



Request for Proposals Community Development Block Grant (CDBG) Projects City of Tumwater, Washington

Issue Date: February 23, 2024

Closing Date: April 5, 2024

CONTACT AND INQUIRIES

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AVAILABILITY OF FUNDS

These funds are available as a result of the Thurston County CDBG Urban County partnership between the cities of Lacey, Tumwater, Tenino, Rainier, and Yelm, the town of Bucoda, and Thurston County. Thurston County is designated by HUD as the Urban County and is the lead jurisdiction for this partnership. Thurston County is responsible for contracting and compliance activities related to the CDBG program. Three rotating annual funding rounds have been designated through Memorandums of Understanding between the cities, towns and the county. **The 2024 funding round is for projects serving the City of Tumwater.**

CDBG Project Funding Period: September 1, 2024 – August 31, 2025

Approximate CDBG Funding Available: \$1,000,000

ELIGIBLE ACTIVITIES

Thurston County, on behalf of the City of Tumwater, is seeking applications for Community Development Block Grant (CDBG) funding for activities that include public services (approximately 15% of total funding as allowed by HUD), public infrastructure, or public facilities benefitting low- and moderate-income individuals/households or areas.

APPLICATION WORKSHOP

A bidder's conference will be held on Friday March 15, 2024, at 10:00 AM at Tumwater City Hall. This workshop is highly recommended, but not mandatory, for potential applicants.

TO BE CONSIDERED FOR FUNDING, AN APPLICATION MUST BE COMPLETED AND SUBMITTED ELECTRONICALLY NO LATER THAN 12:00 P.M (NOON), ON FRIDAY, APRIL 5TH, 2024, THROUGH ZOOMGRANTS AT: <https://www.zoomgrants.com/gprop.asp?donorid=2253&limited=4672>

APPLICATIONS ARE REQUIRED FOR ALL PROJECTS, INCLUDING THOSE PROPOSED BY THE CITY OF TUMWATER.

A signed hard copy of the application is not being requested at this time.

RFP APPLICATION MATERIALS

A link to ZoomGrants and the online application can be found online the Thurston County Office of Housing and Homeless Prevention website at:

<https://www.thurstoncountywa.gov/departments/public-health-and-social-services/social-services/office-housing-and-homeless>

ANTICIPATED TIMELINE

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

February 23, 2024:	Notification of Funding Availability/RFP published in The Olympian, the County's newspaper of record.
March 15, 2024:	Bidder's conference, Sunset Room, Tumwater City Hall, 10 a.m.
April 5, 2024:	Applications must be submitted through ZoomGrants no later than 12:00 p.m. (noon).
April 2024:	Tumwater City Council may invite applicants to present on their proposals. Tumwater City Council will review proposals.
April-June 2024:	Thurston County completes additional requirements related to the Annual Action Plan including public hearings.
May 2024:	Tumwater City Council will make final decisions on funded projects.
June 2024:	Thurston County to submit 2024 Annual Action Plan to HUD.
July 2024:	Preliminary award letters sent to successful applicants.
Sept.- Oct. 2024:	Final award notification letters to be sent after HUD issues a fully executed funding agreement with Thurston County.

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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 Alex Persse at alex.persse@co.thurston.wa.us or call (360) 463-0576 (Voice) or TDD (800) 658-6384. 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 RFP by contacting Alex Persse at (360) 463-0576 or TDD (360) 754-2933, or by sending an e-mail to alex.persse@co.thurston.wa.us.

All referenced supplementary documents are available on the Thurston County Housing and Community Renewal website at <https://www.thurstoncountywa.gov/departments/public-health-and-social-services/social-services/office-housing-and-homeless>.

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

The City of Tumwater (hereafter referred to as the “City”) is soliciting applications for CDBG funding, which is available for activities that involve public services and affordable housing projects benefitting low- and moderate-income individuals/households or areas. Examples of such activities are listed below. The City has expressed an interest in funding eligible public service activities that utilize innovative approaches to service delivery.

