

**DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT**

**COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM FOR
INDIAN TRIBES AND ALASKA
NATIVE VILLAGES (ICDBG)**

Community Development Block Grant Program for Indian Tribes and Alaska Native Villages

Overview Information

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

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

C. Announcement Type: Initial Announcement.

D. Funding Opportunity Number: The **Federal Register** number is FR 5030-N-02. The OMB approval number is 2577-0191.

E. Catalog of Federal Domestic Assistance (CFDA) Number(s): The Catalog of Federal Assistance (CFDA) Number for the Indian Community Development Block Grant program is 14.862.

F. Dates: Application Deadline: The application submission date is May 31, 2006.

G. Optional, Additional Overview Content Information:

1. Applicants for funding should carefully review the requirements identified in this NOFA and the General Section. Unless otherwise stated in this NOFA, the requirements of the General Section apply.

2. The total approximate amount of funding available for the ICDBG program for FY2006 is \$59,400,000 less \$3,960,000 retained to fund Imminent Threat Grants, for a total of \$55,440,000. Funds that are carried over from previous fiscal years or are recaptured may also be used for grant awards under this NOFA.

3. Eligible applicants are Indian tribes or tribal organizations on behalf of Indian tribes. Specific information on eligibility is located in Section III.A. of this NOFA.

Full Text of Announcement

I. Funding Opportunity Description

A. General. Title I of the Housing and Community Development Act of 1974, which authorizes Community Development Block Grants, requires that grants for Indian tribes be awarded on a competitive basis. All grant funds awarded in accordance with this NOFA are subject to the requirements of 24 CFR part 1003. Applicants within an Area Office of Native American Program's (ONAP) geographic jurisdiction compete only against each other for that Area ONAP's allocation of funds.

B. Authority. The authority for this program is Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) and the program regulations in 24 CFR part 1003.

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

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

1. Area Benefit Activities.
2. Limited Clientele Activities.
3. Housing Activities.
4. Job Creation or Retention Activities.

ICDBG funds may be used to improve housing stock, provide community facilities, improve infrastructure, and expand job opportunities by supporting the economic development of the communities, especially by nonprofit tribal organizations or local development corporations.

ICDBG single-purpose grants are distributed as annual competitive grants, in response to this NOFA.

ICDBG imminent threat grants are intended to alleviate or remove threats to health or safety that require an immediate solution as described at 24 CFR part 1003, subpart E. The problem to be addressed must be such that an emergency situation exists or would exist if the problem were not addressed.

You do not have to submit a request for imminent threat funds by the deadline established in this NOFA. The deadline applies only to applications submitted for assistance under 24 CFR part 1003, subpart D, single purpose grants. Imminent threat requests may be submitted at any time after NOFA publication, and if the following criteria are met, the request may be funded until the amount set aside for this purpose is expended:

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

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

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

4. It must be established that funds are not available from other local, state, or Federal sources to address the problem. The tribe or village must verify that Federal or local agencies that would normally provide assistance for such improvements have no funds available by providing a written statement to that effect. The tribe or village must also verify in the form of a tribal council resolution (or equivalent) that it has no available funds, including Indian Housing Block Grant Funds, for this purpose.

If, in response to a request for assistance, an Area ONAP issues you a letter to proceed under the authority of 24 CFR 1003.401(a), then your application must be submitted to and approved by the Area ONAP before a grant agreement may be executed. Contact your Area ONAP office for more information on imminent threat.

D. Definitions Used in this NOFA.

1. *Adopt.* To approve by formal tribal resolution.

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

3. *Entity Other than Tribe.* A distinction is made between the requirements for point award under Rating Factor 3 if a tribe or an entity other than the tribe will assume maintenance and related responsibilities for projects other than economic development and land acquisition to support new housing. Entities other than the tribe must have the following characteristics: (a) Must be legally distinct from the tribal government; (b) their assets and liabilities cannot be considered to be assets and liabilities of the tribal government; (c) claims against such entities cannot be made against the tribal government; and (d) must have governing boards, boards of directors, or groups or individuals similar in function and responsibility to such boards which are separate from the tribe's general council, tribal council, or business council, as applicable.

4. *Homeownership Assistance Programs.* Tribes may apply for assistance to provide direct homeownership assistance to low- and moderate-income households to: (a) Subsidize interest rates and mortgage principal amounts for low- and

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

5. *Leveraged Resources.* Leveraged resources are resources that you will use in conjunction with ICDBG funds to achieve the objectives of the project. Leveraged resources include, but are not limited to: tribal trust funds; loans from individuals or organizations; business investments; private foundations; state or federal loans or guarantees; other grants; and non-cash contributions and donated services. (See Rating Factor 4 for documentation requirements for leveraged resources.)

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

7. *Operations and Maintenance (O&M) for Public Facilities and Improvements.* While various items of cost will vary in importance and significance depending on the type of facility proposed, there are items of expense related to the operation of the physical plant which must be addressed in a O&M plan (tribe assumes responsibility) or in a letter of

commitment (entity other than tribe will assume these responsibilities). Although the tribe no longer has to submit the O&M plan with the application, it must provide a written statement that it has adopted an O&M plan and that the plan addresses several items. These items include daily or other periodic maintenance activities; repairs such as replacing broken windows; capital improvements or replacement reserves for repairs such as replacing the roof; fire and liability insurance (may not be applicable to most types of infrastructure projects such as water and sewer lines); and security (may not be applicable to many types of infrastructure projects such as roads). (Please note that while it is possible that the service provider may, in its agreement with a tribe, commit itself to cover certain or all facility O&M costs, these costs do not include the program service provision costs related to the delivery of services (social, health, recreational, educational or other) which may be provided in a facility).

8. *Outcomes.* The ultimate impact you hope to achieve with the proposed project. Outcomes should be quantifiable measures or indicators and identified in terms of the change in the community, people's lives, changes in economic status, etc. Common outcomes could include increases in percent of housing units in standard condition, homeownership rates, or employment rates.

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

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

11. *Standard Housing/Standard Condition.* Housing that meets the housing quality standards (HQS) adopted by the applicant. The HQS adopted by the applicant must be at least as stringent as the Section 8 HQS contained in 24 CFR 982.401 (Section 8 Tenant-Based Assistance: Housing Choice Voucher program) unless the ONAPs approve less stringent standards based on a determination that local conditions make the use of Section 8 HQS unfeasible. You may submit, before the application submission deadline, a request for the approval of standards

less stringent than Section 8 HQS. If you submit the request with your application, you should not assume automatic approval by the ONAPs. The adopted standards must provide for (a) a safe house, in physically sound condition with all systems performing their intended design functions; (b) a livable home environment and an energy efficient building and systems that incorporate energy conservation measures; and (c) an adequate space and privacy for all intended household members.

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

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

II. Award Information

A. *Available Funds.* The FY2006 appropriation for the ICDBG program is \$59,400,000, less \$3,960,000 retained to fund Imminent Threat Grants, for a total of \$55,440,000. Funds that are carried over from previous fiscal years or are recaptured may also be used for grant awards under this NOFA. In accordance with the provisions of 24 CFR part 1003, subpart E, we have retained \$3,960,000 of the FY 2006 appropriation to meet the funding needs of imminent threat requests submitted to any of the Area ONAPs. The grant ceiling for imminent threat requests for FY 2006 is \$425,000. This ceiling has been established pursuant to the provisions of 24 CFR 1003.400(c).

B. *Allocations to Area ONAPs.* The requirements for allocating funds to Area ONAPs responsible for program administration are found at 24 CFR 1003.101. Following these requirements, based on an appropriation of \$59,400,000 less \$3,960,000 for Imminent Threat grants, the allocations for FY2006 are approximately as follows:

Eastern/Woodlands	\$6,325,737
Southern Plains	11,864,746
Northern Plains	7,917,788
Southwest	20,525,637
Northwest	2,891,489
Alaska	5,914,603
Total	55,440,000

C. *Compliance with regulations, guidelines, and requirements:* Applicants awarded a grant under this NOFA are required to comply with the

regulations, guidelines, and requirements with respect to the acceptance and use of Federal funds for this Federally-assisted program. Also, the grantee, by accepting the grant, provides assurance with respect to the grant that:

1. It possesses the legal authority to apply for the grant and execute the proposed program.
2. The governing body has duly authorized the filing of the application, including all understandings and assurances contained in the application and has directed and authorized 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.
3. It will comply with HUD general administration requirements in 24 CFR Part 85.
4. It will comply with the requirements of Title II of Public Law 90-284 (25 U.S.C. 1301), the Indian Civil Rights Act. Federally recognized Indian tribes and their instrumentalities are subject to the requirements of: Title II of the Civil Rights Act of 1964, known as the Indian Civil Rights Act; Section 109 prohibitions against discrimination based on age, sex, religion and disability; the Age Discrimination Act of 1975; and Section 504 of the Rehabilitation Act of 1973.
5. It will comply with the Indian preference provisions required in 24 CFR 1003.510.
6. It will establish written safeguards to prevent employees from using positions funded under the ICDBG programs for a purpose that is, or gives the appearance of being, motivated by private gain for themselves, their immediate family, or business associates. Employees are not otherwise limited from benefiting from program activities for which they are otherwise eligible.
7. Neither the applicant nor its principals are presently excluded from participation in any HUD programs, as required by 24 CFR part 24.
8. The chief executive officer or other official of the applicant approved by HUD:
 - a. Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 insofar as the provisions of the Act apply to the applicant's proposed program pursuant to 24 CFR 1003.605.
 - b. Is authorized and consents on behalf of the applicant and him/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.

