



CITY *of* CLOVIS

AFFORDABLE HOUSING PROGRAMS
1033 FIFTH STREET • CLOVIS, CA 93612

REQUEST FOR PROPOSALS FOR AFFORDABLE HOUSING DEVELOPMENT

**for
New Housing Construction and/or Housing Rehabilitation
(Single and/or Multi-Family Housing)**

Funding Source: Affordable Housing Trust Fund (HTF) Program

RELEASED: August 6, 2024
DUE: August 20, 2024 (3:00 p.m.)

I. Introduction

The City of Clovis (City) is soliciting applications from housing development organizations to construct new single-family and/or multi-family affordable housing, and/or complete substantial rehabilitation to existing affordable housing. The project(s) selected through this Request for Proposals (RFP) will be provided funding through the City's Affordable Housing Trust Fund (HTF) Program. Additionally, the selected project(s) will be submitted to the State of California, Local Housing Trust Fund (CA-LHTF) Program as an application for matching funds. A total of \$1,000,000.00 in City of Clovis Housing Trust Fund Program financing is currently available. If selected by the State of California LHTF for financing, an additional \$1,000,000.00 may be available for the project.

The selected developer(s) will be required to perform all aspects of the affordable housing development (i.e.: property acquisition, entitlement, environmental clearance, financing, construction, and sales and/or rental management). Additional incentives are available as part of the regular entitlement process including deferred development impact fees, density bonus, etc.

Funding shall be used as gap financing for the development of affordable housing units within the project that carry a 55-year affordability covenant for multi-family housing, and a 45-year affordability covenant for single-family housing. Funding will be provided at simple interest rates of no higher than 3% per annum. HTF Loans will be due and payable from the property's residual receipts or as hard debt for a multi-family housing project, and interim construction financing that converts to permanent second mortgage assistance to a homebuyer for a single-family housing project. Upon selection of a proposed project(s), the City and developer will enter into a funding agreement(s) for a proposed project.

II. Project/Application Requirements

A. Eligible Units:

1. Program funds may be used to provide construction loans and/or permanent financing loans at simple interest rates of no higher than 3 percent per annum for payment of predevelopment costs, acquisition, construction, or rehabilitation associated with Affordable rental housing project, Emergency Shelters, Transitional Housing, Permanent Supportive Housing, or homebuyer/homeowner projects to purchase for-sale housing units.
2. The City may utilize a portion of HTF funds, not to exceed 5 percent of funds available for staff/administrative expenses per project.
3. Eligible new development housing units include multi-family and single-family housing units constructed after this Program is established and must be subject to a recorded affordability covenant restricting the unit(s) as affordable housing as provided herein.

B. Projects shall be Eligible for the State of California Local Housing Trust Fund (CA-LHTF) Program

- All applications will be required to be eligible for submittal to the CA-LHTF Program.
- Selected application(s) will be recommended for Clovis HTF Program funding and submittal.
- Information regarding the CA-LHTF Program is available on the state website at:
<https://www.hcd.ca.gov/grants-and-funding/programs-active/local-housing-trust-fund>.
- Selected project(s) will be submitted (by City staff) to the CA-LHTF Program under its current NOFA, with applications due by **September 17, 2024**.
- Selected applicant(s) will be required to partner with City staff to prepare the CA-LHTF Program application.

C. Affordability Requirements:

- A minimum of 30 percent of HTF Program funds (and CA HTF Matching Funds) requested, after deducting the City's administrative expenses, shall be expended on assistance to Extremely Low-Income Households, with household income of no more than 30 percent of the Area Median Income (AMI).
- The remaining HTF Program Funds (and CA HTF Matching Funds) requested shall be expended on assistance to Lower-Income Households, with household income of no more than 80 percent of AMI.
- All funded units will be required to have affordability agreements and restrictions (covenants) recorded against the property securing both the on-going affordability of the units and repayment of the loan.

D. The work to be performed by the selected developer(s) includes, but is not limited to, the following:

- Execute funding contract with the City of Clovis.
- Acquire the affordable housing site (as applicable).
- Complete construction of the project.

