



2019 NOTICE OF FUNDING AVAILABILITY

HOUSING PROGRAMS

PROPOSAL GUIDELINES

SECTION A. GENERAL INFORMATION

A.1 INTRODUCTION

The City and County of Denver’s Office of Economic Development (OED), Housing Division, receives annual allocations for the Community Development Block Grant (CDBG) Program, Home Investment Partnerships Program (HOME), and Housing Opportunities for Persons with AIDS (HOPWA) Program from the U.S. Department of Housing and Urban Development (HUD) to support programs or services that serve low and moderate-income residents seeking housing opportunities. In addition to federal funds, the Housing Division receives local funds through its dedicated Affordable Housing Fund that support housing development, preservation and programmatic assistance for low and moderate-income residents. Funding for the 2019 Notice of Funding Availability (NOFA) is expressly contingent upon final budget approval of the U.S. Congress, written authorization from HUD, and approval of the City and County of Denver Mayor and City Council.

The OED NOFA process specifically solicits proposals for projects that provide services or activities in the program areas of neighborhood public services and housing services. As a change from NOFAs published in recent years, this 2019 NOFA will be split into two separate NOFA processes, one each for Neighborhood Support Services and Housing. Therefore, this NOFA is only soliciting proposals for Housing programs or services, and does NOT solicit applications for Neighborhood programs. The Neighborhood or NOFA will be published separately, with a separate application process.

In addition, this NOFA does not solicit Neighborhood Improvements, Public Facilities and Improvements, Brownfield Environmental Clean-Up, Catalytic projects, Housing Development projects, or Small Business/Entrepreneurial Development lending. These projects accept applications for lending on a rolling, year-round basis depending on the availability of funds, and consequently, are NOT subject to the submittal requirements of this NOFA. Please see the chart below listing the various lending projects and the links to application and guideline resources.

OED Division	Application	Application and Guideline Links
Neighborhood Equity	Public Facilities and Improvements	Application
	Neighborhood Improvements	Application
	Brownfield Environmental Clean-up	Application
Housing	Catalytic Projects	Application and Instruction Materials
	Housing Services NOFA	Application
Business	Housing Development Projects	Application and Instruction Materials
	Small Business and Entrepreneurial Development Lending	Application and Instruction Materials

OED continues to implement the management system, *WizeHive*, which will simplify the application process. The online application allows program or service areas to use one document to gather general data and information. Completion of an application includes selection of a program or service area and activity (as applicable) which will guide specific questions and requirements related to the proposed program or service. Organizations may submit more than one program or service proposal. Additional proposals for different programs or services can be accessed after the first proposal has been submitted through the *WizeHive* system. Detailed instructions are provided in the **2019 Housing NOFA Proposal Checklist**, located on the [OED's funding opportunities website](#)

A.2 BACKGROUND

OED is dedicated to advancing economic prosperity for the City and County of Denver's businesses, neighborhoods, and residents through purposeful and intentional economic development that: broadens the tax base; stimulates balanced economic growth through business assistance, neighborhood revitalization and the development of a skilled workforce; and focuses on innovation, sustainability and education. OED works with a variety of community partners to achieve these goals.

In February 2018, City Council adopted Denver's new five-year comprehensive housing plan, [Housing an Inclusive Denver](#), to guide investment and policy strategies that address housing needs along the income continuum. The housing plan outlines four key goals to create inclusive communities in Denver:

- 1) Create affordable housing in vulnerable areas AND in areas of opportunity
- 2) Preserve affordability and housing quality
- 3) Promote equitable and accessible housing options
- 4) Stabilize residents at risk of involuntary displacement

The housing plan also outlines investment priorities along the income continuum:

- 40 - 50% of housing resources will be invested to serve people earning 30% and below of the area median income (AMI) and those experiencing homelessness who are seeking to access or maintain rental housing, including:
 - 20 - 25% of housing resources to serve residents experiencing homelessness
 - 20 - 25% of housing resources to serve residents earning 30% AMI and below
- 20 - 30% of housing resources will be invested to serve people earning 31% to 80% AMI who are seeking to access or maintain rental housing
- 20 - 30% of housing resources will be invested to serve residents seeking to become homeowners or remain in homes they already own

More specific investment priorities for a given year are outlined in annual action plans aimed at implementing the five-year plan and prioritizing investment strategies to align with current market conditions. Find *OED's Draft 2019 Housing Annual Action Plan* for more information on the agency's current investment priorities.

The 2019 Housing Programs NOFA specifically solicits proposals for programs or services that will fund activities in the areas indicated below. OED will make a final determination of the appropriate source based on funding availability and proposed program or service structure. In addition to the specific program or service areas outlined below, OED is seeking proposals for innovative housing programs or services that address the core goals and income targets outlined in [Housing an Inclusive Denver](#) and [Draft 2019 Housing Annual Action Plan](#).

Housing Programs or Services (may be eligible for federal or local funds)

- Housing Counseling (HC)
- Down Payment Assistance (DPA)
- Tenant/Landlord Rights and Related Housing Information and Referral Services (TLR)
- Rental Housing Access Modification Program (RHAMP)
- Emergency Home Repair (EHR)
- Single Family Rehabilitation Program (SFR)
- Tenant Based Rental Assistance (TBRA)
- Community Housing Development Organizations (CHDOs)
- Housing Opportunities for Persons with AIDS (HOPWA)
- Temporary Rental and Utility Assistance Program (TRUA)
- Innovative Housing Programs or Services

A.3 SCHEDULE OF EVENTS

2019 HOUSING PROGRAMS NOFA APPLICATION IS AVAILABLE

Friday, August 31, 2018

At <https://app.wizehive.com/apps/nofa2019Hsq>

2019 NOFA GENERAL INFORMATION MEETING

Wednesday, September 12, 2018 3:30 p.m. to 5:00 p.m.,

City and County Building, 1437 Bannock Street, Parr-Widener Community Room, Room 389, Denver, CO 80202

This will be a joint meeting to discuss both the Neighborhood Support Services NOFA and the Housing Services NOFA. Representatives from each division and other OED staff will share the City's Guiding Principles, OED priorities and regulatory requirements and address questions about the 2019 NOFA and its process.

QUESTIONS ON NOFA GUIDELINES DUE (MDT)

Monday, September 17, 2018 at 4:00 p.m.

Questions must be submitted via email at: OEDHousingProposals@denvergov.org

ADDENDUM TO NOFA RELEASED

Wednesday, September 19, 2018 at 4:00 p.m. (MDT)

OED will release via the [OED Funding Opportunities Website](#)

COMPLETED PROPOSAL SUBMISSION DEADLINE

Friday, September 28, 2018 at 4:00 p.m. (MDT)

A.4 APPLICATION, GUIDELINES, CHECKLIST AND ACRONYM REFERENCE, TERMS AND DEFINITIONS

OED continues to implement the grant management system *WizeHive* for the NOFA application process. All proposals must be submitted via the Wizehive system. Any application materials submitted outside the Wizehive application will not be accepted nor reviewed. The **Online Application** allows all program areas to use one document to gather general data and information; applicants must answer specific questions and requirements related to the proposed project. The application contains helpful background and clarifying information in yellow highlighted text boxes, while yellow highlighted question marks indicate that additional information is available. **All uploads except budgets must be in .pdf format; budgets must be uploaded as an Excel file (.xls or .xlsx).**

Data entered by organizations must be clear, concise, and realistic about performance objectives. Organizations may submit more than one project proposal. Additional proposals for different projects can be accessed after the first proposal has been submitted through the *WizeHive* system.

