



Housing Department

## **NOTICE OF FUNDING AVAILABILITY**

RELEASE DATE: September 15, 2023



TABLE OF CONTENTS

1. INVITATION ..... 2

2. FUNDING AVAILABILITY ..... 2

3. THRESHOLD REQUIREMENTS ..... 3

3.1 Eligible Applicants ..... 3

3.2 Compliance on Existing City Projects ..... 3

4. APPLICATION SUBMISSION REQUIREMENTS ..... 4

4.1 Application Form ..... 4

4.2 Organization Summary..... 4

4.3 Application Documents ..... 4

5. APPLICATION PROCESS ..... 5

5.1 How to Obtain This Notice of Funding Availability (NOFA) ..... 5

5.2 Application Process and Initial Review..... 5

5.3 Submission Format-Electronic Application Submittal ..... 6

5.4 Pre-application Conference..... 6

5.5 Important Dates ..... 6

5.6 Evaluation Panel ..... 6

5.7 Evaluation Scoring ..... 7

6. POST SELECTION PROCESS ..... 7

6.1 Selection Notice ..... 7

6.2 City Council Project Approval and Funding Allocation ..... 7

6.3 Project Progress ..... 7

7. EXHIBITS..... 7

## 1. INVITATION

The City of San José Housing Department (CSJHD) is initiating a NOFA process that invites qualified applicants to submit written proposals for capacity building related to community development programming, with an emphasis on anti-displacement. The goal of the capacity building program is to help community-based organizations play more substantial roles in preserving their communities and to expand the network of organizations that empower residents to shape the future of their communities. Eligible project programming include (but are not limited to): housing preservation, civic empowerment, community planning, and tenant education.

## 2. FUNDING AVAILABILITY

CSJHD is making available **\$1 million** for capacity building. Expected technical assistance grant awards will be between \$100,000 and \$350,000, with a maximum award of \$350,000. However, the City administration may recommend grant amounts of more than \$350,000 if there are extenuating circumstances and/or if there would be unallocated funds. Budget allocations will be based on demonstrated need and must be fully deployed within 24 months. CSJHD will consider one six-month extension to accommodate special circumstances.

Applicants can request capacity building funding for a range of functions. One function may be consultation, advisory and non-construction services to develop financial, construction and property management plans. Eligible costs include financial analysis, transaction structuring and completion of other transaction details such as Capital Needs Assessments (CNAs), appraisals, and market surveys. Eligible costs also include the hiring of full-time staff with the expertise needed to successfully effectuate the proposed programming – e.g., for an experienced project manager on staff to acquire, rehabilitate, and manage properties. Another set of functions includes:

- Organizational capacity building and/or financial planning
- Development of a business plan
- Training on affordable housing development, preservation (acquisition and rehabilitation), or financing; fair housing; renter protections; real estate and land use law; community development and planning
- Becoming a Community Development Corporation
- Training on cultural competency, resident outreach, community engagement, and/or leadership
- Training on City processes, relationship building with the City and other partners
- Outreach, education, and engagement with residents to identify neighborhood-based needs, connect people with resources (such as legal services or rental assistance), and/or participate in City processes (e.g., economic recovery, implementation of housing strategies, planning for public investments)
- Other capacity building investments
- Tenant engagement, community development, or other property related skill building.

Applicants cannot use the funds for lobbying, donations to religious organizations, or organizing

related to a specific policy or legal action.

The funding source used for this NOFA Award will be the Community Stabilization and Opportunities Pathway Fund. CSJHD reserves the right to award less than the total maximum available, or to not award funds through this process at this time.

## 3. THRESHOLD REQUIREMENTS

### 3.1 Eligible Applicants

Eligible Applicants (Applicants) must have, or be in the process of acquiring, nonprofit 501(c)(3) status. Eligible applicants should be one of the following (or organizations that are in the process of becoming one of the following): tenant cooperative; tenant advocate group; community land trust; legal advocate; or other not-for-profit organization. Organizations must be based in San José or should be regionally active organizations that can demonstrate a commitment to San José, and particularly the target community that they intend to support.

