = (equals) Total leverage resource amount/ (divided by) Total project cost (grant amount requested + total leverage resource amount)

Points will be assigned as follows:

<b>Non-ICDBG Resources to Total Project Costs</b>	<b>Points</b>
25% or more, with firm commitment documentation supporting all sources of leveraging in accordance with the above requirements	6
18%-24%, with firm commitment documentation supporting all sources of leveraging in accordance with the above requirements	5
11%-17%, with firm commitment documentation supporting all sources of leveraging in accordance with the above requirements	4
4%-10%, with firm commitment documentation supporting all sources of leveraging in accordance with the above requirements	2
3% or less, with firm commitment documentation supporting all sources of leveraging in accordance with the above requirements; or the applicant does not propose any leveraging resources.	0

#### **Subfactor 5.1. Coordination**

**Maximum Points: 2**

Points will be assigned as follows. Please note that if a grant is awarded to an applicant and it is not clear whether the citizen participation requirements of 24 CFR 1003.604 were met, the grantee will have to show citizen participation compliance at pre-award.

**(2 points)**

- You demonstrated that the activities are consistent with strategic plans or policy goals of your community.
- You identified and described how you plan to coordinate and work on the project with organizations that will not be providing leveraged funds to the project.

- You summarized how you involved the community in developing the application pursuant to the regulatory requirements for citizen participation requirements.

**(1 point)**

- You stated that the activities are consistent with plans and goals of the community but did not say how.
- You identified and described how you plan to coordinate with other organizations but does not summarize how you involved the community in developing the application.
- You did not include citizen participation description.

**(0 points)** The application did not contain information sufficient to award points under this Subfactor.

**Subfactor 5.2. Outputs and Outcomes**

**Maximum Points: 4**

In this portion of your application, you must include outcomes and outputs you hope to achieve with your project. Outputs are measured in the volume of work accomplished. They should be clear enough to allow HUD to monitor and assess the proposed projects progress if funded. An outcome is the impact you hope to achieve with your proposed project. They should be quantifiable measures or indicators that identify the change in the community, people's lives, economic status, etc.

Depending on the type of project(s) proposed outputs could include but are not limited to:

- Number of housing units rehabilitated;
- Number of jobs created;
- Number of housing units constructed;
- Number of community facilities built;
- Square feet for any public facility;
- Number of education or job training opportunities provided;
- Number of tribal youth participants;
- Number of homeownership units constructed or financed;
- Number of businesses supported (including number of minority/Native American);
- Number of persons assisted;
- Linear feet of infrastructure.

Depending on the type of project(s) proposed, outcomes could include but are not limited to:

- Reduction in the number of families living in substandard housing;
- Reduction in overcrowding;
- Increased income and self-sufficiency resulting from employment generated by project;
- Increase enrollment figures in higher education;
- Increase in homeownership rates;
- Reduction of drug-related crime or health-related hazards;
- Increased units connected to gas, phone or electric lines/roads/water/sewer;
- Increased accessibility for persons with disabilities; or

- Improved energy efficiency.

Points will be assigned as follows:

**(4 points)**

You included measurable output(s) and outcome(s) for the proposed activity.

**(2 points)**

You included measurable outputs, but not outcomes, or vice versa.

**(0 points)**

The application did not contain information sufficient to award points under this Subfactor.

## **2. Other Factors.**

### **Preference Points**

HUD encourages activities in support of the Secretary's Initiatives. HUD may award no more than two (2) points for any of the three (3) preferences (OZ, PZ or HBCU). Each preference is worth two points and only one preference can apply to any situation, meaning that applicants will ONLY be awarded 2 points for being within an OZ, PZ or involving HBCUs.

