TRIBAL COUNCIL MEMORANDUM

TO: The Paiute Indian Tribe of Utah Tribal Members

FROM: The Paiute Indian Tribe of Utah Tribal Council

Date: July 25, 2019

RE: U.S. Department of Housing and Urban Development, Indian Community Development Block Grant FY2018 “ICDBG,” (Shiwits)

It has come to the attention of the Paiute Indian Tribe of Utah Tribal Council that we need to inform the general membership of the Paiute Indian Tribe of Utah the reason why the Shiwits Band did not receive the Indian Community Development Block Grant Fiscal Year 2018 from U.S. Department of Housing and Urban Development, “HUD”.

December 22, 2018-January 25, 2019: The Federal Government was shutdown, including the granting agency; the U.S. Department of Housing and Urban Development, “HUD”. Although the entity was shutdown, we still had to comply with the deadlines as outlined in the Notice of Funding Availability, “NOFA”.

January 3, 2019: The Shiwits Band Council signed the Indian Community Development Block Grant Agreement. Historically, the Tribe has not signed these agreements with the Bands. It is now the standard that has been set, moving forward with any grant agreement that deals with the Bands and other agencies. If any Band wants to go after a grant, they must do so by signing agreements with the Tribe. This specific ICDBG Agreement came to fruition because in 2017 the PITU ended up bearing the cost of the Kanosh Convenience Store ICDBG Project, in the amount of $20, 257.00, that was funded out of the tribes General Fund. During this time the Tribe had no remedy to resolve this expenditure, especially knowing the Band could not cover this expense. With no agreement in place, the Tribe had no choice, but to settle this debt that was incurred by the Kanosh Band. When the Bands apply for grants that go through the Tribe, the Tribe is ultimately in the entity that is in charge of the funding and if the projects are not adhered to by federal and tribal procurement policies or go over budget, it ultimately affects the accounting and auditing of the Tribe and not the Bands.

The Tribal Council would also like to point out that in the agreement it states:

3. Proposal Review: The BAND agrees to give the TRIBE two (2) calendar days to review the proposal and work with the BAND on any modifications before the proposal is submitted to the funding agency.
Below are the dates and attached are corresponding documents for the tribal members to review and hopefully clear-up any questions that may have happened due to the misinformation being provided.

December 31, 2018: Shivwits Legal Counsel, Mark Echo Hawk e-mailed Tribal Administrator, Shane Parashonts, to inform him that Mr. Echo Hawk was directed to complete the ICDBG Project Application for the Shivwits Band. The due date for the ICDBG application is January 7, 2019.

January 1, 2019: Mr. Parashonts sent Mr. Echo Hawk the ICDBG Instructions on a designated Federal Holiday and Mr. Parashonts, technically didn’t have to send the information on his designated day off.

January 2, 2019: Mr. Echo Hawk e-mailed Mr. Parashonts with the draft resolution from the Shivwits Band which documented $1,000,000 the Shivwits Band intended on applying for and their initial $300,000 matching contribution.

January 3, 2019: The Shivwits Band Council signs the ICDBG Agreement.

January 5, 2019: Per the ICDBG Agreement the grant application is due to the tribal headquarters for review but was never received.

January 7, 2019: The DUE DATE OF THE GRANT. Various e-mails sent between Echo Hawk and Olsen Law Firm and PITU Tribal Administration. PITU finally receives the grant package via e-mail.

January 7, 2019: The entire grant package was not submitted without the knowledge of Echo Hawk and Olsen Law Firm. Mr. Parashonts sent the prior approval for Mr. Echo Hawk to review prior to being sent in an e-mail time stamped at 6:52pm, asking Mr. Echo Hawk to review the attached documents. Mr. Echo Hawk at 6:57 pm informed Mr. Parashonts that it, “Looks good. Thanks for the help!”

January 7, 2019: Mr. Parashonts after work hours submitted the ICDBG Application for the Shivwits Band. A glitch in the system omitted one document that was directly e-mailed to the Official in HUD that works with the tribe and was accepted as meeting the deadline, once the government resumed services on January 25, 2019.

June 18, 2019: The Paiute Indian Tribe of Utah received notification that Shivwits ICDBG Project would not be funded. It stated that the projected exceeded the ceiling limit of the Notice of Funding Availability set at $800,000 for Fiscal Year 2018. The total amount that was requested by the Shivwits Band was $1,000,000.

June 18, 2019: Attorney Geoff Strommer with Hobbs Strauss Dean and Walker and PITU’s Legal Counsel, e-mailed Mr. Echo Hawk on behalf of his clients the Shivwits Band with the correspondence sent from HUD.

June 25, 2019: Mr. Echo Hawk sent an e-mail to Geoff Strommer, PITU Legal Counsel requesting that the Tribal Chairperson or Tribal Administrator to request a redetermination based on a modification for $800,000. Mr. Echo Hawk blamed the tribe for the $1,000,000 that was put on the SF-424 form. Although, in the grant application under Rating Factor 3 – Soundness of Approach, 3.2 Budget and Cost Estimate, the Shivwits Resolution, and the approval sought by the Tribal Administrator prior to submitting all state $1,000,000. Mr. Echo Hawk had the final approval prior to submitting and had time to correct the action as outlined in the documents attached for the $800,000, but all the documents received stated $1,000,000.
June 25, 2019: Mr. Parashonts e-mailed Mr. Echo Hawk that the PITU would submit a Redetermination Request.

July 1, 2019: The Paiute Indian Tribe of Utah sent the Redetermination Request to Mr. Randy Akers and Ms. Luisa Bonilla.

July 11, 2019: U.S. Department of Housing and Urban Development sent correspondence to the Paiute Indian Tribe of Utah, stating their “is not a curable deficiency pursuant to the NOFA.”

Our hope in releasing all these documents is to clear up any confusion that is taking place by the miscommunication from the tribe to the bands. If you have any questions regarding this matter, please put your remarks in writing and attention them to Carol Garcia, Tribal Council Secretary or you can email her at cgarcia@utahpaiutes.org
I'm not sure if you have this or not.

-Shane

Shane Parashonts  
Tribal Administrator  
Paiute Indian Tribe of Utah  
435-586-1112 Ext. 101  
sparashonts@utahpaiutes.org
Public and Indian Housing

Community Development Block Grant Program for Indian Tribes and Alaska Native Villages
FR-6200-N-23
Application Due Date: 01/07/2019
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U.S. Department of Housing and Urban Development

Program Office: Public and Indian Housing
Funding Opportunity Title: Community Development Block Grant Program for Indian Tribes and Alaska Native Villages
Announcement Type: Initial
Funding Opportunity Number: FR-6200-N-23
Primary CFDA Number: 14.862
Due Date for Applications: 01/07/2019

Overview
Prospective applicants should carefully read all instructions in all sections to avoid sending an incomplete or ineligible application. HUD funding is highly competitive. Failure to respond accurately to any submission requirement could result in an incomplete or noncompetitive proposal.

For Further Information Regarding this NOFA: Please direct questions regarding the specific program requirements of this Program Notice of Funding Availability (NOFA) to the office contact identified in Section VII.

OMB Approval Number(s): 2577-0191

I. Funding Opportunity Description.

A. Program Description.

1. Purpose

The purpose of the ICDBG program is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low- and moderate- incomes. See the ICDBG regulation of 24 CFR 1003, the full text of which is available at the Electronic Code of Federal Regulations (https://www.ecfr.gov/cgi-bin/text-idx?tp=/ecfrbrowse/Title24/24cfr1003_main_02.tpl).

a. Single Purpose Grants. Projects funded by the ICDBG program must principally benefit low- and moderate-income persons (24 CFR 1003.208). These are competitive grants and are the subject of this NOFA.

b. Imminent Threat Grants. You may also apply for ICDBG funds to address issues that have an immediate negative impact on public health or safety of tribal residents.

You do not have to submit an application for an Imminent Threat grant by the deadline
established in this NOFA. These funds are awarded on a first-come first-serve basis until the amount set aside for this purpose is expended. The Imminent Threat request must be submitted to the Area ONAP for your region. The request should include the following documentation:

3. Detailed budget information and a completed form HUD-4123 (Cost Summary).
4. Information showing that the threat is not of a re-occurring nature (conditions caused by lack of maintenance are reoccurring).
5. Information showing that the threat affects or impacts an entire service area as defined at 24 CFR §1003.4. Specify the number of homes/families affected and/or impacted.
6. Information showing that the proposed project is feasible and has a reasonable chance of alleviating the imminent threat.
7. Independent verification from a qualified third party not affiliated with your organization that the threat is urgent, exists at present, or will exist very soon and must be addressed immediately to save lives and reduce threats to health and safety. Such third parties could be representatives of the IHS, BIA, Federal Emergency Management Agency (FEMA), state, county, or local officials, or engineers privately employed. Evidence that you can implement and complete the funded project within 12 months of the grant award unless there is good cause, determined by HUD, for not being able to do so.
8. Submit form HUD-4125 (Implementation Schedule).
9. Evidence that funds to completely address the threat are not available from other tribal or federal sources to address the problem. You must verify that federal or tribal agencies, which would normally provide assistance for such improvements, have no funds available, by providing a written statement to that effect. You must also verify in writing that you have no available funds, including unobligated IHBG funds, for this purpose. To determine IHBG obligation, HUD will follow Notice PIH 2000-26, *Performance Measures for the Obligation of Funds (NAHASDA)*, which was extended indefinitely by Notice PIH 2002-24. According to that Notice, a point of obligation is the time when a commitment is made to pay a particular sum of money for contract labor, supplies, materials, or services.

Please refer to the [Imminent Threat Program Guidance 2017-01](https://portal.hud.gov/hudportal/documents/huddoc?id=2017-01ImminentTGT.pdf) issued by the Office of Native American Programs (ONAP) for additional information on applying for the Imminent Threat grant.

2. Changes from Previous NOFA.

This Section highlights changes from the previous NOFA. Applicants should read this entire NOFA carefully to ensure their application meets all eligibility and program requirements:

Major:

- Added Subfactor 2.3: Project Connection to Tribal Youth to promote projects and activities geared towards addressing the needs of tribal youth.
• Adjusted grant award ceilings for the Alaska, Eastern Woodlands, Northern Plains and the Southwest Area ONAP Regions. SWONAP's grant ceilings were reduced by 20% from the FY17 grant ceiling amounts.
• Standardized Housing Rehabilitation Cost Limits to up to $65,000 for all Area Offices except Alaska.
• Modified the Rating Factor point structures to make more meaningful distinctions between existing and new applicants.
• Modified Subfactor 1.2: Past Performance to change the "rating period" from 12 months to 3 years to provide a broader assessment of grantee performance.
• Added, deleted or clarified sections related to indirect cost rates, financial management systems, disclosure of lobbying activities, etc. to align to HUD-wide grant policies.
• Add new Audits Findings to Subfactor 1.1.c.

Minor:

• Moved New Housing Construction from ICDBG Program and Project Related Thresholds to Submission for Certain Projects/Applicants in Section IV.2.b.
• Moved Economic Development Projects from ICDBG Program and Project Related Thresholds to Subfactor 3.4.e.
• Moved Public Services and Infrastructure Projects from Program Specific Requirements to Submission for Certain Projects/Applicants in Section IV.2.b.
• Modified leveraged resources in Rating Factor 4 to include, land used for expansion and a 20% cap for administrative costs.
• Moved Audits from Subfactor 1.2.d. to 1.1.b to allow all grantees to be evaluated under this factor.
• Modified Subfactor 2.4: New and Unfunded Applicants (Previously Unfunded Applicants).
• Removed Preferred Sustainability Status Communities Preference Points.

3. Definitions.
  a. Standard Definitions
Authorized Organization Representative (AOR) is the person authorized to submit applications on behalf of the organization via Grants.gov. The AOR is authorized by the E-Biz point of contact in the System for Award Management. The AOR is listed in item 21 on the SF-424. Award, as used in this NOFA means a federal, grant, cooperative agreement, loan, or loan guarantee.
Catalog of Federal Domestic Assistance (CFDA) is a directory of the various Federal listings, projects, services and activities offering financial and non-financial assistance and benefits to the American public. CFDA Number is the unique number assigned to each program, project, service or activity listed in the Catalog of Federal Domestic Assistance (CFDA).
Consolidated Plan is a document developed by states and local jurisdictions. This plan is completed by engaging in a participatory process to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions with funding from formula grant programs. (See 24 CFR part 91 for more information about the Consolidated Plan and related Annual Action Plan).
Contract means a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award. The term as used in this NOFA does not include a legal instrument, even if the non-Federal entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or subaward (See 2 CFR 200.22.)

Contractor means an entity receiving a contract.

Deficiency is information missing or omitted within a submitted application. Deficiencies typically involve missing documents, information on a form, or some other type of unsatisfied information requirement (e.g., an unsigned form, unchecked box, etc.). Depending on specific criteria, deficiencies may be either curable or non-curable.

- Curable Deficiency – Applicants may correct a curable deficiency with timely action.

To be curable the deficiency must:
- Not be a threshold requirement, except for documentation of applicant eligibility;
- Not influence how an applicant is ranked or scored versus other applicants; and
- Be able to be remedied within the time frame specified in the notice of deficiency.

- Non-Curable Deficiency – An applicant cannot correct a non-curable deficiency after the submission deadline.

Non-curable deficiencies are deficiencies if corrected would change an applicant’s score or rank versus other applicants.

Non-curable deficiencies may result in an application being marked ineligible, or otherwise adversely affect an application’s score and final determination.

DUNS Number is the nine-digit identification number assigned to a business or organization by Dun & Bradstreet and provides a means of identifying business entities on a location-specific basis. Requests for a DUNS number can be made by visiting the Online DUNS Request Portal. Eligibility requirements are mandatory requirements for an application to be eligible for funding. Deficiencies in meeting an eligibility requirement may be categorized as either curable or non-curable.

Federal Awardee Performance and Integrity Information System (FAPIIS) is a database that has been established to track contractor misconduct and performance.

Grants.gov is the website serving as the Federal government’s central portal for searching and applying for federal financial assistance throughout the Federal government. Registration in Grants.gov is required for submission of applications to prospective agencies.

NOTE: Passwords expire every 60 days. Accounts inactive for 1 year or more result in removal of all account roles. For more account management information, review the Applicant FAQs contained on the grants.gov web page.

Non-Federal Entity means a state, local government, Indian tribe, institution of higher education (IHE), or non-profit organization carrying out a Federal award as a recipient or subrecipient.

Point of Contact (POC) is the person who may be contacted with questions about the application submitted by the AOR. The point of contact is listed in item 8F on the SF424.

Promise Zones are federally-designated, high-poverty urban, rural and tribal communities
the Federal government will partner with and invest in communities to accomplish these goals: create jobs, leverage private investment, increase economic activity, expand educational opportunities, and reduce violent crime. Promotores/Promotoras are Spanish-speaking Community Health Workers who work in their communities to reduce barriers to health services and make health care systems more responsive. Recipient means a non-Federal entity receiving an award directly from HUD to carry out an activity under a HUD program. Section 3 Business Concern means a business concern (1) 51 percent or more owned by Section 3 residents; or (2) of which at least 30 percent of permanent, full-time employees are currently Section 3 residents, or were Section 3 residents within three years of the date of first employment with the business concern; or (3) provides evidence of a commitment to subcontract over 25 percent of the dollar award of all subcontracts to be awarded to business concerns meeting the qualifications in this definition. Section 3 Residents means: 1) Public housing residents; or 2) Low and very-low income persons, as defined in 24 CFR 135.5, who live in the metropolitan area or non-metropolitan county where Section 3 covered assistance is expended. Standard Form 424 (SF424) Application for Federal Assistance Programs, required by discretionary grant programs. Subaward means an award provided by a recipient to a subrecipient for the subrecipient to carry out part of a Federal award received by the recipient. It does not include payments to a contractor or payments to an individual's beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the recipient considers a contract. Subrecipient means a non-Federal entity receiving a subaward from a recipient to carry out part of a Federal program; but does not include an individual's beneficiary of such program. A subrecipient may also receive other Federal awards directly from a Federal awarding agency (including HUD). System for Award Management (SAM), is an official website of the U.S. government. You can access the website at Sam.gov There is no cost to use SAM. SAM is the official U.S. Government system that consolidated the capabilities of Central Contractor Registry (CCR), Excluded Parties List System (EPLS) and the Online Representations and Certifications Application (ORCA). Registration with Sam.gov is required for submission of applications via Grants.gov. Threshold Requirement – Threshold requirements are a type of eligibility requirement. Threshold requirements must be met for an application to be reviewed. Threshold requirements are not curable, except for documentation of applicant eligibility. Threshold requirements are listed in Section III.C. of this NOFA. Applicants must ensure their application package addresses threshold requirements. Please check your application carefully!

4. Program Definitions
The following definitions apply to the ICDBG program. See a more detailed list at 24 CFR 1003.4.

Adopt - To approve by vote of the governing body of the tribe or tribal organization.
Community Based Development Organization (CBDO) - As defined in 24 CFR 1003.204(c)

Document - When the NOFA asks you to document something it means that you should provide information and/or data in your application to satisfy that particular NOFA requirement.

Entity Other Than Tribe - This means that the organization is not part of the tribal government.

Firm Commitment - A letter of commitment from a partner by which an applicant or an applicant's partner agrees to perform an activity specified in the application and demonstrates the financial capacity and conditional agreement to deliver the resources necessary to carry out the activity, either in cash or through in-kind contributions if HUD awards ICDBG funds. If a tribe is committing resources to the project the amount of such commitment should be included in the tribal resolution. If a tribal organization is the applicant it should submit evidence of such commitment in the equivalent of a tribal resolution.

Ineligible Activities - A complete list of ineligible activities can be found at 24 CFR 1003.207.

Low- and Moderate-Income (LMI) - As defined in 24 CFR 1003.4, LMI means a family, household, or individual whose income does not exceed 80 percent of the median income for the area.

New Applicant - An applicant that has either never received an ICDBG or an applicant whose prior grants have been closed for at least 12 months before applications are due.

Standard Housing/Standard Conditions - Housing that meets the quality standards (HQS) adopted by the tribe or tribal organization depending on the type of housing proposed. The HQS adopted by the applicant must be at least as stringent as the Section 8 HQS contained in 24 CFR 982.401 (Section 8 Tenant-Based Assistance: Housing Choice Voucher program) unless the Area ONAP approves less stringent standards based on a determination that local conditions make the use of Section 8 HQS infeasible. The adopted standards must provide for: (a) a safe house, in physically sound condition with all systems performing their intended design functions; (b) a livable home environment that is energy efficient and incorporates energy conservation measures; and, (c) provides adequate space and privacy for all intended household members.

Tribal Resolution - The formal manner in which the tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic documents, a written expression adopted pursuant to tribal practices will be acceptable (24 CFR 1003.4).

Youth - A community member that has not reached the age of 21

5. Web Resources
The resources indicated provide details for the application process

- Affirmatively Furthering Fair Housing
- Code of Conduct list
- Do Not Pay
- Dun & Bradstreet
- Request a DUNS Number
- Equal Participation of Faith-Based Organizations
6. ICDBG Program Related Web Resources

- ONAP Environmental Review Resources (https://www.hud.gov/program_offices/public_indian_housing/ih/codetalk/resources)

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

II. Award Information.

A. Available Funds
Funding of up to $65,000,000 is available through this NOFA.

Additional funds may become available for award under this NOFA as a result of HUD's efforts to recapture unused funds, use carryover funds, or because of the availability of additional appropriated funds. Use of these funds is subject to statutory constraints. All awards are subject to the applicable funding restrictions contained in this NOFA.

1. Allocations to Area ONAPs. The ICDBG regulation specifies how the funds for the Single Purpose ICDBGs will be divided among the six Area ONAPs. See 24 CFR 1003.101.
Accordingly, the allocations for FY 2018 grants are as follows:
<table>
<thead>
<tr>
<th>Area ONAP Office</th>
<th>Total Area ONAP Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>$7,854,246</td>
</tr>
<tr>
<td>Eastern Woodlands</td>
<td>$4,953,847</td>
</tr>
<tr>
<td>Northern Plains</td>
<td>$9,508,963</td>
</tr>
<tr>
<td>Northwest</td>
<td>$3,348,939</td>
</tr>
<tr>
<td>Southern Plains</td>
<td>$15,007,318</td>
</tr>
<tr>
<td>Southwest</td>
<td>$21,752,409</td>
</tr>
</tbody>
</table>

2. **Grant Ceilings.** Your application may include more than one project but the entire grant may not exceed the limits listed below.

<table>
<thead>
<tr>
<th>Area ONAP</th>
<th>Population</th>
<th>Ceiling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>ALL</td>
<td>$600,000</td>
</tr>
<tr>
<td>Eastern Woodlands</td>
<td>ALL</td>
<td>$700,000</td>
</tr>
<tr>
<td>Northern Plains</td>
<td>ALL</td>
<td>$800,000</td>
</tr>
<tr>
<td>Northwest</td>
<td>ALL</td>
<td>$500,000</td>
</tr>
<tr>
<td>Southern Plains</td>
<td>ALL</td>
<td>$800,000</td>
</tr>
<tr>
<td><strong>Southwest</strong></td>
<td>50,001+</td>
<td>$4,000,000</td>
</tr>
<tr>
<td></td>
<td>10,501-50,000</td>
<td>$2,000,000</td>
</tr>
<tr>
<td></td>
<td>7,501-10,500</td>
<td>$1,600,000</td>
</tr>
<tr>
<td></td>
<td>7,500 and below</td>
<td>$800,000</td>
</tr>
</tbody>
</table>

In the Southwest ONAP jurisdiction, HUD will determine the ceiling for applications based on the Native American population that resides on a reservation or Rancheria. You should contact SWONAP prior to submitting your application to confirm the population that HUD will use to determine the ceiling.

