DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
[Docket No. FR-5700-N-16]

Notice of Funding Availability (NOFA) for HUD's Fiscal Year 2013 Indian Community Development Block Grant Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of Funding Availability for HUD's Fiscal Year (FY) 2013 Indian Community Development Block Grant (ICDBG) Program.

SUMMARY: Today's posting provides information and instructions for the FY2013 ICDBG program subject to Congress appropriating funding for this program. This Notice is comprised of both the Notice of HUD's Fiscal Year (FY) 2013 Notice of Funding Availability (NOFA), Policy Requirements and General Section (General Section) to HUD's FY2013 NOFAs for Discretionary Programs posted on www.Grants.gov on August 8, 2012, the Technical Correction to HUD's Fiscal Year FY 2013 NOFA Policy Requirements and General Section to HUD's FY2013 NOFAs for Discretionary Programs posted on www.Grants.gov on November 8, 2012, and this program section to the NOFA. Because FY2013 funding has not been appropriated for this program, the availability of any such funding for this program is contingent upon future Congressional action. Funds that are carried over from previous fiscal years or are recaptured may also be used for grant awards under this NOFA. HUD's ICDBG Program is authorized by Title I of the Housing and Community Development Act of 1974, and the ICDBG program regulations at 24 CFR Part 1003. In addition to the application requirements set forth in this document, applicants must also comply with applicable requirements established in the **General Section**.

DATES: The application deadline date is 11:59:59 p.m. eastern time on **March 18, 2013**. Applications must be received by Grants.gov no later than 11:59:59 p.m. on the application deadline date. ***HUD may modify the due date for this Notice to the extent a final appropriations bill for FY2013 is enacted. HUD will issue a technical correction to this NOFA if appropriations are enacted that require HUD to modify the funding criteria or application requirements, or if HUD determines that adjustments to estimated award amounts or timelines are necessary. Any such technical correction will provide detailed instructions for applicants to permit them to resubmit the application to address the revised NOFA requirements.***

FOR FURTHER INFORMATION CONTACT: Questions regarding specific program requirements should be directed to your Area Office of Native American Programs (ONAP). A contact list for each Area ONAP can be accessed at http://www.hud.gov/offices/pih/ih/codetalk/onap/map/nationalmap.cfm. Questions regarding the FY2013 General Section should be directed to the Office of Departmental Grants Management and Oversight at 202-708-0667 (this is not a toll-free number) or the NOFA Information Center at 800-HUD-8929 (toll-free). Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Relay Service at 800-877-8339.

The NOFA Information Center is open between the hours of 10:00 a.m. and 6:30 p.m. eastern time, Monday through Friday, except federal holidays.

OVERVIEW INFORMATION:

A. Federal Agency Name: Department of Housing and Urban Development, Office of the Assistant Secretary for Public and Indian Housing, Office of Native American Programs (ONAP).

B. Funding Opportunity Title: Community Development Block Grant (ICDBG) Program for Indian Tribes and Alaska Native Villages.

C. Announcement Type: Initial Announcement.

D. Funding Opportunity Number: The funding opportunity number is FR-5700-N-16. The OMB Approval Number is 2577-0191.

E. Catalog of Federal Domestic Assistance (CFDA) Number(s): The Catalog of Federal Assistance (CFDA) Number for the ICDBG program is 14.862.

F. Dates: The application deadline is 11:59:59 p.m. eastern time **March 18, 2013**. Applications must be received by Grants.gov no later than 11:59:59 p.m. eastern time on the application deadline date. ***HUD may modify the due date for this Notice to the extent a final appropriations bill for FY2013 is enacted. HUD will issue a technical correction to the NOFA if appropriations are enacted that require HUD to modify the funding criteria or applicant requirements, or if HUD determines that adjustments to estimated timelines are necessary. Any such technical correction will provide detailed instructions for applicants to permit them to resubmit the application to address the revised NOFA requirements.*** Please see Section IV of this NOFA for application submission and timely receipt requirements. Applicants should also read the **General Section** for additional information regarding the electronic application submission and receipt requirements. Applicants need to be aware that following receipt, applications go through a validation process in which the application may be accepted or rejected.

G. Additional Overview Content Information:

1. Available Funds. The available funding is subject to enactment of the FY2013 HUD appropriations. Funds that are carried over from previous fiscal years or recaptured may also be used for grant awards under this NOFA. Applicants for funding should carefully review the requirements described in this NOFA and the FY2013 **General Section**. Unless otherwise stated in this NOFA, the requirements of the **General Section** apply.

2. Eligible Applicants. Eligible applicants are Indian tribes or tribal organizations on behalf of Indian tribes as further described at 24 CFR 1003.5. Specific information on eligibility is located in Section III.A. of this NOFA.

3. Number of Applications. Only one ICDBG application may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR 1003. An application may include more than one project, but it cannot exceed the grant ceilings listed in Section II. Tribal organizations applying on behalf of multiple tribes may combine ceiling amounts for a project if the project will be utilized by members of all such respective tribes. Several tribes may submit individual applications for one combined activity if the project will be utilized by members of all such respective tribes.

FULL TEXT OF ANNOUNCEMENT

I. Funding Opportunity Description

A. General. All grant funds awarded in accordance with this NOFA are subject to the requirements of 24 CFR Part 1003. Applicants within an Area ONAP's geographic jurisdiction compete only against each other for that Area ONAP's allocation of funds.

B. Authority. The authority for this program is Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) and the program regulations in 24 CFR Part 1003. The available funding is subject to enactment of the FY2013 HUD appropriations.

C. Program Description. The purpose of the ICDBG program is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low- and moderate- incomes as defined in 24 CFR 1003.4. The ONAP in HUD's Office of Public and Indian Housing administers the program.

1. Single Purpose Grants. Projects funded by the ICDBG program must meet the primary objective, defined at 24 CFR 1003.2, to principally benefit low- and moderate-income persons. Consistent with this objective, not less than 70 percent of the expenditures of each Single Purpose grant shall be for activities that meet the regulatory criteria at 24 CFR 1003.208 for:

a. Area Benefit Activities;
b. Limited Clientele Activities;
c. Housing Activities; or
d. Job Creation or Retention Activities.

ICDBG funds may be used to improve housing stock, provide community facilities, improve infrastructure, and expand job opportunities by supporting the economic development of the communities.

2. Imminent Threat Grants. ICDBG Imminent Threat (IT) grants are intended to alleviate or remove threats to health or safety that require an immediate solution as described at 24 CFR Part 1003, subpart E. These grants fund projects that: (1) can be completed within 24 months of grant award and (2) provide a solution to problems of an urgent nature that were not evident at the time of the ICDBG Single Purpose funding grant cycle or require immediate action. You do not have to submit a request for IT funds by the deadline established in this

NOFA but also should not submit a request to your Area ONAP until after the FY 2013 appropriation has been enacted. If funds for IT grants are provided and the following criteria are met, the request may be funded until the amount set aside for this purpose is expended. The initial request, which should be submitted to the Area ONAP for your region, should include the following documentation:

a. Independent verification from a third party (i.e., Indian Health Service, Bureau of Indian Affairs) of the existence, immediacy, and urgency of the threat;

b. The threat must not be recurring in nature, i.e., it must represent a unique and unusual circumstance that has been clearly identified by the tribe or village;

c. The threat must affect or impact an entire service area and not solely an individual family or household;

d. Evidence of capacity to implement grant within 24 months of grant award; and

e. It must be established that funds are not available from other tribal or federal sources to address the problem. The tribe or village must verify that federal or local agencies that would normally provide assistance for such improvements have no funds available by providing a written statement to that effect. The tribe or village must also verify in the form of a tribal council resolution (or equivalent) that it has no available funds, including unobligated Indian Housing Block Grant funds, for this purpose.
If, in response to a request for assistance, an Area ONAP issues you a letter to proceed under the authority of 24 CFR 1003.401(a), you may undertake temporary and permanent repairs to control the immediate threat, and only if the activities do not alter environmental conditions. Reimbursement of such costs is dependent upon HUD approval of the IT application as explained below.

Your IT application must be submitted to your Area ONAP and must include:

- Form SF424_Application_for_Federal_Assistance;
- A brief description of the project;
- Form HUD4123_Cost_Summary; and
- Form HUD4125_Implementation_Schedule.

Only if and when your Area ONAP approves your IT application will a grant agreement be executed.

D. Definitions Used in this NOFA

1. Adopt. To approve by formal tribal resolution.

2. Document. To supply supporting written information and/or data in the application that satisfies the NOFA requirement. Documentation should clearly and concisely support your response to the rating factor.

3. Entity Other than Tribe. Entities other than the tribe must have the following characteristics: (a) must be legally distinct from the tribal government; (b) their assets and liabilities cannot be considered to be assets and liabilities of the tribal government; (c) claims against such entities cannot be made against the tribal government; and (d) must have governing boards, boards of directors, or groups or individuals similar in function and responsibility to such boards which are separate from the tribe's general council, tribal council, or business council, as applicable.

4. Firm Commitment. A letter of commitment from a partner by which an applicant's partner agrees to perform an activity specified in the application, demonstrates the financial capacity to deliver the resources necessary to carry out the activity, and commits the resources to the activity, either in cash or through in-kind contributions.

5. Homeownership Assistance Programs. Tribes may apply for assistance to provide direct homeownership assistance to low- and moderate-income households to: (a) subsidize interest rates and mortgage principal amounts for low- and moderate-income homebuyers; (b) finance the acquisition by low- and moderate-income homebuyers of housing that is occupied by the homebuyers; (c) acquire guarantees for mortgage financing obtained by low- and moderate-income homebuyers from private lenders (except that ICDBG funds may not be used to guarantee such mortgage financing directly, and grantees may not provide such guarantees directly); (d) provide up to 50 percent of any down payment required from a low- and moderate-income homebuyer; or (e) pay reasonable closing costs (normally associated with the purchase of a home) incurred by a low- and moderate-income homebuyer.

6. Leveraged Resources. Leveraged resources are resources that you will use in conjunction with ICDBG funds to achieve the objectives of the project See Rating Factor 4 for documentation requirements for leveraged resources.

7. Low- and Moderate-Income Beneficiary. This means a family, household, or individual whose income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger households or families.

8. Microenterprise Programs. Microenterprises are defined as commercial entities with five or fewer employees, including the owner. Microenterprise program activities may entail the following assistance to eligible businesses: (a) providing credit, including, but not limited to, grants, loans, loan guarantees, and other forms of financial support for the establishment, stabilization, and expansion of microenterprises; (b) providing technical assistance, advice, and business support services to owners of microenterprises and persons developing microenterprises; and (c) providing general support, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services to owners of microenterprises and persons developing microenterprises.

9. New Applicant. An applicant that has either never received an ICDBG or an applicant whose prior grants have either been closed or closed subject to audit for more than 12 months prior to the application deadline date. This definition applies to the entity that is submitting the application.

10. Operations and Maintenance (O&M) for Public Facilities and Improvements. There are items of expense related to the operation of the physical plant that must be addressed in an O&M plan if the tribe assumes responsibility or if an entity other than tribe will assume these responsibilities. Although the tribe or other entity does not have to submit the O&M plan with the application, it must provide a written statement that the tribe has adopted (or the entity has developed) an O&M plan and that the plan addresses several items. These items include daily or other periodic maintenance activities, repairs such as replacing broken windows, capital improvements or replacement reserves for repairs such as replacing the roof, fire and liability insurance (may not be applicable to most types of infrastructure projects such as water and sewer lines), and security (may not be applicable to many types of infrastructure projects such as roads). (Please note that while it is possible that the service provider may, in its agreement with a tribe, commit itself to cover certain or all facility O&M costs, these costs do not include the program service provision costs related to the delivery of services (social, health, recreational, educational, or other) that may be provided in a facility).

11. Outcomes. The ultimate impact you hope to achieve with the proposed project. Outcomes should be quantifiable measures or indicators and identified in terms of the change in the community, people's lives, economic status, etc.

