Salt Lake County Housing Trust Fund

REQUEST OR APPLICATION (RFA)

Coronavirus State and Local Fiscal Recovery Fund (SLFRF) for Affordable Housing

RFA No. HTF2023FRF1 AMENDED March 6, 2023

RFA Issue Date: February 6, 2023

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SECTION 1. INTRODUCTION AND PURPOSE

The Salt Lake County Housing Trust Fund (HTF) supports the health, safety, and welfare of Salt Lake County residents by providing financial assistance to preserve and increase affordable and special needs housing within the county.

The Salt Lake County Office of Regional Development ("County") wants to invest in solutions that bring 1,200 combined units of preserved, constructed, or assisted affordable housing units into the development pipeline by the end of 2026.

Through American Rescue Plan Act (ARPA), Coronavirus State and Local Fiscal Recovery Fund (SLFRF) federal appropriation, the Salt Lake County Housing Trust Fund has approximately $20 million to make this investment and assist qualifying households who have been impacted by the COVID-19 pandemic. This competitive Request for Applications ("RFA") seeks applications from development organizations and municipalities ("Applicant") to reach our goal.

SECTION 2. PROGRAM GENERAL REQUIREMENTS

To be considered eligible, projects seeking funding through this SLC Housing Trust Fund ARPA program must meet the following requirements:

1. Be located wholly within Salt Lake County.
2. Provide long-term permanent housing units for low- and/or moderate-income households.
3. Aid in achieving the stated program goal to bring 1,200 units of preserved, constructed and/or assisted affordable housing units into the development pipeline by December 31, 2026.
4. Comply with ARPA Requirements.
5. Demonstrate the ability to obligate and expend awarded funds by the stated deadlines.
6. Effectively leverage County ARPA funding.
7. Be in good standing if the applicant or the project previously received funding from the SLCo Housing Trust Fund, Salt Lake County, the Office of Regional Development, or the SLCo Division of Housing & Community Development.

Applicants are advised that the County is not bound by the terms of the RFA until a written agreement is fully executed and any activity taken on by the Applicant prior to full execution of a written agreement is done at the Applicant's sole risk.

SECTION 3. ELIGIBLE PROJECT TYPES

Projects seeking funding through this SLC Housing Trust Fund ARPA program must be one of the eligible project types listed below.

Option 1: Projects Aligned with Federal Housing Programs. Projects that are eligible to be funded under any of the following federal housing programs are eligible for the SLCo Housing Trust Fund ARPA program:

1. National Housing Trust Fund

2. HOME Investment Partnerships Program
3. Low-Income Housing Tax Credit (LIHTC)
4. Public Housing Capital Fund
5. Section 202 Supportive Housing for the Elderly Program
6. Section 811 Supportive Housing for Persons with Disabilities
7. Project Based Vouchers - Rental Assistance
8. Multi-Family Preservation and Revitalization Program

Option 2: Naturally Occurring Affordable Housing (NOAH). Projects that focus on the acquisition and/or rehabilitation of naturally occurring affordable housing units which are defined as unsubsidized housing with market rents that are affordable to households earning up to 65% of the AMI. Eligible projects must provide for a period of affordability, imposed through covenant or other enforceable legal mechanism, of not less than 20 years.

Option 3: Market Rate Housing Project with a 10% affordable set aside. Projects that are made up of primarily market rate housing units where a minimum of 10% of the units will be dedicated to <80% AMI households. Eligible projects must provide for a period of affordability, imposed through covenant or other enforceable legal mechanism, of not less than 20 years.

For all project types awarded funding, grant contracts and/or loan agreements will require the project or units adhere to all applicable local codes and comply, at a minimum, with the applicable federal or county program requirements related to:

- Resident income restrictions;
- Maximum rent limits;
- Period of affordability and related covenant requirements for assisted units;
- Tenant protections; and
- Housing quality standards.

"Affordable" means households do not spend more than 30% of their income on housing (rent + utilities).

SECTION 4. ELIGIBLE BENEFICIARIES/POPULATIONS

Based on U.S. Treasury guidance, affordable housing projects funded with SLFRF programs must be responsive and proportional to the negative economic impacts of the COVID-19 pandemic.

Option 1: Households served by the Federal Housing Programs set forth in the Eligible Project Types section.

Option 2: Households with an annual income at or below 65% area median income are presumptively eligible populations for this funding.

