



# REQUEST FOR APPLICATIONS

## 2019-2020 URBAN ENTITLEMENT FUNDING

- Community Development Block Grant (CDBG)
- Emergency Solutions Grant (HESG)
- Home Investment Partnerships Program (HOME)
- Community Housing Development Organization (CHDO)

# Contents

Overview .....	2
1. Application Submission Guidelines .....	3
2. Request for Applications Summary .....	4
3. Application Eligibility .....	5
4. Applicant Responsibilities .....	6
5. Checklist for Required Application Contents .....	13
6. Technical Assistance and Workshops .....	16
7. Application Review Process .....	18
8. Evaluation Criteria and Selection Process .....	19
9. HUD Income Limits .....	22
10. General Terms and Conditions .....	23

# CHARLESTON COUNTY COMMUNITY DEVELOPMENT

## 2019-2020 URBAN ENTITLEMENT FUNDING

### OVERVIEW

DATE:	November 26, 2018
SOLICITATION:	Request for Applications (RFA)
DESCRIPTION OF REQUEST FOR APPLICATIONS:	2019-2020 Urban Entitlement Funding Grant Request for Applications (RFA) are being solicited for programs and projects that meet the goals outlined in the County's Consolidated Plan (PY2016 – PY2020).
PRE-APPLICATION WORKSHOPS:	Non-Mandatory <b>STRONGLY ENCOURAGED</b>  Tuesday, December 4, 2018 at 9:30 a.m. Buist Conference Room, 3rd Floor City Hall, City of North Charleston 2500 City Hall Lane North Charleston, SC 29406  OR  Wednesday, December 12, 2018 at 9:30 a.m. Charleston County Lonnie Hamilton III Public Services Building Charleston County Council Chambers 4045 Bridge View Drive, Suite B249, 2nd Floor North Charleston, SC 29405
DUE DATE FOR WRITTEN QUESTIONS:	Thursday, December 20, 2018 at 5:00 p.m. Phone: (843) 202-6960 Dr. Anna Eskridge <a href="mailto:aeskridge@charlestoncounty.org">aeskridge@charlestoncounty.org</a>
APPLICATION DUE DATE/TIME:	Monday, January 7, 2019 at Noon (12 p.m.) **Late Applications will not be accepted**
APPLICATION SUBMISSION:	All applications must be submitted <b>electronically</b> at <a href="https://www.charlestoncounty.org/departments/community-development/RFA.php">https://www.charlestoncounty.org/departments/community-development/RFA.php</a>

## 1. Application Submission Guidelines

**i** Read this document thoroughly before completing application.

- **FILL OUT THE APPLICATION COMPLETELY.** All applications must be submitted electronically. Available at <https://www.charlestoncounty.org/departments/community-development/RFA.php>. Applications must comply with requirements detailed in this document and the application.
- **DUE DATE:** Monday, January 7, 2019 at Noon (12 p.m.)
- **A COMPLETE application package includes two (2) parts:**
  - **Part 1:** Submitted online CDBG, HOME, CHDO, or ESG application. (Part 1 application available at <https://www.charlestoncounty.org/departments/community-development/RFA.php>) Project information will be entered into a form that has been designed specifically for specific programs/ projects.
  - **Part 2:** Mandatory Forms and Attachments (Go to <https://www.charlestoncounty.org/departments/community-development/RFA.php> to download forms according to project type and submit electronically). **Checklist for forms/attachments available in Section 5.** Example, if you are applying for a CDBG emergency repair project, then download, fill out, and submit the forms and attachments listed under the “Community Development Block Grant (Emergency Housing Repair Projects)” checklist. These documents must be submitted electronically - applications cannot be faxed or emailed. Documents submitted must be signed by a representative of the entity duly authorized to commit to the provisions of this RFA.
- Because this application submission is internet-based, you are strongly encouraged to submit early to ensure no technical difficulties are encountered.
- **HARDCOPIES, FACSIMILIES AND EMAILS WILL NOT BE ACCEPTED.**
- **ALL REQUIRED APPLICATION DOCUMENTS MUST BE UPLOADED WITH THE APPLICATION.** Changes and/or additions to the application will not be accepted after the application deadline.
- All applications must be complete and convey all of the information requested. If significant errors are found in the application, or if it fails to conform to the essential requirements of the RFA, staff will determine whether the variance is significant enough to deem the application as non-responsive. Different projects have different required attachments—**to ensure your application attachment package is complete, review the checklist that is provided in SECTION 5.**
- Applications should be prepared simply and economically, providing a straightforward, concise description of the need. The questions must be answered and the project/program must be clearly defined. Emphasis should be on completeness, clarity of content and measurable outcomes.
- Applicants may apply for more than one project; however, each project must be submitted separately via the online system.
- Applicants may also apply to more than one funding program for the same project; however, a separate application package must be completed for each program.
- Proposed projects must address one or more of the program priorities outlined in Section 8.

## 2. Request for Applications Summary

**i** Charleston County's Community Development Department is the administering agency for the County of Charleston and the City of North Charleston's Urban Entitlement funding. The various funding streams are the Community Development Block Grant (CDBG) Program, HOME Investment Partnerships (HOME) Program and Emergency Solutions Grant (HESG). In addition, there are HOME set-aside funds for housing development included in this Request for Applications. The funds, referred to as Community Housing Development Organization (CHDO) set-aside funds, will be awarded for housing development activities that result in decent, affordable housing for low- to moderate-income households in Charleston County. Each of these grant programs are funded by an allocation from the U.S. Department of Housing and Urban Development (HUD).

### FUNDING

Funding estimates for the 2019 CDBG, HESG and HOME Fiscal Year (07/01/19 - 06/30/20) have not yet been provided by HUD; however, it is anticipated that Charleston County (the "County") will receive funding to support housing and community development activities across all of Charleston County and its eleven participating jurisdictions. Using last year's allocations as a guide, the County/City of North Charleston received approximately \$1.7 million in CDBG funds, \$798,000 in HOME/CHDO funds and the County also received \$146,000 in Emergency Solutions Grant (HESG) funds.

The County partners with the City of North Charleston ("North Charleston") to receive the Urban Entitlement designation and subsequent funding; and thus, shares the award. North Charleston has historically received 52 percent of the award based on its citizen population, and the County has received the remaining 48 percent to utilize across all of the County-- specifically in the participating jurisdictions of the Town of Awendaw, Town of Hollywood, Town of James Island, Town of Lincolnville, Town of McClellanville, Town of Meggett, Town of Mount Pleasant, Town of Ravenel, Town of Sullivan's Island, the City of Isle of Palms, and the unincorporated areas of Charleston County.

### REQUEST FOR APPLICATIONS

In an effort to continuously improve and further refine the program and its various elements, Charleston County and the City of North Charleston have combined their Request for Application (RFA) process.

The RFA is being solicited for programs and projects that meet the goals outlined in the County's PY2016-2020 Consolidated Plan. The proposal must identify the specific goal that the project will address and must include measurable outputs. Note: The application must clearly identify whether the proposal is being submitted to Charleston County, the City of North Charleston, OR both governmental bodies.

### SERVICE AREA

The Charleston County Urban Entitlement area is comprised of all of the incorporated and unincorporated areas of the County with the exception of the incorporated city limits of the City of Charleston. (Note: Grant applications will be accepted on behalf of the City of North Charleston for its part of the County's Entitlement funds.) Applications must describe the location (street, road, community) the project will serve if project is not countywide. Applicants for infrastructure projects, HOME funds, and CHDO funds must provide a map which shows a block/census tract number or a tax map number (TMS) of the service area. Tax Map Numbers (TMS) can be accessed online at [www.charlestoncounty.org](http://www.charlestoncounty.org).

