



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

Policy Development and Research

HUD's FY2020 and FY2021 Distressed Cities and Persistent Poverty Technical Assistance

Notice of Funding Opportunity (NOFO)

FR-6500-N-54

07/29/2021

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**Program Office:**

Policy Development and Research

**Funding Opportunity Title:**

HUD's FY2020 and FY2021 Distressed Cities and Persistent Poverty Technical Assistance Notice of Funding Opportunity (NOFO)

**Funding Opportunity Number:**

FR-6500-N-54

**Primary CFDA Number:**

14.259

**Due Date for Applications:**

07/29/2021

**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):**

2528-0299

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

Through this NOFO, HUD is announcing the availability of at least two awards: up to \$2.5 million in FY 2020 funding and up to \$6.8 million in FY 2021 funding. We anticipate around three awards from each of these funding sources to provide technical assistance (TA) to units of

general local government (UGLGs) and their non-profit partners serving communities experiencing long-term economic hardship. This includes distressed UGLGs and UGLGs experiencing persistent poverty, as defined under this NOFO. No less than \$5 million from the FY 2021 funding will be available to assist UGLGs and their nonprofit partners serving communities experiencing persistent poverty.

The objectives of the funds awarded through this NOFO include:

- Improve UGLGs’ understanding of relevant financial management principles and practices, including building internal capacity to develop policies and procedures that meet any program compliance requirements and the needs of the communities they serve.
- Improve UGLGs’ internal processes by helping them identify relevant local data, evaluate implementation of planning documents, build cross-sector partnerships, and establish equitable community engagement practices.
- Build UGLGs’ capacity to identify, implement, and monitor strategies or plans for economic revitalization or stabilization, including in neighborhoods experiencing persistent poverty.
- Improve UGLGs’ understanding of root causes of economic distress and/or persistent poverty, in specific neighborhoods or communities within the UGLG’s jurisdiction.
- Enhance UGLGs’ ability to identify, access, and leverage funding streams and other resources to add internal capacity (for example, additional staffing), or for financing and supporting community improvement projects in the areas of economic development, housing, or disaster recovery.

The technical assistance provided through this NOFO will be specific to the UGLG or community receiving the technical assistance rather than program-specific. It will be scaled to ensure a measurable impact on the community’s growth and resilience, as well as the efficient use of public funds. To that end, we are seeking awardees that will take a place-based, holistic approach to technical assistance.

The experience and expertise needed includes a variety of topics: financial management; governance in smaller UGLGs; cross-sector partnerships; data identification, collection, and analysis; project planning, implementation and monitoring; participating in federal, state and local programs; community engagement; new construction and rehabilitation; economic revitalization and development; and disaster recovery and resilience. You are encouraged to procure contractors and consultants as necessary that demonstrate experience across these topic areas.

**Important Note:** *This NOFO is not part of the comprehensive “Community Compass Technical Assistance and Capacity Building Program.” Applicants should thoroughly review this NOFO to ensure that they have the necessary skills to provide the technical assistance described in this NOFO.*

#### **a. TA Focus Areas**

We expect TA efforts under this NOFO to focus on building *financial management capacity, attracting private sector investment, establishing cross-sector partnerships, implementing recently adopted community plans (housing, economy, disaster, climate resiliency, or general)* and developing frameworks for *disaster resilience*. Because we will take a holistic view of

providing technical assistance to distressed UGLGS and UGLGs experiencing persistent poverty, we are looking for applicants with demonstrable experience across all areas. As new HUD priorities and recipient needs emerge, TA assignments may address additional programmatic or policy areas.

#### **b. Leveraging**

HUD believes that leveraging outside investments encourages engagement between actors in the philanthropic, nonprofit, and private sectors. *This NOFA requires a minimum leveraged funding amount of 5% of the total award.* Any leveraged funds over this amount are not required but are encouraged through points awarded in Rating Factor 3 (see section V.A.1 of this NOFO).

The leveraged funds may be provided as a cash or in-kind donation. Combined funding commitments from different sources provided by applicants will count towards the total amount. Federal sources are not allowed to be used as a cost share or match unless otherwise permitted by the source program's authorizing statute. As the program described in this NOFO may produce engagements anywhere in HUD's jurisdiction, leveraged funds cannot have any geographic limitation on their usage.

#### **c. Eligible Activities**

Successful applicants may be tasked to deliver TA using any of the following eligible activities. These activities are subject to any restrictions or limitations imposed by the federal regulations, statutes, and policies referenced in this NOFA.