Option 3*: Households with an annual income at or below 80% area median income are eligible populations due to current and persisting housing conditions.

*Kem Gardner Policy Institute Research, https://gardner.utah.edu/economics-and-public-policy/real-estate-and-construction/

Household/ Family Size*	1	2	3	4	5
65% AMI for SLCo	$46,605	$53,300	$59,930	$66,560	$71,890
80% AMI for SLCo	$57,350	$65,550	$73,750	$81,900	$88,500

*Area median income (AMI), as published by the HUD Office of Policy Development & Research, https://www.huduser.gov/portal/datasets/il.html

Rental Income Limits						
Unit Type	**30% AMI**	**50% AMI**	**60% AMI**	**65% AMI**	**80% AMI**	**FMR**
Micro Unit	$537	$896	$1,075	$1,165	$1,434	$924
Studio	$537	$896	$1,075	$1,165	$1,434	$924
1 BR	$614	$1,023	$1,228	$1,332	$1,638	$1,112
2 BR	$691	$1,152	$1,383	$1,498	$1,844	$1,327
3 BR	$768	$1,280	$1,536	$1,664	$2,048	$1,843

*Rent income limits (based on 2022 AMI income limits, as published by Novogradac https://www.novoco.com/resource-centers/affordable-housing-tax-credits/rent-income-limit-calculator

SECTION 5. ELIGIBLE USES OF FUNDS

Salt Lake County has further restricted eligible uses of funds for the Housing Trust Fund beyond the U.S. Treasury restrictions. Funds can be used for expenditures related to increasing long-term housing security, including:

1. Real property acquisition
2. Site improvements, including demolition
3. Development hard costs
4. Rehabilitation and adaptive reuse

The following costs/fees/expenditures are not eligible uses of Housing Trust Fund awards:

1. Soft costs
2. Developer fees
3. Overhead and indirect costs
4. Debt service payments
5. Deposits into reserve accounts
6. Supplanting existing funds

Funds may be used as part of the financing for a mixed-income housing project if the total financing made up of the SLFRF funds does not exceed the total development costs attributable to affordable housing units for the affordable period.

All expenditures must comply with the United States Treasury Interim and Final Rule for State and Local Fiscal Recovery Funds.

SECTION 6. ELIGIBLE FORMS OF ASSISTANCE

Funding may be provided in the form of a loan and/or a grant. Regardless of the form of assistance, grant or loan, the eligible amount will be based on the following:

Unit Type	**Grant/Loan Max per affordable unit**
Micro unit	$4,200.00
Studio	$6,780.00
1 BR	$15,072.00
2 BR	$28,080.00
3+ BR	$36,960.00

Option 1. Grant Award

Amount	Based on the number and mix of affordable unit types (see table above) and on the development costs attributable to the affordable units (for mixed-income developments).
Security	Grant Agreement and Deed Restriction on maximum rents and tenant eligibility standards for not less than 20 years from the time of occupancy
Obligated by	December 31, 2024
Spent by	December 31, 2026

Option 2. Loan

Loan amount	Based on the number and mix of affordable unit types (see table above) and on the development costs attributable to the affordable units (for mixed-income developments).
Interest rate	Prime with .5% discount for each declared/pledged bonus criteria: • Project serves priority population(s) • Project is shovel-ready • Project includes a mix of affordable unit types • More than 10% of the units in the project are affordable units
Terms	Minimum of 20 years (required by ARPA)
Security	Loans must be secured.

Security assurances	Loan Agreement; Promissory Note; Trust Deed; Deed Restriction on maximum rents and tenant eligibility standards for not less than 20 years from the time of occupancy.
Equity contribution	Minimum of 10%
Payment	Negotiable to accommodate the financing needs of the development.
Fees	Late payment fee: 5% late fee of the amount past due after 10-day grace period.
Closing costs	Borrower is responsible for the expense of document preparation and closing costs.

SECTION 7. ARPA REQUIREMENTS

Salt Lake County received federal funds under section 603(b) of the Social Security Act as added by section 9901 of the American Rescue Plan Act (Public Law 117-2) (March 11, 2021) ("ARPA") ("Federal Award") to provide funding to combat and address the effects of the novel Coronavirus Disease 2019 ("COVID-19") within Salt Lake County. The County is distributing ARPA Fiscal Recovery Fund ("FRF") grants and/or loans to provide the services outlined in this Request for Application ("RFA").