### 3. Application Eligibility

**i** CHARLESTON COUNTY CONSOLIDATED PLAN GOALS AND COMMUNITY OUTCOMES

*As a requirement of the Urban Entitlement allocation, the County is mandated by HUD to identify community needs that can and will be addressed through the use of the federal funds. The County identifies priorities for the three funding streams—CDBG, HESG, and HOME (which includes CHDO).*

#### **PY2019 ELIGIBLE PROJECTS/AREAS**

A complete listing of eligible project categories and those identified as receiving priority in the scoring process can be found within this package in Section 8.

#### **ELIGIBLE APPLICANTS**

Any governmental, community, neighborhood, faith-based, or nonprofit organization engaged in a public service may apply. Private for-profit agencies engaged in providing services to low- and moderate-income individuals ARE ALSO ELIGIBLE. Nothing herein is intended to, nor should it be construed to, limit competition; instead, it is for the purpose of meeting the direct benefit or area benefit of persons or communities eligible to receive grant funds using a system of fair, impartial and free competition among all Applicants. It is the intent and purpose of the County and the City of North Charleston that this RFA permit competition. For CHDO, eligible applicants must meet the criteria to be certified a Community Housing Development Organization (CHDO) with capacity to develop affordable housing in the Charleston County Urban Entitlement community.

## 4. Applicant Responsibilities

### APPLICANT REQUIREMENTS

In order to be considered for funding, the Applicant should:

- a. Demonstrate the ability to provide the proposed activity(ies);
- b. Provide the information requested in this RFA as well as any other information requested after the application has been submitted;
- c. Be able to provide a tour of existing facilities, if requested;
- d. Comply with requirements of the Fair Housing Act, the applicable regulations, and existing governing laws (including requirements regarding nondiscrimination, political activity, sectarian activities, program accessibility for disabled individuals and participant insurance);
- e. Operate under a cost reimbursement contract;
- f. Be able to operate without reimbursement for indirect costs/administrative costs;
- g. Have source of unrestricted revenue in order to repay disallowed costs should they arise;
- h. Provide evidence of Board of Directors or other governing body approval for application submittal; and,
- i. Be able to present the project to the Community Development Advisory Board(s), if requested.

### MATCH REQUIREMENTS (May be cash or in-kind)

**CDBG:** Applicants to the CDBG program are not required to show matching funds. However, proposals that show other sources of funding will be scored higher in project feasibility and community support.

**HESG:** Applicants to the HESG program must provide evidence of 100% non-federal, non-administrative match funds. Note: Some federal funds can be used as match, but the applicant will need to provide information from the applicable federal regulations that substantiates this assertion.

**HOME:** Applicants to the County's HOME program must provide evidence of a minimum of 25% non-federal, non-administrative match funds. There is no match requirement for the City of North Charleston HOME Program.

**CHDO:** Applicants to the County's HOME program must provide evidence of a minimum of 25% non-federal, non-administrative match funds. A match requirement for the City of North Charleston HOME Program may be determined at award time.

### ADMINISTRATIVE COSTS\*

No administrative costs will be funded.

\*PLEASE NOTE: Staff members that are responsible for project implementation/management, case management are considered project soft costs, not administrative costs, and are allowable expenses to include in your project request.

### AFFIRMATIVE ACTION/MARKETING

It is a requirement of HUD that agreements or arrangements to carry out the HUD-funded program or activity must fully comply with the regulations outlined. Furthermore, the Applicant must take affirmative action in complying with all federal and state requirements concerning fair employment including employment of the disabled, and concerning the treatment of all employees, minority- and female-owned businesses, without regard or discrimination by reason of race, color, religion, sex, national origin, familial status, age or disability in accordance with the regulations outlined in the Equal Opportunity and Fair Housing (92.350) sections of the HUD Federal Register, the objectives of Title VII of the Civil Rights Act of 1968, Executive Order 11063 and in furtherance of the County's commitment to non-discrimination and equal opportunity in housing.

## REQUIRED PROCUREMENT STANDARDS FOR AWARDEES

Applicants should ensure that they have the capacity to comply with federal procurement standards. To read the federal requirements (2 CFR 200, Subpart D - Procurement Standards) and for further information, please reference the Electronic Code of Federal Regulations (ECFR) website at <https://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1.4.31&rgn=div7>.

It is important for all agencies to understand these requirements regardless of the type of project activities. However, for agencies conducting projects related to rehabilitation, infrastructure, new construction, or an activity that requires the purchase of material/equipment or the hiring of contractors—adherence and compliance with these standards is mandatory.

## PRIME CONTRACTOR RESPONSIBILITIES

The Applicant will be required to assume the sole responsibility for the complete effort as required by this RFA. The Applicant's designated consultants may act and interact with County and/or City staff on behalf of the Applicant as set forth in a signed agreement between the Applicant and its designee. However, the Applicant maintains the sole responsibility for the programmatic and financial performance outlined under the agreement.

## APPLICATION CONSTITUTES OFFER

By submitting an application, the Applicant agrees to be governed by the terms and conditions as set forth in this document. Any applications containing variations from the terms and conditions set forth herein may, at the discretion of the Administrative Entity (Charleston County Community Development Department) be deemed as non-responsive. Any inconsistencies between this RFA and any other contractual instrument shall be governed by the terms and conditions of this RFA except where subsequent amendments to any contract resulting from this RFA are specifically agreed to in writing by the parties to supersede any such provisions of this RFA.

## ADDITIONAL CONSIDERATIONS

- a. Applicants' projects must benefit low- and moderate-income families, aid in the prevention or elimination of slum and blight, or assist homeless individuals or families.
- b. Any agency or organization applying for funds must be able to begin expending funds within 90 days of contract execution.
- c. Any agency previously awarded CDBG, HOME, CHDO, or HESG funds should be implementing the project and have met applicable performance milestones at the time of submission of this application. For funds awarded the prior program year, milestones such as the following will be considered:
  - For CDBG and HESG funds, agreements must be executed.
  - For HOME and CHDO funds, site addresses must be chosen and environmental reviews must have started.
- d. CDBG, CHDO, and HOME funds are used to leverage other resources for projects/programs. Applicants must demonstrate that they have attempted to obtain funds from other sources.
- e. Applicants must report all other sources of funds for the proposed program/project, the amount of funds, and how the funds will be used.
- f. Applicants' offices may be located outside of the County; however, the proposed project(s) must serve the County's residents and neighborhoods. As a condition of receiving grant funds, subrecipients who provide direct services must assure easy accessibility to Charleston County residents.
- g. If the Applicant plans to subcontract any activities or funds under the application, a copy of the subcontract agreement and line item budget must be attached as part of the application. No part of a contract may be subcontracted without prior approval of the Charleston County Community Development Department. Successful Applicants shall ensure any subcontractor complies with all terms of this RFA, federal procurement standards, and any contract resulting therefrom.
- h. All proposed HESG applications must be approved by the local Continuum of Care in order to be eligible to apply.
- i. Any agency receiving HESG funds is obligated to maintain both client services activity records and performance outcome measures utilizing HMIS. Domestic violence, AIDS and legal service providers must use a comparable



database that collects client-level data over time and generates unduplicated aggregate reports.