- **Needs Assessments.** Needs assessments are intended to help determine the nature and scope of the TA and capacity building required by the applicants for TA. Needs assessments help to quantify the potential impact of development activity and recovery initiatives. They also examine local market conditions so that program resources may be better targeted and leveraged. In some instances, a self-assessment by the TA recipient may provide a satisfactory basis for determining the scope and scale of the assistance necessary. In other cases, a TA provider will conduct on-site or remote needs assessments to collect information about the capacity gaps of the TA recipient. A needs assessment may use multiple information collection and analysis tools, including public data resources and primary data gathered on-site. Needs assessments should be done in a collaborative manner, with the active involvement of local officials and other stakeholders.
- **Direct TA and Capacity Building Engagements.** Direct TA and capacity building require working onsite and/or remotely to improve knowledge and capacity around TA focuses mentioned above, including but not limited to, economic redevelopment, revitalization, and resiliency in distressed communities, including those recovering from natural disasters.
- **Develop and Maintain Tools and Products.** Tools and products developed will use adult learning principles to assist distressed UGLGs and UGLGs experiencing persistent poverty in adopting effective, efficient, and sustainable practices that address challenges in the TA focuses supported by this NOFA. These products might take the form of web-based courses or trainings, videos, interactive tools, and webinars. Tool and product development may also include the creation of templates, desk guides, toolkits, and curricula that improve program management and operations, evaluation, and performance measurement. All products and tools developed must comply with Section 508 accessibility requirements, which requires that all information and communications technology, regardless of the medium of the technology, be accessible to individuals with

disabilities. Maintenance of tools and products could include translating existing materials into other languages.

- **Self-Directed and Group Learning.** Self-directed and group learning is intended to increase the capacity and close the competency gaps of participants by equipping them with the necessary program knowledge and skills needed to administer and manage HUD programs. Group learning will incorporate adult learning principles that may include delivery of HUD-approved training courses remotely or in person; online self-directed courses; problem-solving clinics; policy academies; live or pre-recorded webinars; and peer-to-peer assistance exchanges for TA recipients with similar local market contexts, challenges, opportunities, and community needs. Group learning could include establishing and supporting group learning cohorts and curricula.
- **Administrative.** Administrative activities are directly associated with overall award management and execution, including salaries and benefits of persons who support the execution of the award terms. Costs include preparing reports for submission to HUD, obtaining program audits, and general operating costs when billed direct. Administrative costs are not allowable as direct award execution charges when these costs are included in a selected applicant organization's negotiated indirect cost rate agreement or when the organization is using the de minimus rate. Refer to section VI.A.5. of this NOFA for administrative cost limits applicable to award execution costs.

Certain administrative costs are not considered to be award execution costs and are not subject to the administrative limits in this NOFA. For example, the salary and fringe benefits for the Program Manager assigned to oversee the outcome of a specific TA engagement are considered part of the TA engagement costs and are not included in award execution costs. These costs may not be greater than 15 percent of the total award (see Secti VI.A of this NOFO).

Rental and maintenance of office space is allowed only under the following conditions:

- The lease must be for existing facilities not requiring rehabilitation or construction except for minimal alterations to make the facilities accessible for a person with disabilities
  - No repairs or renovations of the property may be undertaken with funds provided under this NOFA
  - Properties in the Coastal Barrier Resources System designated under the Coastal Barrier Resources Act (16 U.S.C. 3501) cannot be leased or rented with federal funds
- **Coordination.** Coordination activities consist of services related to coordinating technical assistance with partnership organizations and planning technical assistance engagements, including data gathering, studies, and analysis, and the identification of actions that will implement such plans. Coordination enables successful applicants to:
    - Determine needs and capacity gaps to address with TA recipients, including addressing needs across multiple HUD programs
    - Set long-term goals and short-term objectives for technical assistance plans
    - Devise products and activities to meet these goals and objectives

- Evaluate the progress of such programs and activities in accomplishing these goals and objectives

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

This NOFO was previously titled HUD's FY2018 and FY2019 Distressed Cities TA Notice of Funding Availability. Some changes have been made in the program objectives, the focus areas, and the rating factors. This is largely due to the introduction of persistent poverty to the program.

## **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.

**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.

**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

**Capacity Building:** Assistance which increases the ability of TA recipients and their partners to organize and independently implement and manage affordable housing, community development, and economic development programs.