**NOTE:** Only one ICDBG application may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR 1003. An applicant may include more than one project, but it cannot exceed the grant ceilings listed in Section II. Tribal organizations applying on behalf of multiple tribes may combine ceiling amounts for a project if the project will benefit the members of all such respective tribes. Several tribes may submit individual applications for one combined activity if the project will benefit the members of all such respective tribes.

3. **Housing Rehabilitation Cost Limits.** HUD will not provide more than the following amounts for each housing unit rehabilitated with ICDBG funds. The rehabilitation costs may exceed these limits but your budget must show that you will not spend more than these amounts of ICDBG.
funds on each unit.

<table>
<thead>
<tr>
<th>Region</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>$100,000</td>
</tr>
<tr>
<td>Eastern Woodlands</td>
<td>up to $65,000</td>
</tr>
<tr>
<td>Northern Plains</td>
<td>up to $65,000</td>
</tr>
<tr>
<td>Northwest</td>
<td>up to $65,000</td>
</tr>
<tr>
<td>Southern Plains</td>
<td>up to $65,000</td>
</tr>
<tr>
<td>Southwest</td>
<td>up to $65,000</td>
</tr>
</tbody>
</table>

**B. Number of Awards.**

HUD expects to make approximately 75 awards from the funds available under this NOFA.

**C. Minimum/Maximum Award Information**

Please refer to the grant ceilings listed in the section above. Only one large tribe in the SWONAP region is eligible for the maximum award amount.

- Estimated Total Funding: $65,000,000
- Minimum Award Amount: $500,000 Per Project Period
- Maximum Award Amount: $4,000,000 Per Project Period

**D. Period of Performance**

The period of performance and planned drawdowns for any grant awarded under this NOFA must be included in the Implementation Schedule, form HUD-4125, and approved by HUD. Costs must be incurred during the period of performance identified on the grant award. HUD can require you to spend funds in accordance with the Implementation Schedule submitted with your application. If funded and you do not make progress toward meeting your Implementation Schedule, HUD reserves the right to recapture funds.

The grantee's Implementation Schedule cannot exceed September 30, 2025. Any ICDBG funds remaining as of September 30, 2025, will be cancelled and returned to the Department of Treasury.

- Estimated Project Start Date: 05/15/2019
- Estimated Project End Date: 05/14/2022
- Length of Project Periods: Other
- Length of Project Periods Explanation of Other: The length of the project period is generally based on the implementation schedule submitted by the applicant and approved by HUD.

**E. Type of Funding Instrument.**

- Funding Instrument Type: Grant
A. Eligible Applicants.
Native American tribal governments (Federally recognized)
Native American tribal organizations (other than Federally recognized tribal governments)
An applicant must be eligible as an Indian tribe (or as a tribal organization), as required by 24 CFR 1003.5, by the application deadline date.

1. Tribes: eligible applicants are any Indian tribe, band, group, or nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaska native village of the United States which is considered an eligible recipient under Title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450) or which had been an eligible recipient under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221). Eligible recipients under the Indian Self-Determination and Education Assistance Act will be determined by the Bureau of Indian Affairs and eligible recipients under the State and Local Fiscal Assistance Act of 1972 are those that have been determined eligible by the Department of Treasury, Office of Revenue Sharing. See Eligible Indian Entities (https://www.gpo.gov/fdsys/pkg/FR-2018-07-23/pdf/2018-15679.pdf)

2. Tribal Organizations: Tribal organizations which are eligible under Title I of the Indian Self-Determination and Education Assistance Act may apply on behalf of any Indian tribe, band, group, nation, or Alaska native village eligible under that act for funds under this part when one or more of these entities have authorized the tribal organization to do so through concurring resolutions. In addition, the Bureau of Indian Affairs (BIA) or the Indian Health Service (IHS), must provide a letter that states that the tribal organization is eligible under Title I of the Indian Self Determination and Education Assistance Act. A copy of this letter must be included in your application submission, unless your organization has already provided such a letter in previous years approved by HUD and the status of your tribal organization has not changed. **HUD will not review an application submitted by a tribal organization on behalf of a specific tribe if the tribe itself submits an application for the same funding round.**

Tribal entities in Alaska may submit one ICDDBG application for each area within the jurisdiction of an entity eligible under 24 CFR 1003.5. A tribal organization that submits an application for activities in the jurisdiction of one or more eligible tribes or villages must include a concurring resolution from each such tribe or village authorizing the submission of the application. The hierarchy for funding priority continues to be the IRA Council, the Traditional Village Council, the ANCSA Village Corporation, and the ANCSA Regional Corporation.

Questions regarding eligibility determinations and related documentation requirements for entities in Alaska should be referred to the Alaska Area ONAP prior to the application deadline.

**HUD does not award grants to individuals. HUD will not evaluate applications from**
ineligible applicants.

B. Cost Sharing
This Program does not require cost sharing, matching or leveraging. Cost sharing or matching is not required under this grant; however, applicants who leverage this grant with other funds receive points under Rating Factor 4. The greater the percentage of leveraged funds committed, the greater the number of points an applicant can receive under rating factor 4, up to a maximum of 6 points. See Section V.A. Rating Factor 4.

C. Threshold Requirements.
Applicants who fail to meet any of the following threshold eligibility requirements will be deemed ineligible. Applications from ineligible applicants will not be evaluated.
1. Timely Submission of Applications – Applications submitted after the deadline stated within this NOFA that do not meet the requirements of the grace period policy will be marked late. Late applications are ineligible and will not be considered for funding. See also Section IV Application and Submission Information, part D. Application Submission Dates and Times

2. ICDBG Program and Project Specific Thresholds-
Information in this section are threshold requirements and cannot be requested as a deficiency if not submitted or submitted incorrectly. If the thresholds are not met, the application will be deemed ineligible.

a. Outstanding ICDBG Obligation - Pursuant to 24 CFR 1003.301(a), if you have an outstanding ICDBG obligation to HUD that is in arrears, or have not agreed to a repayment schedule you will be disqualified from the competition and not evaluated.

b. Untimely ICDBG Closeouts - HUD will not review your application if you have any ICDBG that is open two or more years past the due date for closeout identified on the most recently submitted project implementation schedule approved by the Area ONAP.

c. Housing Rehabilitation projects- The requirements for this threshold are in Section IV.B.b. of this NOFA.

d. New Housing Construction projects- The requirements for this threshold are in Section IV.B.b. of this NOFA.

e. Economic development projects- The requirements for this threshold are in Rating Factor 3.4.c. of this NOFA.

D. Statutory and Regulatory Requirements Affecting Eligibility
Eligibility Requirements for Applicants of HUD’s Grants Programs
The following requirements affect applicant eligibility. Detailed information on each requirement is posted on HUD’s Funding Opportunities Page (click here).
Resolution of Civil Rights Matters
Outstanding Delinquent Federal Debts
Debarments and/or Suspensions
Pre-selection Review of Performance
Sufficiency of Financial Management System
False Statements
Mandatory Disclosure Requirement
Prohibition Against Lobbying Activities
Equal Participation of Faith-Based Organizations in HUD Programs and Activities

E. Program Specific Requirements.
If you are awarded a grant under this NOFA you will have to comply with all laws, regulations, and other requirements relating to federal funds, as well as the specific ICDBG requirements found at 24 CFR 1003.

Other statutory or regulatory requirements specific to the ICDBG program are:

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

Eligible Activities- A complete list and description of eligible activities can be found at 24 CFR Part 1003, subpart C.

F. Criteria for Beneficiaries.
This program has eligibility criteria for beneficiaries.
The ICDBG program must primarily benefit persons with low- and moderate income as defined in 24 CFR 1003.4.

IV. Application and Submission Information.

A. Obtaining an Application Package.
Instructions for Applicants.
You must download both the Application Instruction and the Application Package from Grants.gov. To ensure you are using the correct Application Package and Application Instructions, you must verify the CFDA Number and CFDA Description on the first page of the Application Package, and the Opportunity Title and the Funding Opportunity Number match the Program and NOFA to which you are applying.
The Application Package contains the Adobe forms created by Grants.gov. The Instruction Download contains official copies of the NOFA, and forms necessary for a complete application. The Instruction Download may include Microsoft Word, Microsoft Excel and additional documents.
An applicant demonstrating good cause may request a waiver from the requirement for electronic submission. For example, a lack of available Internet access in the geographic area in which your business offices are located. Lack of SAM registration or valid DUNS is not deemed good cause. If you cannot submit your application electronically, you must ask in writing for a waiver of the electronic grant submission requirements. HUD will not grant a waiver if HUD does not receive your written request at least 15 days before the application deadline or if you do not demonstrate good cause. An email request sent 15 days before the application will also be considered. If HUD waives the requirement, HUD must receive your paper application or email request before the deadline of this NOFA. To request a waiver and receive a paper copy of the application materials, you must contact:

Frederick Griefer  
Email: ONAP-ICDBG@hud.gov  
Office of Public and Indian Housing  
451 7th St. SW, Rm. 4108  
Washington, DC 20410

For more information, please contact your Area Office:

<table>
<thead>
<tr>
<th>Area ONAP</th>
<th>Phone Numbers and Addresses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>(907) 677-9800 3000 C Street, Suite 401 Anchorage, AK 99503</td>
</tr>
<tr>
<td>Eastern Woodlands</td>
<td>(800) 735-3239 Ralph H. Metcalfe Federal Building 77 West Jackson Boulevard, Room 2404 Chicago, Illinois 60604-3507</td>
</tr>
<tr>
<td>Northern Plains</td>
<td>(303) 672-5465 1670 Broadway, 24th Floor Denver, CO 80202-4801</td>
</tr>
<tr>
<td>Northwest</td>
<td>(206) 220-5270 909 1st Avenue, Suite 300 Seattle, WA 98104-1000</td>
</tr>
<tr>
<td>Southern Plains</td>
<td>(405) 609-8520 301 N.W. 6th Street Suite 200 Oklahoma City, OK 73102</td>
</tr>
</tbody>
</table>
| Southwest         | Phoenix Office  
One North Central Avenue, Suite 600 Phoenix, AZ, 85004-2361 (602) 379-7213                |
|                   | Albuquerque Office  
500 Gold Avenue SW, 7th Floor, Suite 7301 PO Box 906, Albuquerque, NM 87103-0906 (505) 346-6923 |

*Examples of good cause for a waiver may include: lack of reliable Internet, broadband, or other infrastructure conducive to electronic application submissions. Applicants granted a waiver of*
the electronic submission requirement will receive specific instructions about submitting paper applications with the approval of the waiver.

B. Content and Form of Application Submission.
You must verify boxes 11, 12, and 13 on the SF424 match the NOFA for which you are applying. If they do not match, you have downloaded the wrong Application Instruction and Application Package.

Submission of an application that is otherwise sufficient, under the wrong CFDA and Funding Opportunity Number is a curable deficiency.

1. Content.
Forms for your package include the forms outlined below:

Additionally, your complete application must include the following narratives and non-form attachments.

See required application components listed in Section IV(B)(2). See below for a list of required content.

2. Format and Form.
Narratives and other attachments to your application must follow the following format guidelines.

You must submit the forms and information listed. Do not submit third party documents, such as audits, resolutions, or policies, unless specifically asked to do so. Unsolicited information will not be used to rate the applications.

a. Submissions for All Projects: The following information must be submitted by applicants for all types of ICDBG projects. If information under this section is not submitted with the application or is submitted incorrect and the deficiency is not curable and cannot be requested, the application will be disqualified and not evaluated.

- Narrative addressing the five rating factors in Section V.A. of this NOFA, including a one page summary of the proposed project(s). If you are requesting funds for more than one type of ICDBG-eligible project you must include a summary and narrative for each project. Indicate on the first page of each narrative and in the one-page summary, the type of project(s) you are proposing: Economic Development, Homeownership Assistance, Housing Rehabilitation, Housing Acquisition, Land Acquisition to Support New Housing, Microenterprise Programs, New Housing Construction, or Public Facilities and Improvements. This will help to ensure that HUD will apply the appropriate project-specific criteria and rating subfactors in reviewing your application. Label each section of your narrative in accordance with the applicable factors and subfactors in the NOFA.
- Application for Federal Assistance (SF-424)
- Applicant/Recipient Disclosure Update Report - (form HUD-2880) This is a
curable deficiency.

- **Implementation Schedule** (form HUD-4125) - An Implementation Schedule is required for each project.
- **Cost Summary** (form HUD-4123) - If you are proposing more than one type of project, you are required to submit a separate budget for each project and a consolidate budget. The budget(s) should include cost information for specific activity costs, administration, planning, technical assistance and total HUD share. Planning and administrative costs cannot exceed 20 percent of each grant and may be funded only in conjunction with a physical development activity. See subfactor 3.2.
- **Citizen Participation** - A tribal resolution states the Citizen Participation requirements were followed in accordance with 24 CFR 1003.604.
- **Low and moderate-income (LMI) benefit** - It is required that your application demonstrates that at least 70 percent of the grant funds will be used for activities that benefit LMI persons in accordance with the requirements of 24 CFR 1003.208. See Section IV subfactor 2.2 Project Benefit, for non-housing projects. If you are applying for any type of housing-related activity (construction, rehabilitation, and acquisition) or housing assistance, you must state in your application that all units will be occupied by LMI households upon completion or when assistance (e.g., down payment assistance) is provided.

b. **Submissions for Certain Projects/Applicants:** The following information must be submitted if it applies to your project or organization. If information under this section is not submitted with the application or is submitted incorrect and the deficiency is not curable and cannot be requested, the application will be disqualified and not evaluated. Curable deficiencies will be determined by headquarters on a case by case basis.

- **Acknowledgement of Application Receipt** (form HUD-2993) - This form is only required if you have been granted a waiver of the electronic submission requirements and you are submitting a paper application.
- **Resolution for Tribal Organization to Submit** - If you are a tribal organization defined in 24 CFR 1003.5(b) and are submitting an application on behalf of an Indian tribe, you are required to include a resolution from the Indian tribe stating that you are submitting the application on their behalf.
- **Resolution on Tribal Funds Committed** - For tribes committing funds for the project, it is required that your application includes a tribal resolution (or legal equivalent) that states the exact amount of funds, including but not limited to Indian Housing Block Grant (IHBG) funds, that the tribe is committing. If a tribal organization is committing the funds, the equivalent of a resolution must be provided.
- **Demographic Data** - If you are applying for any type of project other than a housing project your application must include information about the number of LMI persons that will benefit from the project. You can either use the data provided on HUD’s website at [FY2017 Data Update for Low- and Moderate-Income (LMI) Area Benefit Designation](https://www.hud.gov) or submit your own data. For more information on how to submit your own demographic data, see Rating Factor 2, in Section V.A.1 of this NOFA.
- **Housing Rehabilitation Project Requirements** - In accordance with 24 CFR
1003.302(a), you must submit the required information below:

- Provide a written statement that the applicant has adopted rehabilitation standards and policies. The adopted rehabilitation standards and policies must be adopted before the application submission. Do not submit the policies.
- Provide a written statement that ICDBG funds will be used to rehabilitate housing only when the homeowner's payments are current or the homeowner is current in a repayment agreement. The Area Administrator on a case by case basis, may approve exceptions to this requirement if you provide adequate justification for the exception with your application.
- For purposes of meeting this timely payment requirement, HUD-assisted houses are houses owned, operated or assisted by the tribe or its TDHE.

**New Housing Construction Project Requirements** - In accordance with 24 CFR 1003.302(b), you must submit the required information below:

- Documentation to demonstrate new housing construction will be implemented through a Community Based Development Organization (CBDO). If the organization has been previously determined by ONAP to be a CBDO, do not resubmit documentation of this in the application. Please contact your area ONAP to determine if your CBDO has not been previously approved.
- You must state in your application that the project will be constructed in accordance with construction standards that were adopted by tribal resolution prior to the application deadline date. See Section I.A.4. Standard Housing/Standard Conditions.
- Provide documentation that shows:
  - No other housing is available in the immediate reservation area that is suitable for the households to be assisted;
  - No other sources, including Indian Housing Block Grants (IHBG), can meet the needs of the household(s) to be served (applicants that receive minimum IHBG funding pursuant to the IHBG regulation at 24 CFR 1000.328 are exempt from this provision); and
  - Rehabilitation of the unit occupied by the household(s) to be assisted is not economically feasible; or
  - The household(s) to be assisted is currently living in overcrowded conditions (more than one household per house); or
  - The household to be assisted has no current residence.

**Public Services** - You may not receive a Single Purpose grant solely to fund public service activities. However, your application may contain a public service component for up to 15 percent of the total grant. In addition, the public service(s) may be unrelated to the other project(s) in the application. If your application does not receive full funding, HUD will reduce the public service allocation so that it comprises no more than 15 percent of the total grant award. A complete description of public service projects can be found at 24 CFR Part 1003.201(e).

**Infrastructure Projects** - If your infrastructure project will support future housing or community development project(s), you must submit evidence that the housing or community development project(s) will be completed within three years of the grant.
award.

- **Land Acquisition to Support New Housing Projects** - Land for future housing projects must include evidence that the land is suitable for housing. You must also establish that there is a reasonable ratio between the number of net usable acres to be acquired and the number of LMI persons to benefit from the project. See Rating Factor 3, Subfactor 1.1 in Section V.A.1. of this NOFA. Award of a grant does not constitute approval of specific sites where activities that are subject to environmental review may be carried out.

- **Health Care Facilities** - If you are applying for a facility that would provide health care services funded by the Indian Health Service (IHS), you must include a statement that the facility will meet all applicable IHS facility requirements. HUD recognizes that tribes are contracting services from the IHS may establish other facility standards. These tribes must assure these standards at least compare to nationally-accepted minimum standards.

- **Correctional Facilities/Juvenile Detention Centers** - If you are applying for a correctional facility or juvenile detention center that would provide correctional services to be funded by the U.S. Department of Justice (DOJ) and/or Bureau of Indian Affairs (BIA), you must include a statement that the facility meets all applicable BIA/DOJ standards regarding correctional operations, programs and designs.

- **Evidence of Partner Commitment** - If you are proposing to partner with other entities/organizations on your project, you must submit a letter on letterhead of the entity/organization and signed by the chief executive of the entity/organization that demonstrates that the entity/organization is willing and able to participate. This includes entities providing funds for the project as well as service providers and entities contributing to the operation of the project.

- **Indirect Cost Rate Agreement** - If your application will include funds for indirect costs, your application must include the documentation described in Section IV.F. of this NOFA. This is a curable deficiency.

- **Code of Conduct** - If your Code of Conduct (code) is not listed on HUD’s website at [Code of Conduct for HUD Grant Programs](https://www.hud.gov) or if the information on the website has changed, you must submit a copy of your code of conduct with your application. This is a curable deficiency.

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C. **System for Award Management (SAM) and Dun and Bradstreet Universal Numbering System (DUNS) Number.**

1. **SAM Registration Requirement**

   Applicants must be registered with SAM before submitting their application. In addition, applicants must maintain an active SAM registration with current information while they have an active Federal award or an application or plan under consideration by HUD.

2. **DUNS Number Requirement.**

   Applicants must provide a valid DUNS number, registered and active at SAM, in the application. DUNS numbers may be obtained for free from [Dun & Bradstreet](https://www.dnb.com).

3. **Requirement to Register with Grants.gov.**

   Anyone planning to submit applications on behalf of an organization must register
at Grants.gov and be approved by the EBiz Point of Contact in SAM to submit applications for the organization. Registration for SAM and Grants.gov is a multi-step process and can take four (4) weeks or longer to complete if data issues arise. Applicants without a valid registration cannot submit an application through Grants.gov. Complete registration instructions and guidance are provided at Grants.gov. See also Section IV.B for necessary form and content information.

D. Application Submission Dates and Times.
The application deadline is 11:59:59 p.m. Eastern time on 01/07/2019. Applications must be received no later than the deadline.

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit your application in paper form. Instructions for submitting your paper application will be contained in the waiver of electronic submission.

“Received by Grants.gov” means the applicant received a confirmation of receipt and an application tracking number from Grants.gov. Then Grants.gov assigns an application tracking number and date-and time-stamps each application upon successful receipt by the Grants.gov system. A submission attempt not resulting in confirmation of receipt and an application tracking number is not considered received by Grants.gov.

Applications received by Grants.gov must be validated by Grants.gov to be received by HUD. “Validated by Grants.gov” means the application has been accepted and was not rejected with errors. You can track the status of your application by logging into Grants.gov, selecting “Applicants” from the top navigation, and selecting “Track my application” from the dropdown list. If the application status is “rejected with errors,” you must correct the error(s) and resubmit the application before the 24-hour grace period ends. Applications in “rejected with errors” status after the 24-hour grace period expires will not be received by HUD. Visit Grants.gov for a complete description of processing steps after submitting an application.

HUD strongly recommends applications be submitted at least 48 hours before the deadline and during regular business hours to allow enough time to correct errors or overcome other problems.

You can verify the contents of your submitted application to confirm Grants.gov received everything you intended to submit. To verify the contents of your submitted application:

- Log in to Grants.gov.
- Click the Check Application Status link, which appears under the Grant Applications heading in the Applicant Center page. This will take you to the Check Application Status page.
- Enter search criteria and a date range to narrow your search results.
- Click the Search button. To review your search results in Microsoft Excel, click the
Export Data button.
- Review the Status column.
- To view more detailed submission information, click the Details link in the Actions column.
- To download the submitted application, click the Download link in the Actions column.