- j. Proposed HOME projects, with the exception of owner-occupied rehabilitation, must provide a current preliminary feasibility analysis for the project. Any applicant that fails to meet this threshold item will not be considered for funding.
- k. Acquisition or rehabilitation of housing built before 1978 will require a lead hazard evaluation and possible lead hazard reduction. This can include identification and either stabilizing deteriorating paint, the control of the hazard, or abatement.
  - All projects funded must comply with HUD's Lead-Based Paint (LBP) Regulations entitled "Requirements for Notification, Evaluation and Reducing of Lead-Based Paint Hazards in federally owned residential property and housing receiving federal assistance". These requirements are imposed on all building constructed pre-1978, when lead was removed from all paint by federal law. The cost to remove LBP should be included in the construction budget. Note that clearance must be conducted on any rehabilitation project (including gut rehabilitations) if the building was built pre-1978.
- l. The applicant will be required to submit an Environmental Review package on designated projects to Charleston County Community Development Department for evaluation and submittal to HUD for approval before a contract can be executed and work can begin on the project.

#### **ENVIRONMENTAL REVIEW REQUIREMENTS and HUD CLEARANCE (if applicable\*)**

\*Applies to the following types of projects:

- CDBG Infrastructure/Demolition/Sidewalks
- CDBG Emergency Housing Repair
- HOME/CHDO Housing Rehabilitation
- HOME/CHDO New Construction/Acquisition

#### The Objective

The objective of the Environmental Review (ER) process is to ensure that due diligence has been undertaken in identifying potential environmental impacts associated with projects that use HUD funds. Adverse environmental impacts can result from projects. Examples of such adverse impacts include: destruction of wetlands; destruction of native vegetation; destruction of historic properties; exposing citizens to excessive noise; and flood hazards.

Please note: no part of project can begin without environmental clearance.

#### Goals of Environmental Review

- To ensure that environmental concerns are identified and addressed before a project is undertaken (this must occur prior to contract execution)
- To promote the health and safety of residents, neighborhoods, and communities
- To protect land, air, and water

#### PY 2019 Projects

All entities should be aware that if a project requires an Environmental Assessment (EA) or full ER, this clearance process could greatly delay project start-up and affect project site feasibility. Additionally, the entity will incur additional expenses in obtaining such clearance. The subrecipient will be responsible for conducting the EA/ER for the following types of projects:

- New construction
- Infrastructure water/wastewater lines, etc.
- Sidewalks
- Demolition/Acquisition/Disposition
- Conversion
- HOME/CHDO-funded rehabilitation projects

Sub-recipients may choose to complete the ER or they may find it more beneficial to have a firm/consultant complete the package. All expenses incurred may be charged to the grant award once the project is implemented and the contract executed. The HUD-mandated checklist along with all corresponding documentation (clearance letters, maps, research) must be completed and submitted to the Charleston County Community Development Department for review and submission to HUD. Once County staff has reviewed the package, it will be submitted for HUD clearance and the release of funds for said project. At this time, the contract may be issued and any costs associated with the ER may be submitted for reimbursement against the grant award. Please note that once a site has been reviewed and environmentally cleared, the clearance remains effective for five years.

#### Guidance

Should an agency or city/town require more information on the ER process, please consult the HUD Exchange website at: <https://www.hudexchange.info/environmental-review/>.

The County will continue to perform all basic-level Environmental Reviews for projects such as:

- Public service activities
- Inspections, testing services
- Engineering and design costs
- Technical assistance, training
- Rental assistance
- Operating costs including maintenance
- Down payment assistance
- Financing and pre-development costs
- CDBG-funded emergency housing repairs (maintenance and rehabilitation)

All selected applications/projects and the commitment of funds are contingent upon the completion of an Environmental Assessment for compliance with the National Environmental Policy Act (NEPA) of 1969. The Environmental Assessment is required for all projects that involve possible disturbance of the surrounding environment. It is mandatory that a determination whether these activities will affect or alter the local environment and cultural resources; therefore, Environmental Reviews (ER) must be approved by the County as the responsible entity and obtain environmental clearance from HUD prior to the start of any related activities. Each review is detailed and contingent upon a compliance review of each applicable law and authority found at 24 CFR Part 58. On average, the ER process takes a minimum of 60 days but can take 4-6 months.

### **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG):**

#### Emergency Housing Repairs

Emergency housing repairs will be funded with CDBG dollars. For larger housing rehabilitation projects, prospective applicants should investigate whether they have the capacity and funding required to apply for HOME funds.

This program will fund entities whose projects provide limited (emergency) repairs for homeowners who meet the eligibility criteria listed:

1. **Income Requirements:** The household must have an income below 80% of median income as defined by HUD. These figures are adjusted annually and can be found in Section 9 of this document.
2. **Acceptable Repair Work:** The dwelling must exhibit serious threats to health and safety or the owner must be in need of handicap accessibility. Typical eligible activities are listed in the table on the following page:

Roof Replacement	The roof and ceiling must be collapsing with the potential for falling at any time. Leaking roof is not eligible.
Plumbing	No running water to: kitchen sink, one lavatory, shower or tub, <u>and a toilet</u> . All plumbing must be connected to public sewer, or other approved disposal system.
Electrical	Exposed electrical wiring (verified by electrical inspector) and wiring which poses a fire hazard.
Flooring	Flooring which has the potential for collapsing at any time.
Gas Leak	Must be verified by South Carolina Electric and Gas Company.
Gas Operated Unvented Hot Water Heaters	To eliminate the danger of potential explosion.
Porch Floors and Rails	Structurally unsound porches which may collapse at any time. Broken rails greater than 1 foot in length. Porches must be greater than 30 inches above the ground.
Exterior Wall Repair	Holes in walls greater than two square feet, exposing inside to outside elements.
Handicap Accessibility Improvements	Install ramps for handicapped persons. Floors should be accessible for ingress and egress throughout the house. Protective railings for interior stairs.

This program is not designed to provide overall improvements to housing but rather simply eliminate threats to health, safety and welfare and provide for handicapped accessibility. In order for the County and City of North Charleston to provide housing repair services to a wider number of households, this CDBG program is limited to emergency repairs. Emergency Repair providers can provide their own cap, but the cap cannot exceed the following:

- Charleston County - \$12,000
- City of North Charleston - \$12,000

## EMERGENCY SOLUTIONS GRANT

### Continuum of Care Endorsement Process

HUD requires that Emergency Solutions Grant funds support the Continuum of Care model that is based on alleviating homelessness through a community-based process, which enables the homeless population to steadily move toward independence. The Lowcountry Continuum of Care (CoC) is the HUD-recognized Continuum of Care for Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, and Jasper counties. In order for an agency located and/or providing services in those counties to receive funding through the Emergency Solutions Grant process, that agency's project request for HESG funds must be endorsed by the Lowcountry CoC.

HUD is placing an emphasis on new outreach and rapid re-housing activities. Based on HUD's priorities, consultation with Continuums of Care across the State and local providers, the Lowcountry CoC has established an order of funding priorities for the 2019 HESG funding cycle. The priorities are as follows:

1. Rapid Re-Housing
2. Street/Community outreach
3. Shelter Operations

Requests for endorsement for Charleston County's Emergency Solutions Grant 2019 funding cycle should be submitted to Heather Carver ([hcarver@lowcountrycoc.org](mailto:hcarver@lowcountrycoc.org)) no later than 12:00 p.m., Thursday, December 20, 2018. Should the Coalition determine that an agency's project is in line with the Coalition's priorities and standards, the Coalition will provide the agency with a letter of endorsement. An agency must include the letter of endorsement with its application in order to be eligible for funding consideration from Charleston County.

