



Request for Proposals – Application Instructions HOME – SHB 2060 - SHB 2163 – CHG - HEN Thurston County Homeless and Affordable Housing RFP

Issue Date: February 25, 2019

Closing Date: April 5, 2019

CONTACT AND INQUIRIES

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OR

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AVAILABILITY OF FUNDS

CHG, HEN Project Funding Period:

July 1, 2019 – June 30, 2020

2060 and 2163 Project Funding Period

September 1, 2019 – August 31, 2020

HOME Project Funding Period:

October 1, 2019 – August 31, 2030

Approximate Funding Available:

HOME Investment Partnership Act	\$593,000*
HOME Investment Partnership Act (CHDO Set-aside)	\$118,000*
Consolidated Homeless Grant (CHG)	\$650,000*
Housing and Essential Needs (HEN)	\$1,600,000*
SHB 2060	\$250,000
ESHB 2163	\$2,050,000
Total:	\$5,261,000

Thurston County is soliciting applications for HOME, 2060, 2163, CHG and HEN for eligible activities that provide affordable housing, homeless housing, shelter, and services that benefit low-income, homeless, at risk and special needs residents of Thurston County.

**The available HOME funding may increase or decrease depending on the final 2019 budget allocations issued by the U.S. Department of Housing and Urban Development. The available CHG & HEN funding may increase or decrease depending on actions taken by the Department of Commerce and the State Legislature.*

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TO BE CONSIDERED FOR FUNDING, APPLICATIONS MUST BE SUBMITTED NO LATER THAN 12:00 PM, FRIDAY, APRIL 5, 2019. APPLICATIONS MUST BE COMPLETED AND SUBMITTED ELECTRONICALLY THROUGH ZOOMGRANTS AT:

<https://zoomgrants.com/gprop.asp?donorid=2253>

In addition, one signed hard copy must be delivered to Thurston County no later than Friday, April 12, 2019:

**Homeless and Affordable Housing RFP
Public Health and Social Services
412 Lilly Road NE
Olympia, WA 98506-5132**

RFP APPLICATION MATERIALS

A link to ZoomGrants and the on-line application can be found online at

<http://www.co.thurston.wa.us/health/admin/funding/index.html>.

For more information and questions you may have regarding your agency's application, contact Gary Aden at (360) 867-2532 or by email at adeng@co.thurston.wa.us.

ANTICIPATED TIMELINES

The following anticipated timeline is subject to change, at the discretion of the County:

- February 25, 2019: Notice of Funding Availability / Request for Proposal published in the Olympian, the County's newspaper of record
- February 27, 2019: Bidder's conference. 412 Lilly Rd, NE, Olympia WA 98503. 2:00-4:00pm
- April 5, 2019: **Applications, submitted through ZoomGrants are due no later than 12:00 p.m.**
- April 12, 2019: **Deliver one (1) hard copy of proposal, with all attachments and a signed Verification and Signature Form** to Homeless and Affordable Housing RFP, Public Health and Social Services, 412 Lilly Rd NE, Olympia WA 98506-5132
- April 2019: Applications are reviewed
- May 2019: Final funding recommendations
- June 2019: Recommendations to the Board of County Commissioners
- June 2019: Thurston County completes requirements to add funded projects to the FY 2019 HUD Annual Action Plan, including additional public hearings.
- July 10, 2019: Thurston County submits FY 2019 HUD Annual Action Plan to HUD

August 2019: Thurston County sends preliminary award letters to successful applicants

October 2019: Final award notification letters sent by Thurston County after HUD issues fully executed funding agreement with the County for HOME projects

July-Dec., 2019: Contracts issued dependent on funding source

REQUESTS FOR REASONABLE ACCOMMODATION

Thurston County (hereafter referred to as the “County”) will provide reasonable accommodation to allow for equal participation in the Request for Proposal (RFP) application process. To request a reasonable accommodation, please contact Gary Aden at adeng@co.thurston.wa.us or call (360) 867-2532 (Voice) or TDD (800) 754-2933. This document will be provided in alternate formats, upon request.

ACCESS TO REFERENCED SUPPLEMENTARY DOCUMENTS

The electronic version of this RFP document contains active hyperlinks to supplementary reference documents. Prospective applicants who are unable to access the Internet may request copies of the documents referenced in this Request For Proposals (RFP) by contacting Gary Aden at adeng@co.thurston.wa.us or call (360) 867-2532 (Voice) or TDD (800) 754-2933.

All referenced supplementary documents are available on the Thurston County Office of Housing and Homeless Prevention website at www.co.thurston.wa.us/health/sscp/index.html.

NOTICE OF SOLICITATION

Failure of the County to notify any interested party or parties directly regarding the availability of these funds shall not void or otherwise invalidate the RFP process.

AVAILABILITY OF FUNDS

Thurston County is soliciting applications for federal HOME Investment Partnership Program (HOME), funds, state Consolidated Homeless Grant (CHG), local SHB 2060 Affordable Housing (2060), and ESSHB Homeless Housing (2163) funds for eligible activities that provide homeless housing, affordable housing, and housing services that benefit low-income, homeless, and at risk of homelessness residents residing in Thurston County. Up to fifteen percent (15%) of the total HOME allocation must be used to fund projects that are owned, operated and developed by certified Community Housing Development Organizations (CHDOs).

The funding amounts listed in this RFP are considered approximate, and may be subject to change based on specific federal and state allocations and fees collected by the County. Contract awards are subject to the County receiving projected revenue from federal, state, and local sources.