**Consultant:** An individual who can provide valuable and pertinent advice generally drawn from a high degree of broad administrative, professional, or technical knowledge or experience.

**Cooperative Agreement:** A legal instrument of financial assistance, as defined in 2 CFR § 200.24, that is used to enter into the same kind of relationship as a grant but is distinguished from a grant in that it provides for substantial involvement between the federal agency and the recipient in carrying out the activity contemplated by the award and in accordance with 2 CFR Part 200.

**Demand-Response System:** The means by which HUD, TA recipients, and/or HUD's partners identify TA and capacity building needs. HUD prioritizes the identified needs based on Departmental, programmatic, and jurisdictional priorities. Successful applicants to this NOFO are then tasked with responding to identified needs. Successful applicants may not respond to direct requests for TA. HUD is solely responsible for authorizing the entities to be assisted, the location, and the nature of the assistance to be provided, including a specific scope of work, which must be part of a HUD-approved work plan for each engagement.

**Distressed:** This refers to units of general local government (see definition below) with at least one of the following characteristics, calculated using 5-Year ACS estimates (unless otherwise specified):

- An annual average unemployment rate of 9 percent or more over the past 3 years
- A noncollege poverty rate of 20 percent or more as of the most recent 5-year ACS survey

- A population decline of 5 percent or more between 2010 and the most recent 5-year ACS survey
- Any other characteristic of a city or region that the awardee and HUD agree reflects a need for the TA or capacity building provided for under this award

**Financial Management:** The means by which a city prioritizes the use of local and non-local funding sources. This includes planning for funding needs and relevant funding sources, developing budgets for the use of those sources, and evaluating the performance of its management plan.

**Government Technical Monitor (GTM):** As defined by HUD, the individual designated to provide technical monitoring, advice, and assistance to aid the Government Technical Representative (GTR) in the technical direction and evaluation of a successful applicant's performance. The GTM provides programmatic expertise and input to proposed TA work plans, status reports, invoices, and products.

**Government Technical Representative (GTR):** As defined by HUD, the individual who is responsible for the technical direction and evaluation of a successful applicant's performance. The GTR is responsible for review and approval of work plans, status reports, invoices, and products. GTRs serve as representatives of the Cooperative Agreement Officer who has responsibility for the management and fiscal oversight of the cooperative agreement awards.

**Impacted by a natural disaster:** The unit of general local government is located in a county that received a Presidential major disaster declaration.

**In-Kind Resources:** This refers to either donated/volunteer staff time and services from technical consultants, organizations or agencies that have agreed to work with the applicant on any of the activities described in this NOFO; or donated materials, equipment, supplies, buildings, or land.

**Indirect cost rate proposal:** This NOFO adopts the definition of *indirect cost rate proposal* as found at 2 CFR 200.1.

**Indirect costs:** This NOFO adopts the definition of *indirect (facilities and administrative (F&A)) costs* as found at 2 CFR 200.1.

**Outcomes:** Results achieved or benefits derived from TA or capacity building, such as changes in a recipient's management or operation of its programs and activities.

**Persistent Poverty:** The presence of poverty rates of 20 percent or more over the past 30 years. This is measured differently depending on the geography under consideration, using either Decennial Census estimates, Small Area Income and Poverty Estimate surveys, and/or 5-year American Community Survey, whichever are most relevant and appropriate.

**Technical Assistance (TA):** Guidance which enables recipients to overcome a lack of specific skills or knowledge and, by doing so, become more successful in meeting the needs of their communities. TA is the transfer of skills and knowledge to entities that may need, but do not possess, such skills and knowledge. TA includes all eligible activities listed in NOFO section I.A.1.d.

**Unit of General Local Government (UGLG):** Any city, county, town, township, parish, village, or other general purpose political subdivision of a State or territory. For the purposes of this program, this includes tribal governments.

## **B. Authority.**

This program is authorized under: Further Consolidated Appropriations Act, 2020 (Public Law 116-94), approved December 20, 2019; Consolidated Appropriations Act, 2021 (Public Law

116-260), approved December 27, 2020; and any other authorities that may make additional funds available for award under this NOFO in the future.

## **II. Award Information.**

### **A. Available Funds**

Funding of approximately \$ **9,300,000** 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.