### **Opportunity Zones.**

**Opportunity Zone (OZ) Certification:** HUD encourages activities in Opportunity Zones. To receive two (2) points for this preference, applicants proposing projects in an Opportunity Zone community must submit the Certification for Opportunity Zone Preference Points (HUD-2996) that identifies the state, county and census tract(s) of the opportunity zone(s) in which the activity will be carried out. To view the list of designated Opportunity Zones, please see the following link on the U.S. Department of the Treasury website:

<https://opportunityzones.hud.gov/>

Applicants who do not complete this form and submit it along with the rest of their application package will not be eligible to receive the points. Additionally, applicants who do complete and submit this form, but indicate they intend to use less than 50% of the award within Opportunity Zone tracts, will also be ineligible to receive preference points, unless: a.) the applicant can show why they are unable to expend at least 50% of the grant award within Opportunity Zone designated tracts, or b.) the applicant is able to make a compelling case for why the amount that will be expended will have a significant impact within Opportunity Zone designated tracts. [Click here to view HUD's Opportunity Zones webpage.](#)

### **HBCU.**

This program does not offer HBCU preference points.

### **Promise Zones**

HUD encourages activities in Promise Zones (PZ). To receive Promise Zones Preference Points, applicants must submit form HUD-50153, "Certification of Consistency with Promise Zone Goals and Implementation," signed by the Promise Zone Official authorized to certify the project meets the criteria to receive preference points. To view the list of designated Promise Zones and persons authorized to certify, please see the [Promise Zone](#) pages on HUD's website.



## **B. Review and Selection Process.**

### **1. Past Performance**

In evaluating applications for funding, HUD will consider an applicant's past performance in managing funds. Items HUD will consider include, but are not limited to:

The ability to account for funds in compliance with applicable reporting and recordkeeping requirements;

Timely use of funds received from HUD;

Timely submission and quality of reports submitted to HUD;

Meeting program requirements;

Meeting performance targets as established in the grant agreement;

The applicant's organizational capacity, including staffing structures and capabilities;

Timely completion of activities and receipt and expenditure of promised matching or leveraged funds;

The number of persons served or targeted for assistance;

HUD may reduce scores based on the past performance review, as specified under V.A. Review Criteria. Whenever possible, HUD will obtain past performance information. If this review results in an adverse finding related to integrity of performance, HUD reserves the right to take any of the remedies provided in Section III E., Statutory and Regulatory Requirements Affecting Eligibility, "Pre-selection Review of Performance" document link above.

### **2. Assessing Applicant Risk.**

In evaluating risks posed by applicants, HUD may use a risk-based approach and may consider any items such as the following:

- Financial stability;
- Quality of management systems and ability to meet the management standards prescribed in this part;
- History of performance. The applicant's record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, failing to make significant progress in a timely manner, failing to meet planned activities in a timely manner, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;
- Reports and findings from audits performed under Subpart F—Audit Requirements of this part or the reports and findings of any other available audits; and
- The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.

**3. Application Selection Process** - HUD will review each application and assign points in accordance with the selection factors described in this section.

- a. **Application Screening and Acceptance** - The Area ONAP will screen and accept applications if they meet all the criteria listed below.

- The application is received or submitted in accordance with the requirements of this NOFO.
  - The applicant is eligible to submit an application.
  - The proposed project is eligible.
  - The application contains all of the applicable components listed in Section IV. B. of this NOFO. Your application shows that at least 70 percent of the grant funds are to be used for activities that benefit LMI persons. For screening purposes HUD will use the census data posted at [FY2019 Data Update for Low- and Moderate-Income \(LMI\) Area Benefit Designation for HUD's ICDBG](#) if the data submitted with the application does not meet this screening requirement.
- b. **Threshold Compliance** - The Area ONAP will review each application that passes the screening process to ensure that each applicant and each proposed project meets the eligibility and submission thresholds in this NOFO.
  - c. **ICDBG Past Performance** - HUD will evaluate past performance of current grantees in Rating Factor 1.
  - d. **Rating** - The Area ONAP will review and rate each project that meets the acceptance criteria and threshold requirements. Once all applications are rated, the Area ONAP will conduct a review to ensure consistency in the application rating.
  - e. **Minimum Points** - To be considered for funding, your application must receive a minimum of 17 points under Rating Factor 1 and an overall score of 70 points (without the addition of Preference Points).