Note: Applicants for whom HUD has approved a claim of incapacity to accept the responsibilities of the Federal government for purposes of complying with the environmental review requirements of 24 CFR part 58 pursuant to 24 CFR 1003.605 are not subject to the provision of paragraph 8.

9. It will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968 and the regulations in 24 CFR part 135 (Economic Opportunities for Low and Very Low Income Persons) to the maximum extent consistent with, but not in derogation of, compliance with Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)). Two points will be awarded under Rating Factor 3 in FY2006 for applicants who demonstrate how they will incorporate Section 3 principles into their proposed projects.

10. It will comply with the requirements of the Fire Authorization Administration Act of 1992 (Pub. L. 102-522).

11. It will comply with 24 CFR, part 4, subpart A, showing full disclosure of all benefits of the project as collected by Form HUD-2880, Applicant/Recipient Disclosure Report.

12. Prior to submission of its application to HUD, the grantee has met the citizen participation requirements which includes following traditional means of member involvement, as required in 24 CFR 1003.604.

13. It will administer and enforce the labor standards requirements prescribed in 24 CFR 1003.603.

14. The project has been developed so that not less than 70 percent of the funds received under this grant will be used for activities that benefit low- and moderate-income persons.

15. Executive Order 13202, "Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects" applies to projects funded under this NOFA. See the General Section for more information.

D. Period of Performance. The period of performance for any grant awarded under this NOFA must be included in the Implementation Schedule, HUD-4125, and approved by HUD.

III. Eligibility Information

A. Eligible Applicants. Eligible applicants are Indian tribes or tribal organizations on behalf of Indian tribes. To apply for funding you must be eligible as an Indian tribe (or as a tribal organization), as required by 24 CFR

1003.5, by the application submission date.

Tribal organizations are permitted to submit applications under 24 CFR 1003.5(b) on behalf of eligible tribes when one or more eligible tribe(s) authorize the organization to do so under concurring resolutions. The tribal organization must itself be eligible under Title I of the Indian Self-Determination and Education Assistance Act. The Bureau of Indian Affairs (BIA) or the Indian Health Service, as appropriate, must make a determination of such eligibility. This determination must be provided to the Area ONAP by the application submission date.

If a tribe or tribal organization claims that it is a successor to an eligible entity, the Area ONAP must review the documentation to determine whether it is in fact the successor entity.

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

On November 25, 2005 (70 FR 71194), the BIA published a **Federal Register** notice entitled, "Indian Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs." This notice provides a listing of Indian Tribal Entities in Alaska found to be Indian tribes as the term is defined and used in 25 CFR part 83. Additionally, pursuant to Title I of the Indian Self-Determination and Education Assistance Act, ANCSA Village Corporations and Regional Corporations are also considered tribes and therefore eligible applicants for the ICDBG program.

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

B. Cost Sharing or Matching. Cost sharing or matching is not required under this grant; however, applicants who leverage this grant with other funds receive points. See Section V, (A) Rating Factor 4.

C. Other.

1. HUD Requirement

Applicants for single purpose grants must comply with the HUD Threshold Requirements listed in the General Section, Section III, C. in order to receive an award of funds.

2. Program and Project Specific Requirements

a. Low- and Moderate-Income Status for Rehabilitation Projects. Your application must contain information that shows that all households that receive ICDBG grant assistance under a housing rehabilitation project are of low- and moderate-income status.

b. Housing Rehabilitation Cost Limits. Grant funds spent on rehabilitation per unit must fall within the following limits for each Area ONAP jurisdiction:

Eastern/Woodland:	\$35,000
Southern Plains:	\$35,000
Northern Plains:	\$50,000
Southwest:	\$40,000
Northwest:	\$40,000
Alaska:	\$55,000

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

submission must occur within three years from the date the land is acquired and ready for development.

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

3. Program Related Threshold Requirements

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

b. Compliance with Fair Housing and Civil Rights Laws. Applicants and subrecipients that are not federally recognized Indian tribes or their instrumentalities are subject to the Civil Rights threshold requirements found in the General Section. Federally recognized Indian tribes and their instrumentalities are subject to the requirements of: Title II of the Civil Rights Act of 1964, known as the Indian Civil Rights Act; Section 109 prohibitions against discrimination based on age, sex, religion and disability; the Age Discrimination Act of 1975; and Section 504 of the Rehabilitation Act of 1973. To be eligible to apply, there must be no outstanding violations of these civil rights provisions at the time of application.

4. Project Specific Threshold Requirements

Applicants must meet all parts of the project specific threshold applicable to the proposed project. The thresholds are:

a. Housing Rehabilitation Project Thresholds. In accordance with 24 CFR 1003.302(a), for housing rehabilitation projects, you must adopt rehabilitation standards and rehabilitation policies before you submit an application. You must state that you have in place rehabilitation policies and standards that have been adopted in accordance with tribal law or practice. Do not submit your policies or standards with the application. You must also provide a written statement that project funds will be used to rehabilitate HUD-assisted houses only when the homebuyer's payments are current or

the homebuyer is current in a repayment agreement except in emergency situation. For purposes of meeting this threshold, HUD-assisted houses are houses that are owned and managed by the tribe or tribally designated housing entity. The ONAP Administrator on a case-by-case basis may approve exceptions to this requirement.

b. New Housing Construction Project Thresholds.

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

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

3. In accordance with 24 CFR 1003.302, you must also include in your application documentation supporting the following:

(a) All households to be assisted under a new housing construction project must be of low-or moderate-income status;

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

(c) No other sources including an IHBG (also known as NAHBG) can meet the needs of the household(s) to be served; and

(d) Rehabilitation of the unit occupied by the household(s) to be assisted is not economically feasible, or the household(s) to be housed currently is in an overcrowded house (more than one household per house), or the household to be assisted has no current residence.

c. Economic Development Project Thresholds. In accordance with 24 CFR 1003.302, for economic development assistance projects, you must provide a financial analysis. The financial analysis must demonstrate that the project is financially feasible and the project has a reasonable chance of success. The analysis must also demonstrate the public benefit resulting from the ICDBG assistance. The more funds you request, the greater public benefit you must demonstrate. The analysis must also establish that to the extent practicable, reasonable financial support will be committed from non-federal sources prior to disbursement of federal funds; any grant amount

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

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

5. Public Service Projects

Because there is a regulatory 15 percent cap on the amount of grant funds that may be used for public service activities, you may not receive a single purpose grant solely to fund public service activities. Your application, however, may contain a public service component for up to 15 percent of the total grant. This component may be unrelated to the other project(s) included in your application. If your application does not receive full funding, we will reduce the public service allocation proportionately so that it comprises no more than 15 percent of the total grant award. In making such reductions, the feasibility of the proposed project will be taken into consideration. If a proportionate reduction of the public service allocation renders such a project infeasible, the project will not be funded. A complete description of Public Service Projects is located at 24 CFR part 1003.201.