Requests for endorsement must be sent to [hcarver@lowcountrycoc.org](mailto:hcarver@lowcountrycoc.org) and should include:

1. Summary of the services and activities proposed in the HESG application (2-page limit)
2. The Budget Summary page of the HESG application.
3. Signed HMIS User Agreement (request agreement from [hcarver@lowcountrycoc.org](mailto:hcarver@lowcountrycoc.org))

Potential applicants should be familiar with and able to comply with newly established regulations related to HESG funding. Some of the newly established regulations include:

- Rental assistance agreement - The agency may make rental assistance payments only to an owner/landlord with whom the agency has entered into a rental assistance agreement.
- All HESG recipients must use the locally adopted HMIS system.
- HESG recipients are prohibited from assisting with the discharge of persons from any system of care that will immediately result in homelessness (i.e. hospital discharge to a shelter, jail discharge to a shelter)
- The age of a child under age 18 must not be used as a basis for denying any family's admission to an HESG funded site.

These are only a few of the HESG regulations. Applicants should make themselves familiar with the HEARTH Act Regulations as published in the Federal Register at <https://www.hudexchange.info/esg/>.

## **HOME INVESTMENT PARTNERSHIPS PROGRAM**

The Consolidated and Further Continuing Appropriations Act of 2012 (P.L. 112-55) imposed new requirements on projects receiving funds from the HOME Investment Partnerships Program (HOME). The purpose of these requirements is to improve project selection, timeliness of construction, and to ensure there is adequate market demand for the HOME project. HOME project funds are widely known to be the most difficult and challenging of HUD funds to manage successfully.

Potential applicants should be familiar with and able to comply with newly established regulations related to HOME funding. If the agency or business has not received and successfully managed HUD HOME funds, it is strongly encouraged that you review all HOME related regulations and information which can be found on-line at <https://www.hudexchange.info/programs/home/home-facts/>. Should you have further questions after a review of the regulations online, please contact the Community Development Department at 843-202-6960 and request HOME related regulations and program information to ensure a competitive and worthwhile application is submitted.

## **CHDO: REQUIREMENTS FOR SUBMISSION**

Eligible applicants must meet the criteria to be certified a Community Housing Development Organization (CHDO) with capacity to develop affordable housing in the Charleston County Urban Entitlement community. The stated purpose of the CHDO must involve the provision of decent housing that is affordable to low- and moderate-income persons. To be an eligible applicant, the certified CHDO must meet all application requirements outlined in the Request for Application packet and must serve as owner, developer and/or sponsor of the activity.

Eligible CHDO activities to be considered include:

- acquisition and/or rehabilitation of rental property;
- new construction of rental housing;
- acquisition and/or rehabilitation of homebuyer property;
- new construction of homebuyer property; and
- direct financial assistance to purchasers of HOME-assisted housing sponsored or developed by a CHDO with HOME funds.

Ineligible CHDO set-aside activities include:

- tenant-based rental assistance;
- homeowner rehabilitation; and
- brokering or other real estate transaction

All projects should be designed to begin immediately. Contract duration will be determined at contract execution and will be determined based upon project scope. Progress reports are required for all projects, as are completion reports. Additional reporting and/or information may be required depending on the scope of the project.

All projects must comply with the federal regulations applicable to CHDO activities. These regulations may include (but are not limited to): Environmental review, federal procurement standards, Fair Housing and Equal Opportunity regulations, lead based paint regulations, and federal fiscal/audit standards. Projects are monitored through technical assistance, site visits, and formal file reviews. Regulations specifically related to CHDOs can be found in 24 CFR Part 92.

Development fees will be 12-15 percent of the award and will be paid based upon project milestones. The milestones and timeline for payment will be negotiated after award but pre-contract.

There is a 25% match requirement for projects awarded by the County of Charleston. Should the City of North Charleston award a CHDO project, match will be determined at award time. This match may be comprised of in-kind support or cash. An entity may not utilize any administrative dollars or administrative in-kind services towards this match requirement. The County MAY be able to negotiate the match, if Funding is awarded.

## **FUNDING TIME FRAME**

To ensure that funded sub-recipients can successfully administer and achieve their stated goals, the funding cycle is anticipated to begin September 1, 2019 and conclude on August 30, 2020. These dates are dependent upon the actual release of funds from HUD.

## 5. Checklist for Required Application Contents

**i** Use the application checklist below to organize your submission. Please note that submissions that do not contain all required elements may be considered non-responsive. All elements listed on the respective checklist should be present or indicates as “not applicable”.

**Submit Part 1:** Online Application (Submit at <https://www.charlestoncounty.org/departments/community-development/RFA.php>)

**Submit Part 2:** Mandatory Forms and Attachments (**see checklists for each project type below**). (Submit at <https://www.charlestoncounty.org/departments/community-development/RFA.php>)

### Community Development Block Grant (Infrastructure)

1. Project/Program Budget
2. Signed Audit/Financial Statement form
3. Signature Page/Certification Form
4. Signed Equal Employment Opportunity Certification
5. Signed Compliance with Illegal Immigration Act Certification
6. Non-profit 501(c)3 letter of determination from the Internal Revenue Service (if applicable)
7. Most recent audit or financial statement\*
8. Copy of previous grant monitoring report (if applicable)
9. Evidence (letters of approval/denial) of attempts to obtain other funding for the project/program
10. Any letters of support from faith- and community-based partners, corporate sponsors, clients, program participants that you have for the project
11. Mapped Project Location (include census tract/block, street addresses to be affected, etc.)
12. Recent letters of community support—to substantiate in-kind donations, and collaboration, cash donations.
13. Addendum

### Community Development Block Grant (Emergency Housing Repair Projects)

1. Project/Program Budget
2. Signed Audit/Financial Statement form
3. Signature Page/Certification Form
4. Signed Equal Employment Opportunity Certification
5. Signed Compliance with Illegal Immigration Act Certification
6. Non-profit 501(c)3 letter of determination from the Internal Revenue Service (if applicable)
7. Most recent audit or financial statement\*
8. Copy of previous grant monitoring report (if applicable)
9. Evidence (letters of approval/denial) of attempts to obtain other funding for the project/program
10. Letters of support from faith- and community-based partners, corporate sponsors, clients, program participants, etc.
11. Recent letters of community support—to substantiate in-kind donations, and collaboration, cash donations.
12. Addendum

### Community Development Block Grant (Public Service projects)

1. Project/Program Budget
2. Signed Audit/Financial Statement form
3. Signature Page/Certification Form
4. Signed Equal Employment Opportunity Certification
5. Signed Compliance with Illegal Immigration Act Certification
6. Non-profit 501(c)3 letter of determination from the Internal Revenue Service (if applicable)
7. Most recent audit or financial statement\*
8. Copy of previous grant monitoring report (if applicable)
9. Evidence (letters of approval/denial) of attempts to obtain other funding for the project/program
10. Letters of support from faith- and community-based partners, corporate sponsors, clients, program participants, etc.
11. Recent letters of community support—to substantiate in-kind donations, and collaboration, cash donations.
12. Addendum