**Ranking** - All projects will be ranked against each other according to the point totals they receive, regardless of the type of project or component under which the points were awarded. Projects will be selected for funding based on the final ranking to the extent that funds are available. The Area ONAP will determine individual grant amounts in a manner consistent with the considerations in 24 CFR 1003.100(b)(2). Specifically, the Area ONAP may approve a grant amount less than the amount requested. In doing so, the Area ONAP may consider the size of the applicant, the level of demand, the scale of the activity proposed relative to need and operational capacity, the number of persons to be served, the amount of funds required to achieve project objectives, the reasonableness of the project costs and the administrative capacity of the applicant to complete the activities in a timely manner. If the Area ONAP determines there are not enough funds available to fund a project as proposed by the applicant, it may decline to fund that project and may fund the next highest-ranking project or projects for which adequate funds are available. In such cases, the Area ONAP will select, in rank order, additional projects for funding. The Area ONAP may also select additional projects for funding, in rank order if additional funds become available.

- f. **Tiebreakers** - When rating results in a tie among projects and there is not enough money to fund all tied projects, the Area ONAP will use the following factors in the order listed to resolve the tie:
  - HUD will approve projects that can be fully funded over those that cannot be fully funded;
  - Applicant received a higher score on the Youth Subfactor 2.3 Connection to Tribal Youth;
  - The applicant with the fewest active ICDBGs; and

- The project that would benefit the highest percentage of LMI persons

g. **Technical Deficiencies and Pre-award Requirements-**

1. **Technical Deficiencies-** If there are technical deficiencies in successful applications, you must satisfactorily address these deficiencies within the established deadline before HUD can make a grant award.
2. **Pre-Award Requirements-** If you are to receive a grant, you may have to provide supporting documentation concerning the management, maintenance, operation, or financing of proposed projects before a grant agreement can be executed. HUD may ask for additional information on the scope, magnitude, timing or method of implementing the project; or information to verify the commitment of other resources required to complete, operate, or maintain the proposed project. HUD will notify applicants by facsimile or via the U.S. Postal Service, return receipt requested. Applicants will be provided fourteen (14) calendar days from the date of receipt of the HUD notification to respond to these requirements. No extensions will be provided. If the deadline date falls on a Saturday, Sunday, or federal holiday, the response must be received by HUD on the next day that is not a Saturday, Sunday, or federal holiday. If you do not respond within the prescribed time period or makes an insufficient response, the Area ONAP will determine that the requirement has not been met and will withdraw the grant offer. You may not substitute new projects for those originally proposed in the application and any new information will not affect the project's rating and ranking.

The time period for calculating the response deadline for pre-award requirements begins on the day after receipt of the pre-award letter from the Area ONAP.

- h. **Agency Errors-** Judgments made within the provisions of this NOFO and the program regulations (24 CFR part 1003) are not subject to claim of error. There is no appeal process. You may, however, bring arithmetic and HUD errors within your application score to the attention of your Area ONAP's within 30 days of being informed your score. In the event that HUD committed an error that would result in funding when corrected, HUD may issue an award, subject to the availability of funds.
- i. **Performance and Compliance Actions of Funding Recipients -** HUD will measure and address the performance of and order compliance actions by funding recipients in accordance with the applicable standards and sanctions of their respective programs.

## **VI. Award Administration Information.**

### **A. Award Notices.**

Following the evaluation process, HUD will notify successful applicants of their selection for funding. HUD will also notify other applicants, whose applications were received by the deadline, but have not been chosen for award. Notifications will be sent by email to the person listed as the AOR in item 21 of the SF424.

**Negotiation.** After HUD has made selections, HUD will negotiate specific terms of the funding agreement and budget with selected applicants. If HUD and a selected applicant do not successfully conclude negotiations in a timely manner, or a selected applicant fails to provide

requested information, an award will not be made to that applicant. In this case, HUD may select another eligible applicant.

