



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

Policy Development and Research

FY22 and FY23 Distressed Cities Technical Assistance (DCTA) Program

FR-6700-N-54

05/19/2023

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**Program Office:**

Policy Development and Research

**Funding Opportunity Title:**

FY22 and FY23 Distressed Cities Technical Assistance (DCTA) Program

**Funding Opportunity Number:**

FR-6700-N-54

**Assistance Listing Number (formerly CFDA Number):**

14.259

**Due Date for Applications:**

05/19/2023

**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. You, as a prospective applicant, 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.

In accordance with [Title 24 part 4, subpart B](#) of the Code of Federal Regulations (CFR), during the selection process (which includes HUD’s NOFO development and publication and concludes with the award of assistance), HUD is prohibited from disclosing covered selection information. Examples of impermissible disclosures include: 1) information regarding any applicant’s relative standing; 2) the amount of assistance requested by any 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, direct questions regarding the specific requirements of this NOFO to the agency contact identified in section VII.

**Paperwork Reduction Act Statement.** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501- 3520) (PRA), the Office of Management and Budget (OMB) approved the information collection requirements in this NOFO. 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. This NOFO identifies its applicable OMB control number, unless its collection of information is excluded from these requirements under [5 CFR part 1320](#).

**OMB Approval Number(s):**

2528-0326

**I. FUNDING OPPORTUNITY DESCRIPTION**

**A. Program Description**

**1. Purpose**

Through this NOFO, HUD is announcing the availability of at least one award for \$5 million in FY 2022 funding and one award of up to \$5 million in FY 2023 funding to provide technical

assistance (TA) to units of general local government (UGLGs) and their non-profit partners serving communities experiencing economic hardship. This includes distressed UGLGs and UGLGs experiencing persistent poverty. This NOFO refers to UGLGs and their non-profit partners as “TA recipients.”

The objectives of the funds awarded through this NOFO include:

- Improve TA recipients’ understanding of relevant financial management principles and practices, including (1) building internal capacity to manage and pursue funding sources, (2) proactively engaging with the budgeting process, and (3) developing and implementing multi-year financial plans to address TA recipient needs.
- Improve TA recipients’ internal processes for (1) collecting and utilizing local data to inform processes such as decision making, (2) strategically organizing and managing human capital to be effective and efficient, and (3) building partnerships across sectors to expand capacity.
- Build TA recipients’ capacity to identify, implement, and monitor strategies or plans for economic revitalization or stabilization, including in neighborhoods experiencing persistent poverty.
- Enhance TA recipients’ ability to identify, access, and leverage funding sources and other resources to (1) build internal capacity and (2) to finance and support economic revitalization and stabilization projects in the community.

The technical assistance provided through this NOFO will be scaled to meet TA recipient needs and capacity to engage in the TA process. To that end, we are seeking awardees that will take a communicative and responsive approach to technical assistance.

The experience and expertise needed includes a variety of topics: holistic financial management; governance and administration; public leadership development; negotiation and mediation across sectors; local data collection and analysis; community project and plan implementation; equitable civic engagement and participatory processes; Spanish language fluency; U.S. territory policies and programs, and tribal government relations. You are encouraged to procure consultants and contractors, as set forth in 2 CFR 200, as necessary that demonstrate experience across these topic areas.

**Important Notes:** *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.*

*HUD maintains substantial involvement in the administration, coordination, and oversight of this Program and its awardees. Collaboration across awardees and with HUD is expected throughout award and project periods. This involvement and collaboration with HUD will be further detailed in cooperative agreement provisions if your application is successful and you are issued an award. Previous DCTA cooperative agreement provisions may be reviewed at [https://www.hud.gov/program\\_offices/comm\\_planning/cpdta/guidance](https://www.hud.gov/program_offices/comm_planning/cpdta/guidance).*

#### **a. Background**

This NOFO invites competitive applications for two funding years: FY 2022 and FY 2023. This means that a single application may request funding from one or both funding years. Eligible

applicants will submit a single SF-424 but must clearly identify the amount requested for each funding year in its application summary; see requirements in NOFO section IV.B.1.

We will use the applications received through this NOFO and the resulting application scores to make awards for FY 2022 and FY 2023 funding. When making awards, we will consider your performance under prior HUD TA awards, including declined or delayed assignments or unacceptable TA engagements.

#### **b. TA Focus Areas**

We expect TA efforts under this NOFO to build *financial, organizational, and administrative management functions of TA recipients and improve TA recipients' abilities to access resources for completing community projects. Specific TA focus areas may include financial management; governance and administration; leadership development; data collection and analysis; plan implementation, and participatory processes.* Because we will take a holistic view of providing technical assistance to TA recipients, we are looking for applicants with demonstrable experience across all areas. As new HUD priorities and recipient needs emerge, TA assignments may address additional organizational or programmatic areas.

#### **c. Leveraging**

HUD believes that leveraging outside investments encourages engagement between actors in the philanthropic, nonprofit, and private sectors. *This NOFO requires a minimum cash leveraged funding amount of 5% of the total amount requested in Box 18.a. of the SF-424.* Any additional leveraged funds are not required but are encouraged through points awarded in Rating Factor 3 (see section V.A.1 of this NOFO).

Five percent of the leveraged funds must be provided as a cash contribution. Leveraged funds above the 5% may be provided as cash or in-kind contributions. Combined funding commitments from different sources provided by applicants will count towards the total amount. Federal sources are not allowed to be used as leverage unless otherwise permitted by the source program's authorizing statute.

In accordance with 2 CFR 200.306(c), indirect costs may be included as part of the DCTA program's leverage requirement as a cash contribution. As the program described in this NOFO may produce engagements anywhere in HUD's jurisdiction including U.S. territories and federally recognized tribal nations, leveraged funds cannot have any geographic limitation on their usage.

#### **d. Eligible Activities**

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

- **Needs Assessments.** Needs assessments are intended to help determine the nature and scope of capacity building needed by the TA recipients. Needs assessments may include an analysis of needs of the community served by the TA recipient, as well as the needs of the TA recipient as an organization or governing entity. 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 TA recipient staff and stakeholders.