Please make note of the Grants.gov tracking number as it will be needed by the Grants.gov Help Desk if you seek their assistance.

HUD may extend the application deadline for any program if Grants.gov is offline or not available to applicants for at least 24 hours immediately prior to the deadline date, or the system is down for 24 hours or longer and impacts the ability of applicants to cure a submission deficiency within the grace period.

HUD may also extend the application deadline upon request if there is a presidentially-declared disaster in the applicant’s area.

If these events occur, HUD will post a notice on its website establishing the new, extended deadline for the affected applicants. HUD will also include the fact of the extension in the program’s Notice of Funding Awards required to be published in the Federal Register.

In determining whether to grant a request for an extension based on a presidentially-declared disaster, HUD will consider the totality of the circumstances including the date of an applicant’s extension request (how closely it followed the basis for the extension), whether other applicants in the geographic area are similarly affected by the disaster, and how quickly power or services are restored to enable the applicant to submit its application.

**PLEASE NOTE:** Busy servers, slow processing, or large file sizes, improper registration or password issues are not valid circumstances to extend the deadline dates or the grace period.

1. **Amending or Resubmitting an Application.**
   Before the submission deadline, you may amend a validated application through Grants.gov by resubmitting a revised application containing the new or changed material. The resubmitted application must be received and validated by Grants.gov by the applicable deadline.
   If HUD receives an original and a revised application for a single proposal, HUD will evaluate only the last submission received by Grants.gov before the deadline.

2. **Grace Period for Grants.gov Submissions.**
   If your application is received by Grants.gov before the deadline, but is rejected with errors, you have a grace period of 24 hours after the application deadline to submit a corrected, received, and validated application through Grants.gov. The date and time stamp on the Grants.gov system determines the application receipt time. Any application submitted during the grace period not received and validated by Grants.gov will not be considered for funding. There is no grace period for paper applications.

3. **Late Applications.**
An application received after the NOFA deadline date that does not meet the Grace Period requirements will be marked late and will not be received by HUD for funding consideration. Improper or expired registration and password issues are not causes that allow HUD to accept applications after the deadline.

4. Corrections to Deficient Applications.
HUD will not consider information from applicants after the application deadline. HUD may contact the applicant to clarify other items in its application. HUD will uniformly notify applicants of each curable deficiency. A curable deficiency is an error or oversight that if corrected it would not alter, in a positive or negative fashion, the review and rating of the application. See curable deficiency in definitions section. Examples of curable (correctable) deficiencies include inconsistencies in the funding request and failure to submit required certifications. These examples are non-exhaustive.

When HUD identifies a curable deficiency, HUD will notify the authorized representative. The email is the official notification of a curable deficiency. Each applicant must provide accurate email addresses for receipt of these notifications and must monitor their email accounts to determine whether a deficiency notification has been received. The applicant must carefully review the request for cure of deficiency and must provide the response in accordance with the instructions contained in the deficiency notification.

Applicants must email corrections of curable deficiencies to applicationsupport@hud.gov within the time limits specified in the notification. The time allowed to correct deficiencies will not exceed 14 calendar days or be less than 48 hours from the date of the email notification. The start of the cure period will be the date stamp on the email sent from HUD. If the deficiency cure deadline date falls on a Saturday, Sunday, Federal holiday, or on a day when HUD’s Headquarters are closed, then the applicant’s correction must be received on the next business day HUD Headquarters offices in Washington, DC are open.

The subject line of the email sent to applicationsupport@hud.gov must state: Technical Cure and include the Grants.gov application tracking number (e.g., Subject: Technical Cure - GRANT123456). If this information is not included, HUD cannot match the response with the application under review and the application may be rejected due to the deficiency. This only applies to certain programs and responses should be sent to the NOFA specific program.

Corrections to a paper application must be sent in accordance with and to the address indicated in the notification of deficiency. HUD will treat a paper application submitted in accordance with a waiver of electronic application containing the wrong DUNS number as having a curable deficiency. Failure to correct the deficiency and meet the requirement to have a DUNS number and active registration in SAM will render the application ineligible for funding.

5. Authoritative Versions of HUD NOFAs. The version of these NOFAs as posted on Grants.gov are the official documents HUD uses to solicit applications.
E. Intergovernmental Review.
This program is not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

F. Funding Restrictions.
Not Applicable

Indirect Cost Rate.
Normal indirect cost rules apply. If you intend to charge indirect costs to your award, your application must clearly state the rate and distribution base you intend to use. If you have a Federally negotiated indirect cost rate, your application must also include a letter or other documentation from the cognizant agency showing the approved rate. Nongovernmental organizations and Indian tribal governments. If you have a Federally negotiated indirect cost rate, your application must clearly state the approved rate and distribution base and must include a letter or other documentation from the cognizant agency showing the approved rate. If you have never received a Federally negotiated indirect cost rate and elect to use the de minimis rate, your application must clearly state you intend to use the de minimis rate of 10% of Modified Total Direct Costs (MTDC). As described in 2 CFR 200.403, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. Once an organization elects to use the de minimis rate, the organization must apply this methodology consistently for all Federal awards until the organization chooses to negotiate for a rate, which the organization may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit. State and local governments. If your department or agency unit has a Federally negotiated indirect cost rate, your application must include that rate, the applicable distribution base, and a letter or other documentation from the cognizant agency showing the negotiated rate. If your department or agency unit receives more than $35 million in federal funding, you may not claim indirect costs until you receive a negotiated rate from your cognizant agency for indirect costs as provided in Appendix VII to 2 CFR part 200.
If your department or agency unit receives no more than $35 million in federal funding and your department or agency unit has prepared and maintains documentation supporting an indirect rate proposal in accordance with 2 CFR part 200, appendix VII, you may use the rate and distribution base specified in your indirect cost rate proposal. Alternatively, if your department or agency unit receives no more than $35 million in federal funding and has never received a Federally negotiated indirect cost rate, you may elect to use the de minimis rate of 10% of MTDC. As described in 2 CFR 200.403, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until you choose to negotiate for a rate, which you may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.
G. Other Submission Requirements.

1. Application Certifications and Assurances
By signing the SF424 either through electronic submission or in paper copy submission (for those granted a waiver), applicant affirms certifications and assurances associated with the application are material representations of the facts upon which HUD will rely when making an award to the applicant. If it is later determined the signatory to the application submission knowingly made a false certification or assurance or did not have the authority to make a legally binding commitment for the applicant, the applicant may be subject to criminal prosecution, and HUD may terminate the award to the applicant organization or pursue other available remedies. Each applicant is responsible for including the correct certifications and assurances with its application submission, including those applicable to all applicants, those applicable only to federally-recognized Indian tribes, and those applicable to applicants other than federally-recognized Indian tribes. All program-specific certifications and assurances are included in the program Instructions Download on Grants.gov.

2. Lead Based Paint Requirements
When providing housing assistance funding for purchase, lease, support services, operation, or work that may disturb painted surfaces, of pre-1978 housing, you must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's lead-based paint rules (Lead Disclosure; and Lead Safe Housing (24 CFR part 35)), and EPA's lead-based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification (40 CFR part 745)).

When providing education or counseling on buying or renting housing that may include pre-1978 housing, when required by regulation or policy, inform clients of their rights under the Lead Disclosure Rule (24 CFR part 35, subpart A), and, if the focus of the education or counseling is on rental or purchase of HUD-assisted pre-1978 housing, the Lead Safe Housing Rule (subparts B, R, and, as applicable, F - M).

V. Application Review Information.

A. Review Criteria.

1. Rating Factors.
The factors for rating and ranking applications and the points for each factor are explained below. A maximum of 100 points may be awarded under Rating Factors 1 through 5. To be considered for funding, your application must receive a minimum of 15 points under Rating Factor 1 and a total of at least 70 points.

The criteria for Subfactors 2.2 and 3.4 will vary according to the type of project you are applying for.

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2. **NEED/EXTENT OF THE PROBLEM**

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<tr>
<td>2.2.b</td>
<td>Economic Development Projects</td>
<td>10</td>
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</tr>
<tr>
<td>2.2.c</td>
<td>New Housing Construction, Housing Rehabilitation, Housing Acquisition, Land Acquisition to Support New Housing, and Homeownership Assistance Projects</td>
<td>10</td>
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<tr>
<td>2.2.d</td>
<td>Microenterprise Programs</td>
<td>10</td>
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<tr>
<td>2.3</td>
<td>Project Connection to Tribal Youth</td>
<td>4</td>
<td>All Project Types</td>
</tr>
<tr>
<td>2.4</td>
<td>New/Unfunded Applicants (New Applicants Only)</td>
<td>10</td>
<td>All Project Types</td>
</tr>
<tr>
<td>3</td>
<td><strong>SOUNDNESS OF APPROACH</strong></td>
<td>34</td>
<td></td>
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<tr>
<td>3.1</td>
<td>Description of and Rationale for Proposed Project</td>
<td>10</td>
<td>All Project Types</td>
</tr>
<tr>
<td>3.2</td>
<td>Budget and Cost Estimates</td>
<td>10</td>
<td>All Project Types</td>
</tr>
<tr>
<td>3.3</td>
<td>Project Implementation Schedule</td>
<td>4</td>
<td>All Project Types</td>
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<tr>
<td>3.4</td>
<td>Commitment to Sustain Activities</td>
<td>10</td>
<td>All Project Types</td>
</tr>
<tr>
<td>3.4.a</td>
<td>Public Facilities and Infrastructure Projects</td>
<td>10</td>
<td>---</td>
</tr>
<tr>
<td>3.4.b</td>
<td>Economic Development Projects</td>
<td>10</td>
<td>---</td>
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<tr>
<td>3.4.c</td>
<td>New Housing Construction, Housing Rehabilitation, Housing Acquisition and Homeownership Assistance Projects</td>
<td>10</td>
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<tr>
<td>3.4.d</td>
<td>Microenterprise Programs</td>
<td>10</td>
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<tr>
<td>3.4.e</td>
<td>Land Acquisition Projects</td>
<td>10</td>
<td>---</td>
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<tr>
<td>4</td>
<td><strong>LEVERAGING RESOURCES</strong></td>
<td>6</td>
<td>All Project Types</td>
</tr>
<tr>
<td>5</td>
<td><strong>COMPREHENSIVENESS AND COORDINATION</strong></td>
<td>6</td>
<td>All Project Types</td>
</tr>
<tr>
<td>5.1</td>
<td>Coordination</td>
<td>2</td>
<td>---</td>
</tr>
<tr>
<td>5.2</td>
<td>Outputs, Outcomes, and/or Goals</td>
<td>4</td>
<td>---</td>
</tr>
</tbody>
</table>

**Preference Points**

<table>
<thead>
<tr>
<th>Preference</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Promise Zones</td>
<td>2</td>
</tr>
</tbody>
</table>
Rating Factor 1: Capacity of the Applicant

Rating Factor 1 Maximum Points: (up to 34 points for Current Grantees/ up to 24 points for New Applicants)

Subfactor 1.1. Managerial, Technical, and Administrative Capability.

Subfactor 1.1.a. Managerial and Technical Staff (up to 6 points). You must describe the project specific roles and responsibilities and the knowledge/experience of the project director and all individual key staff, in planning, managing, and implementing projects in accordance with the implementation schedule for which funding is being requested. HUD will consider experience pertaining to the specific activities being proposed or the specific roles and responsibilities described in the application to be relevant, experience within the last 5 years to be recent, and evidence of completing past projects on or ahead of schedule to be successful. You must provide a brief description of the past project(s), when they were due to be completed and when they actually were completed.

Staff included in this subfactor will be considered key staff and each individual must meet the following criteria below. Individuals must be listed. Do not include an organization as a key staff.

(6 points) You describe the roles/responsibilities and the knowledge/experience of the project director and all individual key staff in planning, managing, and implementing projects for which funding is being requested. Experience of all individual key staff is relevant, recent, and successful.

(3 points) You describe the roles/responsibilities and the knowledge/experience of the project director and most individual key staff, in planning, managing, and implementing projects for which funding is being requested. Experience of most individual key staff is relevant and is either recent or successful.

(0 points) The application did not contain information sufficient to award points under this Subfactor.

Subfactor 1.1.b. Audits (6 points).

Describe how the applicant or responsible designee has met the audit requirements outlined in 2 CFR 200, Subpart F. Include whether an audit submission was applicable for the last two audit periods, whether it was submitted timely or required an extension deadline, or whether an audit was not applicable per the threshold requirements. (Specific references: 200.501 Audit requirements, 200.504 Frequency of audits, 200 512 Report submission; Federal Audit Clearinghouse: https://harvester.census.gov/facdissem/main.aspx

Points will be assigned as follows:

(6 points)

- The annual audits for the last two audit periods were submitted and accepted by the FAC in accordance with 2 CFR 200.500 (within 30 days after completion of the audit or 9 months after the fiscal year ends, whichever is earlier), or
• You received an extension of the audit submission date and you submitted your audit by the extended due date. If you received an extension, you must submit a copy of the extension approval letter. Do not submit your audit with the application. or,
• You are not required to submit an annual audit, you must state that you did not meet the audit threshold under 2 CFR 200.500.

(0 points) The application did not contain information sufficient to award points under this Subfactor.

Subfactor 1.1.c. Audit Findings. (6 points)
The applicant must describe whether there are any open ICDBG and IHBG (if applicable) audit findings and if so, whether these will be resolved. (References: Specific references: 200.511 Audit findings follow-up and 200.504 Frequency of audits).

Points will be assigned as follows:

(6 points) You will receive the maximum points for this rating factor if there were no ICDBG and IHBG findings.

(4 points) During the rating period, you resolved all open ICDBG and IHBG (if applicable) audit findings by the established target date(s).

(0 points) During the rating period, you did not all resolve open ICDBG and IHBG (if applicable) audit findings by the established target date(s).

Subfactor 1.1.d. Procurement and Contract Management (6 points).
Describe how the procurement and contract management systems of the applicant or designee responsible for procurement and contract management of the project meets the applicable regulatory requirements at 2 CFR Part 200 [Specifically § 200.318 General procurement standards, as well as § 200.319 Competition, § 200.320 Methods of procurement, § 200.321 Contracting with small and minority businesses, women’s business enterprises, and labor surplus area firms, § 200.323 Contract cost and price, § 200.325 Bonding requirements, and § 200.326 Contract provisions], and 24 CFR Part 1003 [including § 1003.510 Indian preference requirements and § 1003.606 Conflict of interest].

Points will be assigned as follows:

(6 points) You described how the procurement and contract management policies and procedures of the applicant or designee’s for the project meet the referenced regulatory requirements at 2 CFR Part 200 and 24 CFR Part 1003

(3 points) You did not clearly describe how the applicant or designee's procurement and contract management policies and procedures meet the referenced regulatory requirements cited above.

(0 points) The application did not contain information sufficient to award points under this Subfactor.

Subfactor 1.2. Past Performance (up to 10 points for current ICDBG grantees only). You are not required to respond to the past performance subfactors unless information is requested elsewhere in this rating factor. The term “rating period” in the subfactors below refers to the 3-year period immediately preceding the application due date. Your performance in implementing
Inminent Threat grants and Mold grants will also be considered in this subfactor.

**Subfactor 1.2.a. Disbursements (up to 3 points).** For this subfactor, performance will be evaluated for all ICDBG grants that were open during the rating period. ICDBG funds awarded within 12-months of the application deadline are not included when calculating the Line of Credit Control System (LOCCS) percentage under this subfactor. However, ICDBG grants closed during the 3-year rating period are included in the calculating the LOCCS percentage under the subfactor. Implementation timeframes are based on current implementation schedules and the point in time being progress as of the application deadline date.

Points will be assigned as follows:

<table>
<thead>
<tr>
<th>POINTS</th>
<th>MET TIME FRAMES OF IMPLEMENTATION PLANS</th>
<th>TOTAL AMOUNT IN LOCCS (as of application deadline date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Yes</td>
<td>No more than 35%</td>
</tr>
<tr>
<td>2</td>
<td>Yes</td>
<td>Between 36% and 50%</td>
</tr>
<tr>
<td>1</td>
<td>Yes</td>
<td>Between 51% and 80%</td>
</tr>
<tr>
<td>0</td>
<td>No</td>
<td>More than 80%</td>
</tr>
</tbody>
</table>

**Subfactor 1.2.b. Reports (up to 3 points).** For this subfactor, performance will be evaluated for ALL open ICDBG grants during the rating period. Points will be assigned as follows:

(3 points) You submitted all Annual Status and Evaluation Report(s) (ASER(s)) and all Federal Financial Report(s) (FFRs)(SF-425) by the submission deadlines.

(1 points) You submitted either the ASER(s) or all the FFR(s) by the submission deadlines.

(0 points) You did not submit both the ASER(s) and all the FFR(s) by the submission deadlines.

**Subfactor 1.2.c. Close-outs (2 points).** For this subfactor, performance will be evaluated for all ICDBGs that were closed, due to be closed or should have been closed in the past 3 years of the Application Deadline Date of this NOFA. The date the Area ONAP determined the criteria for closeout has been met is the same as the completion date on the Closeout Agreement.

Points will be assigned as follows:

(2 points) You submitted the close-out documents within 90 days of the date that the Area
ONAP determined that the criteria for closeout had been met.

(0 points) You did not submit closeout documents within 90 days of the date that the Area ONAP determined that the criteria for closeout had been met.

**Subfactor 1.2.d. Findings. (2 points).** For this subfactor, performance will be evaluated for resolved ICDBG monitoring and controlled audit findings by the established target date(s) or if there are no findings in current reports. Do not submit responses to open monitoring or audit findings with the application.

Points will be assigned as follows:

(2 points) During the rating period, you resolved open ICDBG monitoring and controlled audit findings by the established target date(s). You will receive the maximum points for this rating factor if there were either no findings or the findings were not due to be closed during the submission date.

(0 points) During the rating period, you did not resolve open ICDBG findings by the established target date(s).

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**Rating Factor 2: Need/Extent of the Problem**

**Maximum Points: 30**

**Rating Factor 2 Maximum Points: (up to 20 points for Current Grantees/ up to 30 points for New Applicants)**

**Subfactor 2.1. Need and Viability (up to 6 points).**

(6 points) To receive full points:

- You describe the need for the project
- You demonstrate that the project will meet an essential community development need,
- You describe how and why the project will improve the viability of the community.

(3 points) To receive points:

- You describe the need for the project
- You demonstrate that the project meets an essential community development need or
- You describe how and why the project will improve the viability of the community.

(0 points) The application did not contain information sufficient to award points under this Subfactor.

**Subfactor 2.2. Project Benefit (up to 10 points).** The criteria for this subfactor will vary according to the type of project you are applying for. Information below is based on the data you will be using.

To determine the percentage of LMI persons who will benefit from area-wide public facility and improvement projects as well as economic development projects, you may rely on census data HUD provides or that you can generate data as explained below. The calculation of LMI benefit may be calculated in households or persons, whichever is more advantageous to the applicant.

**Using HUD Data**
If you wish to use HUD data you must indicate which tabulation of census data you will use from the tables at: https://www.huduser.gov/portal/icdbg/home.html

**Using Your Own Data**

You may submit data that are unpublished, not generally available, and not older than the latest data available from the U.S. Census Bureau. If you are submitting demographic data other than the Census, you must state in your application that:

- Generally available published data are substantially inaccurate or incomplete;
- Data you are submitting has been collected systematically and is statistically reliable;
- Data are, to the greatest extent feasible, independently verifiable; and
  - Data differentiate between reservation and BIA service area populations, when applicable.

If you are submitting your own data, you must include each of the following in your application:

- A sample copy of the survey form used to collect the data;
- An explanation of the methods used to collect the data;
- The number of persons that will benefit from the project;
- A list of incomes by household including household size; and
- The number of LMI persons that will benefit from the project.

Your survey cannot be older than 2010. If you fail to include all components listed above to support your own demographic data, HUD will use the information at https://www.huduser.gov/portal/icdbg/home.html to determine points to be assigned in this subfactor.

**Subfactor 2.2.a. Public Facilities and Infrastructure Projects (up to 10 points).**

Points will be assigned as follows:

(10 points) At least 85 percent of the beneficiaries are LMI.

(6 points) At least 75 percent but less than 85 percent of the beneficiaries are LMI.

(2 points) At least 55 percent but less than 75 percent of the beneficiaries are LMI.

(0 points) Less than 55 percent of the beneficiaries are LMI.

If you are proposing a community building that will serve a limited clientele as defined in 24 CFR 1003.208(b) you must demonstrate that all families/individuals to be served by the program will be LMI to receive the full points in this subfactor. **HUD will rely on demographic information submitted with your application to assign points for this subfactor.**

**Subfactor 2.2.b. Economic Development Projects (up to 10 points).**

Points will be assigned as follows:

(10 points) At least 85 percent of the beneficiaries are LMI.

(6 points) At least 75 percent but less than 85 percent of the beneficiaries are LMI.
(2 points) At least 55 percent but less than 75 percent of the beneficiaries are LMI.

(0 points) Less than 55 percent of the beneficiaries are LMI.

The beneficiaries from this type of project can be the persons served by the project (see above) and/or persons employed by the project based on the jobs created or retained because of the project. As with public facility and infrastructure projects, HUD will rely on demographic information submitted with your application to assign points for this subfactor.

To document persons employed by the project, you must describe the nature and number of jobs created or retained for LMI people. This information includes but is not limited to brief descriptions of proposed job responsibilities, job titles, salaries, and the number of full-time equivalent positions. If jobs will be retained because of the ICDBG project, you must include information that shows clearly and objectively that jobs will be lost without the project. Jobs retained only for the period of the grant will not count under this rating factor; they must be permanent jobs.

