

City of San Marcos  
Community Development Block Grant  
2019 Program  
**Public Services Application**



City of San Marcos  
Community Development Division  
630 East Hopkins  
San Marcos TX 78666  
512.393.8224

## Instructions to Applicants

*Persons with limited English proficiency may request assistance by contacting the City at 512-393-8224. (Las personas con habilidad limitada de Inglés puede solicitar la asistencia poniéndose en contacto con la Ciudad en 512-393-8224.)*

Thank you for your interest in the City of San Marcos' Community Development Block Grant (CDBG) Program. The City will receive approximately \$500,000 for program year 2019 which begins October 1, 2019. The total amount of all public services funding cannot exceed 15% of the annual allocation. An allocation amount of \$500,000 will allow no more than \$75,000 in Public Services Funding.

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids or special assistance should make a request at least 48 hours in advance to the City of San Marcos ADA Coordinator at 393-8065 (voice) or call Relay Texas Service (TRS) by dialing 7-1-1. Requests can also be sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov).

**NOTICE: It is the City's policy to fund programs from only ONE city funding source. For example, if you apply for CDBG funds for a program, you cannot apply for Human Services funding for the same program.**

### APPLICATION PROCESS

#### **2019 APPLICATION PERIOD: March 1, 2019 through April 5, 2019**

All applications for Public Services funding will be reviewed by the Human Services Advisory Board (HSAB). The Board will make a funding recommendation that will be considered by the City Council during their application review. Applicants may not request both CDBG and Human Services funding for the same project. You will complete this application form to request CDBG funding and will turn in one copy of the form, with all required supporting documentation, to the CDBG staff at the address shown below.

CDBG staff members will review your application for completeness and eligibility; after an application passes this review, it will be forwarded to the HSAB board for their consideration. The HSAB will schedule a time for each CDBG applicant to make a brief (3-minute) presentation in support of their funding request. Members of the HSAB board may schedule a site visit prior to the presentation date.

The HSAB board will make a funding recommendation that will be presented to the City Council.

#### **SUBMIT ONE ORIGINAL APPLICATION TO:**

COMMUNITY INITIATIVES DIVISION OF PLANNING & DEVELOPMENT SERVICES  
ATTN: Dalinda Newby – Community Initiatives Coordinator  
630 East Hopkins Street, San Marcos TX 78666

*The Community Initiatives Division office is in the building located behind the Municipal Building.*

For more information contact Dalinda Newby at 512-393-8224 or by e-mail at [dnewby@sanmarcostx.gov](mailto:dnewby@sanmarcostx.gov).

Program information and a PDF version of this application form is available on the City's website at: [www.sanmarcostx.gov/CDBG](http://www.sanmarcostx.gov/CDBG). Upon request, the application form will be provided in Word format.

## SUBRECIPIENT REGISTRATION REQUIREMENTS:

- Organizations receiving CDBG funding (Subrecipients) must obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number. If you do not have a DUNS number, go to <http://fedgov.dnb.com/webform> to register.
- Funded applicants must also have an active registration with System of Award Management (SAM). To register with SAM, go to [www.sam.gov](http://www.sam.gov) to register. You must have a DUNS number prior to registering with SAM. Subrecipients must provide proof of SAM registration prior to the execution of a Subrecipient Agreement. This is required when federal funds are being utilized. Any contractors/service providers hired for the CDBG programs must also have an active registration with SAM prior to start or expenditure of funds.

## PROJECT ELIGIBILITY

Funded projects must address one of the High Priority Needs which are currently established as:

- PUBLIC FACILITIES / INFRASTRUCTURE / TRANSPORTATION
- HOUSING
- DEMOLITION AND CLEARANCE ACTIVITIES
- PUBLIC SERVICES (programs that benefit low/mod persons)

## NATIONAL OBJECTIVES

All funded projects must also meet one of the three CDBG program National Objectives:

- Benefit low to moderate income individuals or families
- Eliminate slum or blight
- Urgent Need (such as disaster recovery)

## APPLICATION CALENDAR AND CITIZEN PARTICIPATION

The City of San Marcos values the input of its citizens and offers a number of opportunities to participate in the preparation of the annual Action Plan. The 2019 program calendar includes (scheduled dates subject to change):

- |                                       |   |
|---------------------------------------|---|
| • Application Workshop                | <b>Mar. 6<sup>th</sup> at 9:00 a.m.</b> – Activity Center, Room 1 |
| • Stakeholder’s Workshop              | <b>Mar. 6<sup>th</sup> at 6:00 p.m.</b> – Activity Center, Room 1 |
| • Public Hearing for Citizen Comments | <b>June 4<sup>th</sup> at 6:00 p.m.</b> – City Council Chambers   |
| • Council Review of Applications      | <b>June 18<sup>th</sup> at 6:00 p.m.</b> – City Council Chambers  |
| • Council 2019 Project Award          | <b>June 18<sup>th</sup> at 6:00 p.m.</b> – City Council Chambers  |

## FUNDING AWARDS

Submitting a complete application does not guarantee your request will be funded. The Program can fund only the actual, allowable, and reasonable costs of the proposed project, and may not exceed these amounts. Funding awards are made by the City Council, subject to HUD approval.