The City of Tumwater has determined that they do not intend to fund public facilities, public infrastructure, or economic development activities with CDBG funds that would otherwise be eligible.

Public Services

Up to 15% of the total CDBG allocation may be used for public services (approximately \$185,000). Public service activities must be provided by organizations located in or serving Tumwater residents. First priority will be given to public service providers located in Tumwater and serving Tumwater residents. Second priority will be given to organizations which are not physically located in Tumwater but are serving Tumwater residents. Funding for public services is at the discretion of the City.

Examples of eligible public services activities include, but are not limited to:

- Job training
- Crime prevention

- Health services
- Services for houseless persons
- Substance abuse services
- Fair housing counseling
- Education programs
- Food assistance programs

Affordable Housing

Examples of eligible activities that would provide affordable housing include, but are not limited to:

- Acquisition of real property that is or will be used to provide permanent affordable housing
- Repairs, rehabilitation and maintenance to homeowner occupied single-family homes (i.e., home repair program)
- Energy efficiency improvements to homeowner occupied single-family homes (i.e., weatherization program)
- Repairs and rehabilitation/preservation to multi-family rental units
- Repairs and rehabilitation/preservation to single-family rental units
- Water and sewer improvements in support of affordable housing units
- Homebuyer assistance (i.e., down payment assistance or buy down of a home's purchase price)
- Publicly owned infrastructure or offsite street improvements in support of housing units (i.e., repair or installation of streets, street drains, storm drains, curbs and gutters, or traffic lights/signs that are required per the City's permitting process in order to create or preserve housing units)
- Any combination of the above.

Note: Affordable Housing projects are a type of CDBG-Capital project.

Public Facilities, Public Infrastructure and Economic Development

Projects related to public facilities, public infrastructure and economic development activities can generally be funded by the CDBG program and application materials may reference these types of projects. However, the City of Tumwater only intends to fund housing and public service activities and is not accepting applications for other project types.

CDBG Project Funding Period: September 1, 2024 – August 31, 2025
Approximate CDBG Funding Available: \$1,000,000

COMMUNITY MEMBER PARTICIPATION

The U.S. Department of Housing and Urban Development (HUD) program regulations require that community members (e.g., residents, business owners, etc.) be given the opportunity to examine and appraise the County's use of CDBG funds. Community members are afforded an opportunity to participate by membership on the Thurston Thrives Housing Action Team, by attendance at Thurston County Commissioner meetings, 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 <https://www.thurstoncountywa.gov/departments/public-health-and-social-services/social-services/office-housing-and-homeless>. It is expected that public comment will be received on the 2024 Annual Action plan between May and June 2024. Please refer to the Thurston County website for the most up to date information and dates.

Thurston County publishes an Annual Action Plan outlining projected use of funds as recommended by the Regional Housing Council (RHC) and 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 18, 2024 to provide residents an opportunity to comment on the activities that will be carried out in FY 2024 (September 1, 2024 to August 31, 2025).

DESCRIPTION OF COMMUNITY DEVELOPMENT BLOCK GRANT OBJECTIVES

Thurston County receives an allocation of Federal Community Development Block Grant (CDBG) funds under the Housing and Community Development Act of 1974. The primary objective of the program is the development of viable urban communities, by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for low- and moderate-income (LMI) persons. These federal funds are to be used to provide housing, capital improvements, community facilities, public infrastructure, and economic development activities to improve living conditions in lower-income areas, and for low-income residents of Thurston County and to provide public services directly to low- and moderate-income households.