- **Direct TA and Capacity Building Engagements.** Direct TA and capacity building require working onsite and/or remotely to improve knowledge and capacity in the TA focus areas mentioned above, such as, financial management; governance and administration; leadership development; data collection and analysis; plan implementation, and participatory processes.
- **Develop and Maintain Tools and Products.** Tools and products developed will use adult learning principles to assist TA recipients in adopting effective, efficient, and sustainable (long-term) practices that address challenges in the TA focus areas supported by this NOFO. 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. 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 and modifying tools to be relevant to specific subpopulations within the U.S. For example, in creating a tool to be used by mainland and Puerto Rico TA recipients– the tool may need to be translated into Spanish and modified to relate to commonwealth policies and processes.
- **Self-Directed and Group Learning.** Self-directed and group learning is intended to increase capacity by equipping TA recipients with knowledge and skills needed to effectively manage themselves as an entity as well as serve the communities within its jurisdiction. 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. In-person group learning must take place in buildings that are accessible to individuals with disabilities to comply with Section 504 accessibility requirements, which prohibits discrimination on the basis of disability in HUD assisted programs.
- **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 of this NOFO 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 NOFO. 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 Section 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 NOFO
  - 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 primarily consist of services related to coordinating technical assistance delivery with HUD and the other awarded technical assistance providers under the DCTA program. For this Program, HUD has substantial involvement in coordination activities. Coordination enables successful applicants to:
    - Engage in discussions and activities to improve DCTA program design and TA delivery approaches
    - Integrate lessons learned from other DCTA engagements into TA delivery
    - Coordinate TA delivery from more than one provider to the same recipient in specific subject areas
    - Review products for TA recipients to leverage skills and expertise across awardees

## **2. HUD and Program-Specific Goals and Objectives**

This NOFO supports [HUD's Strategic Plan for Fiscal Years \(FY\) 2022-2026](#) to accomplish HUD's mission and vision. Each of the five goals in the [Strategic Plan](#) include what HUD hopes to accomplish, the strategies to accomplish those objectives, and the indicators of success. However, of the five goals only those applicable to this NOFO are identified below.

You are expected to align your application to the applicable strategic goals and objectives below. Use the information in this section to describe in your application the specific goals, objectives, and measures that your project is expected to help accomplish. If your project is selected for funding, you are also expected to establish a plan to track progress related to those goals, objectives, and measures. HUD will monitor compliance with the goals, objectives, and measures in your project.

### **Applicable Goals and Objectives from HUD's Strategic Plan**

#### **1. Strategic Goal 1: Support Underserved Communities**

Fortify support for underserved communities and support equitable community development for all people.

#### **2. 1C: Invest in the Success of Communities**

Promote equitable community development that generates wealth-building for underserved communities, particularly for communities of color.

## **3. Changes from Previous NOFO**



This NOFO was previously titled HUD's FY 2020 and FY 2021 Distressed Cities and Persistent Poverty Technical Assistance Notice of Funding Opportunity. Changes have been made throughout the NOFO including in the program objectives, focus areas, eligible activities, definitions, leveraged funding requirement, and rating factors sections.

#### 4. Definitions

##### a. Standard Definitions

**Affirmatively Furthering Fair Housing (AFFH)** means taking meaningful actions, in addition to combating discrimination to 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 opportunities, 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 program participant's activities and programs relating to housing and urban development.

**Assistance Listing number** refers to the unique number assigned to each Federal assistance program publicly available in the Assistance Listing, which is managed and administered by the General Services Administration. The Assistance Listing number was formerly known as the Catalog of Federal Domestic Assistance (CFDA) number.

**Authorized Organization Representative (AOR)** is a person authorized to legally bind your organization and submit applications via Grants.gov. The AOR is authorized by the E-Business Point of Contact (E-Biz POC) in the System for Award Management (see E-Biz POC definition). An AOR may include an Expanded AOR and/or a Standard AOR.

*Expanded Authorized Organization Representative* is a user in Grants.gov who is authorized by the E-Biz POC to perform the functions of a Standard AOR, initiate and submit applications on behalf of your organization, and is allowed to modify organization-level settings and certifications in Grants.gov.

*Standard Authorized Organization Representative* is a user in Grants.gov who is authorized by the E-Biz POC to initiate and submit applications in Grants.gov. A Grants.gov user with the Standard AOR role can only submit applications when they are a Participant for that workspace.

**Consolidated Plan** is the document submitted to HUD that serves as the comprehensive housing affordability strategy, community development plan, and submission for funding under any of the Community Planning and Development formula grant programs (e.g., CDBG, ESG, HOME, and HOPWA). This Plan is prepared in accordance with the process described in [24 CFR part 91](#). 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](#) for 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 above and in [2 CFR 200.1](#).

**Cooperative agreement** has the same meaning defined at [2 CFR 200.1](#).

**Deficiency**, with respect to the making of an application for funding, is information missing or omitted within a submitted application. Examples of deficiencies include missing documents, missing or incomplete information on a form, or some other type of unsatisfied information requirement. Depending on specific criteria, a deficiency may be either Curable or Non-Curable.

*A Curable Deficiency* is missing or incomplete application information that 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.

*A Non-Curable Deficiency* is missing or incomplete application information that cannot be corrected by an applicant after the submission deadline. A non-curable deficiency is a deficiency that is a threshold requirement, or a deficiency that, if corrected, would change an applicant's score or rank versus other applicants. If an application includes a non-curable deficiency, the application may receive an ineligible determination, or the non-curable deficiency may otherwise adversely affect the application's score and final funding determination.

**E-Business Point of Contact (E-Biz POC)** is 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 Authorized Organization Representative definition). There can only be one E-Biz POC per unique entity identifier (see definition of Unique Entity Identifier below).

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

**Environmental Justice** means investing in environmental improvements, remedying past environmental inequities, and otherwise developing, implementing, and enforcing laws and policies in a manner that advances environmental equity and provides meaningful involvement for people and communities that have been environmentally underserved or overburdened, such as Black and Brown communities, indigenous groups, and individuals with disabilities. This definition does not alter the requirements under HUD's regulations at [24 CFR 58.5\(j\)](#) and [24 CFR 50.4\(l\)](#) implementing [Executive Order 12898](#). E.O. 12898 requires a consideration of how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and/or low-income populations. For additional information on environmental review compliance, refer to: [https://www.hud.gov/program\\_offices/comm\\_planning/environment\\_energy/regulations](https://www.hud.gov/program_offices/comm_planning/environment_energy/regulations).

**Equity** has the meaning given to that term in Section 2(a) of Executive Order [13985](#) and means the consistent and systematic fair, just, and impartial treatment of all individuals, including

individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

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

(1)

(a) 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

(b) 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](#), and this NOFO, 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 in [2 CFR 200.1](#).

**Federal Financial Assistance** has the same meaning defined at [2 CFR 200.1](#).

**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.

**Historically Black Colleges and Universities (HBCUs)** are any historically Black college or university that was established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation. [A list of accredited HBCUs can be found at the U.S. Department of Education's website.](#)

**Minority-Serving Institutions (MSIs)** are

(1) a part B institution (as defined in [20 U.S.C. 1601](#));

(2) a Hispanic-serving institution (as defined in [20 U.S.C. 1101a\(5\)](#));

(3) a Tribal College or University (as defined in [20 U.S.C. 1059c](#));

- (4) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as defined in [20 U.S.C. 1059d\(b\)](#));
- (5) a Predominantly Black Institution (as defined in [20 U.S.C. 1059e](#));
- (6) an Asian American and Native American Pacific Islander-serving institution (as defined in [20 U.S.C. 1059g](#)); or
- (7) a Native American-serving nontribal institution (as defined in [20 U.S.C. 1059f](#)).

