

# CITY OF SAN ANTONIO

Office of Grants Monitoring and Administration



## REQUEST FOR APPLICATIONS ("RFA")

for  
FY 2013 HOME Investment Partnership Program (HOME)

RFA 12-026

Issued: March 2, 2012  
Applications Due: March 30, 2012

**This solicitation has been identified as High-Profile.**

**Notice Regarding Prohibition on Campaign or Officeholder Contributions for Individuals and Entities Seeking High-Profile Contracts.** Under Section 2-309 of the Municipal Campaign Finance Code, the following are prohibited from making a campaign or officeholder contribution to any member of City Council, candidate for City Council or political action committee that contributes to City Council elections from the 10<sup>th</sup> business day after a contract solicitation has been released until 30 calendar days after the contract has been awarded ("black out" period):

- 1 legal signatory of a high-profile contract;
- 2 any individual seeking a high-profile contract;
- 3 any owner or officer of an entity seeking a high-profile contract;
- 4 the spouse of any of these individuals;
- 5 any attorney, lobbyist or consultant retained to assist in seeking contract.

**A high-profile contract cannot be awarded to the individual or entity if a prohibited contribution has been made by any of these individuals during the "black out" period.**

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## I. BACKGROUND

### **Introduction**

The City of San Antonio seeks qualified applicants interested in partnering to provide affordable housing through the HOME Investment Partnership Program. The U.S. Department of Housing and Urban Development (HUD) provides the City of San Antonio with HOME funding each year with opportunities to develop viable communities by funding activities that provide decent, safe, sanitary and affordable housing and expanded home ownership opportunities principally for low to moderate income persons. The City's Office of Grants Monitoring and Administration administers these funds.

Applicants are advised that in cases where the applicant is undertaking multiple programs or distinct projects, separate applications will be required. Eligible applicants include governmental agencies, non-profit organizations, Community Housing Development Organizations (CHDO's), and for-profit developers.

### **The City of San Antonio's HOME Investment Partnership Program**

HUD provides HOME funds to the City to support a wide range of community development and affordable housing activities. HOME is designed exclusively to create affordable housing for low-income households. HOME funds must be used to benefit households at or below 80% of the area median income, adjusted for household size in accordance with HUD Section 8 Guidelines. The City highly recommends that before applying for funding, the applicant is familiar with the HUD regulations for the HOME Program and the City's Housing Policies (links listed below).

#### HOME Program Rules and Regulations

<http://www.hud.gov/offices/cpd/affordablehousing/lawsandregs/regs/finalrule.pdf>

<http://www.hud.gov/offices/cpd/affordablehousing/programs/home/>

#### San Antonio Housing Policies:

<http://www.sanantonio.gov/gma/pdf/Housing%20Policy%20Guide%20Revised%2006%2030%2010.pdf>

The City of San Antonio is anticipating receiving a \$3.86 million budget for FY 2013 which represents a 37.9% reduction from the previous FY 2012 HOME budget.

### **City of San Antonio Reinvestment Target Areas**

The Office of Grants Monitoring and Administration is seeking applications for projects and programs that target HOME funds within the Tier One target area of the City's Infill and Reinvestment Area (ICR/IP) and the Dignowity Neighborhood a designated Neighborhood Revitalization Strategic Area (NRSA).

#### *Infill and Reinvestment Area (ICR/IP)*

[http://www.sanantonio.gov/planning/pdf/ICRIP/ICRIP\\_TargetArea\\_100223.pdf](http://www.sanantonio.gov/planning/pdf/ICRIP/ICRIP_TargetArea_100223.pdf)

#### *Dignowity Hill Neighborhood Revitalization Strategic Area*

[http://www.sanantonio.gov/planning/pdf/neighborhoods/dignowityhill/02\\_DignowityHill\\_DRAFT12\\_Map1.pdf](http://www.sanantonio.gov/planning/pdf/neighborhoods/dignowityhill/02_DignowityHill_DRAFT12_Map1.pdf)

## II. SCOPE OF SERVICES

All projects and programs must be consistent with core HOME eligible housing programs outlined in FY 2010-2014 Consolidated Plan. The City of San Antonio will focus FY 2013 HOME funds to support a diverse number of programs including direct homeownership assistance, owner occupied rehabilitation and/or reconstruction, and multi-family new construction in conjunction with low income housing tax credits (LIHTC's).

### **First Time Homebuyer (FTHB) Assistance**

Activities are focused on the purchase of affordable single-family homes by low-income individuals or families for the first time. Activity must meet one or more of the following objectives:

- A. Provide financial assistance for the purchase of existing housing stock for low- to moderate-income first time home buyers.
- B. Provide support to agencies engaged in the provision of loans for the new construction of housing for low- and moderate- income persons.
- C. Provide support for acquisition and/or infrastructure to agencies for the development of new housing for low and moderate-income persons.

### **Owner-Occupied Single Family Rehabilitation or Reconstruction Program**

Activities are focused on the rehabilitation or reconstruction of single family owner occupied homes in cases where rehabilitation has been deemed economically infeasible. Activity must meet one or more of the following objectives:

- A. Provide support to agencies engaged in the substantial rehabilitation of housing for low- to moderate- income homeowners.

### **Multi-Family Rental New Construction**

Activities focused on new construction of rental properties for the use by low- to moderate- income persons. Consideration will be given to applicants that meet the following objective:

- A. Provide support to agencies engaged in the development and construction of new, multi-family rental housing for low- to moderate- income persons.
- B. Applicants who have applied for the funding allocation of Low Income Housing Tax Credits (LIHTC's) through the Texas Department of Housing and Community Affairs.

### **Multi-Family Rehabilitation and/or Reconstruction Program**

Activities focused on rehabilitation or reconstruction of rental properties for the use by low to moderate income persons. This category is for applicants seeking funding to administer a rehabilitation program. This category is not for individual projects. Consideration will be given to applicants that meet the following objective:

- A. Provide support to agencies engaged in the rehabilitation or reconstruction of multi-family rental housing for low- to moderate- income persons.
- B. Applicants who have applied for the funding allocation of Low Income Housing Tax Credits (LIHTC's) through the Texas Department of Housing and Community Affairs.

### III. CONTRACT TERMS

The term for contracts awarded in response to this RFA will depend on a performance timeline required by the project or program. Project terms may not exceed federal requirements for commitments, expenditures, and/or completion. Contracts may not be executed prior to October 1, 2012. The City may elect not to directly award applications that are awaiting announcement of the LIHTC program from TDHCA. An agreement may not be executed for these projects until after the announcement.