In some instances, final funding amounts may not be determined until after awards are announced. In these instances, if the funding amount is different (either higher or lower) than the preliminary award amount, awards will be adjusted as follows:

- After calculating for allowable program administration and any authorized set-aside amounts, a final funds available for award will be determined.
- The proportional difference between the anticipated funds available amount and the final funds available amount will be calculated. Final funds available/anticipated funds available = proportional difference. The proportional amount will be calculated to the 6th decimal place

(Example: Final funds available = \$410,000; Anticipated funds available = \$400,000.
Calculation $\$410,000/\$400,000=1.000975$)

- The final award amount will be calculated by multiplying the preliminary award amount by the proportional difference. (Example: Preliminary award amount = \$50,000. Proportional award amount = 1.000975. Calculation: $\$50,000 * 1.000975 = \$50,048.75$ final award amount)
- The County may round final award amounts, up or down in \$1 amounts.

FUND OVERVIEWS – ELIGIBLE ACTIVITIES

Federal Funds – U.S. Department of Housing and Urban Development (HUD)

HOME Investment Partnerships (HOME):

Must benefit low-income (80% AMI) and very low-income (50% AMI) households

- Funds can be used for housing activities including acquisition, rehab, homebuyer assistance, and new construction
- Other rental restrictions apply

CHDO Set-aside from HOME funds:

Must be certified as a CHDO (Community Housing Development Organization)

- Includes the same restrictions and conditions on use of HOME funds

State Funds – Washington State Department of Commerce

Consolidated Homeless Grant (CHG):

Rapid Rehousing and rental assistance (current set asides include TANF families and for-profit landlords subject to change by legislature)

- Facility operation and maintenance costs
- Administration costs (limited by State grant terms)
- Data Collection through the Homeless Management Information System (HMIS)
- Services to homeless persons and families
- Services to those exiting institutions (jail, hospitals, mental health and chemical dependency programs)
- Housing and Essential Needs (HEN)

Local Funds – Washington State Legislation and Document Recording Surcharges

Homeless Housing Grant (2163):

- Benefits homeless households

Affordable Housing Grant (2060):

- Benefits very low-income households (50% AMI)
- Funds can be used for operations and maintenance of very low-income and homeless housing; acquisition, construction and rehab of affordable housing (50% AMI); and emergency shelters

ABOUT THE FUNDING

HOME INVESTMENT PARTNERSHIP PROGRAM

The HOME Program was created by the National Affordable Housing Act of 1990 (NAHA). The Housing and Community Development Act of 1992 and the Multifamily Property Disposition Act of 1994 made important changes to the Program. The intent of the HOME Program is to:

- Expand the supply of decent, safe, sanitary, and affordable housing;
- Strengthen the abilities of state and local governments to provide housing;
- Expand the capacity of nonprofit community based housing development organizations; and,
- Leverage private sector participation in financing affordable housing.

CONSOLIDATED HOMLESS GRANT PROGRAM

The Consolidated Homeless Grant (CHG) state funds support a variety of activities, including: operations of emergency shelter and transitional housing units, rental assistance, rapid rehousing, diversion, coordinated entry, and data collection and reporting.

HOMELESS HOUSING GRANT PROGRAM

The Homeless Housing Grant Program was created in Washington State by Engrossed Second Substitute House Bill (ESSHB) 2163 on August 1, 2005. The law created a document recording fee on certain documents to be utilized by local jurisdictions to reduce homelessness. Administration of the grant funds are shared between local governments and the state. Eligible uses of the funds are broad; as long as the program funded addresses homelessness through housing and/or services.

AFFORDABLE HOUSING GRANT PROGRAM

The Affordable Housing for All Grant Program came about through the enactment of Substitute House Bill 2060 which became law in Washington State on June 13, 2002. The law created a document recording fee on certain documents to be utilized for low-income housing.

ELIGIBLE ACTIVITIES

HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)

The eligible activities are defined in the HOME program regulations at 24 CFR 92.205. A list of some of the activities follows:

- Rehabilitation of residential property
- New construction of residential property
- Acquisition of residential property

- Relocation associated with an eligible HOME project

The following activities generally are **not eligible** for Thurston County HOME funding:

- Project reserve accounts
- Emergency home repair programs
- Public housing units
- Commercial properties
- Shelters, unless they meet Section 8 Housing Quality Standards and otherwise can be considered rental housing
- Tenant or project based rental assistance

Note: The above lists are not comprehensive. For a complete list of eligible or ineligible activities refer to HOME regulations in 24 CFR 92.205. Local priorities also direct investment strategies.

CONSOLIDATED HOMELESS GRANT PROGRAM

Eligible activities include:

- Rental assistance and Rapid Rehousing programs serving homeless persons and families;
- Operating costs for facilities that serve homeless persons and families;
- Operating subsidies for transitional housing or permanent housing serving formerly homeless families or individuals;
- Services to prevent homelessness, such as emergency eviction prevention programs including temporary rental subsidies to prevent homelessness;
- Temporary services to assist persons leaving state institutions and other state programs to prevent them from becoming or remaining homeless;
- Outreach services for homeless individuals and families;
- Collection of Data on homeless persons served in the Homeless Management Information System (HMIS); and
- Administrative costs

For a complete list of eligible activities see State of Washington CHG guidelines, available under the Library tab in ZoomGrants, for further information.