Subfactor 2.2.c. New Housing Construction, Housing Rehabilitation, Housing Acquisition, Land Acquisition to Support New Housing and Homeownership Assistance Projects (up to 10 points).

Every year to accompany the ICDBG NOFA, HUD prepares a Factor 2 Needs Table (Needs Table) that is used to determine the need for housing in tribal areas. The ratio is based on the dollars allocated to a tribe/TDHE under the Indian Housing Block Grant (IHBG) program for need divided by the total number of American Indian and Alaskan Native (AIAN) households in the following categories:

- annual income below 80 percent of the median;
- overcrowded or without kitchen or plumbing;
- housing cost burden greater than 50 percent of annual income;
- and housing shortage (number of low income AIAN households less total number of NAHASDA and Formula Current Assisted Stock).

You can find a copy of the Needs Table in the zip file with the Application Instructions for the ICDBG program when you download your application from grants.gov. You do not need to attach the table with your application. HUD will refer to it when assigning points in this subfactor.

(10 points) The dollar amount for the Indian tribe is $0 - $750 or the tribe’s total FY 2018 IHBG amount was $100,000 or less and the Needs Table indicates that the Indian tribe has American Indian and Alaskan Natives (AIAN) households experiencing income or housing problems.

(6 points) The dollar amount for the Indian tribe is $751 - $1,250.

(2 points) The dollar amount for the Indian tribe is $1,251 - $3,999.

(0 points) The dollar amount for the Indian tribe is $4,000 or higher, or the Needs Table indicates that the Indian tribe has no AIAN households experiencing income or housing problems.
Subfactor 2.2.d. Microenterprise Programs (up to 10 points). A microenterprise is a business with five or fewer employees, one or more of whom owns the business. The owner(s) of the microenterprise must be LMI and the majority of the jobs created or retained must be for LMI persons. For documenting persons employed by the project, you do not need to submit a demographic data statement and corresponding documentation. However, you need to submit information that describes the nature and number of the jobs created or retained. These types of projects will be scored as follows:

(10 points) All employees are LMI.
(6 points) At least 75 percent but less than 100 percent of the employees are LMI.
(2 points) At least 51 percent but less than 75 percent of the employees are LMI.
(0 points) Less than 51 percent of the employees are LMI.

Sub Factor 2.3: Connection to Tribal Youth (up to 4 points)

This sub factor provides points to tribes/tribal organizations who are proposing ICDBG-related activities geared towards tribal youth. The focus is to promote projects that help prepare youth to be contributing members of their community by increasing access to developmental programs. Applicants must demonstrate how the ICDBG project would foster opportunities to youth in general skill building, including life skills, pursuing higher education, access to trades, leadership opportunities, etc. Applicants are required to provide a description of the how the project will have a clear and direct connection to the youth and be able to show reportable output and outcome measures. Failure to submit this information may result in not receiving the maximum points.

Examples of youth-related projects: Projects that house or provide dedicated space for youth, such as homeless shelters for families, youth counseling facilities, gymnasiums, classrooms, student housing, and recreational centers. Or projects that incorporate youth into the actual design and construction portion of the project, such as training of youth for building trades and related on-the-job training.

Points will be assigned as follows:

(4 points) - You described how the proposed project and/or activities have a clear and direct connection to tribal youth.

(2 points) - You mentioned that you have a project and/or activity that will include youth, however, you do not clearly describe how it is geared towards tribal youth and/or that connection is not direct.

(0 points) - The application did not contain information sufficient to award points under this Subfactor.

Subfactor 2.4: New and Unfunded Applicants (New Applicants Only) (up to 10 points).

Points are provided in this subfactor to applicants who have applied for but have not received ICDBG awards in recent years or who have never applied for an ICDBG award. It applies to the tribe, or the tribal organization on whose behalf the tribal organization is submitting the application, not the subrecipient working on the project. Only applicants that have never received an ICDBG or applicants whose prior grants have been closed for 12 months prior to
the application deadline date can receive the points.

(10 points) Applicants who did not receive an ICDBG within the last five NOFA cycles (FY13, FY 14, FY15, FY 16 and FY 17) will receive 4 points.

(5 points) Applicants who did not receive an ICDBG within the last three NOFA application cycles (FY15, FY16 and FY17) will receive 2 points.

(0 points) - The application did not contain information sufficient to award points under this Subfactor.

Rating Factor 3: Soundness of Approach

Subfactor 3.1. Description of and Rationale for Proposed Project (up to 10 points).

Points will be assigned as follows:

(10 points)

• Describe the project in detail including: size (for example: square feet, linear feet, and bedroom size as applicable); type (for example: type of building, type of construction, and material used); and location (for example: a map, address and aerial photo);
• Describe how the project is feasible and cost effective;
• Explain your rationale behind the project design;
• Describe how you will train and/or employ Section 3 residents or contract with Section 3 businesses to provide other economic opportunities in accordance with Section III.D.1. of this NOFA;
• Describe how you will comply with Indian Preference requirements. If a conflict is identified between Section 3 and Indian Preference requirements, describe the nature of conflict and how it will be addressed.
• Housing Construction/Rehabilitation or Public Facility Building projects (only): You describe and provide the cost savings (in percentage or dollar amount) resulting from either the building design or construction methods or energy efficiency measures that will be realized in future years;
• Land for Future Housing (only): You establish that there is a reasonable ratio between the number of usable acres to be acquired and the number of LMI households to benefit from the project; and

(6 points)

• Describe the project in detail including: size (for example: square feet, linear feet, and bedroom size as applicable); type (for example: type of building, type of construction, and material used); and location (for example: a map, address and aerial photo);
• Describe how the project is feasible and cost-effective;
• Explain your rationale behind the project design;
• Housing Construction/Rehabilitation or Public Facility Building projects (only): You describe and provide the cost savings (in percentage or dollar amount) resulting from either the building design or construction methods or energy efficiency measures that will be realized in future years;
• Land for Future Housing (only): You establish that there is a reasonable ratio
between the number of usable acres to be acquired and the number of LMI households to benefit from the project.

(2 points)

- You did not describe the project in detail including: size (for example: square feet, linear feet, and bedroom size as applicable); type (for example: type of building, type of construction, and material used); and location (for example: a map, address and aerial photo);
- You did not describe how the project is cost-effective; or
- You did not explain your rationale behind the project design;
- **Housing Construction/Rehabilitation or Public Facility Building projects (only):** You did not describe and provide the cost savings (in percentage or dollar amount) resulting from either the building design or construction methods or energy efficiency measures that will be realized in future years;
- **Land for Future Housing (only):** You did not establish that there is a reasonable ratio between the number of usable acres to be acquired and the number of LMI households to benefit from the project.

(0 points): The application did not contain information sufficient to award points under this Subfactor.

**Subfactor 3.2. Budget (up to 8 points).** You must submit form HUD-4123 (Cost Summary) and may supplement the budget information in your narrative. If your application includes a public service component, your budget must also include a breakdown of those costs.

For planning and administrative costs, do not include direct project costs/activity delivery costs (e.g. certain architectural/engineering, environmental, technical assistance, and some staff/overhead costs related to directly carrying out eligible activities) but include any funds the applicant will contribute toward administering the grant including planning and administrative costs that are charged as indirect costs charged to the ICDBG program under a cost sharing plan prepared under 2 CFR 200 as applicable. If you are not requesting ICDBG funds to administer the project, you must specify who will pay for those.

HUD will consider experience pertaining to the specific activities being proposed or the specific roles and responsibilities described in the application to be **relevant** and experience within the last 5 years to be **recent**.

Points will be assigned as follows:

(8 points)

- Your budget is reasonable and reflects construction costs for the area, if applicable. To demonstrate the budget is reasonable, you must provide a cost comparison of other similar projects completed in the area.
- Costs are broken down by line item for each proposed activity, including planning and administration.
- Described the qualifications of the person who prepared the cost estimates.
- Described experience of the estimator is recent and relevant to the type of project.
proposed

(4 points)

- Your budget is reasonable and reflects construction costs for the area, if applicable. To demonstrate the budget is reasonable, you must provide a cost comparison of other similar projects completed in the area.
- Costs are broken down for each proposed activity, including planning and administration.
- Described the qualifications of the person who prepared the cost estimates or
- Described experience of the estimator is recent and relevant to the type of project proposed, but not both.

(0 points) The application did not contain information sufficient to award points under this Subfactor.

Subfactor 3.3. Project Implementation Schedule (up to 4 points).

Points will be assigned based on the level of detail provided in your Implementation Schedule (for HUD-4125) and/or project implementation narrative.

Points will be assigned as follows:

(4 points) Your implementation schedule (form HUD - 4125) and/or project implementation narrative includes a detailed breakdown of all tasks needed to complete your project.

(2 points) Your implementation schedule and/or project implementation narrative includes a breakdown of tasks needed to complete your project.

(0 points) The application did not contain information sufficient to award points under this Subfactor.

3.4. Commitment to Sustain Projects (up to 10 points).

Your application shows that you will be able to sustain your project once it is complete. How you do that depends on the type of project you are applying for.

Subfactor 3.4.a. Public Facilities and Infrastructure Projects (up to 10 points).

Your application shows that you will be able to sustain your project once it is complete. How you do that depends on the type of project you are applying for.

Subfactor 3.4.a. Public Facilities and Infrastructure Projects (up to 10 points).

State that either the tribe or another entity has adopted an operations and maintenance (O&M) plan to maintain the project and that it commits, by resolution or commitment letter, the funds to do so and the dollar amount. The O&M plan should also include the timeframe not less than five years after the project closeout. These five components must be addressed in an O&M plan:

- Daily or other periodic maintenance activities;
- Repairs such as replacing broken windows;
- Capital improvements or replacement reserves for repairs such as replacing the roof;
- Fire and liability insurance (may not apply to most types of infrastructure projects, such as water and sewer lines); and
- Security (may not apply to many types of infrastructure projects, such as roads).

Points will be assigned as follow:

(10 points)

- Include the O&M statement and funding commitment described above.
- Describe how the O&M plan addresses all five of the above components and include a satisfactory cost breakdown for annual expenses. (For public facilities or community buildings, also demonstrate that funds for recreation, social, or other services that will be provided in the building have been committed.)
- For infrastructure projects that are done underground like: water, sewer or powerlines only 3 of the 5 components must be addressed.
- Include letters of commitment from outside service providers that identify both operating expenses and space needs. If the applicant is providing the funds for the recreation, social or other services a written statement to that effect is provided.

(6 points)

- Include the O&M statement and funding commitment described above.
- Describe how the O&M plan addresses at least four of the above components. (For public facilities or community buildings, also demonstrate that funds for recreation, social, or other services have been committed.)
- For infrastructure projects that are done underground like: water, sewer or powerlines only 2 of the 5 components must be addressed.
- Include letters of commitment from outside service providers that identify either operating expenses or space needs. If the applicant is providing the funds for the recreation, social or other services a written statement to that effect is provided.

(2 points)

- Include the O&M statement and funding commitment described above.
- Describe how the O&M plan addresses at least three of the above components.
- For infrastructure projects that are done underground like: water, sewer or powerlines only 1 of the 5 components must be addressed.
- You included letters of commitment from outside service providers but the commitments do not address operating expenses or space needs.

(0 points) The application did not contain information sufficient to award points under this Subfactor.

Subfactor 3.4.b. Economic Development Projects (up to 10 points).

In accordance with 24 CFR 1003.302(c), you must provide a financial analysis prepared by a qualified party that meet the following criteria:
• The qualified party preparing the analysis must have recent and relevant experience in the type of project being proposed;
• The financial analysis must demonstrate that the project is financially feasible and has a reasonable chance of success;
• The analysis should include information about the project’s market share, sales levels, growth potential, revenue projections, project expenses and debt service, if applicable; and
• The analysis must also demonstrate the public benefit resulting from the ICDBG assistance.

**In addition, the analysis must establish that, to the extent practicable:**

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

**You will receive points for addressing the components below:**

• Why the project is needed in your market/area;
• How the project will operate; and
• How and why the project will succeed.

Points will be assigned as follows:

**(10 points)** Address all of the financial analysis components listed above and provided evidence that the project’s chance for financial success is excellent.

**(6 points)** Address all of the financial analysis components listed above and provided evidence that the project’s chance for financial success is average.

**(2 points)** Address all of the financial analysis components listed above and provided evidence that the project’s chance for financial success is fair.

**(0 points)** The application did not contain information sufficient to award points under this Subfactor.

**Subfactor 3.4.c. New Housing Construction, Housing Rehabilitation, Housing Acquisition, and Homeownership Assistance Projects (up to 10 points).**

Points will be assigned as follows:

**(10 points)** Describe the ongoing maintenance and insurance responsibilities of the applicant and/or participants in detail. You also stated who is paying for it.

**(6 points)** Describe the ongoing maintenance and insurance responsibilities of the applicant and/or the participants in general. You also stated who is paying for it.
(2 points) You describe the maintenance and insurance responsibilities of the applicant and/or the participants or state who is paying for it.

(0 points) The application did not contain information sufficient to award points under this Subfactor.

Subfactor 3.4.d. Microenterprise Programs (up to 10 points).

Your application must describe the microenterprise program including the types of assistance offered to microenterprise applicants and the types of entities eligible to apply for the assistance. It must explain how you will analyze microenterprise applicants’ business plans, market studies, and financial feasibility. For credit programs, you must describe how you will determine the loan terms (i.e. interest rate, maximum loan amount and duration, loan servicing provisions) that you will offer to individual microenterprise applicants.

Points will be assigned as follows:

(10 points) Address all of the above information or documentation applicable to the proposed project and provided evidence that the chance for success is excellent.

(6 points) Address the above information or documentation applicable to the proposed project and provided evidence that the chance for success is reasonable.

(2 points) Address the above information or documentation applicable to the proposed project and provided evidence that the chance for success is marginal.

(0 points) The application did not contain information sufficient to award points under this Subfactor.

Subfactor 3.4.e. New Land Acquisition Projects to Support New Housing (up to 10 points).

Show that the proposed site has:

- Suitable soil conditions for housing and related infrastructure;
- Potable drinking water accessible for a reasonable cost;
- Access to utilities;
- Vehicular access;
- Drainage;
- Nearby social and community services;
- No known environmental problems; and
- The land is zoned for the type of housing proposed.

This assessment must be prepared by a qualified independent entity.

Points will be assigned as follows:

(10 points) Your application includes all of the above information and demonstrates that 100 percent of all units will be constructed within two years after site purchase.

(6 points) Your application includes all of the above information and demonstrates that 50 percent of the units will be constructed within two years after site purchase.

(2 points) Your application includes most of the above information and demonstrates that 25
percent of the units will be constructed within two years after site purchase.

(0 points) The application did not contain information sufficient to award points under this Subfactor.

**Rating Factor 4: Leveraging Resources**

Maximum Points: 6

HUD will award points based on the percentage of non-ICDBG resources provided relative to project costs.

Points will be assigned as follows:

<table>
<thead>
<tr>
<th>Non-ICDBG Resources to Total Project Costs</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 percent or more</td>
<td>6</td>
</tr>
<tr>
<td>At least 18 percent but less than 25 percent</td>
<td>5</td>
</tr>
<tr>
<td>At least 11 percent but less than 18 percent</td>
<td>4</td>
</tr>
<tr>
<td>At least 4 percent but less than 11 percent</td>
<td>2</td>
</tr>
<tr>
<td>Less than 4 percent</td>
<td>0</td>
</tr>
</tbody>
</table>

Leveraged resources must be used for ICDBG-eligible activities and are subject to all ICDBG program requirements.

**Leveraged resources include, but are not limited to:**

- Tribal trust funds;
- Loans from individuals or organizations;
- Private foundations, businesses, state or federal loans or guarantees;
- Other grants including IHBG funds;
- Donated goods and services needed for the project;
- Land needed for the project (which can include land purchased prior to the application deadline date) but not land that has been used as leverage for prior ICDBG projects or land that was previously purchased with ICDBG funds;
- Land used for a building expansion project if the land was not previously used for leverage
- Direct administrative costs but only up to the 20% cap allowed for administrative costs

**Leveraged resources do not include:**

- Indirect administrative costs as identified in 2 CFR 200;
- Administrative costs that exceed the regulatory limit of 20% of the ICDBG grant amount
- Ineligible ICDBG expenditures such as contributions of funds to pay for anticipated operations and maintenance costs of the proposed project; and
- The value of the existing facility (if your application is to expand or rehab an existing facility).
To provide evidence of leveraged funds you must submit the following documents with your application:

<table>
<thead>
<tr>
<th>Type of Leveraged Resource</th>
<th>Evidence/Documentation Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tribal Resources</td>
<td>- Tribal resolution committing funds or equivalent; the resolution (or equivalent) must identify the exact dollar amount (or value of resources to be committed)</td>
</tr>
<tr>
<td></td>
<td>- For IHBG funds, whether the tribe or a TDHE administers them, the most recently approved IHP must identify the dollar amount and commit the IHBG resources to the project or if a future IHBG will be used, the application must identify the program year of the future IHP and the dollar amount to be provided from that IHP.</td>
</tr>
<tr>
<td>Tribal Organization (applicant) Resources</td>
<td>- Statement committing and identifying the amount of funds to be committed for leveraging.</td>
</tr>
<tr>
<td>Public Agency, Foundation or Other Private Party</td>
<td>- Letters of commitment which must include:</td>
</tr>
<tr>
<td></td>
<td>- the donor organization's name,</td>
</tr>
<tr>
<td></td>
<td>- the specific funds proposed,</td>
</tr>
<tr>
<td></td>
<td>- the dollar amount of the financial or in-kind resource,</td>
</tr>
<tr>
<td></td>
<td>- method for valuation, and</td>
</tr>
<tr>
<td></td>
<td>- the purpose of that resource within the proposed project.</td>
</tr>
<tr>
<td></td>
<td>- Memorandum of understanding, and/or agreement to participate, including any conditions to which the contribution may be subject.</td>
</tr>
<tr>
<td></td>
<td>- An official of the organization legally authorized to make commitments on behalf of the organization must sign the commitment.</td>
</tr>
<tr>
<td>Goods and Services</td>
<td>- Must demonstrate that the donated items are necessary to the actual development of the project and include comparable costs that support the donation.</td>
</tr>
<tr>
<td>Land</td>
<td>- Land valuation must be established using one of the following methods and the documentation must be contained in the application. The application of land valuation documentation must state the method used to determine land value and identify the land value. The methods include:</td>
</tr>
<tr>
<td></td>
<td>- A site-specific appraisal no more than two years old;</td>
</tr>
</tbody>
</table>
|                            |   - An appraisal of a nearby comparable site also no more than two
years old;
- A reasonable extrapolation of land value based on current area realtor value guides; or
- A reasonable extrapolation of land value based on recent sales of similar properties in the same area.

Applicants are reminded that environmental review requirements under 24 CFR Part 58 apply to the commitment or use of both ICDBG and non-ICDBG funds in a leveraged project. See Section VI.B. of this NOFA for information related to this requirement.

HUD recognizes that in some cases, you may not get a firm commitment of non-tribal funds by the application deadline. In such cases, you must include a statement from the contributing entity that describes why the firm commitment cannot be made at the current time. The statement must say that your tribe/organization and proposed project meets the eligibility criteria for receiving the leveraged funds. It must also include a date by which the funding decisions will be made. This date cannot be over six months from the anticipated date of grant approval by HUD. If you do not provide HUD with evidence of the firm commitment from the original leverage source or an alternative source within six months of the date of grant approval, HUD reserves the right to terminate the grant for cause in accordance with 24 CFR 1003.702 or 1003.703, and to recapture the grant funds and, may award such funds in accordance with 24 CFR 1003.102.

Leveraged funds will be calculated by dividing total eligible leverage resources by the total project cost as identified in the application.

Rating Factor 5: Comprehensiveness and Coordination Maximum Points: 6

For this rating factor, show that you have designed your project and plan to implement it in coordination with community members, tribal departments, and other agencies/organizations. Your proposed project should be consistent with any tribal comprehensive plans if such exist. If funded, you will have to report on the outputs and outcomes you propose in your application.

Subfactor 5.1. Coordination (up to 2 points)

Points will be assigned as follows:

(2 points) Your application:
- Demonstrates that the activities are consistent with strategic plans or policy goals of your community.
- Identifies and describes how you plan to coordinate and work on the project with organizations that will not be providing leveraged funds to the project.
- Summarizes how you involved the community in developing the application pursuant to the regulatory requirements for citizen participation requirements.

(1 point) Your application:
- States that the activities are consistent with plans and goals of the community but did not say how.
- Identifies and describes how you plan to coordinate with other organizations but does
not summarize how you involved the community in developing the application.
• Does not include citizen participation description.

(0 points) The application did not contain information sufficient to award points under this Subfactor.

**Subfactor 5.2. Outputs and Outcomes (up to 4 points).**

In this portion of your application you must include outcomes and outputs you hope to achieve with your project. Outputs are measured in the volume of work accomplished. They should be clear enough to allow HUD to monitor and assess the proposed project’s progress if funded. An outcome is the impact you hope to achieve with your proposed project. They should be quantifiable measures or indicators that identify the change in the community, people’s lives, economic status, etc.

**Depending on the type of project(s) proposed outputs could include but are not limited to:**
- Number of housing units rehabilitated;
- Number of jobs created;
- Number of housing units constructed;
- Number of community facilities built;
- Square feet for any public facility;
- Number of education or job training opportunities provided;
- Number of tribal youth participants;
- Number of homeownership units constructed or financed;
- Number of businesses supported (including number of minority/Native American);
- Number of persons assisted; or
- Linear feet of infrastructure.