### IV. APPLICATION REQUIREMENTS

Applications shall include the following items in the following sequence, tabbed, and noted with the appropriate heading as indicated below.

| <b>Application Checklist</b>                             |  |
|--|--|
|  | <b>Application Form</b>  |
|  | <b>Environmental Acknowledgement*</b>  |
|  | <b>Signature Page*</b>   |
|  | <b>City of San Antonio Discretionary Contracts Disclosure Form*</b>  |
|  | <b>Litigation Disclosure Form</b>  |
| <b>Exhibit A – Applicant Information</b>                 |  |
|  | <b>A-1 Nonprofit Determination Letter</b>  |
|  | <b>A-2 Articles of Incorporation</b>   |
|  | <b>A-3 By-Laws</b>   |
|  | <b>A-4 Board of Directors List</b>   |
|  | <b>A-5 Current Financial Audit</b>   |
|  | <b>A-6 Current Form 990</b>  |
|  | <b>A-7 Policies and Procedures</b> <i>(Include copies of policies identified in the RFA-Organization Information Section as well as Agency Personnel Policies)</i> |
|  | <b>A-8 Resumes of Key Staff</b>  |
|  | <b>A-9 Organizational Chart</b>  |
| <b>Exhibit B – Project/Program Specific Information</b>  |  |
|  | <b>B-1 Marketing Plan</b>  |
|  | <b>B-2 Program/Project Brochure or Other Marketing Materials</b>   |
|  | <b>B-3 Site/Target Area Map</b>  |
|  | <b>B-4 Interagency Commitment Letters</b>  |
|  | <b>B-5 Letters of Community Support</b>  |
|  | <b>B-6 Participant Eligibility Requirements/Guidelines</b>   |
| <b>Exhibit C – Budget/Funding Information</b>            |  |
|  | <b>C-1 Funding Commitment Letters</b>  |
|  | <b>C-2 Detailed/Expanded Budget</b> <i>(if necessary)</i>  |
| <b>Exhibit D – Funding Category Specific Information</b> |  |
| <b>For First Time Homebuyer(FTHB) Programs ONLY:</b>     |  |
|  | <b>D-1 Homebuyer Counseling/Education Curriculum</b>   |
| <b>For Multi-Family New Construction Projects ONLY:</b>  |  |
|  | <b>D-1 Affirmative Fair Housing Marketing Plan</b>   |
|  | <b>D-2 Operating Pro-forma</b>   |
|  | <b>D-3 Copy of TDHCA LIHTC Application on CD</b> <i>(if applicable)</i>  |

Applicant is expected to examine this RFA carefully, understand the terms and conditions for providing the services listed herein and respond completely. **FAILURE TO COMPLETE AND PROVIDE ANY OF THESE APPLICATION REQUIREMENTS MAY RESULT IN THE APPLICATION BEING DEEMED NON-RESPONSIVE AND THEREFORE DISQUALIFIED FROM CONSIDERATION.**

#### **V. AMENDMENTS TO RFA**

Amendments to the RFA, including written responses to questions received in compliance with Section VIII, Restrictions on Communication, may be posted as addendums on the City's website at <http://www.sanantonio.gov/rfplistsings/>. It is Applicant's responsibility to review this site and ascertain whether any amendments have been made prior to submission of a proposal. An Applicant who does not have access to the Internet, must notify City in accordance with Section VIII, Restrictions on Communication, that Applicant wishes to receive copies of addendums by mail or fax.

No oral statement of any person shall modify or otherwise change or affect the terms, conditions or specifications stated in the RFA, and changes to the RFA – if any – shall be made in writing only.

#### **VI. PRE-SUBMITTAL CONFERENCES**

Two separate Pre-proposal Conferences, to answer questions and provide technical assistance, will be held on the following dates, times, and locations:

**March 9 and March 16, 2012  
10:00 a.m. to 12:00 p.m.  
Office of Grants Monitoring and Administration  
1400 South Flores  
San Antonio, TX 78204**

Applicants are encouraged to prepare and submit their questions in writing three (3) calendar days in advance of the Pre-proposal Conference in order to expedite the proceedings. City's responses to questions received by this due date may be distributed at the Pre-proposal Conference and posted on the City's website at <http://www.sanantonio.gov/rfplistsings/>. Attendance at either one of the Pre-proposal Conference is optional, but highly recommended.

This meeting place is accessible to disabled persons. The building is wheelchair accessible. The accessible entrance is located at 1400 S. Flores. Accessible parking spaces are located at the same address. Auxiliary aids and services are available upon request. Interpreters for the Deaf must be requested at least 48 hours prior to the meeting. For assistance, call (210) 207-7245 Voice/TTY.

Any oral responses provided by City staff at the Pre-proposal Conference shall be preliminary. A written summary of the Pre-submittal Conference shall contain official responses, if any. Any oral response given at the Pre-submittal Conference that is not confirmed in the written summary of the Pre-submittal Conference or by a subsequent addendum shall not be official or binding on the City. Only written responses shall be official and all other forms of communication with any officer, employee or agent of the City shall not be binding on the City. Applicants are encouraged to resubmit

their questions in writing, through City communication identified in Section VIII – Restrictions on Communication, after the conclusion of the Pre-submittal Conference.

## VII. SUBMISSION OF APPLICATIONS

Applicant shall submit: One (1) original, **signed in ink**, and four (4) copies of the application, and one (1) compact disk (CD) containing a PDF version of the entire proposal. Applicant shall submit these items in a sealed package, clearly marked on the front of the package:

### **FY 2013 HOME Investment Partnership Program RFA**

All proposals must be received in the City Clerk's Office no later than 2:00 p.m., Local Time, on Monday, March 30, 2012 at the address below. Proposals submitted prior to the above time and date may be modified provided such modifications are sealed and received by the City Clerk's Office prior to the time and date set for submission of proposals. Any application or modification received after this time shall not be considered, and will be returned, unopened to the Applicant. Applicants should note that delivery to the P.O. Box address in a timely manner does not guarantee its receipt in the City Clerk's Office by the deadline for submission. Therefore, Applicants should strive for early submission to avoid the possibility of rejection for late arrival. Proposals sent by facsimile or email will not be accepted.

Mailing Address:

City Clerk's Office, Attn: Office of Grants Monitoring and Administration  
P.O. Box 839966  
San Antonio, Texas 78283-3966

Physical Address:

City Clerk's Office, Attn: Office of Grants Monitoring and Administration  
100 Military Plaza 2<sup>nd</sup> Floor, City Hall  
San Antonio, Texas 78205

Application Format: Each Application, including all Exhibits, shall be typewritten and submitted on 8 ½" x 11" white papers. Font size shall be no less than 12-point type. Double-sided printing is permissible. Margins shall be no less than 1" around the perimeter of each page. Each page shall be numbered and all exhibits shall be labeled in the upper right-hand corner. Applicants shall submit the original and each copy separately in identical, three-ring binders no larger than one and one-half inches. Each three-ring binder should be clearly labeled on the front with:

FY 2013 HOME Investment Partnership Program Application

*Applicant Name*

*Project Name*

*Funding Request Amount*

*Original or Copy X of 4*

Electronic files, websites, or URLs shall not be submitted in lieu of the printed proposal. Each application must include the sections and attachments in the sequence listed in the RFA Application Requirements. Each section and attachment must be divided by tabs and indexed in a Table of

Contents page. Failure to meet the above conditions may result in disqualification of the application or may negatively affect scoring.