Three documents have been created to assist you in the application process. This **Proposal Guidelines** document provides background and instructions about the NOFA, a **Proposal Checklist** itemizes the documents to be downloaded and uploaded as attachments to the online application and defines the process to submit one or more project proposals. An **Acronym Reference, Terms and Definitions** document is also provided for clarification purposes. It is very important to have all three documents accessible when completing the application.

A.5 APPLICATION QUESTIONS

General questions regarding the 2019 Housing Programs NOFA will be addressed at the General Information Meeting (See A.3 – Schedule of Events). Technical questions (only) regarding use of the online application must be submitted in writing by email: OEDHousingProposals@denvergov.org

A.6 FUNDING SOURCES AND APPLICABLE RULES AND REGULATIONS

The CDBG, HOME, HOPWA, and Dedicated Affordable Housing Fund programs each have specific rules and regulations, applicable laws, etc. Applicants are strongly advised to become familiar with specific and appropriate program eligibility and overall requirements before submission of a proposal.

A limited list of sources includes:

- HUD Programs: <https://www.hud.gov/hudprograms> CDBG Program: HUD websites – <https://www.hudexchange.info/cdbg-entitlement/> and <https://www.hudexchange.info/resource/89/community-development-block-grant-program-cdbg-guide-to-national-objectives-and-eligible-activities-for-entitlement-communities/>
- HOME Program: HUD websites – <https://www.hud.gov/hudprograms/home-program> and <https://www.hudexchange.info/home/>
- HOPWA Program: HUD website - <https://www.hudexchange.info/hopwa/>
- HUD income limits: https://www.huduser.gov/portal/datasets/il/il2016/2016summary.odn?states=8.0&data=2016&inputname=METRO19740M19740*0803199999%2BDenver+County&stname=Colorado&statefp=08&year=2016&selection_type=county
- Dedicated Affordable Housing Fund: <https://www.denvergov.org/content/denvergov/en/denver-office-of-economic-development/housing-neighborhoods/DenversPermanentFundforHousing.html>
- Average cost per household for OED programmatic investments that promote access and stabilize residents based on 2017 investments-(See appendix 4 of draft *Housing an Inclusive Denver 2019 Action Plan*): [https://www.denvergov.org/content/dam/denvergov/Portals/690/Housing/DRAFT%20Public%20Review%20Draft%20-%202019%20Annual%20Action%20Plan%20\(2018%2008-02\).pdf](https://www.denvergov.org/content/dam/denvergov/Portals/690/Housing/DRAFT%20Public%20Review%20Draft%20-%202019%20Annual%20Action%20Plan%20(2018%2008-02).pdf)
- System for Award Management (SAM): <http://www.sam.gov>
- Colorado Secretary of State: <http://www.sos.state.co.us/pubs/business/businessHome.html>
- Davis Bacon Act: <https://www.hudexchange.info/resource/2541/making-davis-bacon-work-contractors-guide-prevailing-wage-requirements/>
- Section 3: http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/section3/section3
- Section 504: http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504
- Uniform Relocation Act: <https://www.hudexchange.info/programs/relocation/>
- Uniform Administrative Requirements 2 CFR Chapter I, Chapter II, Part 200: <https://www.federalregister.gov/documents/2013/12/26/2013-30465/uniform-administrative-requirements-cost-principles-and-audit-requirements-for-federal-awards>

Application reviews and awards are also contingent upon applicants being current to the City on any loan, contractual, or tax obligation as due, or with any rule, regulation, or provision on existing or past City contracts. The City complies with open record statutes and so proprietary information should be identified as such.

SECTION B. SCOPE OF SERVICES

B.1 HOUSING PROGRAMS OR SERVICES

The Housing program or service area is funded primarily by the CDBG program, the HOME Investment Partnership Program (HOME), Housing Opportunities for Persons with AIDS (HOPWA), and the Dedicated Affordable Housing Fund.

Applications awarded for Housing programs or services may be made for up to a period of two years and initial awards will be based upon 2019 budgets. However, contracts will be executed with a one-year term, with renewal for the second year at OED's discretion based upon satisfactory contractor performance and available funding. OED may in its sole discretion adjust the contract program year to better respond to the priorities of the Mayor and the City and County residents.

Applicants are required to collect and maintain documentation used to determine the eligibility of program beneficiaries.

B.1.1 Housing Counseling

The Housing Counseling Program is designed to provide direct housing services to low- and moderate- income households (at or below 80% area median income) for the purpose of supporting homeownership, asset building, and economic prosperity. Generally, these funds support homeownership education and counseling programs; foreclosure prevention; financial literacy; credit repair; and education regarding green sustainability. Additionally, this program provides resources and referral services to low- and moderate-income households to allow them access to housing information, opportunities, and education/information, i.e., foreclosure prevention, tenant rights, etc.

OED Housing Counseling Program Outcome:

- The draft *Housing an Inclusive Denver 2019 Action Plan* estimates that this program or service will provide access to an estimated 2720 households through housing counseling. If your organization has the capacity to serve more households than the target outcome listed for the program or service, please identify the total outcomes achievable by your organization and the city support necessary to meet this goal. Note, a target program outcome may be achieved through one or multiple contracts, but applicants seeking funding for a program or service must demonstrate how their proposed application will help meet or exceed this target.

Services to be provided:

Partner with other non-profit organizations to coordinate housing counseling services within the City and County of Denver for eligible households to:

1. Create a one-stop shop for homeownership services for the city.
2. Offer classes and individual counseling to residents to prepare for and maintain homeownership, including classes about predatory loans, foreclosure prevention and reverse-equity loans.
3. Market and promote homeownership counseling services to residents.
4. Refer customers to other resources, such as down payment assistance, and to lenders, real estate agents, and brokers with experience in working with low-income households.
5. Promote the City's deed-restricted properties as a homeownership option.

Fee Schedule:

All subrecipients applying for federal assistance are subject to the appropriate monitoring, guidelines, and indirect cost rates per 2 CFR Chapter I, Chapter II, Part 200.

B.1.2 Down Payment Assistance (DPA)

The Down Payment Assistance (DPA) program provides housing services to first-time and low- and moderate-income homebuyers in Denver, whose incomes do not exceed 80% of the Denver Area Median Income. The services are:

1. Issuance of down payment assistance;
2. Overall management and oversight for providing down payment and closing cost assistance; and
3. Servicing the proceeds from repayment of down payment loans.

OED DPA Outcome:

- The draft *Housing an Inclusive Denver 2019 Action Plan* estimates that this program or service will provide access to an estimated 20 households through down payment assistance. If your organization has the capacity to serve more households than the target outcome listed for the program or service, please identify the total outcomes achievable by your organization and the city support necessary to meet this goal. Note, a target program outcome may be achieved through one or multiple contracts, but applicants seeking funding for a program or service must demonstrate how their proposed application will help meet or exceed this target.
- Each household's aggregate mortgage payments should not exceed 30% of gross household income.

Services to be provided and responsibilities of the subrecipient:

1. Provide down payment and closing cost assistance to qualifying households who purchase a home in Denver using the following guidelines:
 - a. Eligible home buyers must commit at least \$1,000 of their own or other cash resources, and
 - b. The amount necessary to cover required down payment and closing costs may be provided, but may not exceed 5% of the purchase price for homes, or \$15,000, whichever is less.