- Apply for and obtain all necessary entitlements including a rezone, plan amendment, and final subdivision map (if applicable).
- Apply for and obtain all necessary City and non-City permits for construction of the project.
- Install all necessary utilities for the property (electricity, gas, sewer, water, cable, garbage, etc.).
- Construct the required on-site and off-site improvements.
- Commission environmental assessments and studies and comply with mitigation measures.
- Work collaboratively with the City's Affordable Housing Programs staff on all aspects of the development including predevelopment, design, financing, construction, monitoring, and submittal of CA-LHTF Program application to the state.
- Obtain the necessary bonds and insurances.
- Work with community and/or neighborhood groups as part of the planning process.
- Secure senior financing to complete development of the project.

III. Selection Process

- A. The following criteria, without limitation and in no particular order, shall be considered as priority criteria in selecting a project(s) for funding allocation under this RFP:
 1. Projects that provide new development for senior housing, new multi-family housing units and/or new single family housing units.
 2. Projects that are compliant with the Housing Needs Assessment identified in the City's Consolidated and Annual Action Plan for Community Development Block Grant Funds.
 3. Projects that can provide evidence of site control.
 4. Projects that have initiated/completed Site Plan Review or applicable land use entitlements.
 5. Second priority will be given to rehabilitation of existing housing units.
- B. Proposals will be reviewed for eligibility by City staff, and for adherence to the City of Clovis Affordable Housing Trust Fund Program Guidelines. Proposals will be reviewed internally for funding recommendation by the City Manager, or his designee, to City Council.
- C. The selected proposal(s), and a list of back-up or additional projects, if recommended for funding, will be taken to City Council for their review and approval prior to submittal to the State of California Local Housing Trust Fund Program for matching funds.
- D. The list of projects, and selected projects, will be published on the City's website and other media.
- E. Additional project criteria are as follows:
 1. Demonstrated ability to develop Affordable Housing as identified in this RFP.
 2. Ability to meet underwriting criteria of the Program Guidelines.
 3. Ability to obtain site control, through an existing/executed Purchase and Sale Agreement, or currently be in written negotiations with the property owner.
 4. Key personnel experience with the proposed project type.
 5. Submittal of a current signature authorization by minute order or Resolution to enter into a funding agreement with the City for a specified amount of funds.
 6. If providing funds to the project, submittal of a Resolution of Board commitment of funds to the project, by project name, no general or blanket Resolutions.

7. Leverage City funds with other local, state, federal or private funding, and providing experience obtaining and utilizing such financing.
 8. Infill development that utilizes the capacity of the City's existing infrastructure.
 9. Located near amenities such as grocery stores, banking, schools, etc.
 10. Letter confirming the ability to comply with City's insurance requirements.
 11. Letter confirming the ability to comply with other federal and state regulations.
 12. Residential square foot/unit cost indicative of the housing type.
 13. Ability to commission and complete City approved environmental reviews.
 14. Demonstrated alignment with the City's housing goals and objectives as outlined in the City's Consolidated Plan, and Action Plan.
 15. Budget, cash flow statement, evidence of viable financing structure, and financial documentation in sufficient type to complete preliminary underwriting of the proposed project.
 16. History of successful completion of at least five similar projects.
- F. The Clovis City Council has final approval of funding recommendations for proposed project(s).
- G. Projects selected for HTF funds, if **not** also awarded CA-LHTF funds in the 2024 CA NOFA:
- will **not** have the ability to proceed with their project(s) with Clovis HTF funds only, unless recommended by City staff and approved by City Council.
 - may need to re-apply for Clovis HTF Program funds in a subsequent round and/or year, if required.

IV. Submittal Instructions

This RFP and any Addenda to this RFP, if needed, will be posted on Planet Bids and e-mailed to interested parties. It shall be the Applicant's responsibility to check the Planet Bids website, and/or emails to obtain any Addenda that may be issued.