6. Restrictions on Eligible Activities

A complete description of activities that are eligible for ICDBG funding are identified at 24 CFR part 1003, subpart C. Please note that although this subpart has not yet been revised to include the restrictions on activity eligibility that were added to Section 105 of the CDBG statute by Section 588 of the Quality Housing and Work Responsibility Act of 1998, these restrictions apply. Specifically, ICDBG funds may not be used to assist directly in the relocation of any industrial or commercial plant, facility, or operation, from one area to another, if the relocation is likely to result in a significant loss of employment in the labor market area from which the relocation occurs. Rating Factors 2 and 3 included under Section V. specify many of the activities listed as eligible under part 1003, subpart C. Those listed include new housing construction (in certain circumstances as described in Rating Factors 2 and 3 in Section V.), housing rehabilitation, land acquisition to

support new housing, homeownership assistance, public facilities and improvements, economic development, and microenterprise programs. However, the following eligible activities not clearly identified by the rating factors may be proposed and rated as described below. During the past few years, many tribes have experienced high incidences of mold growth in tribal homes and buildings. Renovation of affected buildings is eligible under housing rehabilitation or public facility improvement projects.

a. Acquisition of property. This activity can be proposed as Land to Support New Housing or as part of New Housing Construction, Public Facilities and Improvements, or Economic Development depending on the purpose of the land acquisition to support new construction.

b. Assistance to Institutions of Higher Learning. If such entities have the capacity, they can help the ICDBG grantees to implement eligible projects.

c. Assistance to Community Based Development Organizations (CBDOs). Grantees may provide assistance to these organizations to undertake activities related to neighborhood revitalization, community economic development, or energy conservation.

d. Clearance, Demolition. These activities can be proposed as part of Housing Rehabilitation, New Housing Construction, Public Facilities and Improvements, Economic Development, or Land to Support New Housing. § 1003.201(d) states "Demolition of HUD-assisted housing units may be undertaken only with the prior approval of HUD."

e. Code Enforcement. This activity can be proposed as Housing Rehabilitation. The activity must comply with the requirements at 24 CFR 1003.202.

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

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

h. Lead-Based Paint Evaluation and Abatement. These activities can be proposed under Housing Rehabilitation.

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

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

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

l. Removal of Architectural Barriers. This includes removing barriers that restrict mobility and access for elderly and persons with disabilities. In addition, accommodation should be made for persons with all varieties of disabilities to enable them to benefit from these activities. This activity can be proposed under Housing Rehabilitation or Public Facilities and Improvements depending upon the type of structure where the barrier will be removed.

7. Application Screening

The Area ONAP will screen applications for single purpose grants. The Area ONAP will reject an application that fails this screening and will return the application unrated. The Area ONAP will accept your application if it meets all the criteria listed below as items a through f.

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

b. You are eligible;

c. The proposed project is eligible;

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

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

f. Only one ICDBG application may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR 1003. An application may include more than one project, but it cannot exceed the grant ceilings listed in Section IV.

IV. Application and Submission Information

A. Addresses To Request Application Package

Applicants are required to submit an electronic application unless they

receive a waiver of the requirement. See the General Section for information on electronic application submission, procedures for requesting a waiver, and timely submission and receipt requirements. All information required to complete a valid application is included in the General Section and this NOFA. Before preparing an application, applicants should carefully review the program description, ineligible activities, program and threshold requirements, and the General Section. Applicants should carefully review each rating factor listed in Section V of this NOFA, before writing a narrative response.

Copies of the General Section and ICDBG NOFA may be downloaded from the grants.gov Web site at <http://www.grants.gov/Apply>. If you experience any problems with downloading the General Section or the ICDBG NOFA, call the Grants.gov help desk at 800-518-GRANTS.

B. Content and Form of Application Submission.

1. Application Information

Indicate on the first page of each project submission, the type of project(s) being proposed: Economic Development, Homeownership Assistance, Housing Rehabilitation, Land Acquisition to Support New Housing, Microenterprise Programs, New Housing Construction or Public Facilities and Improvements. This will help to ensure that the appropriate project specific thresholds and rating subfactors will be applied. Narrative statements submitted to support your application should be individually labeled to reflect the item the narrative is responding to, e.g. Factor 1, Factor 2, etc. Applicants should not submit third party documents, such as audits, resolutions, policies, unless specifically asked to submit them. Additional information regarding electronic submissions can be found in the General Section.

If you received a waiver to the electronic application submission requirements and are submitting a paper application, please use separate tabs for each rating factor and rating subfactor. In order to be rated, make sure the response is beneath the appropriate heading. Keep the responses in the same order as the NOFA. It is recommended that you limit your narrative explanations to 200 words or less and provide the necessary data such as a market analysis, a pro forma, housing survey data, etc., that support the response. Include all relevant material to a response under the same tab. *Only*

include documentation that will clearly and concisely support your response to the rating criteria.

HUD suggests that you do a preliminary rating for your project, providing a score according to the point system in Section V of this NOFA. This will show you how reviewers might score your project, and identify its strengths and weaknesses. This will help determine where improvements can be made prior to its submission. An application checklist has been posted at <http://www.hud.gov/offices/adm/grants/fundsavail.cfm> under the ICDBG program for your use in verifying that you have completed all required components.

2. Content of Application, Forms, and Required Elements

The applicant must respond in narrative form to all five of the rating factors listed in Section V.A. of this NOFA. In addition, the applicant must submit all of the forms required in this section, along with other data listed below.

a. *Demographic data.* You may submit data that are unpublished and not generally available in order to meet the requirements of this section. Your application must contain a statement that the following criteria have been met:

- (1) Generally available published data are substantially inaccurate or incomplete;
- (2) Data that you submit have been collected systematically and are statistically reliable;
- (3) Data are, to the greatest extent feasible, independently verifiable; and
- (4) Data differentiate between reservation and BIA service area populations, when applicable.

b. *Publication of Community Development Statement.* You must prepare and publish or post the community development statement portion of your application according to the citizen participation requirements of 24 CFR 1003.604. You may post or publish a statement that indicates that the entire Community Development Statement is available for public viewing and include the location, dates, and time it will be available for review.

c. *Application Submission.* Your application must contain the items listed below.

- (1) Application for Federal Assistance (SF-424);
- (2) SF-424 SUPP, Supplement Survey on Ensuring Equal Opportunity for Applicants;
- (3) Applicant/Recipient Disclosure/Update Report (HUD-2880); and

(4) Acknowledgement of Application Receipt (HUD-2993). (Only for applicants granted a waiver of the electronic submission requirements and who are submitting a paper application)

If the application has been submitted by a tribal organization as defined in 24 CFR 1003.5(b), on behalf of an Indian tribe, you must submit concurring resolutions from the Indian tribe stating that the tribal organization is applying on the tribe's behalf. Applicants must submit the resolution by attaching it as a file to your electronic application submission, or sending it via facsimile transmittal.

The other required items are as follows:

(5) Community Development Statement that includes:

- (a) Components that address the general threshold requirement and the relevant project specific thresholds and rating factors;
- (b) A schedule for implementing the project (Form HUD-4125, Implementation Schedule); and
- (c) Cost information for each separate project, including specific activity costs, administration, planning, technical assistance, and total HUD share (Form HUD-4123, Cost Summary).

(6) A map showing project location, if appropriate.

(7) If the proposed project will result in displacement or temporary relocation, a statement that identifies:

- (a) The number of persons (families, individuals, businesses, and nonprofit organizations) occupying the property on the date of the submission of the application (or date of initial site control, if later);
- (b) The number to be displaced or temporarily relocated;
- (c) The estimated cost of relocation payments and other services;
- (d) The source of funds for relocation; and
- (e) The organization that will carry out the relocation activities.

(8) If applicable, evidence of the disclosure required by 24 CFR 1003.606(e) regarding conflict of interest.

(9) If applicable, the demographic data statement described in Section IV.B. and Section V.A., Rating Factor 2 of this NOFA. The data accompanying the statement must identify the total number of persons benefiting from the project and the total number of low- and moderate-income persons benefiting from the project. To be considered, supporting documentation must include all of the following: a sample copy of a completed survey form, an explanation of the methods used to collect the data, and a listing of incomes by household.

(10) Optional submissions are:

(a) You Are Our Client Grant Applicant Survey (HUD 2994-A) (Optional); and

(b) Logic Model, HUD-96010.

3. Planning and Administrative Costs

Applicants must report project planning and administration costs on Form HUD-4123, Cost Summary. Planning and administrative costs cannot exceed 20 percent of the grant. The following criteria applies to planning and administrative costs:

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

b. If you are submitting an application for more than one project, costs must be broken down by project. Submit one Form HUD-4123 for each proposed project in addition to a consolidated Form HUD-4123 that includes costs for all proposed projects.

c. Do not include project costs (i.e. architectural/engineering, environmental, technical assistance, staff/overhead costs) directly related to project.

C. Submission Dates and Times

1. Application Submission Deadline

The application deadline date is May 31, 2006. Applications submitted through <http://www.Grants.gov/Apply> must be received and validated by Grants.gov no later than 11:59:59 PM Eastern time on the application deadline date. Upon submission, Grants.gov will provide the applicant a confirmation of receipt and then validate the application. Within 24-48 hours of receipt, the application will be validated by Grants.gov. If the application does not pass validation, it will be rejected by Grants.gov and the application will be eliminated from further funding consideration. The General Section provides details of a validation check. HUD advises applicants to submit early so that if an application is rejected during the validation process, applicants can correct the errors and resubmit the application prior to the deadline date and time. If you are granted a waiver of the electronic submission requirements, and are submitting a paper application, your completed application (one original and two copies) must be received by HUD no later than 11:59:59 PM on the application deadline date. HUD will not accept any applications sent by e-mail or on a diskette, CD, or by facsimile unless HUD specifically requests an applicant to do so. Please carefully follow the instructions in Section IV F.

of the General Section for detailed information regarding application submission, delivery, and timely receipt requirements.