### HOME: Housing Rehabilitation Projects

1. Project/Program Budget

2. Signed Audit/Financial Statement form
3. Signature Page/Certification Form
4. Signed Equal Employment Opportunity Certification
5. Signed Compliance with Illegal Immigration Act Certification
6. Non-profit 501(c)3 letter of determination from the Internal Revenue Service (if applicable)
7. Most recent audit or financial statement\*
8. Copy of previous grant monitoring report (if applicable)
9. Commitment letters for other sources of funds; amounts must be specified (County HOME projects require a match. The match must be comprised of 25% non-federal, non-administrative funds)
10. Evidence (letters of approval/denial) of attempts to obtain other funding for the project/program.
11. Letters of support from faith- and community-based partners, corporate sponsors, clients, program participants, etc.
12. Addendum

HOME: New Construction/Property Acquisition

1. Project/Program Budget
2. Signed Audit/Financial Statement form
3. Signature Page/Certification Form
4. Signed Equal Employment Opportunity Certification
5. Signed Compliance with Illegal Immigration Act Certification
6. Non-profit 501(c)3 letter of determination from the Internal Revenue Service (if applicable).
7. Most recent audit or financial statement\*
8. Copy of previous grant monitoring report (if applicable).
9. Commitment letters for other sources of funds; amounts must be specified (County HOME projects require a match. The match must be comprised of 25% non-federal, non-administrative funds)
10. Evidence (letters of approval/denial) of attempts to obtain other funding for the project/program.
11. Letters of support from faith- and community-based partners, corporate sponsors, clients, program participants, etc.
12. Statement from the Town or Municipality's Mayor, Council, or Administrator acknowledging their support of the project application.
13. Evidence of outreach, involvement and cooperative intent with residents (or organizations representative of the residents within the target neighborhoods). Letter(s) of support should be project specific and current.
14. Drawings, plans, specifications, if new construction
15. Appraisal(s) of land or property (if project involves the acquisition of land or property with the requested funds)
16. Names, addresses and qualifications of key project persons such as architect, developer, etc.
17. Addendum

Please note that the following attachments are not due at time of submission but are due within 45 days of notice of award:

- Current Market Analysis of property location
- Project underwriting documentation

CHDO Projects

1. CHDO Certification Application (included in online application)
  - a. Please Note: an agency may only be eligible for CHDO certification if proven through documentation. In the online certification application, the agency will indicate the types of documentation they will use to prove certification (e.g., charter, articles of incorporation, by-laws, etc.). These documents must be included with the rest of the mandatory forms and attachments.
2. CHDO Certification (if your organization has been certified as a CHDO in the past, please submit that certification)
3. Project/Program Budget
4. Signed Audit/Financial Statement form
5. Signature Page/Certification Form
6. Signed Equal Employment Opportunity Certification
7. Signed Compliance with Illegal Immigration Act Certification
8. Non-profit 501(c)3 letter of determination from the Internal Revenue Service (if applicable)
9. Most recent audit or financial statement\*
10. Copy of previous grant monitoring report (if applicable).
11. Commitment letters for other sources of funds; amounts must be specified (County HOME projects require a

- match. The match must be comprised of 25% non-federal, non-administrative funds)
12. Evidence (letters of approval/denial) of attempts to obtain other funding for the project/program.
  13. Letters of support from faith- and community-based partners, corporate sponsors, clients, program participants, etc.
  14. Statement from the Town or Municipality's Mayor, Council, or Administrator acknowledging their support of the project application.
  15. Evidence of outreach, involvement and cooperative intent with residents (or organizations representative of the residents within the target neighborhoods). Letter(s) of support should be project specific and current.
  16. Drawings, plans, specifications, if new construction
  17. Appraisal(s) of land or property (if project involves the acquisition of land or property with the requested funds)
  18. Names, addresses and qualifications of key project persons such as architect, developer, etc.
  19. Addendum

#### HESG Projects

1. Project/Program Budget
2. Signed Audit/Financial Statement form
3. Signature Page/Certification Form
4. Signed Equal Employment Opportunity Certification
5. Signed Compliance with Illegal Immigration Act Certification
6. Non-profit 501(c)3 letter of determination from the Internal Revenue Service (if applicable).
7. Most recent audit or financial statement\*
8. Copy of previous grant monitoring report (if applicable).
9. Commitment letters for other sources of funds; amounts must be specified (match must be 100% non-federal, non-administrative funds)
10. Letters of support from faith- and community-based partners, corporate sponsors, clients, program participants, etc.
11. Endorsement letter from the local Continuum of Care, the Lowcountry Homeless Coalition. No application will be considered for funding without this endorsement letter. This is a federal mandate.
12. Recent letters of community support—to substantiate in-kind donations, and collaboration, cash donations.
13. Addendum

#### **\* CDBG/HOME/CHDO/HESG Financial/Audit Explanation**

All attachments/form package submissions regardless of funding stream or project type must include a recent audit or financial statement. Please see the following to ensure your agency provides the correct one:

*Sub-recipients of Community Development Block Grant (CDBG), Emergency Solution Grants (HESG), and/or HOME/CHDO funding that expend \$750,000 or more in total Federal financial assistance in a year are responsible for obtaining an independent audit in accordance with 2 CFR Part 200. The computation of the total of such assistance includes all Federal funds received by the entire entity. For purposes of determining the amount of Federal assistance expended, all Federal assistance shall be considered, including that which is received directly from a Federal agency, or passed through a state or local government, or through non-profit organizations, or any combination thereof. If a subrecipient expends less than \$750,000 per year in Federal financial assistance, it is exempt from Federal audit requirements. However, the subrecipient must still have records available for review by HUD, the grantee (County of Charleston,) or GAO, and there also may be separate state or local laws prescribing additional audit requirements.*



## 6. Technical Assistance and Workshops

**i** Charleston County will hold two (2) pre-application workshops and will accept written questions to provide applicants with assistance sufficient to submit competitive applications for this funding. There is also online application training available as needed.

### PRE-APPLICATION WORKSHOPS

Two non-mandatory pre-application workshops will be held. Interested parties shall meet at:

Tuesday, December 4, 2018 at 9:30 a.m.  
Buist Conference Room, 3rd Floor  
City Hall, City of North Charleston  
2500 City Hall Lane  
North Charleston, SC 29406

OR

Wednesday, December 12, 2018 at 9:30 a.m.  
Charleston County  
Lonnie Hamilton III Public Services Building  
Charleston County Council Chambers  
4045 Bridge View Drive, Suite B249, 2nd Floor  
North Charleston, SC 29405

The training will consist of:

- Application walk-thru
- Overview of the County goals and outcome indicators
- Scoring analyses and award process
- Financial regulations
- HOME requirements
- CHDO requirements

Although not mandatory, the Pre-Application Training **IS STRONGLY ENCOURAGED**. Registration is not required.

### WRITTEN QUESTIONS DEADLINE

The last day and time for submittal of written questions shall be no later than Thursday, December 20th at 5:00 p.m.

Applicants may ask procedural questions seeking clarification of the submittal process orally; however, substantive questions should be submitted in writing. Written questions should be mailed, emailed, or hand delivered to the Community Development Department. Substantive requests for information received prior to the deadline for questions may be responded to in writing by the County in the form of an addendum to this RFA. If an Applicant finds any inconsistency in this RFA, the Applicant should contact the County for resolution of the issue. Any clarification may become an addendum.

