



Issue Date: July 21, 2023

**MERCED CITY AND COUNTY CONTINUUM OF CARE (CoC)  
REQUEST FOR PROPOSAL  
NUMBER 2023-003**

**TITLE: Notice of Funding Opportunity (NOFO) for Fiscal Year (FY) 2023  
Continuum of Care Competition and Renewal or Replacement of Youth Homeless  
Demonstration Program Grants**

Please carefully read and follow the instructions. Please direct all questions to:

Collaborative Applicant/Administrative Entity  
2115 West Wardrobe Avenue  
Merced, California 95341  
Attn. See Her  
Phone: 209-385-3000 ext. 5510  
Fax: 209-724-4088  
E-mail: [Collabapp@countyofmerced.com](mailto:Collabapp@countyofmerced.com)

**PLEASE SUBMIT RESPONSE BY: 4:00 P.M., on August 18, 2023**

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## **DEFINITIONS**

**Annual Renewal Demand (ARD)** - The total amount of all the CoC's projects that will be eligible for renewal in the FY 2023 CoC Program Competition, before any required adjustments to funding for leasing, rental assistance, and operating Budget Line Items (BLIs) based on FMR changes. (24 CFR 578.17 (b)(2))

**Bidder** – An eligible applicant submitting a bid response for the purpose of obtaining a CoC recommendation for funding.

**Continuum of Care (CoC)**- The Merced City and County Continuum of Care CA-520

**Collaborative Applicant/Administrative Entity** – The eligible applicant designated by the Continuum of Care (CoC) to collect and submit the CoC Registration, CoC Consolidated Application (which includes the CoC Application and CoC Priority Listing) and apply for CoC planning funds on behalf of the CoC during the CoC Program Competition.

**Coordinated Entry System (CES)**- A centralized or coordinated process developed pursuant to Section 578.7 of Title 24 of the Code of Federal Regulations, as the Section read on January 10, 2019, designed to coordinate homelessness program participant intake, assessment, and provision of referrals.

**DedicatedPLUS** - A PSH project where 100 percent of the beds are dedicated to serve individuals, households with children, and unaccompanied youth who met one of the following categories:

1. Experiencing chronic homelessness, meaning they qualify as “chronically homeless” as defined in 24 CFR 578.3;
2. Residing in a TH project that will be eliminated and meets the definition of chronically homeless in effect at the time in which the individual or family entered the TH project;
3. Residing in a place not meant for human habitation, emergency shelter, or Safe Haven and had been admitted and enrolled in a PH project within the last year but were unable to maintain a housing placement and met the definition of chronically homeless as defined by 24 CFR 578.3 prior to entering the project;
4. Residing in transitional housing funded by a Joint TH/PH-RRH component project and who were experiencing chronic homelessness as defined by 24 CFR 578.3;
5. Residing and has resided in a place not meant for human habitation, Safe Haven, or emergency shelter for at least 12 months in the last three years, but has not done so on four separate occasions and the individual or head of household meet the definition of 'homeless individual with a disability; or
6. Receiving assistance through a Department of Veterans Affairs (VA)-funded homeless assistance program and met one of the above criteria at initial intake to the VA's homeless assistance system.
7. A renewal project where 100 percent of the beds were dedicated to individuals

and families experiencing chronic homelessness, as described in section I.B.2.b.(2), under the grant that is being renewed may either be reallocated as a DedicatedPLUS project or may continue as a renewal dedicating 100 percent of its beds to individuals and families experiencing chronic homelessness. If the project is reallocated as a DedicatedPLUS project, the project must adhere to all fair housing requirements at 24 CFR 578.93.

**Evaluation Committee** - A committee established to review and evaluate responses to determine the selected recommendations. The committee includes representatives of the department seeking the goods or services.

**Final Pro Rata Need (FPRN)** - The higher of PPRN or ARD for the Continuum of Care is the FPRN, which is the base for the maximum award amount for projects within the CoC. 24 CFR 578.17(b)(3)

**Homeless Management Information System (HMIS)** – The information system designated by a continuum of care to comply with federal reporting requirements as defined in Section 578.3 of Title 24 of Code of Federal Regulations.

**Homelessness**- The meaning as defined in Section 578.3 of Title 24 of the Code of Federal Regulations, as that Section read on January 10, 2019.

**Housing First** – A homeless assistance approach that prioritizes providing permanent housing to people experiencing homelessness, thus ending their homelessness, and serving as a platform from which they can pursue personal goals and improve their quality of life per the meaning in Section 8255 of the Welfare and Institutions Code.

**Match Requirements**- Applicants must match all grant funds, except for leasing funds, with no less than 25 percent of funds or in-kind contributions from other sources per 24 CFR §578.73.

**Preliminary Pro Rata Need (PPRN)** - The amount of funds a CoC could receive, based on the geographic areas included by the CoC as part of their geography and reviewed by HUD during the CoC Program Registration process.

**System for Award Management (SAM)**- The Federal Repository into which an entity must provide information required for the conduct of business as a recipient. Registration with SAM is required for submission of applications via *e-snaps*. You can access the website at <https://www.sam.gov/SAM/>. There is no cost to use SAM.

**Threshold Requirements**- Eligibility requirement that must be met for an application to be reviewed.

**Unique Entity Identifier (UEI)**- The identifier assigned by SAM to uniquely identify business entities.

**VAWA-** Violence Against Women Act Reauthorization Act of 2022, provides housing protections for people applying for or living in units subsidized by the federal government and who have experienced domestic violence, dating violence, sexual assault, or stalking, to help keep them safe and reduce their likelihood of experiencing homelessness.

## **SECTION 1**

### **INTRODUCTION**

#### **1.1 INTENT OF THE REQUEST FOR PROPOSAL**

The Merced Continuum of Care (CoC) is accepting proposals for qualified agencies to apply for the Notice of Funding Opportunity (NOFO) for Fiscal Year (FY) 2023 Continuum of Care Competition and Renewal or Replacement of Youth Homeless Demonstration Program Grants issued by the United States (U.S.) Department of Housing and Urban Development (HUD). The CoC program (24 CFR 578) is designed to promote a community-wide commitment to the goal of ending homelessness; to provide funding for efforts by nonprofit providers, States, Indian Tribes or Tribally Designated Housing Entities, and local governments to quickly rehouse homeless individuals, families, persons fleeing domestic violence, dating violence, sexual assault, and stalking, and youth while minimizing the trauma and dislocation caused by homelessness; to promote access to and effective utilization of mainstream programs by homeless individuals and families, and to optimize self-sufficiency among those experiencing homelessness.

