

City of San Marcos
Community Development Block Grant – Coronavirus Response
(CDBG-CV-Round Three)
**2020 Public Services Application for the
Design and Administration of a COVID-19
Emergency Housing and Business Relief Program**



City of San Marcos
Planning and Development Services Department
630 East Hopkins
San Marcos TX 78666
<https://www.sanmarcostx.gov/3065/CDBG-Action-Plans>
For more information: Carol Griffith 512.393.8147 cgriffith@sanmarcostx.gov

APPLICANT INSTRUCTIONS

Persons with limited English proficiency may request assistance by contacting the City at 512-393-8250. (Las personas con habilidad limitada de Inglés puede solicitar la asistencia poniéndose en contacto con la Ciudad en 512-393-8250.)

Thank you for your interest in the City of San Marcos' Community Development Block Grant - Coronavirus Response (CDBG-CV-Round Three) program. The City will receive \$567,825 for immediate use upon acceptance of a substantial amendment to the City's 2019 CDBG Action Plan by the US Department of Housing and Urban Development (HUD). High Priority Need served is "Public Services". National Objective to be accomplished is "Benefit to low to moderate income individuals or families".

The City of San Marcos will accept applications from November 29, 2020, through December 30, 2020, from qualified and capable potential subrecipients of this CDBG-CV funding for the Design and Administration of a COVID-19 Emergency Housing and Business Relief Program. Applications may be submitted by non-profit organizations, government agencies, and City departments; the City is not accepting applications from individuals who need personal housing or other financial assistance.

The objective of the program is to lessen the financial impact of the COVID-19 pandemic by providing emergency payments to individuals, families, and businesses of up to three months' rent, mortgage, and/or utilities, either to prevent eviction or to clear eviction-related debt that is negatively impacting the beneficiary's ability to obtain housing or a commercial space.

This COVID -19 program funding is for two components: a) Emergency Housing Relief (for individuals) and B) Emergency Business Relief (for businesses). Subrecipients are invited to submit applications for designing and administering program delivery for both components or for a single component.

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov.

HOW TO APPLY

2020 Application Period: November 29, 2020-December 30, 2020

APPLICATION SUBMISSION DEADLINE IS DECEMBER 30, 2020 AT 5:00 P.M.

Submit one signed application electronically to: cdbg@sanmarcostx.gov

Please call to verify your application has been received: Carol Griffith 512-393-8147. *I am currently teleworking; please leave a voicemail and I will be notified.*

NOTE: APPLICATIONS ARE PUBLIC RECORDS

Once an application is submitted to the City, it becomes a public record and as such is open for public review. All or part of the application may be posted on the City's webpage and included in City Council packet materials. Please keep this in mind when submitting personal information for your staff, board, or clients.

AWARD AND IMPLEMENTATION TIMELINE

The COVID-19 Emergency Housing and Business Relief Program has been added to the 2019-2020 CDBG Action Plan so the funds can be used as soon as possible after approval of the amendment by HUD and award of funds by the San Marcos City Council.

It is anticipated that funding will be awarded for the COVID-19 Emergency Housing and Business Relief Program by City Council in January, 2020. The subrecipient is expected to start final program development, marketing, and implementation immediately following award of funds.

ELIGIBILITY REQUIREMENTS

APPLICATION ELIGIBILITY

CDBG-CV Requirements: CDBG-CV funds must meet typical CDBG requirements and must be used to prevent, prepare for, and respond to coronavirus, which can include responding to the economic effects as well as the health impacts of the COVID-19 pandemic. Please note that it has now been determined that up to 100% of the funds can be used for Public Services. HUD continues to post resources related to the CDBG-CV to www.hudexchange.info/programs/cdbg/disease/.

City of San Marcos Human Services Funding: It is the City's policy to fund programs from only ONE city funding source. For example, if you apply for CDBG-CV funds for a program, you cannot apply for City of San Marcos Human Services funding for the same program. This policy may be waived for this program due to the expected extent of need.

Threshold Eligibility: Applications will be evaluated and scored only if all documentation requested has been submitted, or an explanation has been provided for missing documentation.

ORGANIZATION ELIGIBILITY

- Organizations applying for Public Services funding for this program can be a public or private non-profit agency, a public housing authority, a City of San Marcos department, or other government entity.
- Non-profit agencies must be established, operating agencies as evidenced through documentation required in the application. Exhibits to show tax exempt status are required.
- Faith based agencies are eligible to apply on the same basis as other non-profit organizations. However, CDBG funds cannot be used to support worship, proselytizing, or religious instruction. Religious activities must be offered separately, in time or location, from the CDBG-CV supported activity. Participation in the religious activity must be voluntary for the beneficiaries of the CDBG-CV-funded project. Projects operated by faith-based agencies must be available to all community members and not restricted to the organization's membership or congregation.