12. Outputs. Outputs are the direct products of a program's activities. They are usually measured in terms of the volume of work accomplished, such as the number of low-income households served, number of units constructed or rehabilitated, linear feet of curbs and gutters installed, or number of jobs created or retained. Outputs should be clear enough to allow HUD to monitor and assess your proposed project's progress if funded.

13. Project Cost. The total cost to implement the project. Project costs may be covered by both ICDBG and non-ICDBG funds and resources.

14. Standard Housing/Standard Condition. Housing that meets the housing quality standards (HQS) adopted by the applicant (or tribe in the case of new construction projects). The HQS adopted by the applicant must be at least as stringent as the Section 8 HQS contained in 24 CFR 982.401 (Section 8 Tenant-Based Assistance: Housing Choice Voucher program) unless the Area ONAP approves less stringent standards based on a determination that local conditions make the use of Section 8 HQS infeasible. At least 30 days before the application deadline, you should submit a request for the approval of standards less stringent than Section 8 HQS to your Area ONAP. The adopted standards must provide for (a) a safe house, in physically sound condition with all systems performing their intended design functions; (b) a livable home environment and an energy efficient building and systems that incorporate energy conservation measures; and (c) adequate space and privacy for all intended household members.

15. Statement. When a "written statement" is requested for any threshold, program requirement, or rating factor, the applicant must address in writing the specific item cited.

16. **Tribe**. The word "tribe" means an Indian tribe, band, group or nation, including Alaska Indians, Aleuts, Eskimos, Alaska Native Villages, Alaska Native Claims Settlement Act (ANCSA) Village Corporations, and ANCSA Regional Corporations.

II. Award Information

A. Available Funds. The available funding is subject to enactment of the FY2013 HUD appropriations. Funds that are carried over from previous fiscal years or are recaptured may also be used for grant awards under this NOFA. Of the total amount appropriated, XXX is available for competitive grants pursuant to this NOFA. In accordance with the provisions of 24 CFR Part 1003, subpart E, HUD has retained up to XXX of the FY2013 appropriation to meet the funding needs of imminent threat requests submitted to any of the Area ONAPs. The grant ceiling for imminent threat requests for FY2013 is $450,000 ($900,000 for Presidentially-declared disasters). This ceiling has been established pursuant to the provisions of 24 CFR 1003.400(c).

B. Allocations to Area ONAPs. The requirements for allocating funds to Area ONAPs responsible for program administration are found at 24 CFR 1003.101. The allocations for FY2013 are as follows:

Eastern/Woodlands:	$ XXX
Southern Plains:	$ XXX
Northern Plains:	$ XXX
Southwest:	$ XXX
Northwest:	$ XXX
Alaska:	$ XXX
Total	$ XXX

C. Grant Ceilings. The authority to establish grant ceilings is found at 24 CFR 1003.100(b)(1). Grant ceilings are established for FY 2013 funding at the following levels:

Area ONAP	Population	Ceiling
Eastern Woodlands	ALL	$600,000
Southern Plains	ALL	$800,000
Northern Plains	6,001+	$1,100,000
	0-6,000	$900,000
Southwest	50,001+	$5,500,000
	10,501-50,000	$2,750,000
	7,501-10,500	$2,200,000
	6,001-7,500	$1,100,000
	1,501-6,000	$825,000
	0-1,500	$605,000

Northwest	ALL	$500,000
Alaska	ALL	$600,000

For the Southwest Area and Northern Plains ONAP jurisdictions, the population used to determine ceiling amounts is the Native American population that resides on a reservation or Rancheria.

Applicants from the Southwest or the Northern Plains ONAP jurisdictions should contact those offices before submitting an application if they are unsure of the population level to use to determine the ceiling amount. The Southwest or Northern Plains Area ONAP, as appropriate, must approve any corrections or revisions to Native American population data before an application is submitted.

If the application exceeds the ceiling, it will be returned unrated.

D. Housing Rehabilitation Cost Limits. Grant funds spent on rehabilitation must fall within the following per-unit limits for each Area ONAP jurisdiction. An applicant's budget must demonstrate that these cost limits will not be exceeded.

Eastern/Woodlands:	$35,000
Southern Plains:	$35,000
Northern Plains:	$50,000
Southwest:	$50,000
Northwest:	$50,000
Alaska:	$75,000

E. Compliance with Regulations, Guidelines, and Requirements

1. Applicants awarded a grant under this NOFA are required to comply with the regulations, guidelines, and requirements with respect to the acceptance and use of federal funds for this federally assisted program.

2. By accepting a grant, the chief executive officer or other official of the applicant approved by HUD:

a. Consents to assume the status of a responsible federal official under the National Environmental Policy Act of 1969 insofar as the provisions of the Act apply to the applicant's proposed program pursuant to 24 CFR 1003.605. Applicants should be mindful to estimate any potential adverse environmental or health effects of the proposed ICDBG-funded activities on areas with a high concentration of Native Americans and low- and very low-income persons.

b. Is authorized and consents on behalf of the applicant and him/herself to accept the jurisdiction of the federal courts for the purpose of enforcement of his/her responsibilities as such an official.

Note: Applicants for whom HUD has approved a claim of lack of capacity to accept the responsibilities of the federal government for purposes of complying with the environmental review requirements of 24 CFR Part 58, pursuant to 24 CFR 1003.605, are not subject to the provision of paragraph 2.

F. Period of Performance. The period of performance for any grant awarded under this NOFA must be included in the Implementation Schedule, form HUD4125, approved by HUD. For FY2013, HUD must obligate the funds no later than September 30, 2015, and the grantee's Implementation Schedule cannot exceed September 30, 2020. Any funds not drawn down as of September 30, 2020, will be cancelled. HUD reserves the right, however, to require an earlier expenditure deadline under an ICDBG grant agreement. If the grantee does not make substantial progress toward meeting its implementation schedule, HUD reserves the right to recapture the funds.

III. Eligibility Information

A. Eligible Applicants

Eligible applicants are Indian tribes or tribal organizations on behalf of Indian tribes. To apply for funding, an applicant must be eligible as an Indian tribe (or as a tribal organization), as required by 24 CFR 1003.5, by the application deadline date.

Tribal organizations are permitted to submit applications under 24 CFR 1003.5(b) on behalf of eligible tribes when one or more eligible tribe(s) authorize the organization to do so under concurring resolutions. The tribal organization must itself be eligible under Title I of the Indian Self-Determination and Education Assistance Act. The Bureau of Indian Affairs (BIA) or the Indian Health Service (IHS), as appropriate, must make a determination of such eligibility. This determination must be provided to the Area ONAP by the application deadline. If a tribe or tribal organization claims that it is a successor to an eligible entity, the Area ONAP must review the documentation to determine whether it is in fact the successor entity.

Applicants from within Alaska: Due to the unique structure of tribal entities eligible to submit ICDBG applications in Alaska, and as only one ICDBG application may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR 1003.5, a tribal organization that submits an application for activities in the jurisdiction of one or more eligible tribes or villages must include a concurring resolution from each such tribe or village authorizing the submission of the application. An application submitted by a tribal organization on behalf of a specific tribe will not be accepted if the tribe itself submits an application for the same funding round. The hierarchy for funding priority continues to be the IRA Council, the Traditional Village Council, the ANCSA Village Corporation, and the ANCSA Regional Corporation.

On August 10, 2012, the BIA published a Federal Register notice entitled, "Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs" (77 FR 47868). This notice provides a listing of Indian Tribal Entities in Alaska found to be Indian tribes as the term is defined and used in 25 CFR Part 83. Additionally,

pursuant to Title I of the Indian Self-Determination and Education Assistance Act, ANCSA Village Corporations and Regional Corporations are also considered tribes and therefore eligible applicants for the ICDBG program.

Any questions regarding eligibility determinations and related documentation requirements for entities in Alaska should be referred to the Alaska Area ONAP prior to the application deadline (See 24 CFR 1003.5 for a complete description of eligible applicants).

B. Cost Sharing or Matching. Cost sharing or matching is not required under this grant; however, applicants who leverage this grant with other funds receive points under Rating Factor 4. The greater the percentage of leveraged funds committed, the greater the number of points an applicant can receive under rating factor 4, up to a maximum of 8 points. See Section V.A. Rating Factor 4.

C. Other

1. HUD Threshold Requirements. Applicants for Single Purpose grants must comply with the HUD Threshold Requirements listed in the General Section, Section III. C.2 and 3. to receive an award of funds.

2. Program-Related Threshold Requirements

a. Outstanding ICDBG Obligation. Pursuant to 24 CFR 1003.301(a), an applicant who has an outstanding ICDBG obligation to HUD that is in arrears, or one that has not agreed to a repayment schedule will be disqualified from the competition.

b. Resolution of Outstanding Civil Rights Matters. Applicants and subrecipients that are not federally recognized Indian tribes or their instrumentalities are subject to the threshold on Resolution of Outstanding Civil Rights requirements found in the General Section at Section III.C.2.d. Federally recognized Indian tribes and their instrumentalities are subject to the requirements of: Title II of the Civil Rights Act of 1968, known as the Indian Civil Rights Act; Section 109 prohibitions against discrimination based on age, sex, religion and disability; the Age Discrimination Act of 1975; and Section 504 of the Rehabilitation Act of 1973. To be eligible to apply under this NOFA, the applicant may not have any outstanding violations of these civil rights authorities by the application deadline.

3. Project-Specific Threshold Requirements. Applicants must meet all parts of the project-specific thresholds that are applicable to the proposed project. The thresholds are:

a. Housing Rehabilitation Project Thresholds. In accordance with 24 CFR 1003.302(a), for housing rehabilitation projects, you must adopt rehabilitation standards and rehabilitation policies before you submit an application. Do not submit your policies or standards with the application. If you propose to use ICDBG funds to rehabilitate HUD-assisted houses, you must also provide a written statement that project funds will be used to rehabilitate HUD-assisted houses only when the homebuyer's payments are current or the homebuyer is current in a repayment agreement except because of an emergency situation. For purposes of meeting this threshold, HUD-assisted houses are houses that are owned and/or managed by the tribe or

tribally designated housing entity (TDHE). The ONAP Administrator, on a case-by-case basis, may approve exceptions to this requirement if the applicant provides adequate justification for the exception with its application. For housing rehabilitation, your application must contain information that shows that all households that receive ICDBG grant assistance are of low- and moderate-income status.

b. New Housing Construction Project Thresholds.

(1) In accordance with 24 CFR 1003.302(b), new housing construction can only be implemented when necessary through a Community Based Development Organization (CBDO). Eligible CBDOs are described in 24 CFR 1003.204(c). You must provide documentation establishing that the entity implementing your new housing construction project qualifies as a CBDO.

(2) In accordance with 24 CFR 1003.302(b), you must have a current, in effect, tribal resolution adopting and identifying construction standards.

(3) In accordance with 24 CFR 1003.302(b), you must also include in your application documentation affirming the following:

(a) No other housing is available in the immediate reservation area that is suitable for the households to be assisted; and

(b) No other sources, including Indian Housing Block Grants (IHBG), can meet the needs of the household(s) to be served; and

(c) Rehabilitation of the unit occupied by the household(s) to be assisted is not economically feasible; or

(d) The household(s) to be housed is currently in an overcrowded house (more than one household per house); or

(e) The household to be assisted has no current residence.

(4) For new housing construction, your application must contain information that shows that all households that receive ICDBG grant assistance are of low- and moderate-income status.

c. Economic Development Project Thresholds. In accordance with 24 CFR 1003.302(c), for economic development assistance projects, you must provide a financial analysis. The financial analysis must demonstrate that the project is financially feasible and the project has a reasonable chance of success. The analysis should include information about the project's market share, sales levels, growth potential, projections of revenue, project expenses, and debt service, if applicable. The analysis must also demonstrate the public benefit resulting from the ICDBG assistance. The more funds you request, the greater the public benefit you must demonstrate. The analysis must also establish that to the extent practicable, reasonable financial support will be committed from non-federal sources prior to disbursement of federal funds; any grant amount provided will not substantially reduce the amount of non-federal

financial support for the activity; not more than a reasonable rate of return on investment is provided to the owner; and that grant funds used for the project will be disbursed on a pro-rata basis with amounts from other sources.

d. Land Acquisition to Support New Housing, Homeownership Assistance, Public Facilities and Improvements, and Microenterprise Projects. There are no project specific thresholds for these activities.