The Applicant's organization must demonstrate that they are committed to anti-displacement activities, advancing community ownership and civic power, and/or affordable housing acquisition/rehabilitation. Applicants' missions would align with this by aiming to revitalize, building community among, and/or enhance the quality of life of residents in specific communities or neighborhoods. Applicants with a specific focus on affordable housing will receive additional scoring points as outlined in Section 4.3.

### 3.2 Compliance on Existing City Projects

Applicants must be in good standing and remain in good standing with CSJHD and have complied with their obligations, while not being subject to penalties, non-compliance or disciplinary actions, or negative financial or project management history with the City of San Jose within the last 36 months (e.g., Applicant has not been in monetary default on a loan from the City and has been current on all financial obligations, rent ceilings, and compliance documentation).

### 3.3 Grounds for Disqualification

All applicants are expected to have read and understand the "Procurement and Contract Process Integrity and Conflict of Interest," Section 7 of the Consolidated Open Government and Ethics Provisions adopted on August 26, 2014. A complete copy of the Resolution 77135 can be found at: <https://www.sanjoseca.gov/home/showdocument?id=19565>.

Any applicant who violates this policy will be subject to disqualification. Generally, the grounds for disqualification include:

- Contact regarding this Notice of Funding Availability with any City official or employee or evaluation team member other than Mark Gerhardt, Administrative Officer, from the time of issuance of this solicitation until the end of the protest period.
- Evidence of collusion, directly or indirectly, among applicants in regard to the amount, terms, or conditions of this solicitation or their respective responses.
- Influencing any City staff member or evaluation team member throughout the solicitation process, including the development of specifications.
- Evidence of submitting incorrect information in response to a solicitation or misrepresenting or failing to disclose material facts during the evaluation process.

In addition to violations of the Process Integrity Guidelines, the following conduct may also result in disqualification:

- Offering gifts or souvenirs, even of minimal value, to City officers or employees.
- Existence of any lawsuit, unresolved contractual claim, or dispute between Proposer and the City.
- Evidence of applicant's inability to successfully complete the responsibilities and obligations of the proposal.
- Applicant's default under any City contract resulting in termination.
- Evidence of any wage theft judgements as described in the Certification Form.

## 4. APPLICATION SUBMISSION REQUIREMENTS

Responses to this NOFA must be submitted through the City's solicitation posting system Biddingo. Applicants must register their organizations in Biddingo to access the NOFA at <https://www.biddingo.com/sanjose>. See Section 5 - Application Process for additional information.

### 4.1 Application Form

This NOFA is administered under a competitive process. Therefore, the Application Form must be complete to its fullest. As part of the application, the documents listed below must be submitted through Biddingo. These documents will be reviewed in detail at the mandatory pre-application conference.

### 4.2 Organization Summary

Provide a concise narrative describing the organization's current programming, capacity, and future goals as it relates to anti-displacement activities.

### 4.3 Application Documents

Complete applications will be evaluated in four areas for which Applicants can submit a range of documents to meet the evaluation criteria. The four areas for evaluation are as follows (full detail on the scoring system is outlined in section 5.9):

*Staff Capacity & Project Workplan:* Applicants must submit a description of their staffing plan, a detailed workplan and project budget. The documentation should demonstrate that a) current staff has sufficient time to dedicate to this effort or b) the funding request should be used towards acquiring or shifting staff into those positions. If Applicants are planning to execute these activities using current staff time, they should indicate how the relevant staff members' responsibilities will shift to dedicate time to this effort. The workplan should lay out clear milestones and an achievable schedule that is linked to a detailed budget.

*Community Impact:* Applicants must clearly demonstrate that the project will increase their ability to have an impact on the community in the issues the Applicant organization works to address. Applicants can demonstrate community support of their effort through letters or evidence of past efforts that were supported by the community. Applicants can also demonstrate how the community will be involved in the project through a community engagement plan that details opportunities for public comment and participation.

**Organizational Commitment:** Applicants must document a strong commitment to anti-displacement activities, advancing community ownership and civic power and/or affordable housing acquisition/rehabilitation can be shown in through summaries of past projects, current strategic planning documents, organizational mission statements or staff positions dedicated to this work. If the Applicant is requesting funding for a line of work that they have not previously undertaken, they should provide evidence of effective project execution on other past projects that the Housing Department will evaluate on a case-by-case basis.