HUD may impose special conditions on an award as provided under 2 CFR 200.208:

- Based on HUD's review of the applicant's risk under 2 CFR 200.206;
- When the applicant or recipient has a history of failure to comply with the general or specific terms and conditions of a Federal award;
- When the applicant or recipient fails to meet expected performance goals contained in a Federal award; or
- When the applicant or recipient is not otherwise responsible.

**Adjustments to Funding.** To ensure the fair distribution of funds and enable the purposes or requirements of a specific program to be met, HUD reserves the right to fund less than the amount requested in an application.

a. HUD will fund no portion of an application that:

- (1) Is not eligible for funding under applicable statutory or regulatory requirements;
- (2) Does not meet the requirements of this notice; or
- (3) Duplicates other funded programs or activities from prior year awards or other selected applicants.

b. If funds are available after funding the highest-ranking application, HUD may fund all or part of another eligible fundable application. If an applicant turns down an award offer, or if HUD and an applicant do not successfully complete grant negotiations, HUD may withdraw the award offer and make an offer of funding to another eligible application.

c. If funds remain after all selections have been made, remaining funds may be made available within the current FY for other competitions within the program area, or be held for future competitions, or be used as otherwise provided by authorizing statute or appropriation.

d. If, after announcement of awards made under the current NOFO, additional funds become available either through the current appropriations, a supplemental appropriation, other appropriations or recapture of funds, HUD may use the additional funds to provide additional funding to an applicant awarded less than the requested amount of funds to make the full award, and/or to fund additional applicants that were eligible to receive an award but for which there were no funds available.

**Funding Errors.** If HUD commits an error that when corrected would cause selection of an applicant during the funding round of a Program NOFO, HUD may select that applicant for funding, subject to the availability of funds. If funding is not available to award in the current fiscal year, HUD may make an award to this applicant during the next fiscal year, if funding is available then.

If selected, your Area ONAP will send you an award letter and a grant agreement to sign and return. If you do not already have one, you will have to establish an account in LOCCS so you can draw down grant funds as needed to complete your project/activities. You will also be encouraged to participate in award implementation training offered by your Area ONAP. All

grants are conditioned on the completion of all environmental obligations and approval of release of funds by the Area ONAP in accordance with the requirements of 24 CFR Part 58. HUD may impose other grant conditions if additional actions or approvals are required before the use of funds.

## **B. Statutory and Administrative, National and Department Requirements for HUD Recipients**

For this NOFO, the following [Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards](#) apply. (Please select the linked text to read the detailed description of each applicable requirement).

1. Unless otherwise specified, these non-discrimination and equal opportunity authorities and other requirements apply to all NOFOs. Please read the following requirements carefully as the requirements are different among HUD's programs.
  - Compliance with Fair Housing and Civil Rights Laws, Which Encompass the Fair Housing Act and Related Authorities (cf. 24 CFR 5.105(a)).
  - Improving Access to Services for Persons with Limited English Proficiency (LEP) See [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/limited\\_english\\_proficiency](https://www.hud.gov/program_offices/fair_housing_equal_opp/limited_english_proficiency).
  - Accessible Technology. See <https://www.hud.gov/sites/dfiles/OCIO/documents/s508103017.pdf>
2. Equal Access Requirements. See 24 CFR 5.105(a)(2)
3. Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Business.
4. Equal Participation of Faith-Based Organizations in HUD Programs and Activities.
5. Participation in HUD-Sponsored Program Evaluation.
6. Drug-Free Workplace.
7. Safeguarding Resident/Client Files.
8. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) (Transparency Act), as amended.
9. Eminent Domain.
10. Conducting Business in Accordance with Ethical Standards/Code of Conduct.