Questions or clarifications concerning this should only be directed to:

Dr. Anna Eskridge, Program Manager  
Community Development Department, Charleston County  
4045 Bridge View Drive, Suite C216  
North Charleston, SC 29405  
Phone: (843) 202-6960  
843-202-6960  
[aeskridge@charlestoncounty.org](mailto:aeskridge@charlestoncounty.org)

## **ONLINE APPLICATION TRAINING**

This year's applications are available via a web-based system. Please access the online application to ensure you are familiar and comfortable with this method. Should you require any assistance or help with understanding and using this system, please contact Dr. Anna Eskridge at [aeskridge@charlestoncounty.org](mailto:aeskridge@charlestoncounty.org) or at (843) 202-6960 to arrange an appointment for technical assistance on using the web-based system. This assistance will simply be instruction on the web-based application process and NOT anything pertaining to any organization's projects or information contained therein.

## 7. Application Review Process

**i** *The application review process will involve the following steps:*

- A. The Community Development Department will accept the online applications and attachments and review ALL applications and determine if they are responsive to this RFA. All application attachments and forms must be submitted to the Charleston County Community Development Department by the deadline. Applicants may be asked to provide additional information. Applications deemed as non-responsive will not be forwarded to and may not be considered by the respective Community Development Advisory Board(s).

Applications may be considered non-responsive if:

- It is received after the deadline.
  - It is an ineligible activity.
  - No budget form is submitted by the deadline.
  - Proof of financial capability is not attached.
  - Its request exceeds the available funding amount set forth for funding.
  - It is not signed and completed in its entirety.
  - The information contained in the application is found to be unsubstantiated.
- B. Assigned staff will review and rate all applications based on the criteria included in this RFA. Staff will provide relevant information to the full Community Development Advisory Board(s) for project recommendations to Charleston County Council and/or City of North Charleston Council.
- C. All discussions during the evaluation process are to be considered confidential.

### ORAL PRESENTATION

Applicants, at the discretion of the Community Development Advisory Board(s), may be requested to make an oral presentation of the application prior to final selection by the Advisory Board(s). However, applicants are cautioned that this provision is not mandatory; therefore, all applications, should be complete, concise and describe the project and the anticipated outcomes clearly. Administrative staff will schedule the time and location for these presentations.

### ADDITIONAL DOCUMENTATION

If an agency is awarded funding, a subrecipient agreement will be drafted. The Applicant may be required to submit documents and information prior to release of the contract, such as:

- Detailed Budget Back-Up/Justification
- Letters of Reference
- Audit Reports/Resolutions/Management Letter
- Documentation of Contracting Authority
- Performance and/or Fidelity Bond Documents
- Cost Allocation Plan/Indirect Cost Plan
- Copies of Sub-agreements
- Updated List of Board of Directors and Bylaws
- Conflict of Interest Policy
- Procurement, Financial, and Internal Control Policies
- Participant Accident Insurance Plan
- Agency's Citizen Grievance Policy
- Banking Arrangement Documentation
- IRS Identification Number
- Procedures for Prevention of Fraud and Abuse
- Certification of Program Accessibility for Disabled Persons
- HMIS Participation Agreement (HESG only)
- Standards for Provision of HESG Assistance

## 8. Evaluation Criteria and Selection Process

**i** *The following information will be used by staff and the Community Development Advisory Board to review and rank applications received for funding.*

**Please note that this is only one of several tools that staff, the Community Development Advisory Board(s), and Council members will use in making funding awards.**

### 1. Alignment with Community Priorities

Proposed project has measurable and realistic goals and objectives that successfully align with the identified goals outlined in the County's 2016-2020 Consolidated Plan (**maximum 20**); see Tables under "2016-2020 Consolidated Annual Plan Goals and Scoring" on the next page for more information.

### 2. Project Feasibility

Proposed project is clearly described and includes the following information:

- Addresses all aspects of project;
- Outcomes are achievable;
- Provides a viable solution to a problem;
- Discusses past efforts to solve problem and develop plans for implementation;
- Alternatives considered and best solution being implemented;
- Cost estimates current, appear reasonable based on need, impact and benefit, all necessary costs included in budget;
- All project resources are available in a timely manner;
- Project is eligible and all qualifying households determined and committed;
- Ready to begin implementation within 90 days of contract execution; if unable to begin project implementation within 90 days of contract execution, reasonable explanation as to why;
- Provide a cost per unit.

**(maximum 15 points)**

### 3. Capacity: (for NEW applicants/projects)

Organization has previous experience in managing federally funded programs, has adequate staff, internal controls and systems, and ability to re-pay any disallowed costs, should such occur (**maximum 40 points**)

OR

### Performance: (for PREVIOUSLY-funded projects)

Proposed project's sponsoring organization demonstrates a proven track record in completing similar projects successfully and within the funding period. Adherence to contracted reporting schedule, HUD required client income verification and property qualification will be measured (**maximum 40 points**);

### 4. Community Support

Proposed project leverages requested funds with volunteers, donated supplies and equipment. Applicant should attach evidence of all in-kind contributions. Sponsoring organization must be able to show evidence of committed funds (submit this evidence via an attachment). Organization must also demonstrate that it has applied for funding for the proposed project from other sources. If applying for a housing, land acquisition or rehab project, evidence of outreach, involvement and cooperative intent with residents is also provided, as well as a statement from the Town or Municipality's Mayor, Council, or Administrator acknowledging their support of the project application. Only agencies that provide both written justification (in the online application) and letters of support (submitted electronically in required attachments) will receive the full 15 possible points during the application evaluation (**maximum 15 points**);

5. **Application Submission**

Completeness, clarity of content, and organization of the online application and all submitted attachments. **(maximum 10 points).**

The review of this information will be made available to the respective Community Development Advisory Board(s). The Community Development Advisory Board(s) will make recommendations to County Council and/or City Council for final award for the anticipated 2019-2020 funding.

**2016-2020 Consolidated Annual Plan Goals and Scoring**

<b>Community Development Block Grant Program</b>	
ELIGIBLE ACTIVITY	POINT VALUE FOR SCORING
Infrastructure – Water/Sewer (ER)	20
Infrastructure – Sidewalks (ER)	0
Rehabilitation & Preservation – Emergency Repairs ( <i>funding cap per unit</i> )	20
Public Services*	5
Special Economic Development	0
Demolition and Clearance (ER)	0
Historic Preservation	0

\*Fair Housing considered a Public Service Activity

<b>Emergency Solutions Grant</b>	
ELIGIBLE ACTIVITY	POINT VALUE FOR SCORING
Street Outreach	5
Rapid Re-Housing ( <i>Must be literally homeless</i> )	20
Shelter Operations	15
Homeless Prevention	0

<b>Home Investment Partnerships (HOME) Program</b>	
ELIGIBLE ACTIVITY	POINT VALUE FOR SCORING
Owner-Occupied Rehabilitation	10
Acquisition and/or rehabilitation of vacant units for sale	20
Acquisition and/or rehabilitation of vacant units for rental	10
New Construction of homebuyer property	20
New Construction of rental housing	10

Other Eligible HOME Projects:	0
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*ER: Environmental Review Required by Sub-recipient if funding awarded.*

*\*\* Regardless of whether project is for housing rehabilitation or housing construction, the subrecipient must perform some level of homebuyer/home occupancy activity and/or training for the HOME-assisted unit. Additionally, training as a project in total is not eligible—must be tied to HOME-assisted unit.*