In the CDBG program, public facilities is broadly interpreted to include all improvements and facilities that are either publicly owned or that are traditionally provided by the government, or owned by a nonprofit, and operated so as to be open to the general public. This would include neighborhood facilities such as food banks, community centers, firehouses, public schools, and libraries. Public improvements include streets, sidewalks, curbs and gutters, parks, playgrounds, water and sewer lines, flood and drainage improvements, parking lots, utility lines, and aesthetic amenities on public property such as trees, sculptures, pools of water and fountains, and other works of art. Facilities that are designed for use in providing shelter for persons having special needs are considered to be public facilities (and not permanent housing). Such shelters would include nursing homes; convalescent homes; hospitals; shelters for survivors of domestic violence; shelters and transitional facilities/housing for unhoused individuals; transitional houses for run-away children, drug offenders or parolees; group homes for the developmentally disabled, and shelters for disaster victims. In the CDBG program, site improvements of any kind that are made to property that is in public ownership and comply with CDBG guidelines are considered to be a “public improvement” eligible for assistance under this category.

A consortium of cities and towns (see the following list) and the unincorporated areas of Thurston County have organized to receive funds as an Entitlement Urban County from the U.S. Department of Housing and Urban Development (HUD). The City of Olympia is not part of the Thurston County Urban County CDBG Consortium; the City of Olympia is its own entitlement community and receives a direct allocation of CDBG funds from HUD.

- Unincorporated Thurston County

- Town of Bucoda
- City of Rainier
- City of Tenino
- City of Yelm
- City of Lacey
- City of Tumwater

The 2024 funding round is designated for projects serving the City of Tumwater.

CDBG PROJECT REQUIREMENTS

Special requirement for Consortium Cities and Towns Applicants Only: Supplanting: Please note that federal regulations prohibit using CDBG funds to supplant (replace or substitute for) local or state funds for ongoing responsibilities of general local government. The intent of this federal regulation is to prevent local government from using the availability of federal CDBG dollars to reduce local funding commitments.

In order to be eligible for funding under the CDBG program, **a project must meet two basic requirements:**

REQUIREMENT #1

The project must satisfy **HUD's CDBG National Objective** (24 CFR 570.208 (a)) to benefit low-and-moderate income (LMI) persons/households outside of City of Olympia. LMI is defined as earning less than or equal to 80% of the Area Median Income. See Income Limits Summary Table below for guidance on determining maximum annual income by household size. A project can satisfy the National Objective described above by providing one of four types of benefit to low and moderate income (LMI) individuals. A project must benefit LMI persons by providing either an 1) area benefit; 2) limited clientele benefit; 3) jobs benefit, or 4) housing benefit, as described in further detail below:

A. Area benefit (24 CFR 570.208 (a)(1))

Area benefit is most commonly used for qualifying public facility or public improvement activities. A project providing an area benefit must benefit all residents of an area where at least 51 percent of the residents are LMI.

Note: Prior to submittal of application, please contact Alex Persse at (360) 463-0576 to verify whether a particular area is in an LMI census tract or if an income survey is required to illustrate an area benefit to LMI persons.

B. Limited Clientele benefit (24 CFR 570.208 (a) (2))

To provide a limited clientele benefit a project must benefit a specific targeted group of persons, of which at least 51 percent of beneficiaries of the project are low-and-moderate income. This can be achieved by meeting one of the following criteria:

- 1) Serving a group of individuals primarily presumed to be LMI such as abused children, victims and survivors of domestic violence, elderly persons (Age 62+), severely disabled adults, houseless persons, illiterate adults, persons living with AIDS, and migrant farm workers. 24 CFR 570.208 (a) (2) (a); or
- 2) Serving at least 51 percent LMI persons/households, as evidenced by documentation of beneficiary household size and Annual Household Gross Income (see **TABLE A**, Income Limits Summary, below) 24 CFR 570.208 (a)(2)(b); or

TABLE A FY 2022 As of June 15, 2023										
Thurston County WA Income Limits Summary Table										
Income Limit Area	Median Income	Income Limit Category (% of Area Median Income)	Household Size							
			1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Thurston County	\$102,500	Extremely Low Income (30%)	21,550	24,600	27,700	30,750	35,140	40,280	45,420	50,560
		Very Low Income (50%)	35,900	41,000	46,150	51,250	55,350	59,450	63,550	67,650
		Low Income (80%)	57,400	65,600	73,800	82,000	88,600	95,150	101,700	108,250
*These limits are revised annually by the U.S. Department of Housing and Urban Development (HUD).										