This Request for Proposal (RFP) supports HUD's Strategic Plan for FY 2022-2026 to accomplish HUD's mission and vision. Each of the five (5) goals in the Strategic Plan includes what HUD hopes to accomplish, the strategies to accomplish those objectives, and the indicators of success. HUD will pursue two overarching priorities focused on increasing equity and improving customer experience across all HUD programs. Five (5) strategic goals and several objectives undergird the Plan; however, the following goals are applicable to this NOFO:

Strategic Goal 1: Support Underserved Communities

Strategic Goal 2: Ensure Access to and Increase the Production of Affordable Housing

Strategic Goal 3: Promote Homeownership

Strategic Goal 4: Advance Sustainable Communities

#### **1.2 BACKGROUND INFORMATION**

The CoC program is authorized by Subtitle C of Title IV of the McKinney-Vento Homeless Assistance Act, (42 United States Code 11381–11389) (the Act), and the CoC Program rule found in 24 CFR Part 578 (the Rule). The funds used for this HUD opportunity are from recaptured unspent CoC program funds that are available for reuse.

Approximately \$3,134,000,000 is available in this FY 2023 NOFO, including approximately \$147,000,000, available for competitive renewal and replacement expiring grants, and at least \$52,000,000 available for Domestic Violence, Dating Violence, Sexual Assault, and Stalking Bonus (DV Bonus) projects.

### **CA-520 Merced CoC Amounts:**

Preliminary Pro Rata Need (PPRN): \$1,236,110

Estimated Annual Renewal Demand (ARD): \$767,298

– Of this ARD, \$130,391 is available for reallocation for new and expansion projects.

CoC Bonus: \$86,528

Domestic Violence (DV) Bonus: \$123,611

CoC Planning (Planning Grants are available only to the Collaborative Applicant and are not ranked): \$61,806

24 CFR 578.9 requires CoCs to design, operate, and follow a collaborative process for the development of an application in response to a NOFO issued by HUD. As part of this collaborative process, Merced CoC is required to hold a local competition to determine which projects will be included in the consolidated application, along with their relative priority. The results of the local competition, overseen and approved by the CoC Board, dictate which projects will move forward in the funding process.

Ending homelessness cannot be achieved by homeless service organizations alone. It requires coordination with a variety of other stakeholders, including affordable housing developers, mainstream service providers, the business community, victim service providers, political leaders, and healthcare providers. This NOFO supports and encourages CoCs to invite a variety of stakeholders to develop and implement a CoC Plan to Serve Individuals and Families Experiencing Homelessness with Severe Service Needs.

## **1.3 ELIGIBLE PROJECT APPLICANTS**

1. Nonprofit Organizations;
2. States;
3. Indian Tribes and Tribally Designated Housing Entities (TDHE)
4. Local Governments; and
5. Instrumentalities of State and Local Governments.
  - a. Faith-Based Organizations - Faith-based organizations may apply for this award on the same basis as any other organization, as set forth at 24 CFR 5.109, and subject to the protections and requirements of 42 U.S.C. 2000bb et seq. HUD will not, in the selection of recipients, discriminate against an organization on the basis of the organization's religious character, affiliation, or exercise.
  - b. A faith-based organization may not use direct financial assistance from HUD to support or engage in any explicitly religious activities except where consistent with the Establishment Clause and any other applicable requirements.
6. Public housing agencies, as such term is defined in 24 CFR 5.100, are eligible without limitation or exclusion.

All eligible applicants must demonstrate that the following requirements are met:

1. **System of Award Management (SAM) Registration Requirement.** Applicants must be registered with <https://www.sam.gov/SAM> before submitting their response. In addition, Applicants must maintain an active SAM registration with current information while they have an active Federal award or an application or plan under consideration by HUD. Evidence of the SAM registration should be provided with the response.
2. **UEI Number Requirement.** Applicants must provide a valid UEI number in the application which is registered and active within SAM.
3. **For-Profit Entities**  
For-profit entities are ineligible to apply for grants and are prohibited from being subrecipients of CoC Program grant funds.

#### **1.4 ELIGIBLE APPLICATION TYPES AND GRANT TERMS (RESPONSE MUST INDICATE WHICH APPLICATION TYPE YOU ARE SUBMITTING)**

##### **1.4.1 RENEWAL PROJECTS**

Current awards made under the CoC Program are eligible for renewal with FY 2023 funds if they are currently in operation and have an executed grant agreement that is dated no later than December 31, 2024 and expire in calendar year 2024 (the period from January 1, 2024 through December 31, 2024). Projects renewed under the FY 2022 CoC Program are renewable as set forth in 24 CFR 578.33 to continue ongoing leasing, operating, supportive services, rental assistance, HMIS, and project administrative costs. Grant agreements for FY 2024 funds must be executed by December 31, 2023 to be eligible for renewal. If a project application is not executed by December 31, 2024, HUD will withdraw any funds conditionally awarded for FY 2023.

1. Permanent housing-permanent supportive housing (PH-PSH) renewal projects must serve one of the following:
  - a. Program participants who are eligible for assistance under the project's current grant agreement:
  - b. Persons eligible to be served by DedicatedPLUS projects where all units funded by this project must be used to serve program participants who meet the qualifications for DedicatedPLUS; Or
  - c. Persons experiencing chronic homelessness at the time they initially enrolled in the project.
2. Rapid Rehousing (PH-RRH), Joint Transitional Housing and Permanent Housing-Rapid Rehousing (TH/PH-RRH) component, transitional housing (TH), and Supportive Service Only (SSO) projects.



3. Renewal projects originally awarded under a previous year's DV Bonus must continue to serve survivors of domestic violence, dating violence, sexual assault, and stalking who qualify as homeless under paragraph (4) of 24 CFR 578.3.

The total request for each renewing project may not exceed a project's Annual Renewal Amount (ARA). Additionally, where two or more eligible projects are being consolidated through the project application, the total ARA of the consolidation project must be equal to or less than the sum of the original renewal projects. ARA can be located on the FY 2023 CA-520 GIW, sent out by the CA/AE on June 15, 2023.

Because funds for acquisition, new construction, and rehabilitation may not be renewed, grants being renewed whose original expiring award included those funds may only renew leasing, supportive services, rental assistance, operating, and HMIS costs and may not exceed ten (10) percent in administrative costs.

HUD will recapture grant funds remaining unspent at the end of the previous grant period when it renews a grant.

Project applicants can consolidate two (2) but no more than ten (10) eligible renewal projects during the application process. The projects being combined during a grant consolidation will continue uninterrupted. To be eligible for consolidation, the projects must have the same recipient and be for the same component; and will only be funded in this Competition with FY 2023 funds.

#### **1.4.2 RENEWAL GRANT TERMS**

All CoC Program renewal project applications are limited to a one (1) year grant term and one (1) year of funding. The grant term may be extended consistent with 2 CFR 200.308 and 2 CFR 200.309.