NON-DISCRIMINATION AND ACCESSIBILITY

Each agency receiving CDBG-CV funds must:

- Provide assurance that it will conduct its business in compliance with the non-discrimination requirements of the County, State, and Federal governments as applicable.
- Have Equal Opportunity in Employment policies.
- Agree to comply with Title VI of the Civil Rights Act of 1964 as amended, Title VIII of the Civil Rights Act of 1968 as amended, Section 104(b) and Section 109 of Title I of the Housing and Community Development Act of 1974 as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063 as amended by Executive Order 12259, and Executive Order 11246 as amended by Executive Orders 11375, 11478, 12107 and 12086.

FUNDING AWARDS

Submitting a complete application does not guarantee that your request will be funded. The CDBG-CV grant can fund only the actual, allowable, and reasonable costs of a proposed program, and requests for funding generally exceed the amount of funding available. Funding allocations are decided by the City Council, subject to HUD approval.

AVAILABILITY OF FUNDS

Funds awarded for CDBG-CV will be available as soon as City Council and HUD approvals have been received and any necessary environmental review has been completed. The organization's Subrecipient Agreement with the City must be fully executed prior to the expenditure or commitment of program funds. The appropriate level of environmental review must be completed by Community Initiatives Division staff before any funds are expended or obligated. **No reimbursement will be possible for goods purchased or contracts executed prior to meeting these requirements.**

FINANCIAL CAPACITY AND AUDITING REQUIREMENTS

The *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* issued by the federal Office of Management & Budget (OMB) requires that any organization that expends \$750,000 or more in federal financial assistance in a fiscal year must secure an annual audited financial statement.

The City has established the following financial statement requirements for organizations assisted with CDBG-CV program funds, based on the total assets of the applicant. The term “total assets” is defined to mean the total amount of liquid assets that is documented to be available to the Subrecipient at the time the funding is approved.

- A. CPA preparation of financial records is not required if the Subrecipient has total assets of \$15,000 or less in value;
- B. A compiled financial statement is required if Subrecipient has total assets greater than \$15,000 and less than or equal to \$100,000 in value.
- C. A reviewed financial statement is required if Subrecipient has total assets greater than \$100,000 and less than or equal to \$200,000 in value.
- D. An audited financial statement is required if Subrecipient has total assets of more than \$200,000 in value. (In an “Audited” statement a CPA provides an in-depth study of the records, organizes them into a statement, and issues an opinion to their validity.)

Organizations receiving CDBG-CV funds must submit the required financial statement which has been prepared by a Certified Public Accountant to the City within nine months from the organization’s fiscal year end and not more than 30 days after the organization’s receipt of the statement.

INSURANCE AND BONDING

Agencies receiving CDBG-CV funding must provide Workers’ Compensation Insurance coverage for all of its employees involved in the performance of the funded project. At the time of contract signing, funded agencies must provide evidence of insurance including, but not limited to, multi-peril property and liability, worker’s compensation, automobile liability, and other coverage as deemed necessary by the City. In addition, upon funding the City of San Marcos, Officers, Employees and agents must be added as additional insured to the policy.

NOTES FOR ORGANIZATIONS RECEIVING FEDERAL FUNDS

Subrecipient Registration Requirements:

- Organizations receiving CDBG-CV funding (Subrecipients) must obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number. If you do not have a DUNS number, go to <http://fedgov.dnb.com/webform> to register.
- Funded applicants must also have an active registration with System of Award Management (SAM). To register with SAM, go to www.sam.gov to register. You must have a DUNS number prior to registering with SAM. Subrecipients must provide proof of SAM registration prior to the execution of a Subrecipient Agreement. This is required when federal funds are being utilized. Any contractors/service providers hired for the CDBG-CV programs must also have an active registration with SAM prior to start or expenditure of funds.

PUBLIC SERVICES PROGRAM ELIGIBILITY

The City of San Marcos will accept applications from November 29, 2020, through December 30, 2020, from qualified and capable potential subrecipients of this CDBG-CV Round Three funding for the design and administration of a COVID-19 Emergency Housing and Business Relief Program. The objective of the program is to lessen the financial impact of the COVID-19 pandemic by providing emergency payments to individuals, families, and businesses of up to three months' rent, mortgage, and/or utilities, either to prevent eviction or to clear eviction-related debt that is negatively impacting the beneficiary's ability to obtain housing or a commercial space.