All qualified firms interested in submitting a Proposal for funding consideration are invited to submit **ONE HARD COPY** and **ONE ELECTRONIC COPY** (thumb drive, or via email) of their Proposal, and any required exhibits by **3:00 PM on Tuesday, August 20, 2024**, to Claudia Cazares, as follows:

All Proposals must include the following title on the outside of the package/envelope:
"OFFICIAL PROPOSAL – AFFORDABLE HOUSING HTF RFP"

MAIL OR DELIVER TO:

City of Clovis, Affordable Housing Programs
 Attention: Claudia Cázares, Housing Program Manager
 1033 Fifth Street, Clovis, CA 93612

ELECTRONIC COPY TO: housing@cityofclovis.com

Award Schedule

- Proposals Due: August 20, 2024 (3:00 PM)
- Proposals to be Reviewed by: August 30, 2024 (or earlier if feasible)
- Applicant Notifications: September 2, 2024
- City Council Meeting for Contract Review/Approval: September 9, 2024 (or earlier if feasible)

Questions about this Request for Proposals may be directed to Claudia Cázares, by email at housing@cityofclovis.com. Questions must be submitted by 3:00 pm on Tuesday, August 13, 2024. An addendum to the RFP containing all Q&A will be posted thereafter, if questions are submitted.

V. Submittal Requirements and Checklist

Applicants will be required to include the following submittals, in the following order, as part of their response to this RFP. This RFP includes a Checklist to facilitate the submittal, and should be included in the proposal submitted (Exhibit A – Submittal Checklist)

Sections:

1. Applicant Information and Project Summary, utilize form attached as Exhibit B.
2. Project Description – see submittal requirements included in Exhibit C (maximum 10 pages).
3. Site and Project Readiness – see submittal requirements in Exhibit D (maximum 5 pages).
4. Project Schedule, utilize form attached as Exhibit E.
5. Tenant Relocation Plan – see submittal requirements in Exhibit F, if applicable (maximum 3 pages).
6. Applicant/Development Team Experience – see submittal requirements in Exhibit G.
7. Letter confirming the ability to comply with City’s insurance requirements included as Exhibit H.
8. Letter confirming the ability to comply with other federal and state regulations included as Exhibit I.
9. Underwriting Worksheets (or comparable information) – see submittal requirements in Exhibit J.
10. Project Budget (Sources and Uses) – attach your Budget as Exhibit K.

VI. Terms and Conditions

1. Construction loans made through this RFP will be required to execute a loan agreement setting forth the terms and conditions required to be met prior to closing escrow, which shall include, but not be limited to, requirements for escrow, title insurance, property insurance, compliance with environmental remediation requirements, and other borrower responsibilities including but not limited to affordability and repayment requirements.
2. The City reserves the right, at its sole and absolute discretion, to suspend, amend, or modify the provisions of the RFP and selection process. If such an action occurs, the City will post the revision to Planet Bids.
3. Prior to entering into a funding agreement with the City, the City expects the prospective development team to complete their own due diligence of their selected site(s).
4. All applications received by the City for funding consideration will not be returned to the applicant or any third party.
5. The cost of preparing applications shall be borne by the applicant.
6. No corrections or modifications to the proposal may be made after the due date.
7. Completion of this proposal/application process in no way guarantees or commits City funding to a proposed project.
8. In addition, the City reserves the right to:
 - Request clarification of the proposal submitted
 - Request additional information from any applicant responding to this RFP

- Reject any application that does not address the items listed in the RFP
- Reject any application that does not successfully pass preliminary underwriting
- Negotiate with selected applicants
- Reject all applications submitted at its sole and absolute discretion
- Application responses become the property of the City and may be subject to public disclosure
- Waive any informality or minor irregularity when in the best interest of City to do so
- Have no obligation to enter into an agreement with any party responding to this RFP
- Request the applicant to make a presentation
- Request or deny any one-on-one meetings between the City and the applicant

VII. Exhibits

Exhibit A – Submittal Checklist

Exhibit B – FORM: Applicant Information and Project Summary

Exhibit C – Project Description Requirements

Exhibit D – Site and Project Readiness Requirements

Exhibit E – FORM: Project Schedule

Exhibit F – Tenant Relocation Plan Requirements

Exhibit G – Applicant/Development Team Experience Submittal Requirements

Exhibit H – City of Clovis Insurance Requirements

Exhibit I – Federal/State Requirements

Exhibit J – Underwriting Worksheets

The City encourages minority- and women-owned firms to submit applications consistent with the City's policy to ensure that minority- and women-owned firms are afforded the maximum practicable opportunity to compete for and obtain public contracts for services.