D. Intergovernmental Review

Indian tribes are not subject to the Intergovernmental Review process.

E. Funding Restrictions

1. Ineligible Activities

In general, any activity that is not authorized under the provisions of 24 CFR 1003.201-1003.206 is ineligible to be assisted with ICDBG grant funds. The regulations at 24 CFR 1003.207 govern ineligible activities and should be referred to for details. The following guidance is provided for determining the eligibility of other activities frequently associated with ICDBG projects.

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

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

c. Maintenance and Operation Expenses. In general, any expenses associated with repairing, operating, or maintaining public facilities and services are not eligible for assistance. Specific exceptions to this general rule are operating and maintenance expenses associated with public service activities [24 CFR 1003.201(e)], office space for program staff employed in carrying out the ICDBG program [24 CFR 1003.206(a)(4)], and interim assistance [24 CFR 1003.201(f)]. For example, where a public service is being assisted with CDBG funds, the cost of operating and maintaining that portion of the facility in which the service is located is eligible as part of the public service. Examples of ineligible operating and maintenance expenses are routine and

non-routine maintenance and repair of streets, parks, playgrounds, water and sewer facilities, neighborhood facilities, senior centers, centers for persons with disabilities, parking facilities, and similar public facilities and, payment of salaries for staff, utility costs, and similar expenses necessary for the operation of public works and facilities.

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

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

f. Construction Tools and Equipment. The purchase of construction tools and equipment is generally ineligible. However, compensation for the use of such tools and equipment through leasing, depreciation, or use allowances pursuant to OMB Circulars A-87 and A-122, as applicable, for an otherwise eligible activity is eligible. Exceptions include construction tools *and* equipment purchased for use as part of a solid waste facility (24 CFR 1003.201(c)(1)(ii)) and construction tools only (not equipment) purchased for use in a housing rehabilitation project being administered by the recipient using the force account construction method (24 CFR 1003.202(b)(8)).

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

2. Grant Ceilings. The authority to establish grant ceilings is found at 24 CFR 1003.100(b)(1). Grant ceilings are

established for FY2006 funding at the following levels:

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

For the Southwest Area ONAP jurisdiction, the population used to determine ceiling amounts is the Native American population that resides on a reservation or rancheria.

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

F. Other Submission Requirements

1. Applications shall be submitted via www.Grants.gov/Apply by no later than the application deadline date and time stated in the NOFA.

2. Mailing and Receipt Procedures. Applicants granted a waiver of the

electronic submission requirement will receive specific mailing instructions with approval of the waiver. See 24 CFR Part 5.

3. Addresses for Submitting Applications. HUD will only accept mailed applications if a waiver of the electronic delivery process has been approved by HUD. Information regarding electronic submission and waivers from the electronic submission requirement is located in the General Section. If a waiver of the electronic submission requirement is granted, submit the original signed application and two copies to the appropriate Area ONAP for your jurisdiction. A list identifying each Area ONAP jurisdiction is provided at <http://www.hud.gov/offices/adm/grants/fundsavail.cfm> under the ICDBG program.

V. Application Review Information

A. Criteria

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

2. *Rating Factors to Evaluate and Rate Applications*: The factors for rating and ranking applications and the points for each factor are provided below. A maximum of 100 points may be awarded under Rating Factors 1 through 5. To be considered for funding, your application must receive a minimum of 20 points under rating factor 1 and an application score of at least 70 points. The following summarizes the points assigned to each rating factor and each rating subfactor and lists which rating subfactors apply to which project types. Please use this table to ensure you are addressing the appropriate rating subfactor for your project.

Rating factor	Rating sub-factor	Points	Project type
1	Total	40	Minimum of 20 Points Required.
	1.a.	10	All Project Types.
	1.b.	5 or 7*	All Project Types.
	1.c.	3 or 8*	All Project Types.
	1.d.	2 or 5*	All Project Types.
	2.a.	4 or 0*	All Project Types.
	2.b.	4 or 0*	All Project Types.
	2.c.	4 or 0*	All Project Types.
	2.d.	4 or 0*	All Project Types.
	2.e.	4 or 0*	All Project Types.
2	Total	16..	
	1	4	All Project Types.
	2.a.	12	Public Facilities and Improvements and Economic Development Projects.
	2.b.	12	New Housing Construction, Housing Rehabilitation, Land Acquisition to Support New Housing, and Homeownership Assistance Projects.
3	2.c.	12	Microenterprise Programs.
	Total	30..	
	1	10	All Project Types.
	2	5	All Project Types.
	3	1	All Project Types.
	4	2	All Project Types.
	4.a.	12	Public Facilities and Improvements.
	4.b.	12	New Housing Construction, Housing Rehabilitation, and Homeownership Assistance Projects.
4.c.	12	Economic Development Projects.	

Rating factor	Rating sub-factor	Points	Project type
4	4.d.	12	Microenterprise Programs.
	4.e.	12	Land Acquisition to Support New Housing.
5	Total	8	All Project Types.
	Total	6	All Project Types.
	1	2	All Project Types.
	2	4	All Project Types.
Total	100	Minimum of 70 Points Required.

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

Rating Factor 1: Capacity of the Applicant (40 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in accordance with your implementation schedule. If applicable, past performance in administering previous ICDBG grants will be taken into consideration. You must address the existence or availability of these resources for the *specific type of activity* for which you are applying. You must receive a minimum of 20 points under this factor for your proposed activity to be eligible for funding. HUD will not rate any projects further that do not receive a minimum of 20 points under this factor. The implementation schedule and/or the Logic Model, Form HUD 96010, you submit for this factor will be measured against actual progress if you are funded.

1. (20 points for current ICDBG grantees) (30 points for new applicants) *Managerial, Technical, and Administrative Capability*

Your application must include a description demonstrating that you possess or can obtain managerial, technical, and/or administrative capability necessary to carry out the proposed project. Your application must address who will administer the project and how you plan to handle the technical aspects of executing the project in accordance with your implementation schedule. Typical documents that may be submitted include, but are not limited to, written summaries of qualifications and past experience of proposed staff, descriptions of staff responsibilities, and references or letters of endorsement from others who have worked with the proposed staff. Do not submit job descriptions or resumes.

a. (10 points) *Managerial and Technical Staff.*

The extent to which your application describes the roles/responsibilities and the knowledge/experience of your overall proposed project director and

staff, including the day-to-day program manager, consultants, and contractors in planning, managing, and implementing projects in accordance with the implementation schedule for which funding is being requested. Experience will be judged in terms of recent, relevant, and successful experience of your staff to undertake eligible program activities. In rating this factor, HUD will consider experience within the last 5 years to be recent; experience pertaining to the specific activities being proposed to be relevant; and experience producing specific accomplishments to be successful. The more recent the experience and the more experience your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor.

(10 Points). The applicant adequately describes the roles/responsibilities and the knowledge/experience of its overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning, managing, and implementing projects for which funding is being requested. Staff experience as described in the application is recent (within 5 years), relevant (pertains to the specific activities being proposed) and successful (has produced specific accomplishments).

(5 Points). The applicant adequately describes the roles/responsibilities and the knowledge/experience of its overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning, managing and implementing projects for which funding is being requested. However, one of the following applies: staff experience as described in the application is not recent (not within 5 years), is not relevant (does not pertain to the specific activities being proposed), or is not successful (did not produce specific accomplishments).

(0 Points). The applicant failed to adequately describe the roles/responsibilities and the knowledge/experience of its overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning, managing, and implementing projects for which funding is being requested or more than one of the following applies: staff experience as described in the application is not recent (not within 5 years), is not relevant (does not pertain to the specific activity being proposed), or is not successful (did not produce specific accomplishments).

b. (5 points for current ICDBG grantees) (7 points for new applicants) *Project Implementation Plan and Program Evaluation.*

The extent to which your project implementation plan identifies the specific tasks and timelines that you and your partner contractors and/or sub grantees will undertake to complete your proposed project on time and within budget. The Project Implementation Schedule, Form HUD-4125, may serve as this required schedule, provided that it is sufficiently detailed to demonstrate that you have clearly thought out your project implementation. The extent to which your project identifies, measures, and evaluates the specific benchmarks, outputs, outcomes, and/or goals of your project that enhance community viability. The Logic Model, Form HUD-96010, may serve as the format to address this information or you may provide a different format that provides the same information.