**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.

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

**Racial Equity** is the elimination of racial disparities, and is achieved when race can no longer predict opportunities, distribution of resources, or outcomes – particularly for Black and Brown persons, which includes Black, Latino, indigenous, Native American, Asian, Pacific Islander, and other persons of color.

**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.

**Resilience** is a community’s ability to minimize damage and recover quickly from extreme events and changing conditions.

**Small business** is defined as a privately-owned corporation, partnership, or sole proprietorship that has fewer employees and less annual revenue than 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. See [13 CFR 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 the 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 from a federal awarding agency.

**System for Award Management (SAM)** is 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 eligibility requirements that must be met for an application to be reviewed, rated, and ranked. Threshold requirements are not curable, except for documentation

of applicant eligibility, which are listed in Section III.D., Threshold Eligibility Requirements. Similarly, there are eligibility requirements under Section III.E., Statutory and Regulatory Requirements Affecting Eligibility.

**Underserved Communities** has the meaning given to that term in Section 2(b) of Executive Order [13985](#) and refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the definition of “equity” above.

**Unique Entity Identifier (UEI)** means the identifier assigned by SAM to uniquely identify business entities. As of April 4, 2022, the Federal government has transitioned from the use of the DUNS Number to the use of UEI, as the primary means of entity identification for Federal awards government-wide.

b. Program Definitions.

**Capacity Building:** Assistance which increases the ability of TA recipients to effectively govern and manage their organization in a sustainable manner, implement improved financial management practices, collect and utilize data reflective of the community, strategically manage and organize available resources including human capital, and implement strategies for community economic revitalization and stabilization.

**Community:** Population(s) within a neighborhood, place, and/or county.

**Community Project:** Endeavor that seeks to achieve a particular goal or meet a specific need of local community population(s).

**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 §200.1, that is used to enter into a relationship the principal purpose of which is to transfer anything of value to carry out a public purpose authorized by a law of the United States but is distinguished from a grant in that it provides for substantial involvement between HUD and awardee(s) 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 may prioritize the identified needs based on Departmental, programmatic, and jurisdictional priorities. Successful applicants to this NOFO are 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 communities 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 community that the awardee and HUD agree reflects a need for the TA or capacity building provided for under this award

**Economic Hardship:** A term used throughout this NOFO to refer to either/or economic distress or persistent poverty.

**Financial Management:** The means by which a TA recipient prioritizes the use of 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.

**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. The proposal must be submitted to HUD no later than three months after the effective date of the award. This definition applies to applicants that do not have a current Federally negotiated indirect cost 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).

**Indirect costs:** This NOFO adopts the definition of *indirect (facilities and administrative (F&A)) costs* as found at 2 CFR 200.1. For the purposes of meeting the DCTA leverage requirement, indirect costs may be included as a cash contribution to the leverage balance.

**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.

**Non-Profit Partners:** Established 501(c)3 organizations with a history of working to alleviate economic hardship in the community.

**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.c.

**Technical Assistance (TA) Recipient:** Units of general local government (UGLGs) and their non-profit partners serving communities experiencing economic hardship that may receive TA.

**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 and funded under the Consolidated Appropriations Act, 2022 (Public Law 117-103, approved March 15, 2022) and the Consolidated Appropriations Act, 2023 (Public Law 117-328, approved December 29, 2022).

## **II. AWARD INFORMATION**

### **A. Available Funds**

Funding of approximately **\$10,000,000** is available through this NOFO.

Additional funds may become available for award under this NOFO consistent with Section VI.A.2.e., Adjustments to Funding. Use of these funds is subject to statutory constraints. All awards are subject to the funding restrictions contained in this NOFO.

**Further Detail on FY 2022 Funding:** The Consolidated Appropriations Act, 2022 provided \$5,000,000.

**Further Detail on FY 2023 Funding:** The Consolidated Appropriations Act, 2023 provided up to \$5,000,000.

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

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

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

The minimum number of awards is two. There is no maximum number of awards.

Estimated Total Funding:  
\$10,000,000

Minimum Award Amount:  
\$750,000  
Per Project Period

Maximum Award Amount:  
\$5,000,000  
Per Project Period

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

Estimated Project Start Date:  
09/18/2023

Estimated Project End Date:  
09/30/2026

Length of Project Periods:  
Other

Length of Periods Explanation of Other:  
There will be multiple projects 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.

Faith-based organizations

(1) Faith-based organizations may apply for this award on the same basis as any other organization, as set forth at [24 CFR 5.109](#), and subject to the protections and requirements of 42 U.S.C. 2000bb et seq., HUD will not, in the selection of recipients, discriminate against an organization based on the organization's religious character, affiliation, or exercise.



(2) A faith-based organization that participates in this program will retain its independence and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law, including the Free Speech and Free Exercise Clauses of the Constitution, 42 U.S.C. 2000bb et seq., 42 U.S.C. 238n, 42 U.S.C. 18113, 42 U.S.C. 2000e-1(a) and 2000e-2(e), 42 U.S.C. 12113(d), and the Weldon Amendment, among others. Religious accommodations may also be sought under many of these religious freedom and conscience protection laws, particularly under the Religious Freedom Restoration Act.

(3) A faith-based organization may not use direct financial assistance from HUD to support or engage in any explicitly religious activities except where consistent with the Establishment Clause and any other applicable requirements. Such an organization also may not, in providing services funded by HUD, discriminate against a beneficiary or prospective program beneficiary on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

## **B. Ineligible Applicants**

Individuals are ineligible to apply to this NOFO.

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

This Program does not require cost sharing or matching.

This Program requires cash leveraging of 5% of the total requested amount (entered in Box 18.a. of your SF-424). Leveraging more than this amount will improve an applicant's score. See sections I.A.1.c 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 are deemed ineligible. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

### **1. Resolution of Civil Rights Matters**

Outstanding civil rights matters must be resolved before the application submission deadline. Applicants with unresolved civil rights matters at the application deadline are deemed ineligible. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

- a. An applicant is ineligible for funding if the applicant has any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (1) – (5) that are not resolved to HUD's satisfaction before or on the application deadline date for this NOFO.

- (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 (including sexual orientation and gender identity), national origin, disability or familial status;
- (2) Status as a defendant in a Fair Housing Act lawsuit filed by the United States 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, Violence Against Women 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; Violence Against Women Act; 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 are marked late. Late applications are ineligible and are not considered for funding. See Section IV. D. Application Submission Dates and Times.