**Financial Capacity:** Applicants should submit documentation that demonstrates that the organization is currently in good financial standing with clear internal financial controls. Internal financial controls are policies and procedures implemented by an organization to ensure their financial reports are reliable, operations are efficient, and activities are compliant with applicable laws and regulations. The Applicant’s financial condition must not indicate any adverse conditions that might materially impair the Applicant’s ability to perform.

The following checklist outlines specific application responses and documents that are required or optional for each of the four evaluation areas. Unless specified below that the item should be included within the application form, applicants should submit documentation as attachments. The applicants should also submit a version of this checklist as an attachment to their application. Applicants should fill in the final column and indicate which documents are included in their documentation package.

| Documents   | Required | Optional | Included in Applicant Package? |
|---|----------|----------|--------------------------------|
| <b>Staff Capacity and Workplan</b>  |          |          |                                |
| Description of activities to be partially or wholly funded (within application form)  | X        |          |                                |
| Schedule with project milestones  | X        |          |                                |
| Detailed project budget using the budget template provided (within application form)  | X        |          |                                |
| List of target project outcomes expected to be achieved by the close of the project   | X        |          |                                |
| If applicable, description of the new role or consultant services.  |          | X        |                                |
| If applicable, description of current staffing responsibilities for staff members who will be overseeing or implementing the funded activities/program, including a description of how responsibilities will shift in response to new activities and funding. |          | X        |                                |
| <b>Community Impact</b>   |          |          |                                |
| Description of community needs addressed by the project (within application form)   | X        |          |                                |
| Identification of designated community or area of project impact (within application form)  | X        |          |                                |
| Community engagement plan   |          | X        |                                |
| Letters of community support or evidence of past community support for similar efforts by   |          | X        |                                |

|  |   |   |  |
|--|---|---|--|
| the Applicant  |   |   |  |
| <b>Organizational Commitment (applicant must include at least one of the following)</b>                              |   |   |  |
| Annual report that details commitment to issues pursued in project   |   | X |  |
| Strategic plan that received board approval  |   | X |  |
| Link to website or other document that shows organizational mission statement  |   | X |  |
| Organizational bylaws that demonstrate commitment to issues pursued in project                                       |   | X |  |
| Qualifications of board members to advise on project issues  |   | X |  |
| Detailed project description of similar past projects  |   | X |  |
| Detailed description of past and/or current grants for similar work  |   | X |  |
| List and summary of past community events or workshops hosted by the applicant that addressed similar issues         |   | X |  |
| <b>Financial Capacity</b>  |   |   |  |
| Detailed description that summarizes internal financial controls in applicant organization                           | X |   |  |
| Evidence of standing of organization's nonprofit status  | X |   |  |
| Financial statements for the prior two full calendar years   | X |   |  |
| Fiscal sponsor agreement or annual report from sponsor   |   | X |  |
| Notices of receipt of any non-city resources allocated to achieve the funded activities (e.g. other grants or loans) |   | X |  |

## 5. APPLICATION PROCESS

### 5.1 Public Nature of Proposal Material

All materials submitted in response to this solicitation shall become a public record and retained as property of the City of San José. These materials are subject to disclosure under the State of California Public Records Act (California Government Code Section 7920 et seq). There are limited and narrow exceptions to this disclosure requirement.

Do **NOT** include confidential or proprietary information in your response material as it may be disclosed if requested by any member of the public.

If you must include confidential or proprietary information that you believe is exempt from disclosure, you must (1) clearly mark the specific information as "Confidential," "Trade Secret," or "Proprietary;" (2) state the specific provision in the Public Records Act that provides the exemption; and (3) provide the factual basis for claiming the exemption in each specific instance.

In the event you claim such an exemption, you must include a redacted version of your submission and state in the submission the following: ***"[insert Applicant Name] shall indemnify the City and the City's officers, employees, and agents and hold them harmless from any claim or liability and defend against any action brought against the City for City's refusal to disclose trade secrets or other proprietary or confidential information contained in [insert Applicant Name]'s solicitation response to any person making a request. This indemnification obligation shall be through the term of the City's Records Retention Schedule which is four (4) years after the date of award or cancellation of this solicitation for non-awarded vendors and four (4) years after contract termination for awarded vendors."***

Failure to meet the requirements set forth in Sections C and D above shall constitute a waiver of your right to exemption from disclosure.