Program will be open to individuals and businesses; applicants may offer to provide services to either or both.

Administrative costs must be kept to a minimum but could be up to 15% of the available funding (\$85,174). Funds not used for administration will be used for program funding. Program funding will be at least 80% of the funding, or \$454,260. In total, at least 70% of the funding must be used to serve low- to moderate-income individuals as a minimum HUD requirement.

ELIGIBLE PUBLIC SERVICE ACTIVITIES (24 CFR 570.201(E))

"Public Services" are non-construction social service activities in the community that benefit low- to moderate-income citizens.

For payments to individuals, all beneficiaries must be City of San Marcos residents and have a total family income that does not exceed 80% of the area median income as established by HUD for San Marcos; **a lower than 80% income threshold is preferred.**

For payments to businesses, all businesses must be located in the City of San Marcos and must employ people whose income does not exceed 80% of the area median income as established by HUD for San Marcos; **a lower than 80% income threshold is preferred.** Businesses must certify that participation in this program will help them retain or create jobs.

ELIGIBLE EXPENSES

Eligible expenses include but are not limited to labor, supplies, and materials as well as operation and maintenance of the portion of a facility in which the public service is located. This includes the lease of a facility, equipment, and other property needed for the public service and costs incurred for telephone services, postage, and computer use or access. Time sheets will be required to document salary costs. Travel and training expenses may be authorized on a case-by-case basis.

INELIGIBLE EXPENSES

CDBG-CV funds may not be used to pay for food or meals for staff, fund raising, entertainment, alcoholic beverages, deposits on equipment, incentives to clients (such as gift cards or raffle prizes), or late fees or penalties. Costs of organized fund raising are not allowable. The purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property that is not an integral, structural fixture is generally ineligible.

BENEFICIARY ELIGIBILITY - INCOME VERIFICATION

To be eligible for CDBG-CV assistance, a public service program must serve low-to-moderate income persons. Documentation of the benefit to low and moderate income level persons is required. Agencies will collect income verification and demographic data for each beneficiary of the program. In addition, residency verification must be obtained from individuals and business location verification must be obtained from business owners.

The type of income verification needed is determined by the project and the clients served. This program will be offered to all residents of the City of San Marcos who meet the established income qualifications; therefore the HUD categories for this program are "Limited Clientele" and "Job Creation or Retention".

Income limits are updated annually, usually in the spring. The City will post the new limits on its website when they become available and distribute the new limits to all Subrecipient organizations. Current limits are shown below.

INCOME LIMITS

Income limits are established by HUD on an annual basis for the purpose of establishing CDBG-CV grant eligibility. The limits are based on household size. Income is calculated for every adult 18 and older residing in the household. HUD considers 80% and below to be low income. San Marcos CDBG Area Median Income (AMI) Limits are based on the Median Family Income for the Austin/Round Rock Metropolitan Statistical Area (MSA), which is \$97,600 as of March, 2020.

Income limits below were effective as of July 1, 2020:

Percent AMI	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
30%	\$20,550	\$23,450	\$26,400	\$29,300	\$31,650	\$34,000	\$36,350	\$38,700
50%	\$34,200	\$39,050	\$43,950	\$48,800	\$52,750	\$56,650	\$60,550	\$64,450
80%	\$54,700	\$62,500	\$70,300	\$78,100	\$84,350	\$90,600	\$96,850	\$103,100

EVALUATION CRITERIA AND SCORING

Proposed programs will be evaluated and scored by a committee based on, but not necessarily limited to the following criteria. Committee members will also conduct a risk assessment of each applicant organization. City Council makes the final decision on award of funding.

Maximum Score: 100 Points

1. PROGRAM DESCRIPTION AND OUTCOMES: MAXIMUM OF 20 POINTS

- a. Program Description - Maximum of 15 Points: The activity will be evaluated on the clarity and completeness of program proposal: Excellent, 15 points; good, 10 points; average, 5 points; and poor, 0 points.
- b. Outcomes - Maximum of 5 Points: Applicant has clearly defined objectives focusing on results and measurable outcomes vs. only program activities and numbers served. Provision of Case Management in addition to emergency payments is encouraged.