NOTICE OF NON-DISCRIMINATION:

It is the policy of the City of Clovis to not discriminate on the basis of race, color, national origin, religion, sex, and sexual preference. If you have a complaint or concern, please contact the City of Clovis 504 Coordinator at (559) 324-2060.

Need Assistance Contacting the City of Clovis? California Relay Service provides specially trained Communication Assistants to relay conversations between deaf, hard of hearing, or speech-loss individuals and people who use a standard telephone. You can use this service to contact the City of Clovis by dialing 711.

This RFP is available in Spanish and/or Hmong by contacting our offices at (559) 324-2060.

Este documento está disponible en español llamando al (559) 324-2060. Si usted requiere servicios de interpretación o traducción favor de llamar a Claudia Cázares al (559) 324-2094.

Yog xav tau daim ntawv Hmoob hu rau peb qhov chaw ua hauj lwm ntawm (559) 324-2060. Yog koj xav tau kev pab txhais lus thov hu rau (559) 324-2060.

Exhibit A – Submittal Checklist

SUBMITTAL CHECKLIST

Separate the sections and number accordingly

X

Section	Section Heading	Attachment/Documents	
1	Applicant Information and Project Summary	<ul style="list-style-type: none">• RFP Provided Form	<input type="checkbox"/>
2	Project Description	<ul style="list-style-type: none">• Narrative• Pictures• APN Page & Site Plan	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3	Site and Project Readiness	<ul style="list-style-type: none">• Narrative• Zoning & Local Approval• Site Control Documentation• Phase I, Phase II, etc.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4	Project Schedule	<ul style="list-style-type: none">• RFP Provided Form	<input type="checkbox"/>
5	Tenant Relocation Plan	<ul style="list-style-type: none">• Narrative (if applicable)	<input type="checkbox"/>
6	Applicant/Development Team Experience	<ul style="list-style-type: none">• Narrative• Resumes• RFP Provided Form	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
7	City of Clovis Insurance Requirements	<ul style="list-style-type: none">• Letter confirming ability to Comply	<input type="checkbox"/>
8	Federal/State Funding Requirements	<ul style="list-style-type: none">• Letter confirming ability to Comply	<input type="checkbox"/>
9	Underwriting Worksheets or Comparable Worksheets	<ul style="list-style-type: none">• Use recommended templates or comparable worksheets	<input type="checkbox"/>

**Exhibit B – FORM: Applicant Information and
Project Summary**

SECTION 1 – APPLICANT INFORMATION AND PROJECT SUMMARY (page 1)

Organization Name: _____

Address: _____

Federal Tax I.D. Number: _____

Organization Type (check all that apply):

- Local Government
- Housing Authority
- Non-Profit Community Based Organization
- Regional Non-Profit Housing Assistance Organization
- Statewide Non-Profit Housing Assistance Organization
- Qualified Tenant Organization
- Private Development Corporation/Individual
- Community Housing Development Organization (CHDO)
- Community Based Development Organization
- Community Development Corporation

Executive Director/President Name: _____

Phone: _____ E-mail: _____

Project/Application Contact Name: _____

Contact Organization: _____

Address: _____

Phone: _____ E-mail: _____

(continued on next page)

SECTION 1 – APPLICANT INFORMATION AND PROJECT SUMMARY (page 2)

Project Name: _____

Project Address or Location: _____

Assessor's Parcel Number(s): _____

For Existing Housing Stock Only (check one):

- Existing Privately Owned
- Existing Publicly Owned
- Other (please specify): _____

Project Activities (check all that apply):

- Acquisition
- Rehabilitation (Single Family)
- Rehabilitation (Multi-Family)
- New Construction (Single Family)
- New Construction (Multi-Family)
- HUD/USDA Preservation
- Permanent Supportive Housing
- Independent Seniors
- Assisted Living
- Housing for the Homeless
- Homeownership
- Housing for Farmworkers
- Other: _____

Target Populations

Length of Commitment to Target Population: 55 years for rental housing
 45 years for homeownership

Number of Units/Beds for Special Needs Populations: Check if Not Applicable

Units	Beds	Population
		Mentally Ill
		Physically Disabled
		Developmentally Disabled
		Domestic Violence
		Frail Elderly
		Homeless
		At Risk of Homelessness
		HIV/AIDS
		Alcohol/Substance Abuse
		Youth Under Age 21
		Other: _____

(continued on next page)

SECTION 1 – APPLICANT INFORMATION AND PROJECT SUMMARY (page 3)

Proposed Number of Units Per Bedroom Count and Income. Place an asterisk next to the City-funded units. Include the square foot of the units.