**Depending on the type of project(s) proposed, outcomes could include but are not limited to:**
- Reduction in the number of families living in substandard housing;
- Reduction in overcrowding;
- Increased income and self-sufficiency resulting from employment generated by project;
- Increase enrollment figures in higher education;
- Increase in homeownership rates;
- Reduction of drug-related crime or health-related hazards;
- Increased units connected to gas, phone or electric lines/roads/water/sewer;
- Accessibility for persons with disabilities; or
- Improved energy efficiency.
Points will be assigned as follows:

(4 points) Your application:

• included measurable output(s) and outcome(s) for the proposed activity.

(2 points) Your application:

• included measurable outputs, but not outcomes, or vice versa.

(0 points) The application did not contain information sufficient to award points under this Subfactor.

2. Preference Points.

HUD encourages activities in Promise Zones (PZ) communities. HUD will award two (2) points for qualified activities within a designated zone or area.

To receive Promise Zones Preference Points, applicants must submit form HUD 50153, Certification of Consistency with Promise Zone Goals and Implementation, signed by the Promise Zone Official authorized to certify the project meets the criteria to receive preference points. To view the list of designated Promise Zones and persons authorized to certify, please see the Promise Zone pages on HUD’s website.

B. Review and Selection Process.

1. Past Performance
In evaluating applications for funding, HUD will take into account an applicant’s past performance in managing funds. Items HUD may consider include, but are not limited to:

a. The ability to account for funds appropriately;

b. Timely use of funds received from HUD;

c. Timely submission and quality of reports submitted to HUD;

d. Meeting program requirements;

e. Meeting performance targets as established in the grant agreement;

f. The applicant’s organizational capacity, including staffing structures and capabilities;

g. Time-lines for completion of activities and receipt of promised matching or leveraged funds; and

h. The number of persons to be served or targeted for assistance.

HUD may reduce scores as specified under V.A. Review Criteria. Each NOFA will specify how past performance will be rated or otherwise used in the determination of award amounts. Whenever possible, HUD will obtain past performance information from staff with the greatest knowledge and understanding of each applicant’s performance. If this evaluation results in an adverse finding related to integrity or performance, HUD reserves the right to take any of the remedies provided in Section III.D 1. Pre-selection Review of Performance, above.

2. Assessing Applicant Risk
HUD may impose special conditions on an award as provided under 2 CFR 200.207:

1. Based on HUD’s review of the applicant’s risk under 2 CFR 200.205;
2. When the applicant or recipient has a history of failure to comply with the general or specific terms and conditions of a Federal Award;
3. When the applicant or recipient fails to meet expected performance goals; and
4. When the applicant or recipient is not otherwise responsible.

Risk will be evaluated by the elements described in Sections III.C and III.D of this NOFA.

3. **Application Selection Process** - HUD will review each application and assign points in accordance with the selection factors described in this section.

   a. **Application Screening and Acceptance** - The Area ONAP will screen and accept applications if they meet all the criteria listed below.

   - Your application is received or submitted in accordance with the requirements of this NOFA.
   - You are eligible to submit an application.
   - The proposed project is eligible.
   - Your application contains all of the applicable components listed in Section IV. B. of this NOFA. Your application shows that at least 70 percent of the grant funds are to be used for activities that benefit LMI persons. For screening purposes HUD will use the census data posted at FY2017 Data Update for Low- and Moderate-Income (LMI) Area Benefit Designation for HUD’s ICDBG if the data submitted with the application does not meet this screening requirement.

   b. **Threshold Compliance** - The Area ONAP will review each application that passes the screening process to ensure that each applicant and each proposed project meets the eligibility and submission thresholds in the General Section and this NOFA.

   c. **ICDBG Past Performance** - Your past performance will be evaluated under Rating Factor 1. You are encouraged to address all performance-related criteria prior to the application deadline date. You must score a minimum of 15 points under Rating Factor 1 to meet the minimum point requirements outlined below.

   d. **Rating** - The Area ONAP will review and rate each project that meets the acceptance criteria and threshold requirements. Once all applications are rated, the Area ONAP will conduct a review to ensure consistency in the application rating.

   e. **Minimum Points** - To be considered for funding, your application must receive a minimum of 15 points under Rating Factor 1 and an overall score of 70 points.

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

g. Tiebreakers - When rating results in a tie among projects and there is not enough money to fund all tied projects, the Area ONAP will approve projects that can be fully funded over those that cannot be fully funded. When that does not resolve the tie, the Area ONAP will use the following factors in the order listed to resolve the tie:

- The applicant that has not received an ICDBG over the longest period of time;
- The applicant with the fewest active ICDBGs; and
- The project that would benefit the highest percentage of LMI persons.

h. Technical Deficiencies and Pre-award Requirements-

1. Technical Deficiencies- If there are technical deficiencies in successful applications, you must satisfactorily address these deficiencies before HUD can make a grant award.

2. Pre-Award Requirements- If you are to receive a grant, you may have to provide supporting documentation concerning the management, maintenance, operation, or financing of proposed projects before a grant agreement can be executed. HUD may ask for additional information on the scope, magnitude, timing or method of implementing the project; or information to verify the commitment of other resources required to complete, operate, or maintain the proposed project. HUD will notify applicants by facsimile or via the U.S. Postal Service, return receipt requested. Applicants will be provided fourteen (14) calendar days from the date of receipt of the HUD notification to respond to these requirements. No extensions will be provided. If the deadline date falls on a Saturday, Sunday, or federal holiday, the response must be received by HUD on the next day that is not a Saturday, Sunday, or federal holiday. If you do not respond within the prescribed time period or makes an insufficient response, the Area ONAP will determine that the requirement has not been met and will withdraw the grant offer. You may not substitute new projects for those originally proposed in the application and any new information will not affect the project’s rating and ranking.

The time period for calculating the response deadline for pre-award requirements begins on the day after receipt of the pre-award letter from the Area ONAP.

i. Agency Errors- Judgements made within the provisions of this NOFA and the program regulations (24 CFR Part 1003) are not subject to claim of error. There is no appeal process. You may however, bring arithmetic errors in your application score to the attention of your Area ONAP's within 30 days of being informed your score.

j. Performance and Compliance Actions of Funding Recipients - HUD will measure and address the performance of and order compliance actions by funding recipients in
accordance with the applicable standards and sanctions of their respective programs.

C. Anticipated Announcement and Award Dates.
HUD expects to announce awards by Spring 2019.

VI. Award Administration Information.

A. Award Notices.
Following the evaluation process, HUD will notify successful applicants of their selection for funding. HUD will also notify other applicants, whose applications were received by the deadline, but have not been chosen for award. Notifications will be sent by email to the person listed as the AOR in item 21 of the SF-424.

If selected, your Area ONAP will send you an award letter and a grant agreement to sign and return. If you do not already have one, you will have to establish an account in LOCCS so you can draw down grant funds as needed to complete your project/activities. You will also be encouraged to participate in award implementation training offered by your Area ONAP. All grants are conditioned on the completion of all environmental obligations and approval of release of funds by the Area ONAP in accordance with the requirements of 24 CFR Part 58. HUD may impose other grant conditions if additional actions or approvals are required, before the use of funds.

B. Administrative, National and Department Policy Requirements for HUD recipients
For this NOFA, the following General Administrative Requirements and Terms for HUD Financial Assistance Awards apply. Please [click here] to read the detailed description of each applicable requirement.

1. Compliance with Non-discrimination and Other Requirements.
Unless otherwise specified, these non-discrimination and equal opportunity authorities and other requirements apply to all NOFAs. Please read the following requirements carefully as the requirements are different among HUD’s programs.
   - Compliance with Fair Housing and Civil Rights Laws.

2. Real Property Acquisition and Relocation.
3. OMB Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
5. Environmental Requirements.
   Compliance with 24 CFR Part 50 or 58 procedures is explained below:
   Activities under this NOFA are subject to the environmental review provisions set out at 24 CFR 1003.605. The expenditure or commitment of ICDBG or nonfederal funds on project activities (other than those listed in 24 CFR 58.22(f), 58.34 or 58.35(b)) prior to HUD approval may result in the denial of assistance for the project or activities under consideration. Where a
tribal organization has applied for a grant on behalf of an Indian tribe, the tribe is considered the grantee responsible for environmental review requirements.

It is essential for the project applicant, its environmental review partners (such as consultants) and the responsible tribe to have the capacity to manage the environmental review process. Applicants should verify that the proper training, experience and protocols are in place to ensure the environmental review requirements that are applicable to the type of project being proposed in the application are met. More information on the environmental review process and requirements is available on the https://www.hudexchange.info/programs/environmental-review/.

C. Reporting.
HUD requires recipients to submit performance and financial reports under OMB guidance and program instructions.
1. Reporting Requirements and Frequency of Reporting. Applicants should be aware that if the total Federal share of your Federal award includes more than $500,000 over the period of performance, you may be subject to post award reporting requirements reflected in Appendix XII to Part 200-Award Term and Condition for Recipient Integrity and Performance Matters.
2. Race, Ethnicity and Other Data Reporting. HUD requires recipients that provide HUD-funded program benefits to individuals or families to report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of HUD programs in order to carry out the Department's responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987. NOFAs may specify the data collection and reporting requirements. Many programs use the Race and Ethnic Data U.S. Department of Housing OMB Approval No. 2535-0113 Reporting Form HUD-27061.

3. Performance Reporting. All HUD funded programs, including this program, require recipients to submit, not less than annually, a report documenting achievement of outcomes under the purpose of the program and the work plan in the award agreement.
4. ICDBG Post-Award Reporting Requirements
a. Quarterly Financial Reports.
If funded, you will have to submit a SF-425, the Federal_Financial_Report is due your Area ONAP at the end of each quarter.

If funded, you will have to submit this report annually. The ASER is due 45 days after the end of the federal fiscal year and at the time of grant close-out to your Area ONAP.
The report must include:
- The progress made on completing your project;
- A list of work remaining;
- A breakdown of funds spent, and
• When the project is done, an evaluation of its effectiveness in meeting your community development needs.

Please direct questions regarding specific reporting requirements to the point of contact listed in Section VII. Agency Contact(s), below.

D. Debriefing.
For a period of at least 120 days, beginning 30 days after the public announcement of awards under this NOFA, HUD will provide a debriefing related to their application to requesting applicants. A request for debriefing must be made in writing or by email by the authorized official whose signature appears on the SF424 or by his or her successor in office, and be submitted to the point of contact in Section VII Agency Contact(s), below. Information provided during a debriefing may include the final score the applicant received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which funding was approved or denied.

VII. Agency Contacts.
HUD staff will be available to provide clarification on the content of this NOFA. Questions regarding specific program requirements for this NOFA should be directed to the point of contact listed below.

Frederick Griefer
ONAP-ICDBG@hud.gov

Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Relay Service at 800-877-8339. Please note that HUD staff cannot assist applicants in preparing their applications.

VIII. Other Information.

This NOFA provides funding under 24 CFR 1003, and applicants are required to follow the environmental requirements that are outlined at 24 CFR 1003.605. This NOFA does not alter any of those environmental requirements. Accordingly, under 24 CFR 50.19(c)(5), this NOFA is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).
Activities under this NOFA are subject to the environmental review provisions set out at 24 CFR 1003.605.

Appendix.
Area ONAP Phone Numbers
<table>
<thead>
<tr>
<th>Region</th>
<th>Area Code</th>
<th>Approx. Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>(907)</td>
<td>677,980</td>
</tr>
<tr>
<td>Eastern Woodlands</td>
<td>(800)</td>
<td>735,3239</td>
</tr>
<tr>
<td>Northern Plains</td>
<td>(303)</td>
<td>672,5116</td>
</tr>
<tr>
<td>Northwest</td>
<td>(206)</td>
<td>220,5270</td>
</tr>
<tr>
<td>Southern Plains</td>
<td>(405)</td>
<td>609,8520</td>
</tr>
<tr>
<td>Southwest</td>
<td>(602)</td>
<td></td>
</tr>
<tr>
<td>(505)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

379-7213 Phoenix
346-6923 Albuquerque
Hello Shane,

Attached are the following documents:

- ICDBG Agreement between PITU and Shivwits Band;
- Draft Resolution approving application by PITU;
- Resolution approving application by Shivwits Band (2019-01);
- Resolution approving Operation and Maintenance Plan by Shivwits Band (2019-02); and
- Resolution approving adoption of Washington County building codes by Shivwits Band (2019-03).

We will follow with fully-executed copies of all documents.

Colleen Sullivan, Paralegal
ECHO HAWK & OLSEN
505 Pershing Ave., Suite 100, P.O. Box 6119
Pocatello, Idaho 83205-6119
Office: (208) 478-1624 / Fax: (208) 478-1670
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www.echohawk.com

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SHIVWITS BAND OF PAIUTES
RESOLUTION NUMBER 2019-01

Re: Approval for Submission of Indian Community Development Block Grant Application

WHEREAS, the Shivwits Band of Paiutes of the Paiute Indian Tribe of Utah ("Shivwits Band" or the "Band") is a sovereign Indian tribe recognized by the United States in 1891 by 26 Stat. 1005, and in 1980 by P.L.96-227, 94. Stat. 317, 25 U.S.C. § 761 et seq.; and,

WHEREAS, the Shivwits Band’s sovereign status was confirmed by Congress in 1980 by Public Law 96-227, which states that, “[t]he Federal trust relationship is [] restored or confirmed as to the Shivwits Band.” 94 Stat. 317, Section 3(a). In that Act, “the term ‘tribe’ means the Shivwits Band [] of Paiute Indians of Utah.” Id., Section 2(1); and,

WHEREAS, the Shivwits Band of Paiutes is one of five constituent Bands of the Paiute Indian Tribe of Utah, organized pursuant to the Indian Reorganization Act of June 18, 1934, 48 Stat. 984, under the Constitution of the Paiute Indian Tribe of Utah, approved on June 11, 1991; and,

WHEREAS, the Shivwits Band of Paiutes is a federally-recognized Indian tribe, listed in the Bureau of Indian Affairs’ Notice, 83 FR 4235; and,

WHEREAS, both the Constitution, and the Shivwits Band Bylaws, Article II, Section 1, provide that the governing body of the Shivwits Band of Paiutes is the Shivwits Band Council; and,

WHEREAS, the Shivwits Band Council may take official action by Resolution, pursuant to Article XII, Section 2 of the Bylaws; and,

WHEREAS, the Shivwits Band Council is committed to providing public facilities on the Shivwits Band Reservation where it can deliver community services to Band members and others in the Reservation community; and,

WHEREAS, the Shivwits Band and recognizes that a neighborhood service center that provides community services, including public meeting space, community education resources, temporary shelter for disaster victims, battered spouses, and homeless Band members, as well as space for collaborative (non-legislative) meetings between Band, State, County, and City leaders adds stability to the Reservation community and is a responsibility of the Council; and,
WHEREAS, the Shivwits Band Council has requested the Paiute Indian Tribe of Utah to apply to the United States Department of Housing and Urban Development for an Indian Community Development Block Grant (ICDBG) to help fund construction and renovation related to the deteriorated Band Community Building in order to create a safe and code-compliant Band Community Center, in collaboration with the Paiute Indian Tribe, and has determined this is the most effective and efficient strategy for meeting critical needs of the Shivwits Band and its members; and,

WHEREAS, the Shivwits Band intends to utilize the ICDBG funding to fund construction of improvements and renovations to the Shivwits Band Community Building, providing a resource to the Band government to provide health, education, housing and social services, and cooperative inter-governmental (non-legislative) collaboration facilities on the Reservation; and

WHEREAS, the community building the Shivwits Band members currently use is dangerous, hazardous, and economically inefficient. The Shivwits Band Council desires to renovate the building or construct a safe, code-compliant public facility to offer community services; and,

WHEREAS, the Community Center desired by Band members would have a large, ceremonial assembly room for multiple meetings, activities and gatherings, including youth activities and educational events. A conference meeting room is part of the proposed facility plans approved by Band members in addition to two classrooms, one with technical and computational tools. Desks, chairs, tables, and computers will allow for additional activities for LMI populations (AA meetings, Mental Health, financial planning, school tutoring, planning and coordination meetings between the Band and community members and organizations). Library and main office rooms will also be constructed. A kitchen, kitchen pantry and storage room will also be installed to enhance the events and functions of the community center. Men and women's rooms including showers will be built. Tables, chairs, and maintenance equipment storage rooms and handicap accommodations are part of the proposed building layout. The exterior would have a sweat lodge pad for tribal ceremonies or others youth or community events. The wide array of activities that are planned for this building would allow for the Shivwits to include several activities under the 1003.208 provision in the grant, including hosting "small business" functions as defined in 1003.4; "microenterprise" functions as defined in 1003.4 and 1003.208.b.3; and, create jobs for Low to moderate income persons that live nearby as defined in 1003.208.d; and,

WHEREAS, the Shivwits Band has met the requirements of 2 CFR 200 (24 CFR 1003.604(a)), Citizen Participation by providing for Reservation residents to examine and appraise the grant application by 1) furnishing information on the amount of funds available for the proposed community development, 2) holding public meetings scheduled at times to allow participation in order to obtain community views, 3) developing and publishing or posting a Community Development Statement in such a manner as to afford affected residents an opportunity to examine its contents, and 4) affording residents an opportunity to review, and has and will continue to consider comments and views, and as appropriate modify the application accordingly, and made the modified application available to residents; and, the need for a safe and secure Band Community Center building on the Shivwits Reservation is a need that has been affirmed as the highest priority of the affected community members by vote on October 4, 2018; and,
WHEREAS, the Shivwits Band Community Center building project is the highest priority in 2019 for the Band and its members, and will meet the Band's goals to provide community-wide benefits and services for 100% Low-Moderate Income persons comprising the neediest portion of this LMI Indian Community; and,

WHEREAS, the Band is committed to support and sustain the 2019 Community Building Operations and Maintenance Plan that addresses regular maintenance activities, repairs, replacement reserves for repairs, fire and liability insurance, and security; and hereby affirms Shivwits Band’s commitment of $20,816.00 annually from the general fund to operating and maintain this proposed project to include the building, structures, utilities, and other appurtenances associated with this Project. The facilities and structures of this Project will be maintained through the Band, by the Maintenance Worker, under the supervision of the Shivwits Band Council, in accordance with the approved Operation and Maintenance Plan, and includes weekly and periodic maintenance activities, making repairs in a timely manner, making capital improvements as needed, maintaining insurance, and will utilize Shivwits Band revenues to assure that preventive and operational maintenance is performed; and,

WHEREAS, this Project involves no land acquisition. The space requirement is satisfied because the Project will be completed on the land underlying the existing, deteriorated community building. As such, there is sufficient land with adequate ingress, egress, and parking; and,

WHEREAS, the Shivwits Band hereby commits $300,000.00 in Band funds to this Project, in addition to any ICDBG funding. In addition, the Band has committed the value of the land; and,

WHEREAS, the Shivwits Band Council has identified that submission of the ICDBG application is in the best interest of the Band members; now .

THEREFORE, BE IT RESOLVED that the Shivwits Band of Paiutes requests the Paiute Indian Tribe of Utah to apply for ICDBG assistance in the amount of $1,000,000.00 from HUD in accordance with the attached application; and,

BE IT FURTHER RESOLVED that the Shivwits Band has considered comments or reviews expressed by Band members about the project and has modified the application accordingly and made the modified application available to Band members for review and comments.

Authority for the foregoing Resolution is based on the Band’s inherent sovereign authority, the Indian Reorganization Act of June 18, 1984 (48 Stat. 984), as amended and implemented by the Constitution of the Paiute Indian Tribe of Utah, including Article VIII, Sections 2, and the Bylaws of the Shivwits Band of Paiutes of the Paiute Indian Tribe of Utah, including Articles II, VII, Section 4, and XII, Sections 1 and 2.

Patrick Charles, Chairperson
C-E-R-T-I-F-I-C-A-T-I-O-N

2019-01

It is hereby certified that the foregoing, "Resolution 2019-01" was adopted by the affirmative vote of _____ for and _____ against, at a duly-called meeting of the Shivwits Band Council, composed of five (5) members of whom _____ members constituting a quorum were present, and _____ absent, held on January 2, 2019.

_________________________
Council Member

Attested By: ______________________
Shivwits Secretary
THE PAIUTE INDIAN TRIBE OF UTAH
440 North Paiute Drive • Cedar City, Utah 84721 • (435) 586-1112 • Fax (435) 867-2659

INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT (ICDBG) AGREEMENT

1. **PARTIES:** This agreement is between the Paiute Indian Tribe of Utah, hereinafter referred to as the TRIBE, and the Shivwits Band, hereinafter referred to as the BAND.

2. **PERIOD:** This agreement is effective upon signature and terminates upon the official close out of the ICDBG grant, unless sooner in accordance with the terms and conditions of this agreement and the ICDBG granting requirements.

3. **PROPOSAL REVIEW:** The BAND agrees to give the TRIBE two (2) calendar days to review the proposal and work with the BAND on any modifications before the proposal is submitted to the funding agency.