- 3) Having income-eligibility requirements that limit the service(s) provided by the project to persons meeting the LMI income requirement, as evidenced by the administering agency's procedures, intake/application forms and other sources of documentation 24 CFR 570.208 (a) (2)(c).

C. Housing benefit (24 CFR 570.208 (a) (3)).

Projects providing a housing benefit are undertaken to provide or improve permanent residential structures that will be occupied by low-and-moderate income households. Low-and-moderate income households is defined as those with an Annual Gross Household income of 80% or less of Area Median Income, dependent upon household size. See **TABLE A**, Income Limits Summary Table.

- 1) Applicants undertaking a project for acquisition, construction, or rehabilitation of property that will be used for housing must meet the National Objective by providing a housing benefit. Such activities cannot meet the National Objective by qualifying under either an Area benefit or Limited Clientele benefit.
- 2) Projects qualifying for funding by providing a housing benefit are subject to occupancy regulations. The housing category of the low-moderate benefit national objective qualifies activities that are undertaken for the purpose of acquisition or rehabilitation of permanent residential structures which, upon completion, will be occupied by LMI households
 - a. Structures with one housing unit must be occupied by an LMI household. If the structure contains two units, at least one unit must be for LMI households. Structures with three or more units must have at least 51 percent occupancy by LMI households.
 - b. Structures with less than 51 percent LMI occupancy may only be funded under the following circumstances:
 - Assistance is for an activity that reduces the development cost of new construction of non-elderly, multi-family rental housing; and
 - At least 20 percent of the units will be occupied by LMI households at an affordable rent; and
 - The proportion of cost borne by CDBG funds is no greater than the proportion to be occupied by LMI households.
- 3) Unallowable activities under Housing benefit:
 - Code enforcement;
 - Interim assistance;
 - Microenterprise assistance;
 - Public services;
 - Construction of new housing; and
 - Special economic development activities.

REQUIREMENT #2

In addition to meeting the CDBG National Objective, a project must also qualify as an **eligible activity** under U.S. Department of Housing and Urban Development (HUD) regulations found at 24 CFR 570.200- 24 CFR 570.204. See below for eligible activities.

CDBG Eligible Activities

A. Basic Eligible Activities (24 CFR 570.201)

1) Acquisition

Acquisition of real property by purchase, lease, long-term lease, or donation. Special procedures are required for acquisition of real property associated with a project. If your project includes acquisition of real property, please contact Alex Persse at (360) 463-0576 immediately about the regulations before you submit your proposal.

2) Disposition

Disposition of real property acquired with CDBG funds.

3) Public Facilities and Improvements

Acquisition, new construction, reconstruction, rehabilitation or installation of public facilities, and improvements. Applicant must be legal owner of public facility being rehabilitated or improved.

4) Clearance Activities

Clearance, demolition, and removal of buildings and improvements, including movement of structures to other sites.

5) Interim Assistance

The following activities may be undertaken on an interim basis in areas where determination had been made that signs of physical deterioration necessitate immediate action and that permanent improvements will be carried out as soon as practicable: repair of streets, sidewalks, parks, playgrounds, publicly-owned utilities and public buildings; removal of garbage, trash and debris, including neighborhood cleanup campaigns, but not the regular curbside collection of garbage or trash in the area.

6) Payment of Non-Federal Share

Required in connection with a Federal grant-in-aid program undertaken as part of CDBG activities provided payment is limited to eligible activities.

7) Urban Renewal Completion

Payment of the cost of completing an urban renewal project.

8) Removal of Architectural Barriers

Removal of material and architectural barriers which restrict mobility and accessibility of elderly or individuals with disabilities.