Any renewal permanent housing (PH) project that receives project-based rental assistance or operating costs may request up to a 15-year grant term; however, project applicants may only request one year of funding. The grant term may be extended consistent with 2 CFR 200.308 and 2 CFR 200.309. Project applicants must apply for the additional funds as a renewal project application prior to the anniversary of the first expenditure of grant funds by which date the grant funds should have been expended or, if the date upon which funds must be expended has been extended by HUD, the date upon which the extension ends.

CoC Program funds are not guaranteed past the one (1) year of renewal funding if conditionally awarded.

### **1.4.3 NEW PROJECTS**

CoCs may submit new projects created through reallocation, CoC Bonus, or a combination of reallocation and CoC Bonus, and new DV Bonus projects.

To expend funds within statutorily required deadlines, applicants funded for sponsor-based and project-based rental assistance must execute the grant agreement and begin providing rental assistance within two (2) years. However, HUD strongly encourages all rental assistance to begin within twelve (12) months of award. Applicants that are unable to begin rental assistance within the twelve (12) month period should consult with the local HUD CPD field office.

Any youth-serving provider funded under this RFP may serve unaccompanied youth aged twenty-four (24) and under (or families headed by youth aged twenty-four (24) and under) who have an unsafe primary nighttime residence and no safe alternative to that residence.

1. New PH-PSH projects must serve one of the following:
  - i. Persons eligible to be served by DedicatedPLUS projects in which all units funded by the project must be used to serve program participants who meet the qualifications for DedicatedPLUS; or
  - ii. Persons experiencing chronic homelessness at the time they initially enroll in the project.
2. New PH-RRH, Joint TH/PH-RRH, and supportive service only for centralized or coordinated assessment system (SSO-CE) projects may serve persons who qualify as homeless under paragraphs (1), (2), or (4) of 24 CFR 578.3. Additionally, these projects may serve persons who qualify as homeless under paragraph (3) of 24 CFR 578.3 if the CoC is approved to serve persons in paragraph (3).
3. New DV Bonus projects (RRH, Joint TH/PH-RRH, and SSO-CE) must serve survivors of domestic violence, dating violence, sexual assault, or stalking who qualify as homeless under paragraph (4) of 24 CFR 578.3.

### **1.4.4 NEW PROJECT GRANT TERMS**

The initial grant term for new project applications may be one (1) year, two (2) years, three (3) years, four (4) years, five (5) years, or fifteen (15) years. The grant term may be extended consistent with 2 CFR 200.308 and 2 CFR 200.309. However, the following exceptions apply:

HUD will allow new projects to request one (1) year of funding with a longer initial grant term not to exceed eighteen (18) months. HUD has determined that most new projects requesting one (1) year of funding normally take approximately three

(3) to six (6) months to begin fully operating the new project (e.g., hiring staff, developing partnerships with landowners if leasing or renting). Therefore, a new project requesting one (1) year of funding may request a grant term of twelve (12) months to eighteen (18) months that will allow for the additional start-up process. Any new projects requesting capital costs (i.e., new construction, acquisition, or rehabilitation) are not eligible for one (1) year funding requests.

Any new expansion project that is submitted to expand an eligible renewal CoC Program-funded project may only request a one (1) year grant term, regardless of the project type.

Any new project that requests tenant-based rental assistance may request a one (1) year, two (2) year, three (3) year, four (4) year, or five (5) year grant term.

Any new project that requests leasing costs-either leasing costs only or leasing costs plus other costs (e.g., supportive services, HMIS) may request up to a three (3) year grant term.

Any new project that requests project-based rental assistance or sponsor-based rental assistance, or operating costs may request up to a fifteen (15) year grant term; however, the project applicant may only request up to five (5) years of funds. Funding for the remainder of the term is subject to availability. Applicants must apply for additional funds through a renewal project application in the competition held in the calendar year prior to the anniversary of the first expenditure of grant funds, or if the grant term has been extended by HUD, the date upon which the extension ends. CoC Program funds are not guaranteed past the initial five (5) year grant term, if conditionally awarded.

Any new project that requests operating costs, supportive services only, HMIS, and project administrative costs may request (1) year, two (2) year, three (3) year, four (4) year, or five (5) year grant term with funding for the same number of years.

Any new project that requests new construction, acquisition, or rehabilitation must request a minimum of three (3) year grant term and may request up to a five (5) year grant term. Any new projects requesting capital costs (i.e., new construction, acquisition, or rehabilitation) are not eligible for one (1) year requests. If one (1) year of funding is requested for new projects with capital costs, HUD will increase the grant term to three (3) years and the new project will be required to spend the funds requested over a three (3) year period, assuming the project is conditionally selected for award.

If an applicant requests funds for new construction, acquisition, or rehabilitation in addition to requesting funds for operating, supportive services, or HMIS, the funding will be for the three (3) years to five (5) years requested, and the grant term will be three (3) years to five (5) years plus the time necessary to acquire the property, complete construction, and begin operating the project. HUD will require

recording of a HUD-approved use and repayment covenant before funds can be drawn down (the form can be obtained from the local HUD field office) for all grants of funds for new construction, acquisition, and rehabilitation. (24 CFR 578.81) HUD Field Counsel must approve the use and repayment covenants in advance of their being recorded, and proof of recording must be submitted to HUD Field Counsel before grant funds, other than acquisition funds, will be released.

#### **1.4.5 DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING BONUS (DV Bonus)**

The Consolidated Appropriations Act, 2023 provides at least \$52 million for “rapid re-housing projects and supportive service projects providing coordinated entry, and for eligible activities that the Secretary determines to be critical in order to assist survivors of domestic violence, dating violence, sexual assault, or stalking.”

To be considered for the DV Bonus, new projects must be:

1. PH-RRH projects dedicated to serving survivors of domestic violence, dating violence, sexual assault, or stalking that are defined as homeless (24 CFR 578.3);
2. Joint TH/PH-RRH component projects defined in Section III.B.2.r of this NOFO dedicated to serving survivors of domestic violence, dating violence, sexual assault, or stalking who are defined as homeless (24 CFR 578.3); or
3. SSO-CE project to implement policies, procedures, and practices that equip the CoC’s coordinated entry to better meet the needs of survivors of domestic violence, dating violence, sexual assault, or stalking.

#### **1.4.6 COC BONUS**

Applications may include new project applications of up to five (5) percent of its CoC Final Pro Rata Need (FPRN). New projects created through the CoC Bonus must meet the project eligibility and project quality threshold requirements established by HUD.

New Projects Created Through Reallocation or CoC Bonus processes:

1. PH-PSH projects
2. PH-RRH projects
3. Joint TH/PH-RRH component projects
4. Dedicated HMIS project for the costs at 24 CFR 578.37(a)(4) that can only be carried out by the HMIS Lead, which is the recipient or sub-recipient of an HMIS grant and is listed on the HMIS Lead form in the CoC Applicant Profile in e-

snaps. Additionally, if the CoC has organizations within its geographic area that are victim service providers, the HMIS Lead, or sub-recipient, may request HMIS funds for a comparable database. Victim service providers may also request HMIS funds in their project application budgets to enter data into a comparable database.