HOMELESS HOUSING GRANT PROGRAM (2163)

Eligible activities are defined in the legislation for Washington State Engrossed Second Substitute House Bill (ESSHB) 2163. A list of some of the activities follows:

- Rental and furnishing of dwelling units for the use of homeless persons;
- Costs of developing affordable housing for homeless persons, and services for formerly homeless individuals and families residing in transitional housing or permanent housing and still at risk of homelessness;
- Operating subsidies for transitional housing or permanent housing serving formerly homeless families or individuals;
- Services to prevent homelessness, such as emergency eviction prevention programs including temporary rental subsidies to prevent homelessness;
- Temporary services to assist persons leaving state institutions and other state programs to prevent them from becoming or remaining homeless;
- Outreach services for homeless individuals and families;
- Development and management of local homeless plans including homeless census data collection; identification of goals, performance measures, strategies, and costs and evaluation of progress towards established goals;
- Rental vouchers payable to landlords for persons who are homeless or below thirty percent of the median income or in immediate danger of becoming homeless; and
- Other activities to reduce and prevent homelessness as identified for funding in the local plan.

AFFORDABLE HOUSING GRANT PROGRAM (2060)

Eligible activities are defined in the legislation for Substitute House Bill 2060. A list of eligible activities follows:

- Provide funding for operation and ongoing maintenance of emergency shelters (not including capital improvements);
- Provide funding for operation and ongoing maintenance (not including capital improvements) of housing, including transitional housing that is eligible for WA State Housing Trust Fund grants. [Note that the WA State Housing Trust Fund requires that facilities serve the target population for at least 40 years.];
- Provide funding for capital projects serving persons at or below 50% median income (AMI) for at least 25 years, including:
 - Provide funding to build new single-family housing units, including duplexes, multifamily housing, and single room occupancies.
 - Build emergency or youth shelters;
 - Build group homes or special-needs housing;
 - Provide funding to rehabilitate housing (repair/replace roofs, walls, electrical systems, doors, floors, cabinets, ceilings, bathrooms, etc.);

- Acquisition of housing;
- Acquisition of land for future housing;
- Payment of soft costs (not bricks/mortar) associated with housing development.
- Provide short-term rental/mortgage assistance consistent with the requirements of the 2060 Legislation.

THURSTON COUNTY HOMELESS HOUSING AND SERVICES PRIORITY

The Community Investment Partnership (CIP) Steering Committee selected the following priority for homeless housing and services programs funded with 2163 and/or CHG funds for the 2019 funding round. Priorities for capital projects, funded by HOME and/or 2060 are identified by placement in the Capital Pipeline.

Priority

Homeless housing and services projects that have the following characteristics will be scored as having greater “importance to the community” and therefore have a higher probability of receiving an award. A project that meets the priority is NOT guaranteed funding. Conversely, a project that does not meet the priority, is not prohibited from receiving funding, if it is an eligible project under a funding source.

- Projects that pro-actively and directly work to reduce the number of persons experiencing homelessness and those at risk of homelessness in Thurston County as identified in the 5-Year Homeless Housing Plan.

Areas of Emphasis

The application scoring criteria reflect new or growing areas of emphasis for Thurston County. Application scores may be increased by projects that have the following characteristics and therefore have a higher probability of receiving an award. A project that scores high in one or more areas of emphasis is NOT guaranteed funding.

- Projects that have been operational for more than 12 months and that maintain or expand an existing service in Thurston County for persons experiencing homelessness or those at risk of homelessness.
- Projects that pro-actively work to reduce the disproportionate impact of homelessness on people of color, the most vulnerable, and historically disadvantaged populations.
- Projects that employ a low barrier/housing first approach.
- Projects that have a high proportion of project funding that can be considered match, or funds from other sources.
- Projects that have a record of strong programmatic and financial performance.

MULTI-YEAR FUNDING AWARDS

The CIP Steering Committee will recommend to the Board of County Commissioners both single-year and multi-year funding awards. Applications that receive a multi-year award will receive a contract that is funded with one year of funding that is renewable for an additional year. **Year 2 of funding is NOT guaranteed** and may be reduced or withheld due to funding availability, if performance is determined unsatisfactory, or for any reason at the direction of the Board of County Commissioners.

Project Type	Award Length
Capital	1 year
Homeless and Affordable Housing Services	2 years
Housing Basic Needs, to be awarded under the Community Investment Partnership RFP	1 year

CAPITAL PROJECTS – 2017-2021

Thurston County intends to make funding awards for the funding years 2017 – 2021 based on recommendations from the Thurston Thrives Housing Action Team Request for Information, published in November 2016. This collaborative, community-based process identified nine projects that will increase the supply of affordable housing in Thurston County. Two projects per year are identified, with one open slot available in 2020. During the funding year for which a project has been selected, the project organization is required to submit a complete application to the County for final review and approval. Thurston County reserves the right to withdraw an organization’s placement on the pipeline at any time due to insufficient progress during the pre-development phase, if an application does not meet Thurston County priorities or is unable to comply with federal and state requirements and timelines. All awards in future years are dependent on the availability of federal and state capital funding received by Thurston County. Projects designated for 2019 funding are required to submit an application during this funding award cycle for final review and consideration.

The funding availability for these designated capital projects does NOT include funds set-aside for Community Housing Development Organizations (CHDO), as defined by the HOME Investment Partnership Program. CHDO-eligible applicants may apply for CHDO-set-aside funds authorized under this RFP.

COORDINATED ENTRY

Thurston County will make funding available to implement a coordinated entry (CE) program that complies with HUD and the Washington Department of Commerce Coordinated Entry Policy and Procedure guidelines. The county intends to contract with one lead agency who will be responsible to the county for the implementation and day to day operations of CE, fiscal responsibility for all

subcontractors, and all reporting requirements for the program. The lead agency may have additional subcontractors identified in the required supporting documents. Additional funding not needed in the proposed program budget for required data entry and reporting shall be used to provide system diversion specialists, program navigators or similar supportive activity as described by the lead agency.