2. Property Requirements: The purchase price of the home may not exceed 95% of the Denver-area median purchase price for existing and new construction, as published by the Department of Housing & Urban Development. Unit must be owner occupied.
3. Review the Good Faith Estimates provided by participants' first mortgagees to ensure that mortgages are affordable to the homebuyers and are amortized with payments of principal and interest over fixed terms and with fixed interest rates that are comparable to current market rates for the homebuyer's credit profile.
 - *General guidelines include monthly PITI, PMI and HOA fees should not be more than 30% of the household monthly gross income and back end ratios should not exceed 45%; applicant may deviate from these guidelines at its discretion if it can be documented that it was reasonable to do so.*
4. Refer participants to Colorado licensed lenders and real estate brokers who have knowledge of special programs or services that assist first-time and low-income home-buyers and that provide amortized fixed rate, fixed term loans (no ARMS, interest only, balloons, excess fees, or other exotic/non-traditional mortgages). Homebuyers may use a licensed lender of their choice provided that the loan terms meet the requirements contained in this NOFA and the future applicable Scopes of Services.
5. Prior to receiving down payment assistance, participants must attend a housing counseling class offered by any HUD-certified housing counseling agency in or outside of Denver – confirm and verify attendance.
6. Refer participants to other programs or services that offer home-buying services, such as credit counseling, financial planning and other similar programs or services as necessary.
7. Certify income of participants to receive assistance and collect other demographic information by having participants complete the *STATEMENT OF INCOME AND DEMOGRAPHIC INFORMATION* form, which will be provided by OED.
8. Conduct follow-up survey with participants who purchased homes following receipt of assistance. At least 25% of the participants will be surveyed using valid survey methodology techniques after six months of their home closing dates. Bi-lingual surveys will be made available, as necessary. The survey shall determine if the owners are able to maintain timely monthly mortgage payments, maintain upkeep of the exterior and interior of the property and able to make necessary repairs.
9. Develop partnerships and maintain relationships with like agencies to enhance program or service delivery and avoid duplication of services.
10. **Loan Servicing Option:** Provide ongoing loan servicing for all homebuyer loans under this program or service, including, but not limited to, collecting payments, providing amortization schedules, mailing of late/default notices, mailing year-end tax statements, etc., Program income may be utilized from loan repayments and recaptured amounts to make additional loans (loan terms stated herein shall apply) until further notice from the City and County of Denver. However, all additional loans issued from repayments and recaptured amounts must continue to be reported to the City and County of Denver until loans have been repaid.
 - a. All loans must be amortized over 30 years. The following loan terms must be offered to homebuyers:
 - 1) Repayment beginning one month after closing with an interest rate of 2% over a 30-year repayment period, or
 - 2) Five-year deferral period with an interest rate of 0% during the deferral period and 4% interest rate during a 25-year repayment period, or
 - 3) For homes purchased with a Denver deed restriction that restricts resale price of homes and the income of purchasers: Loan amount is the lesser of 5% of the sales price or \$15,000; interest rate of 0% for 30 years; all payments deferred for 5 years.
11. **Non-Loan Servicing Option:**
 - a. Applicants may forgo the loan servicing option and may instead offer repayment of the assistance at the time of title transfer – this includes reassignment of Deed and refinancing. The assistance must be paid in full at the time of transfer and the interest rate will be 0%.
12. **Recapture Agreements:** A Recapture Agreement (“Agreement”) must be recorded with the Denver Clerk and Recorder’s Office in conjunction with the receipt of HOME down payment assistance issued.
13. Applicants must monitor ongoing compliance to HOME requirements for the period of affordability outlined in the Recapture Agreements through annual monitoring of ownership and occupancy.
14. **Loan Requirements:** The amount necessary to cover required down payment and closing costs may be provided, but may not exceed 5% of the purchase price for homes, or \$15,000, whichever is less, and each household’s aggregate mortgage payments should not exceed 30% of gross household income.

15. **Prohibition of Fees:** No associated fees may be charged in conjunction with the issuance of down payment assistance and closing costs. Prohibited fees include loan servicing, origination, or other fees related to the cost of administering the HOME program.

Note: No loan terms other than those detailed above are allowable or acceptable under this NOFA or this program or service.

B.1.3 Tenant/Landlord Rights and Referral Services (TLR)

Using a central telephone number, the Tenant/Landlord Rights and Referral Services program provides assistance to low- and moderate-income Denver residents in resolving their housing problems. The program's referral assistance offers dispute resolution information, referrals for legal assistance, and access to alternative housing.

TLR Program Outcome

- The draft *Housing an Inclusive Denver 2019 Action Plan* estimates that this program or service will stabilize an estimated 2700 households through education on tenant/landlord rights and referral services. If your organization has the capacity to serve more households than the target outcome listed for the program or service, please identify the total outcomes achievable by your organization and the city support necessary to meet this goal. Note, a target program outcome may be achieved through one or multiple contracts, but applicants seeking funding for a program or service must demonstrate how their proposed application will help meet or exceed this target.

Services to be provided:

1. Provide information on landlord/tenant rights and responsibilities and fair housing laws.
2. Provide referrals and information to low income persons facing condominium conversions, building sale, increased rents, utility shut off and increases, eviction procedures, security deposit refunds.
3. Assist Denver residents in resolving housing issues with information on dispute resolution, referrals to legal assistance, and access to housing opportunities within the City and County of Denver.
4. Identify emergency housing resources for the elderly, single parents, disabled and indigent, and landlord/tenant concerns.
5. Maintain an extensive library of printed materials concerning landlord/tenant rights, fair housing, subsidized family housing available on website or mailed upon request.
6. Arrange community outreach that provides periodic landlord/tenant rights presentations to young adults, elderly groups, single parents, the homeless or near homeless, and groups serving the disabled population.
7. Distribute fair housing brochures to landlords, tenants, realtors, and target populations such as people with disabilities and single parents.
8. Ensure information on fair housing laws is available through community education, brochures, and personal contact and public service announcements.
9. Maintain and utilize a database of housing listings within the Denver area to assist individuals and families locate an appropriate housing situation.
10. Work towards homelessness prevention by providing information and brief interventions that can provide people the tools to deal with issues that may lead to homelessness (major issues of homelessness are: eviction, harassment, domestic violence, and financial issues in renting).
11. Utilize innovative methods of helping people to find housing such as provide information on the agency website including sample letters and links to other resource sites, providing information on being effective renters, and coordinating with community agencies to provide thorough client resource information.
12. Maintain daily logs of client contacts with clients self-reporting their income and demographic information for data points required to be collected for HUD.
13. Refer to Housing & Urban Development (HUD) income guidelines in assisting low and moderate-income clients.

Fee Schedule:

All subrecipients applying for federal assistance are subject to the appropriate monitoring, guidelines, and indirect cost rates per 2 CFR Chapter I, Chapter II, Part 200.

B.1.4 Rental Housing Access Modification Program (RHAMP)

The intent of this activity is to provide eligible households with accessibility improvements to their rental/owner-occupied housing. The household income of eligible applicants cannot exceed 50% of the area median income as defined by Section 8. Eligible households must have a person with disabilities who meets the Americans with Disabilities Act (ADA) definition of disability. Eligible renter households must have a 12-month lease with their landlords in order to participate in RHAMP.