5. SSO-CE project to develop or operate a centralized or coordinated assessment system.

#### **1.4.6 EXPANSION PROJECT**

Expansion projects consist of a renewal project applicant submitting a new project application to expand its current operations by adding units, beds, persons served, services provided to existing program participants, or in the case of HMIS, increase the current HMIS activities within the CoC's geographic area.

DV Bonus funds can only be used to expand an existing renewal project if the expansion project is dedicated to survivors of domestic violence, dating violence, sexual assault, or stalking. Only the new project application for the expansion will be considered for DV Bonus funds.

For projects that are expanding their current CoC Program-funded project, project applicants will be required to provide in this RFP:

- (1) the renewal project application that will be expanded; and
- (2) a new project application with the expansion information.

If a project application does not meet the above requirements, or if the renewal project the new project application is proposing to expand is not selected for award, HUD will review the new project and will consider it as a standalone project during the selection process provided that the project is feasible on its own with its requested funding and provided it passes project eligibility and project quality threshold requirements.

#### **1.4.7 REALLOCATION**

Reallocation is a process CoCs use to shift funds in whole or part from existing eligible renewal projects to create one or more new projects without decreasing the CoC's Annual Renewal Demand (ARD). New projects created through reallocation must meet the requirements set forth in Section 1.4.3 of this RFP. CoCs may only reallocate eligible renewal projects that have previously been renewed under the CoC Program.

New Projects Created Through Reallocation or CoC Bonus processes:

1. PH-PSH projects

2. PH-RRH projects
3. Joint TH/PH-RRH component projects
4. Dedicated HMIS project for the costs at 24 CFR 578.37(a)(4) that can only be carried out by the HMIS Lead, which is the recipient or subrecipient of an HMIS grant and is listed on the HMIS Lead form in the CoC Applicant Profile in e-snaps. Additionally, if the CoC has organizations within its geographic area that are victim service providers, the HMIS Lead, or subrecipient, may request HMIS funds for a comparable database. Victim service providers may also request HMIS funds in their project application budgets to enter data into a comparable database.
5. SSO-CE project to develop or operate a centralized or coordinated assessment system.

## **1.5 PROJECT PARTICIPANTS**

Projects must have the following eligibility criteria for program participants:

1. Meet the criteria of paragraph (1) of the definition of homeless at 24 CFR 578.3, except that persons coming from transitional housing must have originally come from places not meant for human habitation, emergency shelters, safe havens, or institutions where they resided for 90 days or less and originally came from places not meant for human habitation, safe havens, or emergency shelters; or
2. Meet the criteria of paragraph (4) of the definition of homeless at 24 CFR 578.3.

When a program participant is enrolled in a Joint TH and PH-RRH component project, the project must be able to provide both components, including the units supported by the transitional housing component and the tenant-based rental assistance and services provided through the PH-RRH component, to all participants. A program participant may choose to receive only the transitional housing unit, or the assistance provided through the PH-RRH component, but the project must make both types of assistance available.

## **1.6 REQUIREMENTS**

### **1.6.1 Bidder Narrative Responses Required**

1. Provide a brief narrative describing your organization's proposed project for which you are seeking funding. A project narrative shall include the following:
  - a. Permanent housing services that can include permanent supportive housing and permanent housing-rapid rehousing project in Merced City and County;

- b. Joint transitional housing and permanent housing-rapid rehousing services in Merced City and County;
  - c. Supportive Services Only services in Merced City and County;
  - d. Usage of HMIS for all client data entry and case management notations, including services provided and financial assistance provided;
  - e. Usage of the Coordinated Entry System (CES) and participation in CES meetings;
  - f. Demonstrated collaboration with existing providers of homeless projects;
  - g. Measurable outcomes;
  - h. Staffing to services ratios; and
  - i. Advancing racial equity strategies.
2. Provide a proposed project budget supporting the proposed project and services that your organization program will be offering.
  3. Does your organization currently participate in the Merced CoC HMIS? If yes, detail your involvement and contribution in HMIS. If no, explain why your organization does not participate in HMIS.
  4. Does your organization participate in the Merced CoC CES? If yes, provide a detailed summary of your participation in CES including any referrals with program participants, policies, procedures, and practices. If no, explain why your organization does not participate in CES or program participants from CES.
  5. Does your organization have plans to support and serve underserved communities (Black, Indigenous, and other people of color as well as individuals who identify as LGBTQ+ and individuals with disabilities). Describe your organization's experiences or strategies addressing the needs of underserved communities in their geographic area, identify barriers that led to any disparities in communities being served and provide steps taken to eliminate these barriers.
  6. Does your organization utilize a Housing First approach? Describe how your project will help individuals and families move quickly into permanent housing. What barriers are removed for individuals to access housing and services? Does your program have project termination reasons? If so, please describe.
  7. Provide the number of households entered into your program in the past twelve (12) months or anticipating to enter within the initial twelve (12) months of the program (i.e: a household can be a single individual or family)?
  8. Does your organization include the participation of not less than one (1) homeless, or formerly homeless, individual on the board of directors or other equivalent policymaking roles developing organization-wide policies and

- programs. Provide an explanation of the collaboration. If applicable, include the organization name and activities.
9. How does your organization ensure homeless individuals are routinely included in the service delivery processes relating to addressing homelessness? Describe any efforts your organization have taken to provide professional development and employment opportunities to homeless individuals?
  10. Does your project accept enrollment for families based on the age of a child under age 18? Under the HEARTH Act, any project sponsors receiving funds to provide emergency shelter, transitional housing, or permanent housing to families with children under the age of eighteen (18) shall not deny admission to any family based on the age of any child under age 18.
  11. How does your organization ensure individuals and families receive supportive services, shelter, and housing free from discrimination? Describe your organization's anti-discrimination policy?
  12. For renewals, Bidders must successfully submitted an Annual Performance Report (APR) on time for the most recently expired grant terms related to this renewal project request.
  13. Does the Bidder have any unresolved HUD or the Office of Homeless Services Monitoring and/or OIG Audit findings concerning any previous grant term related to this renewal project request? If so, please describe and detail the findings and outcomes.
  14. Bidders must meet all statutory and regulatory requirements in the McKinney-Vento Homeless Assistance Act and 24 CFR Part 578.
  15. Bidders must provide information regarding twenty-five (25) percent match requirements. Project applicants that intend to use program income as a match must provide an estimate of how much program income will be used for the match.
  16. Normal indirect cost rules under 2 CFR part 200 apply. Bidders that intend to charge indirect costs to the award must clearly state in the project application(s) the rate and distribution base the recipient intends to use, and if applicable, the rate and distribution base to be used by any sub-recipient(s). If the rate is a Federally negotiated indirect cost rate, the project application must include the corresponding negotiated indirect cost rate agreement signed by the cognizant agency. For each application that meets the conditions for the de minimis rate under 2 CFR 200.414(f) and will use that rate to charge indirect costs, the project application must clearly state the intended use of the de minimis rate of 10 percent of Modified Total Direct Costs (MTDC).