CITIZEN PARTICIPATION

The U.S. Department of Housing and Urban Development (HUD) program regulations require that citizens be given the opportunity to examine and appraise the County's use of HOME funds. Citizens are afforded an opportunity to participate by membership on the Thurston Thrives Housing Action Team, by attendance at Thurston County Commissioner meetings, and through participation at public focus groups throughout the review and recommendation process. All meetings are open to the public and published on the Thurston County Public Health and Social Services/Office of Housing and Homeless Prevention website at www.co.thurston.wa.us/health/sscp/index.html.

Thurston County publishes an Annual Action Plan outlining projected use of funds approved by the Board of County Commissioners for the upcoming program year (September 1st to August 31st). Prior to the adoption of the Annual Action Plan, a public hearing will be held by the Board of County Commissioners on or about June 11, 2019 to provide citizens an opportunity to comment on the activities that will be carried out in FY 2019 (September 1, 2019 to August 31, 2020).

REQUIRED MONITORING

FOR FEDERAL FUNDING:

Thurston County staff will work with successful applicants to ensure specific benchmark or milestone requirements are met. Thurston County staff will require monitoring activities conducted at each of the following phases of a project:

Predevelopment:

Upon award of funding, Thurston County staff will meet with the applicant to review all of the HOME program and monitoring requirements. Applicants will be required to report on the status of the project on a quarterly basis. The report should include the status of the site plans, financing, permits, and other predevelopment activities;

Development:

During the development phase of the project, staff will meet regularly with the applicant to ensure all program requirements are being met. On-site inspections will be conducted during construction prior to any release of funds; and

Close Out:

Prior to project close out, staff will meet with the applicant to ensure all compliance documentation and beneficiary data has been received. A cost certification and completion checklist will be required prior to final close out.

Housing Activities: Records to be maintained shall include (this list is not all inclusive):

- A copy of the written agreement with each landlord or developer receiving HOME assistance indicating the total number of dwelling units in each multi-unit structure assisted and the number of those units that will be occupied by low- and moderate-income households;
- The total cost of the activity, including both HOME and non-HOME funds;
- Documentation that all individuals served in conjunction with the Project are eligible, and assurance that records are maintained documenting that the residents of the Project do not have a total gross annual family household income of all household members equal to or less than the Section 8 Housing Assistance Payments Program established by HUD for an equivalent family size. The definition of household is defined as all persons occupying the same housing unit, regardless of their relationship to each other. The occupants could consist of a single family, two or more families living together, or any other group of related or unrelated persons who share living arrangements; and
- For each unit occupied by a low- and moderate-income household, the size, ethnicity, and income of the household.

For rental housing activities only, the records shall include:

- Rent charged (or to be charged) after assistance, for each dwelling unit in each structure assisted; and
- Information as necessary to show the affordability of units occupied (or to be occupied) by low- and moderate-income households pursuant to criteria established and made public by the grantee.
- Housing services that charge rent must comply with the HUD Fair Market Rents (FMR) Schedule for Thurston County, as updated annually, below:

HUD FINAL FY 2018					
Thurston County Fair Market Rents by Unit Bedrooms					
	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
	\$852	\$904	\$1,120	\$1,629	\$1,973

For more information, please visit www.huduser.org.

- For each property acquired on which there are no structures, evidence of commitments must be present ensuring that the above criteria will be met when the structures are built;

FOR LOCAL FUNDING AND CHG

All agencies that serve homeless or at-risk households will be required to submit performance reports on a monthly or quarterly basis and will be required to enter data into HMIS in a timely and accurate manner.

Agencies will be monitored quarterly for compliance with program guidelines.

ELIGIBLE APPLICANTS

Any IRS designated non-profit or neighborhood-based organization, local government, Council of Governments, Housing Authority, Community Action Agency, or federally recognized Indian tribe serving residents of unincorporated Thurston County, or any of the Thurston County Cities and Towns, may apply to use these funds for eligible activities.

Thurston County requires that all applicants that apply for funding be registered as a business entity with the State of Washington and possess a Washington State Unified Business Identifier (UBI) number and a Federal Tax ID number.

APPLICATION EVALUATION PROCEDURE AND CRITERIA

Thurston County staff will jointly review applications to ensure minimum eligibility requirements are met. This will include a threshold review to ensure applications specify and include the minimum criteria below. An eligible project must meet ALL three (3) of the following criteria:

1. The activity must be eligible under HUD regulations for the HOME program, CHG, SHB 2060 and ESSHB 2163 as appropriate and meet required performance measures required under these programs;
2. If serving homeless populations the activity must be described in the current Thurston County Homeless Housing Plan 2017 – 2022 (Five Year Plan); and
3. The applicant has the ability to meet and maintain compliance with applicable federal, state, and/or local regulations, as identified.

Applications will also be evaluated on the following criteria:

- Importance to the community: Direct impact on addressing identified priorities.
- Project design. Clearly defined scope, goals and outcomes/performance measures.
- Cost Effectiveness: The total project cost is appropriate for the expected impact.
- Organization's partnerships and collaboration. Project formally collaborates with partner organizations to maximize impacts.
- Supports Vulnerable and Historically Disadvantaged Populations. Project is accessible to persons with disabilities, actively works to reduce racial disparity in services, and staff are culturally competent to provide services to vulnerable and historically disadvantaged populations.

- Financial capacity: Organization has the financial capacity and systems in place to successfully manage the grant.
- Responsive application: All relevant questions answered and information is relevant and responsive to the question asked.

Capital projects will also be scored on:

- Evidence of qualified staff and capacity to manage project
- Timeliness: Ready to begin project on time and reasonable expectation to complete project on time.