2. IMPACT AND COST EFFECTIVENESS: MAXIMUM OF 30 POINTS

The activity will be evaluated on:

- impact on the identified need
- implementation costs compared to impact (overhead cost per beneficiary)
- use of available resources (financial, staff, volunteer)
- leveraged resources

3. IMPLEMENTATION READINESS: MAXIMUM OF 25 POINTS

Best: The application demonstrates that resources needed to manage the proposed activity are available and ready.

Acceptable: The application demonstrates an understanding of Federal rules for procuring contractors.

4. PAST PERFORMANCE: MAXIMUM OF 25 POINTS

Applicants must not have no outstanding audit deficiencies, findings, or disallowed costs from previous programs.

If previously funded within the past three years, the applicant has a strong record in managing previous HUD funds and maintaining regulatory compliance. This includes, but is not limited to: meeting proposed goals, promptly submitting accurate reports and reimbursement requests, maintaining financial and program records in compliance with HUD regulations and expending funds in a timely manner.

If not previously funded within the past three years, the applicant has experience and performed well in implementing and administering grants from other funders for this program or a similar program. The applicant demonstrates the viability of the organization and the ability to comply with HUD funding regulations.

SUPPLEMENTAL ITEM CHECKLIST

CDBG-CV-ROUND THREE

DESIGN AND ADMINISTRATION OF A COVID-19 EMERGENCY HOUSING AND BUSINESS RELIEF PROGRAM

DUE DATE: DECEMBER 30, 2020

Submit one copy of the following items:

Required:

- ☐ Board of Directors list including position/title on board.
- ☐ Contact numbers for Board Chair or President and Treasurer.
- ☐ Resolution or Board Minutes showing approval to submit an application and designation of person who will sign documents on behalf of the organization.
- ☐ Organization Chart
- ☐ Articles of Incorporation
- ☐ Bylaws
- ☐ Tax Exempt Determination Letter (for non-profit organizations)
- ☐ Organization's Current Budget (2019-2020) and Proposed Budget for next fiscal year
- ☐ Most Recent audit or CPA prepared review.
- ☐ Description of employees, board members, volunteers who will work with the project
- ☐ Non-discrimination Policy Statement

If applicable:

- ☐ Copy of program application if available at time of application for award of funds
- ☐ Analysis of program or service expansion if this is not a new service.
- ☐ Detailed explanation of any lawsuits, judgments, or bankruptcy proceedings

CITY OF SAN MARCOS
2020 CDBG-CV ROUND THREE PUBLIC SERVICES APPLICATION



Due Date: December 30, 2020

I. APPLICANT CONTACT INFORMATION

Applicant Organization: _____

Contact Name: _____ Telephone: _____

Mailing Address: _____

Physical Address, if different from mailing address: _____

Contact E-Mail Address: _____ Web Address: _____

Who is authorized to execute program documents? _____

II. APPLICATION SUMMARY INFORMATION

Project Name: _____

Amount of CDBG-CV Funds Requested: _____

Project Location: _____

III. PROGRAM DETAILS

This program will serve: ____ Individuals and Families ____ Businesses ____ Both

TYPE OF PUBLIC SERVICE (choose all that apply)

____ 05A Senior Services

____ 05B Handicapped Services

____ 05C Legal Services

____ 05K Tenant/Landlord Counseling

____ 05P Screening for Lead Paint/Lead Hazards

____ 05Q Subsistence Payments

____ 05R Homeownership Assistance (Not Direct)

____ Other: _____

Please provide the following information as an attachment.

PROGRAM DESCRIPTION AND OUTCOMES

Describe in detail your proposal for the COVID-19 Emergency Housing and Business Relief Program. Is this a new program for your organization or an expansion of an existing program? How exactly will this program be run and by whom? What parameters do you recommend for beneficiary eligibility? How will you determine the amount to be paid to each beneficiary? What outcomes will you strive to achieve?

IMPACT AND COST EFFECTIVENESS

How will you ensure the funding reaches those most in need? Describe implementation costs compared to impact (overhead cost per beneficiary). How will you be leveraging other resources for maximum impact? Will you be partnering with other organizations to provide legal aid, application assistance, or case management? How will you market the program?

IMPLEMENTATION READINESS

How will you obtain the resources needed to administer the proposed program, and by when? Define the specific person by title who will manage the program and describe how they will manage it. Describe the proposed manager's experience in delivering similar programs, especially federally funded programs.

PAST PERFORMANCE

Describe your past performance as an organization in managing funding for similar programs. This includes, but is not limited to: meeting proposed goals, promptly submitting accurate reports and reimbursement requests, maintaining financial and program records in compliance with HUD regulations and expending funds in a timely manner. What experience do you have administering federally funded programs? CARES Act programs?