Applicants who submit proposals to this RFA shall correctly state the true and correct name of the individual, proprietorship, corporation, and /or partnership (clearly identifying the responsible general partner and all other partners who would be associated with the contract, if any). No nicknames, abbreviations (unless part of the legal title), shortened or short-hand, or local "handles" will be accepted in lieu of the full, true and correct legal name of the entity. These names shall comport exactly with the corporate and franchise records of the Texas Secretary of State and Texas Comptroller of Public Accounts. Individuals and proprietorships, if operating under other than an individual name, shall match with exact Assumed Name filings. Corporate Applicants and limited liability company Applicants shall include the 11-digit Comptroller's Taxpayer Number in the Application Form.

If an entity is found to have incorrectly or incompletely stated its name or failed to fully reveal its identity on the General Information form, the Director of the Office of Grants Monitoring and Administration shall have the discretion, at any point in the contracting process, to suspend consideration of the proposal.

All provisions in Applicant's proposal, including any estimated or projected costs, shall remain valid for ninety (90) days following the deadline date for submissions or, if a application is accepted, throughout the entire term of the contract.

All proposals become the property of the City upon receipt and will not be returned. Any information deemed to be confidential by Applicant should be clearly noted on the page(s) where confidential information is contained; however, the City cannot guarantee that it will not be compelled to disclose all or part of any public record under the Texas Public Information Act, since information deemed to be confidential by Applicant may not be considered confidential under Texas law, or pursuant to a Court order.

Any cost or expense incurred by applicant that is associated with the preparation of the proposal, any pre-proposal conferences, or during any phase of the selection process, shall be borne solely by Applicant.

## VIII. RESTRICTIONS ON COMMUNICATION

A. Applicants are prohibited from communicating with: 1) elected City officials and their staff regarding the RFA or Proposals from the time the RFA has been released until the contract is posted as a City Council agenda item; and 2) City employees from the time the RFA has been released until the contract is awarded. These restrictions extend to "thank you" letters, phone calls, emails and any contact that results in the direct or indirect discussion of the RFA and/or Application submitted by Applicant. Violation of this provision by Applicant and/or its agent may lead to disqualification of Applicant's application from consideration.

Exceptions to the Restrictions on Communication with City employees include:

1. Applicants may ask verbal questions concerning this RFA at the Pre-submittal Conference.
2. Applicants may submit written questions concerning this RFA to the email listed below until **3:00 p.m., Local Time, on March 20, 2012**. Questions received after the stated deadline will not be answered. It is suggested that all questions be sent by email to:

- a. City of San Antonio's, Office of Grants Monitoring and Administration [communitydevelopment@sanantonio.gov](mailto:communitydevelopment@sanantonio.gov) or Fax to 210-207-5480
  - b. Please note in the subject line "FY 2013 HOME RFA Question"
  - c. Questions and responses will be posted no later than March 23, 2012 in the form of an Addendum to the City's web site at <http://www.sanantonio.gov/rfplistings/>. It is the Applicant's responsibility to check this site for any addendums made to the RFA.
- B. City reserves the right to contact any Applicant to negotiate if such is deemed desirable by City. Such negotiations, initiated by City staff persons, shall not be considered a violation by Applicant of this section.

### **IX. EVALUATION CRITERIA**

The City will conduct a comprehensive evaluation of all applications received in response to this RFA. Application will be analyzed to determine overall responsiveness and qualifications under the RFA. Evaluation Criteria may include considerations for:

1. Organizational Capacity and Experience
2. Project/Program Description and Community Need
3. Target Areas and Leveraging of Funds
4. Ability to Proceed and Project Timeline

The City may request additional information from applicants at any time prior to the adoption of the budget. The City reserves the right to select one, or more, or none of the applicants. Final approvals of selected applicants are subject to the action of the City of San Antonio Council.

### **X. AWARD OF CONTRACT AND RESERVATION OF RIGHTS**

- A. City reserves the right to award one, more than one or no contract(s) in response to this RFA.
- B. The Contract, if awarded, will be awarded to the Applicant(s) whose Application is deemed most advantageous to City, as determined by the selection committee, upon approval of the City Council.
- C. City may accept any Application in whole or in part. If subsequent negotiations are conducted, they shall not constitute a rejection or alternate RFA on the part of City. However, final selection of an Applicant is subject to City Council approval.
- D. City reserves the right to accept one or more applications or reject any or all applications received in response to this RFA, and to waive informalities and irregularities in the proposals received. City also reserves the right to terminate this RFA, and reissue a subsequent solicitation, and/or remedy technical errors in the RFA process.
- E. Contract award for selected Applicant(s) **may** be held on Thursday, June 21, 2012 in the City Council Chambers. The City will require the selected Applicant(s) to submit acceptable detailed

performance indicators and all other required elements of the Contract(s) and agreements. These elements must be finalized by September 1, 2012. The Grants Administrator of the Office of Grants Monitoring and Administration is authorized and directed to automatically cancel and reallocate funds provided to any project, including City Administration Projects, for which acceptable program description(s), performance indicators and all other required contractual elements have not been received and approved by September 1, 2012. Additionally, the Grants Administrator is authorized to cancel and reprogram any and all budget allocations provided to any project, in the event, any sub-grantee contract and/or interdepartmental agreement are not executed by November 30, 2012.

F. This RFA does not commit the City to enter into a Contract, award any services related to this RFA, nor does it obligate City to pay any costs incurred in preparation or submission of an application or in anticipation of a contract.

G. If selected, Applicant will be required to comply with the Insurance and Indemnification Requirements established herein.

H. The successful Applicant must be able to formally invoice the City for services rendered, incorporating the SAP-generated contract and purchase order numbers that shall be provided by the City.

I. Conflicts of Interest. Applicant acknowledges that it is informed that the Charter of the City of San Antonio and its Ethics Code prohibit a City officer or employee, as those terms are defined in the Ethics Code, from having a financial interest in any contract with City or any City agency such as City-owned utilities. An officer or employee has a "prohibited financial interest" in a contract with City or in the sale to City of land materials, supplies or service, if any of the following individual(s) or entities is a party to the contract or sale: the City officer or employee; his parent, child or spouse; a business entity in which he or his parent, child or spouse owns ten (10) percent or more of the voting stock or shares of the business entity, or ten (10) percent or more of the fair market value of the business entity; or a business entity in which any individual or entity above listed is a subcontractor on a City contract, a partner or a parent or subsidiary business entity.

Applicant is required to warrant and certify that it, its officers, employees and agents are neither officials nor employees of the City, as defined in Section 2-42 of the City's Ethics Code.

(Discretionary Contracts Disclosure – form may be found online at

<https://www.sanantonio.gov/eforms/atty/DiscretionaryContractsDisclosure.pdf>.)

J. Independent Contractor. Applicant agrees and understands that, if selected, it and all persons designated by it to provide services in connection with a contract, are and shall be deemed to be independent contractors, responsible for their respective acts or omissions, and that City shall in no way be responsible for Applicant's actions, and that none of the parties hereto will have authority to bind the others or to hold out to third parties, that it has such authority.