(5 points for current ICDBG grantees) (7 points for new applicants). The applicant submitted a project implementation plan that clearly specifies project tasks and timelines. The documentation identifies the steps in place to make adjustments to the work plan if tasks are not completed within established time frames. The applicant submitted clear project benchmarks, outputs, outcomes, and/or targets and identified objectively

quantifiable program measures and/or evaluation process.

(3 points for current ICDBG grantees) (4 points for new applicants). The applicant submitted a project implementation plan that specifies project tasks and timelines. The applicant submitted project benchmarks, outputs, outcomes, and/or targets for each; however, did not clearly identify objectively quantifiable program measures and/or the evaluation process.

(0 points for current ICDBG grantees or new applicants). The applicant submitted a project implementation schedule that does not address all project tasks and timelines associated with the project. Project benchmarks, outputs, outcomes, and/or goals were not submitted, or if submitted, did not address either the quantifiable program measures and/or the evaluation process.

c. (3 points for current ICDBG grantees) (8 points for new applicants) Financial Management.

This subfactor evaluates the extent to which your application describes how your financial management systems will facilitate effective fiscal control over your proposed project and meet the requirements of 24 CFR part 85 and 24 CFR part 1003. You must also describe how you will apply your financial management systems to the specific project for which you are applying. The application will also be rated on the seriousness/significance of the findings related to your financial management system identified in your current audit. If you are required to have an audit but do not have a current audit, you must submit a letter from your Independent Public Accountant that is dated within the past 12 months stating that your financial management system complies with all applicable regulatory requirements. If you are not required to have an audit, you will automatically receive points for this portion of the subfactor if you provide the other information required by this subfactor. For purposes of this subfactor, a current audit is one which has been submitted to the Federal Audit Clearinghouse within 9 months of the end of the applicant's last fiscal year, or 30 days after receipt of the audit report from the auditor, whichever comes first. Do not submit financial management and/or internal control policies and procedures or your audit with the application.

(3 points for current ICDBG grantees) (8 points for new applicants). The applicant clearly described how it will apply its financial management systems to the proposed project. The applicant's current audit does not contain any serious or significant findings related to

its financial management system, or if there is no current audit, the applicant submitted a letter from its Independent Public Accountant stating that its financial management system complies with all applicable regulatory requirements.

(2 points for current ICDBG grantees) (4 points for new applicants). The applicant's current audit does not contain any serious or significant findings related to its financial management system, or if there is no current audit, the applicant submitted a letter from its Independent Public Accountant stating that its financial management system complies with all applicable regulatory requirements. The applicant did not describe how it would apply its financial management systems to the proposed project.

(1 point for current ICDBG grantees) (2 points for new applicants). The applicant's current audit does not contain any serious or significant findings related to its financial management system, or if there is no current audit, the applicant submitted a letter from its Independent Public Accountant stating that its financial management system complies with all applicable regulatory requirements. The applicant did not describe how it would apply its financial management systems to the proposed project.

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

d. (2 points for current ICDBG grantees) (5 points for new applicants) Procurement and Contract Management.

This subfactor evaluates the extent to which your application describes how your procurement and contract management policies and procedures will facilitate effective procurement and contract control over your proposed project and meet the requirements of 24 CFR part 85 and 24 CFR part 1003. You must also describe how you will apply your procurement and contract management systems to the specific project for which you are applying. The application will also be rated on the seriousness of the findings related to procurement and contract management identified in your current financial audit. If you are required to have an audit but do not have a current audit,

you must submit a letter from your Independent Public Accountant stating that your procurement and contract management system complies with all applicable regulatory requirements. If you are not required to have an audit, you will automatically receive points for this portion of the subfactor if you provide the other information required by this subfactor. Do not submit procurement and contract management policies and procedures or your audit with the application.

(2 points for current ICDBG grantees) (5 points for new applicants). The applicant clearly described how its procurement and contract management policies and procedures will facilitate effective procurement and contract control over the proposed project, and meet the requirements of 24 CFR part 85 and 24 CFR part 1003. The applicant's current audit does not contain any serious or significant findings related to its procurement and contract management system, or if there is no current audit, the applicant submitted a letter from its Independent Public Accountant stating that its procurement and contract management system complies with all applicable regulatory requirements.

(1 point for current ICDBG grantees) (4 points for new applicants). The applicant's current audit does not contain any serious or significant findings related to its procurement or contract management system, or if there is no current audit, the applicant submitted a letter from its Independent Public Accountant stating that its procurement and contract management system complies with all applicable regulatory requirements. The applicant did not describe how it would apply its procurement and contract management systems to the proposed project.

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

2. (20 Points for Current ICDBG Grantees) (0 Points for New Applicants) Past Performance

HUD will evaluate your experience in producing products and reports in accordance with regulatory timelines for any previous grant programs undertaken

with HUD funds for the following performance measures. HUD reserves the right to take into account your past performance in meeting performance and reporting goals on any previous HUD awards. Applicants are not required to respond to the subfactors related to past performance. HUD will rely on information on file.

a. (4 points for current ICDBG grantees) (0 points for new applicants). You are not more than 90 days behind schedule in meeting the time frames established in the HUD-approved Implementation Schedule for the ICDBG program.

(1) (4 points). The applicant is not more than 90 days behind schedule in meeting the timeframes established in the HUD-approved implementation schedule.

(2) (2 points). The applicant is not more than 120 days behind schedule in meeting the timeframes established in the HUD-approved implementation schedule.

(3) (0 points). The applicant is more than 120 days behind schedule in meeting timeframes established in the HUD-approved implementation schedule.

b. (4 points for current ICDBG grantees) (0 points for new applicants). Annual Status Reports (ASER) and Federal Cash Transaction Reports are submitted by the report submission deadlines. The ASER is due 45 days after the end of the Federal fiscal year on November 15. Federal Cash Transaction Reports are due quarterly on April 21, July 21, October 20, and January 22.

(1) (4 points). The applicant has submitted both the Annual Status and Evaluation Reports (ASER) and Federal Cash Transaction Reports for ICDBG programs by the report submission deadlines.

(2) (2 points). The applicant has submitted either the Federal Cash Transaction Reports or the Annual Status and Evaluation Reports for ICDBG programs by the report submission deadline.

(3) (0 points). The applicant has submitted neither of the required reports by the report submission deadline.

c. (4 points for current ICDBG grantees) (0 points for new applicants). You have submitted close-out documents to HUD by the submission deadline. Close-out documents are required for the ICDBG program within 90 days of the date it is determined that the criteria for close-out at 24 CFR 1003.508 have been met.

(1) (4 points). The applicant submitted close-out documents to HUD

in accordance with the timeframe and criteria at § 1003.508.

(2) (0 points). The applicant has not submitted close-out documents to HUD as required by § 1003.508.

d. (4 points for current ICDBG grantees) (0 points for new applicants). You have submitted annual audits in accordance with OMB Circular A-133 and its compliance supplements. Do not submit your audit with the application.

(1) (4 points). The applicant has submitted annual audits in accordance with OMB Circular A-133 and its compliance supplements, or if the applicant has not been required to submit an audit, it will receive 4 points.

(2) (0 points). The applicant has not submitted annual audits in accordance with OMB Circular A-133 and its compliance supplements.

e. (4 points for current ICDBG grantees) (0 points for new applicants). You have resolved ICDBG monitoring findings and controlled audit findings by the established target date or there are no findings in current reports. Do not submit responses to open monitoring or audit findings with the application.

(1) (4 points). The applicant resolved open ICDBG monitoring findings and controlled audit findings by the established target date. If there were no open audit or ICDBG monitoring findings (current grantees only), the applicant will receive 2 points.

(2) (0 points). The applicant has not resolved open ICDBG monitoring findings and controlled audit findings by the established target date.

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

This factor addresses the extent to which there is a need for the proposed project to address a documented problem among the intended beneficiaries.

1. (Up to 4 points). Your application includes quantitative information demonstrating that the proposed project meets an essential community development need by providing outcomes that are critical to the viability of the community.

2. (12 points). Your project benefits the neediest segment of the population, in accordance with the Program's primary objective defined at 24 CFR 1003.2. The criteria for this sub-factor vary according to the type of project for which you are applying. Please note that you may submit data that are unpublished and not generally available in order to meet the requirements of this section. However, to do so, you must submit a demographic data statement along with supporting documentation as

described in Section IV.B. of this NOFA. For documenting persons employed by the project, you do not need to submit a demographic data statement and corresponding documentation.