OED RHAMP Outcome:

- The draft *Housing an Inclusive Denver 2019 Action Plan* estimates that this program or service will stabilize an estimated 20 households with accessibility improvements for people with disabilities. If your organization has the capacity to serve more households than the target outcome listed for the program or service, please identify the total outcomes achievable by your organization and the city support necessary to meet this goal. Note, a target program outcome may be achieved through one or multiple contracts, but applicants seeking funding for a program or service must demonstrate how their proposed application will help meet or exceed this target.

Services to be provided and responsibilities of the subrecipient:

1. Accept all applications for RHAMP;
2. Determine applicants' eligibility, including disabilities, and approve or deny grants;
3. Verification of disability can be determined through visual observation, self-identification and viewing of medical records. Both the program applicant and the RHAMP coordinator will sign a "Participation Eligibility Determination" form attesting to disability;
4. Prior to commitment of funding and before any construction contracts are signed to perform rehabilitation work on the property, an environmental review that results in a determination that the property is in compliance with the National Environmental Compliance Act will be conducted.
5. If the program or service is assisting a rental unit:
 - a. Collect and file a copy of the applicant's lease. The minimum lease term is 12 months.
 - b. Obtain and file a waiver for modifications signed by the landlord.
6. Maintain a list of approved contractors;
7. Determine rehabilitation needs and develop comprehensive work specifications;
8. Structure contractor bidding process;
9. Prepare contractor and client documentation;
10. Monitor all activities related to the rehabilitation of the unit;
11. Comply with lead-based paint regulations and ensure that tenants, owners and contractors are aware of their rights, responsibilities and options;
12. Maintain program or service activity records and produce reports as set forth in the contract;
13. Inspect each rehab once completed with the contractor and the RHAMP coordinator and sign off on the job being completed as stated in the description of work;
14. Ensure that all City permitting and ADA standards are met;
15. Actively market the program and maintain a list of eligible participants; and
16. Comply with the requirements of Section 3.

Fee Schedule:

All subrecipients applying for federal assistance are subject to the appropriate monitoring, guidelines, and indirect cost rates per 2 CFR Chapter I, Chapter II, Part 200.

B.1.5 Emergency Home Repair Program (EHR)

The intent of this program is to provide no-interest emergency repair loans to income qualified homeowners in the City and County of Denver. This is an emergency repair program; not a general maintenance program. The EHR program provides no-interest, deferred loans to homeowners with household incomes at or below 50% of the area median income as defined annually by HUD throughout the City and County of Denver whose houses require emergency repair(s). The residence must be a single family detached or duplex home. Other units such as triplexes, condominiums and townhouses may be considered with written approval of the OED Program Specialist. These funds are to be used throughout the City as needed and are not limited to the City's target neighborhoods. The maximum income of households served cannot exceed 50% of AMI. Annually defined HUD Income guidelines are applied to determine EHR eligibility.

OED EHR Program Outcome:

- The draft *Housing an Inclusive Denver 2019 Action Plan* estimates that this program or service will stabilize 100 households through critical emergency repairs. If your organization has the capacity to serve more households than the target outcome listed for the program or service, please identify the total outcomes achievable by your organization and the city support necessary to meet this goal. Note, a target program outcome may be achieved through one or multiple contracts, but applicants seeking funding for a program or service must demonstrate how their proposed application will help meet or exceed this target.

Services to be provided and responsibilities of the subrecipient:

1. Maintain a list of certified contractors;
2. Advertise annually for contractors;
3. Develop and implement a fair marketing campaign to advertise and market the program or service;
4. Accept applications and maintain records;
5. Determine applicant eligibility and collect source documentation. Income shall be determined based on the IRS definition of adjusted gross income as defined for reporting on IRS Form 1040;
6. Determine if the property is located within 100-year floodplain; verify floodplain insurance as required;
7. Prior to commitment of funding and before any construction contracts are signed to perform rehabilitation work on the property, an environmental review that results in a determination that the property is in compliance with the National Environmental Compliance Act will be conducted;
8. Underwrite and approve loans;
9. Verify and evaluate the emergency and determine corrective action;
10. Structure contractor bidding and selection process;
11. Prepare loan documentation;
12. Monitor rehabilitation activity;
13. Disburse loan proceeds;
14. Service the loans;
 - a. Provide ongoing servicing for loans provided to homeowners under this program, including collection of payments.
 - b. Conduct fund management activities including quarterly reporting on fund status (loan status, program income (loan repayments) and unused funds to be loaned or granted).
15. Schedule and conduct a final inspection.
16. Develop implementing guidelines
17. Only the defects listed in items a - i below qualify for repair under the EHR Program. Other services may be allowed in the separate SFR Program as described above. **Specific defects that qualify as an "emergency":**
 - a. Sewer system failure, or broken sewer piping between house and city main sewer;
 - b. Exceptionally unsanitary or unsafe conditions;
 - c. Loss of utilities (gas, electricity and/or water);
 - d. Furnaces that have been deemed inoperable or a hazard to the occupants;
 - e. Leaking roofs which threaten habitability of the structure;
 - f. Malfunctioning or inoperable water heaters;
 - g. Plumbing failure;
 - h. Electrical failure or hazard; and
 - i. Removal of asbestos in association with Veterans Green Jobs furnace installation.

Fee Schedule:

All subrecipients applying for federal assistance are subject to the appropriate monitoring, guidelines, and indirect cost rates per 2 CFR Chapter I, Chapter II, Part 200.

B.1.6 Single Family Rehabilitation Program (SFR)

The intent of the SFR program is to provide low- and no-interest rehabilitation loans to income qualified homeowners. The SFR program is designed to make loans up to \$24,999 (of which a minimum of \$5,000 must be utilized for improvements to the exterior of the home) available to low- and moderate-income homeowners who occupy their home as their principal residence. Loans may be made in an amount not to exceed \$35,000 to address critical repairs and lead based paint abatement that requires funds in excess of \$24,999. Critical repairs are to include major building systems (plumbing heating and electrical), structural issues, windows and roofing. Interest rates for the SFR loans will be either no-interest deferred payment loans, or 1% interest loans amortized over 20 years. The focus of the SFR program is the rehabilitation of owner-occupied single family detached and duplex homes throughout the City and County of Denver. In all cases, the borrower must qualify as a low- to moderate-income homeowner, within the limits defined annually by the U.S. Department of Housing and Urban Development (HUD) for households with annual incomes at or below 80% of the area median.

Loans will be secured by a mortgage lien on the property. The mortgage lien will be similar to any security agreement for a long-term home improvement loan.

OED SFR Outcome:

- The draft *Housing an Inclusive Denver 2019 Action Plan* estimates that this program or service will stabilize 25 households through home rehabilitations. If your organization has the capacity to serve more households than the target outcome listed for the program or service, please identify the total outcomes achievable by your organization and the city support necessary to meet this goal. Note, a target program outcome may be achieved through one or multiple contracts, but applicants seeking funding for a program or service must demonstrate how their proposed application will help meet or exceed this target.