4. Public Services. You may not receive a Single Purpose grant solely to fund public service activities. Your application, however, may contain a public service component for up to 15 percent of the total grant, and this component may be unrelated to the other project(s) in your application. If your application does not receive full funding, HUD will reduce the public service allocation proportionately so that it comprises no more than 15 percent of the total grant award. In making such reductions, the feasibility of the proposed project will be taken into consideration. If a proportionate reduction of the public service allocation renders such a project infeasible, the project will not be funded. A complete description of public service projects is located at 24 CFR Part 1003.201(e).

5. Eligible Activities. A complete description of activities that are eligible for ICDBG funding is identified at 24 CFR Part 1003, subpart C. Rating Factors 2 and 3 included under Section V.A. of this NOFA specify many of the activities listed as eligible under part 1003, subpart C. Those listed include new housing construction (in certain circumstances, as described in Rating Factors 2 and 3), housing rehabilitation, land acquisition to support new housing, homeownership assistance, public facilities and improvements, economic development, and microenterprise programs. However, the following eligible activities not clearly identified by the rating factors may be proposed and rated as described below.

a. Acquisition of property. Acquisition of land or other real property may be proposed in conjunction with proposals for New Housing Construction, Housing Rehabilitation, Public Facilities and Improvements, or Economic Development. Applicants may also acquire land alone but only for future housing development. Acquisition of standard housing not in need of rehabilitation may also be proposed but the acquired units must meet the housing standards of the HUD Section 8 program as defined in the definitions section of this NOFA. See Rating Factor 2, subfactor 2.c. and Rating Factor 3, Subfactor 4.e.

b. Assistance to Community Based Development Organizations (CBDO). Grantees may provide assistance to these organizations to undertake activities related to neighborhood revitalization, community economic development, or energy conservation. If your organization has been determined by ONAP to be a CBDO, you do not have to submit documentation of this in your application.

c. **Clearance and Demolition.** These activities can be proposed as part of Housing Rehabilitation, New Housing Construction, Public Facilities and Improvements, Economic Development, or Land to Support New Housing but can only be undertaken with the prior approval of HUD.

d. Comprehensive Planning. This activity is eligible, and can be proposed as part of any otherwise-eligible project to the extent allowed by the 20 percent cap on the grant for planning/administration.

e. Energy Efficiency/Green Development. Associated activities can be proposed under Housing Rehabilitation or Public Facilities and Improvements, depending upon the type of energy efficiency activity.

f. Lead-Based Paint Evaluation and Hazard Control. These activities can be proposed under Housing Rehabilitation and certain other projects. See Section VI.B.1.g.

g. Non-Federal Share. ICDBG funds can be used as a match for any non-ICDBG funding to the extent allowed by such funding and the activity is eligible under 24 CFR Part 1003, subpart C.

h. Privately and Publicly Owned Commercial or Industrial Buildings (real property improvements). These activities can be proposed under Economic Development. Privately owned commercial rehabilitation is subject to the requirements at 24 CFR 1003.202.

i. Privately Owned Utilities. Assistance to privately owned utilities can be proposed under Public Facilities and Improvements.

j. Removal of Architectural Barriers. This includes removing barriers that restrict mobility and access for elderly and persons with disabilities. In addition, facilities funded by ICDBG or used in the administration of ICDBG funded projects or activities must be accessible to persons with disabilities in accordance with Section 504 of the Rehabilitation Act and HUD's regulations at 24 CFR Part 8. Applicants should be aware of the accessibility needs of the persons they intend to serve in ICDBG funded projects and activities, and address these needs in appropriate accessible design features or program modifications to ensure that otherwise qualified persons with disabilities may benefit from them. This activity can be proposed under Housing Rehabilitation or Public Facilities and Improvements, depending upon the type of structure where the barrier will be removed.

k. Mold. During the past few years, many tribes have experienced high incidences of mold growth in tribal homes and buildings. Renovation of affected buildings is eligible under housing rehabilitation or public facility improvement projects.

l. Public Services. Public services are those which are directed toward improving the community's public services and facilities, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, welfare, homebuyer down payment assistance or recreational needs. Also see Section III.C.4. above and 24 CFR 1003.201(e).

6. Ineligible Activities. In general, any activity that is not authorized under the provisions of 24 CFR 1003.201 through 1003.206 is ineligible to be assisted with ICDBG funds. The regulations at 24 CFR 1003.207 govern ineligible activities and should be referred to for

details. The following guidance is provided for determining the eligibility of other activities frequently associated with ICDBG projects.

a. Government Office Space. ICDBG funds cannot be used to fund the construction or renovation of buildings, or portions thereof, used predominantly for the general conduct of government. Those buildings include, but are not limited to, local government office buildings, courthouses, and other headquarters of government where the governing body meets regularly. Buildings that contain both governmental and non-governmental services can be assisted so long as the ICDBG funds are used only for the non-governmental sections. An example of an ineligible building is a building to house the community development division or a tribal administration building. The term "Buildings for the general conduct of government", is further defined at 24 CFR 1003.4. Your Area ONAP should be consulted for projects of this nature.

b. General Government Expenses. Except as authorized in the regulations or under OMB Circular A-87 (2 CFR Part 225), expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance with ICDBG funds.

c. Maintenance and Operation Expenses. In general, any expenses associated with repairing, operating, or maintaining public facilities and services are not eligible for assistance. Specific exceptions to this general rule are operating and maintenance expenses associated with public service activities (24 CFR 1003.201(e)), office space for program staff employed in carrying out the ICDBG program (24 CFR 1003.206(a)(4)), and interim assistance (24 CFR 1003.201(f)). For example, where a public service is being assisted with ICDBG funds, the cost of operating and maintaining that portion of the facility in which the service is located is eligible as part of the public service. Examples of ineligible operating and maintenance expenses are routine and non-routine maintenance and repair of streets, parks, playgrounds, water and sewer facilities, neighborhood facilities, senior centers, centers for persons with disabilities, parking facilities, and similar public facilities, as well as staff salaries, utility costs, and similar expenses necessary for the operation of public works and facilities.

d. New Housing Construction. The construction of new permanent residential structures and any program to subsidize or finance such new construction is ineligible, unless carried out by a Community-Based Development Organization (CBDO) pursuant to 24 CFR 1003.204(a).

e. Furnishings and Personal Property. In general, the purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture is ineligible. Exceptions include when such purchases are necessary for use in grant administration (24 CFR 1003.206); necessary and appropriate for use in a project carried out by a CBDO (24 CFR 1003.204); used in providing a public service (24 CFR 1003.201(e)); or used as firefighting equipment (24 CFR 1003.201(c)(1)(ii)). However, ICDBG funds may be used to pay depreciation or use allowances (in accordance with OMB Circular A-87 (2 CFR Part 225) or A-122 (2 CFR Part 230), as applicable).

f. Construction Tools and Equipment. The purchase of construction tools and equipment is generally ineligible. However, compensation for the use of such tools and equipment through

leasing, depreciation, or use allowances pursuant to OMB Circulars A-87 (2 CFR Part 225) and A-122 (2 CFR Part 230), as applicable, for an otherwise eligible activity, is eligible. Exceptions include construction tools and equipment purchased for use as part of a solid waste facility (24 CFR 1003.201(c)(1)(ii)) and construction tools only (not equipment) purchased for use in a housing rehabilitation project being administered by the recipient using the force account construction method (24 CFR 1003.202(b)(8)).

g. Income Payments. In general, assistance shall not be used for income payments for housing or any other purpose. Income payments mean a series of subsistence-type grant payments made to an individual/family for items such as food, clothing, housing (rent/mortgage), or utilities, but excludes emergency payments made over a period of up to three months to the provider of such items or services on behalf of an individual/family. Examples of ineligible income payments include the payments for income maintenance and housing allowances.

h. Job Pirating. ICDBG funds may not be used to assist directly in the relocation of any industrial or commercial plant, facility, or operation, from one area to another, if the relocation is likely to result in a significant loss of employment in the labor market area from which the relocation occurs.

IV. Application Submission and Timely Receipt Information

A. Addresses to Request Application Package. See the **General Section** for specific procedures concerning the electronic application submission and timely receipt requirements. Copies of this published NOFA and all application forms for this NOFA may be downloaded from the Grants.gov website under HUD programs at http://www.grants.gov/applicants/apply_for_grants.jsp. Forms are in the Application Instructions and the Application Package. If you have difficulty accessing the information you may receive customer support by calling its Support Desk at (800) 518-GRANTS, or by sending an e-mail to support@grants.gov. The Grants.gov help desk is open 7 days a week, 24 hours a day except federal holidays. You may request general information from the NOFA Information Center (800-HUD-8929) or 800-HUD-8339 (TTY) between the hours of 10 a.m. and 6:30 p.m. (Eastern Time) Monday through Friday, except on federal holidays. When requesting information, please refer to the name of the program you are interested in.

B. Content and Form of Application Submission

1. Application Information. All information required to complete a valid application is included in the **General Section** and in this ICDBG NOFA. Before preparing an application, applicants should carefully review the program description, ineligible activities, program and threshold requirements, the **General Section**, and supplemental **General Section** documents. Applicants should also review each rating factor listed in Section V of this NOFA, before writing a narrative response. Indicate on the first page of each project submission the type of project(s) you are proposing: Economic Development, Homeownership Assistance, Housing Rehabilitation, Land Acquisition to Support New Housing, Microenterprise Programs, New Housing Construction, or Public Facilities and Improvements. This will help to ensure that the appropriate project-specific thresholds and rating subfactors will be applied. Narrative

statements submitted to support your application should be individually labeled to reflect the item the narrative is responding to, e.g., Factor 1, Factor 2, etc. It is recommended that you limit your entire narrative to 15 pages for all factors and then, in addition, provide the necessary data such as a market analysis, pro forma, housing survey data, etc. that support the response. Applicants should not submit third party documents, such as audits, resolutions, policies, unless specifically asked to do so. Please use separate headings for each rating factor and rating subfactor. In order to be rated, make sure the response is beneath the appropriate heading. Keep the responses in the same order as the NOFA. Only include documentation that will clearly and concisely support your response to the rating criteria.

2. Content of Application, Forms, and Required Elements. The applicant must submit all of the forms required in this section, along with other data listed below.

a. **Narrative to all five of the rating factors listed in Section V.A. of this NOFA**, including a one page summary of the proposed project(s).

b. Application_for_Federal_Assistance (SF424), which includes a Dun and Bradstreet Data Universal Numbering System (DUNS) number. Applicants must also include the nine-digit zip code (zip code plus four digits) associated with the applicant's address in box 8d of the SF424.

c. Applicant/Recipient_Disclosure_Update_Report (form HUD2880).

d. Acknowledgement_of_Application_Receipt (form_HUD2993). This is relevant only to applicants granted a waiver of the electronic submission requirements and who are submitting a paper application.

e. **Tribal resolution.** If the application is being submitted by a tribal organization as defined in 24 CFR 1003.5(b), on behalf of an Indian tribe, you must submit a concurring resolution from the Indian tribe stating that the tribal organization is applying on the tribe's behalf.

f. Implementation Schedule. A schedule for implementing the project (form HUD4125_Implementation_Schedule).

g. **Budget Information.** Cost information for each separate project, including specific activity costs, administration, planning, technical assistance and total HUD share (form HUD4123_Cost_Summary). Planning and administrative costs cannot exceed 20 percent of the grant. The following criteria apply to planning and administrative costs:

(1) Planning and administrative activities may be funded only in conjunction with a physical development activity.

(2) If you are submitting an application for more than one project, costs must be broken down by project. Submit one form HUD4123 for each proposed project in addition to a consolidated form HUD4123 that includes costs for all proposed projects.