## 1.7 THRESHOLD REQUIREMENTS

The CA/AE will review all projects applications to determine if they meet the following eligibility threshold requirements. If the CA/AE determines that the standards are not met for a project, the project will be rejected.

1. Project applicants and potential sub-recipients must meet the eligibility requirements of the CoC Program as described in McKinney-Vento Homeless Assistance Act, (42 U.S.C. 11381–11389) (the Act), and the 24 CFR part 578 (the Rule) and provide evidence of eligibility required in the application (e.g., nonprofit documentation).
2. Project applicants and sub-recipients must demonstrate the financial and management capacity and experience to carry out the project as detailed in the project application and the capacity to administer federal funds. Demonstrating capacity may include a description of the applicant/sub-recipient experience with similar projects and with successful administration of CoC program funds and other federal funds.
3. Project applicants must submit the required certifications specified in this NOFO.
4. The population to be served must meet program eligibility requirements as described in the Act, the Rule, and section I.B.3.m of this NOFO.
5. Project applicants must agree to participate in a local HMIS system. However, in accordance with Section 407 of the Act, any victim service provider that is a recipient or sub-recipient must not disclose, for purposes of HMIS, any personally identifying information about any client. Victim service providers must use a comparable database that meets the needs of the local HMIS.
6. Notwithstanding 24 CFR 578.31 and 24 CFR 578.99(a) of the Rule, and in accordance with Section 100261(3) of MAP-21 (Pub. L. 112-141, 126 Stat. 405), activities under this NOFO are subject to environmental review by a responsible entity under HUD regulations at 24 CFR part 58.

Renewal projects must meet minimum project eligibility, capacity, timeliness, and performance standards identified in this NOFO or they will be rejected from consideration for funding. Project applicant's will be reviewed for the following:

1. Did project performance meet the plans and goals established in initial application;
2. Did the project applicant demonstrate timeliness standards for grants being renewed, including expenditure of grant funds;

3. The project performance in assisting program participants to achieve and maintain independent living and records of success, except for dedicated HMIS projects;
4. Evidence of unwillingness to accept technical assistance, a history of inadequate financial accounting practices, indications of project mismanagement, a drastic reduction in the population served, program changes made without prior HUD approval, or loss of a project site.

## **1.8 SPECIFIC COMPLIANCE**

Bidder(s) agrees to comply with all State and Federal laws, rules, and regulations that pertain to health and safety, labor, fair employment practices, equal opportunity, Code of Federal regulations (CFR), and all other matters applicable to the HUD and the CoC Program 24 CFR 578.

Selected bidder(s) will be required to submit related racial and ethnic data metric of the homeless population and those served by the CoC service area from HMIS on a quarterly reporting to HUD.

Selected bidder(s) who receive funding for purchase, lease, supportive services, operation, or work that may disturb painted surfaces, of pre-1978 housing must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's lead-based paint rules (Lead Disclosure and Lead Safe Housing (24 CFR part 35)), and the Environmental Protection Agency's (EPA) lead-based paint rules (e.g., Repair, Renovations and Painting; Pre-Renovation Education and Certification; and Lead Training and Certification (40 CFR part 745)). When providing education or counseling on buying or renting housing that may include pre-1978 housing, bidder(s) must inform clients of their rights under the Lead Disclosure Rule (24 CFR part 35, subpart A.), and, if the focus of the education or counseling is on rental or purchase of HUD-assisted pre-1978 housing, the Lead Safe Housing Rule (subpart B, R, and, as applicable, F-M).

Selected Bidders should comply with the following HUD homeless policy priorities including but not limited:

1. Ending homelessness for all persons. To end homelessness, Bidders should identify, engage, and effectively serve all persons experiencing homelessness.
2. Use a Housing First approach. Housing First prioritizes rapid placement and stabilization in permanent housing and does not have service participation requirements or preconditions.
3. Reducing Unsheltered Homelessness. In recent years, the number of people experiencing unsheltered homelessness has risen significantly, including a rising number of encampments in many communities across the country.

4. **Racial Equity.** In nearly every community, Black, Indigenous, and other people of color are substantially overrepresented in the homeless population. community response created in partnership with a racially diverse set of stakeholders and people experiencing homelessness and partnering with organizations with experience serving underserved populations.
5. **Improving Assistance to LGBTQ+ Individuals.** Discrimination on the basis of gender identity or sexual orientation manifests differently for different individuals and often overlaps with other forms of prohibited discrimination.
6. **Persons with Lived Experience.** HUD is encouraging CoCs and partners to include in the local planning process people who are currently experiencing or have formerly experienced homelessness. People with lived experience should determine how local policies may need to be revised and updated to improve the effectiveness of homelessness assistance programs, including participating in planning and oversight activities, and developing local competition processes.
  1. In evaluating project applications for funding, HUD will consider a project applicant's past performance in managing funds. Items HUD will consider include, but are not limited to:
    2. the ability to account for funds in compliance with applicable reporting and recordkeeping requirements;
    3. timely use of funds received from HUD;
    4. timely submission and quality of reports submitted to HUD;
    5. meeting program requirements;
    6. meeting performance targets as established in the grant agreement;
    7. the project applicant's organizational capacity, including staffing structures and capabilities;
    8. timely completion of activities and receipt and expenditure of promised matching funds;
    9. the number of persons served or targeted for assistance;
    10. promoting self-sufficiency and economic independence;
    11. producing positive outcomes and results; and
    12. Encouraging participation with faith-based entities.

Bidders should read the 2023 HUD Consolidated CoC NOFO (link below) in its entirety in conjunction with the Rule to ensure a comprehensive understanding of and compliance with all CoC Program requirements. The NOFO frequently references citations from the Rule. HUD will conduct a threshold review of ranked projects submitted by CoCs by the application deadline and may issue more than one funding announcement. HUD will score the NOFO CoC Application portion in accordance with the criteria set forth in the NOFO.

<https://www.grants.gov/web/grants/view-opportunity.html?oppld=3490>

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## SECTION 2

### RESPONSE FORMAT AND CONTENT

#### 2.1 GENERAL INFORMATION

This section describes the required response format and content. The response should contain the requested information organized by the prescribed section and subsection numbers and titles. Any information provided beyond that required in the response should be contained in a section entitled "Optional Exhibits and Attachments".

Each Bidder shall submit a complete response, providing all information requested and a complete description of the functional operation of the program/project proposed. Failure to follow the prescribed format may result in rejection of your response.