Services to be provided and responsibilities of the subrecipient:

1. Maintain a list of certified contractors;
2. Advertise annually for contractors;
3. Develop and implement a fair marketing campaign to advertise and market the program or service to gain broader participation in the community;
4. Work with OED to identify target or priority areas
5. Accept applications from eligible homeowners and maintain records;
6. Determine applicant eligibility and collect source documentation. Income shall be determined based on the IRS definition of adjusted gross income as defined for reporting on IRS Form 1040;
7. Verify homeowners' insurance;
8. Determine if the property is located within 100-year floodplain; verify floodplain insurance as required;
9. Prior to commitment of funding and before any construction contracts are signed to perform rehabilitation work on the property, an environmental review that results in a determination that the property is in compliance with the National Environmental Compliance Act will be conducted;
10. Perform due diligence and underwrite each loan. Approved deferred loans must not to exceed 125% Loan to Value; Approved payback loans must not exceed 97% Loan to Value;
11. Determine rehabilitation needs and develop comprehensive work specifications;
12. Structure contractor bidding and selection process in a competitive manner;
13. Prepare loan documentation;
14. Monitor rehabilitation activity;
15. Disburse loan proceeds;
16. Service the loans:
 - a. Provide ongoing servicing for loans and grants provided to homeowners under these programs, including collection of payments, mailing out late/default notices, etc.;
 - b. Fund management activities include quarterly reporting on fund status (loan status, program income (loan repayments) and unused funds to be loaned or granted);
17. Ensure compliance with all program guidelines and federal regulations;
18. Schedule and conduct a final inspection. When a conflict between DURA, the homeowner and/or the contractor arises, an OED inspector will participate in the final inspection;
19. Conduct follow-up survey with participants who received assistance;
20. Develop Implementing Guidelines.

Eligible Priority Items that must be addressed (if necessary):

1. Lead-based paint mitigation or abatement in properties built before January 1, 1978
2. Roofs
3. Unstable foundations
4. Mechanical, i.e. faulty furnaces, water heaters, etc.
5. Electrical
6. Plumbing
7. Sewer system failure, or broken sewer piping between house and city main sewer
8. Windows, doors, storm windows, insulation and weather-stripping
9. Exterior paint
10. Unsafe or unsanitary conditions, i.e. dilapidated porches, unsanitary kitchens, unsafe steps and railings
11. Infestation

Other Eligible Items:

1. Handicap accessibility such as ramps and retrofitted bathrooms and kitchens
2. Sidewalks and driveways that are hazardous to occupants
3. Floor coverings that cause severe tripping hazards
4. Interior paint
5. Fencing

Ineligible Items:

1. Construction or rehabilitation of garages
2. Luxury type of improvements (i.e. swimming pools, hot tubs, etc.)
3. Improvements that are not a permanent part of the property such as free-standing refrigerators or stoves
4. Existing debt service
5. Public improvements

Property Eligibility:

In addition to the required services listed above, all assisted properties shall meet the following criteria/guidelines:

1. Prior to commitment of funding and before any construction contracts are signed to perform rehabilitation work on the property, an environmental review that results in a determination that the property is in compliance with the National Environmental Compliance Act will be conducted.
2. Eligible properties must be single family detached or duplex homes
3. Total debt on property may not exceed 97% (payback loans) or 125% (deferred loans) LTV.
4. Improved properties shall be rehabbed according to rehab guidelines/specifications and in compliance with all applicable housing building and maintenance codes, fire prevention and other public standards.
5. The post improvement value of the properties must not exceed 95% of the median purchase price for Denver as defined by HUD.

Ineligible properties are:

1. Properties containing more than 2 units
2. Properties intended for investment
3. Properties intended for recreational use
4. Properties where a portion of the residence is specifically designed for a commercial use or properties where 50% or more of the total area of the residence is used in a trade or business.

Beneficiary Eligibility:

An eligible beneficiary is one that satisfies all of the following criteria:

1. Must not have previously received financing through this loan program for the previous 10 years
2. Must be current on loan payments and up to date on real estate taxes
3. Must have a gross household income at or below 80% area median income levels as adjusted for the City and County of Denver area listed by HUD (income verifications to be conducted using the IRS definition of adjusted gross income as defined for reporting on IRS Form 1040). Income calculations must be conducted no more than 6 months prior to start of rehabilitation
4. Must not have liquid assets in excess of \$25,000
5. Must have occupied the property as an owner occupant for no less than 6 months prior to start of rehabilitation

Fee Schedule:

All subrecipients applying for federal assistance are subject to the appropriate monitoring, guidelines, and indirect cost rates per 2 CFR Chapter I, Chapter II, Part 200.

B.1.7 Tenant Based Rental Assistance (TBRA-HOME)

The Tenant-Based Rental Assistance (TBRA) Program, funded through federal HOME Investment Partnership Program funds provides assistance in the form of a rent voucher to eligible residents who are experiencing homelessness, or those at risk of homelessness, with household incomes not greater than 60% AMI.

The rental unit where the voucher would be used must meet federal Housing Quality Standards (HQS) and applicable City and County of Denver building codes. TBRA unit rents and utilities may not exceed the OED Rent Standard. OED uses the Denver Housing Authority's utility allowance rates and payment standards, available at:

<http://www.denverhousing.org/section8/Pages/S8PaymentStandards.aspx> Applicable HOME Program requirements are available at:

<http://www.ecfr.gov/cgi-bin/text-idx?SID=6d04cd92bc21b2d4366bcb3d1a5bb87a&node=24:1.1.1.1.41&rgn=div5>

Lead-based paint hazard evaluation and reduction regulations also apply and can be found at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/enforcement/lshr

OED TBRA program Outcome:

- The draft *Housing an Inclusive Denver 2019 Action Plan* estimates that this program will provide access to an estimated 60 households through tenant based rental assistance. If your organization has the capacity to serve more households than the target outcome listed for the program or service, please identify the total outcomes achievable by your organization and the city support necessary to meet this goal. Note, a target program outcome may be achieved through one or multiple contracts, but applicants seeking funding for a program or service must demonstrate how their proposed application will help meet or exceed this target.
- This program will provide permanent housing solutions for 70% of participants upon exiting the program at no more than 30% of their annual income.

Services to be provided and responsibilities of the subrecipient:

1. Provide overall management and oversight for a HOME-funded voucher program to assist low-income households at risk of homelessness;
2. Accept all applications for TBRA;
3. Determine applicants' income eligibility and collect source documentation. Annual income shall be determined as outlined in 24 CFR 92.203, and as defined at 24 CFR 5.609 (Part 5 annual income);
4. Recertify household eligibility annually;
5. Verify rental rates to be at or below the applicable OED Rent Standards published annually by OED;
6. Require a minimum tenant investment of \$25 per month towards the rental rate total;
7. Determine rent reasonableness according to program guidelines;
8. Verify that no household members have convictions of arson, manufacturing methamphetamines, or any sexual related offense requiring registration;
9. Ensure compliance with annual Housing Quality Standards (HQS) inspections;
10. Comply with lead-based paint regulations and ensure that tenants, owners and contractors are aware of their rights, responsibilities and options;
11. Maintain program activity records and produce reports as set forth in contract;
12. Actively market the program and maintain a list of eligible participants;
13. Evaluate successful applicants for other non-housing services needs; and
14. Provide or coordinate the provision of case management services based on applicant need.

Fee Schedule

All subrecipients applying for federal assistance are subject to the appropriate monitoring, guidelines, and indirect cost rates per 2 CFR Chapter I, Chapter II, Part 200.