However, you do need to submit information that describes the nature of the jobs created or retained. Such information includes but is not limited to descriptions of proposed job responsibilities, salaries and the number of full-time equivalent positions. If you believe jobs will be retained as a result of the ICDBG project, include information that shows clearly and objectively, that jobs will be lost without the ICDBG project. Jobs that are retained only for the period of the grant will not count under this rating factor.

a. *Public Facilities and Improvements and Economic Development Projects*. The proposed activities benefit the neediest segment of the population, as identified below. For economic development projects, you may consider beneficiaries of the project as persons served by the project and/or persons employed by the project, and jobs created or retained by the project.

(1) (12 points). 85 percent or more of the beneficiaries are low- or moderate-income.

(2) (8 points). At least 75 percent but less than 85 percent of the beneficiaries are low- or moderate-income.

(3) (4 points). At least 55 percent but less than 75 percent of the beneficiaries are low- or moderate-income.

(4) (0 points). Less than 55 percent of the beneficiaries are low- or moderate-income.

b. *New Housing Construction, Housing Rehabilitation, Land Acquisition to Support New Housing, and Homeownership Assistance Projects*. The need for the proposed project is determined by utilizing data from the tribe's 2005 IHBG formula information. The ratio is based on the dollars allocated to a tribe under the IHBG program for Need divided by the sum of the number of AIAN households in the following categories:

—Annual income less than 30 percent of median income;

—Annual income between 30 percent and 50 percent of median income;

—Annual income between 50 percent and 80 percent of median income;

—Overcrowded or without kitchen or plumbing;

—Housing cost burden greater than 50 percent of annual income;

—Housing shortage (Number of low-income AIAN households less total number of NAHASDA and Formula Current Assisted Stock).

This ratio is computed for each tribe and posted in the "Factor 2 Needs

Table" that is available at <http://www.hud.gov/offices/adm/grants/fundsavail.cfm> under the ICDBG program.

(1) (12 points). The dollar amount for the Indian tribe is \$354–\$675 or the tribe's total FY2005 IHBG amount was \$100,000 or less and the Needs Table indicates that the Indian tribe has no AIAN households experiencing income or housing problems.

(2) (8 points). The dollar amount for the Indian tribe is \$676–\$1,200.

(3) (4 points). The dollar amount for the Indian tribe is \$1,201–\$1,999.

(4) (0 points). The dollar amount for the Indian tribe is \$2,000 or higher, or the Needs Table indicates that the Indian tribe has no AIAN households experiencing income or housing problems.

c. *Microenterprise Programs.* A microenterprise is a business that has five or fewer employees, one or more of whom owns the enterprise. The owner(s) of the microenterprise must be low- or moderate-income and the majority of the jobs created or retained will be for low- or moderate-income persons. To evaluate need, the nature of the jobs created or retained will be evaluated. The owners of the microenterprises are low- and moderate-income *and*:

(1) (12 points). All employees are low- or moderate-income.

(2) (8 points). At least 75 percent but less than 100 percent of the employees are low- or moderate-income.

(3) (4 points). At least 50 percent but less than 75 percent of the employees are low- or moderate-income.

(4) (0 points). Less than 50 percent of the employees are low- and moderate-income.

Rating Factor 3: Soundness of Approach (30 Points)

This factor addresses the quality and anticipated effectiveness of your proposed project's outcomes in enhancing community viability and in meeting the needs you have identified in Rating Factor 2 and the commitment to sustain your proposed project. The populations that were described in demographics that documented need should be the same populations that will receive the primary benefit of the proposed project.

1. (10 points). *Description of and Rationale for Proposed Project.*

a. (10 points). The proposed project is a viable and cost effective approach to address the needs outlined under Rating Factor 2 of your application. The proposed project is described in detail and indicates why you believe the proposed project will be most effective

in addressing the identified need. In order for an application to receive full credit under this factor, the application must include clear and sound measures of the proposed outputs and outcomes for how the community's viability will be enhanced, as presented in Rating Factor 5. The application includes a description of the size, type and location of the project and a rationale for project design. If your application is for construction or rehabilitation projects, the application must also include anticipated cost savings due to innovative program design or construction methods. For land acquisition to support new housing projects, you must establish that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from the project.

b. (5 points). The proposed project is a viable and cost effective approach to address the needs outlined under Rating Factor 2 of the application. The project is described in detail and indicates why you believe the project will be most effective in addressing the identified need. Proposed outcomes that will enhance the community's viability are included. The application includes a description of the size, type and location of the project as well as a rationale for project design. For land acquisition to support new housing projects, the applicant has established that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from this project. The application (for construction or rehabilitation projects) does not include anticipated cost savings due to innovative program design and/or construction methods.

c. (3 points). The proposed project is a viable and cost effective approach to address the needs outlined under Rating Factor 2 of the application. The project is described and indicates why you believe the project will be most effective in addressing the identified need. Proposed outcomes are included but do not describe how the project will enhance community viability. The application includes a description of the size, type, and location of the project. For land acquisition to support new housing projects, the applicant has established that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from the project. The application (for construction or rehabilitation activities) does not include anticipated cost savings due to

innovative program design and/or construction methods.

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

2. (5 points). *Budget and Cost Estimates.*

The quality, thoroughness, and reasonableness of the proposed project budget are documented. Cost estimates must be broken down by line item for each proposed activity, including planning and administration costs, and documented. You must provide a description of the qualifications of the person who prepared the cost estimate.

3. (1 point). *HUD Policy Priorities.*

Your application addresses the goals for "Improving Our Nation's Communities", or "Energy Star", two of HUD's 2006 Policy Priorities, as described in Section V. B. of the General Section. You must describe which one of these two Policy Priorities you select and describe how your activity will meet the applicable goals.

4. (2 points). *Intent to Meet Section 3 Requirements.*

Your application demonstrates how you will apply the Section 3 requirements of the Housing and Urban Development Act of 1968 and the regulations in 24 CFR part 135 (Economic Opportunities for Low and Very Low Income Persons) to the proposed project. You must demonstrate how you will incorporate Section 3 principles, with goals for expanding opportunities for Section 3 residents and business concerns, to your proposed project. The purpose of Section 3 is to ensure that employment and other economic opportunities generated by federal financial assistance for housing and community development programs, shall, to the extent feasible, be directed toward low and very-low income persons (but not in derogation of compliance with Section

7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 4503(b)).

5. (12 points). *Commitment to Sustain Activities.*

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

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

a. *Public Facilities and Improvement Projects.*

(1) (12 points). If a tribe assumes operation and maintenance responsibilities for the public facilities and improvements, provide a written statement that the tribe has adopted the operation and maintenance plan and commits the necessary funds to provide for these responsibilities. In addition, describe how the operation and maintenance plan addresses maintenance, repairs, insurance, security, and replacement reserves and include a cost breakdown for annual expenses. If an entity other than the tribe commits to pay for operation and maintenance for the public facilities, a letter of commitment from the entity is included in the application that identifies the maintenance responsibilities and, if applicable, responsibilities for operations the entity will assume as well as necessary funds to provide for these responsibilities. A description of how the operation and maintenance plan addresses maintenance, repairs, insurance, security, and replacement reserves is not required when an entity other than the tribe assumes operation and maintenance responsibilities. For public facility buildings only, a commitment is included in the application that identifies the source of and commits the necessary operating funds for any recreation, social or other services to be provided. In addition, letters of commitment from service providers are included which address both operating expenses and space needs.

(2) (8 points). If a tribe assumes operation and maintenance responsibilities for the public facilities and improvements, provide a written statement that the tribe has adopted the operation and maintenance plan and commits the necessary funds to provide for these responsibilities. In addition, a description was included that shows that the operation and maintenance plan addresses at least 4 of the following items (maintenance, repairs, insurance, security, and replacement reserves) but a satisfactory cost breakdown for annual

expenses was not included. If an entity other than the tribe commits to pay for operation and maintenance for the public facilities and maintenance, a letter of commitment from the entity is included in the application that identifies the maintenance responsibilities and, if applicable, responsibilities for operations the entity will assume but no information committing the necessary funds to provide for these responsibilities is included. A description of how the operation and maintenance plan addresses maintenance, repairs, insurance, security, and replacement reserves is not required when an entity other than the tribe assumes operation and maintenance responsibilities. For community buildings only, a commitment is included in the application that identifies the source of and commits the necessary operating funds for any recreation, social or other services to be provided. In addition, letters of commitment from service providers are included which address both operating expenses and space needs. Information provided is sufficient to determine that the project will proceed effectively.

(3) (4 points). If a tribe assumes operation and maintenance responsibilities for the public facilities and improvements, the application includes a written statement that the tribe has adopted the operation and maintenance plan and commits the necessary funds to provide for these responsibilities, or a description of the operation and maintenance plan is included that shows that the plan addresses at least 3 of the following items (maintenance, repairs, insurance, security, and replacement reserves). If an entity other than the tribe commits to pay for operation and maintenance for the public facilities and maintenance, the maintenance provider is identified and, if applicable, responsibilities for operations the entity will assume, but no letter of commitment is included. For public facility buildings only, no commitment is included in the application that identifies the source of and commits the necessary operating funds for any recreation, social or other services to be provided. However, letters of commitment to provide services are included but they do not address operating expenses and space needs. Information provided is sufficient to determine that the project will proceed effectively.