Compliance with 24 CFR part 50 or 58 procedures is explained below:

Activities under this NOFO are subject to the environmental review provisions set out at 24 CFR 1003.605. The expenditure or commitment of ICDBG or other federal or nonfederal funds on project activities (other than those listed in 24 CFR 58.22(f), 58.34 or 58.35(b)) prior to HUD approval may result in the denial of assistance for the project or activities under consideration. Where a tribal organization has applied for a grant on behalf of an Indian tribe, the tribe is considered the grantee responsible for environmental review requirements.

It is essential for the project applicant, its environmental review partners (such as consultants) and the responsible entity tribe to have the capacity to manage the environmental review process. Applicants should verify that the proper training, experience and protocols are in place to ensure the environmental review requirements that are applicable to the type of project being proposed in the application are met. More information on the environmental review process and requirements is available on the HUD Exchange

at <https://www.hudexchange.info/programs/environmental-review/>.

2 CFR 200.216 *Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment*

2 CFR 200.340 *Termination*

### **Lead Based Paint Requirements.**

When providing housing assistance funding for purchase, lease, support services, operation, or work that may be disturb painted surfaces, of pre-1978 housing, you must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's lead-based paint rules (Lead Disclosure; and Lead Safe Housing (24 CFR part 35)), and EPA's lead-based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification (40 CFR part 745)).

When providing education or counseling on buying or renting housing that may include pre-1978 housing under your grant you must inform clients of their rights under the Lead Disclosure Rule (24 CFR part 35, subpart A), and, if the focus of the education or counseling is on rental or purchase of HUD-assisted pre-1978 housing, the Lead Safe Housing Rule (subparts B, R, and, as applicable, F - M).

### **C. Reporting.**

HUD requires recipients to submit performance and financial reports under OMB guidance and program instructions.

**1. Recipient Integrity and Performance Matters.** Applicants should be aware that if the total Federal share of your Federal award includes more than \$ 500,000 over the period of performance, you may be subject to post award reporting requirements reflected in Appendix XII to Part 200-Award Term and Condition for Recipient Integrity and Performance Matters.

**2. Race, Ethnicity and Other Data Reporting.** HUD requires recipients that provide HUD-funded program benefits to individuals or families to report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of HUD programs in order to carry out the Department's responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987.

NOFOs may specify the data collection and reporting requirements. Many programs use the Race and Ethnic Data Reporting Form HUD-27061, U.S. Department of Housing OMB Approval No. 2535-0113.

**4. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) as amended (FFATA).** FFATA requires information on Federal awards be made available to the public via a single, searchable website, which is [www.USASpending.gov](http://www.USASpending.gov). Accordingly, each award HUD makes under this NOFO will be subject to the requirements provided by the Award Term in Appendix A to 2 CFR Part 170, "REPORTING SUBAWARD AND EXECUTIVE COMPENSATION INFORMATION," unless the Federal funding for the award (including funding that may be added through

amendments) is not expected to equal or exceed \$30,000. Requirements under this Award Term include filing subaward information in the Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS.gov) by the end of the month following the month in which the recipient awards any sub-grant equal to or greater than \$30,000. Each applicant under this NOFO must have the necessary processes and systems in place to comply with this Award Term, in the event that they receive an award, unless an exception applies under 2 CFR 170.110.

## **5. Program-Specific Reporting Requirements**

### **ICDBG Post-Award Reporting Requirements**

#### **a. Quarterly Financial Reports**

Grantees will have to submit a Federal Financial Report (SF-425) to the Area ONAP within 30 days after the end of each quarter. If applicable, the SF-425 must also show that leveraging resources were received and used for their intended purposes. A final SF-425 must be submitted within 90 days after the end of the period of performance identified on the grant agreement.

#### **b. Annual Status and Evaluation Report (ASER)**

If funded, grantees will have to submit this report annually. The ASER is due 45 days after the end of the federal fiscal year and at the time of grant close-out to your Area ONAP.

The report must include:

- The progress made on completing your project;
- A list of work remaining;
- A breakdown of funds spent, and
- When the project is done, an evaluation of its effectiveness in meeting your community development needs.