The funds available through this NOFO are from the following sources:

- \$2,500,000 made available under the Further Consolidated Appropriations Act, 2020
- \$6,800,000 made available under the Consolidated Appropriations Act, 2021

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

HUD expects to make approximately 6 awards from the funds available under this NOFO.

The minimum number of awards will be 2 (at least one from each funding source). There is no maximum number of awards.

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

Estimated Total Funding:

\$ 9,300,000

Minimum Award Amount:

\$ 750,000

Per Project Period

Maximum Award Amount:

\$ 6,800,000

Per Project Period

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

Estimated Project Start Date:

09/29/2021

Estimated Project End Date:

09/29/2024

Length of Project Periods:

Other

Length of Periods Explanation of Other:

There will be multiple assignments over the period of performance.

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

Funding Instrument Type:

CA (Cooperative Agreement)

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

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

- 12 (Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education)
- 13 (Nonprofits without 501(c)(3) status with the IRS, other than institutions of higher education)
- 20 (Private institutions of higher education)
- 22 (For profit organizations other than small businesses)
- 23 (Small businesses)

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

For profit organizations cannot realize any profit from activities supported by the funds provided through this NOFO.

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

Individuals are ineligible to apply to this NOFO.

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

This Program requires cost sharing or matching as described below.

Leveraging at least 5% of the total requested amount is a requirement for this NOFO. Leveraging beyond this 5% up to 10% will improve an applicant's score. See sections I.A.1.b and V.A.1 of this NOFO.

Generally, Federal sources are not allowed to be used as cost share, match, or leverage unless otherwise permitted by a program's authorizing statute (for example, HUD's Community Development Block Grants program).

#### **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. Complete Application Package** – You must submit all the *required* documents as indicated in section IV.B. If you do not submit a complete package, your application will not pass threshold review and will not be scored.

**4. Minimum Leverage Requirement** – You must include documentation of leveraged funds that equal at least 5% of the total requested amount and meet the other requirements as listed in Section I.A.1.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.**

- The maximum points total for an application is 102. The minimum total points for an application to be considered for funding is 75. However, if no eligible applicants score at least 75 points, we may award funds to applicant(s) scoring below 75 points.
- Applicants must provide leveraged funding of at least 5% of the total requested amount. Applications that do not include this will not be considered.
- While there is no penalty to applicants demonstrating experience within a specific region, TA engagements could take place across the United States and its insular areas as HUD deems necessary.
- We may task a successful applicant to coordinate with organizations conducting other HUD-funded activities.
- Successful applicants must comply with all applicable program statutes, regulations, policies, and award provisions.
- Successful applicants will be required to provide information on the results, impacts, and outcomes of their capacity building and TA activities.
- Successful applicants must obtain access to relevant HUD systems and other HUD tools to assist in the management of award requirements.
- We reimburse on a monthly basis. Advance payments are not permitted.
- Maintenance of stated capacity throughout the duration of the period of performance:
  - You must actively maintain staff/consultants/contractors that have the knowledge and experience described in your application.
  - If you decline or delay assignments or fail to deliver acceptable TA in your stated areas of experience/capacity, we reserve the right to terminate your cooperative agreement early and recapture funds awarded to you, consistent with 2 CFR Part 200. We may also consider declined or delayed assignments or unacceptable TA engagements during future HUD TA NOFO competitions.
- If you receive an award, you must operate within the structure of the “demand-response system” (see NOFO section I.A.4 for a definition of demand-response system). Under the demand-response system, you must
  - Promptly respond to assignments or requests from the GTM or GTR.



- Coordinate TA plans and activities with other HUD TA providers that have particular skills and/or experience in providing assistance to TA recipients in the same jurisdiction or geographic area using TA funds. The coordination may include conference calls, virtual meetings, and/or in-person meetings.
  - Attend and/or conduct joint training sessions, workshops, or conferences with other TA providers, as may be requested by the GTM or GTR.
  - Conduct work only when tasked or assigned by HUD (GTM, GTR, or Cooperative Agreement Officer or designee).
  - Provide TA plans, requests for reimbursement, performance reports, deliverables, and trainings in formats prescribed by HUD.
- Successful applicants may be required to obtain the necessary facilities (e.g., a HUD Field Office training room, a hotel conference room, etc.) to deliver TA to TA recipients under the TA award.

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

Selected applicants who provide TA cannot also be a beneficiary of that TA.