The Federal Award Identification number is SLFRP2642; the federal award date was June 7, 2021; the CFCA number is 21.027. Grant and/or loan award funds must be formally obligated on or before December 31, 2024 and fully expended on or before December 31, 2026.

It is the responsibility of the applicant to ensure projects receiving funding comply with the requirements of ARPA as set forth in:

- Coronavirus State and Local Fiscal Recovery Funds Final Rule
- American Rescue Plan-Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule
- Coronavirus State & Local Fiscal Recovery Funds Final Rule FAQs
- Affordable Housing How-To Guide: How to use SLFRF for Affordable Housing
- SLFRF Recipient Compliance and Reporting Responsibilities
- SLFRF Compliance and Reporting Guidance

Although many project types are allowable under the Coronavirus State and Local Fiscal Recovery Fund, this RFA is only considering projects that fall under the affordable housing project type outlined in the final rule. Please review the resources listed above for more information.

SECTION 8. ADDITIONAL FUNDING REQUIREMENTS

The amount of funds will be awarded based on the program application, evaluation criteria, and funding availability.

Any contract and/or agreement resulting from this solicitation will become effective on the date of execution with a requirement that grant award funds are formally obligated on or before December 31, 2024 and fully expended on or before December 31, 2026.

Funding may be distributed on a cost-reimbursement basis. 10% of awarded funds will be held-back until project completion to ensure compliance with program requirements and ARPA regulations.

Eligible projects must provide for a period of affordability of maximum rent and tenant income eligibility standards, imposed through covenant or other enforceable legal mechanism, of not less than 20 years.

All awarded funds that are unobligated on December 31, 2024 shall be returned to Salt Lake County by January 15, 2025.

Salt Lake County may elect to terminate any grant or loan for non-compliance or funding availability.

SECTION 9. APPLICATION PROCESS AND SCHEDULE

Activity	Date
Pre-Application Webinar	*Thursday, February 16, 2023*
Letter of Intent (Required)	*Thursday, February 23, 2023*
Final day to submit questions	*Thursday, March 2, 2023*
Application Submission Deadline – late applications will not be accepted	*Wednesday, March 15, 2023*
HTF Advisory Board meeting, Applicant Presentations, and Funding Recommendations	*Thursday, April 13, 2023*
County Council Meeting & Notice to Applicants of Grant Award Recommendation	*Tuesday, April 25, 2023*

Section 9.1 Pre-Application Webinar

Interested applicants are invited to attend a pre-application conference to discuss project and applicant eligibility and to ask questions about this RFA. The pre-application conference will be held on **Thursday, February 16, 2023, from 8:30 to 10:30 am (MST).**

The pre-application conference is for informational purposes only. If the RFA needs to be modified or clarified, a written addendum will be issued.

The pre-application conference will be held via WebEx only and requires pre-registration.

To register to attend the pre-application webinar, please use the link below. Please make sure that you use your business/organizational information when registering as this information is subject to the Utah Government Records Access and Management Act (GRAMA) regulations.

Pre-Application Webinar Registration

Section 9.2 Letter of Intent

A Letter of Intent (LOI) per project proposal is required as part of the application process. Failure to submit a Letter of Intent by **Thursday, February 23, 2023, at 11:00 pm (MST)** will result in disqualification. Link to the LOI form is found here, Letter of Intent.

The LOI form requires information including, but not limited to, primary contact information for the organization, a description of the organization, project name, number of affordable units preserved or created, project description, anticipated funding amount being requested, the funding type being requested (grant and/or loan), and a brief statement of the other funding sources committed or pledged to the project.

Section 9.3 Submitting a Question

Applicants are encouraged to submit their questions in writing before the pre-application conference through the question form, RFA Questions from Prospective Applicants. The last day to submit questions is **Thursday, March 2, 2023, at 11:00 pm (MST)**.

Section 9.4 Application Submission Requirements

IMPORTANT: Prior to filling out the online Application Coversheet Form, complete and compile the following documents, which will need to be attached to the Application Coversheet Form.