(3) Do not include project costs (i.e., architectural/engineering, environmental, technical assistance, staff/overhead costs) directly related to the project but do include any funds the applicant will be contributing toward administering the grant.

(4) Indirect costs may be charged to the ICDBG program under a cost sharing plan prepared in accordance with OMB Circular A-21 (2 CFR Part 220), A-87 (2 CFR Part 225), or A-122 (2 CFR Part 230) as applicable.

h. **Citizen Participation.** Evidence in the form of a tribal resolution that the tribe has met the citizen participation requirements of 24 CFR 1003.604..

i. **Map.** A map showing project location, if appropriate.

j. **Low-and moderate-income benefit**. Your application must contain information that indicates at least 70 percent of the grant funds will be used for activities that benefit low- and moderate-income persons, in accordance with the requirements of 24 CFR 1003.208. For housing activities, including but not limited to, acquisition or rehabilitation of housing, conversion of non-residential structures and new housing construction, all households that receive ICDBG grant assistance must be of low- and moderate-income status.

k. **Demographic data.** If applicable, demographic information that complies with the requirements in Section V.A. Rating Factor 2 of this NOFA. The data accompanying the statement must identify the total number of persons benefiting from the project and the total number of low- and moderate-income persons benefiting from the project. To be considered, supporting documentation must include all of the following: a sample copy of a survey form; an explanation of the methods used to collect the data; and a listing of incomes by household including household size.

l. Project-Specific Thresholds. Applicants must respond to project-specific thresholds outlined in Section III.C.3, as applicable in order to be rated.

m. Land Acquisition to Support New Housing Projects. Your application must include evidence of financial commitment and an ability to construct at least 25 percent of the housing units on the land proposed for acquisition. This evidence must consist of one (or more) of the following: a firm or conditional commitment to construct (or to finance the construction of) the units; documentation that an approvable application for the construction of these units has been submitted to a funding source or entity; or documentation that these units are specifically identified in the Indian Housing Plan (IHP), (one-Year Financial Resources Narrative; Table 2, Financial Resources, Part I, Line 1E; and Table 2, Financial Resources, Part II) submitted by or on behalf of the applicant as an affordable housing resource with a commensurate commitment of Indian Housing Block Grant (IHBG) (also known as NAHBG) resources. If the IHP for the IHBG (also known as NAHBG) program year that coincides with the implementation of the ICDBG proposed project has not been submitted, you must provide an assurance that the IHP will specifically reference the proposed project. The IHP submission must occur within three years from the date the land is acquired and ready for development.

n. Health Care Facilities. If you propose a facility that would provide health care services funded by the Indian Health Service (IHS), you must provide a statement that the facility will meet all applicable IHS facility requirements. HUD recognizes that tribes that are contracting services from the IHS may establish other facility standards. These tribes must assure that these standards at least compare to nationally accepted minimum standards.

o. Correctional Facilities/Juvenile Detention Centers. If you propose a correctional facility or juvenile detention center that would provide correctional services to be funded by the U.S. Department of Justice (DOJ) and/or Bureau of Indian Affairs (BIA), you must provide a statement that the facility meets all applicable BIA/DOJ standards regarding correctional operations, programs and designs.

p. Evidence of Partner Commitment. If you propose to partner with other entities/organizations to undertake your project, you must submit a letter on letterhead of the entity/organization and signed by the chief executive of the entity/organization that demonstrates that the entity/organization is willing and able to participate.

q. Code of Conduct. If your Code of Conduct (code) is not listed on HUD's website at http://www.hud.gov/offices/adm/grants/codeofconduct/cconduct.cfm or if the information on the website has changed, you must submit a copy of your code with your application.

r. Disclosure of Lobbying Activities (SFLLL). This form must be submitted by State-recognized Indian tribes and tribally designated housing entities established only under state law.

s. HUD_Facsimile_Transmittal_HUD96011)_Third_Party_Documentation_Facsimile_ Transmittal.

C. Receipt Date and Time

1. Application Deadline. The application deadline date is XXX, 20XX. Applications submitted through Grants.gov must be received no later than 11:59:59 p.m. eastern time on the application deadline date. Please see Appendix D of the 2013 **General Section** for instructions on Downloading an Application Package and Instructions. This section contains information on using Adobe Reader, HUD's timely receipt policies, and other application information.

2. Mailing and Receipt Procedures. Applicants are required to submit an electronic application unless they receive a waiver of the requirement. Waiver requests must be submitted to the applicable Area ONAP Administrator in writing, using mail, e-mail, or fax and must include good cause for the waiver. Requests must be submitted no later than 15 days prior to the application deadline date. Applicants granted a waiver of the electronic submission requirement will receive specific mailing instructions including the number of copies to be submitted, with approval of the waiver.

D. Intergovernmental Review. Indian tribes are not subject to the Intergovernmental Review process.

E. Funding Restrictions. See Sections III.C.4 and 6 and Sections IV.B.2.g. and j. of this NOFA. Planning and administrative costs cannot exceed 20 percent of the grant (see Sections III.C.5.d. and IV.B.2.g).

F. Other Submission Requirements. See the **General Section** for specific procedures concerning the electronic application submission and timely receipt requirements. The application and instructions are available at http://www.grants.gov/applicants/apply_for_grants.jsp . If you have difficulty processing the information, you may call the help desk line at (800) 518-GRANTS or e-mail support@grants.gov. Hearing- or speech-challenged individuals may access this number through TTY or by calling the toll-free Federal Relay Service at 800-877-8339.
Note that grants.gov has changed its file attachment naming requirements. Valid file names may only include the following UTF-8 characters: A-Z, a-z, 0-9, underscore (_), hyphen (-), space, period. If applicants use any other characters when naming their attachment files, their applications will be rejected.

V. Application Review Information

A. Criteria

1. RC/EZ/EC-II. Bonus points described in the **General Section** for projects located in RC/EZ/EC-IIs will not be awarded under this NOFA.

2. Rating Factors to Evaluate and Rate Applications. The factors for rating and ranking applications and the points for each factor are provided below. A maximum of 100 points may be awarded under Rating Factors 1 through 5. To be considered for funding, your application must receive a minimum of 15 points under Rating Factor 1 and an application score of at least 70 points. The following summarizes the points assigned to each rating factor and each rating subfactor and lists which rating subfactors apply to which project types.

RATING FACTOR	TITLE	POINTS	PROJECT TYPE
1	**CAPACITY OF THE APPLICANT**	**30**	**Minimum of 15 Points Required**
1	Managerial, Technical and Administrative Capability	**15 or 30***	
1.a.	Managerial and Technical Staff	**8**	All Project Types
1.b.	Project Implementation Plan	**3 or 8***	All Project Types

1.c.	Financial Management	**2 or 7***	All Project Types
1.d.	Procurement and Contract Management	**2 or 7***	All Project Types
2.	Past Performance	**15 or 0***	
2.a.	Implementation Schedule	**3 or 0***	All Project Types
2.b.	Reports	**3 or 0***	All Project Types
2.c.	Close-outs	**3 or 0***	All Project Types
2.d.	Audits	**3 or 0***	All Project Types
2.e.	Findings	**3 or 0***	All Project Types
2	**NEED/EXTENT OF THE PROBLEM**	**16**	
1	Need and Viability	**4**	All Project Types
2	Project Benefit	**12**	All Project Types
2.a.	Public Facilities and Improvement Projects	**12**	Public Facilities and Improvement Projects
2.b.	Economic Development Projects	**12**	Economic Development Projects
2.c.	New Housing Construction, Housing Rehabilitation, Land Acquisition to Support New Housing and Homeownership Assistance Projects	**12**	New Housing Construction, Housing Rehabilitation, Land Acquisition to Support New Housing, and Homeownership Assistance Projects
2.d.	Microenterprise Programs	**12**	Microenterprise Programs
3	**SOUNDNESS OF APPROACH**	**36**	
1	Description of and Rationale for Proposed Project	**12**	All Project Types
2	Budget and Cost Estimates	**9**	All Project Types

3	HUD Policy Priorities	**3**	All Project Types
4	Commitment to Sustain Activities	**12**	
4.a.	Public Facilities and Improvement Projects	**12**	Public Facilities and Improvements
4.b.	New Housing Construction, Housing Rehabilitation, and Homeownership Assistance Projects	**12**	New Housing Construction, Housing Rehabilitation, and Homeownership Assistance Projects
4.c.	Economic Development Projects	**12**	Economic Development Projects
4.d.	Microenterprise Programs	**12**	Microenterprise Programs
4.e.	Land Acquisition Projects to Support New Housing	**12**	Land Acquisition to Support New Housing
4	**LEVERAGING RESOURCES**	**8**	All Project Types
5	**COMPREHENSIVENESS AND COORDINATION**	**10**	All Project Types
1	Coordination	**3**	All Project Types
2	Outputs, Outcomes and/or Goals	**7**	All Project Types
TOTAL Possible		**100**	**Minimum of 70 Points Required**

***** The first number listed indicates the maximum number of points available to current ICDBG grantees under this subfactor. The second number indicates the maximum number of points available to new applicants.

Rating Factor 1: Capacity of the Applicant (30 points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in accordance with your implementation schedule. If applicable, past performance in administering previous ICDBG grants will be taken into consideration. You must address the existence or availability of these resources for the specific type of activity for which you are applying. HUD will not rate any projects further that do not receive a minimum of 15 points under this factor.

1. Managerial, Technical, and Administrative Capability, (15 points for current ICDBG grantees and 30 points for new applicants). Your application must include a description demonstrating that you possess or can obtain managerial, technical, and/or administrative capability necessary to carry out the proposed project. It must address who will administer the project and how you plan to handle the technical aspects of executing the project in

accordance with your implementation schedule. Typical documents that may be submitted include, but are not limited to, written summaries of qualifications and past experience of proposed staff, descriptions of staff responsibilities, and references or letters of endorsement from others who have worked with the proposed staff. Do not submit job descriptions or resumes. Do not submit Social Security Numbers of any personnel or consultants.

a. Managerial and Technical Staff (8 points).
The extent to which your application describes the roles/responsibilities and the knowledge/experience of your proposed project director and key staff, including the day-to-day program manager, consultants, and contractors in planning, managing, and implementing projects in accordance with the implementation schedule for which funding is being requested. Experience will be judged in terms of relevant, recent, and successful experience of all key staff to undertake eligible program activities. In rating this factor, HUD will consider experience pertaining to the specific activities being proposed or the specific roles and responsibilities described in the application to be relevant, experience within the last 5 years to be recent, and evidence of meeting or exceeding benchmarks and timetables of past projects to be successful. The more relevant, recent, and successful the experience of staffs who will work on the project, the greater the number of points you will receive for this rating factor.

(8 points) The applicant adequately describes the roles/responsibilities and the knowledge/experience of its overall project director and key staff, including the day-to-day program manager, consultants, and contractors in planning, managing, and implementing projects for which funding is being requested. Experience of all key staff as described in the application is relevant, recent, and successful.

(4 points) The applicant adequately describes the roles/responsibilities and the knowledge/experience of its project director and staff, including the day-to-day program manager, consultants, and contractors in planning, managing, and implementing projects for which funding is being requested. Experience of all key staff as described in the application is relevant, and is either recent, or successful.

(0 points) The applicant failed to adequately describe the roles/responsibilities and the knowledge/experience of its project director and key staff, including the day-to-day program manager, consultants, and contractors in planning, managing, and implementing projects for which funding is being requested or staff experience as described in the application is either not relevant, or is not recent, or successful.

b. Project Implementation Plan (3 points for current ICDBG grantees and 8 points for new applicants).
The extent to which your project implementation plan identifies the specific tasks and timelines that you and your partner contractors and/or sub-grantees will undertake to complete your proposed project on time and within budget. The Project Implementation Schedule, form HUD4125, may serve as this required schedule, provided that it is sufficiently detailed to demonstrate that you have clearly thought out your project implementation.