4. **PROGRAM MANAGEMENT:**
   The BAND acknowledges and understands that:
   a. The TRIBE is awarded the Grant; and
   b. The TRIBE is the authorized party for all communications with the granting agency; and
   c. The BAND is responsible for the following the TRIBE’s policies and procedures for procurement and OMB Super Circular guidelines on grants and grant management; and
   d. The BAND understands that according to 2 CFR 200.319, “contractors that develop or draft specifications, requirements, statements of work or invitations for bids or requests for proposals must be excluded from competing for such procurements. This restriction applies to contractors that either have provided or will provide these services in connection with the project for which ICDBG funding is being provided”;
      i. Contractors who write or participate in the development of an ICDBG proposal are excluded from contracting on an approved contract; and
   e. Once a proposal is approved, the Project is the BAND’s Project and the BAND is responsible for carrying out all of Project deliverables, meeting Project timelines, and reporting any variances to the TRIBE in a timely manner that need to be reported to the granting agency; and
   f. The BAND is responsible for determining how it will manage the ICDBG grant.
   g. The BAND agrees to adhere to the approved timeline it submitted in its proposal. Any delays must be reported and can cause a negative impact on future ICDBG funding.
   h. The BAND agrees to meet all granting agency conditions within the approved time period.
   i. All original documents will be filed and maintained by the TRIBE’s Finance Department.

The Tribe acknowledges and understands that:
   a. The TRIBE will cooperate with the BAND to facilitate effective administration and management of the Grant.

5. **PROGRAM REQUIREMENTS:** the BAND must provide the following:
   a. Confirmation that the Project has been presented to the Band Members & approved by the BAND Council.
   b. BAND Approved Business Plan.
   c. BAND Approved Feasibility Study.
   d. Completed Environmental Assessment (within 60 days of notice of award).

ICDBG AGREEMENT: Revised 03/28/2018
6. **ADMINISTRATIVE FEE:** The BAND agrees to budget a 5% administrative fee for the TRIBE to cover its administrative efforts in coordinating with the granting agency and submitting the required Project reports.
   a. If the Band requests that the Tribe manage the Project in its entirety, an administrative fee agreed upon by the BAND and the Tribe, not to exceed 10%, will be applied to the grant budget at time of proposal submission.

7. **PROJECT EXPENSES:** the BAND agrees that it is solely responsible for the following costs related to the ICDBG Project:
   a. All expenses related to the proposal development and grant submission.
   b. All matching contributions identified in the Application
   c. Costs for the Feasibility Study
   d. Costs for the Environmental Assessment
   e. All start-up capital
   f. All matching contributions
   g. Any additional expenditures exceeding the approved budgeted amounts will be the sole responsibility of the BAND.
   h. Any and all invoices due to contractors and subcontractors on the Project
   i. Any and all permitting fees (if applicable)
   j. Any and all liens placed on the property
   k. Any and all balances owed on charge accounts associated with the Project

8. **ATTORNEY FEES:** Any and all attorney fees and costs that arise or that are associated with the BAND’s ICDBG Project will be charged to the BAND and the BAND will pay for all attorney fees and costs that the TRIBE incurs on behalf of the BAND and its Project.

9. **COMPLETION OF PROJECT:** BAND agrees to take on all ownership and the TRIBE will provide the BAND’s financial representative all necessary documentation to record the asset on the BAND’s financial statements.

10. **FAILURE TO COMPLY WITH THE TERMS OF THIS AGREEMENT:** BAND agrees that if it fails to comply with the terms of this Agreement, the BAND may lose its Project funding and the BAND may be taken out of the next funding cycle for future ICDBG applications.

**WITNESS WHEREOF,** the parties sign and cause the agreement to be executed:

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<tr>
<td>Tamra Boreboat-Slayton</td>
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<td>Chairwoman</td>
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<td>Band Secretary</td>
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**ICDBG AGREEMENT:** Revised 03/28/2018
Shane Parashonts

From: Colleen Sullivan <colleen@echohawk.com>
Sent: Monday, January 7, 2019 10:37 AM
To: Shane Parashonts
Cc: Mark Echo Hawk
Subject: Shivwits ICDBG Application
Attachments: 2019.01.07 Shivwits Band ICDBG Application.pdf; 2019.01.03 Resolution (2019-01) Shivwits ICDBG Application Approval (signed).pdf; PITU Resolution In Support Application to HUD for ICDBG for Shivwits Community Building Project.doc; 2019.01.05 Application for Federal Assistance (SF-424).pdf; 2019.01.05 HUD Applicant Recipient Disclosure Update Report (HUD-2880).pdf; 2019.01.05 Performance Site Location Form.pdf; 2019.01.05 Implementation Schedule.pdf; 2019.01.05 Cost Summary.pdf; 2019.01.03 Resolution (2019-02) Shivwits ICDBG Operation and Maintenance Plan (signed).pdf; 2019.01.03 Resolution (2019-03) Shivwits ICDBG Adoption of Building Codes (signed).pdf; 2019.01.07 Shivwits O&M Commitment Letter.pdf; 2019.01.06 Shivwits Band Comm Building O&M Plan.pdf; 2019.01.03 ICDBG Agreement (signed by Shivwits Band).pdf; Exhibit A Cover.pdf; Exhibit B Cover.pdf; Exhibit C Cover.pdf; Exhibit D Cover.pdf; Exhibit E Cover.pdf; Exhibit F Cover.pdf; Exhibit G Cover.pdf; Exhibit H Cover.pdf; Exhibit I Cover.pdf; Exhibit J Cover.pdf; Exhibit K Cover.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Shane,

We appreciate your patience and help in getting the application material together and submitted.

Attached is the Application/Narrative document, as well as the appendices mentioned therein. Also included is the ICDBG Agreement with PITU signed by all Shivwits representatives.

There are cover sheets for each of the appendices if helpful included as well.

Thank you again!

Colleen Sullivan, Paralegal
ECHO HAWK & OLSEN
505 Pershing Ave., Suite 100, P.O. Box 6119
Pocatello, Idaho 83205-6119
Office: (208) 478-1624 / Fax: (208) 478-1670
collen@echohawk.com
www.echohawk.com

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Shiwits Band of Paiutes,
Paiute Indian Tribe of Utah
Grant Application

Funding Opportunity No.: FR-6200-N-23

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

U.S. Department of Housing and Urban Development
Public and Indian Housing Program Office
GRANT APPLICATION NARRATIVE

Summary of the Proposed Project
*Project Type: Public Facilities and Improvements*

The project being proposed consists of the construction of improvements and renovations to the deteriorated Shivwits Band of Paiutes Community Building in order to create a vibrant center for the Band’s members to gather for cultural and educational activities, classes and events; for Band members to connect with each other and the community at large; and for service to the larger St. George community. The Shivwits Band and its members need a safe place to gather that inspires community cohesion to protect and advance the political integrity of the Band. The preservation and growth of the Shivwits Band’s sovereignty depends on reconstructing this deteriorating community building.

Currently, the Shivwits Band uses a community building that has served the Band well in years past, but over time has become hazardous and economically inefficient. Due to its age (over 34 years old), any necessary repairs warrant *additional* related repairs. Because the building is not energy efficient, it is costly for the Band to maintain, and the building’s lack of storage creates fire hazards and limits egress. Due to the declining condition of the building, the Band is not able to engage with the community at large in the way it seeks to do. For the safety of its members and to ensure progress of its cultural and community relevance, the Shivwits Band desires to renovate and construct a safe, code compliant facility in which to offer community services.

The renovations the Band envisions through this project would not only create a safe and secure environment in which its members could meet to hold important events, it would create a place for opportunities and collaborations the Band seeks to develop within the community. Plans for the renovated building include a sizable assembly room to be used for large group gatherings, including Band and Tribal ceremonial uses. A small library and adjacent classrooms would provide spaces for Band and community members to meet for educational and cultural classes, talks and collaborations. Safe and sanitary kitchen areas would be built for the Band’s use, as well as men and women’s restrooms with showers, proper storage for the Band’s equipment and property, and an exterior pad for use for a sweat lodge or other activities.

In addition to strengthening the Shivwits Band as a people, this project would provide a place for the Band to more fully engage with its neighboring communities. The Band has made strides in engaging with the community through its convenience store and in sharing its gymnasium; with a fully-functional Community Center, the opportunities to share in community involvement would be endless. By creating a clean and safe public facility, the Band will strengthen its members and create new relationships within the community. There is an un-tapped resource of community members and organizations who eagerly await engaging with the Band on the Reservation; right now the Band simply doesn’t have adequate facilities to do so.

It is the mission of the Shivwits Band of Paiutes to preserve and protect the Band’s sovereignty and to enhance the economic and cultural resources of the Band and its members with an emphasis on promoting self-sufficiency and self-governance. The Band recognizes that the future of the Band is in its members, and strives to provide services to protect the security, well-being and health of its members. A neighborhood service center that provides community services is needed to protect and ensure the preservation of the Shivwits Band of Paiutes.
Rating Factor 1 - Capacity of the Applicant
1.1 Managerial, Technical and Administrative Capability
1.1.a. Managerial and Technical Staff

The Shivwits Band of Paiutes has a seasoned and experienced staff to oversee programs and construction activities of the Band. The Band previously undertook the planning and development of a Band Gymnasium and Band Convenience Store, both of which have served to energize the economic development and community activity of the Band. The Band managerial and technical staff will include a Project Manager, Band Housing Consultant, Land Resources Manager, Secretary and Administrative Assistance from the Paiute Tribe of Utah Tribal Administrator.

Patrick Charles will fill the role of local Project Director. Patrick is the Band Chairman and heads the Shivwits Band Council, while also serving as Vice-Chairman of Paiute Indian Tribe of Utah Tribal Council, representing the Shivwits Band. His work as Chairman includes oversight of all activities of the Band, including those at the Band Community Center; and providing leadership and supervision for the Band Council and general membership. Patrick has worked for the past thirty years for the Paiute Indian Tribe of Utah in the administration of the Tribe’s General Assistance, Burial Assistance, and Job Training Programs, and continues to do so today. He has also helped plan and implement the Paiute Indian Tribe of Utah’s restoration gathering for the past three years, and is currently planning the restoration gathering for 2019. These relevant projects were completed at or under budget. He has also worked in the Tribe’s Education Department to assist high school students in applying for colleges and universities, as well as scholarships.

Travis Duran is the Shivwits Band Housing Commissioner will act as a Consultant on the project. Travis has been key in working to improve the housing quality of the Shivwits Band of Paiutes and the Utah Paiute Housing Authority. He recently led efforts to leverage housing property in order to rehabilitate 16 homes in the Authority’s existing stock, which allowed construction of a six-unit transitional housing building to provide temporary shelter to Tribal members in vulnerable situations such as returning from incarceration, rehabilitation, homelessness or aging out of foster care. This experience is relevant to managing the reconstruction of the Community Center. Additionally, Travis worked to convert the building previously used for the offices of the Housing Authority into a fully functioning thrift store, and takes a vested interested in all endeavors he works on for the Band and Tribe. This work demonstrates Travis’ ability to successfully direct and complete projects which is relevant to the proposed project.

Lawrence Snow is the Band’s Land Resources Manager and will work on the proposed project as such. Lawrence has shepherded the Shivwits Reservation lands for over 18 years. Lawrence is instrumental in assisting the Band Council with matters relating to the Reservation, which has included working on the terms of the Band’s Water Rights Settlement Agreement with the United States in 2001. Lawrence coordinates with BIA, BLM and other local agencies on behalf of the Band and has worked continuously on overseeing care of the Reservation lands, such as fencing boundaries, re-seeding, and tamarisk removal for water conservation.
Lawrence’s experience is relevant to the proposed project in that he will be able to assist the Band in coordinating with local building inspectors and agencies on the construction of the improvements, as well as subcontractors and suppliers who come onto the Reservation. Additionally, Lawrence has represented the Band in the Native American Graves Protection and Repatriation Act during development of Reservation lands. Lawrence also provides leadership in patrol of the Reservation and working with cattlemen who lease Band lands six months out of the year. Lawrence’s responsibilities will be to provide technical assistance with regard to environmental issues, identification and/or elimination of potential hazards, and compliance with HUD environmental statutes and regulations.

Norine Castro works as the Band’s administrative support and has served the Shivwits Band in nearly every capacity. In addition to working as Band Secretary for over 15 years, she has been on the Band Council for four years, and currently serves on the Land Resources, Activities, and Emergency Management Committees, working with state and local governments. As Band Secretary, she maintains the Band’s budget, and manages the Band’s Community Center and Gym. She is responsible for scheduling and maintaining these buildings as well as day-to-day activities. Her knowledge and experience are a huge asset to the Band. Norine will assist on the project by coordinating on-site activities with her relevant knowledge and experience.

Shane Parashonts is the Tribal Administrator for the Paiute Indian Tribe of Utah and possesses the technical and administrative skills to manage grant funds. He is skilled in financial operations, budgeting, compliance assurance and many other areas. Shane has assisted other constituent Bands with grant management as recently as the past year. This recent success is relevant as it pertains to the ability to meet the fiscal requirements of the management of an ICDBG grant award. Shane’s responsibilities will be to satisfy grant funding management requirements, such as verification of completion of procurement requests, review of purchase and closing documents, processing of expenditure requests and other financial management duties required by this proposed project.

Rating Factor 1 - Capacity of the Applicant
1.1 Managerial, Technical and Administrative Capability
1.1.b Audits

The applicant has met audit requirements for its past projects, including the Cedar Band Travel Center Project during FY 2017. Document and form submissions have been on time. There have been no ICDBG and IHBG audit findings for FY 2017. Projects in the past five years have also compliant with the audit requirements without audit findings.

Rating Factor 1 - Capacity of the Applicant
1.1 Managerial, Technical and Administrative Capability
1.1.c Audit Findings

There have been no ICDBG and IHBG audit findings for FY 2017, or projects in the past five years. All projects have been compliant with the audit requirements. Audit documentation and action plan completion documents are available upon request as needed. No project in the past five years has findings that need to be resolved.
Rating Factor 1 - Capacity of the Applicant

1.1 Managerial, Technical and Administrative Capability
1.1.d. Procurement and Contract Management

The Paiute Indian Tribe of Utah maintains standards that require open competition in all bidding and procurement activities. The Tribe has adopted 2 CFR 200.3002 Procurement standards and has implemented all necessary recommended action plans to ensure full compliance. Audit documentation and action plan completion documents are available upon request as needed.

The Paiute Indian Tribe of Utah has a Code of Conduct on file with HUD with provisions compliant with 2 CFR 200. A copy of the Code of Conduct and adopting Resolution are on file with HUD. The Code prohibits real and apparent conflict of interest that may arise among officers, employees, or agents; prohibit the solicitation and acceptance of gifts or gratuities over minimal value by officers, employees, or agents for their personal benefit; and outline administrative and disciplinary actions available to remedy violations of such standards (2 CFR 200.112 and 2 CFR 200.318).

The Paiute Indian Tribe of Utah certifies that all procurement will conform to the terms and requirements of (24 CFR Part 85, 24 CFR 1003) and 2 CFR Part 200.3002. According to these standards, the Shivwits Band is permitted this fiscal year to apply for ICDBG funds, since the other bands in the Tribe have either had the opportunity to apply under the Paiute Indian Tribe of Utah or received funds from applications in other years.

Rating Factor 1 - Capacity of the Applicant

1.1 Managerial, Technical and Administrative Capability
1.2 Past Performance
1.2.a. Disbursements

The Paiute Indian Tribe of Utah has successfully completed and closed out the 2012 ICDBG RV Park project for the Indian Peaks Band, the 2013 RV Park project for the Koosharem Band, and the 2014 ICDBG C-Store project for the Kanosh band. All open projects are operational. All three projects are considered in compliance within budget, reporting schedules, and benchmarks. The Paiute Indian Tribe of Utah has no ICDBG obligation to HUD that is in arrears.

The 2017 Cedar Band Travel Plaza project is on schedule for completion by December 2019. The project is progressing well and is on budget. Quarterly reports have been submitted to HUD and are on file. Therefore, all project described above have followed or all following the implementation timeframes agreed upon in their respective applications. The applicant, PITU, has less than 35% in LOCCS, because it has met all of its implementation plans.
Rating Factor 1 - Capacity of the Applicant
1.1 Managerial, Technical and Administrative Capability
1.2 Past Performance
1.2.b. Reports

The 2017 Cedar Band Travel Plaza project is on schedule for completion by December 2019. The project is progressing well and is on budget. Quarterly reports All ASER(s), FFR(s), and SF-425(s) have been submitted to HUD by the deadlines and are on file.

Rating Factor 1 - Capacity of the Applicant
1.1 Managerial, Technical and Administrative Capability
1.2 Past Performance
1.2.c. Close-outs

The Paiute Indian Tribe of Utah has successfully completed and closed out the 2012 ICDBG RV Park project for the Indian Peaks Band, the 2013 RV Park project for the Koosharem Band, and the 2014 ICDBG C-Store project for the Kanosh band.

The 2017 Cedar Band Travel Plaza project on schedule for completion by December 2019. The project is progressing well and is on budget.

Rating Factor 1 - Capacity of the Applicant
1.1 Managerial, Technical and Administrative Capability
1.2 Past Performance
1.2.d. Findings

All three projects are considered in compliance within budget, reporting schedules, and benchmarks. The Paiute Indian Tribe of Utah has had no ICDBG obligation to HUD that are in arrears. Audit documentation and action plan completion documents are available upon request as needed.

The 2017 Cedar Band Travel Plaza project is on schedule for completion by December 2019. The project is progressing well and is on budget. Quarterly reports have been submitted to HUD and are on file.

Rating Factor 2 - Need/Extent of the Problem
2.1 Need and Viability

The reconstruction of the Shivwits Community Center is absolutely vital for the Shivwits Band of Paiutes because it accomplishes the following goals, all of which align well with ICDBG program objectives facilitating low income community development for Indians (1003.208):

1. Remove fire hazards and decayed, outdated, and/or rotting wood, plumbing, roofing, floors, doors, window seals, etc.;
2. Renovate and reconstruct vital features for the small community of Shivwits Band members and visitors, who are mostly LMI persons (See Rating Factor 2.2.
Project Benefit, for more details on the LMI population that will be served by this project;
3. Streamline critical and productive community activities and social events with new multi-purpose rooms and building equipment and features. (See the Project Rationale (3.1) and Budget (3.2) narratives detailing all the building functions and rooms);
4. Host Band and Tribe small business meetings and Band/Tribal member meetings;
5. Allow for decades of future community uses that cannot be maintained or continued without reconstruction of the current Shivwits Community Center.

First, the existing structure is simply not safe for its daily occupants to conduct their various community functions. With many components over thirty-four years old, the building is not in compliance with current building codes and maintenance is impractical. Humble repair attempts haven’t and won’t solve any of problems long term. Now, confirmed by the examination, evaluation and remodel appraisals of contractors and electricians, the need for reconstruction of the Community Building has been verified. The following three issues highlight the need for this project:

**Fire hazards:** Due to a lack of adequate storage space, and in an attempt to avoid theft, large amounts of yard equipment, chairs, tables, and maintenance equipment (natural gas tanks, etc.) are stored in the building, constituting a fire hazard and slowing egress for occupants. Multiple doors to the building are not fire safe. Fire exits have cracks allowing air and light to come in and out freely. The doors currently have knob handles but should have push bar handles or “breakaway” handles to be code-compliant. Electricians have confirmed all the wiring in the building is dangerous and needs to be replaced. Smoking plugs, broken breakers, and wiring insulation need to be replaced throughout the building.

**Structural lack of energy efficiency:** Although the AC unit and lights have been fairly recently replaced, the cracks and open areas around the doors and windows let cold and hot air in, out of season. Old vents and ducts produce mold and create additional problems rather than helping facilitate the AC unit. The design of the building and recurring inability to heat and cool one half of the building has forced building occupants to abandon use of the administrative half of the building. In a few places the ceiling, walls, and roof show obvious signs of weakness, dangling, bowing, or cracking. The glass windows and their surrounding seals are not energy-efficient and need to be replaced. Even the restroom stalls and shower space are too small to accommodate those who want to use the facility. Section 3.2 of this Project application, Budget, contains a detailed description of the increased efficiency and cost savings proposed by the renovation and reconstruction plans.

**Unmanageable water leaks and rotting:** The roof, walls and floors have signs of rotting and black mold. Leaks on the roof cannot be easily repaired without major reconstruction. Many potential repairs would be ineffective without other connected repairs. For example, roof repair would only be useful if the floors and walls are stable and strong. Evidence of subfloor corrosion and plumbing problems (eroded copper piping can cause water contamination) justify major renovation and reconstruction requiring sufficient funding from ICDBG.
Second, this project would improve community viability. The Shivwits Band can confidently assume that a newer, cleaner, safer public facility would create circumstances and opportunities that would make the Shivwits community more viable and relevant to its neighbors in Southern Utah. To further enhance and cultivate interorganizational and intercommunal relationships, the proposed Community Center will include rooms and updated features that will be proximate and convenient for those who currently visit the cultural center and provide desirable features and uses to attract new visitors.

The third, fourth and fifth reasons listed above are reasonably accomplished by the following description of the Shivwits Community Center. It is the only building of its type in Washington County; therefore, it already is considered an essential part of the everyday social, administrative, and educational opportunities for tribal members. Anyone visiting the Shivwits Band on their Reservation would have to use this facility. This project was the first step the Council collectively decided to take when they considered different community development opportunities. Future development opportunities for the Band will depend on a Community Center that is functional and professional. The following list of purposes for each room outlines these professional and social functions.

The Shivwits Community Center will have:

- Large assembly and ceremonial room to be used for many different types of meetings, activities and gatherings, including youth activities and educational events
- Two classrooms, one with technological tools, will be built. Desks, chairs, tables, and computers will allow for additional activities for LMI populations (AA meetings, mental health, financial planning, school tutoring, planning and coordination meetings between the Band and community members and organizations).
- Small library
- Conference meeting room
- Band administration office
- Sanitary kitchen, kitchen pantry and storage room to enhance the events and functions of the community center.
- Men and women’s restrooms, including showers
- Storage room for tables, chairs, and maintenance equipment
- Compliance with ADA requirements
- Small room to serve limited clientele, as defined in 1003.208.b.i.
- Exterior sweat lodge pad for tribal ceremonies for other youth and community events.