Applications are due no later than **Wednesday, March 15, 2023, at 11:00 pm (MST)**. Late applications will not be accepted. The Application Coversheet Form, other forms, and the Application Checklist form are available at, ARPA Request For Applications Website

1. Forms provided by Salt Lake County:
    a. Letter of Intent Form (Appendix A)
    b. Application Coversheet Form (Appendix B)
    c. Application Narrative (Appendix C)
    d. Budget and Pro-Forma (Appendix D)
    e. Marketing, Outreach, and/or Service Plan Form (Appendix E)
    f. Completed Affordable Housing Projects Form (Appendix F)
    g. Environmental Compliance Practices, Vendor Compliance Statement, and Non-Debarment Certification (Appendix G)
    h. Business Confidentiality Request Form, if applicable (Appendix H)
    i. Exception to Contract Request/Remedy Form, if applicable (Appendix I)
2. Additional documents to be attached to the Application Coversheet Form:
    a. Verification of site control.
    b. Letters of commitment for outreach/marketing and/or support services if provided by a third party.
    c. Complete sources and uses statement with accompanying commitment letters from funding sources.
    d. Project Schedule, including site acquisition, design, permitting, financing commitments, construction start and completion dates, zoning changes, and marketing & outreach. Indicate which steps are complete.

e. Project Pro Forma for the Affordability Period (20 years)
f. Site location and map or survey
g. Site plan, floor plans, and elevations, if available
h. Appraisal, if available
i. Environmental Phase I Report, if available
j. Letter of support from the city/township/town in which the project is located. The letter must indicate how the project supports the jurisdiction's Municipal Moderate Income Housing Plans.
k. Certificate of Insurance meeting the requirements found in the Terms & Conditions.
~~l. Examples of other affordable housing projects completed in the last 7 years within Salt Lake County or the State of Utah; Include project name, address, AMI served, # of affordable units funded, list of funding sources, total cost of project.~~
m. Business license or Articles of Incorporation (if applicable).
n. 501(c)(3) Determination Letter (if applicable).

Separate applications are required for each project.

Applicants bear the cost of preparing and submitting the application.

Failure to comply with any part of the RFA will result in disqualification of the application.

Do not include additional information or documents such as personal cover sheets, table of contents, pamphlets, marketing or public relations information, addenda, etc.

An application checklist is provided for Application Checklist

SECTION 10. APPLICATION EVALUATION AND SCORING CRITERIA

Applications will be evaluated, scored, and ranked by the SLCo Housing Trust Fund Advisory Board based on the following criteria:

Application Eligibility Screening	**Staff Check**
Letter of Intent submitted by the deadline	☐
Application submitted by the deadline	☐
Application complete, with required materials as specified in Section 9.4	☐
Project is located wholly within Salt Lake County	☐
Eligible project type ☐ Option 1: Project aligned with federal housing programs ☐ Option 2: Naturally occurring affordable housing (NOAH) ☐ Option 3: Market rate housing with a 10% affordable set-aside	☐
Eligible populations/beneficiaries ☐ Option 1: Households served by the eligible federal housing programs	☐

☐ Option 2: Households with annual income at or below 65% AMI ☐ Option 3: Households with annual income at or below 80% AMI	
Eligible use of funds ☐ Real property acquisition ☐ Site improvements, including demolition ☐ Development hard costs ☐ Rehabilitation and adaptive reuse ☐ Other use eligible under Treasury guidelines and not restricted by this RFA	☐
Applicant agrees to comply with: ☐ SLCo's Environmental Compliance Practices, Vendor Compliance Statement, and Non-Debarment Certification	☐
Assessment of Risk to SLCo *Rated as green (low risk), yellow (moderate risk), and red (high risk) or NA (not applicable)*	**Staff Check**
Risk of funds not being obligated and/or spent by the ARPA deadline	
Risk of proposed use of funds being challenged by the U.S. Treasury	
For loans, risk of funds not being repaid to SLCo	
Application Scoring Criteria	**Advisory Board Score**
Project Narrative – 20 points	/ 20
Scoring criteria 1. How detailed and complete is the project summary? 2. Is the project reasonable and well thought out?	
Comments:	
Contribution to HTF Affordable Housing Goal – 25 points	/ 25
Scoring criteria 1. How many affordable units will be preserved or created? 2. How many affordable units are net new? 3. Does the project support the local Moderate Income Housing Plan?	
Comments:	
Population(s) Served – 20 points	/ 20
Scoring Criteria 1. What is the percentage breakdown of eligible populations by AMI? 2. Does the project serve a mix of eligible populations?	
Comments:	
Budget and Project Schedule– 25 points	/ 25
Scoring Criteria 1. What percentage of funding is being sought in relation to the total project cost? 2. Does the project schedule support the applicant's ability to obligate and spend the funds by the ARPA deadlines? 3. Is applicant making an equity investment? How much?	