**3. Complete Application Package** – You must submit all *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 1A.1.C and III.C. of this NOFO.

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

### **Eligibility Requirements for Applicants of HUD’s Financial Assistance Programs**

The following requirements affect applicant eligibility. Detailed information on each requirement is found in the [“Eligibility Requirements for Applicants of HUD’s Financial Assistance Programs” document on HUD’s Funding Opportunities page.](#)

- Universal Identifier and System for Award Management (SAM.gov) Requirements
- Outstanding Delinquent Federal Debts
- Debarments or Suspensions, or both
- Mandatory Disclosure Requirement
- Pre-selection Review of Performance
- Sufficiency of Financial Management System
- False Statements
- Prohibition Against Lobbying Activities

In addition, each applicant under this NOFO must have the necessary processes and systems in place to comply with the Award Term in Appendix A of [24 CFR part 170](#) if the applicant receives an award, unless an exception applies as provided in [2 CFR170.110](#).

## **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, HUD may award funds to applicant(s) scoring below 75 points.
- Applicants must identify their funding request for each funding year included in this NOFO. HUD will create a ranked fundable applicants list for each funding year requested (i.e., a FY 2022 ranked list, and a FY 2023 ranked list). An applicant’s score and the funding requested by year will inform funding decisions associated with this NOFO. You must include the total funding requested for all years on your SF-424; the amount listed on the SF-424 will be used as your maximum funding amount requested for all years of funding associated with this NOFO. You should determine your funding request based on your ability to successfully execute your project and the NOFO terms over the performance period of this NOFO.
- Applicants must provide cash leveraged funding of at least 5% of the total amount requested. 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 territories as HUD deems necessary. Successful applicants must have the ability and capacity to provide technical assistance across these areas.
- HUD 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.
- HUD reimburses 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, and contractors that have the knowledge, skills, and experience described in your application. This includes staff, consultants, and contractors with Spanish language skills and experience working in U.S. territories and tribal nations.
  - If you decline or delay assignments or fail to deliver acceptable TA in your stated areas of experience/capacity, HUD reserves the right to terminate your cooperative agreement early and recapture funds awarded to you, consistent with 2 CFR Part 200. HUD 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. Timely submission of work plans is expected of awarded providers. See standard operating procedures for more information on timely submissions.
  - 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.

### **Advancing Racial Equity**

In accordance with Executive Order [13985](#), *Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and federal fair housing and civil rights laws, you must submit a narrative demonstrating the following:

- You analyzed the racial composition of the persons or households who are expected to benefit from your proposed grant activities;

- You identified any potential barriers to persons or communities of color equitably benefiting from your proposed grant activities;
- You detailed the steps you will take to prevent, reduce or eliminate these barriers; and
- You have measures in place to track your progress and evaluate the effectiveness of your efforts to advance racial equity in your grant activities.

Note that any actions taken in furtherance of this section must be consistent with federal nondiscrimination requirements.

We encourage applicants to consider the structure and flow of technical assistance under the DCTA program in preparing the narrative response to Advancing Racial Equity as described above. Racial composition of the persons or households who are expected to benefit from the proposed activities is difficult to predict given the nature of the DCTA program, but applicants can still work through the requested analysis with an eye towards potential barriers to persons of color equitably benefiting, ways to overcome those barriers, and ways to track and evaluate progress and effectiveness.

**G. Criteria for Beneficiaries.**

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

**IV. APPLICATION AND SUBMISSION INFORMATION**

**A. Obtain an Application Package**

**Instructions for Applicants**

All application materials, including the Application Instructions and Application Package, are available through Grants.gov. You must access and review all available application materials. You must submit your application electronically via Grants.gov under the Funding Opportunity Number cited within this NOFO. Your application must list the applicable Funding Opportunity Number.

You can request a waiver from the requirement for electronic submission, if you demonstrate good cause. An example of good cause may include: a lack of available Internet access in the geographic area in which your business offices are located. However, lack of SAM registration or valid UEI is not a 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 you fail to submit to HUD in writing or via email a request for a waiver at least 15 calendar days before the application deadline. If HUD grants a waiver, a paper application must be received before the deadline for this NOFO. To request a waiver, you must contact:

Name:

Leatha Blanks

Email:

leatha.m.blanks@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 a Non-Curable Deficiency, unless otherwise stated under the Threshold requirements section.

### 1. Content

| Forms/Assurances/Certifications                                   | Submission Requirement  | Notes/Description  |
|---|---|--|
| Applicant and Recipient Assurances and Certifications (HUD 424-B) | Review section IV.G. of this NOFO for detailed submission requirements. |  |
| Applicant/Recipient Disclosure/Update Report (HUD 2880)           | Review section IV.G. of this NOFO for detailed submission requirements  |  |
| Application for Federal Assistance (SF424)                        | Review section IV.G. of this NOFO for detailed submission requirements. | This form is required for all applicants. Box 18.a. of the SF-424 must contain your <b>total combined FY 2022 and FY 2023 funding request</b> , which must not exceed \$10,000,000. This total funding request amount must be the same as the total funding request amount included in your application summary. The funding request in box 18.a. will serve |

| Forms/Assurances/Certifications            | Submission Requirement                                    | Notes/Description   |
|--|---|---|
|  |   | as the maximum level of funding we may award to you.  |
| Disclosure of Lobbying Activities (SF-LLL) | Submit via Grants.gov as part of the application package. | 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. |

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 and program reports if you are funded through this NOFO. Each description must contain: Organizational purpose and mission; years of service; history of providing financial, administrative, and organizational supportive services to UGLGs and their non-profit partners; and agency web address. You are encouraged to frame the description as it relates to this Program.
2. The amount of funding you are requesting under this NOFO. You must identify three amounts, each rounded to a whole dollar: (1) Total funding requested (FY 2022 and FY 2023 combined), (2) FY 2022 funding requested, and (3) FY 2023 funding requested. Your FY 2022 and FY 2023 funding requests must not exceed \$5,000,000 each, and your total funding request must not exceed \$10,000,000.

Example:

|  |             |
|--|-------------|
| <b>Total Funding Request Amount (\$)</b><br>(same as SF-424) | \$7,000,000 |
| <b>FY 2022 Funding Request</b>                               | \$4,000,000 |
| <b>FY 2023 Funding Request</b>                               | \$3,000,000 |

The total funding requested must be the same amount included on your SF-424; when the amounts do not match, the amount listed on the SF-424 will be used as the requested amount. You should determine your funding requests based on the number of available personnel, the range and quality of their skills and knowledge, and your ability to successfully execute multiple assignments from HUD simultaneously over the project period. The total federal funding requested in box 18.a. of your SF-424 will serve as the maximum level of funding we may award to you and determine the amount of leverage required.