Housing and Homeless Services projects will also receive an administrative score, determined by Thurston County staff, based on:

- If the project is low-barrier/housing first.
- If the project will maintain or expand an existing service in Thurston County that supports persons experiencing homelessness or those at risk of homelessness.
- Match, based on percentage of requested grant funds compared to total project cost.
- Past compliance, based on most recent fiscal audit and program monitoring.

Thurston County will select members of a review committee who will rate and review applications and provide recommendations to the Community Investment Partnership (CIP) Steering Committee. The CIP Steering Committee will make a final recommendation to the Board of County Commissioners on all funded projects.

Upon Board of County Commissioners approval, award letters will then be sent to successful applicants, officially notifying them of their award. For HOME funded projects, the award letter will indicate information on how to proceed with the NEPA level/HUD Environmental Review. The Environmental Review must be completed and approved before a contract is executed. No funds will be reimbursed prior to the execution of a Sub-recipient Agreement with Thurston County.

UNACCEPTABLE SUBMITTALS

Applications submitted that are not responsive to the requirements of the solicitation are unacceptable and will not be considered. Unacceptable applications are those which are subject to at least one (1) of the following shortcomings:

1. Late submittals – Proposals received through ZoomGrants after **12:00 p.m. on April 5, 2019**.
2. Does not address the essential requirements of the RFP.
3. Clearly demonstrates that the applicant does not understand the requirements of the RFP.
4. Clearly deficient in approach.
5. Does not include all the information and documents required as part of the application.

SUBMITTAL DUE DATE AND INSTRUCTIONS FOR SUBMITTAL

To be eligible for consideration, the full application must be completed and received by Thurston County, **no later than 12:00 p.m. on April 5, 2019.**

1. One (1) signed electronic copy delivered to the county through ZoomGrants;
2. One (1) signed hard copy delivered to Thurston County Public Health and Social Services, 412 Lilly Road NE, Olympia, WA 98506-5132 **no later than 4:00 p.m. on April 12, 2019**

Applicants must use the forms provided. **Responses which do not contain a signed original will not receive consideration.** Applications must be signed by a person authorized to bind the agency in a contract.

Applications submitted on time will be considered as submitted. Thurston County will not contact the agency for corrections to the applications. Applicants are strongly encouraged to carefully review the Anticipated Timelines associated with this announcement.

For submitted hard copies, covers are not necessary and three-ring binders **must not** be used. If mailed, applicants are strongly encouraged to send proposals to the Department of Public Health and Social Services via certified mail, return receipt requested. All proposals must be received by the stated deadline.

OWNERSHIP OF MATERIAL

Responses, applications, and other materials submitted in response to this request become the property of the County, are documents of public record, and will not be returned. By submitting an application, applicants acknowledge and agree that they and/or their organization claim no proprietary rights to the ideas or approaches contained in the applications.

PROPOSAL COSTS AND PAYMENT OF CONTINGENT FEES

The County is not liable for any costs incurred by an applicant prior to the issuance of a contract. All costs incurred in response to this solicitation are the responsibility of the applicant, including travel costs to attend workshops and/or contract negotiation sessions.

ACCEPTANCE OF TERMS AND CONDITIONS

By submitting a response to this RFP, the applicant acknowledges and accepts all terms and conditions of this request and all County, Washington State, and Federal regulations and requirements related to the delivery of the eligible activities. If the applicant is awarded a contract, the application will become part of the contract agreement. The applicant is bound by the terms of the application unless the County agrees that specific parts of the application are not part of the agreement. The County reserves the right to introduce different or additional terms and/or conditions during final contract negotiations. Applicants will be required to enter into a formal written agreement with Thurston County.

RIGHT TO REJECT OR NEGOTIATE

The County reserves the right to reject any or all applications, if such a rejection is in the County's best interest. This Request for Proposals (RFP) is a solicitation for offers and shall not be construed as an offer, a guarantee, or a promise that the solicited services will be purchased by the County. The County may withdraw this notification at any time and for any reason without liability to applicants for damages, including, but not limited to, bid preparation costs.

Additionally, Thurston County reserves the right to negotiate with selected applicants and may request additional information or modification from an applicant. When deemed advisable, and before a contract is issued, Thurston County reserves the right to arrange an on-site visit/review to determine the applicant's ability to meet the terms and conditions described in this RFP.

CONTRACT AWARD AND NOTIFICATION TO SELECTED APPLICANTS

Decisions regarding contract awards for services solicited by this announcement will be made in approximately June of 2019. Awarded contracts will begin between July 1, 2019 and January 1, 2020, depending on the funding source requirements.

For Federally funded programs, the Annual Action Plan must meet HUD regulations and HUD will issue a funding agreement to Thurston County after September 1, 2019. Once the funding agreement is received by the County, all proposed HOME projects will be reviewed and approved by Thurston County staff for completed NEPA-level / HUD environmental reviews. After the environmental reviews are approved by Thurston County staff, a Sub-recipient Agreement will be developed. HOME funds will not be committed prior to the execution of an agreement with Thurston County.

CANCELLATION OF APPLICANTS

The County reserves the right, with or without cause, to cancel any contract resulting from this RFP with thirty (30) calendar days written notice sent by certified mail, return receipt requested, to the applicant's address of record, as indicated the applicant's proposal to this RFP (or last known address on file).

NOTIFICATION OF REQUIRED ASSURANCES FOR FEDERAL FUNDING

Applicants who are awarded federal funding agree to comply with the regulations, requirements, conditions, and policies identified below and must sign and attach the Notification of Required Assurances Form. These regulations, requirements, conditions and policies include but are not limited to:

1. FEDERAL REQUIREMENTS

Federally funded projects must adhere to a broad base of federal regulations including those listed below. Thurston County is responsible for ensuring that these regulations are met in all HOME-funded projects.