K. Commercial Nondiscrimination Policy. "The undersigned Respondent hereby certifies and agrees that the following information is correct: In preparing its response on this project, the Respondent has considered all proposals submitted from qualified, potential Subcontractors and suppliers, and has not engaged in "discrimination" as defined in the City's SBEDA Ordinance, Section III.C.1; to wit: discrimination in the solicitation, selection or commercial treatment of any Subcontractor, vendor, supplier or commercial customer on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation or on the basis of disability or other unlawful forms of

discrimination. Without limiting the foregoing, "discrimination" also includes retaliating against any person or other entity for reporting any incident of "discrimination". Without limiting any other provision of the solicitation for responses on this project, it is understood and agreed that, if this certification is false, such false certification will constitute grounds for the City to reject the response submitted by the Respondent on this project, and terminate any contract awarded based on the response. As part of its response, the Respondent shall provide to the City a list of all instances within the immediate past 4 years where there has been a final adjudicated determination in a legal or administrative proceeding in the State of Texas that the Respondent discriminated against its Subcontractors, vendors, suppliers or commercial customers, and a description of the status or resolution of that complaint, including any remedial action taken. As a condition of submitting a response to the City, the Respondent agrees to comply with the City's Commercial Nondiscrimination Policy as described under its SBEDA Ordinance, Section III.C.1."

L. Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires that persons, or their agents, who seek to contract for the sale or purchase of property, goods, or services with the City, shall file a completed conflict of interest questionnaire with the City Clerk not later than the 7th business day after the date the person: (1) begins contract discussions or negotiations with the City; or (2) submits to the City an application, response to a request for proposals or bids, correspondence, or another writing related to a potential agreement with the City. The conflict of interest questionnaire form is available from the Texas Ethics Commission at <http://www.ethics.state.tx.us/forms/CIQ.pdf>. Completed conflict of interest questionnaires may be mailed or delivered by hand to the Office of the City Clerk. If mailing a completed conflict of interest questionnaire, mail to: Office of the City Clerk, P.O. Box 839966, San Antonio, TX 78283-3966. If delivering a completed conflict of interest questionnaire, deliver to: Office of the City Clerk, City Hall, 2nd floor, 100 Military Plaza, San Antonio, TX 78205. Applicant should consult its own legal advisor for answers to questions regarding the statute or form.

## **XI. INDEMNIFICATION REQUIREMENTS**

If selected to provide the services described in this RFA, Applicant shall be required to comply with the indemnification requirements set forth below:

### **INDEMNIFICATION**

**APPLICANT covenants and agrees to FULLY INDEMNIFY, DEFEND and HOLD HARMLESS, the CITY and the elected officials, employees, officers, directors, volunteers and representatives of the CITY, individually and collectively, from and against any and all costs, claims, liens, damages, losses, expenses, fees, fines, penalties, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including but not limited to, personal or bodily injury, death and property damage, made upon the CITY directly or indirectly arising out of, resulting from or related to APPLICANT'S activities under this Agreement, including any acts or omissions of APPLICANT, any agent, officer, director, representative, employee, consultant or subcontractor of APPLICANT, and their respective officers, agents employees, directors and representatives while in the exercise of the rights or performance of the duties under this Agreement. The indemnity provided for in this paragraph shall not apply to any liability resulting from the negligence of CITY, it s officers or employees, in instances where such negligence causes personal injury, death, or property damage. IN THE EVENT APPLICANT AND CITY ARE FOUND JOINTLY LIABLE BY A COURT OF COMPETENT**

**JURISDICTION, LIABILITY SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH THE LAWS FOR THE STATE OF TEXAS, WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO THE CITY UNDER TEXAS LAW AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER TEXAS LAW.**

The provisions of this INDEMNITY are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity. APPLICANT shall advise the CITY in writing within 24 hours of any claim or demand against the CITY or APPLICANT known to APPLICANT related to or arising out of APPLICANT's activities under this AGREEMENT and shall see to the investigation and defense of such claim or demand at APPLICANT's cost. The CITY shall have the right, at its option and at its own expense, to participate in such defense without relieving APPLICANT of any of its obligations under this paragraph.

Defense Counsel - CITY shall have the right to select or to approve defense counsel to be retained by APPLICANT in fulfilling its obligation hereunder to defend and indemnify CITY, unless such right is expressly waived by CITY in writing. APPLICANT shall retain CITY approved defense counsel within seven (7) business days of CITY'S written notice that CITY is invoking its right to indemnification under this Contract. If APPLICANT fails to retain Counsel within such time period, CITY shall have the right to retain defense counsel on its own behalf, and APPLICANT shall be liable for all costs incurred by CITY. CITY shall also have the right, at its option, to be represented by advisory counsel of its own selection and at its own expense, without waiving the foregoing.

## **XII. INSURANCE REQUIREMENTS**

If selected to provide the services described in this RFA, Applicant shall be required to comply with the insurance requirements set forth below:

A) Prior to the commencement of any work under this Agreement, Applicant shall furnish copies of all required endorsements and an original completed Certificate(s) of Insurance to the City's **Office of Grants Monitoring and Administration** which shall be clearly labeled **"City of San Antonio Office of Grants Monitoring and Administration HUD HOME/CDBG Funds"** in the **Description of Operations block of the Certificate**. The original Certificate(s) shall be completed by an agent and signed by a person authorized by that insurer to bind coverage on its behalf. The City will not accept Memorandum of Insurance or Binders as proof of insurance. The original certificate(s) or form must have the agent's original signature, including the signer's company affiliation, title and phone number, and be mailed, with copies of all applicable endorsements, directly from the insurer's authorized representative to the City. The City shall have no duty to pay or perform under this Agreement until such certificate and endorsements have been received and approved by the City's Office of Grants Monitoring and Administration. No officer or employee, other than the City's Risk Manager, shall have authority to waive this requirement.

B) The City reserves the right to review the insurance requirements of this Article during the effective period of this Agreement and any extension or renewal hereof and to modify insurance coverage and their limits when deemed necessary and prudent by City's Risk Manager based upon changes in statutory law, court decisions, or circumstances surrounding this Agreement. In no instance will City allow modification whereupon City may incur increased risk.

C) An Applicant’s financial integrity is of interest to the City; therefore, subject to Applicant’s right to maintain reasonable deductibles in such amounts as are approved by the City, Applicant shall obtain and maintain in full force and effect for the duration of this Agreement, and any extension hereof, at Applicant’s sole expense, insurance coverage written on an occurrence basis, by companies authorized and admitted to do business in the State of Texas and with an A.M. Best’s rating of no less than A-(VII), in the following types and for an amount not less than the amount listed below:

| <u>TYPE</u>   | <u>AMOUNTS</u>   |
|---|--|
| 1. Workers' Compensation  | Statutory  |
| 2. Employers' Liability   | \$500,000/\$500,000/\$500,000  |
| 3. Broad form Commercial General Liability Insurance to include coverage for: | For <u>Bodily Injury</u> and <u>Property Damage</u> of \$1,000,000 per occurrence; |
| a. Premises operations  | \$2,000,000 General Aggregate, or its  |
| b. Independent Contractors  | equivalent in Umbrella or Excess Liability   |
| c. Products/completed operations  | Coverage   |
| d. Personal Injury  |  |
| e. Contractual Liability  |  |
| f. Damage to property rented by you   | \$100,000  |
| 4. Business Automobile Liability  | <u>Combined Single Limit</u> for <u>Bodily Injury</u> and                          |
| a. Owned/leased vehicles  | <u>Property Damage</u> of \$1,000,000 per  |
| b. Non-owned vehicles   | occurrence; \$5,000,000 General Aggregate, or                                      |
| c. Hired Vehicles   | its equivalent in Umbrella or Excess Liability                                     |
|   | Coverage   |

D) The City shall be entitled, upon request and without expense, to receive copies of the policies, declaration page and all endorsements thereto as they apply to the limits required by the City, and may require the deletion, revision, or modification of particular policy terms, conditions, limitations or exclusions (except where policy provisions are established by law or regulation binding upon either of the parties hereto or the underwriter of any such policies). Applicant shall be required to comply with any such requests and shall submit a copy of the replacement certificate of insurance to City at the address provided below within 10 days of the requested change. Applicant shall pay any costs incurred resulting from said changes.