1. Whether your organization is designated as either of the following:
  1. A disadvantaged business [e.g., 8(a) business]
  2. A small business as defined by the U.S. Small Business Administration
  3. A faith-based organization
  4. Historically Black College or University
2. Eligible activities. You must provide a description of eligible activities you have completed in the focus areas in the five years prior to the publication date of the NOFO. The focus areas are in NOFO section I.A.1.b. 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.

**b. List of the relevant staff, subrecipients, and consultants and their relevant 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, subrecipient, or consultant. 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 meet threshold cash leverage requirements and to supplement your response to Rating Factor 3(2) (cash or in-kind leverage permissible), 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 (in-kind leverage can only be provided for leverage above the 5% required cash leverage);
- 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 and you have existing federal awards or contracts, your application must include an attachment labeled "Indirect Costs." The attachment must clearly state 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. If you are a new applicant and do not have existing federal awards or contracts, you may submit your indirect cost rate proposal to HUD within three months of award.

**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. Do not submit password protected or encrypted files.

35 Pages maximum length of narratives

- 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 Unique Entity Identifier (UEI)**

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

You must register with <https://www.sam.gov/> before submitting their application. You 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 you have an active Federal award or an application or plan under consideration by HUD.

### **2. UEI Requirement**

As of April 4, 2022, entities doing business with the federal government must use the UEI created in SAM.gov. Also, you must provide a valid UEI, registered and active at [www.sam.gov/](http://www.sam.gov/) in the application. For more information, see: <https://www.gsa.gov/about-us/organization/federal-acquisition-service/office-of-systems-management/integrated-award-environment-iae/iae-systems-information-kit/unique-entity-identifier-update>.

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

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

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

### **1. Application Due Date Explanation**

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

05/19/2023

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit a paper application. Instructions for submitting your paper application will be contained in the waiver of electronic submission.

“Received by Grants.gov” means the applicant received a confirmation of receipt and an application tracking number from Grants.gov. Grants.gov then assigns an application tracking number and date-and timestamp each application upon successful receipt by the Grants.gov

system. A submission attempt not resulting in confirmation of receipt and an application tracking number is not considered received by Grants.gov.

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

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

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

## **2. Grants.gov Customer Support**

Grants.gov provides customer support information on its website at <https://www.grants.gov/web/grants/support.html>. If you have difficulty accessing the application and instructions or have technical problems, contact Grants.gov customer support center 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. Individuals who are deaf or hard of hearing, or who have speech and other communication disabilities may use a relay service to reach Grants.gov Customer Support. To learn more about how to make an accessible telephone call, visit the [webpage for Federal Communications Commission](#).

## **3. Grants.gov Application Submission**

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.

Take note of the Grants.gov tracking number, as it is needed by the Grants.gov customer support center should 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 publish the extension on Grants.gov.

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.

**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.

#### **4. 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.

#### **5. 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 but not received and validated by Grants.gov will not be considered for funding. There is no grace period for paper applications.

#### **6. 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 reviewed by HUD for funding

consideration. Improper or expired registration and password issues are not sufficient causes to allow HUD to accept applications after the deadline date.

#### **7. Corrections to Deficient Applications**

HUD will not consider information from applicants after the application deadline except for curable deficiencies.

HUD will uniformly notify applicants of each curable deficiency. See curable deficiency definition in section I.A of this NOFO. 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.

You 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 UEI as having a curable deficiency. Failure to correct the deficiency and meet the requirement to have a UEI and active registration in SAM will render the application ineligible for funding.

## **8. Authoritative Versions of HUD NOFOs**

The version of this NOFO posted on Grants.gov includes the official documents HUD uses to solicit applications.

## **9. 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 or an affiliated entity, 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 this NOFO. 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, 2022, the salary limitation for Executive Level IV is \$176,300. The compensation cap does not require a TA award recipient to limit the amount paid to individuals under this NOFO, 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, subrecipients, 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 funds from this NOFO 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.

4. Leveraged funds can only be used for eligible activities as defined under this NOFO.

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 the new rate and documentation to assure the award agreement incorporates the applicable rate.

Applicants other than state and local governments. If you have a Federally negotiated indirect cost rate, your application must clearly state the approved rate and distribution base and must include a letter or other documentation from the cognizant agency showing the approved rate. If your organization 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 defined at [2 CFR 200.1](#). Costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both, as described in [2 CFR 200.403](#). Once elected, the de minimis rate must be applied consistently for all Federal awards until the organization chooses to negotiate a rate, which the organization 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 your department or agency chooses 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. Standard Application, Assurances, Certifications and Disclosures**

#### **Standard Form 424 (SF-424) Application for Federal Assistance**

The SF-424 is the government-wide form required to apply for Federal assistance programs, discretionary Federal grants, and other forms of financial assistance programs. You must complete and submit the form with the other required forms and information as directed in this NOFO.

By signing the forms in the SF-424 either through electronic submission or in paper copy submission (for those granted a waiver), you and the signing authorized organization representative affirm that you both 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 Alaskan native villages and those applicable to applicants other than Federally recognized Indian tribes, or Alaskan native villages.

#### **Assurances (HUD 424-B)**

By submitting your application, you provide assurances that, if selected to receive an award, you will comply with U.S. statutory and other requirements, including, but not limited to civil rights requirements. All recipients and subrecipients of the award 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, Violence Against Women Act, 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 HUD 424-B, which also require compliance with HUD Reform Act requirements and all general federal nondiscrimination requirements in the administration of the federal assistance award.

### **Applicant Disclosure Report Form 2880 (HUD 2880)**

The form HUD 2880 is required if you are applying for assistance within the jurisdiction of HUD to any project subject to Section 102(d) of the [HUD Reform Act](#). Assistance is provided directly by HUD to any person or entity, but not to subrecipients. It includes assistance for the acquisition, rehabilitation, operation, conversion, modernization, renovation, or demolition of any property containing five or more dwelling units that is to be used primarily for residential purposes. It includes assistance to independent group residences, board and care facilities, group homes and transitional housing but does not include primarily nonresidential facilities such as intermediate care facilities, nursing homes and hospitals. It also includes any change requested by a recipient in the amount of assistance previously provided, except changes resulting from annual adjustments in Section 8 rents under Section 8(c)(2)(A) of the United States Housing Act of 1937 ([42 U.S.C. 1437f](#)). [See HUD Reform Act regulation for additional information](#).