Responses must be complete in all aspects. A response may be rejected if it is conditional or incomplete, or if it contains any alteration of form or other irregularities of any kind. A response may be rejected if any such defect or irregularity constitutes a material deviation from the proposal requirements. The response must contain all costs required by the proposal.

#### 2.2 RESPONSE FORMAT

The responses must be developed in the order in which they appear in the proposal. Responses that do not conform to this format may not be considered for evaluation. All responses must be submitted in the name of the legal entity or authorized agency. Responses must be signed in ink by the officer or officers legally authorized to bind the company, partnership, or corporation.

##### 2.2.1 Signature Page

Bidder must complete and return the enclosed Signature Page (**Attachment A**, "Signature Page"). The Signature Page must be signed in blue ink by the officer or officers legally authorized to bind the company, partnership, or corporation.

##### 2.2.2 Table of Contents

The Table of Contents must be a comprehensive listing of the contents included in your response. This section must include a clear definition of the material, exhibits and supplemental information identified by sequential page numbers and by section reference numbers.

### 2.2.3 Bidder's Qualifications

Bidder shall provide a concise statement demonstrating that the Bidder's company has the qualifications, experience, and capability to perform the requirements of this proposal. The following sections must be included:

#### a) History

Provide a brief history of your company, including the number of years in business. State whether your organization is an individual proprietorship, partnership, corporation, or private nonprofit organization, and the date your company was formed or incorporated. Provide a statement as to any judgment, litigations, licensing violations, or other violations, outstanding or resolved, against your company in the past five (5) years.

#### b) Background and Experience

A summary of relevant background information describing your company's experience of major accomplishments and/or activities like the requirements set forth under this proposal, which demonstrates your company's ability to provide the service described in your response.

#### c) Staff Assignment

A brief description of the experience and qualifications of the proposed key staff members assigned to this program/project and what percentage of their time will be devoted to the program/project. Show their function, level of education, degree and license, if appropriate, and a detailed resume for each person. Additionally, the Bidder must specify where the staff will be located and identify the program/project manager.

### 2.2.4 Cost Proposal

It is essential that all responding Bidders include and clearly detail all costs, payment schedules, categorization of line items, and/or other related costs associated with your response. All responses must have a narrative providing a thorough and clear explanation of your costs.

As part of the submission, Bidder will need to include a budget that specifies operational costs. If budget spans over a year of operations, the budget needs to be represented for each individual year of project.

## SECTION 3

### **SELECTION PROCESS, EVALUATION CRITERIA, AND BASIS OF SUBMISSION**

#### **3.1 SELECTION PROCESS**

Project applications must be submitted to the Collaborative Applicant/Administrative Entity (CA/AE) by the deadline listed on the cover page of this RFP to be included on the CoC Priority Listing. CA/AE must review and either accept and rank on the CoC Priority Listing, reject, or reduce project applications submitted to them. All project applications approved by the CA/AE must be listed on the CoC Priority Listing in rank order. CA/AE is responsible for submitting the CoC Consolidated Application in e-snaps on behalf of the CoC.

The CA/AE will provide all application responses to the CoC Board for their review and determination of approval, rejection, and reduction in application amount. CoC Priority Listing will be determined from this review and approval process. The CA/AE will submit the CoC Consolidated Application to HUD by September 28, 2023.

The CoC Consolidated Application is made up of the following three parts:

1. CoC Application. The CA/AE must provide information about the CoC planning body, governance structure, overall performance, the strategic planning process, and their CoCs Plan for Serving Individuals and Families Experiencing Homelessness with Severe Service Needs. This part of the application is scored and will determine the order in which CoCs are funded.
2. Project Application. All project applications, including CoC planning costs, must be completed by project applicants and must describe the population(s) and subpopulation(s) they will serve, the type of housing and services that will be provided, and the budget activities that are being requested. CA/AE applying for CoC planning must provide a description of the activities that will be carried out with CoC Program grant funds.
3. CoC Priority Listing. The CoC Priority Listing includes where each project application must be reviewed, approved, and have a unique rank number or be rejected.

The project listing forms rank all project applications in order of priority and identify any project applications rejected by the CoC. In this competition, HUD is also requiring CA/AE to rank CoC planning with unique rank numbers.

The CA/AE cannot accurately complete the project listing forms of the CoC Priority Listing until all project applications have been submitted to the CA/AE.

### 3.2 EVALUATION PROCESS

The RFP will be evaluated based on the following criteria:

<b>Scoring Criteria</b>	<b>Points Allotted</b>
Threshold Requirements	Pass/Fail
Application Type	25
Narrative	35
Project Activities/Participants	15
Budget	25
<b>Total Points</b>	<b>100</b>

### 3.3 NOTICES OF INTENT

All bidders will be notified of the 2023 CoC HUD program priority listing. CoCs are required to notify, in writing outside of e-snaps, all project applicants who submitted their project applications to the CA/AE by the CoC-established deadline whether their project application(s) will be accepted and ranked on the CoC Priority Listing, rejected, or reduced by the CoC no later than 15 days before the HUD CoC NOFO submission deadline.

### 3.4 DEBRIEFING

A debriefing shall be held before the recommendation of the bidder(s) upon timely request of an unsuccessful Bidder for the purpose of receiving information concerning the evaluation of the Bidder's response. The request must be in writing, dated, signed either by the Bidder or a legally authorized individual on behalf of the Bidder and be received by the CA/AE located at 2115 West Wardrobe Avenue, Merced, California 95341 no later than September 12, 2023. Each requesting Bidder will be allotted a maximum of one hour for any debriefing conference. The information provided by the CA/AE will be based on the Evaluation Committee determinations of your company's submitted response as it relates to the evaluation criteria as stated herein above. The debriefing may be held, in the discretion of the CA/AE, by telephone conference call. The debriefing is not the forum to challenge the proposal's specifications, requirements, or the selection criteria. The debriefing procedure provided herein to all requesting and unsuccessful Bidders to the CoC's Request for Proposal is the exclusive and sole remedy and means of receiving information regarding the respective Bidder's evaluation and preliminarily challenging the HUD recommendations.

### 3.5 PROTEST

Should an unsuccessful Bidder request a debriefing, and believes its response to be the most responsive to the CoC's proposal and that the CoC has incorrectly selected another Bidder for recommendation, the appealing Bidder may submit a

protest of the selection as described below:

All protests must be made in writing, dated, signed by the Bidder or an individual authorized to sign Agreements on behalf of the protesting Bidder, and contain a statement of the reason(s) for protest; citing the law(s), rule(s) and regulation(s) or procedure(s) on which the protest is based. The protesting Bidder must have gone through the debriefing process described above and must provide facts and evidence to support the protest.