## **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:

Madlyn Wohlman-Rodri

Email:

Madlyn.WohlmanRodriguez@hud.gov

HUD Organization:

PD&R

Street:  
 451 7th St SW  
 City:  
 Washington  
 State:  
 DC DISTRICT OF COLUMBIA  
 Zip:  
 20410

**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.	
Disclosure of Lobbying Activities (SFLLL), if applicable	HUD will provide instructions to grantees on how the form is to be submitted.	If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the applicant shall complete and submit the SF-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Applicants must furnish an executed copy of the Certification Regarding Lobbying prior to award.

<b>Forms/Assurances/Certifications</b>	<b>Submission Requirement</b>	<b>Notes/Description</b>
HUD Applicant Recipient Disclosure Report (HUD) 2880 Applicant/Recipient Disclosure/Update Report	HUD will provide instructions to grantees on how the form is to be submitted.	HUD instructions to grantees are provided by webcast, To view the webcast, click here.
Faith-Based EEO Survey (SF424 Supplement, Survey on Ensuring Equal Opportunities for Applicants), if applicable	Applicants applying electronically may submit the survey with the application as part of an appendix or as a separate document. Hard copy submissions should include the survey in a separate envelope.	Non-profit private organizations, not including private universities, are encouraged to submit the survey with their application. Submission of the survey is voluntary.
Certification for a Drug-Free Workplace	Submit via Grants.gov as part of the application package	This form is required for all applicants. Follow the instructions provided in the form.

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

**a. Application summary.** This must be submitted in PDF format. The application summary will not be scored, but it is a submission requirement before award. The application summary does not count toward the 35-page limit for the narrative responses to the Rating Factors.

You must include the following information in your application summary:

(1) Organization description. You must provide a brief description of your organization in no more than 350 words. This description or some portion of it may appear in the award announcement if you are funded through this NOFO. Each description must contain:

Organizational purpose and mission; years of service; history of providing financial management and economic and community development supportive services to UGLGs; and agency web address.

(2) Whether your organization is designated as either of the following:

- (a) A disadvantaged business [e.g., 8(a) business]
- (b) A small business as defined by the U.S. Small Business Administration
- (c) A faith-based organization

(3) Eligible activities. You must provide a description of eligible activities you have completed in the five years prior to the publication date of the NOFO. The eligible activities categories are in NOFO section I.A.1.d, and your application summary should address all eligible activities except Administrative and Coordination.

(4) Indirect Cost Rate. You must indicate your indirect cost rate as described in section IV.F. of this NOFO.

**b. List of the relevant staff, consultants, and contractors and their experience and qualifications.** This includes any applicable certifications. This must be submitted as an Excel workbook (.xls or .xlsx format). A sample template is available on Grants.gov as part of the application package. The list must clearly identify whether an individual is staff, a consultant, or a contractor. This information will not be scored, but it is a submission requirement before award. The list does not count toward the 35-page limit for the narrative response to the Rating Factors.

**c. Narrative response addressing Rating Factors 1-3.** As detailed under NOFO section III.D, “Threshold Eligibility Requirements,” any applicant that does not submit a narrative response addressing each of the three Rating Factors will not meet the threshold for review. See NOFO section V.A for more information on the Rating Factors. Your narrative response must be 35 pages or less. Any additional pages will not be considered in the review.

**d. Documentation of commitment of leveraged funds.** To supplement your response to Rating Factor 3(2), you must provide documentation of the nature and source of the leveraged funds, identify whether any leveraged funds are provided, and provide proof of a firm commitment of those funds.

Firm commitment means that the amount of leveraged resources and their dedication to the TA activities described in this NOFO must be explicit, in writing, and signed by a person authorized to make the commitment. The resources must be available at the time of award. The letters of commitment/MOUs/tribal resolutions must:

- Explicitly describe what services or material will be provided if they are to be provided as in-kind;
- Indicate the total dollar value of the commitment;
- Include a calculation to show how the value of the commitment was derived; and
- Be dated between the publication date of this NOFO and the application deadline for this NOFO.

Your documentation must include a description of how the cash or in-kind resources will be managed and by whom. The resources, cash or otherwise, must be directed solely towards this technical assistance program. This includes any income derived from these resources, such as interest earned on cash being held in an interest-bearing account. This documentation does not count toward the 35-page limit for the narrative response to the Rating Factors.