B.1.8 Community Housing Development Organizations (CHDOs)

As authorized under CFR 92.208(a), jurisdictions may use up to 5% of their HOME allocation to fund the core-operating expenses of Community Housing Development Organizations (CHDOs). A CHDO may apply for no more than \$50,000 or 50% of its total annual budget, whichever is less. Funding will be contingent upon the City's allocation of HOME funds by HUD for 2019, a fully executed agreement between your organization and the City, and your organization's continued certification as a CHDO for 2019.

A CHDO is a non-profit organization that meets the following criteria:

1. Organized under state law;
2. Designated as a 501(c)(3) or 501(c)(4) organization, or has Section 905 status under the IRS statute;
3. Has among its mission to develop housing that is affordable to low- and moderate- income persons;
4. Has a clearly defined service area (cannot include the entire State);
5. Board of Directors contains at least one-third of its members as representatives of the low-income community and no more than one-third of its members as representatives of the public sector;
6. Has a process by which input is received by the low-income community (other than board input) on the design, location and management of affordable housing;
7. Has the capacity to develop affordable housing;
8. Has a history of serving the community in which it intends to develop affordable housing;
9. Will develop affordable housing utilizing HOME funds within 24 months of receiving operating support, and
10. Re-certification as a Denver CHDO must be completed before 2016 funds are awarded. Documents required for re-certification are listed below. Applicants requesting CHDO support must provide documentation and narrative responses requested in Parts I and II below.

OED CHDO Outcome:

- The intent of these funds is for development staff salaries leading to an eligible set-aside HOME development within 24 months.

Part I: CHDO Certification

In addition to the required documents provided on the general application, CHDO's will be required to produce additional information for evaluation and certification. Please select the "CHDO" option on the application to submit these documents. The process to obtain and/or verify CHDO certification requires the submission and OED approval of the following documents:

1. Mission Statement;
2. Charter, Articles of Incorporation, by-laws or resolution of the board showing among the organization's purposes the commitment to provide decent housing that is affordable to low- and moderate-income persons;
3. Certificate of Good Standing with the State of Colorado;
4. Statement of the organization's clearly defined service area (cannot be the whole state);
5. IRS letter indicating that the organization is a tax-exempt organization under 501(c)(3), 501(c)(4), or Section 905;
6. List of Board of Directors. Include each member's name, contact information, agency name, if applicable, and indication of which of the following groups each member represents:
 - a. Low-Income Representative: At least one-third of the board membership must be representative of the low-income community;
 - b. Public Sector Representative: No more than one-third of the board membership may be representatives of the public sector (this includes public sector employees) or persons appointed by a public official to serve on the organization's board. Public sector representatives who are low-income may not be counted toward meeting the one third requirement for low-income representation;
 - c. Other: The balance is unrestricted and may include people such as human and social service providers, lenders, individuals with access to philanthropic resources, or others willing to contribute their professional expertise;
7. Statement of whether the organization is sponsored by a for-profit entity (additional requirements apply. OED can provide further details);
8. List of key staff with development experience. List name, title and short description of duties, employment status (full or part-time), length of employment at the organization, and total years of housing development experience (a resume may be submitted to document past experience); and

9. Written process for low-income input: Provide written process for low-income program beneficiaries to advise the CHDO on design, location of sites, development and management of affordable housing. This must be part of the organization's by-laws or a Board resolution. This requirement is not met solely by having low-income representation on the board.

Part II: CHDO Core-Operating

Support General Regulatory

Requirements:

1. A CHDO may not receive HOME funding, in any given year, in an amount that provides more than 50% of its total operating expenses or \$50,000, whichever is less.
2. A CHDO that receives operating support must plan to receive funding from Denver's 15% CHDO set-aside for investment in housing that will be developed, sponsored or owned by the CHDO. The CHDO must meet this requirement within 24 months of receiving CHDO operating funds.
3. The contracts between the City and County of Denver and a CHDO will be for one year. Only operating expenses incurred during the contract period (January 1 – December 31, 2016) will be eligible for reimbursement.

Programmatic Parameters:

1. Amount of funds requested.
2. Proposed use of HOME funds. Include the entire budget line item and percent to be funded by this grant. Also indicate source of funds for any and all amounts not funded by this grant. (For 2019, OED will only consider CHDO operating fund awards to those organizations that are qualifying CHDO's and have specific development projects identified. These development projects must qualify for CHDO set-aside criteria and produce new HOME units within the next 24 months. Requests for operating funds not specifically targeted to a specific HOME CHDO set-aside project will not be considered).
3. How the proposed use will be funded if the full request is not granted?
4. How the HOME funding will assist the organization in developing housing for low-income households?

B.1.9 Housing Opportunities for Persons with AIDS (HOPWA)

The Housing Opportunities for Persons with AIDS (HOPWA) program is dedicated to addressing the housing needs of persons living with HIV/AIDS and their families. Persons living with HIV/AIDS and their families may require housing that provides emergency, transitional, or long-term affordable solutions. The 2019 NOFA provides funding for a variety of HOPWA programs and services to provide short-and long-term rental assistance, permanent housing placement assistance, eviction/foreclosure prevention, and other supportive services to address needs of persons who are living with HIV/AIDS and related challenges. The City partners with non-profit organizations and housing agencies to provide housing and support to beneficiaries.

Tenant Based Rental Assistance (TBRA): The Tenant Based Rental Assistance Program will provide housing assistance to eligible households. TBRA meets the needs of participants by subsidizing the difference between total rent and the monthly tenant rent (based on Tenant Rent Calculation Worksheet or other approved form), to be calculated and tracked by staff, or the referring agency, and paid out by DCAP.

Short Term Rent Mortgage Utility Assistance (STRMU): The STRMU Program will provide housing assistance to eligible households for up to 21 weeks of assistance in a 52-week period. This program is designed to prevent homelessness by assisting to retain long-term, stable, permanent housing options for households that might otherwise lose their housing. This program provides STRMU in the form of eviction/foreclosure prevention.

Supportive Services: Collaboration with other case management services offered such as referrals to healthcare, support around adherence to healthcare and treatment, referrals to mental health and substance abuse counseling, referrals to support groups and psycho-educational workshops, housing resources and referrals, and vocational assistance. The services are targeted to participants that live in HOPWA-supported, Section 8, and other privately-owned housing. Case managers assigned directly to participants will help to ensure that they maintain a stable housing environment. The case managers will work closely with landlords and developers as well as the participants so that

they remain in their homes as long as possible. Participants will have access to referrals for substance abuse and mental health treatment counseling, if they have a need for those services.

Permanent Housing Placement (PHP): The PHP Program will provide deposit/move-in assistance to eligible participants.

Metropolitan Area: Services may provide assistance to individuals living within the Denver Eligible Metropolitan Statistical Area (EMSA), which includes, and is exclusive to Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, and Park counties.

OED HOPWA Outcomes:

- The draft *Housing an Inclusive Denver 2019 Action Plan* estimates that this program or service will provide access to an estimated 580 households through TBRA, STRMU, Supportive Services, and PHP. If your organization has the capacity to serve more households than the target outcome listed for the program or service, please identify the total outcomes achievable by your organization and the city support necessary to meet this goal. Note, a target program outcome may be achieved through one or multiple contracts, but applicants seeking funding for a program or service must demonstrate how their proposed application will help meet or exceed this target.