Protest(s) to CoC's Intent to Recommend must be sent either by U.S. mail, postage prepaid, or by personal delivery to:

Collaborative Applicant/Administrative Entity  
2115 West Wardrobe Avenue  
Merced, California 95341

All protests in relationship to the CoC's intended recommendation decision must be received by the CoC or CA/AE no later than three (3) working days following the CA/AE notification to all Bidders of proposal rankings.

### **3.6 PROTEST PROCEDURES**

A Bidder protesting the results of any of the processes described herein must follow the procedures set forth herein. By submitting a "Letter of Intent to Protest", the Bidder has agreed that the protest procedures herein shall precede any action in a judicial or quasi-judicial tribunal regarding this proposal. Protests that do not follow these procedures shall not be considered. The protest procedures constitute the sole administrative remedy available to the Bidder under this procurement. Upon exhaustion of this remedy no additional recourse is available with the CoC.

Upon receipt of the formal protest, the CA/AE will attempt to resolve the protest. If the protest has not been resolved, the Bidder will have an opportunity to address the CoC Board stating their concerns. The decision of the CoC Board constitutes the last step of the Bidder's administrative remedy.

A protest shall be disallowed when, in the judgment of the CA/AE or the CoC Board, it has been submitted: (1) as a delay tactic; (2) for the purpose of posturing the protester advantageously for future procurement; (3) in a form that deviates from the one prescribed; (4) without adequate factual basis or merit; or (5) in an untimely manner.

In the event that a protesting Bidder does not appear at the protest hearing as scheduled by CoC, the protest will be disallowed.



## SECTION 4

### TERMS AND CONDITIONS

#### **4.1 REQUEST FOR PROPOSAL CLOSING DATE**

All responses and accompanying documentation submitted by the Bidders will become the property of the CoC. Responses shall be based on the material contained in the proposal. Bidders are instructed to disregard any prospective oral representations they may have received prior to the solicitation of the proposal.

Cost for developing and preparing the response is solely the responsibility of the Bidder whether any recommendation results from this solicitation. Further, the cost of developing and preparing responses to the proposal will not be allowed as direct or indirect charges under this funding.

No alteration in any of the terms, conditions, delivery, price, quality, quantities, or specifications will be effective without prior written consent of the CoC.

THE CoC RESERVES THE RIGHT, AT ITS SOLE DISCRETION, TO REJECT ANY OR ALL RESPONSES OR ANY PART THEREOF, OR TO WAIVE ANY INFORMALITIES IN THE PROPOSAL AND MINOR IRREGULARITIES, TECHNICAL DEFECTS OR CLERICAL ERRORS, TO MAKE AN AWARD ON THE BASIS OF SUITABILITY, QUALITY OF SERVICE(S) TO BE SUPPLIED, THEIR CONFORMITY WITH THE SPECIFICATIONS AND FOR THE PURPOSES FOR WHICH THEY ARE REQUIRED, AND NOT CONFINED TO PRICE ALONE. THE COC SHALL NOT BE LIABLE FOR ANY COSTS INCURRED BY THE BIDDER IN CONNECTION WITH THE PREPARATION AND SUBMISSION OF THIS OR ANY OTHER PROPOSAL.

#### **4.2 ANNOUNCEMENT OF RESPONSES**

All responses received by the published date and time for submission will be made public at our CoC Website. All information contained in the responses shall be confidential to avoid disclosure of contents prejudicial to competing Bidders during the evaluation process. No award decision, pricing, or exchange of views will be discussed at time of opening.

#### **4.3 INTERPRETATION, CORRECTIONS AND AMENDMENTS**

The Bidder must carefully examine the specifications, terms and conditions provided in the Request for Proposal and become fully informed as to the requirements set forth therein. If anyone planning to submit a response discovers any ambiguity, conflict, discrepancy, omission or error in the proposal, has any questions in relationship to the "REQUIREMENTS", or any other related matters, Bidder shall immediately submit their request for clarification or modification of the

RFP no later than the Question-and-Answer deadline. No further requests for clarification or objections to the proposal will be accepted or considered after this date. Any change in the proposal will be made only by written amendment, issued by the CA/AE to each vendor on the Bidders list as well as posted on the CoC website, and shall be incorporated in the proposal. **Any oral communication by the CoC or CA/AE's designated contact person or any other CoC staff member concerning this proposal is not binding on the CoC and shall in no way modify this proposal or the obligations of the CoC or any Bidders.**

#### **4.4 FALSE OR MISLEADING STATEMENTS**

Responses which contain false or misleading statements, or which provide references which do not support an attribute or condition claimed by the Bidder, may be rejected. If, in the opinion of the CoC, such information was intended to mislead the CoC in its evaluation of the response, and the attribute, condition or capability is a requirement of this proposal, it will be the basis for rejection of the response.

#### **4.5 EXPLANATION OF USE OF SUB-RECIPIENTS**

Any Bidder using a Sub-recipients(s) must clearly explain the use of the Sub-recipients(s) and list the name(s) of the Sub-recipients(s) providing work under this proposal. The selected Bidder will be fully responsible for all work performed under this proposal and will be considered as the Prime Contractor. Any Sub-recipient, or other legal arrangements made by the Bidder are the sole responsibility of the Bidder. Any Agreement that is entered into between the selected Bidder and the Sub-recipient(s) shall contain provisions for federal and state access to the books, documents, records, and inspection of work. Bidder awarded any recommendation because of this proposal shall obtain CA/AE written approval of sub-recipients identified in Bidder submittal prior to execution of Agreement.

#### **4.6 CONFIDENTIALITY**

The contents of all responses, correspondence, agenda, memoranda, or any other medium which discloses any aspect of a Bidder's response shall be held in the strictest confidence until after negotiations for the contract are negotiated. If you contend that any submission contains trade secrets or proprietary data, please be advised that the CoC cannot and does not give any assurances or guarantees that such information will not be released under the California Public Records Act. The Bidder should clearly mark any of the information within their response that is proprietary. However, the CoC will be guided by the California Public Records Act and the definition of Trade Secrets under California Civil Code Section 3426.1. In no case will the following be considered proprietary: a) the final cost of the bid or response; b) information that is not clearly marked as proprietary in nature; c) information that, though marked as proprietary, is not actually proprietary d) information that is otherwise generally available as information or technology within

the subject trade, industry or profession.

**BIDDER SHALL NOT DESIGNATE THE ENTIRE RESPONSE AS PROPRIETARY. SUCH ATTEMPTED DESIGNATION WILL NOT BE HONORED.**

Submission of a response by a Bidder shall constitute an agreement to the provision for public announcement. The CoC shall not be obligated to release information contained in any Bidder's RFP submittal that has been marked as proprietary, without the written consent of the Bidder. Any agency requesting such information so marked as proprietary must obtain such written authorization directly from Bidder and forwarded to CA/AE.

CoC shall not be required to contact any Bidder for information on behalf of any requesting agency. CoC shall have the sole discretion and exclusive authority to determine if any other party has properly obtained the right to have access to proprietary information.