CONFLICT OF INTEREST:

The Applicant covenants that no person who presently exercises any functions or responsibilities in connection with Thurston County Public Health and Social Services has any personal financial interest, direct or indirect, in this proposal or any resulting Agreement. The Applicant further covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. The Applicant further covenants that in the performance of this project/proposal, no person having any conflicting interest will be employed. Any interest on the part of the Applicant or its employees must be disclosed to Thurston County.

No officer, employee, or agent of the Applicant shall participate in the selection, award, or administration of activity funded in whole or in part with HOME funds if a conflict of interest, real or apparent, would exist, nor shall their families, or those with whom they have business ties, so benefit.

CHANGES TO SCOPE:

For agencies that are awarded HOME funds, if any changes are made to the scope, location and/or beneficiaries of the program, such change will require a Substantial Amendment to the Consolidated Plan. The agency will be responsible for any costs associated with public notices placed in the local newspapers and other print papers as required notifying the public of the programmatic change. (For further information see the Thurston County Housing and Community Renewal website, and find the applicable substantial plan amendment information in the Citizen Participation Plan.)

ENVIRONMENTAL REVIEW:

All HOME projects will need to have an environmental review completed in accordance with the National Environmental Protection Act (NEPA). The scope of the environmental review will depend on the nature and size of the project. Thurston County may need to incur costs related to the completion of the NEPA review. The cost will be passed on to the applicant as a project cost.

Once the funding application is received the applicant and anyone else in the development process cannot take any choice limiting actions until the environmental assessment is complete. Choice limiting actions include the acquisition of property, beginning construction activities, signing binding contracts, etc. If a choice limiting action is taken without the environmental assessment being completed, it will disqualify the project from receiving federal funding.

IMPORTANT FOR PROJECTS INVOLVING ACQUISITION: HUD only allows the use of a conditional purchase and sale contracts conditioned on completion of the environmental review for the purchase of properties. The responsible entity or applicant may enter into a purchase option on these projects if the option agreement meets the standards of Part 58.22(d). (Applicants will need to work with Thurston County staff to ensure that the option agreement meets the requirements of Part 58.22(d)).

Regulations at 24 CFR Part 58.22 make it clear that a recipient, any participant in the development process (including public or private nonprofit or for profit entities), or any of their contractors may not commit HUD or non-HUD funds on a project until the environmental review process has been

completed and the Request of Release of Funds and related certification have been approved, if needed.

Thurston County may request applicants submit a Phase I environmental, or other related studies if applicable.

UNIFORM RELOCATION ACT:

All projects are subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as implemented by HUD regulation 24 CFR 570.606, as applicable. Applicants applying for the acquisition or rehabilitation of an existing building with residents living in the project, and/or businesses operating in the project, will need to provide proper relocation notices on or before application for federal funds, including HOME. Applicants will be required to meet with County staff to go over the relocation plan for the building(s) and required notices. If businesses or tenants need to be relocated as a result of the acquisition or rehabilitation, those impacted must be compensated in compliance with the URA.

For projects involving acquisition, a Property Owner Notice of Interest must be provided to the seller of the property being acquired. This notice must include language that the Applicant and the County will not use eminent domain to acquire the property and other URA requirements. A voluntary sale notice must be given at the time of the purchase and sale agreement. This notice must also include a disclosure to the seller making them aware of the fair market value of the property.

Applicants for acquisition or currently occupied property will be required to meet with County staff to go over the acquisition notices for the building(s) and/or relocation requirements prior to application.

LABOR STANDARDS:

Projects involving new construction or rehabilitation will adhere to federal labor laws which include:

- A. Davis-Bacon Act: *Applicable to all HOME projects (except residential housing projects with seven (7) or fewer housing units).* Provides assurance that workers employed in construction work under federally assisted contracts are paid wages and benefits equal to those that prevail in the locality where the work is performed. If applicable, the cost of compliance monitoring for federal Davis Bacon may be passed on to the applicant as a project cost.
- B. Contract Work Hours and Safety Standards: *Applicable to all projects.* Provides assurance that workers employed in construction work under federally assisted contracts are paid 1½ time their normal salary for working over 40 hours per week.
- C. Copeland Act: *Applicable to all projects.* Governs the deductions from paychecks that are allowable, and requires submission of weekly payroll.
- D. Fair Labor Standards: *Applicable to all projects.* Establishes a basic minimum wage for all work, and requires the payment of time and a half for overtime.

EQUAL EMPLOYMENT OPPORTUNITY:

This law prohibits discrimination against any employee or application for employment because of race, color, religion, sex, or national origin. Provisions to effectuate this prohibition must be included in all

construction contracts. The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, creed, color or national origin.

SECTION 3 REQUIREMENTS:

All construction contracts must meet Section 3 requirements to the greatest extent feasible. Opportunities for training and employment arising from the project will be provided to low-income persons residing in the program service area. To the greatest extent feasible, contracts for work to be performed in connection with the contractor will be awarded to business concerns that are located in or owned by a person residing in the program service area. A Section 3 plan for the project will be required to be completed prior to the start of construction and a Section 3 clause will need to be included in any construction contracts.

MINORITY BUSINESS ENTERPRISES (MBE) AND WOMAN BUSINESS ENTERPRISES (WBE):

Developers of federally funded housing projects *must adopt* procedures to establish and oversee a minority outreach program to ensure, to the maximum extent possible, that minorities and women, and businesses owned by minorities and women (MBE/WBE's), are offered contracts. Applicants will need to include an outreach plan and include MBE/WBE provisions in all construction contracts.