(3 points for current ICDBG grantees and 8 points for new applicants). The applicant submitted a detailed project implementation plan that clearly specifies both tasks and timelines.

(2 points for current ICDBG grantees and 5 points for new applicants). The applicant submitted a project implementation plan that specifies both tasks and timelines, however the plan lacks detail.

(0 points for current ICDBG grantees or new applicants). The applicant did not submit a project implementation schedule that addresses both tasks and timelines.

c. Financial Management (2 points for current ICDBG grantees and 7 points for new applicants). This subfactor evaluates the extent to which your application describes how your financial management systems meet the requirements of 24 CFR Part 85 and 24 CFR Part 1003. The application will also be rated on the seriousness/significance of the findings related to your financial management system identified in your current audit. If you are required to have an audit but do not have a current audit, you must submit a letter from your Independent Public Accountant (IPA) that is dated within the past 12 months stating that your financial management system complies with all applicable regulatory requirements. If you are not required to have an audit in accordance with OMB Circular A-133, you will automatically receive maximum points for this portion of the subfactor if you state this fact and provide the other information required by this subfactor. For purposes of this subfactor, a current audit is one which was due to be submitted to the Federal Audit Clearinghouse (FAC) within the 12-month period prior to the application deadline date. To be considered, the audit must be submitted to the FAC prior to the ICDBG application deadline date. Do not submit financial management and/or internal control policies and procedures or your audit with the application.

(2 points for current ICDBG grantees and 7 points for new applicants). The applicant clearly described how its financial management systems meet the regulatory requirements cited above. The applicant's current audit does not contain any serious or significant findings related to its financial management system, or if there is no current audit, the applicant submitted a letter from its IPA stating that its financial management system complies with all applicable regulatory requirements.

(1 points for current ICDBG grantees and 4 points for new applicants). The applicant's current audit does not contain any serious or significant findings related to its financial management system, or if there is no current audit, the applicant submitted a letter from its IPA stating that its financial management system complies with all applicable regulatory requirements. The applicant did not describe how its financial management system meets the regulatory requirements cited above. .

(0 points for current ICDBG grantees or new applicants). The applicant's current audit included serious or significant findings related to its financial management systems or, if there is no current audit, the applicant did not submit a letter from its IPA stating its financial management systems comply with all regulatory requirements. The applicant did not describe how its financial management system meets the regulatory requirements cited above.

d. Procurement and Contract Management (2 points for current ICDBG grantees and 7 points for new applicants). This subfactor evaluates the extent to which your application describes how your procurement and contract management policies and procedures will meet the requirements of 24 CFR Part 85 and 24 CFR Part 1003. The application will also be rated on the seriousness of the findings related to procurement and contract management identified in your current financial audit. If you are required to have an audit but do not have a current audit, you must submit a letter from your IPA stating that your procurement and contract management system complies with all applicable regulatory requirements. If you are not required to have an audit in accordance with OMB Circular A-133, you will automatically receive maximum points for this portion of the subfactor if you state this fact and provide the other information required by this subfactor. For purposes of this subfactor, a current audit is one which was due to be submitted to the FAC within the 12-month period prior to the application deadline date. To be considered, the audit must be submitted to the FAC prior to the ICDBG application deadline date. Do not submit procurement and contract management policies and procedures or your audit with the application.

(2 points for current ICDBG grantees and 7 points for new applicants). The applicant clearly described how its procurement and contract management policies and procedures will meet the regulatory requirements cited above. The applicant's current audit does not contain any serious or significant findings related to its procurement and contract management system, or if there is no current audit, the applicant submitted a letter from its IPA stating that its procurement and contract management system complies with all applicable regulatory requirements.

(1 point for current ICDBG grantees and 4 points for new applicants). The applicant's current audit does not contain any serious or significant findings related to its procurement or contract management system, or if there is no current audit, the applicant submitted a letter from its IPA stating that its procurement and contract management system complies with all applicable regulatory requirements. The applicant did not describe how its procurement and contract management policies and procedures meet the regulatory requirements cited above.

(0 points for current ICDBG grantees or new applicants). The applicant's current audit included serious or significant findings related to its procurement and contract management systems or if there is no current audit, the applicant did not submit a letter from its IPA stating its procurement and contract management systems comply with all regulatory requirements. The applicant did not describe how its procurement and contract management policies and procedures will meet the regulatory requirements cited above.

2. Past Performance (15 points for current ICDBG grantees and 0 points for new applicants). HUD will evaluate your experience in producing products and reports in accordance with regulatory timelines for any previous grant programs undertaken with HUD funds for the following performance measures. Applicants are not required to respond to the subfactors related to past performance unless information is requested elsewhere in this rating factor.

a. Implementation (**3 points for current ICDBG grantees and 0 points for new applicants).** For this subfactor, performance will be evaluated for all open ICDBG grants.

(3 points) The applicant is not more than 90 days behind schedule in meeting the timeframes established in the HUD-approved implementation schedule and has met all performance goals of previous ICDBG projects.

(2 points) The applicant is not more than 120 days behind schedule in meeting the timeframes established in the HUD-approved implementation schedule and has met the majority of all performance goals of previous ICDBG projects.

(0 points) The applicant is more than 120 days behind schedule in meeting timeframes established in the HUD-approved implementation schedule and has not met performance goals of previous ICDBG projects.

b. Reports (3 points for current ICDBG grantees and 0 points for new applicants). Annual Status and Evaluation Reports (ASER) and Federal Financial Reports are submitted by the report submission deadlines. The ASER is due 45 days after the end of the federal fiscal year on November 15. Federal Financial Reports are due quarterly on April 30, July 30, October 30, and January 30. For this subfactor, performance will be evaluated for all open ICDBG grants.

(3 points) The applicant has submitted both the ASER and Federal Financial Reports for ICDBG programs within 15 days of the report submission deadlines.

(2 points) The applicant has submitted either the Federal Financial Reports or the ASERs for ICDBG programs within 15 days of the report submission deadlines.

(0 points) The applicant has submitted neither of the required reports within 15 days of the report submission deadlines.

c. Close-outs. (3 points for current ICDBG grantees and 0 points for new applicants). The applicant has submitted close-out documents to HUD by the required deadline. Close-out documents are required for the ICDBG program within 90 days of the date it is determined that the criteria for close-out at 24 CFR 1003.508 have been met. For this subfactor, performance will be evaluated for all open grants.

(3 points) The applicant submitted close-out documents to HUD in accordance with the timeframe and criteria at 24 CFR 1003.508.

(0 points) The applicant has not submitted close-out documents to HUD as required by 24 CFR 1003.508.

d. Audits. **(3 points for current ICDBG grantees and 0 points for new applicants).**

(3 points) The applicant has submitted annual audits for the last two audit periods in accordance with OMB Circular A-133 and its compliance supplements, and within the required timeframe (within 30 days after completion of the audit or 9 months after the fiscal year, whichever is earlier), or if the applicant received an extension of the audit submission

date, its audit was submitted by the extended date. If an extension was received, you must submit a copy of the extension approval letter. Do not submit your audit with the application. Applicants who are not required to submit an annual audit in accordance with OMB Circular A-133 must state this in their application, and explain why not, in order to receive 3 points for this subfactor.

(0 points) The applicant has not submitted annual audits for the last two audit periods in accordance with OMB Circular A-133 and its compliance supplements or if it received an extension of the audit submission date, the audit was not submitted by the extended date, and/or the extension approval letter was not submitted with the application.

e. Findings (3 points for current ICDBG grantees and 0 points for new applicants). The applicant has resolved ICDBG monitoring findings and controlled audit findings by the established target date, or there are no findings in current reports. Do not submit responses to open monitoring or audit findings with the application. For this subfactor, performance will be evaluated on all open monitoring findings.

(3 points) The applicant resolved open ICDBG monitoring findings and controlled audit findings by the established target date. The applicant will receive 3 points if there were no open audit or ICDBG monitoring findings (current grantees only).

(0 points) The applicant has not resolved open ICDBG monitoring findings and/or controlled audit findings by the established target date.

Rating Factor 2: Need/Extent of the Problem (16 points).

This factor addresses the extent to which there is a need for the proposed project to address a documented problem among the intended beneficiaries. It also requests information on how and why the project is critical to the cultural, social, and/or economic viability of the community. A viable community is determined by the applicant but could be defined as one in which tribal members wish to continue to reside or return to live.

1. Need and Viability (4 points).
(4 points) Your application includes quantitative information that demonstrates that the proposed project meets an essential community development need and is critical to the viability of the community.

(2 points) Your application includes quantitative documentation but it does not demonstrate that the project meets both an essential community need and is critical to the viability of the community.

(0 points) Your application does not include quantitative documentation nor does it provide evidence that the project is critical to the viability of the community.

2. Project Benefit (12 points). Your project benefits the neediest segment of the population, in accordance with the ICDBG program's primary objective defined at 24 CFR 1003.2. The criteria for this subfactor vary according to the type of project for which you are applying.

a. Public Facilities and Improvement Projects (12 points).

The proposed activities benefit the neediest segment of the population, as identified below. In order to meet the requirements of this section, you must submit the most recently available Decennial Census information or you may submit data that are unpublished, not generally available, and not older than the latest Census data. If you are submitting demographic data other than the Census, your application must contain a statement that all of the following criteria have been met:

- Generally available published data are substantially inaccurate or incomplete;

- Data that you submit have been collected systematically and are statistically reliable;

- Data are, to the greatest extent feasible, independently verifiable; and

- Data differentiate between reservation and BIA service area populations, when applicable.

The data accompanying the statement must identify the total number of persons benefiting from the project and the total number of low- and moderate-income persons benefiting from the project. To be considered, supporting documentation must include all of the following: a sample copy of a survey form, an explanation of the methods used to collect the data and a listing of incomes by household including household size.

(12 points) At least 85 percent of the beneficiaries are low- and moderate-income.

(8 points) At least 75 percent but less than 85 percent of the beneficiaries are low- and moderate-income.

(4 points) At least 55 percent but less than 75 percent of the beneficiaries are low- and moderate-income.

(0 points) Less than 55 percent of the beneficiaries are low- and moderate-income.

b. Economic Development Projects (12 points).

The proposed activities benefit the neediest segment of the population, as identified below. For economic development projects, you may consider beneficiaries of the project as persons served by the project and/or persons employed by the project, and jobs created or retained as a result of the project. For persons served by the project, you must submit the most recently available Decennial Census information or you may submit data that are unpublished, not generally available, and not older than the latest Census data as described in 2.a. above.

For documenting persons employed by the project, you do not need to submit a demographic data statement and corresponding documentation. However, you do need to submit information that describes the nature and number of the jobs created or retained for low- and moderate- income people. Such information includes, but is not limited to, brief descriptions of proposed job responsibilities, job titles, salaries, and the number of full-time equivalent positions. If you believe jobs will be retained as a result of the ICDBG project, include information that shows clearly and objectively that jobs will be lost without the ICDBG

project. Jobs that are retained only for the period of the grant will not count under this rating factor.

(12 points) At least 85 percent of the beneficiaries are low- and moderate-income.

(8 points) At least 75 percent but less than 85 percent of the beneficiaries are low- and moderate-income.

(4 points) At least 55 percent but less than 75 percent of the beneficiaries are low- and moderate-income.

(0 points) Less than 55 percent of the beneficiaries are low- and moderate-income.

c. New Housing Construction, Housing Rehabilitation, Housing Acquisition, Land Acquisition to Support New Housing, and Homeownership Assistance Projects (12 points).

The need for the proposed project is determined by utilizing data from the tribe's 2012 IHBG formula information. This amount has been computed for each tribe and posted in the "Factor 2 Needs Table" that is available in the zip file with the Application Instructions for the ICDBG program at http://www.grants.gov/applicants/apply_for_grants.jsp.

(12 points) The dollar amount for the Indian tribe is $327 - $750 or the tribe's total FY2012 IHBG amount was $100,000 or less and the Needs Table indicates that the Indian tribe has American Indian and Alaskan Natives (AIAN) households experiencing income or housing problems.