4. Are the proposed costs eligible for ARPA funding?	
Comments:	
Partnerships and Local Support – 5 points	
Scoring Criteria 1. Does the application include a letter of support from the local jurisdiction where the project is located? 2. Does the application indicate adequate knowledge of methods to attract and provide services to eligible populations?	/ 5
Comments:	
Access to Opportunity – 5 points	
Scoring Criteria 1. Is the project in a high-opportunity area as measured by a score of 21 or greater on the SLCo Access to Opportunity Map? 2. Is the project within ¼ mile of a core transit station? 3. Is the project within ¼ mile of employment opportunities?	/ 5
Comments:	
TOTAL SCORE	**/ 100**
Bonus scoring – Up to 8 points	**Advisory Board score**
Project primarily serves one of more of the following priority populations: • ~~People aged 65 and older~~ Elderly Person(s) aged 62 years of age or more • People with mental and/or physical disabilities • Veterans *Scoring: 0 = no units dedicated to priority populations, 1 = some units, or 2 = all units*	/ 2
Project is shovel-ready. "Shovel-ready" means all approval permits for the project are in place at the time the funding application is scored. *Scoring: 0 = no project permits are approved, 1 = some project permits are approved, 2 = all project permits are approved*	/ 2
Project includes a mix of affordable unit types to support a variety of households. *Scoring: 0 = no units are multi-bedroom, 1 = some units, or 2 = all units*	/ 2
More than 10% of units are dedicated as affordable housing units. *Scoring: 0 = 10% or less are affordable, 1 = > 10% and less than 20%, and 2 = >20%*	/ 2
TOTAL SCORE + Applicable BONUS Points	**/ 108**

SECTION 11. WRITTEN AGREEMENT REQUIRED

The selected Applicant must agree to all requirements in the RFA unless an exemption is stated in the application. **IF YOU WISH TO ALTER THE RFA INCLUDING EXHIBITS, ATTACHMENTS, AND ADDENDA AND/OR ANY OF THE TERMS OF THE EXAMPLE STANDARD AGREEMENT *THE EXCEPTION MUST BE SPECIFICALLY IDENTIFIED IN YOUR* APPLICATION WITH REASONABLE ALTERNATIVES PRESENTED. APPLICANT UNDERSTANDS THAT DEVIATIONS FROM THE STANDARD FORM AGREEMENTS ARE MADE AT THE COUNTY'S DISCRETION.** Applicants are advised that County is not bound by the terms of the RFA until a written agreement is fully executed and any activity taken by Applicant prior to a written agreement being fully executed is done at the Applicant's sole risk.

The selected Applicant must also be willing to enter into a written agreement with County and agree to all the terms set forth in the State and Local Fiscal Recovery Fund Subaward Agreement attached to this RFA as Appendix J. If requesting any modifications to the State and Local Fiscal Recovery Fund Subaward Agreement, submit with your application using Appendix I.

SECTION 12. NOTICE TO APPLICANTS

By submitting an application to this RFA, Applicant understands and agrees to the following:

A. RFA Cancellation: This RFA may be cancelled at any time prior to the execution of a written agreement if deemed in the best interests of County. This includes cancellation of the RFA after an award has been made, but prior to the execution of a written contract. Applicant is not entitled to recover any costs related to the preparation of the application due to cancellation of the RFA or withdrawal of an award prior to the execution of a written agreement.

B. Grant/Loan Amount: All grant/loan amount requests and awards are to remain firm from the RFA closing date until the contract document is executed, unless a different period is stated in County's RFA. Any application that does not offer to remain firm for the required period may be considered to be non-responsive.

C. Costs: Applicants bears all costs and expenses related to this RFA including, but not limited to, preparation and delivery of the application, attending the pre- application conference, and attending an interview.

D. Licensing: All applicable federal, state, and local licenses must be acquired before the contract is entered into between County and the selected respondent. Licenses must be maintained throughout the entire contract period. Persons doing business as an Individual, Association, Partnership, Corporation, or otherwise shall be registered with the Utah State Division of Corporations and Commercial Code. NOTE: Forms and information on registration may be obtained by calling (801) 530-4849 or toll free at 877-526-3994, or by accessing: https://corporations.utah.gov.

E. Changes or Modifications: County will make any changes or modification to the RFA by written addendum. Applicants submitting an application based on any information other than that contained in County's RFA and any addenda, do so at their own risk.