### **Code of Conduct**

Both you, as the award recipient, and all subrecipients must have a code of conduct (or written standards of conduct). The code of conduct must comply with the requirements included in the “Conducting Business in Accordance with Ethical Standards” section of the [Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards](#), as well as any program-specific requirements. These requirements include ethical standards related to conflicts of interest for procurements in [2 CFR 200.318\(c\)](#) and [2 CFR 200.317](#), as well as HUD-specific conflict of interest standards. HUD maintains a list of organizations that have previously submitted written standards of conduct on its [Code of Conduct for HUD Grant Programs webpage](#). But it is your responsibility to ensure that the standards are compliant with the noted requirements and that HUD has the latest version of the written standards. Updated written standards should be submitted with the application. Any updates to your written standards, after the application period, should be submitted as directed by the HUD program contact for this NOFO.

### **Affirmatively Furthering Fair Housing**

With some exceptions for Federally recognized Indian tribes and their instrumentalities, the application must discuss how the applicant will carry out the proposed activities in a manner that affirmatively furthers fair housing in compliance with the Fair Housing Act and its implementing regulations, and how applicants will meet the requirements of the definition of AFFH at 24 CFR 5.151. Applicants may propose activities that are consistent with their jurisdiction’s Analysis of Impediments (AI), an Assessment of Fair Housing (AFH), or other means of fair housing planning that meaningfully supports their AFFH certification.

If the applicant will carry out proposed activities in a jurisdiction with an AFH, the proposed activities should be consistent with the AFH’s fair housing goals and with fair housing strategies specified in the jurisdiction’s Consolidated Plan or Public Housing Agency Plan.

We encourage applicants to consider how they will contribute to AFFH within the context of the DCTA program if awarded under this NOFO.



## 2. Other Program-Specific Requirements

### V. APPLICATION REVIEW INFORMATION

#### A. Review Criteria

##### 1. Rating Factors

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

**Maximum Points: 65**

This factor evaluates your overall capacity to provide the TA described in this NOFO. A high scoring response will include TA provided to UGLGs and non-profit partners serving smaller communities (population of 50,000 or less) that are experiencing economic hardship. Your narrative response to this rating factor must include the following:

*(1) An understanding of the context (30 points)*

- Demonstrate familiarity with at least three organizational challenges eligible TA recipients encounter. For example, hiring and retaining qualified personnel, securing program funding, developing policies and procedures, etc. (15 points)
- Demonstrate experience building the capacity of eligible TA recipients to address the organizational challenges identified above. For example, developing a young civic engagement program for local residents, supporting the development of an employee retention program, and building partnerships with non-profits that serve historically marginalized communities. (15 points)

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

- Describe examples that demonstrate your ability to plan and implement TA engagements to build the capacity of UGLGs and their non-profit partners. These descriptions should include:
  - At least two examples of successful strategies for overcoming challenges to a stable engagement, such as overcoming communication breakdowns, reconciling differences in perspectives, etc. (10 points)
  - At least two instances of delivering technical assistance in sensitive areas – such as fiscal health, equity and inclusion, and organizational restructuring. (10 points)

*(3) Key personnel and organizational capacity (15 points)*

- Identify key personnel who would be planning and implementing the engagements, including summaries of their relevant experience and qualifications. Tribal governments and governing entities in U.S. territories may be eligible recipients of TA through the DCTA program. Therefore, you are encouraged to include key personnel with experience and skills relevant for these populations – such as Spanish language fluency and knowledge of U.S. territory policies and programs. Resumes for key personnel identified in this rating factor must be submitted with the NOFO and do not count towards the 35-page limit. Include consultants if they are to play a key role. Applicants must have an active agreement, such as a memorandum of understanding, with consultants identified in this subfactor. (10 points)
- Describe how your organization's administrative processes and structure would support the individual assignments as well as the management and coordination of all active

assignments under the DCTA program (including the management of consultants and contractors if necessary). (5 points)

**Rating Factor 2: Soundness of Approach**

**Maximum Points: 20**

This factor evaluates your approach to planning and implementing a TA engagement as described in this NOFO. A high scoring response will include assisting UGLGs serving smaller communities (population of 50,000 or less) that are experiencing economic hardship and their non-profit partners. You must clearly describe your process for implementing the following approaches:

*(1) Recipient Driven Approach (10 points)*

- Assessing the capacity and availability of resources of the eligible TA recipient to engage in the TA process.
- Identifying and deploying TA resources that are appropriately scaled for the eligible TA recipient.
- Gaining trust and support from the eligible TA recipient for the TA process.
- Prioritizing and focusing the TA activities based on the eligible TA recipient’s goals.
- Expanding the TA recipients range of partners to include non-profit organizations who support and serve historically marginalized communities.

*(2) Outcome Focused Approach (10 points)*

- Utilizing best practices to inform TA recommendations and delivery methods.
- Helping UGLGs and their non-profit partners understand and make progress on the processes and steps to achieve larger or longer-term goals.
- Setting short-, medium, and long-term goals and defining measurable outcomes for TA supported projects or activities.
- Tracking progress and conducting follow-up post TA delivery to support longer term progress.

**Rating Factor 3: Expanding Resources**

**Maximum Points: 15**

*(1) Prior Success Expanding Resources for Community Projects (5 Points)*

For this section, you must describe:

- Your prior success in helping eligible TA recipients secure financial and/or in-kind support for economic revitalization and stabilization projects in communities experiencing economic hardship in the past five years. 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 supporting eligible TA recipients in reaching out to philanthropic organizations, private institutions and other funders if your application is successful.

*(2) Additional Commitment of Leveraged Resources to Further TA Impact (10 Points)*

While a 5% cash leveraging of the total requested amount is required to be eligible for this award, this rating sub-factor allows for up to 10 additional points for firm cash or in-kind contributions at or above 5.1% as documented by your response to Section IV.B.2.d. See table below, percentages will be rounded to the nearest 10<sup>th</sup> of a percent.

| <b>Firm Leveraged Contributions</b> | <b>Point Allocation</b>        |
|-------------------------------------|--------------------------------|
| 5.0%                                | Required, no additional points |
| 5.1-6.7%                            | 2.5 points                     |
| 6.8-8.3%                            | 5 points                       |
| 8.4-9.9%                            | 7.5 points                     |
| 10% or more                         | 10 points                      |

This program does not offer points for Section 3.

## **2. Other Factors**

### **Preference Points**

This NOFO supports the following policy initiatives. If your application demonstrates the appropriate information for the policy initiative, your application will receive up to two (2) points for each initiative, and will receive no more than a total of four (4) points. These points are added to your application's overall score.

#### **Minority-Serving Institutions (2 points)**

You may choose to voluntarily commit to address policy initiatives in your application. Addressing these policy initiatives is not a requirement to apply for or receive an award. If you choose to address a voluntary policy initiative in your application, however, you will be required to adhere to the information submitted with your application should you receive an award. The proposed information will be included as a binding requirement of any federal award you receive as a term and condition of that award.