City of San Antonio  
**Attn: Office of Grants Monitoring and Administration**  
P.O. Box 839966  
San Antonio, Texas 78283-3966

E) Applicant agrees that with respect to the above required insurance, all insurance policies are to contain or be endorsed to contain the following provisions:

1. Name the City, its officers, officials, employees, volunteers, and elected representatives as additional insured by endorsement, as respects operations and activities of, or on behalf of, the named insured performed under contract with the City, with the exception of the workers’ compensation and professional liability policies;
2. Provide for an endorsement that the “other insurance” clause shall not apply to the City of San Antonio where the City is an additional insured shown on the policy;

3. Workers' compensation and employers' liability policies will provide a waiver of subrogation in favor of the City.
4. Provide thirty (30) calendar days advance written notice directly to City of any suspension, cancellation, non-renewal or material change in coverage, and not less than ten (10) calendar days advance notice for nonpayment of premium.

F) Within five (5) calendar days of a suspension, cancellation or non-renewal of coverage, Applicant shall provide a replacement Certificate of Insurance and applicable endorsements to City. City shall have the option to suspend Applicant's performance should there be a lapse in coverage at any time during this Agreement. Failure to provide and to maintain the required insurance shall constitute a material breach of this Agreement.

G) In addition to any other remedies the City may have upon Applicant's failure to provide and maintain any insurance or policy endorsements to the extent and within the time herein required, the City shall have the right to order Applicant to stop work hereunder, and/or withhold any payment(s) which become due to Applicant hereunder until Applicant demonstrates compliance with the requirements hereof.

H) Nothing herein contained shall be construed as limiting in any way the extent to which Applicant may be held responsible for payments of damages to persons or property resulting from Applicant's or its subcontractors' performance of the work covered under this Agreement.

I) It is agreed that Applicant's insurance shall be deemed primary and non-contributory with respect to any insurance or self insurance carried by the City of San Antonio for liability arising out of operations under this Agreement.

J) It is understood and agreed that the insurance required is in addition to and separate from any other obligation contained in this Agreement.

K) Applicant and any Subcontractors are responsible for all damage to their own equipment and/or property.

### **XIII. SCHEDULE OF EVENTS**

Following is a list of **projected dates/times** with respect to this RFA:

|  |  |
|--|--|
| <b>RFA Release Date</b>                        | March 2, 2012                            |
| <b>1<sup>st</sup> Pre-submittal Conference</b> | March 9, 2012<br>10:00a.m. to 12:00p.m.  |
| <b>2<sup>nd</sup> Pre-submittal Conference</b> | March 16, 2012<br>10:00a.m. to 12:00p.m. |
| <b>Final Questions Accepted</b>                | March 20, 2012<br>3:00p.m.               |
| <b>Proposals Due</b>                           | March 30, 2012<br>Friday, 2:00p.m.       |
| <b>1st City-wide Public Hearing</b>            | April 19, 2012                           |
| <b>2nd Public Hearing and Budget Adoption</b>  | June 21, 2012                            |

## FY 2013 HOME Investment Partnership Program Application Checklist

Applicant must complete the FY 2013 Application Form in conjunction with the HOME Investment Partnership Program RFA. Use the following list to ensure that all required documents have been included in the Application and that they are properly tabbed and in the correct order. When submitting the application, please label all attachments in the upper right-hand corner with the attachment number, e.g. "A-1", "A-2", etc. Please be sure to provide a response to each question in the Application Form. Please attach all applicable exhibits.

|  |   |
|--|---|
| <input type="checkbox"/>   | <b>FY 2013 HOME Investment Partnership Program Application Form</b>   |
| <input type="checkbox"/>   | <b>Environmental Acknowledgement*</b>   |
| <input type="checkbox"/>   | <b>Signature Page*</b>  |
| <input type="checkbox"/>   | <b>City of San Antonio Discretionary Contracts Disclosure Form*</b>   |
| <input type="checkbox"/>   | <b>Litigation Disclosure Form</b>   |
| <b>Exhibit A – Applicant Information Attachments</b>                 |   |
| <input type="checkbox"/>   | <b>A-1 Nonprofit Determination Letter</b>   |
| <input type="checkbox"/>   | <b>A-2 Articles of Incorporation</b>  |
| <input type="checkbox"/>   | <b>A-3 By-Laws</b>  |
| <input type="checkbox"/>   | <b>A-4 Board of Directors List</b>  |
| <input type="checkbox"/>   | <b>A-5 Current Financial Audit</b>  |
| <input type="checkbox"/>   | <b>A-6 Current Form 990</b>   |
| <input type="checkbox"/>   | <b>A-7 Policies and Procedures</b> <i>(Attach agency policies and procedures to include those identified in the Organizational Information section of the Application Form)</i> |
| <input type="checkbox"/>   | <b>A-8 Resumes of Key Staff</b>   |
| <input type="checkbox"/>   | <b>A-9 Organizational Chart</b>   |
| <b>Exhibit B – Project/Program Specific Information Attachments</b>  |   |
| <input type="checkbox"/>   | <b>B-1 Marketing Plan</b>   |
| <input type="checkbox"/>   | <b>B-2 Program/Project Brochure or Other Marketing Materials</b>  |
| <input type="checkbox"/>   | <b>B-3 Site/Target Area Map</b>   |
| <input type="checkbox"/>   | <b>B-4 Interagency Commitment Letters</b>   |
| <input type="checkbox"/>   | <b>B-5 Letters of Community Support</b>   |
| <input type="checkbox"/>   | <b>B-6 Participant Eligibility Requirements/Guidelines</b>  |
| <b>Exhibit C – Budget/Funding Information Attachments</b>            |   |
| <input type="checkbox"/>   | <b>C-1 Funding Commitment Letters</b>   |
| <input type="checkbox"/>   | <b>C-2 Detailed/Expanded Budget</b>   |
| <b>Exhibit D – Funding Category Specific Information Attachments</b> |   |
| <b>For First Time Homebuyer(FTHB) Programs ONLY:</b>                 |   |
| <input type="checkbox"/>   | <b>D-1 Homebuyer Counseling/Education Curriculum</b>  |
| <b>For Multi-Family New Construction Projects ONLY:</b>              |   |
| <input type="checkbox"/>   | <b>D-1 Affirmative Fair Housing Marketing Plan</b>  |
| <input type="checkbox"/>   | <b>D-2 Operating Pro-forma</b>  |
| <input type="checkbox"/>   | <b>D-3 Copy of TDHCA LIHTC Application on CD</b>  |

\*Documents marked with an asterisk on this list require a signature.