LEAD-BASED PAINT:

If the project involves acquisition and/or rehabilitation on a building or buildings built before 1978, federal regulations require that testing for lead paint be conducted and a risk assessment be provided. Any lead-based paint hazard must be corrected in accordance with federal and state guidelines.

CONTRACTING AND PROCUREMENT:

Projects may be subject to certain Federal procurement rules which include:

- A. Conflict of Interest;
- B. Debarred contractors; and
- C. Procurement Standards under 24 CFR 85.36 and 24 CFR Part 84.40-48, as applicable.

All contracts between applicant and contractors must include provisions as outlined in the Thurston County HOME Program contracting requirements and be reviewed by Thurston County HOME Program staff.

FAIR HOUSING AND AFFIRMATIVE MARKETING:

All projects must comply with the following federal fair housing laws, including but limited to:

- A. Title VI of the Civil Rights Act of 1964 as amended;
- B. The Fair Housing Act;
- C. Equal Opportunity in Housing Act; and
- D. Age Discrimination Act.

All projects must adopt affirmative marketing procedures in compliance with federal and county policy. An affirmative marketing plan must be provided on HUD form HUD935.2A. The plan must, to the greatest extent possible, provide information to the public and potential tenants that may be underserved in the community.

ACCESSIBILITY:

All projects must comply with the following federal accessibility laws:

- A. Americans with Disabilities Act;
- B. Fair Housing Act; and
- C. Section 504/Handicap Accessibility.

FINANCIAL MANAGEMENT:

The applicant must comply with all relevant OMB circulars and 2 CFR Part 200. Recipients of funds must have a financial management system in place that complies with all federal standards including cost reasonableness. Applicants that received more than \$750,000 in federal funds in a program year must have an audit in accordance with 2 CFR Part 200 subpart F.

HOME SPECIFIC REQUIREMENTS

Thurston County may not commit HOME funds to a project consisting of new construction or rehab until the following are met:

- Committing funds is the act of signing the HOME funding agreement by Thurston County and Sub-grantee
- CHDO's must be certified at time of commitment of funding
- CHDO certification is based upon meeting the federal definition of a CHDO and a capacity assessment
- All necessary funding is secured such as letter of credit, letter of available owner provided funds, or proof of grant award
- A budget and production schedule is established and accepted by Thurston County
- Underwriting and subsidy layering is completed and accepted by Thurston County
- Market assessment is completed for the specific project
- Assessment of the experience and financial capacity of the developer is completed
- All construction is expected to start within 12 months of Agreement signing

OTHER FEDERAL REQUIREMENTS:

Recipients of HOME funding will be required to comply with all federal laws and requirements including all OMB circulars and other federal requirements not listed in these instructions. These requirements will be included in any written agreement between the applicant and Thurston County. Further information is available on request.

2. THURSTON COUNTY REQUIREMENTS

Thurston County will not require supplemental documentation not specifically requested in the funding application at the time of application submission, or at the time of funding awards/reservations. However, the following documentation may be required prior to commitment of funds, and completion of the formal written agreement:

- A. Evidence of site control (purchase and sale agreement, or deed of ownership);
- B. Zoning certificate (if new construction/rehabilitation);
- C. Complete third party construction estimates (if new construction/rehabilitation);
- D. Phase I Environmental & Biological Assessment (if needed to complete environmental review);
- E. Lead test and risk assessment (for acquisition of existing housing built prior to 1978);
- F. Rent rolls (for acquisition of tenant occupied housing);
- G. Market study or comparable rent analysis (if rental housing project is not special needs);
- H. Affirmative marketing plan – Plan to comply with Thurston County policy (not applicable for special needs housing);
- I. Copies of previous years A-133 audits and corporation financial statements;
- J. Copies of developer agreements or partnership agreements (if applicable);
- K. Copy of Board resolution authorizing the submittal of an application. Please include in the resolution the individual authorized to sign on behalf of the organization;
- L. Additional documentation may be required as needed.

The following documentation will be required prior to release of funds, and recording of loan documents:

- A. Title report;
- B. Property appraisal;
- C. Evidence of other funding commitments, including partnership agreements (if the project is a tax credit project), or developer/sponsor agreements; and
- D. Additional documentation may be required as needed;

THURSTON COUNTY’S REVERSION OF ASSETS POLICY:

Real property or facilities acquired or improved or constructed with HOME funds are subject to the below requirements:

Deed restrictions and covenants will be required that reflect the regulatory requirements for period of affordability based on the HOME program regulations at 24CFR Part 92, and as described below.

AFFORDABILITY PERIOD FOR RENTAL PROJECTS:

ACTIVITY	AVERAGE PER-UNIT HOME	MINIMUM AFFORDABILITY PERIOD
Rehabilitation or Acquisition of Existing Housing	<\$15,000	5 years
	15,000 - \$40,000	10 years
	>\$40,000	15 years
Refinance of Rehabilitation Project	Any dollar amount	15 years
New Construction or Acquisition of New Housing	Any dollar amount	20 years

AFFORDABILITY PERIOD FOR HOMEBUYER PROJECTS:

HOME FUNDS PROVIDED	AFFORDABILITY PERIOD
<\$15,000	5 years
\$15,000 - \$40,000	10 years
>\$40,000	15 years

- A. This provision will be implemented through the execution of:
 - 1) A Deed of Trust in favor of the County, placed on the property at the time an Agreement is entered into or at such later time as may be acceptable to the County.
 - 2) A Secured Promissory Note in the amount of this Agreement;
 - 3) A Sub-recipient’s Covenant Agreement for the length of the period of interest; or
 - 4) Any combination of the above documents.