#### **Minority-Serving Institutions**

Pursuant to Executive Orders [13985](#), [14041](#), [14045](#), and [14031](#), you may receive up to two (2) preference points if you are an applicant designated as a minority-serving institution (MSI) or if your application proposes one or more partnerships with minority-serving educational institutions that have been historically underserved.

An applicant designated by the U.S. Department of Education as an MSI will receive up to two (2) preference points when the application includes documentation of the applicant's status as an [HBCU](#), [Hispanic-serving institution](#), [Tribal-controlled postsecondary institution](#), [Alaska Native-serving or Native-Hawaiian-serving institution](#), [Predominantly Black Institution](#), [Asian and Native American Pacific Islander-serving institution](#) or Native American-serving nontribal institution.

An applicant partnering with an [HBCU](#), [Hispanic-Serving Institution](#), [Tribal-controlled postsecondary institution](#), Alaskan Native-serving or Native-Hawaiian-serving institution, Predominantly Black Institution, [Asian and Pacific Islander-serving institution](#), or Native American-serving nontribal institution will receive up to two (2) Preference Points when the application includes a Letter of Commitment certifying that a partnership is in place and signed by an authorizing official of the MSI and documentation of the college or university's status as

an [HBCU](#), [Hispanic-serving institution](#), [Tribal-controlled postsecondary institution](#), [Alaska Native-serving or Native-Hawaiian-serving institution](#), [Predominantly Black Institution](#), [Asian and Native American Pacific Islander-serving institution](#), or Native American-serving nontribal institution.

An applicant partnering with a U.S. territory-serving institution that includes a Letter of Commitment certifying that a partnership is in place and signed by an authorizing official will receive up to two (2) 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:

OMB-designated repositories of governmentwide data, as noted in [2 CFR 200.206\(a\)](#)

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

Timely use of funds received from HUD

Timely submission and quality of reports submitted to HUD

Meeting program requirements

Meeting performance targets as established in the grant agreement

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

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

The number of persons served or targeted for assistance

Promoting self-sufficiency and economic independence

Producing positive outcomes and results

HUD may reduce scores based on the past performance review, as specified under V.A. Review Criteria. Whenever possible, HUD will obtain and review 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 the [Pre-Selection Review of Performance section of the Eligibility Requirements for Applicants of HUD Financial Assistance Programs](#).

### **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:

(1) Financial stability;

(2) Quality of management systems and ability to meet the management standards prescribed in this part;

- (3) 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;
- (4) 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
- (5) 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.

### **3. Experience Promoting Racial Equity**

In evaluating applications for funding, HUD will consider the extent to which the application demonstrates that the applicant has the experience and the resources to effectively address the needs of underserved communities, particularly Black and Brown communities. This may include experience successfully working directly with such groups, experience designing or operating programs that equitably benefit such groups, or experience successfully advancing racial equity in other ways. This may also include experience soliciting, obtaining, and applying input from such groups when designing, planning, or implementing programs and activities.

## **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 were not chosen for award. Notifications will be sent by email to the person listed as the AOR in item 21 of the SF-424.

#### **1. Final Grant**

After HUD has made selections, HUD will finalize specific terms of the award and budget in consultation with the selected applicant. If HUD and the selected applicant do not finalize the terms and conditions of the award in a timely manner, or the 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 also impose specific conditions on an award as provided under [2 CFR 200.208](#).

#### **2. 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 may fund no portion of an application that:

- (1) Is ineligible for funding under applicable statutory or regulatory requirements;
- (2) Fails, in whole or in part, to meet the requirements of this notice;
- (3) Duplicates activities funded by other federal awards; or
- (4) Duplicates activities funded in a prior year.

b. HUD may adjust the funding for an application to ensure funding diversity, geographic diversity, and alignment with HUD administrative priorities.

c. If an applicant turns down an award offer, or if HUD and an applicant do not finalize the terms and conditions of the award in a timely manner, HUD may withdraw the award offer and make an offer of funding to another eligible application.

d. If funds remain after all selections have been made, remaining funds may be made available within the current fiscal year for other competitions within the program area, or be held for future competitions (if allowable in accordance with the applicable appropriation or authorizing statute), or be used as otherwise provided by authorizing statute or appropriation.

e. 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, in accordance with the appropriation, 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.

### **3. 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.

**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, HUD 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 may receive 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. Administrative, National and Departmental Policy Requirements and Terms for HUD Applicants and Recipients of Financial Assistance Awards**

Unless otherwise specified, the following [Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards](#) apply. Failure to comply with these requirements may impact your ability to receive or retain a financial assistance award from HUD. Read the requirements carefully as the requirements are different among HUD’s programs.

1. Compliance with The Fair Housing Act ([42 U.S.C. 3601-3619](#)) and implementing regulations at [24 CFR part 100 et seq](#)
2. Compliance with Title VI of the Civil Rights Act of 1964, [42 U.S.C. 2000d-2000d-4](#)

- (Nondiscrimination in Federally Assisted Programs) and implementing regulations at [24 CFR part 1](#)
3. Compliance with the Age Discrimination Act of 1975 ([42 U.S.C. 6101-6107](#)) and implementing regulations at [24 CFR part 146](#)
  4. Compliance with Section 504 of the Rehabilitation Act of 1973 ([29 U.S.C. 794](#)) and implementing regulations at [24 CFR part 8](#)
  5. Compliance with the Americans with Disabilities Act, [42 U.S.C. 12101 et seq](#)
  6. Compliance with Affirmatively Furthering Fair Housing (AFFH) requirements, including those listed on HUD's [Affirmatively Furthering Fair Housing](#) webpage
  7. Compliance with Economic Opportunities for Low-and Very Low-income Persons (Section 3) requirements, including those listed at [24 CFR part 75](#)
  8. Compliance with Improving Access to Services for Persons with Limited English Proficiency (LEP) requirements, including those listed within [Federal Register Notice, FR-4878-N-02](#) (also see [HUD's webpage](#))
  9. Compliance with Accessible Technology requirements, including those listed on in [HUD's Policy on Section 508 of the Rehabilitation Act and Accessible Technology](#)
  10. Compliance with Equal Access Requirements (see [24 CFR 5.105\(a\)\(2\)](#) and [5.106](#))
  11. Compliance with Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Business requirements at [2 CFR 200.321](#)
  12. Compliance with Energy Efficient, Sustainable, Accessible, and Free from Discrimination by Design
  13. Compliance with Real Estate Acquisition and Relocation requirements (see [49 CFR part 24](#) and applicable program regulations)
  14. Compliance with Participation in HUD-Sponsored Program Evaluation (see [Federal Register Notice, FR-6278-N-01](#))
  15. Compliance with OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (see [2 CFR part 200](#))
  16. Compliance with Drug-Free Workplace requirements (see [2 CFR part 2429](#), which is HUD's implementation of [41 U.S.C. 701, et seq.](#))
  17. Compliance with the requirements related to safeguarding resident/client files
  18. Compliance with the Federal Funding Accountability and Transparency Act of 2006 ([2 CFR part 170](#)) (FFATA), as amended
  19. Compliance with Eminent Domain
  20. Compliance with Accessibility for Persons with Disabilities requirements on [HUD's Disability Overview](#) webpage
  21. Compliance with Violence Against Women Act at [24 CFR part 5](#), subpart L and applicable program regulations
  22. Compliance with Conducting Business in Accordance with Ethical Standards/Code of Conduct, including [2 CFR 200.317](#), [2 CFR 200.318\(c\)](#) and other applicable conflicts of interest requirements
  23. Compliance with the [Build America, Buy America \(BABA\) Act](#) procurement requirements and [implementing guidance available on HUD's dedicated webpage](#)
  24. Compliance with System for Award Management and Universal Identifier Requirements at [2 CFR part 25](#)
  25. Compliance with [section 106\(g\) of the Trafficking Victims Protection Act of 2000 \(TVPA\), as amended \(22 USC 7104\(g\)\)](#) and implementing regulations at [2 CFR part 175](#) (Award Term for