#### **c. Minority Business Enterprise Report**

If funded, grantees must submit this report on contract and subcontract activity by October 10th of each fiscal year.

#### **d. Close-Out Report**

If funded, grantees must submit this report within 90 days completion of grant activities. The report consists of the final Federal Financial Report (SF-425), the final ASER and the Close- Out Agreement.

**Please direct questions regarding specific reporting requirements to the point of contact listed in Section VII. Agency Contact(s).**

#### **D. Debriefing.**

For a period of at least 120 days, beginning 30 days after the public announcement of awards under this NOFO, HUD will provide a debriefing related to their application to requesting applicants. A request for debriefing must be made in writing or by email by the authorized organization representative whose signature appears on the SF-424 or by his or her successor in office and be submitted to the POC in Section VII Agency Contact(s), below. Information provided during a debriefing may include the final score the applicant received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which funding was approved or denied.

#### **VII. Agency Contact(s).**

HUD staff will be available to provide clarification on the content of this NOFO.

Questions regarding specific program requirements for this NOFO should be directed to the POC listed below.

Name:

ONAP Grant Management Director

Phone:

Email:

ONAP-ICDBG@hud.gov

Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Relay Service at 800-877-8339. Please note that HUD staff cannot assist applicants in preparing their applications.

#### **VIII. Other Information.**

##### **1. National Environmental Policy Act.**

This NOFO provides funding under 24 CFR part 1003 and applicants are required to follow the environmental requirements that are outlined at 24 CFR 1003.605. This NOFO does not alter any of those environmental requirements. Accordingly, under 24 CFR 50.19(c)(5), this NOFO is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

This NOFO provides funding under 24 CFR part 1003, and applicants are required to follow the environmental requirements that are outlined at 24 CFR 1003.605. This NOFO does not alter any of those environmental requirements.

##### **2. Web Resources.**

- [Affirmatively Furthering Fair Housing](#)
- [Code of Conduct list](#)
- [Assistance Listing \(formerly CFDA\)](#)
- [Dun & Bradstreet](#)
- [Equal Participation of Faith-Based Organizations](#)
- [Federal Awardee Performance and Integrity Information System](#)
- [FFATA Subaward Reporting System](#)
- [Grants.gov](#)
- [HBCUs](#)



- [Healthy Homes Strategic Plan](#)
- [Healthy Housing Reference Manual](#)
- [HUD's Strategic Plan](#)
- [HUD Grants](#)
- [Limited English Proficiency](#)
- [NOFO Webcasts](#)
- [Opportunity Zone](#)
- [Procurement of Recovered Materials](#)
- [Promise Zones](#)
- [Section 3 Business Registry](#)
- [State Point of Contact List](#)
- [System for Award Management \(SAM\)](#)
- [Uniform Relocation Assistance and Real Property Acquisition Act of 1970 \(URA\)](#)
- [USA Spending](#)

### 3. Program Relevant Web Resources

- [Environmental Review Information](#),  
<https://www.hudexchange.info/programs/environmental-review/>

## APPENDIX

Area ONAP	Phone Numbers and Addresses	
Alaska	(907) 677-9800	3000 C Street, Suite 401 Anchorage, AK 99503
Eastern Woodlands	(800) 735-3239	Ralph H. Metcalfe Federal Building 77 West Jackson Boulevard, Room 2404 Chicago, Illinois 60604-3507
Northern Plains	(303) 672-5465	1670 Broadway, 24th Floor Denver, CO 80202-4801
Northwest	(206) 220-5270	909 1st Avenue, Suite 300 Seattle, WA 98104-1000
Southern Plains	(405) 609-8520	301 N.W. 6th Street Suite 200 Oklahoma City, OK 73102
Southwest	Phoenix Office One North Central Avenue	Albuquerque Office 500 Gold Avenue

	Suite 600 Phoenix, AZ, 85004-2361 (602) 379-7213	7 <sup>th</sup> Floor, Suite 7301 PO Box 906 Albuquerque, NM 87103-0906 (505) 346-6923
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