**e. Indirect Cost Rate attachment.** Applicants selected for funding pursuant to this NOFO may

charge indirect costs to the award. As explained in section IV.F of this NOFO, if you want to charge indirect costs against the award, your application must include an attachment labeled "Indirect Costs" that clearly states the rate, the applicable distribution base, and, if applicable, a letter or other documentation from the cognizant agency showing the negotiated rate. The indirect cost rate attachment does not count toward the 35-page limit for the narrative responses to the Rating Factors.

**f. Code of Conduct attachment.** You must develop and maintain a written code of conduct in accordance with 2 CFR 200.318, unless you are a state. If you already have a code of conduct on file with HUD, you do not need to resubmit a new code unless the information on file has changed. To determine whether HUD has your code of conduct on file, you must visit the following website:

[https://www.hud.gov/program\\_offices/spm/gmomgmt/grantsinfo/conductgrants](https://www.hud.gov/program_offices/spm/gmomgmt/grantsinfo/conductgrants). If you are not listed on that website, you must include your code of conduct with your NOFO application as an attachment labeled "Code of Conduct." If you are listed on that website but your code of conduct has changed since you last submitted it to HUD, you must include your most up-to-date code of conduct as an attachment. If you are listed on that website and your code of conduct has not changed since you last submitted it to HUD, you do not need to include your code of conduct with your NOFO application. The code of conduct does not count toward the 35-page limit for the narrative response to the Rating Factors.

**A complete submission will consist of the application signed by an authorized official of your organization and contain all relevant sections of the application as described in this NOFO.**

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

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

35 Pages maximum length of narratives

Other

- 8.5 by 11-inch paper size
- 12-point font, single-spaced
- An easily readable font such as Times New Roman, Courier New, or Arial
- Black text
- At least 0.5-inch margins

## **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](https://www.grants.gov/) and be approved by the E-Biz POC in SAM to submit applications for the organization.

Registration for SAM and [grants.gov](https://www.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](https://www.grants.gov/). Complete registration instructions and guidance are provided on [grants.gov](https://www.grants.gov/).

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

### **Application Due Date Explanation**

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

07/29/2021

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](https://www.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](https://www.grants.gov/)" means the applicant received a confirmation of receipt and an application tracking number from [Grants.gov](https://www.grants.gov/). [Grants.gov](https://www.grants.gov/) then assigns an application tracking number and date-and timestamps each application upon successful receipt by the [Grants.gov](https://www.grants.gov/) system. A submission attempt not resulting in confirmation of receipt and an application tracking number is not considered received by [Grants.gov](https://www.grants.gov/).

Applications received by [Grants.gov](https://www.grants.gov/) must be validated by [Grants.gov](https://www.grants.gov/) to be received by HUD.

"Validated by [Grants.gov](https://www.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](https://www.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](https://www.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](https://www.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. An organization may not provide TA or capacity building to itself, and it may not provide TA to another organization with which it contracts or sub-awards funds to carry out activities under the TA award.
2. No fee or profit may be paid to any recipient, contractor, or consultant of an award under the Distressed Cities program. This includes but is not limited to any interest paid on accounts used to manage program funds.
3. Compensation Restrictions:
  - An award recipient cannot charge more than Level IV of the Federal Executive Schedule annually for an individual's compensation even if the individual earns more than the capped amount. Effective January 7, 2018, the salary limitation for Executive Level IV is \$164,200. The compensation cap does not require a TA award recipient to limit the amount paid to individuals funded with a Distressed Cities TA award, but an individual's remaining compensation over the cap must be paid from an alternate source of organizational funds. The requirement applies to all of an award recipient's staff, consultants, and contractors. If the salary cap amount for Level IV of the Federal Executive Schedule, authorized by law, increases, if adequate funds are available in active awards, and if the salary cap increase is consistent with the TA award recipient's compensation policy, TA award recipients are permitted to use Distressed Cities TA funds to cover the increased salary amount. However, additional funds will not be provided to cover these costs.
  - HUD will determine whether compensation is reasonable and customary for the skill set provided and the area(s) being served.

Additional restrictions are described at 2 CFR Part 200.

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

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.

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.