(4) (0 points). None of the above criteria is met.

b. *New Housing Construction, Housing Rehabilitation, and Homeownership Assistance Projects.*

(1) (12 points). The ongoing maintenance responsibilities are clearly identified for the tribe and/or the participants, as applicable. If the tribe or another entity is assuming maintenance responsibilities, then the applicant must describe the maintenance responsibilities and provide a commitment to that effect.

(2) (8 points). Maintenance responsibilities for the tribe and/or participants are identified and described, but lacking in detail, and the commitment regarding maintenance responsibilities is submitted.

(3) (4 points). Tribal maintenance responsibilities are identified but participant responsibilities are either not addressed or do not exist, or there is no commitment regarding maintenance responsibilities.

(4) (0 points). None of the above criteria is met.

c. *Economic Development Projects.*

You must include information or documentation which addresses or provides all of the following in the application: a description of the organizational system and capacity of the entity that will operate the business; documents which show that formal provisions exist for separation of government functions from business operating decisions, an operating plan for the project, and the feasibility and market analysis of the proposed business activity and the financial viability of the project.

(1) Appropriate documents to include in the application to address these items include:

(a) Articles of incorporation, by-laws, resumes of key management positions and board members for the entity who will operate the business.

(b) Business operating plan.

(c) Market study no more than two years old and which has been conducted by an independent entity.

(d) Feasibility study no more than two years old which indicates how the proposed business will capture a fair share of the market, and which has been conducted by an independent entity.

(e) Detailed cost summary for the development of the project.

(f) For the expansion of an existing business, copies of financial statements for the most recent three years (or the life of the business, if less than three years).

(2) The submitted documentation will be evaluated to determine the project's financial chance for success. The following questions must be addressed to meet this requirement:

(a) Does the business plan seem thorough and does the organization structure have quality control and responsibilities built in?

(b) Does the business plan or market analysis indicate that a substantial market share is likely within five years?

(c) Do the costs appear to be reasonable given projected income and information about inputs?

(d) Does the business plan or cash flow analysis indicate that cash flow will be positive within the first year?

(e) Is the financial statement clean with no indications of concern by the auditor?

(12 points). All above documents applicable to the proposed project are included in your application and provide evidence that the project's chance for financial success is excellent.

(6 points). All or most of the above documents applicable to the proposed project are included and provide evidence that the project's chance for financial success is reasonable.

(0 points). Neither of the above criteria is met.

d. Microenterprise Programs.

(1) You must include the following information or documentation in the application that addresses or provides a description of how your microenterprise program will operate. Appropriate information to include in the application to address program operations includes:

(a) Program description. A description of your microenterprise program including the types of assistance offered to microenterprise applicants and the types of entities eligible to apply for such assistance.

(b) Processes for selecting applicants. A description of your processes for analyzing microenterprise applicants' business plans, market studies and financial feasibility. For credit programs, you must describe your process for determining the loan terms (i.e., interest rate, maximum loan amount, duration, loan servicing provisions) to be offered to individual microenterprise applicants.

(2) (12 points). All of the above information or documentation applicable to the proposed project are thoroughly addressed in the application and the chances for success are excellent.

(3) (6 points). All or most of the above information or documentation applicable to the proposed project are addressed in the application and the chances for success are reasonable.

(4) (0 points). Neither of the above criteria is met.

e. Land Acquisition Projects to Support New Housing.

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

(1) (12 points). The submissions include all of the above-mentioned items and all necessary infrastructure is in place.

(2) (6 points). The submissions demonstrate that the proposed site(s) is/are suitable for housing but that not all necessary infrastructure is in place. A detailed description of resources to be used and a detailed implementation schedule for development of all necessary infrastructure demonstrates that such infrastructure, as needed for proposed housing development, will be developed in time for such development, but no later than two years after site purchase.

(3) (0 points). Neither of the above criteria is met.

Rating Factor 4: Leveraging Resources (8 Points)

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

Non-ICDBG resources to project costs	Points
Less than 4 percent	0
At least 4 percent but less than 11 percent	2
At least 11 percent but less than 18 percent	4
At least 18 percent but less than 25 percent	6
25 percent or more	8

Contributions which could be considered as leveraged resources for point award include, but are not limited to: Tribal trust funds; loans from individuals or organizations; private foundations; businesses; state or federal loans or guarantees; other grants including IHBG (also known as NAHBG) funds; donated goods and services needed for the project; land needed for the project; and, direct administrative costs. With the exception of land acquisition, funds that have been

expended on the project prior to application submission will not be counted as leverage. Applicants are reminded that environmental review requirements under 24 CFR part 58 apply to the commitment or use of both ICDBG and non-ICDBG funds in a leveraged project. See Section VI.B. of this NOFA for information related to this requirement.

Contributions that will not be considered include, but are not limited to: Indirect administrative costs as identified in OMB Circular A-87, attachment A, section F; contributions of resources to pay for anticipated operations and maintenance costs of the proposed project; and, in the cases of expansions to existing facilities, the value of the existing facility.

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

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

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

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

HUD recognizes that in some cases, firm commitments of non-tribal resources may not be obtainable by your tribe by the application submission deadline. For such projected resources, your application must include a statement from the contributing entity that describes why the firm commitment cannot be made at the current time and affirms that your tribe and the proposed project meets eligibility criteria for receiving the resource. In addition, a date by which the funding decisions will be made must be included. This date cannot be more than six months from the anticipated date of grant approval by HUD. Should HUD not receive notification of the firm commitment within 6 months of the date of grant approval, HUD will recapture the grant funds approved and will use them in accordance with the requirements of 24 CFR 1003.102.

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

Rating Factor 5: Comprehensiveness and Coordination (6 Points)

This factor addresses the extent to which your project planning and proposed implementation reflect a coordinated, community-based process of identifying and addressing needs including assisting beneficiaries and the program to achieve self-sufficiency/sustainability. The Logic Model, HUD Form 96010, is not required for Rating Factor 5 under the ICDBG program. However, applicants are encouraged to use this form to address program evaluation requirements under Rating Factor 1.(1).(b) of this NOFA, and

measurable outputs and outcomes in Section (2) of this factor.

1. (Up to 2 points). The application addresses the extent to which you have coordinated your proposed ICDBG activities with other organizations and/or tribal departments that are not providing direct financial support to your proposed work activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner. For example, your project is consistent with and, to the extent possible, identified in the IHP (One-Year Financial Resources Narrative; Table 2, Financial Resources, Part I., Line 1E; and, Table 2, Financial Resources, Part II) submitted by you or on your behalf for the IHBG (also known as NAHBG) program. If the IHP for the IHBG (also known as NAHBG) program year that coincides with the implementation of the ICDBG proposed project has not been submitted, you must provide a written statement that when submitted, the IHP will specifically reference the proposed project.

2. (Up to 4 points). Your proposed project will have measurable outputs and outcomes that will enhance community viability.

Outputs must include, where applicable:

- Number of houses rehabilitated;
- Number of jobs created;
- Square feet for any public facility;
- Number of education or job training opportunities provided;
- Number of homeownership units constructed or financed;
- Number of businesses assisted (including number of minority/Native American);
- Number of families proposed to be assisted with a drug-elimination program, or with a program to reduce or eliminate health related hazards.

Outcomes must include, where appropriate:

- Reduction in the number of families living in substandard housing;
- Increased income resulting from employment generated by project;
- Increased quality of life due to services provided by the public facility;
- Increased economic self-sufficiency of recipients of program beneficiaries;
- Increase in homeownership rates;
- Reduction of drug-related crime or health related hazards.

This year HUD is providing a Master Logic Model which is a Microsoft Excel™ file which features dropdown listings from which applicants may elect the items in each column that reflect their activity outputs and outcomes and copy. The Master Logic Model listing

also identifies the unit of measure that HUD is interested in collecting for the output and outcome selected. In making the selections, applicants are to identify the appropriate estimated number of units of measure to be accomplished and identified for each output and outcome. The space next to the output and outcome is intended to capture the anticipated units of measure. Multiple outputs and outcomes may be selected per project. For FY2006, HUD is considering a new concept for the Logic Model. The new concept is a Return on Investment statement. HUD will be publishing a separate notice on the ROI concept. The Master Logic Model pick is incorporated into the form available as part of the ICDBG Instructions download from Grants.gov. Training on use of the dropdown form will be provided via Webcast. The schedule for Webcast training can be found at <http://www.hud.gov/offices/adm/grants/fundsavail.cfm>.