DUPLICATION OF BENEFITS

What in your understanding will constitute a duplication of benefits for this program? How exactly will you handle the issue of potential duplication of benefits?

IV. PROGRAM BENEFICIARIES

The minimum HUD threshold is that applicant must be able to document that at least 51% of the beneficiaries have an annual income that is at or below 80% of the Area Median Income and are San Marcos residents. It is the City's expectation that all beneficiaries will meet this standard for the COVID-19 Emergency Housing and Business Relief Program, either directly for payments to individuals or indirectly by retaining or creating jobs filled by people who meet this criteria.

1. How many beneficiaries do you expect to serve, and how did you calculate this number? _____

2. How do you propose to document the income of the beneficiaries? (check all that apply)

_____ Income documentation using HUD approved methods for "Limited Clientele" and "Job Creation or Retention" programs, as modified by CDBG-CV waivers

_____ Self-certification, with income verification required of 20% of certifications

_____ Other, describe: _____

V. LINE ITEM BUDGET

*Please use the following format to present your proposed line item budget. Secured funds are funds on-hand, pledged, or awarded. Following the Line Item Budget, please complete the Supplemental Budget Form – Use of Other Resources. Funds and costs, as outlined on the Sources and Uses of Funds form, may **not** be spent or incurred prior to a contract award date from the CDBG-CV Program. Supporting documentation may be attached as an Appendix.*

Expense Category	Total Program Budget	CDBG-CV Portion	Other Funding Source	Other Funds Amount
Personnel Services				
Salaries				
Fringe Benefits				
Supplies				
Office Supplies				
Program Supplies				
Client Materials				
Operating				
Training				
Insurance				
Utilities/Rent/Mortgage				
Other (please specify)				
Total				

Please provide an explanation for any unusual budget expenditures listed in the line item budget above.

VI. PROJECTED IMPLEMENTATION SCHEDULE AND PERFORMANCE MEASUREMENT GOALS

Performance measurement is an effective management technique that enables those who receive grant funds (Subrecipients) and the City to analyze the benefits of their investments. It is a mechanism that tracks the progression of projects and evaluates their overall effectiveness and success in meeting project goals. **One of the most important overall goals in planning a CDBG-CV project is the completion of the project in a timely manner.**

The City is monitored by HUD to ensure that the CDBG-CV grant program has benefited low-to-moderate-income families; one success measurement that the City must meet is the expenditure of its program funds in a timely manner. The City must take into account the project schedules for each project that is proposed to ensure that the overall CDBG-CV program will comply with its federally mandated timeliness ratio. Thus, it is critical that each applicant accurately forecasts the time that will be involved in completing each step of a proposed project.

Please use the format included in this application to outline the expected Implementation Schedule for your project.

This document will be incorporated into the Subrecipient Agreement for funded projects. The City will monitor the performance of Subrecipients against the goals and performance standards established by this document. Substandard performance as determined by the City will constitute noncompliance with the Subrecipient Agreement. If action to correct such substandard performance is not taken by the Subrecipient with a reasonable period of time after notification by the City, contract suspension or termination processes may be initiated.

At a minimum, include timelines for the steps included on the table below. More detail is preferable. Case management is preferable to merely providing payments.

Activity Description	Start Month/Year	End Month/Year	Performance Measurement Goal
<i>Example: Hiring New Staff Member</i>	<i>October 2019</i>	<i>December 2019</i>	<i>Employment process complete</i>
Program Design (<i>describe</i>)			Policies, procedures, forms, marketing materials complete
Marketing (<i>describe</i>)			
Application Intake			
Application Review			
Payments Issued			
Program Closeout			

VII. ORGANIZATION INFORMATION

REQUIRED ATTACHMENTS

- ☐ Organizational Chart
- ☐ Articles of Incorporation
- ☐ Proof of Tax Exempt status
- ☐ Board Minutes and Resolution authorizing application submittal and specifying who will sign documents. *(The organization's governing board must approve the submittal of this funding application and designate a person who is authorized to execute program documents.)*
- ☐ A listing of key staff and employees who will work directly with the proposed program, their primary job duties, and other pertinent information relating to your proposed project.
- ☐ If CDBG-CV funds will be used to hire new personnel, please provide a brief job description of the proposed position(s).