# FY 2013 HOME Investment Partnership Program Application Form

## Organizational Information

Provide the requested information for the person to whom the City should address correspondence and/or direct questions regarding this Application.

|                       |  |
|-----------------------|--|
| Name of Applicant     |  |
| Street Address        |  |
| City, State, Zip Code |  |
| Phone                 |  |
| Fax                   |  |
| Contact Person        |  |
| Email                 |  |

Provide the requested information for the person who will have authority to sign a funding contract if awarded pursuant to the Application. Signatory authority must be with either the Chief Executive Officer (Executive Director/President) or Chief Volunteer Officer (Board President).

|                       |  |
|-----------------------|--|
| Name of Applicant     |  |
| Street Address        |  |
| City, State, Zip Code |  |
| Phone                 |  |
| Fax                   |  |
| Contact Person        |  |
| Email                 |  |

**Applicant Type:**

Non-Profit   
  For-Profit   
  Other   
 Please specify: \_\_\_\_\_

**If Non-Profit, check source of exemption:**

IRS Section 501(a)                     
  IRS Section 501(c) (3)  
 IRS Section 501(c) (4)                     
  IRS 456

**If non-profit, is applicant a Community Housing Development Organization (CHDO)?**

Yes                     
  No

| Business Identification   |  |
|---|--|
| Federal Employer Identification Number (9-digits)   |  |
| DUNS Number <i>(If Applicant does not have one, go to <a href="http://fedgov.dnb.com/webform">http://fedgov.dnb.com/webform</a> and request a number)</i> |  |
| Texas Comptroller's Taxpayer Number (11-digits)   |  |

| Organizational Background  |  |
|--|--|
| Number of years agency in operation?   |  |
| How many years has Applicant been successfully performing the <u>specific activities related to this RFA</u> ? |  |
| How many years experience does agency have with HOME/CDBG funds?   |  |
| How many years experience with other federal funds?  |  |

| Applicant Prior Funding   |                |           |                 |                         |                                  |
|---|----------------|-----------|-----------------|-------------------------|----------------------------------|
| <i>Provide requested information for any federal funds received through the City of San Antonio, State of Texas or any other entity for the last <u>FIVE</u> years. You may add additional lines.</i> |                |           |                 |                         |                                  |
| YEAR  | PROJECT NAME   | FUND TYPE | BUDGETED AMOUNT | AMOUNT EXPENDED TO DATE | TOTAL CLIENTS or UNITS COMPLETED |
| 2005  | Sample Project | HOME      | \$13,000,000    | \$12,999,000            | 250 units                        |
|   |                |           | \$              | \$                      |                                  |
|   |                |           | \$              | \$                      |                                  |
|   |                |           | \$              | \$                      |                                  |
|   |                |           | \$              | \$                      |                                  |
|   |                |           | \$              | \$                      |                                  |
|   |                |           | \$              | \$                      |                                  |
|   |                |           | \$              | \$                      |                                  |
|   |                |           | \$              | \$                      |                                  |

What is the purpose/mission of your agency? Please include types of services provided.

Indicate any Special Populations your program proposes to market and serve:

- |  |   |
|--|---|
| <input type="checkbox"/> Elderly   | <input type="checkbox"/> Homeless                           |
| <input type="checkbox"/> Disabled (physical, developmental, psychiatric) | <input type="checkbox"/> Victims of Domestic Violence       |
| <input type="checkbox"/> Persons with HIV/AIDS                           | <input type="checkbox"/> Not targeting a special population |



**Program/Project Description and Community Need**

|                 |  |
|-----------------|--|
| Name of Project |  |
|-----------------|--|

**Funding Category and Project Type:**

*Please select one (1) activity below. (NOTE: Applicants seeking funding for multiple activities must submit a separate application for each activity.)*

| First Time Homebuyer (FTHB) Assistance  |   |
|---|---|
| <input type="checkbox"/>  | FTHB – Direct Homebuyer Assistance (Down Payment Assistance (DPA), Closing Costs, Gap Assistance) |
| <input type="checkbox"/>  | FTHB – New Construction Assistance  |
| <input type="checkbox"/>  | FTHB – Land Acquisition and/or Infrastructure in Support of FTHB                                  |
| Owner Occupied Housing Rehabilitation & Reconstruction Program  |   |
| <input type="checkbox"/>  | Owner Occupied Rehabilitation and/or Reconstruction   |
| Multi-Family Rental New Construction Projects   |   |
| <i>*Please note: A portion of the FY 2013 HOME allocation may be set aside for rental new construction projects. Consideration and awarding of HOME funds for individual projects may take place after Texas Department of Housing and Community Affairs (TDHCA) announces Tax credit awards.</i> |   |
| <input type="checkbox"/>  | Multi-family New Construction Individual Projects   |
| Multi-Family Rental Rehabilitation Program  |   |
| <i>*Please note: This category is for applicants seeking funding to administer a rehabilitation program. This category is not for individual projects.</i>  |   |
| <input type="checkbox"/>  | Multi-family Rehabilitation and/or Reconstruction   |

| Consolidated Plan Goals   |
|---|
| <i>Please review the City’s Consolidated Five Year Plan at the following link and identify the Goal or Goals the project/program will fulfill.</i>  |
| <a href="http://www.sanantonio.gov/qma/pdf/RESOURCES/20102014%20Consolidated%20Plan%20Final.pdf">http://www.sanantonio.gov/qma/pdf/RESOURCES/20102014%20Consolidated%20Plan%20Final.pdf</a> |
|   |

| Local Plans/Policies  |
|---|
| <i>Please describe how this project addresses any other local plans and policies.</i> |
|   |

**Project Description**

*Provide a brief description of project. The response must include the following: a brief history, goals, objectives, project beneficiaries, number of persons/families being served, and community impact or need/problem being addressed. Also describe community support, neighborhood coordination efforts and local partnerships. Limit the response to the space in the text box below.*

| Use of HOME Funds/Scope of Work  |
|--|
| <p><i>If awarded, describe how HOME funds will be used. Provide information regarding the specific work to be performed and activities to be completed with the use of HOME funds. If the project entails new construction, describe any use of Green Building standards and principles.</i></p> |
|  |

| Performance Measures  |                                |  |                          |  |                          |   |
|---|--------------------------------|--|--------------------------|--|--------------------------|---|
| <p><i>Using the table below, please check which category best describes the US Department of Housing and Urban Development (HUD) defined outcome and objective that the proposed project or program will meet. Select only one.</i></p> |                                |  |                          |  |                          |   |
| Outcomes →<br>Objectives ↓  | Availability/<br>Accessibility |  | Affordability            |  | Sustainability           |   |
| <b>Suitable Living Environment</b>  | <input type="checkbox"/>       | Accessibility for the purpose of creating Suitable Living Environments | <input type="checkbox"/> | Affordability for the purpose of creating Suitable Living Environments | <input type="checkbox"/> | Sustainability for the purpose of creating Suitable Living Environments |
| <b>Decent Housing</b>   | <input type="checkbox"/>       | Accessibility for the purpose of providing Decent Affordable Housing   | <input type="checkbox"/> | Affordability for the purpose of providing Decent Affordable Housing   | <input type="checkbox"/> | Sustainability for the purpose of providing Decent Affordable Housing   |
| <b>Economic Opportunity</b>   | <input type="checkbox"/>       | Accessibility for the purpose of creating Economic Opportunities       | <input type="checkbox"/> | Affordability for the purpose of creating Economic Opportunities       | <input type="checkbox"/> | Sustainability for the purpose of creating Economic Opportunities       |