(8 points) The dollar amount for the Indian tribe is $751 - $1,250.

(4 points) The dollar amount for the Indian tribe is $1,251 - $3,999.

(0 points) The dollar amount for the Indian tribe is $4,000 or higher, or the Needs Table indicates that the Indian tribe has no AIAN households experiencing income or housing problems.

d. Microenterprise Programs (12 points).

A microenterprise is a business that has five or fewer employees, one or more of whom owns the enterprise. The owner(s) of the microenterprise must be low-and moderate-income and the majority of the jobs created or retained will be for low- and moderate-income persons. To evaluate need, the nature of the jobs created or retained will be evaluated. For documenting persons employed by the project, you do not need to submit a demographic data statement and corresponding documentation. However, you do need to submit information that describes the nature and number of the jobs created or retained for low- and moderate-income people. Such information includes, but is not limited to, brief descriptions of proposed job responsibilities, job titles, salaries, and the number of full-time equivalent positions. If you believe jobs will be retained as a result of the ICDBG project, include information that shows

clearly and objectively that jobs will be lost without the ICDBG project. Jobs that are retained only for the period of the grant will not count under this rating factor. The owners of the microenterprises are low-and moderate-income and:

(**12 points)** All employees are low-and moderate-income.

(**8 points)** At least 75 percent but less than 100 percent of the employees are low-and moderate-income.

(**4 points)** At least 50 percent but less than 75 percent of the employees are low-and moderate-income.

(**0 points)** Less than 50 percent of the employees are low-and moderate-income.

Rating Factor 3: Soundness of Approach (36 points).

This factor addresses the quality and anticipated effectiveness of your proposed project to enhance community viability and meet the needs you have identified in Rating Factor 2. It also examines your ability and willingness to sustain your proposed project over time. The populations that were described in demographics that documented need should be the same populations that will receive the primary benefit of the proposed project.

1. Description of and Rationale for Proposed Project (12 points).

(12 points) The proposed project is a feasible and cost effective approach to address the needs outlined under Rating Factor 2 of your application. The proposed project is described in detail and you indicate why you believe it will be most effective in addressing the identified need. In order for an application to receive full credit under this factor, the application must demonstrate how the community's viability will be enhanced, as explained and presented in Rating Factors 2 and 5. The application includes a description of the size, type, and location of the project and a rationale for project design. If your application is for construction of housing or a public facility building or rehabilitation project, it must also include anticipated cost savings related to project development due to program design or construction methods. For land acquisition to support new housing projects, you must establish that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from the project.

(10 points) The proposed project is a feasible and cost-effective approach to address the needs outlined under Rating Factor 2 of the application. The project is described in detail and indicates why you believe the project will be most effective in addressing the identified need. The application includes a description of the size, type, and location of the project, as well as a rationale for project design. For land acquisition to support new housing projects, the applicant has established that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from this project. The application (for construction of housing or a public facility building or rehabilitation projects) does not include anticipated cost savings due to program design and/or construction methods.

(6 points) The proposed project is a feasible and cost-effective approach to address the needs outlined under Rating Factor 2 of the application. The project is described and you indicate why you believe the project will be most effective in addressing the identified need. The application includes a description of the size, type, and location of the project. For land acquisition to support new housing projects, the applicant has established that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from the project. The application (for construction of housing or a public facility building or rehabilitation activities) does not include anticipated cost savings due to program design and/or construction methods.

(0 points) The proposed project is not a feasible and cost-effective approach to address the needs outlined under Rating Factor 2 of the application. The proposed project is not described in detail with an indication of why the applicant believes the project will be most effective in addressing the identified need. For land acquisition to support new housing projects, the applicant has not established that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from the project. The application (for construction of housing or a public facility building and rehabilitation activities) does not include anticipated cost savings due to program design and/or construction methods.

2. Budget and Cost Estimates (9 points).

The budget is thorough and reasonable, and all costs are documented.

(9 points) Cost estimates are reasonable and broken down by line item for each proposed activity, including planning and administration costs. A description of the qualifications of the person who prepared the cost estimate is provided.

(5 points) Cost estimates are reasonable but are not broken down by line item for each proposed activity, including planning and administration costs. A description of the qualifications of the person who prepared the cost estimate is not provided.

(0 points) Cost estimates are not provided.

3. HUD Policy Priorities (3 points).

Your application addresses the goals of Job Creation/Employment and/or Sustainability, two of HUD's FY2013 policy priorities, as described in Appendix B of the **General Section**.

Applicants that propose projects to undertake activities to create jobs and further local economic development particularly targeted to low-income populations and communities will receive one policy point. These activities should be more comprehensive than those required to meet HUD's Section 3 requirements and should continue beyond the length of the program. Applicants that propose projects that actively promote sustainability through energy-efficient, environmentally friendly, healthy design, including elements of visitability and universal design will also receive one policy point.

a. To receive a point under the policy priority for Job Creation/Employment, an applicant must respond to item (1) or (2) below:

(1) Expanding economic and job creation opportunity for low-income residents and creating better transportation access to those jobs and other economic opportunities by partnering with federal and nonprofit agencies, private industry, and other organizations by leveraging federal and private resources. An applicant must identify the work they plan to do with transportation agencies and related services, or partnerships they will create or have in existence with the public and private sector to increase access to jobs in the community. Grantees will be expected to report on outcome measures including the number of low-and moderate-income persons using transportation services to their place of employment; or the number of jobs made accessible through increased transportation services serving the community.

(2) Increasing access to job training, career services, and work through coordination with federal, state and local entities. Applicants must identify job training, career services or work that will be made available to low- and moderate-income persons in the community. An applicant must identify the jobs persons will be trained for, the career potential of the jobs identified, and the duration of the training. Grantees will be expected to report on outcome measures including the number of low- and moderate-income persons that receive job training and obtain a job, the number of low- and moderate-income persons that receive career services to identify career paths to improve wages, or the number of low- and moderate-income persons that receive support services to enable them to retain their jobs during the grant period.

b. To receive a point under the policy priority for Sustainability, an applicant must respond to item (1) and/or (2) below: One point can be awarded for each item.

(1) Support and promote an energy-efficient, green, and healthy housing market by retrofitting existing housing or community facilities, supporting energy-efficient new construction, and improving home energy labeling. An applicant must demonstrate that the rehabilitation or construction of housing or community facilities at a minimum meets the standard for Energy Star for New Homes, or recognized green building rating standards utilizing one of several recognized green rating programs for new construction or substantial rehabilitation. An applicant should also identify the buildings or units that will include healthy design features that meet or exceed the mandatory requirements identified in a green building standard. The application must indicate which standard will be used by the applicant. Grantees will be expected to report on outcome measures including the number of housing units or community facilities rehabilitated or constructed to meet energy efficiency and green development standards, or the number of housing units or community facilities rehabilitated or constructed to meet healthy design standards.

(2) Promote universal design and visitability in the construction of buildings and communities beyond providing the level of physical accessibility for persons with disabilities required by Federal accessibility standards. See Section page 59 of the **General Section** (Appendix B). The applicant must identify housing, retail establishments, commercial facilities or community facilities that will be retrofitted or constructed to incorporate universal design and

visitability by persons with disabilities. Grantees will be expected to report on outcome measures including the number of housing units or community facilities constructed or rehabilitated to incorporate universal design or visitability standards.

4. Commitment to Sustain Activities (12 points).

Your application demonstrates your commitment to your community's viability by sustaining your proposed activities. The information provided is sufficient to determine that the project will proceed effectively.

The criteria for this subfactor vary according to the type of project for which you are applying.

a. Public Facilities and Improvement Projects (12 points).

(12 points) If a tribe or an entity other than the tribe will have operation and maintenance responsibilities for the public facilities and improvements, provide a written statement that the tribe has adopted, or the entity has developed, the operation and maintenance plan and commits the necessary funds to provide for these responsibilities. In addition, describe how the operation and maintenance plan addresses maintenance, repairs, insurance, security, and replacement reserves and include a cost breakdown for annual expenses. For public facility or community buildings, a commitment is included in the application that identifies the source of and commits the necessary operating funds for any recreation, social, or other services to be provided. In addition, letters of commitment from service providers are included that address both operating expenses and space needs. For infrastructure projects such as water lines, the operations and maintenance plan need not provide for security.

(8 points) If a tribe or an entity other than the tribe will have operation and maintenance responsibilities for the public facilities and improvements, provide a written statement that the tribe has adopted, or the entity has developed, the operation and maintenance plan and commits the necessary funds to provide for these responsibilities. In addition, a description was included that shows that the operation and maintenance plan addresses only four of the following items (maintenance, repairs, insurance, security, and replacement reserves) but a satisfactory cost breakdown for annual expenses was not included. For public facility or community buildings, a commitment is included in the application that identifies the source of and commits the necessary operating funds for any recreation, social, or other services to be provided. In addition, letters of commitment from service providers are included that address both operating expenses and space needs.

(4 points) If a tribe or an entity other than the tribe will have operation and maintenance responsibilities for the public facilities and improvements, the application includes a written statement that the tribe has adopted, or the entity has developed, the operation and maintenance plan and commits the necessary funds to provide for these responsibilities, or a description of the operation and maintenance plan is included that shows that the plan addresses only three of the following items (maintenance, repairs, insurance, security, and replacement reserves) but a satisfactory cost breakdown for annual expenses was not included. Letters of commitment to provide services are included but they do not address operating expenses and space needs.

(0 points) None of the above criteria is met.

b. New Housing Construction, Housing Rehabilitation, and Homeownership Assistance Projects (12 points).

(12 points) The ongoing maintenance responsibilities are described in detail for the tribe and/or the participants, as applicable. If the tribe or another entity is assuming maintenance responsibilities, then the applicant must provide a commitment to that effect.

(8 points) Maintenance responsibilities for the tribe and/or participants are described but lack detail, and the commitment regarding maintenance responsibilities of the tribe or another entity is submitted.

(4 points) Maintenance responsibilities are mentioned but little description is provided.

(0 points) None of the above criteria is met.

c. Economic Development Projects (12 points).

In addition to information requested in the economic development threshold requirement at Section III.C.3.c. of this NOFA, you must describe: how your project will operate; why it is needed in your market/area; and how and why the project will succeed.

(12 points) All three components have been addressed and evidence is provided that the project's chance for financial success is excellent.

(8 points) Two of the above components have been addressed and evidence is provided that the project's chance for financial success is reasonable.

(4 points) One of the above components has been addressed and evidence is provided that the project's chance for financial success is reasonable.

(0 points) None of the above components have been addressed.

d. Microenterprise Programs (12 points).

Your application must include a description of your microenterprise program including the types of assistance offered to microenterprise applicants and the types of entities eligible to apply for such assistance. You must describe your processes for analyzing microenterprise applicants' business plans, market studies, and financial feasibility. For credit programs, you must describe your process for determining the loan terms (i.e. interest rate, maximum loan amount, duration, loan servicing provisions) to be offered to individual microenterprise applicants.

(12 points) All of the above information or documentation applicable to the proposed project is thoroughly addressed in the application and evidence is provided that the chance for success is excellent.

(8 points) All of the above information or documentation applicable to the proposed project is addressed in the application but lacking in detail and evidence is provided that the chance for success is reasonable.

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(4 points) All of the above information or documentation applicable to the proposed project is listed in the application but lacking in detail and evidence is provided that the chance for success is marginal.

(0 points) None of the above criteria is met.

e. Land Acquisition Projects to Support New Housing (12 points).

Applications must include the results of a preliminary investigation conducted by a qualified independent entity demonstrating that the proposed site has: suitable soil conditions for housing and related infrastructure; potable drinking water accessible for a reasonable cost; access to utilities; vehicular access; drainage; nearby social and community services; and no known environmental problems.

(12 points) The application includes all of the above-mentioned site survey items and all necessary infrastructure is in place.

(8 points) The application includes all of the above-mentioned site survey items; however, all necessary infrastructure is not in place. A detailed description of resources to be used and a detailed implementation schedule for development of all necessary infrastructure indicates such infrastructure, as needed for proposed housing development, will be developed in time for unit construction, but no later than two years after site purchase.