BACKGROUND INFORMATION

- Organization Type:
☐ 501(c) Non-Profit Corporation ☐ Public Corporation ☐ Government Entity
Other: _____
- Name and title of Board of Directors chair or president: _____
- How many years has your organization been in business? _____
- Organization's Taxpayer Identification Number (EIN): _____
- Organization's Dun and Bradstreet DUNS Number: _____
- Is organization currently registered in the federal System for Award Management (SAM)? ☐ Yes ☐ No

FINANCIAL INFORMATION

- What is the date of your fiscal year end? _____
- Does your organization have a purchasing policy? ☐ Yes ☐ No
- Has your organization currently or within the past five years had any litigation that is pending or has been resolved?
☐ Yes ☐ No
If "Yes", please attach a summary of the litigation and its status; including any outstanding judgments.
- Has your organization filed a petition for bankruptcy or has a petition for bankruptcy been filed against your organization?
☐ Yes ☐ No
If "Yes", please attach an explanation that includes the current status.
- During the last fiscal year did your organization spend \$750,000 or more in Federal financial assistance?
☐ Yes ☐ No
- What level of financial review does your organization obtain from an independent source? Select from the following options:

<input type="checkbox"/> Single Audit	<input type="checkbox"/> Audited Financial Statement
<input type="checkbox"/> Reviewed Financial Statement	<input type="checkbox"/> Compiled Financial Statement
<input type="checkbox"/> No independent review	<input type="checkbox"/> Other (describe): _____

7. What period was covered by your most recent financial review? _____
8. Has your organization received City of San Marcos funding in the past two years? ____ Yes ____ No
If yes, please attach a short summary of the purpose and amount of City funding.

PERSONNEL AND POLICIES

1. Name and Title of your chief administrator _____
Number of years in this position? _____
2. Total number of current employees at all locations _____
3. Total number of current employees who will be involved in this project _____
4. Total number of new employees expected to be hired for the project _____
5. Does your organization have a personnel policy manual? ____ Yes ____ No
Does it include a procedure for filing grievances? ____ Yes ____ No
Does it include a non-discrimination clause? ____ Yes ____ No
6. Does your organization maintain a written code or standards of conduct that governs the performance of its officers, employees or agents engaged in the award and administration of contracts supported by Federal funds?
____ Yes ____ No
7. Separation of duties for financial transactions regarding this project (respond with job title):
- a. Who will approve payment of incurred expenses? _____
 - b. Who will actually prepare the payment check? _____
 - c. Who will sign checks paying project expenses? _____
 - d. Who posts the transaction to your financial records? _____
 - e. Who reconciles monthly bank statements? _____

ACCESSIBILITY OF PROGRAMS AND SERVICES

1. Are all facilities to be served by the program ADA Accessible? ____ Yes ____ No
2. Do you have a Section 504 (ADA) Self-Evaluation on file? ____ Yes ____ No
3. How will you provide services to persons with Limited English proficiency? _____

INSURANCE, BONDING, AND WORKER'S COMPENSATION

1. Does your organization have liability insurance coverage? ____ Yes ____ No
2. If yes, in what amount? _____
3. Does your organization pay worker's compensation in accordance with Federal and state laws?
____ Yes ____ No ____ N/A
4. Does your organization have fidelity bond coverage for principal staff members who handle the organization's accounts? ____ Yes ____ No
5. Will vehicles owned by the organization be used in conjunction with the proposed project?
____ Yes ____ No
6. If yes, what level of liability insurance is maintained on the vehicles? _____

VIII. CONFLICTS OF INTEREST (24 CFR 570.611; 24 CFR 85.36; AND 24 CFR 84.42)

Two sets of conflict of interest provisions apply to activities carried out with CDBG-CV funding. The first set, applicable to the procurement of goods and services by subrecipients (*funded applicants*), is the procurement regulation found in the *Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards as codified in Title 2, Part 200 of the Code of Federal Regulations*. The second set of provisions is located at 24 CFR 570.611(a)(2).

With respect to procurement activities, the subrecipient must maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. At a minimum, these standards must:

1. Require that no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by federal funds if a real or apparent conflict would be involved. Such a conflict would arise when any of the following parties has a financial or other interest in the firm selected for an award:
 - An employee, officer, or agent of the subrecipient;
 - Any member of an employee's, officer's, or agent's immediate family;
 - An employee's, agent's, or officer's partner; or
 - An organization which employs or is about to employ any of the persons listed in the preceding sections.
2. Require that employees, agents, and officers of the subrecipient neither solicit nor accept gratuities, favors, or anything of value from contractors or parties to sub-agreements. However, subrecipients may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.
3. Provide for disciplinary actions to be applied for any violation of such standards by employees, agents or officers of the subrecipient.