Fee Schedule:

All subrecipients applying for federal assistance are subject to the appropriate monitoring, guidelines, and indirect cost rates per 2 CFR Chapter I, Chapter II, Part 200.

B.1.10 Temporary Rental and Utility Assistance (TRUA) Program

The Temporary Rental and Utility Assistance (TRUA) program is designed to mitigate displacement by assisting low- and moderate-income residents experiencing a housing crisis, including economic pressures, unsafe housing conditions, or potential eviction, maintain stability through rental and utility assistance. Additionally, this program will provide housing counseling and benefit navigation services, including, but not limited to: landlord communication and relationship building, client education, referrals to additional agencies and services, and sustainability plan development.

OED Housing Counseling Program Outcome:

- The draft *Housing an Inclusive Denver 2019 Action Plan* estimates that this program or service will stabilize an estimated 600 households through rental and utility assistance, housing counseling, and benefit navigation. If your organization has the capacity to serve more households than the target outcome listed for the program or service, please identify the total outcomes achievable by your organization and the city support necessary to meet this goal. Note, a target program outcome may be achieved through one or multiple contracts, but applicants seeking funding for a program or service must demonstrate how their proposed application will help meet or exceed this target.

Services to be provided:

1. Rental assistance to eligible households.
2. Utility assistance to eligible households.
3. Housing counseling and benefit navigation services to eligible households participating in the TRUA program

Fee Schedule:

The administrative overhead for managing the TRUA program cannot exceed 10% of the total program budget.

B.1.11 Innovative Housing Programs or Services

OED is seeking applications for innovative housing programs or services that address the core goals and income targets outlined in [Housing an Inclusive Denver](#) and [Draft 2019 Annual Action Plan](#). Based on current market conditions, OED will prioritize applications for programs or services that stabilize residents at risk of displacement, align with the priorities of the [draft 2019 Action Plan](#), and leverage additional funds.

Requirements for proposed programs or services:

- Shall not have an administrative overhead that exceeds 10% of the total budget
- Must serve residents at or below 80% AMI
- The outcome of the program or service must be either to promote access to housing or to stabilize residents at risk of displacement
- Must fill a gap or unmet need of the programs listed above

Applicants for innovative housing programs must address whether and how per household costs would differ from comparable existing programs as applicable. Applicants must also provide research, documented community input, or similar information supporting how the proposed program would address a housing need not currently met in Denver.

SECTION C: ADDITIONAL APPLICABLE REGULATIONS

C.1 ACCOUNTING SYSTEMS AND AUDITS

Organizations awarded funds will be required to provide accounting system and audit-related information based upon the amount of the OED grant and the expenditure of federal assistance in the entity's annual fiscal year.

C.2 DAVIS-BACON ACT

Contracts with the City and County of Denver, Office of Economic Development may or may not be subject to The Code of Federal Regulation Title 29 Part 5 also known as the Davis Bacon Act. The Davis-Bacon Act requires the payment of prevailing wage rates (as determined by Department of Labor) to all laborers and mechanics on construction projects in excess of \$2,000. For Davis Bacon purposes, the definition of laborers and mechanics means anyone who is performing construction work on the project including trade journeyman (for instance, carpenters, plumbers, sheet metal workers.) The definition for construction includes alteration and or repair of public buildings or public works such as alteration, repair, painting and decorating of public buildings or public works. In addition, Davis Bacon includes two other laws:

1. The Contract Work Hours and Safety Act (CWSSA) requires payment of overtime at time and a half.
2. The Copeland Act which makes it a federal crime for an employer to require kickbacks from employees.

C.3 SECTION 3

The requirements of Section 3 apply to contractors or subcontractors that receive HUD Community Planning and Development funding in excess of \$100,000 for Section 3 covered projects/activities. Section 3 covered projects are those investments into activities involving housing construction, demolition, rehabilitation, or other public construction—i.e., roads, sewers, community centers, etc. Accordingly, the applicant must attempt to reach the Section 3 minimum numerical goals found at 24 CFR Part 135.30 by:

1. Awarding 10% of the total dollar amount of all covered construction contracts to Section 3 businesses;
2. Offering 30% of new employment opportunities to Section 3 businesses.

Section 3 is triggered when the normal completion of construction and rehabilitation projects creates the need for new employment, contracting, or training opportunities. Each applicant (and their covered contractors and subcontractors) are required to comply with the requirements of Section 3 for *new* employment, training, or contracting opportunities resulting from the expenditure of covered funding.

C.4 SECTION 504

Funding under this NOFA is subject to Section 504 of the Rehabilitation Act of 1973. Programs or services funded by HUD cannot discriminate against persons with disabilities. Applicants must allow persons with disabilities to fully participate in programs or services. Applicants may be required to modify policies, practices and services so that persons with disabilities may participate in programs and benefit from services. Recipients of HUD financial assistance must take all steps necessary to ensure that their programs, services and activities comply with Section 504 to the maximum extent possible.

However, a recipient is not required to take steps that it can demonstrate will cause an undue financial and administrative burden or change the fundamental nature of the program or service.

C.5 UNIFORM RELOCATION ACT

The Uniform Relocation Act (URA) is implemented under 49 CFR Part 24. URA's protections and assistance apply to the acquisition, rehabilitation or demolition of real property when CDBG or HOME funds are used in the project. The URA establishes minimum standards for eligibility and relocation in cases where acquisition, rehabilitation or demolition displaces persons from their homes or businesses.

Applications for the Down Payment Assistance program, the Single-Family Rehabilitation program, the Emergency Home Repair program and the Renter/Homeowner Access Modification program under Housing Services must summarize the applicant's policy and procedures regarding relocation. For example, the Down Payment Assistance policy must demonstrate that beneficiaries will be discouraged from selecting tenant-occupied homes where the tenant may be displaced as a result of the federal funds being used for the acquisition. Additionally, the procedures must include completion of the Seller/Buyer Certificate that verifies the property is owner-occupied and that the seller is

willingly selling the property to the DPA buyer. Applications for the Rehabilitation programs must summarize the applicant's policy and procedures that provide for the occupant should they be temporarily displaced from their residence for longer than one day.

C.6 CONTRACT REQUIREMENTS

As part of the City contracting process, there are several requirements that are mandatory for all contractors:

- All contractors receiving an award of funds will be required to execute a contract with the City. Sample contracts are listed below by funding type:
- CDBG Services Agreement
http://denvergov.org/content/dam/denvergov/Portals/690/Funding%20Opportunities/R1%20CDBG_Services%202018.08.28.docx
- HOME Services Agreement
http://denvergov.org/content/dam/denvergov/Portals/690/Funding%20Opportunities/R2%20HOME_Services%202018.08.28.docx
- HOPWA Services Agreement
http://denvergov.org/content/dam/denvergov/Portals/690/Funding%20Opportunities/R3%20HOPWA_Services%202018.08.28.docx
- CDBG Part II
<http://denvergov.org/content/dam/denvergov/Portals/690/Funding%20Opportunities/R4%20CDBG%20PART%20II%20Eff%2082918.pdf>
- HOME Part II
<http://denvergov.org/content/dam/denvergov/Portals/690/Funding%20Opportunities/R5%20HOME%20PART%20II%20Eff%2082918.pdf>

All Proposers are strongly advised to seek legal counsel to review the agreement. The City reserves the right to accept or reject in its sole discretion any proposed modifications to the sample contract. The City reserves

the right to modify any term or condition of the draft Agreement, and to add, delete or modify terms and conditions as deemed necessary, prior to execution of a final agreement. Applicants will be presumed to have submitted their applications based upon all the information set forth in the contract and in a manner fully cognizant of the requirements of the contract. The City reserves the right to contemporaneously negotiate the final terms of the proposed contract with the selected contractors. If the City is unable to reach an agreement as to final contract terms with any selected contractor, the City expressly reserves the right to terminate negotiations and enter into contract negotiations with one or more of the other applicants. As the best interests of the City may appear in the City's sole judgement, the City reserves the right to reject any or all applications at any time during this selection process or terminate, cancel or modify this selection process.