(4 points) The application includes all of the above-mentioned site survey items, however all infrastructure is not in place. A description of resources to be used and an implementation for the development of the necessary infrastructure in included, however, it is not detailed and/or does not indicate that infrastructure will be in place no later than two years after site purchase.
(0 points) None of the above criteria is met.

Rating Factor 4: Leveraging Resources (8 points).

HUD believes that ICDBG funds can be used more effectively to benefit a larger number of Native American and Alaska Native persons and communities if projects are developed that use tribal resources and resources from other entities in conjunction with ICDBG funds. To encourage this, HUD will award points based on the percentage of non-ICDBG resources provided relative to project costs as follows:

Non-ICDBG Resources to Project Costs	Points
Less than 4 percent	0
At least 4 percent but less than 11 percent	2
At least 11 percent but less than 18 percent	4
At least 18 percent but less than 25 percent	6
25 percent or more	8

Contributions that could be considered as leveraged resources for point award include, but are not limited to: tribal trust funds, loans from individuals or organizations, private foundations, businesses, state or federal loans or guarantees, other grants including IHBG (also known as NAHBG) funds, donated goods and services needed for the project, land needed for the project, and direct administrative costs. With the exception of land acquisition, funds that have been expended on the project prior to the application deadline date will not be counted as leverage. Applicants are reminded that environmental review requirements under 24 CFR Part 58 apply to the commitment or use of both ICDBG and non-ICDBG funds in a leveraged project. See Section VI.B. of this NOFA for information related to this requirement.

Contributions that will not be considered include, but are not limited to: indirect administrative costs as identified in Appendices A and E of 2 CFR Part 225; contributions of resources to pay for anticipated operations and maintenance costs of the proposed project; and, in the cases of expansions to existing facilities, the value of the existing facility.

To obtain points for this rating factor, letters of firm or projected commitments, memoranda of understanding, or agreements to participate from any entity, including the tribe that will be providing a contribution to the project, must accompany the application. The documentation must be received by HUD in the paper application package (if you have received a waiver of the electronic submission requirement) or for electronically submitted applications, the documentation must be scanned and submitted as part of the application documents or sent by facsimile transmittal (see the **General Section**). To receive funding consideration, all documents must be received by the application deadline dates and meet the timely receipt requirements.

To demonstrate the commitment of tribal resources, the application must contain a written statement that identifies and commits the tribal resources to the project, subject to approval of the ICDBG assistance. In the case of IHBG funds, whether the tribe or a TDHE administers them, an approved Indian Housing Plan (IHP) must identify and commit the IHBG resources to the project. Do not submit the IHP with your application. ONAP will rely on the most recently approved IHP on file. If the tribe/TDHE intends to include the leveraged commitment in a future IHP, the application must contain a written statement that identifies and commits the IHBG resources to the project subject to the same requirements as above.

To demonstrate the commitment of a public agency, foundation, or other private party resources, a letter of commitment, memorandum of understanding, and/or agreement to participate, including any conditions to which the contribution may be subject, must be submitted with the application. All letters of commitment must include the donor

organization's name, the specific resource proposed, the dollar amount of the financial or in-kind resource and method for valuation, and the purpose of that resource within the proposed project. An official of the organization legally authorized to make commitments on behalf of the organization must sign the commitment.

HUD recognizes that in some cases, firm commitments of non-tribal resources may not be obtainable by your tribe by the application deadline. For such projected resources, your application must include a statement from the contributing entity that describes why the firm commitment cannot be made at the current time and affirms that your tribe and the proposed project meets eligibility criteria for receiving the resource. In addition, a date by which the funding decisions will be made must be included. This date cannot be more than six months from the anticipated date of grant approval by HUD. Should HUD not receive notification of the firm commitment within six months of the date of grant approval, HUD will recapture the grant funds approved and will use them in accordance with the requirements of 24 CFR 1003.102.

In addition to the above requirements, for all contributions of goods, services and land, you must demonstrate that the donated items are necessary to the actual development of the project and include comparable costs that support the donation. Land valuation must be established using one of the following methods and the documentation must be contained in the application: a site-specific appraisal no more than two years old; an appraisal of a nearby comparable site also no more than two years old; a reasonable extrapolation of land value based on current area realtor value guides; or a reasonable extrapolation of land value based on recent sales of similar properties in the same area.

Rating Factor 5: Comprehensiveness and Coordination (10 Points).

This factor addresses the extent to which your project planning and proposed implementation reflect a coordinated, community-based process of identifying and addressing needs of your tribal community. If your community has developed a comprehensive plan to improve the viability of the community, the project(s) should fit into that plan. This factor also examines the level of support for the project(s) from tribal organizations and departments that are not providing direct financial support for the project(s)..

The application should describe the project’s specific and quantifiable outputs, outcomes, and goals for enhancing community viability. The application should also indicate how it will measure and evaluate how the goals are being met. Applicants that are funded will be required to report on the proposed outcomes and outputs as spelled out in Section VI.C.1.b. of this NOFA.

1. Coordination (up to 3 points). The application addresses the extent to which you intend to use ICDBG as a catalyst for coordination with other organizations and/or tribal departments that are not providing direct financial support to your proposed work activities and with whom you are working to meet objectives in a holistic and comprehensive manner.

(3 points) Partnering organizations that will not be providing leveraged resources to the project and described the nature of the coordination to accomplish common goals and objectives have been identified.

(1 point) Partnering organizations that will not be providing leveraged resources to the project have been identified by the application did not describe the nature of the coordination or the organizations do not share common goals and objectives.

(0 points) The application did not identify any partnering organizations.

2. Outputs, Outcomes, and/or Goals (up to 7 points). The extent to which your proposed project identifies, measures, and evaluates the specific outputs, outcomes and/or goals of your project(s) that enhance community viability.
Depending on the type of project(s) proposed and HUD policy priority chosen, outputs could include:

- Number of housing units rehabilitated;
- Number of jobs created;
- Number of housing units constructed;
- Number of community facilities built;
- Dollars invested;
- Square feet for any public facility;
- Number of education or job training opportunities provided;
- Number of homeownership units constructed or financed;
- Number of businesses supported (including number of minority/Native American);
- Number of families proposed to be assisted through a drug-elimination program, or through a program to reduce or eliminate health-related hazards; \
- Number of persons assisted; or
- Linear feet of infrastructure.

You may also include other outputs applicable to your project(s).

Depending on the type of project(s) proposed, outcomes could include:

- Reduction in the number of families living in substandard housing;
- Reduction in overcrowding;
- Increased income resulting from employment generated by project;
- Increased quality of life due to services provided by the public facility;
- Increased economic self-sufficiency of program beneficiaries;
- Increase in homeownership rates;
- Reduction of drug-related crime or health-related hazards;
- Units connected to gas, phone or electric lines/roads/water/sewer;
- Accessibility for disabled persons; or
- Improved energy efficiency.

You may also include other outputs applicable to your project(s).

(7 points) The application included measurable outputs and outcomes for the proposed activity that enhance community viability**.**

(4 points) The application included measurable outputs, but not outcomes, or vice versa. Or the application submitted both but neither was measurable.

(0 points) The application did not address outputs or outcomes, or the outputs and outcomes were not measurable.

B. Review and Selection Process.

1. Application Selection Process. HUD will review each application and assign points in accordance with the selection factors described in this section.

2. Application Screening. The Area ONAP will screen applications for Single Purpose grants. The Area ONAP will reject an application that fails this screening. The Area ONAP will accept your application if it meets all the criteria listed below as items (a) through (e).

a. Your application is received or submitted in accordance with the requirements set forth under Application and Submission Procedures in Section IV of this NOFA;

b. You are eligible;

c. The proposed project is eligible;

d. Your application contains substantially all the components specified in Section IV. B. of this NOFA; and

e. Your application shows that at least 70 percent of the grant funds are to be used for activities that benefit low- and moderate-income persons, in accordance with the requirements of 24 CFR 1003.208. For screening purposes only, HUD will use the 2000 census data if the data you submitted does not meet this screening requirement. For housing activities, all units must be occupied by low- and moderate-income households in accordance with 24 CFR 1003.208(c).

3. Threshold Compliance. The Area ONAP will review each application that passes the screening process to ensure that each applicant and each proposed project meets the submission thresholds in Section III.C.2. and C.3. of the **General Section** and the program and project related thresholds listed in Section III.C. of this NOFA, and 24 CFR 1003.301(a) and 1003.302.

4. Past Performance. An applicant's past performance is evaluated under Rating Factor 1. Applicants are encouraged to address all performance-related criteria prior to the application deadline date. An applicant must score a minimum of 15 points under Rating Factor 1 in order to meet the minimum point requirements outlined below in this NOFA.

5. Rating. The Area ONAP will review and rate each project that meets the acceptance criteria and threshold requirements. After the applications are rated, a summary review of all applications will be conducted to ensure consistency in the application rating. The summary review will be performed by either the Grants Management Director (or designee) or by a panel composed of up to three staff members.

6. Minimum Points. To be considered for funding, your application must receive a minimum of 15 points under Rating Factor 1 and an application score of 70 points.

7. Ranking. All projects will be ranked against each other according to the point totals they receive, regardless of the type of project or component under which the points were awarded. Projects will be selected for funding based on the final ranking to the extent that funds are available. The Area ONAP will determine individual grant amounts in a manner consistent with the considerations set forth in 24 CFR 1003.100(b)(2). Specifically, the Area ONAP may approve a grant amount less than the amount requested. In doing so, the Area ONAP may take into account the size of the applicant, the level of demand, the scale of the activity proposed relative to need and operational capacity, the number of persons to be served, the amount of funds required to achieve project objectives, and the reasonableness of the project costs. If the Area ONAP determines that there are not enough funds available to fund a project as proposed by the applicant, it may decline to fund that project and may fund the next highest-ranking project or projects for which adequate funds are available. The Area ONAP shall select, in rank order, additional projects for funding if one of the higher-ranking projects is not funded or if additional funds become available.

8. Tiebreakers. When rating results in a tie among projects and insufficient resources remain to fund all tied projects, the Area ONAP will approve projects that can be fully funded over those that cannot be fully funded. When that does not resolve the tie, the Area ONAP will use the following factors in the order listed to resolve the tie:

a. The applicant that has not received an ICDBG over the longest period of time.

b. The applicant with the fewest active ICDBGs.

c. The project that would benefit the highest percentage of low- and moderate-income persons.

9. Technical Deficiencies and Pre-award Requirements.

a. Technical Deficiencies. If there are technical deficiencies in successful applications, you must satisfactorily address these deficiencies before HUD can make a grant award. See the **General Section** at V.B.2. for information on curing deficiencies.

b. Pre-award Requirements. Successful applicants may be required to provide supporting documentation concerning the management, maintenance, operation, or financing of proposed projects before a grant agreement can be executed. Such documentation may include additional specifications on the scope, magnitude, timing or method of implementing the

project; or information to verify the commitment of other resources required to complete, operate, or maintain the proposed project. HUD will notify applicants by facsimile or via the U.S. Postal Service, return receipt requested. Applicants will be provided fourteen (14) calendar days from the date of receipt of the HUD notification to respond to these requirements. No extensions will be provided. If the deadline date falls on a Saturday, Sunday, or federal holiday, your response must be received by HUD on the next day that is not a Saturday, Sunday, or federal holiday. If you do not respond within the prescribed time period or you make an insufficient response, the Area ONAP will determine that you have not met the requirements and will withdraw the grant offer. You may not substitute new projects for those originally proposed in your application and any new information will not affect your project's rating and ranking. The Area ONAP will award, in accordance with the provisions of this NOFA, grant amounts that had been allocated for applicants unable to meet pre-award requirements.

c. The time period for calculating the response deadline for technical deficiencies and pre-award requirements begins on the day after receipt of the pre-award letter from the Area ONAP.