**Location of Project**

|                              |  |
|------------------------------|--|
| Street Address               |  |
| City, State, Zip Code        |  |
| Legal Description            |  |
| Census Tract and Block Group |  |

**Target Areas**

|  |  |
|--|--|
| City Council District  |  |
| Is the project located in the Infill Reinvestment Area as reflected in the addendum to this RFA?                                 | <input type="checkbox"/> Red Core <input type="checkbox"/> Orange<br><input type="checkbox"/> Yellow <input type="checkbox"/> Citywide |
| Is the project located in the Dignowity Hill Neighborhood Revitalization Strategy Area as reflected in the addendum to this RFA? | Yes <input type="checkbox"/> No <input type="checkbox"/>   |

*Please provide target area information to include street boundaries, names of neighborhoods, cardinal directions, etc.*

**Funding and Leveraging**

| Funding Information  |    |
|--|----|
| Amount of HOME Funding Requested   | \$ |
| Total Project Cost   | \$ |
| Percent HOME Funds Requested to Total Project Cost<br><i>(HOME Funds/Total Project Cost)</i> | %  |
|  |    |
| Total Number of Units  |    |
| Total Number of HOME-assisted Units  |    |
| Estimated Total Project Cost per Unit <i>(Total Project Cost/Total Units)</i>                | \$ |
| Estimated HOME Cost per Unit <i>(HOME Funding Request/HOME Units)</i>                        | \$ |

| Project Funding Sources |                |   |
|-------------------------|----------------|---|
| Funding Source          | Funding Amount | Funding Status<br>(Enter either "Pending" or "Committed") |
|                         | \$             |   |
|                         | \$             |   |
|                         | \$             |   |
|                         | \$             |   |
|                         | \$             |   |
|                         | \$             |   |
|                         | \$             |   |
| <b>TOTAL</b>            | <b>\$</b>      |   |

| Project Budget   |                      |                       |                       |
|--|----------------------|-----------------------|-----------------------|
| <i>Identify all expenditures related to the proposed project. A more detailed budget may be attached if necessary.</i> |                      |                       |                       |
| Expenditure Categories   | HOME Funding Request | Other Project Funding | Total Project Funding |
| <b>ADMINISTRATIVE COSTS (e.g. salaries, insurance, legal fees, maintenance, staff training, etc.)</b>                  |                      |                       |                       |
|  |                      | \$                    | \$                    |
|  |                      | \$                    | \$                    |
|  |                      | \$                    | \$                    |
| <b>TOTAL ADMINISTRATIVE COSTS</b>  |                      | <b>\$</b>             | <b>\$</b>             |
| <b>DIRECT PROJECT COSTS</b>  |                      |                       |                       |
| <b>Project Soft Costs: (e.g. engineering fees, environmental reviews, down-payment assistance, etc.)</b>               |                      |                       |                       |
|  | \$                   | \$                    | \$                    |
|  | \$                   | \$                    | \$                    |
|  | \$                   | \$                    | \$                    |
|  | \$                   | \$                    | \$                    |
| <b>Project Hard Costs: (e.g. land acquisition, new construction, rehabilitation, etc.)</b>                             |                      |                       |                       |
|  | \$                   | \$                    | \$                    |
|  | \$                   | \$                    | \$                    |
|  | \$                   | \$                    | \$                    |
| <b>TOTAL DIRECT PROJECT COSTS</b>  | <b>\$</b>            | <b>\$</b>             | <b>\$</b>             |
| <b>TOTAL PROJECT EXPENDITURES</b>  |                      |                       |                       |
| <b>TOTAL PROJECT EXPENDITURES</b>  | <b>\$</b>            | <b>\$</b>             | <b>\$</b>             |



**Multi- Family New Construction Projects**

**Please complete the section below ONLY if application is for a Multi- Family New Construction Project. All other project types may proceed to signature page.**

| Performance Indicators and Beneficiaries  |  |
|---|--|
| Total Number of Proposed Units  |  |
| <b><i>Of those:</i></b>   |  |
| Number of affordable units  |  |
| Number Section 504 accessible   |  |
| Number qualified as Energy Star   |  |
| <b><i>Of the affordable units:</i></b>  |  |
| Number occupied by elderly  |  |
| Number subsidized with project-based rental assistance  |  |
| Number specifically designated for persons with HIV/AIDS  |  |
| Number specifically designated for homeless   |  |
| Based on the number of affordable units proposed, identify the proposed number of units/households served at each income level of the Area Median Income (AMI): |  |
| 30% or below of AMI   |  |
| 31%-50% of AMI  |  |
| 51%-60% of AMI  |  |
| 61%-80% of AMI  |  |

| Efficiency  |                             |                              |                  |                      |                   |             |
|---|-----------------------------|------------------------------|------------------|----------------------|-------------------|-------------|
| Identify the number of proposed <u>units</u> for each of the following: |                             |                              |                  |                      |                   |             |
| Number of Units   | HOME only Units at LOW Rent | HOME only Units at HIGH Rent | LIHTC only Units | HOME and LIHTC Units | Market Rate Units | Total Units |
| 1 bedroom   |                             |                              |                  |                      |                   |             |
| 2 bedroom   |                             |                              |                  |                      |                   |             |
| 3 bedroom   |                             |                              |                  |                      |                   |             |
| 4 bedroom   |                             |                              |                  |                      |                   |             |
| Other:  |                             |                              |                  |                      |                   |             |
| <b>TOTAL:</b>   |                             |                              |                  |                      |                   |             |

Indicate if proposed HOME units will be designated as:

- Fixed                       Floating

Has applicant applied for Low-Income Housing Tax Credits, in the current round, through the Texas Department of Housing and Community Affairs?