- All contractors must have a current IRS Form W-9 available. If the entity receiving the funds is new to the City of Denver contracting system, contractors must submit the W-9 to OED upon an award of funds in order to receive funding.
- All contractors receiving Federal funds must be registered in the System for Award Management Database (www.sam.gov). This requires a Data Universal Numbering System (DUNS) Number. Dun & Bradstreet issues unique nine-digit DUNS Numbers **without charge** for all businesses required to register with the US Federal government for contracts or grants. Please see <http://www.dnb.com/get-a-duns-number.html> for more information.
- All contractors must be registered with the Colorado Secretary of State and have an active Certificate of Good Standing prior to submitting an application. See <http://www.sos.state.co.us/pubs/business/businessHome.html> for more information.
- Certificates of Insurance evidencing the following coverage are required of all City Contractors:
 - Workers' Compensation/Employer's Liability Insurance: Contractor shall maintain the coverage as required by statute for each work location and shall maintain Employer's Liability insurance with limits of \$100,000 per occurrence for each bodily injury claim, \$100,000 per occurrence for each bodily injury caused by disease claim, and \$500,000 aggregate for all bodily injuries caused by disease claims. Contractor expressly represents to the City, as a material representation upon which the City is relying in entering into this Agreement, that none of the Contractor's officers or employees who may be eligible under any statute or law to reject Workers' Compensation Insurance shall effect such rejection during any part of the term of this Agreement, and that any such rejections previously effected, have been revoked as of the date Contractor executes this Agreement.
 - If the contractor is a sole proprietor, a waiver may be filed with the City for Workers' Compensation requirements.

If the sole proprietor is an LLC or Corporation, an additional State waiver is required. Please review the waiver and all instructions here: <https://www.colorado.gov/pacific/cdle/dwc>

However, sole proprietors who are not LLCs or Corporations need only complete a form for the City to waive Workers' Compensation requirements. This form will be provided to all selected contractors that are sole proprietors during contract negotiations.
 - Commercial General Liability: Contractor shall maintain a Commercial General Liability insurance policy with limits of \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$2,000,000 policy aggregate.
 - Sexual Abuse and Molestation Exclusion (SAME) language: Any contractor working with youth and/or a vulnerable population will require SAME coverage as a part of the contractor's commercial general liability coverage.
 - Business Automobile Liability: Contractor shall maintain Business Automobile Liability with limits of \$1,000,000 combined single limit applicable to all owned, hired and non-owned vehicles used in performing services under this Agreement.
 - If the contractor is a sole proprietor, the contractor may elect to use his or her personal automobile liability coverage instead of obtaining a business-specific policy.

- Upon discretion of the City, additional coverage or changes to the above coverage language may be required upon award if needed.
- All selected contractors are required to complete the Diversity and Inclusiveness in City Solicitations Information Request Form. The information provided on this form will provide an opportunity for City contractors/consultants to describe their own diversity and inclusiveness practices. Contractors/consultants are not expected to conduct intrusive examinations of its employees, managers, or business partners in order to describe diversity and inclusiveness measures. Rather, the City simply seeks a description of the contractor/consultant's current practices, if any. Diversity and Inclusiveness information provided by City contractors/consultants in response to City solicitations for services or goods will be collated, analyzed, and made available in reports consistent with City Executive Order No. 101. However, no personally identifiable information provided by or obtained from contractors/consultants will be in such reports. A link will be provided for selected contractors to complete an e-form.
- All selected contractors must submit certification that no funds have been paid by or on behalf of the organization to influence funding decisions regarding this NOFA. The form is available at: <https://www.denvergov.org/Portals/690/documents/NOFA%202014/Lobbying%20Certification.pdf>
- All selected contractors must submit certification that the organization will provide a drug-free workplace in compliance with the Drug-Free Workplace Act. The form is available at: <https://www.denvergov.org/Portals/690/documents/NOFA%202014/Drug-Free-Workplace.pdf>

SECTION D: EVALUATION

D.1 EVALUATION TEAM

All applications will be reviewed by an Evaluation Team comprised of OED staff and other evaluators. All data and information from the applicant must be submitted through the online application and documents uploaded before submission of the application. No additional information, documents or inquiries pertaining to the proposal submittal, including email and phone calls, will be considered during the selection process.

D.2 EVALUATION PROCESS

Proposals will be scored and ranked utilizing the *WizeHive* Evaluation Tool based upon the information contained in the application itself and uploaded attachments. The areas of review are: Program or service Plan, Program or service Outcomes, Organizational Capacity, Financial Capacity, and Community Impact and Alignment with the OED's five-year housing plan, *Housing an Inclusive Denver*.

Performance outcomes of prior contracts with OED will be considered in the overall rating of proposals submitted by applicants who currently have, or have previously had, contracts with OED. Application evaluation and awards are also contingent upon applicants being current to the City on any loan, contractual, or tax obligation as due, or with any rule, regulation, or provision on existing or past City contracts. Additionally, in accordance with 2 CFR 200.331 of the Uniform Grant Guidance, applicants will be evaluated based on the following risk factors:

- Prior experience with HUD funds or other Federal awards
- Results of previous Single Audits
- New personnel or new or substantially changed systems
- Extent and results of Federal monitoring in previous years

Before an application is awarded, an applicant may be invited to a meeting with OED staff to discuss the proposed program or service, to review compliance required under applicable Federal regulations and to determine the eligibility of proposed costs.

D.3 DECISIONS

Based upon the information provided by the applicants, the Evaluation Team will evaluate applications. The evaluations will be ranked according to scores in *WizeHive* and forwarded to OED Senior Management.

Funding is limited. Applications that meet all of the NOFA's general guidelines and requirements may not necessarily receive an award. OED may recommend funding a program or service for the full amount requested, or less than the

full amount, or not at all. There are no requirements or expectations that OED must award all or any funds through the NOFA process.

OED reserves the right to postpone or cancel this NOFA, if it deems it to be in the best interests of OED to do so. OED reserves the right to waive any technical or formal errors or omissions, and to reject any and all proposals, or to award contracts, either in part or in whole, if deemed to be in the best interests of OED.

Successful applicants shall be in complete compliance with all of the specifications, terms and conditions of the proposal. OED shall have the right to inspect the facilities and equipment of the successful applicant to insure such compliance. OED shall not be liable for any costs incurred in the preparation of proposals or for any work performed in connection therein.

Successful applicants will be invited to enter into contract negotiations and development of a final scope of services. Contract negotiations may involve additional requirements, such as environmental reviews. **Application reviews and awards are contingent upon applicants being current to the City on any loan, contractual, or tax obligation as due, or with any rule, regulation, or provision on existing or past City contracts.**