HUD INCOME LIMITS

Area Median Income (AMI) is determined periodically by the Department of Housing and Urban Development (HUD) on the basis of state and local earnings data and is published for cities and counties.

The Area Median Income for Thurston County effective April 2018 is \$77,700 for a four-person household. More information is available at www.huduser.org.

HUD updates income limits annually. The most up-to-date income limits will apply to all funded projects. They may be found at www.huduser.org.

FY 2018										
Thurston County WA Income Limits Summary Table										
Income Limit Area	Median Income	Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Thurston County	\$77,700	Extremely Low (30%)	\$16,350	\$18,650	\$21,000	\$25,100	\$29,420	\$33,740	\$38,060	\$42,380
		Very Low (50%)	\$27,200	\$31,100	\$35,000	\$38,850	\$42,000	\$45,100	\$48,200	\$51,300
		Low (80%)	\$43,550	\$49,750	\$55,950	\$62,150	\$67,150	\$72,100	\$77,100	\$82,050
*These limits are revised annually, usually in December. Income limits are based on Fair Market Rents published by the U.S. Department of Housing and Urban Development (HUD).										

ACKNOWLEDGEMENT OF REQUIRED ASSURANCES FORM

This form must be signed and submitted with the application if you have checked the box indicating you will accept federal funding. Federal funding includes Community Development Block Grant (CDBG), Home Investment Partnership Act (HOME) and the Emergency Solutions Grant (ESG). Proposals which do not contain a signed Acknowledgement of Required Assurances are ineligible for consideration.

By submitting the accompanying application, and by my signature on this document, I understand and agree that any funding award resulting from this solicitation will require compliance with the signed agreement and with the regulations, requirements, and policies identified below, including but not limited to:

- State and local codes and ordinances, including the [Washington State Uniform Building Code](#); projects requiring the rehabilitation of an existing structure must also meet local rehabilitation standards which are available at <http://www.co.thurston.wa.us/permitting/>
- Compliance with the requirements of the [Americans with Disabilities Act Accessibility Guidelines](#);
- Completion of an environmental review, subject to the requirements of the [National Environmental Policy Act \(NEPA\)](#);
- [Uniform Relocation and Real Property Acquisition Act \(URA\)](#);
- [Copeland Act](#);

- [Davis Bacon Act](#);
- [Contract Work Hours and Safety Standards Act \(CWHSSA\)](#);
- [Equal Employment Opportunity Act](#);
- [HUD Section 3 Requirements](#);
- [Minority and Women’s Business Enterprise \(MBE/WBE\)](#);
- [Violence Against Women’s Act \(VAWA\)](#)
- [Lead Based Paint](#);
- [24 CFR 85.36](#), including conflicts of interest and debarment of contractors;
- [Title VI of the Civil Rights Act of 1964](#), as amended;
- [The Fair Housing Act](#);
- [Equal Opportunity in Housing Act](#);
- [Age Discrimination Act](#);
- [Americans with Disabilities Act](#);
- [Section 504 of the Rehabilitation Act](#);
- [Compliance with Office of Management and Budget \(OMB\) Circular A-133 A-21, A-87, A-110, and A-122](#) (as appropriate);
- Compliance with federal and state laws requiring the safeguarding and disclosure of confidential information;
- Prohibition of the use of federal funds for lobbying certification: (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the Grantee, to any person for influencing or attempting to influence an officer or employee of any agency (State or Federal, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress) in connection with the awarding of any Federal loan, the entering into any cooperative agreement, and modification of any Federal contract, grant, loan, or cooperative agreement. (2) If any funds other than Federal appropriated 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 Federal contract, grant, loan, or cooperative agreement, the Grantee shall complete and submit Standard Form LLL, “Disclosure Form to Report Lobbying”, in accordance with its instructions. (3) The Grantee shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. (4) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure;
- Purchase of comprehensive liability insurance and bonding, as required by the County;
- Completion of an annual financial audit, and/or as applicable, providing the County with a copy of the organization’s audited financial statement;
- Completion and subsequent renewal of background checks for all employees, volunteers, or interns who will or may have unsupervised contact with children or vulnerable adults;
- Maintaining program and financial records for audit review and providing access to documentation upon request by the County;
- Submission of program and financial reports, as required by the County;

- Certification that the firm, association or corporation, or any person in a controlling capacity or any position involving the administration of federal, state or local funds, is not currently under suspension, debarment, voluntary exclusion, or a determination of ineligibility by any agency; has not been suspended, debarred, voluntarily excluded or determined ineligible by any agency within the past three (3) years; does have a proposed debarment pending; has not been indicted, convicted, or has not had a civil judgment rendered against said person, firm, association, or corporation by a court of competent jurisdiction in any matter involving fraud or misconduct within the past three (3) years;
- Assurance that the selected applicants will not engage in the following prohibited leasing practices:
 - a. Requiring participation in the direct service components of the applicant’s organization, as a condition of tenancy;
 - b. Requiring tenants to comply with requirements which are not part of the [Washington State Landlord Tenant Act](#);
 - c. Accepting referrals from a single source;
 - d. Requiring leases of less than one (1) year;
 - e. Requiring tenants to waive legal rights as a condition of tenancy; and
 - f. In the event of a dispute, requiring tenants to pay legal fees, regardless of the outcome of the dispute.

Application Approval and Signature: The signatory declares that he/she is an authorized official of the applicant organization, is authorized to make this application, is authorized to commit the organization in financial matters, and will assure that any funds received as a result of this application are used for the purposes set forth herein.

Printed Name and Title

Signature

Agency

Date

END OF INSTRUCTIONS