- Yes                               No

| Proposed Unit Rents |                |                |                      |                |                |                      |            |                |                      |                  |
|---------------------|----------------|----------------|----------------------|----------------|----------------|----------------------|------------|----------------|----------------------|------------------|
| Unit Type           | LOW HOME Rents |                |                      | HIGH HOME Unit |                |                      | LIHTC Unit |                |                      | Market Rate Unit |
| Unit Size           | Unit Rent      | Utility Allow. | Total Tenant Payment | Unit Rent      | Utility Allow. | Total Tenant Payment | Unit Rent  | Utility Allow. | Total Tenant Payment | Unit Rent        |
| 1 Bedroom           | \$             | \$             | \$                   | \$             | \$             | \$                   | \$         | \$             | \$                   | \$               |
| 2 Bedroom           | \$             | \$             | \$                   | \$             | \$             | \$                   | \$         | \$             | \$                   | \$               |
| 3 Bedroom           | \$             | \$             | \$                   | \$             | \$             | \$                   | \$         | \$             | \$                   | \$               |
| 4 Bedroom           | \$             | \$             | \$                   | \$             | \$             | \$                   | \$         | \$             | \$                   | \$               |
| Other:              | \$             | \$             | \$                   | \$             | \$             | \$                   | \$         | \$             | \$                   | \$               |

| Ownership and Development Team Structure     |  |
|--|--|
| <i>Identify all Ownership Organizations:</i> |  |
| Organization:                                |  |
| Contact Person/title:                        |  |
| Role/Responsibility:                         |  |
| Organization:                                |  |
| Contact Person/title:                        |  |
| Role/Responsibility:                         |  |
| Organization:                                |  |
| Contact Person/title:                        |  |
| Role/Responsibility:                         |  |
| Organization:                                |  |
| Contact Person/title:                        |  |
| Role/Responsibility:                         |  |

| Proposed Loan Terms for Funding Request   |    |
|---|----|
| Total Amount of HOME Loan Request   | \$ |
| Interest Rate   | %  |
| Length of Loan Repayment (Number of Years)  |    |
| Period of Affordability   |    |
| Other proposed Loan terms (Period of deferment, repayment schedule, lien position, etc.): |    |
|   |    |

**Environmental Acknowledgement**

|                     |  |
|---------------------|--|
| <b>Organization</b> |  |
| <b>Project Name</b> |  |

The Applicant acknowledges that prior to release of funds for this project the Applicant must complete an environmental review or environmental assessment, whichever is required. The Applicant also agrees to comply with all requirements and conditions resulting from, or identified by, the environmental review/assessment to complete the project. Contracts may not be executed until an environmental review/assessment is complete and the Release of Funds has been received from the U.S. Department of Housing and Urban Development (HUD).

This Acknowledgement is submitted under the authority of:

\_\_\_\_\_  
 Signature of Chairperson, Executive Director or Department Director

\_\_\_\_\_  
 Typed Name of Certifying Official

\_\_\_\_\_  
 Date Signed

**Signature Page**

The undersigned certifies that (s)he is \_\_\_\_\_ (title) of the Applicant entity named below; that (s)he is designated to sign this Application Form (if a Corporation or not-for-profit Corporation, then by resolution with Certified Copy of resolution attached) for and on behalf of the Applicant entity named below, and that (s)he is authorized to execute same for and on behalf of and bind said entity to the terms and conditions provided for in the Application as required by the this RFA, and has the requisite authority to execute an Agreement on behalf of Applicant, if awarded:

\_\_\_\_\_ Applicant Organization Name  
 \_\_\_\_\_ DBA Name (Required if Applicant is an Individual or Proprietorship)

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_

By signature above, Applicant agrees/certifies that:

1. If this Application is approved for funding, Applicant will be able and willing to comply with the insurance and indemnification requirements set out in RFA Sections XI and XII.
2. If this Application is approved for funding, Applicant will adhere to all relevant Federal, State and local regulations, guidelines, policies, procedures and other assurances as required by the City.
3. The information provided in this application, to the best of the Applicant’s knowledge, is true, complete and accurately describes the proposed project and if this Application is approved for funding, Applicant will be able and willing to comply with all representations made by Applicant in this Application and during the Application process.
4. If this Application is approved for funding, Applicant understands that the terms and conditions of the funding are subject to negotiation and are at the discretion of the Director of the Department.
5. Applicant has fully and truthfully submitted a Litigation Disclosure form with the understanding that failure to disclose the required information may result in disqualification of Application from consideration.
6. Applicant has fully and truthfully submitted an Applicant Questionnaire and understands that failure to fully disclose requested information may result in disqualification of application from consideration or termination of contract, once awarded.
7. Applicant will comply with the City's Ethics Code, particularly Section 2-61 that prohibits a person or entity seeking a City contract - or any other person acting on behalf of such a person or entity - from contacting City officials or their staff prior to the time such contract is posted as a City Council agenda item.
8. Applicant authorizes the release of project information to the City, Department, from all financial partners listed in the Application and authorizes the Department to verify any Application information, including financial information, as required to complete its due diligence.
9. If this Application is approved for funding and the Applicant receives more than \$500,000 in Federal funding in a fiscal year, the Applicant will have a single independent audit performed at the cost of the Applicant for that corresponding Fiscal Year and that a complete copy of the completed independent audit will be submitted to the City within five (5) business days of it being made available to the Applicant.
10. In compliance with Texas Government Code Section 2264.051, certifies that Agency or a branch, division or department of Agency does not and will not knowingly employ an undocumented worker. If Agency is awarded funds under this Request for Application and is later convicted of violating 8 U.S.C. Section 1324a(f), Agency shall repay the full amount of funding with interest, at the highest non-usurious rate allowed by law, and notwithstanding any other term provided by its Contract with City, not later than the 120<sup>th</sup> day after the date the City notifies the Agency of the violation.

**Acknowledgement of Prohibition regarding Campaign and Officeholder Contributions**

I acknowledge that this contract has been designated a “high-profile” contract. I have read and understand the provisions regarding high profile contracts that appear on the cover page of this RFA.

## City of San Antonio Discretionary Contracts Disclosure Form

Discretionary Contracts Disclosure Form may be downloaded at;

<https://www.sanantonio.gov/eforms/atty/DiscretionaryContractsDisclosure.pdf>.

Instructions for completing the Discretionary Contracts Disclosure form are listed below:

1. Download form and complete all fields. **Note:** All fields must be completed prior to submitting the form.
2. Click on the “Print” button and place the copy in Application response as indicated in the Application Checklist.

**Litigation Disclosure Form**

**Respond to each of the questions below by checking the appropriate box. Failure to fully and truthfully disclose the information required by this Litigation Disclosure form may result in the disqualification of your proposal from consideration or termination of the contract, once awarded.**

1. Have you or any member of your Firm or Team to be assigned to this engagement ever been indicted or convicted of a felony or misdemeanor greater than a Class C in the last five (5) years?

Yes  No

2. Have you or any member of your Firm or Team to be assigned to this engagement been terminated (for cause or otherwise) from any work being performed for the City of San Antonio or any other Federal, State or Local Government, or Private Entity?

Yes  No

3. Have you or any member of your Firm or Team to be assigned to this engagement been involved in any claim or litigation with the City of San Antonio or any other Federal, State or Local Government, or Private Entity during the last ten (10) years?

Yes  No

**If you have answered "Yes" to any of the above questions, please indicate the name(s) of the person(s), the nature, and the status and/or outcome of the information, indictment, conviction, termination, claim or litigation, as applicable. Any such information should be provided on a separate page, attached to this form and submitted with your proposal.**