This public facility will be an ideal place to develop and strengthen this community of Shivwits Band members. A brief assessment of the size, location, culture, and economic means of the Band members living right next to this building demonstrate how vital this building is to daily life and a cultural sense of identity. Any community needs this kind of basic infrastructure to survive and hopefully thrive. The Council aspires to be a key participant locally. They would need a facility as described above to accomplish this going forward, given that the current one is overdue for reconstruction.

This Center will improve community viability by providing remodeled rooms and additional storage space that otherwise would not exist. Thirty-four years of history in this
building validate the practicality of such a building. The ICDBG funds would bring a safe, secure and well-functioning building that would provide for communal Band and local community needs and goals.

The Shivwits Band gratefully acknowledges the importance of the ICDBG program. The Shivwits Band’s well-being and even its collective identity, unique to only its members, depends heavily on programs such as ICDBG to support community centers like the one being proposed. Approval of the Shivwits Band’s request for funds would ensure the survival of place that has been essential for over thirty-four years to the Shivwits Band of Paiutes.

**Rating Factor 2 - Need/Extent of the Problem**

2.2  Project Benefit

Because this project is a public facility improvement project as defined under 1003.201.c, HUD Census data on the Paiute Indian Tribe of Utah under the subcategory, Estimate of percent of people that are Low- and Moderate-income benefit areas, (Under FY 2017 data update on HUD’s website), is relevant. HUD data is relevant for this project because most of the people using the existing cultural center and the proposed Shivwits Community Center qualify as LMI, according to HUD ACS survey.

**Rating Factor 2 - Need/Extent of the Problem**

2.2  Project Benefit

2.2.a.  Public Facilities and Infrastructure Projects

At least 85% of beneficiaries must be LMI to qualify for this Rating Factor (10 point consideration). Per the FY2017 Data Update for Low- and Moderate-Income Benefit Designation, at line 187/item number 2625 on the ICDBG AIAN Option Spreadsheet (https://www.huduser.gov/portal/icdbg/home.html), 92% of Paiute Indian Tribe of Utah/Shivwits Band of Paiutes population qualify as LMI.

The Shivwits Band Council affirms that 100% of the Band members are LMI and would be served by this project. Temporary disaster victims, battered, disabled, or otherwise debilitated people that could be served by this building would also likely be LMI, although the Band does not have specific demographic data for this.

**Rating Factor 2 - Need/Extent of the Problem**

2.3  Project Connection to Tribal Youth

The relationships the Shivwits Band Council and Paiute Indian Tribe of Utah most wish to foster and develop are those between young members of the Band/Tribe and other Tribal members and community organizations. The large multipurpose gathering room and classrooms with computers, functional furniture, and up-to-code electrical functions will make an excellent environment for already-planned educational events and activities. Among others, Tribal and Shivwits community members are willing to organize the following events, should this reconstruction project be approved:

- Art classes for community members – these will include painting activities, weaving, pottery-making, beadwork techniques and other historical native art forms;
- Workshops for career development, financial literacy, personal finance, and team-building skills;
- Elder members of the Band and Tribe will host Southern Paiute history events and invite youth groups, religious youth groups, or school classrooms to teach traditional dances, traditional Southern Paiute games, and how to harvest plants traditionally collected by the Southern Paiutes for sustenance;
- Workshops by speakers from St. George and surrounding communities invited by the Band Council to speak on any number of topics that the youth might be interested in (academics, athletics, employment, college, technical school recruitment events, tutoring events for current students by school counselors);
- A native hair stylist plans to come to the Community Center to train Band member youth regarding hair care practices, styling techniques, and cutting tips;
- Ongoing collaboration with youth basketball leagues; groups could meet before and after games at the Community Center for a variety of purposes typical before and after games (team meetings, lunches, dinners, trainings, etc.);
- Activities by soccer players and attendees visiting the soccer fields the Shivwits Band is considering building. Award ceremonies, and team events could be hosted here.

**Rating Factor 2 - Need/Extent of the Problem**

**2.4 New/Unfunded Applicants**

The Paiute Indian Tribe of Utah (PITU) has applied in the past for ICDBG funds on behalf of its constituent bands. For example, last year PITU applied on behalf of the Cedar Band of Paiutes for the Cedar Band Travel Center Project. While an apparently similar applicant or tribe might not qualify as a new applicant with two applications in subsequent years, the Shivwits Band Council confirms that its Band, separate from other constituent bands in the Paiute Tribe as made up of five constituent Bands, has not received ICDBG funds within the last five NOFA cycles (FY13-FY17), and might therefore receive some points for being a new applicant. This is brought to the attention of those reviewing this application because this grant is competitive, but also critical for the well-being of the Shivwits Band community.

**Rating Factor 3 - Soundness of Approach**

**3.1 Description of and Rationale for Proposed Project**

Project Details:

Public/Community Facility  
Type of Building: Building Component: Community Center  
Type of Construction/Material Used:  
  - Concrete: Footings, slab, pads, walkways, ADA ramps  
  - Piping: For sewer lines, water lines, schedule 40  
  - New Hydrant: Hydrant line to wet system  
  - Steel Structure: I-beams, girders, gussets, miscellaneous metal hardware (bolts, nuts, washers, tension lines), metal roofing exterior shell sheeting  
  - Windows and Doors: Interior and exterior  
  - Insulation Rolls
Electrical Wiring: Meter box, breaker box, plugs, switches and boxes
Plumbing: Restroom hardware, kitchen hardware, water heater, water
softener, shower hardware, handicap accessible stalls, flex line,
pressure reducer, shutoff valves, toilets sinks, urinals, stalls
HVAC Systems: 2 or 3 4-ton units, ducting, thermostat
Lumber: 2x6 studs, 2x6 green boards, nails, glue, hilti-hotshots, anchor bolts
Insulation: Batting for interior walls
Sheetrock: Sheets for interior walls, taping, joint compound, first and second
coat of mud, nails, screws, sand paper, texture plastic for windows
and doors
Primer and Paint: All doors, base, case, shelving, interior walls, ceiling, seal & stain
in concrete for shower/bathroom
Trimwork: Baseboards, cabinetry, shelving
Flooring: Stained concrete
Interior Hardware: Door knobs, push bars, lighting fixtures, fans, switches, faceplates,
vents, security safe
Exterior Fixtures: Motion sensor lights, parking lights, walkway railing, desert
landscape, light poles, community sign

Dimensions
Total Building Square Feet.: 6,000
List of Rooms: Large assembly/ceremonial room; two classrooms; main office;
library; conference room; kitchen; pantry; storage rooms;
shelter/limited clientele room; men and women’s restrooms;
concrete pad for sweat lodge

Location
Shivwits Community Center
6060 West 3650 North
Ivins, UT 84738
Front view of existing building:

Aerial view of existing building:
Aerial view of existing building (expanded view):

Project Feasibility:

Because the proposed project does not include a new type of building, a new tract of land, or entail a fundamental change in the function of the land, the feasibility of this project is excellent. The building and land have been used continuously for community purposes for several decades now. Accordingly, and with the voice of the people, the Band Council is confident in its plans for and proposal of an updated Community Center. The familiarity of Band members with the existing building and the easily apparent need for an update erases any risk or uncertainty. A reinvigorated Community Center would provide a boost of optimism and sense of well-being for Shivwits Band members. Band members are familiar with the building’s uses and its necessity. The versatility of the building described above would inspire Band members to expand their vision for utilization of the building.

Cost Effectiveness:

The likelihood for success of the project and its cost effectiveness go hand in hand. The structural inefficiencies and unmanageable problems associated with the current building (as discussed for Rating Factor 3.1) justify this reconstruction project because simply put, energy, money, and resources are better conserved with 2019 construction materials. Several contractors and an electrician have confirmed the following cost savings numbers:
Window Replacements and new seals: 40% increase in efficiency
New Roof and new walls to replace old leaking roof: 30-50% increase in efficiency
Piping Replacements: 5-15% increase in efficiency

These numbers were defended by those evaluating the building's structural integrity for the following reasons:

- Maintenance of rotting floors, walls, and roofing is expensive, and in the past, has proven ineffective (i.e., past solutions to stop a leak in the roof with tar on the roof is not a permanent or a safe fix).
- A/C and heating expenses are wasted with large cracks in doors, roofing, and window seals letting air escape.
- Air flowing in or out causes increased fire hazards as well; the extra air fuels flames.
- The old glass and seals of the windows allow heat and cold to come in and out too easily, unnecessarily wasting valuable Band resources.
- Old piping and rotting flooring can cause costly repairs and health concerns (such as water contamination).

Over time, the cost to make repairs preventing fire hazards, overhauling systems to prevent air and water contamination from mold and erosion, and ineffective temporary fixes to electrical, leakage, and heating/cooling problems would amount to well over the current value of the property. Additional costs that are both tangible (plumbing issues - bad pipes) and intangible (lack of shower space and stall space) are incurred without a permanent fix. The market value of the building is between $200,000 and $250,000. Because most of the building components need to be replaced, the Shivwits Band Council and contractors who have examined the property affirm that the value of cost savings from not having to replace all the parts individually over time is close to the same value estimated of the entire building.

Because the Council is aware of these issues and inefficiencies, the updated Community Center would be designed to preventively address these issues with new materials and sound building design from experienced builders and contractors. The Shivwits Band has established working relationships with tribally-owned construction companies and contractors who are well qualified for a task such as this.

Employee Training:

Employees of the Shivwits will be trained to organize the various functions of the facility, especially by serving the LMI clientele visitors.

Indian Preference Requirements:

The majority of visitors to the current and proposed Community center are Shivwits Band members. Events and contracts are going to be directed towards Indians and their businesses and organizations.
Rating Factor 3 - Soundness of Approach

3.2 Budget and Cost Estimates

In the cost plan approved by Resolutions of the Shivwits Band and the Paiute Indian Tribe of Utah, $1,000,000 of ICDBG funds and $250,000 Shivwits Band resource funds will be used for this reconstruction project. The Professional and social environment described in Rating Factor 2.1 (Need and Viability) and Rating Factor 5.2 (Outputs and Outcomes), requires this total amount. Financial analysis, and evaluation of the building itself leads the Band to request this amount. The amount budgeted for each item is conservative and reasonable for the quality of materials and contracting that will be purchased.

The managerial and technical staff will be compensated under “planning and administrative costs” at 5% of the project funds to manage the grant planning and administrative costs. Shivwits Band members will provide volunteer services. No other funding sources are included or available except ICDBG and Shivwits Band resources.

Planning and Administration costs include reporting and audit activities related to ICDBG funds. The PITU Chairperson (Tamara Borchardt-Slayton) and Tribal Administrator (Shane Parashonts) will conduct ICDBG reporting activities and communications with federal agencies regarding the ICDBG funds and project status.

The Tribal Administrator is qualified to assess and prepare cost estimates. The estimates for the recent ICDBG Projects at Indian Peaks, Kanosh, and Cedar Band have been accurate, recent and relevant.

Rating Factor 3 - Soundness of Approach

3.3 Project Implementation Schedule

The attached Project Implementation Schedule reflects the Band’s plan to begin planning and development of plans in May 2019 with completion to occur in May 2021, and project closeout in August 2021.

Because PITU has experience working with its constituent bands on projects in recent years, and with the added benefit of the knowledge and expertise of the managerial and technical staff supporting this Community Center project for the Shivwits Band, the planned schedule in the Form HUD-4125 attached to this application is conservative, accurate, and reasonable. Each task listed in the Cost Summary Form and Rating Factor 3.2 matches with those tasks listed in the schedule. A dollar estimate for each task is as precise as is possible at this point in the project, accommodating incidental and unforeseen expenses and setbacks. Rating Factor 3.1 also outlines the type and purpose of the supplies and materials to be purchased. The figures submitted in preceding sections (Rating Factor 3) have been verified by experienced contractors who have personally inspected the building premises and explained to Band Council members. Their thorough evaluation of the current building, construction processes and cost for each task are measured and well-reasoned.
Rating Factor 3 - Soundness of Approach

3.4 Commitment to Sustain Activities

The Shivwits Band Council has committed $250,000.00 to sustain the activities at the Community Center. The Shivwits Band’s Appropriations Commitment Statement is attached as Appendix J. The appropriation includes funds to pay for annual maintenance and operations, in addition to funding for recreation, social, and other services. The Shivwits Band Council has also approved an Operations & Maintenance Plan 2019 for the Center, attached as Appendix K.

3.4a Public Facilities and Infrastructure Projects

The budget below outlines how PITU will perform the periodic maintenance, replacement, and capital improvements that are part of a Public Facility Project. These figures also allow for fire and casualty insurance, as well as building security and storage upkeep. Operation and Maintenance Budgeted Yearly Costs: $20,816

<table>
<thead>
<tr>
<th>Supplies and Materials</th>
<th>COST</th>
<th>UNITS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repairs &amp; Replacement of non-covered losses</td>
<td>200.00</td>
<td>12 months</td>
<td>$2,400.00</td>
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<tr>
<td>Custodial Services - Janitor (5 hrs./wk. @$10/hr.)</td>
<td>100.00</td>
<td>12 months</td>
<td>$1,200.00</td>
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<tr>
<td>Fringe Benefits for Janitorial (26% of 2,600)</td>
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<td>52 weeks</td>
<td>$2,600.00</td>
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<tr>
<td>Electric</td>
<td>300.00</td>
<td>12 months</td>
<td>$3,600.00</td>
</tr>
<tr>
<td>Water &amp; Sewer</td>
<td>150.00</td>
<td>12 months</td>
<td>$1,800.00</td>
</tr>
<tr>
<td>Gas Services</td>
<td>170.00</td>
<td>12 months</td>
<td>$2,040.00</td>
</tr>
<tr>
<td>Fire &amp; Casualty Service</td>
<td>1,500.00/year</td>
<td>1 year</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Capital Replacement Reserve</td>
<td>5,000.00/year</td>
<td>1 year</td>
<td>$5,000.00</td>
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<tr>
<td><strong>TOTAL ANNUAL O&amp;M BUDGET</strong></td>
<td></td>
<td></td>
<td><strong>$20,816.00</strong></td>
</tr>
</tbody>
</table>

YEAR 1:

- Assume 5% increase per year for years 5%/year
- O&M ANNUAL COST YEAR 2: 1,040.80 Year 2: $21,956.80
- O&M ANNUAL COST YEAR 3: 1,097.84 Year 3: $23,054.64
- O&M ANNUAL COST YEAR 4: 1,152.73 Year 4: $24,207.37
- O&M ANNUAL COST YEAR 5: 1,210.37 Year 5: $25,417.74

The O&M 2019 plan accommodates each rating factor.

Managerial and Technical Staff: The staff listed in Section 1.1 are capable and well-qualified to carry out this annual budget. Adequate funds ($50,000.00) have been set aside to pay for administrative and reporting responsibilities to be undertaken by management and technical staff.

Need and Viability: To ensure the value invested in reconstructing this Community Center is maintained, maximized, and guarded, plenty of money has been allocated to fire and
casualty insurance, janitorial work, and capital replacement reserves each year. Upkeep of this building will be ensured by these capital reinvestments if necessary. The Capital Replacement Reserve in the Band’s O&M Budget can be used ongoing capital improvements and repairs needed for the Center.

**Soundness of Approach:** As explained in Rating Factors 3.1 and 3.2, the rationale behind renewing and reconstructing this Center is obvious and reasonable given local Band circumstances and community needs. It will be the safest and most cost-effective way to address the needs the community has for social public facility like this.

**Leveraging Resources:** The tribe is committing a healthy amount of its own resources, $250,000, to operate and maintain the facility, and pay for services to be offered. The Shivwits Band committed exactly 25% of the ICDBG amount requested to validate the investment that ICDBG is making in the Shivwits Band’s community development.

**Comprehensiveness and Coordination:** One crucial responsibility that the key staff tasked with the administration of this project have is the feasibility and sustainability of the project and its underlying purposes. They are committed to ensuring that the community development goals that accompany this $1 million investment are well spent and carefully maintained.

The Shivwits Band has shown a resourceful ability to keep a building like this running despite maintenance and functionality issues occurring for years. A public facility, once built, also requires a small amount of upkeep investment. The Band’s Operation and Maintenance Plan - 2019 as described in Band Resolution number 2019-02 requires only $20,816 yearly to maintain the building. Band resources are already dedicated to costs such as these. HUD can be assured of the sustainability of the Shivwits Band’s refurbished Community Center.

**Rating Factor 4 - Leveraging Resources**

Because the renovation and rejuvenation of its Community Center is crucial to the Shivwits Band’s continued existence and viability, and therefore the Band’s top priority, the Shivwits Band has committed $250,000 from its general funds to be leveraged for the Community Center renovation costs.

Ongoing maintenance and operations costs are estimated at $20,816.00 per year (with an assumed increase of 5% per year), which amount has been budgeted and will be appropriated starting at Year 1 of the completion of the project. Both the leveraged funds (attached Resolution 2019-01) and the operations and maintenance costs (attached Resolution 2019-02) have been committed to and approved by the Band Council.

**Rating Factor 5 - Comprehensiveness and Coordination**

5.1 **Coordination**

Upon being presented with this grant opportunity at the Band’s October 2018 Band meeting, Band members were unified in their desires and unanimous in their decision to seek funds for the purpose of renovating and refurbishing the Community Center. The voices of the
Shiwits people have guided the Band Council as it has sought to prepare and apply for this ICDBG opportunity.

The renovation and update of the Community Center is the Band’s priority and embodies the Band’s strategic plans and policy goals for its people. The Shiwits Band looks forward to working with local agencies, companies and organizations to complete the project. As shown by the Band’s two other major undertakings in the last decade, the Shiwits Gymnasium and the Shiwits Band Convenience Store; the Shiwits Band has a telling history of productive cooperation and coordination with local companies and agencies.

In 2017, Washington County performed a widening of Old Highway 91 through the Band’s Reservation. The Band worked with County officials to coordinate construction and maintenance access through the Reservation, while ensuring the County respected the Band’s sovereignty and took precautions to avoid damage to the Band’s natural resources and cultural artifacts. By completing renovations to the Community Building, the Band looks forward to having opportunity to take the lead in community offerings and events, collaborating with local towns, agencies, and organizations on activities and programs for the greater community.

**Rating Factor 5 - Comprehensiveness and Coordination**

5.2 Outputs, Outcomes and/or Goals

The output of a renovated Community Center is safe and secure space for Band members to engage and interact. It is a destination for Band members to gather as a whole, or in groups; for important events, for engaging in Band activities, for learning and for strengthening Band ties. In addition to creating a safe environment, the new layout will add more space and more options for Band members. Currently, the condition of the building, along with its layout, largely prevent more than one main activity taking place at a time. A remodeled Community Center will provide for multiple, separate groups and activities taking place simultaneously in the building. The scheduling of one event wouldn’t preclude another, creating more opportunities for Band members.

If awarded, the Shiwits Band would be able to offer to its members a jumpstart of community pride and involvement. In the minds of Band members, the Community Center would transform from being a default location and become instead, a true destination for community and engagement. The Band Council anticipates a better sense of Band unity and increased involvement from all ages given the appeal of a new Community Center, and the Band’s ability to provide new offerings therein.

With a refurbished Community Center, the Band’s goals are for Band members to have increased knowledge of, and access to Band and Tribal services. The Band desires and foresees increased cohesiveness among Band members, and to meet its objective of more volunteerism than the Band has ever experienced.
### TABLE OF APPENDICES

A. Shivwits Band of Paiutes Resolution 2019-01 authorizing submission of Grant Proposal, stating Citizen Participation requirements were followed in accordance with 24 CFR 1003.604 and Tribal Funds Committed

B. Paiute Indian Tribe of Utah Resolution authorizing submission of Grant Application

C. Application for Federal Assistance (SF-424)

D. Applicant/Recipient Disclosure Update Report (HUD-2880)

E. Project/Performance Site Location

F. Implementation Schedule (HUD-4125)

G. Cost Summary (HUD-4123)

H. Shivwits Band Resolution 2019-02

I. Shivwits Band Resolution 2019-03

J. Shivwits Band Appropriation, Operations & Maintenance Commitment Statement

K. Operations & Maintenance Plan 2019
### Cost Summary

**Indian Community Development Block Grant (ICDBG)**

See Instructions and Public Reporting Statement on back.