With respect to all other CDBG-CV-assisted activities, the general standard is that no employee, agent, or officer of the subrecipient who exercises decision-making responsibility with respect to CDBG-CV funds and activities is allowed to obtain a financial interest in or benefit from CDBG-CV activities, or have a financial interest in any contract, subcontract, or agreement regarding those activities or in the proceeds for the activities. Specific provisions include that:

- The requirement applies to any person who is an employee, agent, consultant, officer, or elected or appointed official of the City, a designated public agency, or a subrecipient, and to their immediate family members and business partners.
- The requirement applies to such persons during their tenure and for a period of one year after leaving the grantee or subrecipient organization.
- Upon written request, exceptions may be granted by HUD on a case-by-case basis.

CONFLICT OF INTEREST QUESTIONNAIRE

NOTE: For the purpose of this form, a "covered person" includes any person who is an employee, agent, consultant, officer or elected or appointed official of the City of San Marcos, your organization, or any designated public agency.

Name of Organization: _____

1. Does your organization maintain a written code or standards of conduct that governs the performance of its officers, employees or agents engaged in the award and administration of contracts supported by Federal funds?

Yes _____ No _____ If "No" is checked, please explain how you will comply with this requirement:

2. Are any of your Board Members or employees that are responsible for carrying out this project or members of their immediate families or their business associates also:

a. Employed by the City of San Marcos? Yes _____ No _____

b. Members of or closely related to members of the San Marcos City Council? Yes _____ No _____

c. Members of or closely related to an employee of the City of San Marcos? Yes _____ No _____

d. Current beneficiaries or related to beneficiaries of the project for which funds are requested?

Yes _____ No _____

e. Paid providers of goods or services to the program or having other financial interest in the program or related to such individuals? Yes _____ No _____

3. For **each** relationship described above, please answer the following questions: (attach additional page if necessary)

a. Name of employee or official: _____

b. Is this person receiving or likely to receive taxable income from your organization?

Yes _____ No _____

c. Is your organization receiving or likely to receive taxable income from or at the direction of the employee or official AND the taxable income is not from the City of San Marcos?

Yes _____ No _____

d. Is your organization affiliated with a corporation or other business entity in which the employee or official serves as an officer or director, or holds an ownership interest of 10% or more?

Yes _____ No _____

4. Describe any other affiliation or business relationship that might cause a conflict of interest with respect to CDBG-CV funds and activities. _____

5. Will any of your organization's employees, officers, board members, or members of their immediate family or business partners have a financial interest in any contract, subcontract, or agreement regarding CDBG-CV funded activities?

Yes _____ No _____. If yes, please attach an explanation.

IX. APPLICANT ASSURANCES AND CERTIFICATIONS

The applicant hereby assures and certifies with respect to this project or program, by the submission of this application, that the following are true statements:

1. It possesses legal authority to apply for the grant and to finance the proposed request; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards as codified in Title 2, Part 200 of the Code of Federal Regulations (UAR) and agrees to adhere to the accounting principles and procedures required therein, utilizing adequate internal controls and maintaining necessary source documentation for all costs incurred.
3. If it expends \$750,000 or more of federal funds in a fiscal year, it will comply with the Single Audit Act of 1984.
4. It will comply with the provisions of Executive Order 11988, relating to evaluation of flood hazards, and Executive Order 11990, relating to protection of wetlands. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, and approved December 31, 1976. Section 102(a).
5. It will have sufficient funds available or the ability to obtain the non-federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.
6. It will give the City and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
7. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the City that funds have been approved and that the project will be performed to completion with reasonable diligence.
8. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives federal financial assistance and will immediately take any measures necessary to effectuate this agreement.
9. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646), which provides for fair and equitable treatment of persons displaced as a result of federal and federally-assisted programs.
10. It will comply with the provisions of the Hatch Act, which limit the political activity of employees.
11. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act as they apply.
12. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the city/federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be utilized in the project is under consideration for listing by the EPA.
13. It will assist the city/federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.).