B. Reviews and Selection Process

1. Application Selection Process

You must meet all of the applicable threshold requirements listed in Section III.C. Your application must meet all screening for acceptance requirements and all identified applicant and project specific thresholds. HUD will review each application and assign points in accordance with the selection factors described in this section.

2. Threshold Compliance

The Area ONAP will review each application that passes the screening process to ensure that each applicant and each proposed project meets the applicant threshold requirements set forth in 24 CFR 1003.301(a) and the project specific threshold requirements set forth in 24 CFR 1003.302 and III.C. of this NOFA.

3. Past Performance

An applicant's past performance is evaluated under Rating Factor 1. Applicants are encouraged to address all performance-related criteria prior to submission of an application. An applicant must score a minimum of 20 points under Rating Factor 1 in order to meet the minimum point requirements outlined below in this NOFA.

4. Rating

The Area ONAP will review and rate each project that meets the acceptance criteria and threshold requirements. After the applications are rated, a summary review of all applications will be conducted to ensure consistency in the application rating. The summary review will be performed by either the

Grants Management Director (or designee) or by a panel composed of up to three staff members.

The total points for all rating factors are 100. A maximum of 100 points may be awarded under Rating Factors 1 through 5.

5. Minimum Points

To be considered for funding, your application must receive a minimum of 20 points under Rating Factor 1 and an application score of 70 points.

6. Ranking

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

7. Tiebreakers

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

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

(b) The applicant with the fewest active ICDBGs.

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

8. Technical Deficiencies and Pre-Award Requirements

a. **Technical Deficiencies:** If there are technical deficiencies in successful applications, you must satisfactorily address these deficiencies before HUD can make a grant award. See the General Section at V.B.4. for information on curing deficiencies.

b. **Pre-award Requirements.** Successful applicants may be required to provide supporting documentation concerning the management, maintenance, operation, or financing of proposed projects before a grant agreement can be executed. Such documentation may include additional specifications on the scope, magnitude, timing or method of implementing the project; or information to verify the commitment of other resources required to complete, operate, or maintain the proposed project. Applicants will be provided thirty (30) calendar days to respond to these requirements. No extensions will be provided. If you do not respond within the prescribed time period or you make an insufficient response, the Area ONAP will determine that you have not met the requirements and will withdraw the grant offer. You may not substitute new projects for those originally proposed in your application and any new information will not affect your project's rating and ranking. The Area ONAP will award, in accordance with the provisions of this NOFA, grant amounts that had been allocated for applicants unable to meet pre-award requirements.

9. Error and Appeals

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

10. Performance and Compliance Actions of Funding Recipients

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

VI. Award Administration Information

A. Award Notices

Awards are expected to be announced by October 31, 2006. As soon as rating and ranking are completed, the

applicant has complied with any pre-award requirements, and Congressional Release has been obtained, a grant award letter, a grant agreement, and other forms and certifications will be mailed to the recipient for signature and return to the Area ONAP. The grant agreement, which is signed by HUD and the recipient, establishes the conditions by which both the Area ONAP and the recipient must abide during the life of the grant. All grants are conditioned upon the completion of all environmental obligations and approval of release of funds by the Area ONAP in accordance with the requirements of 24 CFR part 58. HUD may impose other grant conditions if additional actions or approvals are required before the use of funds.

B. Administrative and National Policy Requirements

1. Statutory and Regulatory Requirements

a. **Environmental Requirements.** As required by 24 CFR 1003.605, ICDBG grantees must perform environmental reviews of ICDBG activities in accordance with 24 CFR part 58 (as amended 9/29/03). Grantees and other participants in the development process may not commit or expend any ICDBG or nonfederal funds on project activities (other than those listed in 24 CFR 58.22(f), 58.34 or 58.35(b)) until HUD has approved a Request for Release of Funds and environmental certification submitted by the grantee. The expenditure or commitment of ICDBG or nonfederal funds for such activities prior to HUD approval may result in the denial of assistance for the project or activities under consideration.

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

c. **Anti-discrimination Provisions.** Under the authority of Section 107(e)(2) of the CDBG statute, HUD waived the requirement that recipients comply with the anti-discrimination provisions in Section 109 of the CDBG statute with respect to race, color, and national origin. You must comply with the other prohibitions against discrimination in Section 109 (HUD's regulations for Section 109 are in 24 CFR part 6) and with the Indian Civil Rights Act.

d. **Conflict of Interest.** In addition to the conflict of interest requirements with respect to procurement transactions found in 24 CFR 85.36 and

84.42, as applicable, the provisions of 24 CFR 1003.606 apply to such activities as the provision of assistance by the recipient or sub-recipients to businesses, individuals, and other private entities under eligible activities that authorize such assistance.

e. Economic Opportunities for Low- and Very Low-Income Persons (Section 3). Section 3 requirements apply to the ICDBG program, but as stated in 24 CFR 135.3(c), the procedures and requirements of 24 CFR part 135 apply to the maximum extent consistent with, but not in derogation of, compliance with Indian Preference.

2. OMB Circulars and Government-Wide Regulations Applicable to Financial Assistance Programs

The policies, guidance and requirements of OMB Circular A-87, Cost Principles Applicable to Grants, Contracts and other Agreements with State and Local Governments; and OMB Circular A-122, Cost Principles for Nonprofit Organizations; and OMB Circular A-133, Audits of State and Local Governments, and Nonprofit Organizations; and the regulations at 24 CFR part 85, Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments apply to the award, acceptance, and use of assistance under the ICDBG program and to the remedies for noncompliance, except when inconsistent with the provisions of the Consolidated Appropriations Act, 2006 (Pub L. 109-115; approved November 30, 2005) or the ICDBG program regulations at 24 CFR part 1003. Copies of the OMB Circulars may be obtained from EOP publications. Room 22000, New Executive Office Building, Washington, DC 20503, telephone (202) 395-3080 (this is not a toll-free number) or (800) 877-8339 (TTY Federal Information Relay Service). Information may also be obtained from the OMB Web site at <http://www.whitehouse.gov/omb/circulars/index.html>.

C. Reporting

1. Post Award Reporting Requirements

a. Quarterly Financial Reports. Grant recipients must submit quarterly to the Area ONAP a SF-272, Federal Cash Transaction Report. The report accounts for funds received and disbursed by the recipient.

b. Annual Status and Evaluation Report. Recipients are required to submit this report in narrative form

annually. The report is due 45 days after the end of the Federal fiscal year and at the time of grant close-out. The report must include:

(1) The narrative report must address the progress made in completing approved activities and include a list of work remaining, along with a revised implementation schedule if necessary. This should include progress on any outputs or outcomes specified in Rating Factor 5 and incorporated into the final award document (applicants can use the logic model to address all or some of the narrative requirements). Further information regarding the Return on Investment(s) will be issued in a subsequent notice by HUD (see section V.A.2., Rating Factor 5 of this NOFA for further information);

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

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

c. Minority Business Enterprise Report. Recipients must submit this report on contract and subcontract activity during the first half of the fiscal year by April 10 and, by October 10 for the second half of the fiscal year.

d. A close-out report must be submitted by the recipient within 90 days of completion of grant activities. The report consists of the final Financial Status Report (forms SF 269 or 269A), the final Status and Evaluation Report including outposts and outcomes agreed upon in the final award document relating to Rating Factor 5 and the Close-Out Agreement. Further information regarding the Return on Investment(s) will be issued in a subsequent notice by HUD (see section V.A.2., Rating Factor 5 of this NOFA for further information).

More information regarding these requirements may be found at 24 CFR 1003.506 and 1003.508.

VII. Agency Contact(s)

A. General Questions

You should direct general program questions to the Area ONAP serving your area or to Barbara Gallegos, at 602-379-7215. Persons with speech or hearing impairments may call HUD's TTY number (202) 708-0770, or 1-800-877-8339 (the Federal Information Relay Service TTY). Other than the "800" numbers, these numbers are not

toll-free. You should direct questions concerning downloading the electronic application, registering with Grants.gov, or other questions regarding the electronic application to the Grants.gov support desk at 800-518-GRANTS. You may also send an email to Support@Grants.gov.

B. Technical Assistance

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

VIII. Other Information

A. NOFA Training

Training for potential applicants on the requirements of the General Section, this NOFA, the Logic Model, and Grants.gov registration, will be provided by HUD via broadcast and webcast. Information on the training can be found in the General Section. The training schedule can be found on HUD's Web site at <http://www.hud.gov/offices/adm/grants/fundsavail.cfm>.

B. Paperwork Reduction Act Statement

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

BILLING CODE 4210-01-P