10. Error and Appeals. Judgments made within the provisions of this NOFA and the program regulations (24 CFR Part 1003) are not subject to claims of error. You may bring arithmetic errors in the rating and ranking of applications to the attention of the Area ONAPs within 30 days of being informed of your score. Please see Section VI.A. of the **General Section** for further information regarding errors.

11. Performance and Compliance Actions of Funding Recipients. HUD will measure and address the performance of and order compliance actions by funding recipients in accordance with the applicable standards and sanctions of their respective programs.

VI. Award Administration Information.

A. Award Notices. HUD expects to announce awards in 2013 but the exact date is subject to the availability of HUD appropriations. As soon as rating and ranking are completed, the applicant has complied with any pre-award requirements, and Congressional release has been obtained, a grant award letter, a grant agreement, and other forms and certifications will be mailed to the recipient for signature and return to the Area ONAP. The grant agreement, which is signed by HUD and the recipient, establishes the conditions by which both the Area ONAP and the recipient must abide during the life of the grant. All grants are conditioned on the completion of all environmental obligations and approval of release of funds by the Area ONAP in accordance with the requirements of 24 CFR Part 58. HUD may impose other grant conditions, if additional actions or approvals are required, before the use of funds.

B. Administrative and National Policy Requirements.

1. **Statutory and Regulatory Requirements**.

a. Environmental Requirements. As required by 24 CFR 1003.605, ICDBG grantees must perform environmental reviews of ICDBG activities in accordance with 24 CFR Part 58.

Grantees and other participants in the development process may not commit or expend any ICDBG or nonfederal funds on project activities (other than those listed in 24 CFR 58.22(f), 58.34 or 58.35(b)) until HUD has approved a Request for Release of Funds and environmental certification submitted by the grantee. The expenditure or commitment of ICDBG or nonfederal funds for such activities prior to HUD approval may result in the denial of assistance for the project or activities under consideration.

b. **Indian Preference**. HUD has determined that the ICDBG program is subject to Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)). The provisions and requirements for implementing this section are in 24 CFR 1003.510.

c. Anti-discrimination Provisions. Under HUD's regulations at 24 CFR 1003.601, HUD waived the requirement that grantees comply with the anti-discrimination provisions in Section 109 of the CDBG statute except with respect to age, sex, religion, or against an otherwise qualified disabled individual in the use of ICDBG grant funds. Section 109 requires compliance with Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975 also (HUD's regulations for Section 109 are in 24 CFR part 6). HUD's regulations at 24 CFR part 8 include accessibility standards for housing and non-housing facilities constructed or rehabilitated with Federal financial assistance, including ICDBG. You must comply also with the Indian Civil Rights Act in your use of ICDBG.

d. **Conflict of Interest**. In addition to the conflict of interest requirements with respect to procurement transactions found in 24 CFR 85.36 and 84.42, as applicable, the provisions of 24 CFR 1003.606 apply to such activities as the provision of assistance by the recipient or sub-recipients to businesses, individuals, and other private entities under eligible activities that authorize such assistance.

e. Economic Opportunities for Low-and Very Low-Income Persons (Section 3). Section 3 requirements under 24 CFR Part 135 apply to the ICDBG program but, as stated in §135.3(c), the procedures and requirements of Part 135 apply to the maximum extent consistent with, but not in derogation of, preferences for the benefit of Indians under §7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)). Grantees are required to submit an annual report on employment, training, contracting and other economic opportunities consistent with the Section 3 regulatory reporting requirements.

f. Affirmatively Furthering Fair Housing. Applicants under this NOFA do not have a submission requirement related to HUD's obligation to affirmatively further fair housing under Section 808(e) of the Fair Housing Act as described in the General Section, because Section 106(a)(1) of the Housing and Community Development Act exempts grants to Indian tribes from the obligation to affirmatively further fair housing under Section 106(d)(5) of the Act.

g. **Lead-Based Paint**. In accordance with 24 CFR 1003.607, for housing built before 1978, the Lead Safe Housing Rule, specifically 24 CFR 35, subparts A, B, J, K, and R, applies. The Environmental Protection Agency's Renovation, Repair and Painting Rule, found at 40 CFR 745 (http:www.epa.gov/lead/pubs/renovation.htm), also applies to pre-1978 housing, and it applies to pre-1978 child care and other facilities frequented by children under age 6 (as

specified by the EPA's rule) being rehabilitated, renovated, painted or repaired. Note that where the requirements of the two rules differ, the most protective requirement prevails.

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

(1) Recipient Reporting to Meet the Requirements of the Federal Funding Accountability and Transparency Act of 2006, as amended.

(a) Prime Grant Awardee Reporting. Prime recipients of HUD financial assistance are required to report certain subawards in the Federal Government-wide website www.fsrs.gov or its successor system.

Starting with awards made October 1, 2010 prime financial assistance awardees receiving funds directly from HUD are required to report subawards and executive compensation information both for the prime award and subaward recipients, including awards made as pass-through awards or awards to vendors, if (1) the initial prime grant award is $25,000 or greater, or the cumulative prime grant award will be $25,000 or greater if funded incrementally as directed by HUD in accordance with OMB guidance; and (2) the subaward is $25,000 or greater, or the cumulative subaward will be $25,000 or greater. For reportable subawards, if executive compensation reporting is required and subaward recipients' executive compensation is reported through the CCR system, the prime recipient is not required to report this information. The reporting of award and subaward information is in accordance with the requirements of Federal Financial Assistance Accountability and Transparency Act of 2006, as amended by section 6202 of Public Law 110-252, hereafter referred to as the ―Transparency Act‖ and OMB Guidance issued to the Federal agencies on September 14, 2010 (75 FR 55669) and in OMB Policy guidance. The prime awardee will have until the end of the month plus one additional month after a subaward or pass-through award is obligated to fulfill the reporting requirement. Prime recipients are required to report the following information for applicable subawards. This information will be displayed on a public government website pursuant to the Transparency Act.

(i) Name of entity receiving award;
(ii)Amount of award
(iii) Funding agency;
(iv) North American Industry Classification System (NAICS) code for contracts/CFDA program for financial assistance awards;
(v) Program source;
(vi) Award title descriptive of the purpose of the funding action;
(vii) Location of the entity (including Congressional district);
(viii) Place of Performance (including Congressional district);
(ix) Unique identifier of the entity and its parent; and
(x) Total compensation and names of top five executives.

For the purposes of reporting into the FFATA Subaward Reporting System (FSRS) reporting site, the unique identifier is the DUN and Bradstreet Universal Numbering System

(DUNS) number the entity has obtained from Dun and Bradstreet, and for prime awardees the DUNS number registered in the CCR as required by HUD regulation 24 CFR 5.1004.

(b) Prime Grant Awardee Executive Compensation Reporting. Prime awardees must also report in the governmentwide website the total compensation and names of the top five executives in the prime awardee organization if:

(i) More than 80 percent of the annual gross revenues are from the Federal Government, and those revenues are greater than $25 million annually; and
(ii) Compensation information is not readily available through reporting to the Securities Exchange Commission (SEC).

(c) Subaward Executive Compensation Reporting. Prime grant awardees must also report in the governmentwide website the total compensation and names of the top five executives in the subawardees if:

(i) More than 80 percent of the annual gross revenues are from the Federal Government, and those revenues are greater than $25 million annually; and
(ii) This required compensation information is not readily available through reporting to the SEC. For applicable subawards, if executive compensation reporting is required and subaward recipients' executive compensation is reported through the CCR system, the prime recipient is not required to report this information.

(d) Transparency Act Reporting Exemptions. The Transparency Act exempts any subawards less than $25,000 made to individuals and any subawards less than $25,000 made to an entity whose annual expenditures are less than $300,000. Subawards with a cumulative total of $25,000 or greater are subject to subaward reporting beginning the date the subaward total award amount reaches $25,000. The Transparency Act also prohibits reporting of any classified information. Any other exemptions to the requirements must be approved by the Office of Management and Budget.

i. Compliance with Section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417), hereafter referred to as "Section 872". See Section III.C.4.w. of the **General Section**. Section 872 requires the establishment of a government-wide data system – the Federal Awardee Performance and Integrity Information System (FAPIIS) - to contain information related to the integrity and performance of entities awarded federal financial assistance and making use of the information by federal officials in making awards. OMB is in the process of issuing regulations regarding federal agency implementation of section 872 requirements. A technical correction to the **General Section** may be issued when such regulations are promulgated.

2. OMB Circulars and Government-wide Regulations Applicable to Financial Assistance Programs. The policies, guidance and requirements of OMB Circular A-87, Cost Principles Applicable to Grants, Contracts and other Agreements with State and Local Governments (2 CFR Part 225 and Appendix A); OMB Circular A-122, Cost Principles for Nonprofit Organizations (2 CFR Part 230); OMB Circular A-133, Audits of State and Local Governments, and Nonprofit Organizations; and the regulations at 24 CFR Part 85,

Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments apply to the award, acceptance, and use of assistance under the ICDBG program and to the remedies for noncompliance, except when inconsistent with the provisions of the Consolidated Appropriations Act, 2006 (Pub L. 109-115; approved November 30, 2005) or the ICDBG program regulations at 24 CFR Part 1003. Copies of the OMB Circulars may be obtained from EOP publications. Room 22000, New Executive Office Building, Washington, DC 20503, telephone (202) 395-3080 (this is not a toll-free number) or (800) 877-8339 (TTY Federal Information Relay Service). . Copies of these circulars may be found at http://www.whitehouse.gov/omb/circulars_default.

C. Reporting.

1. Post-Award Reporting Requirements.

a. Quarterly Financial Reports. Grant recipients must submit to the Area ONAP a quarterly SF425, Federal_Financial_Report. The report accounts for funds received and disbursed by the recipient.

b. Annual Status and Evaluation Report. Recipients are required to submit this report in narrative form annually. The report is due 45 days after the end of the federal fiscal year and at the time of grant close-out. The report must include:

(1) The progress made in completing approved activities (including progress made on proposed outputs and outcomes), a list of work remaining, and with a revised implementation schedule, if necessary;

(2) A breakdown of funds spent on each major project activity or category; and

(3) If the project has been completed, an evaluation of the effectiveness of the project in meeting the community development needs of the grantee, as well as the final outputs and outcomes.

c. Minority Business Enterprise Report. Recipients must submit this report on contract and subcontract activity by October 10 of each fiscal year.

d. Close-out report. A close-out report must be submitted by the recipient within 90 days of completion of grant activities. The report consists of the final Federal Financial Report (SF425), the final Status and Evaluation Report, and the Close-Out Agreement. More information regarding these requirements may be found at 24 CFR 1003.506 and 1003.508.

VII. Agency Contact(s).

A. General Questions. You should direct general program questions to the Area ONAP serving your area. A contact list for each Area ONAP can be accessed at http://www.hud.gov/offices/pih/ih/codetalk/onap/map/nationalmap.cfm. Persons with speech or hearing impairments may call HUD's TTY number 202-708-0770, or 800-877-8339 (the Federal Relay Service TTY). Other than the "800" numbers, these numbers are not toll-free.

B. Technical Assistance. Before the application deadline date, HUD staff will be available to provide you with general guidance and technical assistance about the requirements in the General Section and this NOFA. However, HUD staff is not permitted to assist in preparing your application. Following selection of applicants, but before awards are made, HUD staff is available to assist in clarifying or confirming information that is a prerequisite to the offer of an award.

VIII. **Other Information.**

A. Paperwork Reduction Act Statement. The information collection requirements in this NOFA have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control number 2577-0191. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid OMB control number. Public reporting burden for the collection of information is estimated to average 43 hours per annum for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

B. Environmental Impact. This NOFA provides funding under, and does not alter the environmental requirements of, 24 CFR Part 1003. Accordingly, under 24 CFR 50.19(c)(5), this NOFA is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321). Activities under this NOFA are subject to the environmental review provisions set out at 24 CFR 1003.605. See also Section VI.B.1.a. of this NOFA.

Dated: *January 10, 2013*

Sandra B. Henriquez
Assistant Secretary for
Public and Indian Housing

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