14. It will comply with Texas Civil Statutes, Article 5996a, by insuring that no officer, employee, or member of the applicant's governing body or of the applicant's contractor shall vote or confirm the employment of any person related within the second degree by affinity or third degree by consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person who shall have been continuously employed for a period of two years prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.
15. It will insure that all information collected, assembled or maintained by the applicant relative to this project shall be available to the public during normal business hours in compliance with Texas Civil Statutes, Article 6252-17a, unless otherwise expressly provided by law.
16. It will conduct and administer the program in conformity with the Fair Housing Act (42 USC Section 3901 et. Seq.) and that it will affirmatively further fair housing.
17. It will minimize displacement of persons as a result of activities assisted with CDBG-CV funds. In the event that displacement of residential dwellings will occur in connection with a grant-assisted project, it will follow a residential anti-displacement and relocation assistance plan as specified by the City of San Marcos.
18. It certifies that it is not now, nor has it ever been, on the Federal List of Debarred Contractors.
19. It will not attempt to recover any capital costs of public improvements assisted in whole or in part with such funds by assessing any amount against properties owned and occupied by persons of LMI, including any fee charged or assessment made as a condition of obtaining access to such public improvements unless (a) such funds are used to pay the proportion of such fee or assessment that related to the capital costs of such public improvements that are financed from revenue sources other than such funds; or (b) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, applicant certifies that it lacks sufficient funds under this contract to comply with the requirements of clause (a).
20. It agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the U.S. Housing and Urban Development regulations concerning Community Development Block Grants (CDBG)) including subpart J and subpart K of these regulations, except that (1) the Agency does not assume the recipient's environmental responsibilities described in 24 CFR 570.604 and (2) Agency does not assume the recipient's responsibility for initiating the review process under the provisions of 24 CFR Part 52. Agency also agrees to comply with all other applicable Federal, State, and local laws, regulations, and policies governing the funds provided. Agency further agrees to utilize funds available to supplement rather than supplant funds otherwise available. Agency shall comply with all applicable Federal laws, regulations, and requirements, which include compliance with the provisions of the HCD Act and all rules, regulations, guidelines, and circulars promulgated by the various Federal departments, agencies, administrations, and commissions relating to the CDBG-CV Program. The applicable laws and regulations include, but are not limited to:
 - 24 CFR Part 570;
 - 24 CFR Parts 84 and 85;
 - The Davis-Bacon Fair Labor Standards Act;
 - The Contract Work Hours and Safety Standards Act of 1962;
 - Copeland "Anti-Kickback" Act of 1934;
 - Sections 104(b) and 109 of the Housing and Community Development Act of 1974;
 - Section 3 of the Housing and Urban Development Act of 1968;
 - Equal employment opportunity and minority business enterprise regulations established in 24 CFR part 570.904;
 - Non-discrimination in employment, established by Executive Order 11246 (as amended by Executive Orders 11375 and 12086);
 - Section 504 of the Rehabilitation Act of 1973 Uniform Federal Accessibility Standards;
 - The Architectural Barriers Act of 1968;
 - The Americans with Disabilities Act (ADA) of 1990;
 - The Age Discrimination Act of 1975, as amended;

- National Environmental Policy of 1969 (42 USC 4321 et seq.) as amended;
- Lead Based paint regulations established in 24 CFR Parts 35, 570.608, and 24 CFR 982.401;
- Asbestos guidelines established in CPD Notice 90-44;
- HUD Environmental Criteria and Standards (24 CFR Part 51);
- The Energy Policy and Conservation Act (Public Law 94-163) and 24 CFR Part 39
- Flood Disaster Protection Act of 1973;
- Colorado House Bill 06-1023 and 06-1043;
- Procurement Standards (2 CFR 200.322);
- Rights to Inventions Made Under a Contract or Agreement (37 CFR 401.2 (a));
- Energy Efficiency (2 CFR Part 200 Appendix II); and
- Recycling (2 CFR Part 200 Appendix II).

CERTIFICATIONS REGARDING LOBBYING:

21. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
22. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit standard form – “Disclosure Form to Report Lobbying”, in accordance with its instructions.
23. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
24. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

GENERAL CERTIFICATIONS:

25. The information, exhibits, and schedules contained in this application are true and accurate statements and represent fairly the financial condition of our organization;
26. Our organization is eligible to receive federal funding and has not been placed in a debarred or otherwise ineligible status under the provisions of CFR Part 24;
27. Our organization prohibits discrimination in accordance with Title VI of the Civil Rights Act of 1964; and,
28. Our governing body has duly authorized submission of this document. If funded, we agree to comply with the procedures outlined in the “Playing by the Rules” handbook that will be supplied by the City of San Marcos.

I, the duly authorized representative of the applicant organization, certify that the foregoing statements are true to the best of my knowledge and belief:

CERTIFIED BY:

Signature: _____ Date Signed: _____

Printed Name: _____ Title: _____

Organization Name: _____