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.**

##### **Rating Factor 1: Capacity of the Applicant**

**Maximum Points: 50**

This factor evaluates your overall capacity to provide the TA described in this NOFO. Your narrative response to this rating factor must include the following:

*(1) An understanding of the context (20 points)*

- Demonstrate experience working with distressed UGLGs and communities experiencing persistent poverty, including smaller jurisdictions with limited capacity, (4 points)
- Demonstrate understanding of causes of economic distress and persistent poverty, (4 points)
- Demonstrate familiarity with challenges that may be faced by UGLGs serving communities that are economically distressed and/or experiencing persistent poverty, (4 points)
- Demonstrate familiarity with strategies and opportunities to address these challenges, including attracting private sector investment. (4 points)
- Demonstrate familiarity with the added challenges that these UGLGs experience when impacted by natural disasters and the strategies to address those challenges. (4 points)

*(2) Prior experience and performance (20 points)*

- Describe at least three examples from within the last five years that demonstrate your ability to plan and implement a TA engagement. These descriptions should include:
  - Demonstrated ability to overcome challenges in providing TA (including providing assistance to a disengaged recipient or a recipient with limited capacity). (5 points)
  - Experience in cross-sector collaboration (such as private/public collaboration or inter-governmental collaboration), including examples of how you have developed partnerships to better ensure the long-term impact of TA engagements. (5 points)
  - Experience working with UGLGs that serve smaller communities and with the broad range of potential TA recipients, including tribal organizations. (5 points)
  - Experience explicitly incorporating equity into TA engagement activities and equity outcomes into engagement goals or deliverables. (5 points)

*(3) Key personnel and organizational capacity (10 points)*

- Identify the key personnel who would be planning and implementing the engagements, including summaries of their relevant experience and qualifications.
- Describe how your organization's administrative processes and structure will support the engagements (including the management of external contractors if necessary).

Include external contractors in the narrative response if they are to play a key role.

**Rating Factor 2: Soundness of Approach**

**Maximum Points: 35**

This factor evaluates your approach to planning and implementing a TA engagement as described in this NOFO. You must clearly describe your process for the following:

- (1) Completing a needs assessment of a municipal- or regional-level agency or organization to identify and prioritize TA needs. (5 points)
- (2) Identifying TA activities and tools appropriate for addressing the scale of challenges that are within the capacity of the UGLGs. (7 points)
- (3) Working with UGLGs to prioritize challenges or goals that may be supported through technical assistance. (7 points)
- (4) Helping UGLGs build sustainable (long-term) partnerships with public agencies, non-profits, philanthropic organizations and other stakeholders. (3 points)
- (5) Setting short- and long-term goals and defining measurable outcomes for TA engagements. This should include using qualitative and quantitative data to track progress. (5 points)
- (6) Ensuring post-engagement sustainability (long-term) of outcomes. (5 points)
- (7) Identifying possible local data sources and incorporating those sources into the TA engagement, where available and appropriate. (3 points)

**Rating Factor 3: Leveraging Resources**

**Maximum Points: 15**

- (1) Prior Success (5 Points)

For this section, you must describe:

- Your prior success in securing financial and/or in-kind support for similar projects similar or related to any or all of the activities described in this NOFO in the past five years. We are particularly interested in your ability to secure additional monetary support for UGLG financial

management, economic and community development projects, and building human capital (funding additional staff positions). Please describe the proposed project, what it was for, and the amount of funds raised (or the type of in-kind support that was secured) for the project.

- Your proposed plan for reaching out to philanthropic organizations, private institutions and other funders if your application is successful.

**(2) Amount and Applicability of Committed Resources (10 Points)**

You must provide a brief summary of any leveraged funds, including their dollar value and sources.

- This summary should be no longer than two pages. It must include an explanation of how the committed resources will be applicable to a broad array of localities and communities, as the experiences of the communities applying for the technical assistance will be similar but not identical. – *While a 5% leveraging of the total requested amount is required to be eligible for this award, you must show firm leveraged contributions of at least 10% of the total requested amount to receive full points for this sub-factor. Any amount less than 10% will result in less than full points. The resources you list in the response to this rating factor must have corresponding documentation as described in section IV.B.1.d of this NOFO. This documentation will not count towards the 35-page limit.*

**2. Other Factors.**

This program does not offer points for Section 3.

**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.**

This program does not offer Opportunity Zone preference points.

**HBCU.**

An applicant partnering with a Historically Black College or University (HBCU) will receive up to two (2) Preference Points when the application includes a Letter of Commitment certifying that an HBCU Partnership is in place and signed by an authorizing official of the HBCU and documentation of the college or university's status as an HBCU. [Click here to view the list of accredited HBCU's](#)

**Promise Zones**

This program does not offer Promise Zone preference points.