% Median Income	Studio/ sq. ft.	1-bed /sq. ft.	2-bed /sq. ft.	3-bed /sq. ft.	4-bed /sq. ft.	5-bed /sq. ft.	Totals
Totals							

Construction and Permanent Financing Sources and Total Development Cost

CONSTRUCTION SOURCES

Source (Insert Name)	Proposed Funding Amount	Committed/Conditional Funding Amount	Total Funding Amount
Total			

PERMANENT SOURCES

Source	Proposed Funding Amount	Committed/Conditional Funding Amount	Total Funding
Total			

TOTAL DEVELOPMENT COST

	Proposed Funding Amount	Committed/Conditional Funding Amount	Total Funding
TOTAL			

Signature of authorized official (attached Board/company Resolution).

Signature: _____

Title: _____

Name: _____

Date: _____

Exhibit C – Project Description Requirements

SECTION 2 - PROJECT DESCRIPTION REQUIREMENTS

Provide a complete description of the project activity and the population to be served.

Include the following:

- Describe the property to be acquired, constructed and/or substantially rehabilitated. Include the acreage, square footage, physical description of the proposed project that includes the bedroom/bathroom size, number of stories, type of construction, layout of the buildings on the site, open space, and any other unique features of the proposed project. If there is a community room within the project, provide the square footage. If parking is provided, include the total square footage and number of parking spaces (covered and uncovered).
- If the project is substantial rehabilitation, include the number and type of the existing buildings, provide the original construction date, and provide any engineering assessments completed for the structures. Explain why substantial rehabilitation is preferred over new construction. If the project is substantial rehabilitation, include a current capital needs assessment. If not available, identify the date when the assessment will be available.
- If the developer already owns the project site(s), provide the date of acquisition, purchase price, appraisal, Deed, Preliminary Title Report, and the escrow closing statement.
- Provide a detailed description of any proposed on- and off-site improvements, including map, pictures, aerial photos, etc.
- Describe any environmental mitigation or abatement issues for the project/site.
- Provide a description of the type of household to be served, including information such as the number of tenants, the size and description of the households, and known special characteristics of tenants (i.e., age, disabilities, special needs, seniors, etc.). Also include a description of the living arrangement (i.e., individual apartments, shared housing with onsite management, etc.).
- If a property management company has been selected, provide a copy of the signed agreement.
- Explain how the selected design features are compatible with the housing needs of the target population.
- Describe the project location and the surrounding neighborhood. Include a discussion of the transportation options, amenities, nearby health and medical services, schools, etc.
- Include APN page, site plan and site/neighborhood pictures.

maximum 10 pages

**Exhibit D – Site and Project Readiness
Requirements**

SECTION 3 - SITE AND PROJECT READINESS REQUIREMENTS

Discuss any issues with site control, zoning, special permits, environmental hazards and how they can be resolved in a timely manner.

Include the following:

- Status of site control. If in discussions with a property owner, provide a written agreement or a similar written commitment. If in negotiations with the owner to purchase the property, provide a proposed Purchase and Sale Agreement or written correspondence between the owner and developer.
- Status of the architectural plans, specification, and design elements.
- Description of proposed and firm financing sources and a plan for obtaining additional financing including a timeline. Provide any letters of commitment or funding agreements.
- Proposed project consistency with existing zoning and permit process. If not consistent, describe the steps necessary to alleviate the inconsistency.
- Describe how any required mitigation of existing conditions noted in the environmental assessment, Phase I, Phase II, and any special study prepared for the site will be addressed.
- Substantial rehabilitation projects shall include a discussion for abatement of asbestos, lead-based paint, and/or mold as noted in the environmental documents and studies.
- If substantial rehabilitation, describe how ADA features will be introduced and where.
- Include any final environmental documents completed to date.

maximum 5 pages

Exhibit E – FORM: Project Schedule

Exhibit F – Tenant Relocation Plan Requirements

SECTION 5 - TENANT RELOCATION PLAN REQUIREMENTS

If relocation is required (**STOP**) read carefully. If not, skip to Section 6.