9) Privately Owned Utilities

CDBG funds may be used to acquire, construct, reconstruct, rehabilitate, or install distribution lines and facilities of privately owned utilities.

10) Public Services

Provision of public services (including labor, supplies, and materials) including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling and energy conservation. To be eligible for CDBG assistance, a public service must be either a new service or a quantifiable increase in the level of an existing service

B. Rehabilitation and Preservation Activities (24 CFR 570.202)

1) Types of buildings and improvements eligible for rehabilitation services

- Privately-owned residential buildings and improvements;
- Low-income public housing and other publicly owned residential buildings and improvements; or
- Publicly and privately owned commercial and industrial buildings. However, assistance is limited to improvements to the exterior of the building or the correction of the code violations.

2) Types of assistance

- Financial assistance through other grants, loans, loan guarantees, interest supplements, or other means may be provided for rehabilitation activities for the buildings described above, including:
- Assistance to private individuals and entities, including profit or non-profit organizations, to acquire for the purpose of rehabilitation properties for use or resale for residential purposes;
- Labor, materials, and other rehabilitation costs;
- Loans for refinancing existing indebtedness secured by a property being rehabilitated;
- Improvements to increase efficient use of energy in structures;
- Improvements to increase efficient use of water;
- Connection of residential structures to water distribution or local sewer collection lines;

- For rehabilitation carried out with CDBG funds, costs of initial homeowner warranty premiums, hazard insurance premiums, and flood insurance premiums for properties covered by the Flood Disaster Protection Act of 1973;
- Costs of acquiring tools to be lent to owners, tenants and others who will use such tools to carry out rehabilitation;
- Rehabilitation services related to assisting participants in CDBG-funded rehabilitation activities, such as rehabilitation counseling, energy auditing, preparation of work specifications, loan processing, inspections, and other services;

3) Code Enforcement

Code enforcement costs incurred for inspection for code violations and enforcement of codes in deteriorating or deteriorated areas where such enforcement together with public or private improvements, rehabilitation, or services to be provided may be expected to stop decline of the area;

4) Historic Preservation

Rehabilitation, preservation and restoration of historic properties, publicly or privately owned. Historic properties are those listed in or eligible to be listed in the National Register of Historic Places, listed in state or local inventory of historic places, or designated as a state or local landmark or historic district by appropriate law or ordinance;

5) Renovation of Closed School Buildings

Rehabilitation of closed school buildings for use as an eligible public facility or to rehabilitate such buildings for housing;

6) Lead-based paint activities

Removal of lead-based paint

C. Special Economic Development (24 CFR 570.203) and Microenterprise Assistance (24 CFR 570.201 (o))

- Construction by the grantee or subrecipient of a business incubator designed to provide inexpensive space and assistance to new firms to help them become viable businesses.
- Technical assistance to a new or existing microenterprise or to persons developing a microenterprise. Microenterprise means a business having five or fewer employees, one or more of whom owns the business.
- Technical assistance to a business facing bankruptcy

D. Ineligible Project Activities (24 CFR 570.207)

The following activities are ineligible and will not be funded:

- Public facilities activities such as city halls, police stations, churches, exhibit halls and stadiums, schools, airports, hospitals, and nursing homes;
- Purchase of construction equipment, personal property, and furnishings;
- Operating and maintenance expenses of a CDBG assisted facility;
- General government expenses;
- Political activities;
- New permanent residential housing construction;
- Income payments (series of payments made to an individual or family for food, clothing, housing, rent, mortgage, etc.).

REQUIRED MONITORING

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

Predevelopment: Upon award of funding, County staff will meet with the applicant to review all of the CDBG 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/ Operations: During the development phase of the project, County staff will meet regularly with the applicant to ensure all program requirements are being met. On-site inspections will be conducted by County staff during project construction or program operation; and

Close Out: Prior to project close out, County 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 for Housing Capital projects prior to final close out.