**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:

Timely use of funds received from HUD;

Timely submission and quality of reports submitted to HUD;

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

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.

As required by 2 CFR 200.206, HUD will evaluate the risks to each HUD program posed by each applicant and will conduct due diligence to ensure an applicant's ability to manage federal funds. The results from this evaluation will inform funding decisions. If we determine that an award will be made, special conditions that correspond to the degree of risk assessed may be applied to the award. In evaluating risks, HUD will consider factors found in 2 CFR 200.206, as well as publicly-available information, including information from your organization's website, media sources, Inspector General or Government Accountability Office reports or findings, or hotline or other complaints that have proved to have merit.

## **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.

**Notifications.** An award notification sent to a successful applicant is not an authorization to begin performance. Upon notification that you have been selected for award, we will request additional information from you or may work with you to amend information that you already submitted as part of the application.

**Administrative and Financial (A&F) Process.** The A&F process is part of the negotiation process and is required for the successful applicant that receives funding under this NOFO. The successful applicant is required to complete the A&F process only once, even though the applicant is receiving funding from two Fiscal Years; however, HUD, at its discretion, may require confirmation of certain certifications and assurances. During the A&F process (which takes place after selection for funding but prior to award), you must submit administrative and financial information to comply with the cooperative agreement provisions. The requirements at 2 CFR Part 200 govern all awards executed pursuant to this NOFO, including commercial/for-profit entities. Prior to award execution, you must submit a certification from an Independent Public Accountant or the cognizant government auditor, stating that your financial management system meets prescribed standards for fund control and accountability. Non-compliance with the applicable uniform administrative requirements and implementation of those requirements along with the cooperative agreement provisions may cause HUD to impose sanctions or restrictions or terminate your award.

**Budget form.** Due to the nature of the demand-response system, applicants responding to this NOFO will not know at the time of application the specific activities they will be asked to carry out over the course of the performance period, the location of the engagements, or their duration. Therefore, you will not submit a HUD-424-CBW or any other budget form with your application. A cooperative agreement without a formal budget can be executed if we have other specific information (e.g., the award amount, labor rates, and the activities you have the capacity to carry out).

**Administrative budget.** We require that a selected applicant participates in negotiations to determine an administrative budget. The administrative budget must clearly identify the labor, associated indirect costs, travel, and material and supply costs associated with your management of the award. The administrative budget must track the different sources of funding and associate administrative costs to each source.

**Maximum administrative and coordination cost limits.**

- Unless HUD's authorized official or a federal directive specifically provides otherwise, up to fifteen (15) percent of the award made under this NOFO may be used for the purpose of paying administrative and coordination costs. This includes up to five (5) percent of the award for coordination costs and up to ten (10) percent for administrative costs. Specific cost limits by award amount are negotiated between HUD and the selected applicant, before cooperative agreement execution and during the project period. Costs may be denied or modified if it is determined that they are not allowable, allocable, and/or reasonable.



The selected applicant must segregate administrative and coordination costs in separate cost centers.

## **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)).

- Affirmatively Furthering Fair Housing.

- 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. Uniform Relocation Act – Real Property Acquisition and Relocation Requirements. See 49 CFR part 24.

6. Participation in HUD-Sponsored Program Evaluation.

7. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

8. Drug-Free Workplace.

9. Safeguarding Resident/Client Files.

10. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) (Transparency Act), as amended.

11. Accessibility for Persons with Disabilities. See

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/disability\\_overview](https://www.hud.gov/program_offices/fair_housing_equal_opp/disability_overview)

12. Violence Against Women Act. See 24 CFR part 5, subpart L and applicable program regulations.

13. Conducting Business in Accordance with Ethical Standards/Code of Conduct.

14. Environmental Requirements, which include compliance with environmental justice requirements under Executive Order 12898.

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

In accordance with 24 CFR 50.19(b)(1), (b)(2), (b)(3), (b)(4), (b)(8), (b)(9), and (b)(13), activities funded under this NOFO are exempt or categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to environmental review under related laws and authorities.

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

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

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.

**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**

There are no program-specific reporting requirements.

### **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:

Madlyn Wohlman-Rodriguez

Phone:

202-402-5939

Email:

Madlyn.WohlmanRodriguez@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.**

A Finding of No Significant Impact (FONSI) with respect to the environment has been made for this NOFO in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

The FONSI is available for inspection at [HUD's Funding Opportunities](#) web page.

### **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

#### APPENDIX