1. **Name of Applicant** (as shown in Item 5, Standard Form 424)
   - **Paiute Indian Tribe of Utah - Shivwits Band of Paiutes**

2. **Application/Grant Number** (to be assigned by HUD upon submission)
   - **01/05/2019**

3. **Revision** (check here if submitted with implementation schedule as part of pre-award requirements)
   - 

4. **Project Name & Project Category** (see instructions on reverse)
   - **Shivwits Band Community Center**
     - Community Facilities, Community Center
     - Blueprints and Permits
     - Demolition and Excavation
     - Foundation
     - Framing/Steel Structure
     - Electrical
     - Plumbing / HVAC
     - Insulation and Drywall
     - Exterior Flatwork
     - Doors, Windows, Exterior & Interior Hardware
     - Paint and Texture, Finish Carpentry and Flooring
     - Contractor Profit

<table>
<thead>
<tr>
<th>Project Name &amp; Project Category</th>
<th>Planned ICDBG Expenditures</th>
<th>Planned Other Federal Funds Expenditures</th>
<th>Planned Non-Federal Funds Expenditures</th>
<th>Total Planned Expenditures</th>
<th>Source of Other Funds for each Activity</th>
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<tbody>
<tr>
<td>Shivwits Band Community Center</td>
<td>$85,000.00</td>
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<td>Community Facilities, Community Center</td>
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<td>Blueprints and Permits</td>
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<td>Insulation and Drywall</td>
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<td>Exterior Flatwork</td>
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<td>Doors, Windows, Exterior &amp; Interior Hardware</td>
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<td>Paint and Texture, Finish Carpentry and Flooring</td>
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<td>Contractor Profit</td>
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<td><strong>Administration</strong></td>
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<td>a. General Management and Oversight.</td>
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<td>b. Indirect Costs: Enter indirect costs to be charged to the program pursuant to a cost allocation plan.</td>
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<td>$0.00</td>
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<td>c. Audit: Enter estimated cost of Program share of financial audits.</td>
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<td>$10,000.00</td>
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</tr>
</tbody>
</table>

5. **Administration Total**
   - **$50,000.00**

6. **Planning** The Project description must address the proposed use of these funds.

7. **Technical Assistance** Enter total amount of ICDBG funds requested for technical assistance.
   - **$1,000,000.00**

8. **Sub Total** Enter totals of columns b, c, and d.
   - **$1,000,000.00**

9. **Grand Total** Enter sum of columns b, c, and d.
   - **$1,000,000.00**

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*The total of items 5 and 6 cannot exceed 20% of the total ICDBG funds requested.

**No more than 10% of ICDBG funds requested may be used for technical assistance. If funds are requested under this line item, a separate project description must accompany the application to describe the technical assistance the application intends to obtain. Only technical assistance costs associated with the development of a capacity to undertake a specific funded program activity are eligible (24 CFR 1003.206).
Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information requires that each eligible applicant submit information to enable HUD to select the best projects for funding during annual competitions for the ICDBG Program. The information will be used by HUD to determine whether applications meet minimum screening eligibility requirements and application submission requirements. Applicants provide general information about the project which is preliminary to the review of the applicant's response to the criteria for rating the application. The information is essential for HUD in monitoring grants to ensure that grantees are making proper use of Federal dollars. Responses to the collection are required by Section 105 of the Department of Housing and Urban Development Reform Act (P.L. 101-235) as amended by the Cranston-Gonzales National Affordable Housing Act of 1990. The information requested does not lend itself to confidentiality.

Instructions for Item 4.
Project Name and Project Category

Column 4.a:
Participants enter the project name and the name of one of the following three categories of activities:
- Housing
- Community Facilities
- Economic Development

Also enter the component name if applicable. Use a separate Cost Summary sheet (form HUD-4123) for each project included in the application.
Examples of categories and/or components including examples of eligible activities are listed below.

Housing
  Rehabilitation Component
  - Rehabilitation
  - Demolition

Land to Support New Housing Component
New Housing Construction Component

Community Facilities
  Infrastructure Component
  - Water
  - Sewer
  - Roads and Streets
  - Storm Sewers

Buildings Component
  - Health Clinic
  - Daycare Center
  - Community Center
  - Multi-purpose Center

Economic Development
  - Commercial (wholesale, retail)
  - Industrial
  - Motel/Hotel
  - Restaurant
  - Agricultural Development

Column 4.b: Enter the amount of ICDBG funds planned for the project.
Column 4.c: Enter the amount of other Federal funds planned for the project.
Column 4.d: Enter the amount of non-Federal funds planned for the project.
Mark,

I updated the attached. I will send you some more supporting information later this evening.

Shane

From: Mark Echo Hawk <mark@echohawk.com>
Sent: Friday, January 4, 2019 11:35 AM
To: Shane Parashonts <parashonts@utahpaiutes.org>
Subject: Shivwits ICDBG Grant - Questions

Hey Shane:

Can you help me with a few questions related to the grant application?

1. On the Application for Federal Assistance SF-424 form is the Applicant the ‘Paiute Indian Tribe of Utah’?
   a. Is that the legal name you want us to use on the application?
   b. If so, will you send me the EIN/TIN and Organizational DUNS number for the form (SF-424 questions 8(a)(b))?
   c. Are you the contact person (SF-424 question 8(f))?
      i. If so, what tel. number do you want me to list for you?
      ii. Do I list you as the Authorized Representative to sign the form too?

2. On the Project/Performance Site Location(s) form (OMB No.: 4040-0010), it asks for the Project/Performance Site Primary Location and requires the Organization Name for that location. Do I list Shivwits Band there or do you also want PITU listed as the Project/Performance Site?

3. We have to describe audit findings as part of Subfactor 1.1c. Since PITU is the Applicant, is it correct that we need to provide audit info. for PITU?
   a. If so, can you tell me whether there are any open ICDBG or IHBG audit findings and if so whether they will be resolved?

4. How do you suggest answering Part I (2) of the Applicant/Recipient Disclosure Update Report?
   a. Have you (PITU?) received or do you expect to receive assistance within the jurisdiction of the Department (HUD), involving the project or activity in this application, in excess of $200,000 during this fiscal year?

5. On the Cost Summary Form:
   a. Do you want me to include the 5% of the grant PITU requires as part of the Administration (#5(a)) General Management and Oversight? Do I list it as a planning ICDBG expenditure?
   b. Are there indirect costs that will be charged to the program that need to be accounted for?

6. One of the Subfactors we have to address in the narrative is Past Performance (Subfactor 1.2, page 26 of NOFA)(https://www.hud.gov/sites/dfiles/PIH/documents/FR-6200-N-23_FY18_ICDBG_NOFA.pdf). Can you share info. with me about the preceding three-year period for
ICDBG Disbursements, LOCCS percentage, ASER and FFR Reports, close-outs, and Findings related to other ICDBG audits?

Thanks! Feel free to call if it is easier to talk it through.

Mark Echo Hawk

505 Pershing Ave., Suite 100, P.O. Box 6119
Pocatello, Idaho 83204-6119
Office: (208) 478-1624 / Fax: (208) 478-1670
Email: mark@ecohawk.com
Website: www.ecohawk.com

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contains.
This Workspace form is one of the forms you need to complete prior to submitting your Application Package. This form can be completed in its entirety offline using Adobe Reader. You can save your form by clicking the "Save" button and see any errors by clicking the "Check For Errors" button. In-progress and completed forms can be uploaded at any time to Grants.gov using the Workspace feature.

When you open a form, required fields are highlighted in yellow with a red border. Optional fields and completed fields are displayed in white. If you enter invalid or incomplete information in a field, you will receive an error message. Additional instructions and FAQs about the Application Package can be found in the Grants.gov Applicants tab.

### OPPORTUNITY & PACKAGE DETAILS:

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<td>Community Development Block Grant Program for Indian Tribes and Alaska Native Villages</td>
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<td>Closing Date</td>
<td>01/07/2019</td>
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<td>Agency</td>
<td>Department of Housing and Urban Development</td>
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<tr>
<td>Contact Information</td>
<td>Frederick Griefer</td>
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### APPLICANT & WORKSPACE DETAILS:

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<td>Organization</td>
<td>PAILUTE INDIAN TRIBE OF UTAH, THE</td>
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Form State: **Error(s)**
Application for Federal Assistance SF-424

1. Type of Submission:
   - [ ] Preapplication
   - [X] Application
   - [ ] Changed/Corrected Application

2. Type of Application:
   - [X] New
   - [ ] Continuation
   - [ ] Revision

3. Date Received:
   - Completed by Grants.gov upon submission.

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

   a. Legal Name: PAIUTE INDIAN TRIBE OF UTAH

   b. Employer/Taxpayer Identification Number (EIN/TIN):
      870365095

   c. Organizational DUNS:
      1574379840000

   d. Address:
      Street1: 440 NORTH PAIUTE DRIVE
      Street2: 
      City: CEDAR CITY
      County/Parish: 
      State: UT: Utah
      Province: 
      Country: USA: UNITED STATES
      Zip / Postal Code: 84721-0000

   e. Organizational Unit:
      Department Name: 
      Division Name: 

   f. Name and contact information of person to be contacted on matters involving this application:
      Prefix: 
      * First Name: SHANE
      Middle Name: 
      * Last Name: PARASHONTS
      Suffix: 
      Title: TRIBAL ADMINISTRATOR
      Organizational Affiliation: PAIUTE INDIAN TRIBE OF UTAH
      * Telephone Number: 435-586-1112 X 101
      Fax Number: 
      * Email: SPARASHONTS@UTAHPAIUTES.ORG
**Application for Federal Assistance SF-424**

**9. Type of Applicant 1: Select Applicant Type:**
- Indian/Native American Tribal Government (Federally Recognized)

**Type of Applicant 2: Select Applicant Type:**

**Type of Applicant 3: Select Applicant Type:**

**Other (specify):**

**10. Name of Federal Agency:**
- Department of Housing and Urban Development

**11. Catalog of Federal Domestic Assistance Number:**
- 14.862

**CFDA Title:**
- Indian Community Development Block Grant Program

**12. Funding Opportunity Number:**
- FR-6200-N-23

**Title:**
- Community Development Block Grant Program for Indian Tribes and Alaska Native Villages

**13. Competition Identification Number:**
- FR-6200-N-23

**Title:**
- Community Development Block Grant Program for Indian Tribes and Alaska Native Villages

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

**15. Descriptive Title of Applicant's Project:**
- PUBLIC FACILITIES AND IMPROVEMENT - RENOVATIONS TO THE SHIWWITS BAND COMMUNITY BUILDING.
Application for Federal Assistance SF-424

16. Congressional Districts Of:
   * a. Applicant
   * b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:
   * a. Start Date:  
   * b. End Date:  

18. Estimated Funding ($):
   * a. Federal  
   * b. Applicant  
   * c. State  
   * d. Local  
   * e. Other  
   * f. Program Income  
   * g. TOTAL

19. Is Application Subject to Review By State Under Executive Order 12372 Process?
   a. This application was made available to the State under the Executive Order 12372 Process for review on
   b. Program is subject to E.O. 12372 but has not been selected by the State for review.
   x c. Program is not covered by E.O. 12372.

20. Is the Applicant Delinquent On Any Federal Debt? (If “Yes,” provide explanation in attachment.)
   Yes  x No

If “Yes”, provide explanation and attach

21. “By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)
   ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix:  
* First Name: TAMRA

Middle Name:  
* Last Name: BORCHARDT-SLAYTON

Suffix:  

* Title: TRIBAL CHAIRPERSON

* Telephone Number: 435-586-1112 X 102  
Fax Number:  

* Email: TSLAYTON@UTAHPIUTES.ORG

* Signature of Authorized Representative: Completed by Grants.gov upon submission.  * Date Signed: Completed by Grants.gov upon submission.
Shane Parashonts

From: Mark Echo Hawk <mark@echohawk.com>
Sent: Monday, January 7, 2019 6:57 PM
To: Shane Parashonts
Cc: Tyler Prisbrey; Colleen Sullivan
Subject: Re: Shivwits ICDBG Application

Follow Up Flag: Follow up
Flag Status: Completed

Shane:

Looks good. Thanks for your help!

Mark Echo Hawk

ECHOHAWK & OLSEN

505 Pershing Ave., Suite 100, P.O. Box 6119
Pocatello, Idaho 83205-6119
Office: (208) 478-1624 / Fax: (208) 478-1670
Email: mark@echohawk.com
Website: www.echohawk.com

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From: Shane Parashonts <sparashonts@utahpaiutes.org>
Date: Monday, January 7, 2019 at 6:52 PM
To: Colleen Sullivan <colleen@echohawk.com>, Mark Echo Hawk <mark@echohawk.com>
Cc: Tyler Prisbrey <tprisbrey@utahpaiutes.org>
Subject: RE: Shivwits ICDBG Application

Please review the attached. If everything is good, I will get all of the documents uploaded.

Thanks,
Shane

Shane Parashonts
Tribal Administrator
Paiute Indian Tribe of Utah
435-586-1112 Ext. 101
sparashonts@utahpaiutes.org

From: Colleen Sullivan <colleen@echohawk.com>
Sent: Monday, January 7, 2019 6:22 PM
Hi Shane,

Thank you for the updated comments; revised narrative document is attached:

Colleen Sullivan, Paralegal
ECHO HAWK & OLSEN
505 Pershing Ave., Suite 100, P.O. Box 6119
Pocatello, Idaho 83205-6119
Office: (208) 478-1624 / Fax: (208) 478-1670
colleen@echohawk.com
www.echohawk.com

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From: Shane Parashonts <sparashonts@utahpaiutes.org>
Sent: Monday, January 07, 2019 5:44 PM
To: Colleen Sullivan <colleen@echohawk.com>; Tyler Prisbrey <tprisbrey@utahpaiutes.org>
Cc: Mark Echo Hawk <mark@echohawk.com>
Subject: RE: Shivwits ICDBG Application

Please see my comments on the attached.

Shane

From: Colleen Sullivan <colleen@echohawk.com>
Sent: Monday, January 7, 2019 4:33 PM
To: Shane Parashonts <sparashonts@utahpaiutes.org>; Tyler Prisbrey <tprisbrey@utahpaiutes.org>
Cc: Mark Echo Hawk <mark@echohawk.com>
Subject: RE: Shivwits ICDBG Application

Shane and Tyler,

Thank you for your input and assistance; attached are revised documents for use:

We don’t believe the Contractor who consulted with the Band needs to be included on the Disclosure Report / HUD 2880 – however, if so the party is:

Shorty Construction, Inc. (we are working on obtaining EIN)
Type of participation: inspection and budget projections
Financial Interest in Project/Activity: None

Thank you again and let us know of anything else!

Colleen Sullivan, Paralegal
ECHO HAWK & OLSEN
505 Pershing Ave., Suite 100, P.O. Box 6119
Pocatello, Idaho 83205-6119
Office: (208) 478-1624 / Fax: (208) 478-1670
colleen@echohawk.com
From: Shane Parashonts <sparashonts@utahpaiutes.org>
Sent: Monday, January 07, 2019 2:06 PM
To: Colleen Sullivan <colleen@echohawk.com>
Cc: Mark Echo Hawk <mark@echohawk.com>; Tyler Prisbrey <tprisbrey@utahpaiutes.org>
Subject: RE: Shivwits ICDBG Application
Importance: High

Colleen,

Here are the pages we have questions or changes. I have also attached Tyler Prisbrey's info for the application. Please let us know if you have any questions.

Thanks,
Shane

Shane Parashonts
Tribal Administrator
Paiute Indian Tribe of Utah
435-586-1112 Ext. 101
sparashonts@utahpaiutes.org

From: Colleen Sullivan <colleen@echohawk.com>
Sent: Monday, January 7, 2019 10:37 AM
To: Shane Parashonts <sparashonts@utahpaiutes.org>
Cc: Mark Echo Hawk <mark@echohawk.com>
Subject: Shivwits ICDBG Application

Shane,

We appreciate your patience and help in getting the application material together and submitted.

Attached is the Application/Narrative document, as well as the appendices mentioned therein. Also included is the ICDBG Agreement with PITU signed by all Shivwits representatives.

There are cover sheets for each of the appendices if helpful included as well.

Thank you again!

Colleen Sullivan, Paralegal
ECHO HAWK & OLSEN
505 Pershing Ave., Suite 100, P.O. Box 6119
Pocatello, Idaho 83205-6119
Office: (208) 478-1624 / Fax: (208) 478-1670
colloen@echohawk.com
www.echohawk.com
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June 18, 2019

Honorable Tamra Borchardt-Slayton  
Tribal Chairperson  
Paiute Indian Tribe of Utah  
440 North Paiute Drive  
Cedar City, UT 84721-6181

Dear Chairperson Borchardt-Slayton:

SUBJECT: Indian Community Development Block Grant (ICDBG) Program  
Application Number: B-18-SR-49-1276  
Screening Determination

The Northern Plains Office of Native American Programs screened your application and other requested information for compliance with the Fiscal Year (FY) 2018 ICDBG Notice of Funding Availability (NOFA). We regret to inform you that your application did not meet the requirements referenced in Section II(A)(2) of the NOFA and, therefore, did not receive further funding consideration. The specific reason(s) for this determination is (are) as follows:

An application cannot exceed the grant ceiling limitation established in the NOFA. In this case, the grant ceiling for NPONAP was set at $800,000 for all applicants. The Paiute Indian Tribe of Utah requested a grant in the amount of $1,000,000.

Thank you for your interest in the ICDBG program. If you have any questions, please contact Luisa Bonilla, Grants Management Specialist, at 303-839-2620 or via e-mail at luisa.a.bonilla@hud.gov.

Sincerely,

Randy Akers  
Administrator
Mark,

I am happy to submit a redetermination request to HUD.

The Tribe completed the SF-424 based on the financial information that was in the Shivwits ICDBG application. We also discussed this when we were verifying the Shivwits Band financial contribution to the project. All information that the tribe completed was sent to you and Colleen for review prior to submitting the application. I have also attached the ICDBG application instructions which I sent on 1/1/2019.

I will let you know what HUD says as soon as possible. Hopefully they will work with us.

Thanks,
Shane

Shane Parashonts
Tribal Administrator
Paiute Indian Tribe of Utah
435-586-1112 Ext. 101
sparashonts@utahpalutes.org

From: Mark Echo Hawk <mark@echohawk.com>
Date: Tuesday, June 25, 2019 at 7:39 AM
To: Shane Parashonts <sparashonts@utahpalutes.org>
Subject: Re: HUD Correspondence re: Shivwits Band

Hi Geoff—

Thanks for sending the correspondence from HUD regarding the ICDBG grant. Will you please ask Shane Parashonts or the Chairperson Slayton respond to Randy Akers and Luisa Bonilla on behalf of the Shivwits Band and request a redetermination based on a modified application for $800,000, arguing that the amount requested is a curable deficiency? PITU controlled the SF-424 form which was the basis for the amount requested. I have attached the SF-424 forms from Shane. He was very helpful in getting the application submitted. I think we should focus on exploring how we can amend or modify the request and pursue a
redetermination. The Shivwits Band would like PITU to engage with Luisa and the Administrator on this issue right away. Or, if PITU is not inclined to do so, please confirm that Shivwits may do so. Please let me know how I can help. Thanks.

Mark Echo Hawk

505 Pershing Ave., Suite 100, P.O. Box 6119
Pocatello, Idaho 83205-6119
Office: (208) 478-1624 / Fax: (208) 478-1670
Email: mark@echohawk.com
Website: www.echohawk.com

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From: Geoffrey Strommer <GStrommer@hobbsstraus.com>
Date: Tuesday, June 18, 2019 at 5:53 PM
To: Mark Echo Hawk <mark@echohawk.com>
Cc: Geoffrey Strommer <GStrommer@hobbsstraus.com>
Subject: HUD Correspondence re: Shivwits Band

Hello Mark –

Enclosed is correspondence that the Tribe received related to your client the Shivwits Band.

Geoff

Geoffrey D. Strommer, Partner
T 503.242.1745 | F 503.242.1072

HOBBS STRAUS DEAN & WALKER, LLP
516 SE Morrison Street, Suite 1200, Portland, OR 97214

HOBBSSTRAUS.COM

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July 1, 2019

RE: Paiute Indian Tribe of Utah FY2018 ICDBG Redetermination Request

Mr. Randy Akers and Luisa Bonilla,

On June 18, 2019, the Paiute Indian Tribe of Utah received the screening notice from the Northern Plains Office of Native American Programs, informing the Tribe that its application did not meet the requirements referenced in Section II(A)(2) of the NOVA and did not receive further funding consideration.

The Paiute Indian Tribe of Utah and Shivwits Band of Paiutes would like to officially request a redetermination of the Tribe’s FY2018 ICDBG application based on a modified application that meets the funding ceiling of $800,000. The Tribe feels that the funding discrepancy is a curable deficiency. The project is of the utmost importance for the Shivwits Band and the Shivwits community. We request to pursue a redetermination, bringing the original application into scope with Section II(A)(2) of the Fiscal Year (FY) 2018 ICDBG Notice of Funding Availability and to have the Tribe’s application further reviewed and rated.

We thank you for your time and consideration of this request.

Sincerely,

Tamra Borchardt-Slayton
Tribal Chairwoman
Paiute Indian Tribe of Utah
July 11, 2019

Honorable Tamra Borchardt-Slayton
Tribal Chairperson
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, UT 84721-6181

Dear Chairperson Borchardt-Slayton:

Subject: Fiscal Year (FY) 2018 Indian Community Development Block Grant (ICDBG)
Reconsideration Request

Thank you for your letter dated July 1, 2019, concerning the Paiute Indian Tribe of Utah’s (PITU) and the Shivwits Band of Paiutes’ request to resubmit the Tribe’s FY 2018 ICDBG application for reevaluation.

Section (II)(A)(2) of the ICDBG Notice of Funding Availability (NOFA) provides that a grant request cannot exceed established limits. The Tribe requested a grant in the amount of $1,000,000, which exceeded the ceiling of $800,000 for the Northern Plains region. Because of the error, the application did not meet the requirements of Section II(A)(2) of the NOFA and, therefore, did not receive further funding consideration. Unfortunately, there is no opportunity to request reconsideration of this screening determination. This is not a curable deficiency pursuant to the NOFA.

We encourage PITU to apply for the next ICDBG funding opportunity. After publication of the next NOFA, our office will hold a NOFA training. We recommend PITU attend this training. If you may be of further assistance, please contact Luisa Bonilla Grants Management Specialist, at (303) 839-2620 or by e-mail at Luisa.A.Bonilla@hud.gov.

Sincerely,

Randy Akers
Administrator