Any material which contains language purporting to render all or significant portions of the submission "Confidential," "Trade Secret" or "Proprietary," or fails to provide the exemption information required above will be considered a public record in its entirety.

Although the California Public Records Act recognizes that certain confidential or proprietary information may be protected from disclosure, the City of San José may not be able to establish that the information is a trade secret or otherwise proprietary. If a request is made for information marked "Confidential," "Trade Secret," or "Proprietary," the City will provide the applicant who submitted the information with reasonable notice to seek protection from disclosure by a court of competent jurisdiction.

The City will not disclose any part of any response before it announces a Recommendation of Award or Notice of Intended Award on the grounds that there is a substantial public interest in not disclosing responses during the evaluation process. After the announcement of a Recommendation of Award or Notice of Intended Award, all responses received to this solicitation will be subject to public disclosure.

## **5.2 How to Obtain This Notice of Funding Availability (NOFA)**

The City will post the NOFA application to the City Website : <https://www.sanjoseca.gov/your-government/departments-offices/housing/developers/notice-of-funding-availability>

The City will receive electronic responses to the NOFA through the City's solicitation posting system Biddingo at <https://www.biddingo.com/sanjose>.

Proposers must register with Biddingo prior to submitting the NOFA. If you have a problem registering online, contact Biddingo directly toll-free at (800) 208-1290 or by email at [info@biddingo.com](mailto:info@biddingo.com).

Registering to receive City of San José solicitations is FREE and can be done in 4 easy steps:

- **Step 1: Create Profile.** Sign up with Biddingo at <https://www.biddingo.com/sanjose>.
- **Step 2: Select Categories.** Identify and select your commodities/categories. You will receive notifications only for solicitations related to the commodities you select.
- **Step 3: Vendor Form.** Provide your email address, a password, address, license, vendor preference, business tax, and other pertinent profile information. Your email address will be your User ID in the Biddingo system.

**Step 4: Verification.** Confirm that your information is correct and submit Registration Form.



Note that you may update your information at any time in the Biddingo system by clicking on the Vendor Registration / Update option from the Welcome page, making updates, and then resubmitting the registration form.

All addenda and notices related to this procurement will be posted by the City on Biddingo. In the event that this NOFA is obtained through any means other than Biddingo, the City will not be responsible for the completeness, accuracy, or timeliness of the final NOFA document obtained from the other source.

### **5.3 Application Process and Initial Review**

The NOFA will be available on the City Website beginning **September 15, 2023 at 5:00pm**. To respond to the NOFA Applicants must register at <https://www.biddingo.com/sanjose>.

Upon receipt of the applications, staff will conduct an initial review to determine whether the organization is eligible and that the application is complete. The Applicant will be notified through electronic mail if the initial review determines the application is either ineligible, incomplete, or complete.

Applications will be accepted and reviewed on a rolling basis as the NOFA will remain open until all available funds have been disbursed.

### **5.4 Submission Format-Electronic Application Submittal**

Applications and all required additional documentation must be submitted through Biddingo. All applications must be submitted and received electronically through Biddingo no later than the submittal deadline stated on Biddingo or in any ensuing addendum. Applicants may submit any number of applications for consideration under this NOFA (joint applications with another developer/owner count as an application for each entity). **Applicants may not submit additional materials after the submittal deadline unless requested by CSJHD staff. Incomplete applications will not be considered.**

### **5.5 Pre-application Conference**

Applicants and service providers are encouraged but not required to attend the pre-submission conference on **September 28, 2023 at 3:00PM**. The details of the pre-application conference will be published on the City Website: <https://www.sanjoseca.gov/your-government/departments-offices/housing/developers/notice-of-funding-availability>

The purpose of this conference is to assist prospective applicants to gain a full understanding of the solicitation requirements and service options. At the conference, CSJHD staff will conduct a brief overview of the solicitation requirements, including any documents. All questions and answers will be summarized and published as addenda on Biddingo. Attendees are encouraged to have a copy of the solicitation documents available for reference.

### **5.6 Submission of Questions**

Applicants may submit questions regarding this NOFA via email until **October 4, 2023 at 3:00 PM PST**. Applicants should e-mail questions to: [mark.gerhardt@sanjoseca.gov](mailto:mark.gerhardt@sanjoseca.gov). Each question must reference "NOFA CSJ HSG 09-15-2023" in the subject line of the email. The City will not respond to questions submitted in any other manner or format. Questions and comments received after the

deadline may not be acknowledged.