<b>Community Housing Development Organization (CHDO)</b>	
<b>ELIGIBLE ACTIVITY</b>	<b>POINT VALUE FOR SCORING</b>
Acquisition and/or rehabilitation of vacant units for sale	20
Acquisition and/or rehabilitation of vacant units for rental	10
New Construction of homebuyer property	20
New Construction of rental housing	10
Other Eligible CHDO Projects:*	0

*ER: Environmental Review Required by Sub-recipient if funding awarded.*

*\*Ineligible CHDO set-aside activities include: tenant-based rental assistance; homeowner rehabilitation; and brokering or other real estate transaction*

## 9. HUD Income Limits



### FY2018 FAMILY INCOME LIMITS

Effective July 1, 2017

<b>DEPARTMENT OF HOUSING &amp; URBAN DEVELOPMENT INCOME LIMITS DOCUMENTATION SYSTEM FY 2018- Income Limit Area for Charleston County</b>			
<b>Family Size</b>	<b>Extremely Low Income (30%)</b>	<b>Very Low Income (50%)</b>	<b>Low Income (80%)</b>
1 PERSON	\$15,650	\$26,100	\$41,750
2 PERSONS	\$17,900	\$29,800	\$47,400
3 PERSONS	\$20,780	\$33,550	\$53,650
4 PERSONS	\$25,100	\$37,250	\$59,600
5 PERSONS	\$29,420	\$40,250	\$64,400
6 PERSONS	\$33,740	\$43,250	\$69,150
7 PERSONS	\$38,060	\$46,200	\$73,950
8 + PERSONS	\$42,380	\$49,200	\$78,700

## 10. General Terms and Conditions

**i** *This solicitation does not commit the County of Charleston to award a contract, to pay any cost incurred in the preparation of Applications submitted, or to procure or contract for the services. The County reserves the right to accept or reject any, all or any part of the Applications received as a result of this request, or to cancel in part or in its entirety this Request for Applications if it is in the best interest of the County to do so. The County will be the sole judge as to whether Applications submitted meet all requirements contained in this solicitation.*

### GENERAL INFORMATION

There is no expressed or implied obligation for Charleston County (hereinafter “the County”) to reimburse responding firms (hereinafter “the Applicants”) for expenses incurred in preparing applications in response to this request.

During the evaluation process, the County reserves the right, where it may serve the County’s best interest, to request additional information or clarification from Applicants or to allow corrections of errors or omissions.

The terms and conditions in this Request for Applications (RFA) shall prevail unless otherwise modified by the County in an addendum to this RFA. The County reserves the right to reject, in whole or in part, any application which does not comply with such terms and conditions.

The County reserves the right to retain all applications submitted. Submission of an application indicates acceptance by the Applicant of the conditions contained in this RFA, unless clearly and specifically noted in the application submitted and confirmed in any resulting contract between the County and the Applicant selected.

### SUBMISSION AND WITHDRAWAL OF APPLICATIONS

Applicants are encouraged to submit the application attachment and forms package and electronically submit the project application early.

Applications may be withdrawn by written request received from the Applicant prior to the submittal deadline.

### PREPARATION OF THE ONLINE APPLICATION

- A. All applications should be complete and carefully worded and must convey all of the information requested by the County. If errors or exceptions are found in the application, or if the application fails to conform to the requirements of the RFA, the County will be the sole judge as to whether that variance is significant enough to reject the application.
- B. Applications should be prepared simply and economically. All data, materials, and documentation shall be available in a clear, concise form and reproducible upon request "at cost" for the County's internal use. The County reserves the right to reproduce applications for internal use in the evaluation process.
- C. All applications shall provide a straight forward, concise description of the Applicant’s ability to satisfy the requirements of this RFA.
- D. The Applicant is solely responsible for any and all costs and expenses associated with the preparation of their application and of any supplementary presentation (including any oral presentation) requested by the County.



- E. Applications must be made in the official name of the individual, firm, or corporation under which the business is conducted (showing official business address) and must be signed in ink by a person duly authorized to legally bind the business entity submitting the application.

## COMPETITION

Governmental, non-profit, and private non-profit organizations may apply for grant funds. It is the intent and purpose of the Community Development Department that this RFA permit fair and open competition. Nothing herein is intended to, nor should it be construed to limit competition, but instead is for the purpose of meeting the full needs of the program using a system of fair, impartial and free competition among all Applicants.

It shall be each Applicant's responsibility to advise the County if any language, provision, or other requirement, or any combination thereof, inadvertently restricts or limits competition. Such notification must be submitted in writing and must be received by the County's Community Development Department no later than the last date and time for written questions. Any such notification shall be reviewed by the County's staff.

## GRATUITIES AND KICKBACKS

Gratuities. It shall be unethical for any person to offer, give or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation or any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement of a contract or subcontract, or to any solicitation or application therefore.

Kickbacks. It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor, or to hire any subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

Violation of this clause may result in contract termination.

## ADDENDA/CHANGES

If it becomes necessary to revise any part of the RFA, all changes will be provided in writing as an addendum to the RFA and will be made available to all Applicants via the County's website. Verbal comments or discussions relative to this RFA cannot add, delete or modify any written provision.

Any additions, deletions, modifications, or changes made to this RFA shall be processed through the County's Community Development Director. Any deviation from this procedure may result in the disqualification of the application or the cancellation of any contract resulting from this RFA.

Requests for interpretation of this RFA and any other questions concerning the RFA shall be made in writing and addressed to the County's Community Development Director, 4045 Bridge View Drive, Suite C216, North Charleston, South Carolina 29405. Questions may be transmitted by email to [aeskridge@charlestoncounty.org](mailto:aeskridge@charlestoncounty.org) but it shall be the responsibility of the sender to confirm receipt by the County.

These requests must be submitted by the deadline for written questions. Responses to said requests shall be made at the discretion of the County's Community Development Director. Any interpretation, correction or change of the solicitation will be made by addendum. It is the Applicant's responsibility to monitor the Community Development website at [www.charlestoncounty.org](http://www.charlestoncounty.org) for any additional information, revisions, or addenda that may be posted. All such addenda shall become part of the RFA and each Application shall be bound by such addenda whether or not received by the Applicant.

## PUBLIC ACCESS TO COMMUNITY DEVELOPMENT INFORMATION

During the review and recommendation process and prior to award of contract(s), no document relating to this Application will be presented or made otherwise available to any other person, agency or organization other than those associated with the review and/or recommendation process. Commercial or financial information obtained in response to this RFA, which is privileged and confidential and is clearly marked as such, will not be disclosed outside of the County's review, scoring and recommendation committees. Such privileged and confidential information includes information which, if disclosed, might cause harm to the competitive position of the Applicant supplying the information.

Subject to the requirements of the Freedom of Information Act, commercial or financial information obtained by the County in response to this RFA which is deemed privileged and confidential by the Applicant will not be disclosed after the award. Such privileged and confidential information includes information which if disclosed, might cause harm to the competitive position of the Applicant supplying the information. All Applicants, therefore, must visibly mark as "CONFIDENTIAL" each specific part of their Application which it considers to contain proprietary or other privileged information. Additionally, all Applicants shall be solely responsible for identifying as exempt from the Freedom of Information Act and for visibly marking as "EXEMPT FROM FREEDOM OF INFORMATION ACT" each specific part of their Application which they deem to be so exempt and shall further be solely responsible for any consequences that might be related to arise from the nondisclosure of any information that is subsequently determined not to have such an exemption. Do not mark the entire Application as confidential or exempt from disclosure. Doing so will necessitate an independent determination of confidentiality by the County pursuant to applicable law. The County hereby disclaims any responsibility for not disclosing information identified by any Applicant as exempt from the Freedom of Information Act; for any information which is disclosed as a result of an Applicant's failure to visibly mark it as "CONFIDENTIAL"; and for any results of an independent verification of confidentiality necessitated by the marking of an entire application as confidential or exempt from disclosure.