National Objective Monitoring and Reporting Requirements: Each agency awarded CDBG funding is responsible for keeping and maintaining the proper records to demonstrate compliance under the

applicable National Objective benefit type. All of the below categories pertain to HUD's National Objective to benefit LMI persons. The following lists are not all inclusive. If funded, County staff will communicate any additional documentation and reporting requirements.

Area Benefit

Records to be maintained shall include, but are not limited to:

- Boundaries of the service area;
- Documentation that the area is primarily residential (e.g., zoning map);
- Percentage of LMI persons that reside in the service area; and
- The data used for determining percentage of LMI persons (e.g., census, survey).

Limited Clientele Benefit

One of the following types of documentation must be kept for each activity (this list is not all inclusive):

- Documentation showing that the activity is designed for and used by a segment of the population presumed by HUD to be principally LMI; or
- Documentation showing the size and annual income of the household of each person receiving the benefit so that it is evident that at least 51 percent of the clientele are persons whose household income does not exceed the LMI limits.

Housing Benefit

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

- A copy of the written agreement with each landlord or developer receiving CDBG 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 CDBG and non-CDBG 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 have a total gross annual household income of all household members equal to or less than **80% of the Adjusted Median Income** 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, **TABLE B** below:

TABLE B HUD Final FY 2024 Thurston County Fair Market Rents by Unit Bedrooms					
Unit Size	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
Fair Market Value	\$1,341	\$1,554	\$1,802	\$2,531	\$3,058

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;
- Where applicable, records documenting that the activity qualified under the exception allowed for new construction of non-elderly, multi-unit, rental housing.

ELIGIBLE APPLICANTS

Any IRS designated non-profit or government agency serving residents of Tumwater may apply to use these funds for eligible activities.

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

County and City staff will 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 four (4) of the following criteria:

1. The activity must be eligible under HUD regulations (24 CFR 570.200-570.204);
2. The activity must meet the HUD CDBG National Objective to benefit LMI persons;
3. The activity must benefit low-income populations within the City of Tumwater; and
4. The activity is carried out by an applicant that 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:

- The conceptual soundness of the project;
- The financial feasibility of the project; and
- The applicant's demonstrated ability to implement the project and comply with CDBG program regulations.

The Tumwater City Council will review and select eligible projects to receive funds. Selections are anticipated to occur in early May. Applicants may be invited to present their proposal to the Tumwater City Council in April. The Tumwater City Council is expected to select funded projects at the May 7, 2024 regular meeting.

Conditional award letters will then be sent to successful applicants to officially notify them of their HUD award. 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 CDBG funds will be reimbursed prior to the execution of a Subrecipient Agreement with the County. See additional information on Environmental Review requirements in the Notification of Required Assurances section.

UNACCEPTABLE SUBMITTALS

Applications submitted that are not responsive to the requirements of the RFP are unacceptable and shall not be considered. Unacceptable applications are those which are subject to at least one of the following shortcomings:

1. Late submittals – Proposals received after 12:00 p.m. on April 5, 2024.
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 the required original signed assurance document.
6. Has changed the formatting of the application.
7. Does not include all the information and documents required as part of the application.

APPLICATION WORKSHOP

There are no mandatory trainings associated with this RFP; however, one bidder's conference will be conducted by County and City staff. See "Anticipated Timeline" on page 2 for more information regarding the conference. **Due to regulatory and application changes, conference attendance is highly encouraged for all applicants.** It is the County's belief that attending the conference will assist your organization in presenting the best possible request for funding. During the conference, Thurston County staff will give an overview of the application and the application process and will also be available to answer questions. Please come prepared with your instruction/application packet and any questions that you may have.