Relocation benefits are triggered under the Uniform Relocation Act (“URA”) when a resident is displaced permanently or temporarily. If a proposed development is partially or fully occupied, a relocation plan must be submitted concurrently with this application and the applicant is required to contact the Project Manager for instruction on tenant notification.

A relocation plan should describe the process to be used for permanent or temporary relocation and how these activities will be funded.

- List availability of comparable replacement units
- Include a budget for relocation with estimates
- Describe how the relocation plan is consistent with the relocation requirements of the funding sources anticipated for the project
- Include sample letters to the tenants
- Include consultant information if applicable

maximum 3 pages

**Exhibit G – Applicant/Development Team
Experience Submittal Requirements**

SECTION 6 – APPLICANT/DEVELOPMENT TEAM EXPERIENCE SUBMITTAL REQUIREMENTS

Demonstrate in narrative form how the skills and experience of the development team are appropriate to the size and complexity of the proposed project.

- Describe the applicant’s experience and capacity to develop the housing type proposed.
- Describe the applicant’s experience with the utilization of state and/or federal funds or other public funds.
- List key development team members, including consultants such as legal counsel, architects, engineers, planners, general construction contractor, property manager, etc. and their qualifications, and their experience. Attach current resumes and agreements.
- Identify the roles of key individuals in the development team (Development Director, Project Manager(s), Project Coordinator(s), etc.). Attach current resumes.
- Provide a fully executed Minute Order or Resolution identifying the person(s) with the authority to represent and make legally binding commitments on behalf of the organization. The Resolution must be project specific and include the amount and type of funding requested.
- If the applicant is also providing funds to the project, provide a fully executed Minute Order or Resolution outlining the funding commitment to the project.
- Identify any legal action, bankruptcies, or lawsuits currently involving the organization.

maximum 5 pages for information above

COMPLETED PROJECTS

Complete one form with the applicant’s information and a second form with the developer’s information (if separate entities). Each must show at least five prior completed projects.

Name	Location	# of Units	Year Completed	Total Project Cost	Sources of Financing

**attach additional pages if needed*

(continued on next page)

SECTION 6 – APPLICANT/DEVELOPMENT TEAM EXPERIENCE SUBMITTAL REQUIREMENTS (continued)

PROJECTS UNDER DEVELOPMENT:

Include all projects currently under construction or projects for which you plan to seek funding in the next 6 months or have received at least one funding commitment.

Name	Location	# of Units	Funding Status	Anticipated Begin Construction Date	Anticipated Complete Construction Date	Key Staff

**attach additional pages if needed*

OTHER COMMERCIAL AND/OR RENTAL PROPERTIES OWNED:

Include all commercial and rental properties owned by the applicant.

Name	Location	# of Units	Management Agency/Name

**attach additional pages if needed*

Exhibit H – City of Clovis Insurance Requirements

SECTION 7
LETTER OF ABILITY TO COMPLY WITH
CITY OF CLOVIS INSURANCE REQUIREMENTS

CITY OF CLOVIS
INSURANCE REQUIREMENTS

Prior to commencement of the Services, Contractor shall take out and maintain at its own expense the insurance coverage required by this **Exhibit C**. Contractor shall cause any subcontractor with whom Contractor contracts for the performance of Services pursuant to this Agreement to take out and maintain equivalent insurance coverage. Said insurance shall be maintained at all times during Contractor's performance of Services under this Agreement, and for any additional period specified herein. All insurance shall be placed with insurance companies that are licensed and admitted to conduct business in the State of California and are rated at a minimum with an "A:VII" by A.M. Best Company, unless otherwise acceptable to the City.

a. Minimum Limits of Insurance. Contractor shall maintain the following types of insurance with limits no less than specified:

(i) General Liability Insurance (including operations, products and completed operations coverages) in an amount not less than \$2,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

(ii) Worker's Compensation Insurance as required by the State of California.