## OWNERSHIP OF DOCUMENTS

All applications and supporting materials (including all data, material, and documentation originated and prepared for the County pursuant to this RFA, and including correspondence relating to this RFA) shall, upon delivery to the County, become the property of the County.

## SELECTION PROCESS

- A. Following the deadline for submittal of the applications, a selection committee will review, analyze and rank all Applicants based on their response to the information requested.
- B. The County reserves the right to reject any and or all applications, and to waive defects, technicalities and/or irregularities in any submittal.

## AWARD

Award may be made to multiple Applicants whose applications are determined to be the most advantageous to the County, taking into consideration the evaluation factors set forth in this RFA.

## NOTICE OF AWARD

The successful Applicant(s) will be notified of acceptance of its Application by a written Notice of Award.

## MODIFICATION OF CONTRACT

Any alteration to the contract must be in the form of a written, signed amendment agreed to by all parties who are subject to the terms of this agreement. Verbal comments or discussions relative to the contract cannot add, delete or modify any written provision.

## REPRESENTATIONS OF THE APPLICANT

Each Applicant, by submitting an application represents that:

- A. The Applicant has read and understands this RFA (including all specifications and attachments) and that the application is made in accordance therewith.
- B. The application is based on the terms, materials, systems and equipment required by this RFA, without exception.
- C. The Applicant is qualified to provide the services required under this RFA.

## NON DISCRIMINATION

The Applicant shall certify agreement to abide by the requirements under Title VI of the Civil Rights Act of 1964. The Applicant shall abide by the requirements under the Federal Executive Order Number 11246, as amended, and specifically the provisions of the equal opportunity clause.

## COMPLIANCE WITH LEGAL REQUIREMENTS

The Applicant shall comply with all federal, state and local laws, ordinances, rules and regulations of any authorities throughout the duration of the Contract. The Applicant shall be responsible for compliance with any such law, ordinance, rule or regulation, and shall hold the County harmless and indemnify in the event of non-compliance.

## GOVERNING LAW

Upon award of a contract under this request, the person, partnership, association, or corporation to whom the award is made must comply with the laws of South Carolina which require such person or entity to be authorized and/or licensed to do business in this State. Notwithstanding the fact that applicable statutes may exempt or exclude the successful Applicant from requirements that it be authorized and/or licensed to do business in this State, by submission of this signed application, the Applicant and sponsoring agency agrees to subject itself to the jurisdiction and process of the courts of the State of South Carolina as to all matters and disputes arising or to arise under the contract and the performance thereof, including any questions as to the liability for taxes, licenses or fees levied by the State.

## ASSIGNMENT

The Applicant shall not assign, in whole or in part, any contract resulting from this RFA without the prior written consent of the County.

## INDEMNIFICATION

Except for expenses or liabilities arising from the negligence or intentional acts of the County, the Applicant hereby expressly agrees to indemnify and hold the County harmless against any and all expenses and liabilities arising out of the negligent performance, action or inaction of the Applicant in conduct of this RFA as follows:

For matters other than those arising from the rendering or failure to render professional services, the Applicant expressly agrees to the extent that there is a causal relationship between its negligence, action or inaction, or the negligence, action or inaction of any of its employees or any person, firm or corporation directly or indirectly

employed by the Applicant and any damage, liability, injury, loss or expense (whether in connection with bodily injury or death or property damage) that is suffered by the County and/or its officers or employees or by any member of the public, to indemnify and save the County and its officers and employees harmless against any and all liabilities, penalties, demands, claims, lawsuits, losses, damages, costs, and expenses arising out of the negligence, action or inaction of the successful Applicant, regardless of whether such liabilities, penalties, demands, claims, lawsuits, losses, damages, costs and expenses are caused in part by the County. Such costs are to include, without limitation, defense, settlement and reasonable attorney's fees incurred by the County and its employees. This promise to indemnify shall include, without limitation, bodily injuries or death occurring to the Applicant's employees and any person, directly or indirectly employed by the Applicant (including, without limitation, any employee of any subcontractor), the County's officers or employees, the employees of any other independent contractors, or occurring to any member of the public. When the County submits notice, the Applicant shall promptly defend any aforementioned action.

For matters arising out of the rendering or failure to render professional services, the Applicant will indemnify and save the County and its officers and employees harmless from and against all liabilities, penalties, demands, claims, lawsuits, losses, damages, costs and expenses arising out of or resultant from any negligent act, error or omission of the Applicant in the rendering or failure to render professional services under this Contract. Such costs are to include, without limitation, defense, settlement and reasonable attorneys' fees incurred by the County and its officers and employees. This promise to indemnify shall include, without limitation, bodily injuries or death occurring to the Applicant's employees and any person, directly or indirectly employed by the Applicant (including, without limitation, any employee of any subcontractor), the County's officers or employees, the employees of any other independent contractors, or occurring to any member of the public. When the County submits notice of a claim that triggers the indemnity, the Applicant shall promptly defend any aforementioned action at its own cost.

The limits of insurance required in the Contract shall not limit the Applicant's obligations under this Section. The terms and conditions contained in this Section shall survive the termination of the Contract or the suspension of the Work hereunder. To the extent that any liabilities, penalties, demands, claims, lawsuits, losses, damages, costs and expenses are caused in part by the acts of the County, the Applicant's obligations shall be reduced in proportion to the County's fault. The obligations herein shall also extend to any actions by the County to enforce this indemnity obligation. The recovery of costs and fees all extend to those incurred in the enforcement of this indemnity.

#### DISCLAIMER OF LIABILITY

The County, or any of its agencies, will not hold harmless or indemnify any Applicant for any liability whatsoever except as may otherwise be specified in this RFA.

#### SEVERANCE

Should any part of any contract resulting from this RFA be determined by a Court of competent jurisdiction to be invalid, illegal, or against public policy, said offending Section shall be void and of no effect and shall not render any other Section herein, nor the Contract as a whole, invalid. Any terms which, by their nature, should survive the suspension, termination or expiration hereof shall be deemed to so survive.

#### ADHERENCE TO FEDERAL REGULATIONS

Applicants agree to comply with the following federal regulations as found in Subpart K in 24 CFR 570.600-614 as condition of your award:

- Affirmatively Further Fair Housing (570.601)
- Equal Opportunity and Prohibition Against Discrimination (570.602)
- Labor Standards (570.603)
- Environmental Standards (570.604)
- National Flood Insurance Program (570.605)

- Uniform Relocation Act (570.606)
- Employment and Contracting Opportunities (570.607)
- Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135
- Lead-Based Paint (570.608)
- Debarred, Suspended or Ineligible Contractors (570.609)
- Uniform Administrative Requirements (570.610)
- Conflict of Interest (570.611)
- Review and Public Comment for Entitlement Programs (570.612)
- Restrictions for Resident Aliens (570.613)
- Architectural Barriers Act and ADA (570.614)

In addition to the above applicants agree to complete with the rules and regulations within 2 CFR 200, Uniform Administrative Requirements.