Applicants may ask Bidding for assistance with the submission of the online application at any time up to the application deadline.

### 5.7 Important Dates

| EVENT  | DATE         |
|--|--------------|
| NOFA Released  | Sep 15, 2023 |
| Pre-Submission Conference (Optional) – 3 PM          | Sep 28, 2023 |
| Deadline for Submission of Questions – 3PM           | Oct 4, 2023  |
| Answers to Submitted Questions Posted – 3PM          | Oct 13, 2023 |
| Deadline for Applications to be Considered – 11:59PM | Nov 14, 2023 |
| Publish Award Recommendations                        | Dec 8, 2023  |
| Deadline to Submit an Appeal – 3PM                   | Dec 22, 2023 |
| Notification of NOFA Awards                          | Jan 8, 2024  |

### 5.8 Evaluation Panel

All responses to this NOFA will be reviewed by City staff to ensure that each application contains all the information and documents required to verify that the application is complete and appropriate for Panel review.

An Evaluation Panel (“Panel”) designated by the City of San José’s Housing Department will evaluate applications based on the criteria in Section 5.9. The City may elect to schedule follow-up conversations with the top-scoring applicants.

### 5.9 Evaluation Scoring

Complete applications will be scored in the following categories. Maximum points in each category are noted. Scores are calculated as the percentage of points attained out of the total points possible for each applicant. Please note that points will be rounded to the nearest ¼ point. In all cases, points will be awarded the extent to which criteria are met.

**\*An additional 10 bonus points will be awarded to a project that is focused on acquisition or rehabilitation of affordable housing.\***

| Category                  | Element                                  | Points | % of category | Category Weighting |
|---------------------------|--|--------|---------------|--------------------|
| Staff Capacity & Workplan | Dedicated Staff                          | 8      | 32%           | 25%                |
|                           | Increased Community Development Capacity | 9      | 36%           |                    |
|                           | Feasibility of Workplan                  | 8      | 32%           |                    |
|                           | Subtotal                                 | 25     |               |                    |
|                           | Addresses Critical Needs of Community    | 13     | 43%           | 35%                |

|                           |   |            |     |     |
|---------------------------|---|------------|-----|-----|
| Community Impact          | Community Support                             | 11         | 23% |     |
|                           | Impact in Specific Location or Community      | 11         | 34% |     |
|                           | Subtotal                                      | 35         |     |     |
| Organizational Commitment | Anti-Displacement                             | 5          | 20% |     |
|                           | Community Ownership & Civic Power             | 5          | 20% |     |
|                           | Affordable Housing Acquisition/Rehabilitation | 5          | 20% | 25% |
|                           | Project Track Record                          | 5          | 20% |     |
|                           | Location/Community Track Record               | 5          | 20% |     |
|                           | Subtotal                                      | 25         |     |     |
| Financial Capacity        | Good standing                                 | 5          | 33% |     |
|                           | Financial Controls to Administer Funding      | 8          | 53% | 15% |
|                           | Non-city Resources                            | 2          | 13% |     |
|                           | Subtotal                                      | 15         |     |     |
| <b>Total Points</b>       |   | <b>100</b> |     |     |

### Staff Capacity & Workplan (25 points)

- A. *Dedicated Staff*: Applicant provides evidence that there they have a) sufficient staff to perform project activities outlined in the staff capacity description and workplan or b) funding will be used to hire dedicated staff to perform the activities.
- Maximum points are awarded for applicants that can show funding resources to fully cover the dedicated staffing for the full activity period.
  - Positions that are partially funded with a remaining fundraising gap will receive partial points.
- B. *Increased Community Development Capacity*: Applicant provides evidence that funding will result in increased ability to undertake community development efforts, an affordable housing program, or to develop/preserve a specific affordable housing asset.
- Maximum points are awarded for applicants that show potential to increase capacity to acquire/rehabilitate affordable housing.
  - Partial points are awarded to applicants that show potential to increase general affordable housing capacity.
  - Partial points are awarded to applicants that show potential to increase general community development capacity.
- C. *Feasibility of Workplan*: The Applicant's workplan package lays out a feasible approach that can be completed with available resources and in the timeline.
- Full points awarded to applicants whose work plans present a reasonable schedule, with a full staffing plan and detailed budget.
  - Partial points awarded to applicants whose work plan provides all elements of the work plan outlined above but one or more element is not feasible.