F. Receiving Applications: Applications will be submitted via a SmartSheets form (Application Coversheet Form) with multiple required attachments and will be reviewed after the closing date and time. If only one application is received in response to this RFA, County may recommend an award of a contract to the single Applicant if the conditions cited above are met. Alternatively, County may re-solicit for the purpose of obtaining additional applications.

G. Rejection of Applications: Any application containing significant deviations from the specifications of the RFA shall be considered non-responsive and may be rejected in whole or in part.

H. Protests: Pursuant to Salt Lake County Code of Ordinances § 3.25.080, a protest in regard to the RFA document shall be submitted in writing to the Program Administrator within seven (7) business days after notification of the award is posted to the county's website or delivered to the applicants. An appeal may be amended and/or supplemented during the seven calendar days after notification of the award is posted but shall not amend and/or supplement its appeal after the expiration of that time period. An aggrieved applicant may file only one (1) appeal after the closing date for applications. Appeal letters should specifically and completely state the facts that constitute the error in the applications process or the award and the desired remedy.

I. Free and Competitive Selection: Any agreement or collusion among prospective Applicants to fix a price or limit competition shall render the application void, and such conduct is unlawful and subject to criminal sanction. Each Applicant shall certify that no one in its firm or company has either directly or indirectly restrained free and competitive selection, participated in any collusion, or otherwise taken any action unauthorized by County Purchasing Ordinances or applicable law.

J. Reasonable Accommodations: Reasonable accommodations for qualified individuals to attend meetings may be provided upon receipt of a request with two (2) working days' notice. Please contact Josh Narvaez, Program Administrator, at 385-622-2143. TTY users may call 711.

K. Environmentally Responsible Procurement Practices: County has implemented environmentally responsible procurement practices. Please refer to Appendix G: Environmental Compliance Practices, Vendor Compliance Statement, and Non-Debarment Certification.

L. Government Records Access and Management Act (GRAMA)
County is a governmental entity subject to the Utah Government Records Access and Management Act ("GRAMA"), Utah Code Ann. §§ 63G-2-101 to -901. As a result, County is required to disclose certain information and materials to the public, upon request. Generally, any document submitted to County is considered a "public record" under GRAMA. Any person who provides to County a record that the person believes merits

protection under subsection 63G-2-305(1) or (2) must submit with their application all of the following: (1) a written claim of business confidentiality and (2) a concise statement of reasons supporting the claim of business confidentiality, and (3) a separate copy of the application with the information requested to be protected redacted **Failure to comply with any of the three requirements for a claim of business confidentiality waives the request for protected record**. Generally, GRAMA only protects against the disclosure of trade secrets or commercial information that could reasonably be expected to result in unfair competitive injury. For your convenience, County has provided a Business Confidentiality Request Form which is attached to this RFA as Appendix H. **All documents submitted in response to this RFA will be treated as public records in accordance with GRAMA, unless a claim of business confidentiality has been properly made and approved by County. All proposed costs/pricing/fees submitted to the county are public records. An entire application cannot be identified as "PROTECTED," "CONFIDENTIAL," or "PROPRIETARY" and may be considered non-responsive if marked as such.**

M. <u>Notice to Retirees of Utah Retirement Systems ("URS")</u>

County is a URS "participating employer." Entering into an agreement with County may affect a URS retiree's retirement benefits including, but not limited to, cancellation of the retiree's "retirement allowance" due to "reemployment" with a "participating employer" pursuant to Utah Code Ann. § 49-11-504 to -505. In addition, Contractor is required to immediately notify County if a retiree of URS is the contractor; or an owner, operator, or principal of the contractor. Contractor shall refer the URS retiree to the URS Retirement Department at 801-366-7770 or 800-695-4877 for all questions about post-retirement employment regulations.

N. <u>Employee Status Verification System</u>

Applicant shall register and participate in the Status Verification System before entering into a contract with County as required by Utah Code Ann. § 63G-12-302. The Status Verification System is an electronic system operated by the federal government, through which an authorized official of a state agency or a political subdivision of the state may inquire by exercise of authority delegated pursuant to 8 U.S.C. § 1373 to verify the citizenship or immigration status of an individual within the jurisdiction of the agency or political subdivision. Applicant is individually responsible for verifying the employment status of only new employees who work under Applicant's supervision or direction and not those who work for another Applicant or subcontractor, except each Applicant or subcontractor who works under or for another Applicant shall certify to the main Applicant by affidavit that the Applicant or subcontractor has verified, through the Status Verification System, the employment status of each new employee of the respective Applicant or subcontractor. The Applicant shall comply in all respects with the provisions of Utah Code Ann. § 63G-12-302. Applicant's failure to so comply may result in the immediate termination of its contract with County.