#### **4.7 DETERMINATION OF BIDDER'S RESPONSIBILITY**

##### **Responsible Bidder**

A responsible Bidder is a Bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, financial strength, and satisfactory experience. It is the CoC's policy to conduct business only with responsible Bidders.

##### **Non-responsible Bidder**

The CoC may declare a Bidder to be non-responsible for purposes of this proposal for a variety of reasons, some of which are listed below. This is not an exclusive list - reasons may include the following but are limited to the below:

1. Committed any act or omission which negatively reflects on the Bidder's quality, fitness, financial strength, or capacity to perform any recommendation that may be derived from this proposal with the CoC or an Agreement with any other public entity, or engaged in a pattern or practice which negatively reflects on same; or
2. Committed an act or omission which indicates a lack of business integrity or business honesty; or
3. Made or submitted a false claim against the CoC or any other public entity; or
4. Submitted false, incomplete or unresponsive statements or omitted requested documentation in connection with this proposal.

#### **4.8 PUBLIC DISCLOSURE**

All public records of the CoC are made available for disclosure except the contents of the responses received in response to an RFP, which are not open for public review until the contract between the recommended Bidder and the CoC is agendized with the CoC Board. In the event that an unsuccessful Bidder files an official request to view the recommended Bidder's response, the CoC must comply with appropriate public disclosure procedures. However, if information specifically designated in the response as proprietary is requested CoC may attempt to notify Bidder in the event the Bidder wish to pursue protections against disclosure, at its own cost, so that the information will not be made available.

Pursuant to the California Public Records Act, Government Code Sections 6250 *et seq.*, any contract that eventually arises from this Request for Proposal is a public record, in its entirety. Also, all information submitted in response to this Request for Proposals is itself a public record **without exception**, and will be disclosed upon request, but only after negotiations are complete. Submission of any materials in response to this Request for Proposal constitutes your consent to release materials, and a waiver of any claim that the information is protected from disclosure. Furthermore, by submitting materials, you agree to indemnify and hold harmless CoC for release of such information.

#### **4.9 QUALIFICATIONS OF BIDDER**

The CoC may make such investigation as it deems necessary to determine the ability of the Bidder to provide the services requested herein, and the Bidder shall furnish to the CoC all information and data for this purpose as the CoC may request. The CoC reserves the right to reject any response should the evidence submitted by, or investigation of, the Bidder fails to satisfy the CoC that such Bidder is properly qualified to carry out the obligations of the proposal and to complete the requirements contemplated therein.

#### **4.10 DISQUALIFICATION OF BIDDER**

A Bidder may be disqualified, and the response rejected, in addition to any other cause for rejection as set forth elsewhere in this proposal, for any of, but not limited to, one of the following reasons:

1. Proof of collusion among Bidders, in which case all responses involved in the collusive action will be rejected and any participant to such collusion will be barred from future bidding until reinstated as a qualified Bidder.
2. Lack of responsibility or cooperation as shown by past work or services provided to the CoC or others.
3. Being in arrears on existing Agreements with the CoC or having defaulted on previous Agreements.
4. Incomplete information or missing documents as required in the proposal.

#### **4.11 INTEGRITY OF EXPENDITURE**

The Bidder assures that every reasonable course of action will be taken to maintain the integrity of expenditure of public funds and to avoid any favoritism, questionable, or improper conduct.

#### **4.12 GRATUITIES**

Neither the Bidder nor any person, firm, or corporation employed by the Bidder shall give, directly or indirectly, to any employee or agent of the CoC, any gift, money, or anything of value, or any promise, obligation, or Agreement for future reward or compensation, neither during the proposal process nor during the performance of any Agreement period resulting from this proposal.

#### **4.13 CONFLICT OF INTEREST**

The Bidder covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of this proposal. Bidder shall make all reasonable efforts to ensure that no conflict of interest exists between its officers, employees, or sub-Contractor(s), and the CA/AE. Bidder shall make all reasonable efforts to ensure that no CoC officer or employee, whose position in the CoC enables them to influence any award of this proposal or any competing offer, shall have any direct or indirect financial interest resulting from any recommendation that may be derived from this proposal or shall have any relationship to the Bidder or officer or employee of the Bidder, nor that any such person will be employed by Bidder in the performance of any recommendation that may be derived from this proposal without immediate divulgence or such fact to the CA/AE.

#### **4.14 DRUG FREE WORK PLACE**

The recommended Bidder must certify that it will provide a drug-free workplace as set forth by the Federal Drug-Free Workplace Act of 1988.

#### **4.15 PREVAILING WAGE RATES**

The Bidder shall meet any requirements set forth in the Standard Agreement that will be issued by the state to the Bidder for any site preparation activities. The Bidder will be required to certify adherence to the requirements of all state and federal laws relating to the payment of prevailing wage rates for work performance under public works project laws, specifically, as covered by the federal Davis-Bacon Act and California Labor Code 1720 et seq. A copy of this wage scale may also be obtained from the office of the Director of Industrial relations, State of California, or <http://www.dir.ca.gov/DLSR/PWD/mer.xls>

#### **4.16 COMPLIANCE WITH APPLICABLE LAWS**

The successful Bidder shall otherwise perform all obligations under the ESG program in compliance with all applicable federal, state, and local laws, rules, regulations, and policies.

#### **4.17 LEGAL CONSIDERATIONS**

Any Bidder, by submission of a response to this proposal, and any subsequent recommendation that may be derived from this proposal, shall be deemed, and have agreed to be bound by the laws of the State of California in all respects as to interpretation, construction, operation, effect and performance.

Notwithstanding any other provisions of this proposal, any dispute concerning any question of fact or law arising under this proposal, or arbitration arising out of any recommendation that may be awarded as a result of this proposal, shall be tried in Merced County, unless the parties agree otherwise or are otherwise required by law.

**ATTACHMENT A**

**SIGNATURE PAGE**

(BIDDER TO COMPLETE AND PLACE IN FRONT OF RESPONSE)

ORGANIZATION NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_  
(P.O. Box/Street) (City) (State) (Zip)

CONTACT PERSON: \_\_\_\_\_

TITLE: \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_ FAX NO. \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

The undersigned hereby certifies that he/she is a duly authorized official of their organization and has the authority to sign on behalf of the organization and assures that all statements made in the response are true and accurate to the best of their ability, agrees to furnish the item(s) and/or service(s) stipulated in this Request for Proposal at the price stated herein, and will comply with all terms and conditions set forth, unless otherwise stipulated.

\_\_\_\_\_  
Authorized Representative - Name Title

\_\_\_\_\_  
Signature (in blue ink) Date

Business License No.: (Merced City) \_\_\_\_\_

(Merced County) \_\_\_\_\_

Professional License No.: \_\_\_\_\_

Taxpayer Identification No.: \_\_\_\_\_