SUBMITTAL DUE DATE AND INSTRUCTIONS FOR SUBMITTAL

To be eligible for consideration, the full application must be completed and received **no later than noon on April 5, 2024:**

1. One (1) signed electronic application submitted to the county through ZoomGrants **by 12:00 p.m.**

Applicants must use the forms provided. **Responses which do not contain a signed application will not receive consideration.** Applications must be signed by a person authorized to bind the agency in a contract. Applicants are strongly encouraged to carefully review the anticipated timelines associated with this announcement, as identified on page 2.

Applications submitted on time will be considered as submitted. The County will not contact the agency for corrections to an application. Applicants are strongly encouraged to carefully review all the requirements associated with this announcement.

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

Neither the County nor the City is 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 the County.

RIGHT TO REJECT OR NEGOTIATE

The City reserves the right to reject any or all applications. This 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 pursued by the City. The City 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, the 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, 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 projects solicited by this RFP will be made in mid-May and final approval will be made around June 18, 2024 when the County submits its one-year action plan to HUD. Awarded contracts will begin on or about October 1, 2024 and become effective on the date signed by the County or the appointed representative.

If the One-Year Action Plan meets HUD regulations, HUD will issue a funding agreement to Thurston County after September 1, 2024. Once the funding agreement is received by the County, all proposed projects will be reviewed and approved by County staff for completed NEPA-level / HUD environmental reviews. After the environmental reviews are approved by County staff, a Subrecipient Agreement will be developed and executed.

RIGHT TO APPEAL

Applicants whose applications are not selected have the right to appeal the decision of the City, limited to procedural errors in the selection process. In the event that no such procedural errors are found to have occurred, the decision of the City shall be final.

An aggrieved applicant may, within seven (7) business days after the selection of prospective eligible projects, appeal in writing to the City's City Administrator, or designee. The appeal must state all facts and arguments upon which the appeal is based. The City Administrator, or designee, will review the content of the solicitation document (RFP), the applicant's proposal, and the facts which form the basis for the appeal. The City Administrator, or designee, will make a final recommendation to the Tumwater City Council in a written decision within thirty (30) business days of the receipt of the appeal.

CANCELLATION OF APPLICATIONS

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 on the applicant's proposal to this RFP (or last known address on file).

NOTIFICATION OF REQUIRED ASSURANCES

Applicants who are awarded funding agree to comply with the following regulations, requirements, conditions, and policies identified below, including but not limited to:

1. FEDERAL REQUIREMENTS

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

Conflict of Interest: The Applicant covenants that no person who presently exercises any functions or responsibilities in connection with the Thurston County Public Health and Social Services Department 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 the 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 CDBG 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 CDBG 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 Office of Housing and Homeless Prevention website, and find the applicable substantial plan amendment information in the Citizen Participation Plan.)

Environmental Review: All projects will need an environmental review completed in accordance with the National Environmental Policy Act (NEPA). The scope of the environmental review will depend on the nature and size of the project. The 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 review 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 review being completed, it will disqualify the project from receiving federal funding, including CDBG funds made available through this RFP.

IMPORTANT FOR PROJECTS INVOLVING ACQUISITION: HUD only allows the use of a conditional purchase and sale contract conditioned on completion of the environmental review for the purchase of properties. The responsible entity or applicant may enter into a purchase option for projects involving acquisition if the option agreement meets the standards of Part 58.22(d). Applicants will need to work with 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 for Release of Funds and related certification have been approved by HUD, if needed.

The County may request applicants submit a Phase I environmental site assessment, or other related studies necessary to complete the environmental review, 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 CDBG. 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 construction or rehabilitation will adhere to federal labor laws which include:

- A. Davis Bacon Act: *Applicable to all 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.

MBE/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.

Build America, Buy America Act (BABA): The Build America, Buy America Act established a domestic content procurement preference for all Federal financial assistance obligated for infrastructure projects after May 14, 2022. The preference requires that all iron, steel, manufactured products, and construction materials used in covered infrastructure projects are produced in the United States. BABA currently applies to only CDBG funded projects and at this time only requires steel used in these projects be produced in the United States. A De Minimis, Small Grant, and Minor Components waiver would exempt infrastructure projects that have a total cost at or below the simplified acquisition threshold (currently \$250,000).