### Community Impact (35 points)

- A. *Addresses Critical Needs of Community*: Applicants provide evidence that the project meets a critical community need with community involvement.
- Full points awarded to applicants that demonstrate a community need with a clearly articulated and measurable outcomes.
  - Partial points awarded for applicants that demonstrate a community need.
- B. *Community Support*: Clear indication that community supports the activities being proposed by the applicant.
- Full points awarded to applicants that include a letter of community support.

- Partial points awarded for applicants that demonstrate community support on past project.
- C. *Impact in Specific Location or Community*: Applicants articulate a focus on a specific neighborhood or target population. Due to California Proposition 209, “target populations” cannot include any group defined by race, ethnicity, color, national origin, or sex.
  - Full points for applicants that show a direct impact on a specific location or community with an engagement plan.
  - Partial points awarded for applicants that show a direct impact on a specific location or community.

#### **Organizational Commitment (25 points)**

- A. *Anti-Displacement*: Full points awarded to applicants that demonstrate a commitment to anti-displacement.
- B. *Community Ownership & Civic Power*: Full points awarded to applicants that demonstrate a commitment to community ownership and civic power.
- C. *Affordable Housing Acquisition/Rehabilitation*: Demonstrates commitment to affordable housing acquisition/rehabilitation, especially of a specific project. Full points awarded to applicants that demonstrate a commitment to affordable housing acquisition and rehabilitation.
- D. *Project Track Record*: Full points awarded to applicants that show a successful track record of projects of similar scale, type or topic, and/or applicants that can demonstrate their commitment to any of the above through their previous receipt of grants for similar work. If the applicant is pursuing a new area of work then full points will be awarded for showing a track record in an area related to anti-displacement, community ownership or civic power.
- E. *Location/ Community Track Record*: Full points awarded to applicants that show an organizational commitment or project history of working in the specific place or with the target community group that they intend to serve through this award.

#### **Financial Capacity (15 points)**

- A. *Good Standing*
  - Full points for applicants that include a financial report that demonstrates a financial capacity to manage existing operational costs.
- B. *Financial Controls*
  - Full points for applicants that can demonstrate accounting and payroll systems to manage cash and operational costs.
- C. *Non-City Resources*
  - Full points awarded to applicants that demonstrate non-city resources allocated to achieve the funded activities, e.g. other grants or loans.

## **6. POST SELECTION PROCESS**

### **6.1 Selection Notice**

Applicants selected will be notified via electronic mail. Projects selected will receive a Notice of Intent to Fund, which will outline the requirements for funding including the project underwriting, features and timing as submitted and represented under the application.

### **6.2 City Council Project Approval and Funding Allocation**

The Housing Department will submit the proposed Project selections to the City Council for

approval. Awardees will be notified of City Council determination via electronic mail.

### **6.3 Project Progress**

The Awardees shall agree to provide quarterly updates on the progress of the project to designated Housing Department staff on a format and timing schedule designated by the City. In the event the project is unable to maintain the required progress timeline in the conditional commitment letter after six months, awardees will be required to participate in quarterly progress meetings until sufficient progress is being made. The award may expire if sufficient progress is not being demonstrated twelve months after the initial award.

### **6.4 Appeals Process and Deadline**

Applicants not selected may appeal this decision via electronic mail. Appeals should be sent to Mark Gerhardt at [mark.gerhardt@sanjoseca.gov](mailto:mark.gerhardt@sanjoseca.gov).

The deadline for submitting an appeal letter is **December 22, 2023 at 3:00PM PST**. The Director of Housing, or designee, will respond to all appeals within five working days of the close of the appeals process. The Director's decision is final and there is no further appeal.

## **7. EXHIBITS**

Exhibit A – City of San Jose Citywide Anti-Displacement Strategy

Exhibit B – Standard City of San José Grant Agreement Template

(Note: Exhibit B is a sample agreement for illustrative purposes only; some language in final agreements may be modified and some Exhibits in this template may not be applicable).