Trafficking in Persons)

26. Compliance with Award Term and Condition for Recipient Integrity and Performance Matters (see [Appendix XII to 2 CFR part 200](#))

27. Compliance with Suspension and Debarment (see [2 CFR part 2424](#) and [2 CFR part 180](#))

28. Compliance with environmental justice requirements under Executive Orders [12898](#) and [14008](#), and OMB Memorandum [M-21-28](#), which implements the Justice40 Initiative, section 223 of Executive Order [14008](#).

29. Compliance with Eliminating Barriers That May Unnecessarily Prevent Individuals with Criminal Histories from Participation in HUD Programs (see [HUD Secretary Fudge's April 12, 2022 memorandum](#))

30. Compliance with equity requirements, which include compliance with racial equity and underserved communities and LGBTQ+ requirements under Executive Orders [13985](#) and [13988](#)

31. Compliance with waste, fraud, and abuse requirements, including whistleblower protections (see [HUD's webpage](#))

HUD's Office of Inspector General (OIG) maintains a hotline to receive allegations of fraud, waste, and abuse related to HUD programs ([see OIG hotline webpage](#)). Visit the Federal Contractor or Grantee Protections website for more information on whistleblower protections for employees and subgrantees under 41 USC 4712 ([see OIG webpage](#)).

### **Environmental Review**

Compliance with environmental requirements, including regulations at [24 CFR part 50](#) or [58](#):

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.

### **Prohibition on Surveillance**

Compliance with [2 CFR 200.216, Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment](#) is required.

### **Remedies for Noncompliance**

HUD may terminate a Federal award, in whole or in part, for any of the reasons specified in [2 CFR 200.340, Termination](#).

### **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**

You should be aware that if the total Federal share of your federal award includes more than \$500,000 over the period of performance, the award will be subject to post award reporting requirements reflected in [Appendix XII to 2 CFR part 200, Award Terms and Conditions 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. These authorities prohibit discrimination in housing and in programs receiving financial assistance from the Department and direct the Secretary to administer the Department's programs and activities in a manner affirmatively to further these policies and to collect certain data to assess the extent of compliance with these policies. Each recipient shall keep such records and submit to the Department timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Department may determine to be necessary to enable it to ascertain whether the recipient has complied or is complying with 24 CFR parts 1 and 121. In general, recipients should have available for the Department data showing the demographics of beneficiaries of federally-assisted programs.

## **3. 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.

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

- **FFATA Requirements.** You will be required to report certain data in compliance with the Federal Funding Accountability and Transparency Act (FFATA). Additional information about these requirements is available at [www.fsr.gov](http://www.fsr.gov) under the OMB Guidance link.
- **Program Progress.** You will be required to submit Quarterly Performance Reports in a manner specified by HUD, with actual outputs and outcomes achieved and a narrative explanation of any disparity between projected and actual results. Quarterly Performance Reports must comply with requirements described in 2 CFR 200.327-329.
- **Leveraged Resources Report.** You will be required to submit a leveraged resources report (LRR) every quarter. The LRR tracks your progress toward meeting your leverage

commitment. The LRR includes information such as: the type of leverage fund (cash or in-kind), the amount leveraged by quarter, eligible activities associated with the contribution, and summary data on the total contribution to date.

- **Accounting for Costs Separately.** If you receive funds from multiple sources under this NOFO, you will be required to account for costs separately under each award.

## **D. Debriefing**

For a period of at least 120 calendar days, beginning 30 calendar 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 AOR 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) of this NOFO. 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:

Leatha Blanks

Phone:

202-402-5821

Email:

leatha.m.blanks@hud.gov

Individuals who are deaf or hard of hearing, or who have speech and other communication disabilities may use a relay service to reach the agency contact. To learn more about how to make an accessible telephone call, visit the webpage for the [Federal Communications Commission](#). Note that HUD staff cannot assist applicants in preparing their applications.

## **VIII. OTHER INFORMATION**

### **1. Compliance of this NOFO with the National Environmental Policy Act (NEPA)**

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](#)
- [Assistance Listing \(formerly CFDA\)](#)
- [Climate Action Plan](#)

- [Climate and Economic Justice Screening Tool \(CEJST\)](#)
- [Code of Conduct Requirements and E-Library](#)
- [Environmental Review](#)
- [Equal Participation of Faith-Based Organizations](#)
- [Fair Housing Rights and Obligations](#)
- [Federal Awardee Performance and Integrity Information System](#)
- [Federal Funding Accountability and Transparency Act \(FFATA\) Subaward Reporting System](#)
- [Grants.gov](#)
- [Healthy Homes Strategic Plan](#)
- [Healthy Housing Reference Manual](#)
- [Historically Black Colleges and Universities \(HBCUs\)](#)
- [HUD's Strategic Plan](#)
- [HUD Grants](#)
- [HUD Reform Act](#)
- [HUD Reform Act: HUD Implementing Regulations](#)
- [Limited English Proficiency \(LEP\)](#)
- [NOFO Webcasts](#)
- [Procurement of Recovered Materials](#)
- [Promise Zones](#)
- [Section 3 Business Registry](#)
- [State Point of Contact List](#)
- [System for Award Management \(SAM\)](#)
- [Real Estate Acquisition and Relocation](#)
- [Unique Entity Identifier](#)
- [USA Spending](#)

### **3. Program Relevant Web Resources**

- [Distressed Cities and Persistent Poverty Technical Assistance Program | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)
- [Distressed Cities and Persistent Poverty Technical Assistance - HUD Exchange](#)

## **APPENDIX**