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 2 CFR 200.320, as applicable.

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

Financial Management: The applicant must comply with all relevant OMB circulars. 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 200, Part F.

Other Federal Requirements: Recipients of CDBG funding will be required to comply with all federal laws and requirements including 2 CFR 200 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

The 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 will 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 Site Assessment & 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 that 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 single audits and corporate 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 or lien 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 acquired, improved or constructed with CDBG funds is subject to the below requirements:

- A. Indefinite Term for Consortium Member Subrecipients: Where the Subrecipient is a city or a town that is a member of the Thurston County Urban County Consortium (this includes all 6 cities and towns listed at the beginning of this document), real property acquired or improved with CDBG funds in conjunction with any resulting Agreement is subject to reversion of assets limiting the Subrecipient's right to dispose of said property or to use it for a purpose other than that specified in the Agreement until five (5) years after Thurston County is no longer a CDBG entitlement recipient.
- B. Term for Non-Consortium Member Subrecipients: Where the subrecipient is a city or a town that is a member of the County Urban County Consortium CDBG program, real property acquired or improved with CDBG funds with any resulting Agreement is subject to reversion of assets limiting the Subrecipient's right to dispose of said property or to use it for a purpose other than that specified in the Agreement until five years after the County is no longer a CDBG entitlement recipient.

The Subrecipient shall execute with the client, written agreements including a promissory note, deed of trust and loan agreement and construction contract reflecting the following periods of restrictive interest to be held by the County in exchange for real property improved with CDBG funds:

Investment amount	Term of County Interest
\$0-\$2,500	0 years (Minor Home Grant)
\$2,501 – \$10,000	5 years
\$10,001 and above	20 years

- C. Additional Block Grants received during an active ‘length of interest’, or an increase in the value of this grant by Amendment to any resulting and subsequent Agreement, shall increase the length of that interest. The Deed of Trust may be revised accordingly. Such interest begins with the project completion date and will terminate on the 31st of August in the year selected.
- D. 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 Subrecipient’s Covenant Agreement for the length of the period of interest; or
 - 4) Any combination of the above documents.

CDBG APPLICATION MATERIALS

APPLICANT MUST COMPLETE AND SUBMIT THE FOLLOWING MATERIALS AS PART OF ITS APPLICATION:

- 1) COMPLETED APPLICATION SUBMITTED VIA ZOOMGRANTS**
- 2) VERIFICATION AND SIGNATURE FORM**
- 3) PROOF OF ORGANIZATIONAL STRUCTURE**
- 4) THURSTON COUNTY RISK ASSESSMENT**
- 5) ACKNOWLEDGEMENT OF REQUIRED ASSURANCES FORM**
- 6) PROJECT TIMELINE**
- 7) RESUMES OF KEY STAFF**
- 8) OTHER REQUIRED DOCUMENTATION BASED ON APPLICATION, WHICH MAY INCLUDE BUT IS NOT LIMITED TO:**
 - a. Project Team Summary**
 - b. Pro Forma**
 - c. Project map**
 - d. Purchase or option agreement**

- e. Uniform Relocation Act documentation**
- f. Residential Antidisplacement and Relocation Assistance Plan**
- g. Environmental Review documents**

ACKNOWLEDGEMENT OF REQUIRED ASSURANCES FORM

This form must be signed in blue ink 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 Womens Business Enterprise \(MBE/WBE\)](#);
- [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](#);
- [Build America, Buy America Act \(BABA\)](#);
- [Violence Against Women's Act \(VAWA\)](#);
- [Equal Opportunity in Housing Act](#);

- [Age Discrimination Act](#);
- [Americans with Disabilities Act](#);
- [Section 504 of the Rehabilitation Act](#);
- [Compliance with 2 CFR 200](#) (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 of 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 subrecipients 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