(iii) Automobile Liability Insurance in an amount not less than \$1,000,000 per accident for bodily injury and property damage.

(iv) Umbrella or Excess Liability. In the event Contractor purchases an Umbrella or Excess insurance policy(ies) to meet the "Minimum Limits of Insurance," this insurance policy(ies) shall "follow form" and afford no less coverage than the primary insurance policy(ies). In addition, such Umbrella or Excess insurance policy(ies) shall also apply on a primary and non-contributory basis for the benefit of the City, its officers, officials, employees, agents and volunteers.

If Contractor maintains higher limits than the minimums shown above, the City shall be entitled to coverage at the higher limits maintained.

b. Other Insurance Provisions. The general liability policy is to contain, or be endorsed to contain, the following provisions:

(i) The City, its officers, officials, employees, agents, and volunteers are to be covered as insured's with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the Contractor; and with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form 20 10 11 85 or both CG 20 10, CG 20 26, CG 20 33 or CG 20 38; and CG 20 37 forms if later revisions used).

(ii) For any claims related to the Services performed pursuant to this Agreement, the Contractor's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, agents, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, agents or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.

(iii) Each insurance policy required by this section shall be endorsed to state that the City shall receive written notice at least thirty (30) days prior to the cancellation, non-renewal, or material modification of the coverages required herein.

(iv) Contractor grants to the City a waiver of any right to subrogation which any insurer of said Contractor may acquire against the City by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

(v) Any deductibles or self-insured retentions must be declared to and approved by the City of Clovis Risk Services. The City may require the Contractor to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

c. Evidence of Coverage. Contractor shall deliver to City written evidence of the above insurance coverages, including the required endorsements prior to commencing Services under this Agreement; and the production of such written evidence shall be an express condition precedent, notwithstanding anything to the contrary in this Agreement, to Contractor's right to be paid any compensation under this Agreement. City's failure, at any time, to object to Contractor's failure to provide the specified insurance or written evidence thereof (either as to the type or amount of such insurance), shall not be deemed a waiver of City's right to insist upon such insurance later.

d. Maintenance of Insurance. If Contractor fails to furnish and maintain the insurance required by this section, City may (but is not required to) purchase such insurance on behalf of Contractor, and the Contractor shall pay the cost thereof to City upon demand, and City shall furnish Contractor with any information needed to obtain such insurance. Moreover, at its discretion, City may pay for such insurance with funds otherwise due Contractor under this Agreement.

e. Subcontractors. If the Contractor should subcontract all or any portion of the work to be performed in this Agreement, the Contractor shall cover the subcontractor, and/or require each subcontractor to adhere to all the requirements contained herein. Similarly, any cancellation, lapse, reduction or change of subcontractor's insurance shall have the same impact as described above.

f. Special Risks or Circumstances. The City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

g. Indemnity and Defense. Except as otherwise expressly provided, the insurance requirements in this section shall not in any way limit, in either scope or amount, the indemnity and defense obligations separately owed by Contractor to City under this Agreement.

Exhibit I – Federal/State Funding Requirements

SECTION 8 - FEDERAL/STATE FUNDING REQUIREMENTS

Developments funded in part with HOME/CHDO/CDBG/HOME-ARP/PLHA funds are subject to, but not limited to, applicable federal and state laws, HUD Code of Federal Regulations, HOME Program rules and regulations as set forth in 24 Code of Federal Regulation, Part 92, as amended (2013); CDBG program rules and regulations as set forth in 24 Code of Federal Regulation, Part 570; Requirements for the Use of Funds in the HOME-ARP Program found in U.S. Department of Housing and Urban Development's Notice CPD-21-10; and State Permanent Local Housing Allocation and regulations as set forth in Chapter 364, Statutes of 2017 (SB 2, Atkins - hereinafter "SB 2"), as authorized by Health and Safety Code (HSC) Section 50470. Any, or all, of the following may be part of the funding agreement between the City and the development organization.