O. Ethical Standards

Applicant represents that it has not: (a) provided an illegal gift to any County officer or employee, or former County officer or employee, or to any relative or business entity of a County officer or employee, or relative or business entity of a former County officer or employee; (b) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards set forth in State statute or Salt Lake County Code of Ordinances § 2.07; or (d) knowingly influenced, and hereby promises that it will not knowingly influence, any County officer or employee or former County officer or employee to breach any of the ethical standards set forth in State statute or Salt Lake County ordinances.

P. Campaign Contributions

The Salt Lake County campaign finance disclosure ordinance limits campaign contributions by Applicants to County candidates. Salt Lake County Code of Ordinances § 2.72A. Applicant acknowledges and understands those limitations on campaign contributions mean that any person, business, corporation or other entity that enters into a contract or is engaged in a contract with County is prohibited from making campaign contributions in excess of $100 to County candidates during the term of the contract and during a single election cycle as defined in the ordinance. Applicant further acknowledges that violation of those provisions governing campaign contributions may result in criminal sanctions as well as termination of this Agreement.

Q. Copyrighted Material Waiver

In the event that the application contains copyrighted or trademarked materials, by submitting its application the Applicant grants the County the right to use, reproduce, and publish the copyrighted or trademark materials in any manner the County deems necessary for conducting County business and for allowing public access to the responses under GRAMA or otherwise, including but limited to photocopying, County Intranet/Internet postings, broadcast faxing, and direct mailing.

If the application contains materials whose copyright or trademark is held by a third party, it is the Applicant's sole responsibility to obtain permission from that third party for the County to reproduce and publish the information.

By submitting its application, the Applicant certifies that it owns or has obtained all necessary approvals for the reproduction or distribution of the contents of the application and agrees to indemnify, protect, save and hold the County, its representatives and employees harmless from any and all claims arising from all intellectual property claims related or connected to the application and agrees to pay all legal fees incurred by the County in the defense of any such action.

R. Restrictions on Communications

From the issue date of this request for application until an Applicant is selected and the selection is announced, Applicants are prohibited from communications regarding this procurement with agency staff, evaluation committee members, or other associated individuals EXCEPT the Program Administrator overseeing this procurement. Failure to comply with this requirement may result in disqualification.

SECTION 13. INSURANCE REQUIREMENTS

Insurance will be required per the amounts listed below. Please refer to the attached sample agreement for information concerning insurance requirements.

A. Workers' compensation and employer's liability insurance as required by the State of Utah.

B. Commercial general liability insurance in the minimum amount of $2,000,000 per occurrence with a $3,000,000 general policy aggregate and a $2,000,000 products completed operations policy aggregate.

C. Professional liability insurance in the minimum amount of $2,000,000 per occurrence with a $3,000,000 annual policy aggregate limit.

D. Commercial automobile liability insurance that provides coverage in the minimum amount of $1,000,000 per person, $2,000,000 per accident, $500,000 per occurrence for property damage, or a single combined limit of $2,000,000.

APPENDIX A – LETTER OF INTENT FORM

APPENDIX B – APPLICATION COVERSHEET FORM

APPENDIX C – PROJECT NARRATIVE FORM

APPENDIX D – PROJECT BUDGET AND PRO-FORMA

APPENDIX E – MARKETING OUTREACH AND/OR SERVICE PLAN FORM

APPENDIX F – COMPLETED AFFORDABLE HOUSING PROJECTS FORM

APPENDIX G – ENVIRONMENTAL COMPLIANCE PRACTICES VENDOR COMPLIANCE STATEMENT AND NON-DEBARMENT CERTIFICATION

APPENDIX H – BUSINESS CONFIDENTIALITY REQUEST FORM

APPENDIX I – REQUEST FOR EXCEPTION/MODIFICATION TO RFA OR CONTRACT FORM

APPENDIX J – STATE AND LOCAL FISCAL RECOVERY FUND SUBAWARD AGREEMENT

APPENDIX K – DEED OF TURST

APPENDIX L – DEED RESTRICTION

APPENDIX M – PROMISSORY NOTE