- Title 1 of the Housing and Community Development Act of 1974 at 42 USC 5309, Section 109, and 24 CFR § 6
- Title VI of the Civil Rights Act of 1964, and its implementing regulations at 24 CFR § 1
- Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), and its implementing regulations at 24 CFR § 100
- Equal Opportunity and Fair Housing at 24 CFR § 92.350
- Affirmative Marketing at 24 CFR § 92.351
- Tenant Selection and Participation at 24 CFR § 92.303
- Environmental Review at 24 CFR § 92.352
- Layering Review at Section 212(f) of the Cranston-Gonzalez National Affordable Housing Act, 24 CFR § 91,92.250(b), and CPD Notice 98-01
- Davis Bacon and Related Acts at 24 CFR § 92.354 (12 or more HOME-funded units)
- Lead-Based Paint at 24 CFR § 92.355
- Debarment and Suspension at 24 CFR § 92.350 and E.O. 12549 and 12689
- Section 504 of the Rehabilitation Act of 1973 at 29 USC § 794
- Section 3 - Resident Training/Employment of the HUD Act of 1968 and HUD regulations at 24 CFR Part 135
- Minority Business Enterprise/Women's Business Enterprise at 24 CFR § 92.351(b)
- Equal Opportunity and Housing, E.O. 11063
- Drug-Free Workplace Act of 1988 (42 USC § 701), in accordance with the Act and with HUD regulations at 24 CFR Part 24, subpart F
- Byrd Anti-Lobbying Amendment at 31 USC § 1352
- National Environmental Policy Act of 1969, 42 USC § 4321, et seq.
- Copeland "Anti-Kickback" Act at 18 USC § 874, as supplemented by Department of Labor regulations at 29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"
- Equal Employment Opportunity, as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity", as supplemented by regulations at 41 CFR Part 60, Office of Federal Contract Compliance Programs, Equal Employment Opportunity, and Department of Labor
- Contract Work Hours and Safety Standards Act at 40 USC § 327-333, as supplemented by Department of Labor Regulations at 29 CFR Part 5, in regards to the construction and management of the proposed project
- Property Standards at 24 CFR § 92.251

(continued on next page)

- Project Requirements at 24 CFR Part 92, Subpart F, as applicable and in accordance with the type of project assisted
- Maximum Per-Unit Subsidy Limits at 24 CFR § 92.250(a) and Interim Policy: Notice CPD Notice15-003, CPD Notice 15-11
- Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs and applicable regulations at 42 USC 61 Sec. 4601, 49 CFR 24, 42 USC 69 Sec. 5304, 24 CFR 570.606 (a-g), 24 CFR 92.353
- Violence Against Women at 24 CFR 92.253(a) and 92.504(c)(3)(v)(F) and 92.359
- Charging Fees at 24 CFR 92.253(a)
- New Construction - Broadband Infrastructure at 24 CFR 92.504(c)(3)(xi), 24 CFR 5.100.251(a)(2)(vi)
- Rehabilitation – Broadband Infrastructure at 24 CFR 92.251(a)(2)(vi), 24 CFR 5.100
- Compliance with State and local codes, ordinances, and requirements at 24 CFR 92.251(b)(1)(x), 24 CFR 92.251(f)(1)(i), 24 CFR 5.705, 24 CFR 92.2, 24 CFR 5.703

Exhibit J – Underwriting Worksheets

SECTION 9 – UNDERWRITING WORKSHEETS

Include underwriting templates that provide project financial information (i.e., Construction budget, permanent phase budget, 55- or 30-year cash flow statement, gap financing analysis, property management itemized costs, rents, utility allowance, income level, itemized development budget, etc.). Preferred example templates are identified below:

- HOME Multi-Family Underwriting template can be found at the HUD Exchange at: <https://www.hudexchange.info/resource/2468/home-multifamily-underwriting-template/>
- Cost comparison worksheet can be found at the HUD Exchange at: <https://www.hudexchange.info/search/?km=10&ct=&dsp=&q=Home+cost+allocation+tool>
- Sufficient financial information to complete thorough underwriting.
- If this is a Low-Income Housing Tax Credit project, provide a full copy of the application.
- Or any comparable form that includes all the listed items above.