## FUND AVAILABILITY

Funds awarded for the 2019 program year become available after October 1, 2019. The organization’s Subrecipient Agreement with the City must be fully executed prior to the expenditure or commitment of program funds. The appropriate level of environmental review must be completed by CDBG staff before any funds are expended or obligated. Environmental reviews for construction projects typically take 45 to 60 days to complete. Other projects that are not likely to have a physical impact on the environment usually take about 15 days. **No reimbursement will be possible for goods purchased or contracts executed prior to these requirements being met.**

## SPECIAL PROGRAM REQUIREMENTS FOR PUBLIC SERVICE PROJECTS

- The applicant must demonstrate that the program / service for which funding is requested is either:
  - a. A new service or program; or
  - b. A service/program that has shown a quantifiable increase during the current or previous year; or,
  - c. A service/program that is projected to show a quantifiable increase if the CDBG funding is received; or
  - d. A service/program that is currently receiving CDBG funds and that this application is a request for continuation of funding at the same or lower level.
- The total amount of CDBG funds that can be obligated in any one program year is 15% of the total annual allocation.
- CDBG funds cannot be used as a substitute for funding provided during the past 12 months by the City of San Marcos.

## ORGANIZATION ELIGIBILITY REQUIREMENTS

- Organizations applying for Public Services funding must be a public or private non-profit agency, a public housing authority, a City of San Marcos department, or other government entity.
- Non-profit agencies must be established, operating agencies as evidenced through documentation required in the application. Exhibits to show tax exempt status are required.
- Faith Based Agencies are eligible to apply on the same basis as other non-profit organizations. However, CDBG funds cannot be used to support worship, proselytizing, or religious instruction. Religious activities must be offered separately, in time or location, from the CDBG supported activity. Participation in the religious activity must be voluntary for the beneficiaries of the CDBG-funded program. Programs operated by faith-based agencies must be available to all community members and not restricted to the organization's membership or congregation.

## NON-DISCRIMINATION AND ACCESSIBILITY

Each agency receiving funds from the CDBG program is required to assure that it will conduct its business in compliance with the non-discrimination requirements of the County, State, and Federal governments as applicable. Equal Opportunity in Employment policies is required.

In addition, agencies receiving funding must agree to comply with Title VI of the Civil Rights Act of 1964 as amended, Title VIII of the Civil Rights Act of 1968 as amended, Section 104(b) and Section 109 of Title I of the Housing and Community Development Act of 1974 as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063 as amended by Executive Order 12259, and Executive Order 11246 as amended by Executive Orders 11375, 11478, 12107 and 12086.

## FINANCIAL CAPACITY / AUDITING REQUIREMENTS

The *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* issued by the federal Office of Management & Budget (OMB) requires that any organization that expends \$750,000 or more in federal financial assistance in a fiscal year must secure an annual audited financial statement.

The City has established the following financial statement requirements for organizations assisted with CDBG program funds which are based on the total assets of the applicant. The term "total assets" is defined to mean the total amount of liquid assets that is documented to be available to the Subrecipient at the time the funding is approved.

- A. CPA preparation of financial records is not required if the Subrecipient has total assets of \$15,000 or less in value;
- B. A compiled financial statement is required if Subrecipient has total assets greater than \$15,000 and less than or equal to \$100,000 in value.
- C. A reviewed financial statement is required if Subrecipient has total assets greater than \$100,000 and less than or equal to \$200,000 in value.
- D. An audited financial statement is required if Subrecipient has total assets of more than \$200,000 in value. (In an “Audited” statement a CPA provides an in-depth study of the records, organizes them into a statement, and issues an opinion to their validity.)

Organizations receiving CDBG funds must submit the required financial statement which has been prepared by a Certified Public Accountant to the City within nine months from the organization’s fiscal year end and not more than 30 days after the organization’s receipt of the statement.

### INSURANCE AND BONDING

Agencies receiving CDBG funding must provide Workers’ Compensation Insurance coverage for all of its employees involved in the performance of the funded program. At the time of contract signing, funded agencies must provide evidence of insurance including, but not limited to, multi-peril property and liability, worker’s compensation, automobile liability, and other coverage as deemed necessary by the City.

### PROJECT IMPLEMENTATION SCHEDULE AND PERFORMANCE MEASUREMENT GOALS

Performance measurement is an effective management technique that enables those who receive grant funds (Subrecipients) and the City to analyze the benefits of their investments. It is a mechanism that tracks the progression of projects and evaluates their overall effectiveness and success in meeting project goals. **One of the most important overall goals in planning a CDBG project is the completion of the project in a timely manner.**

The City is monitored by HUD to ensure that the grant program has benefited low-to-moderate-income families; one success measurement that the City must meet is the expenditure of its program funds in a timely manner. The City must take into account the project schedules for each program that is funded to ensure that the overall CDBG program will comply with its federally mandated timeliness ratio.

Thus, it is critical that each applicant accurately forecasts the time that will be involved in completing each step of a proposed project. This document will be incorporated into the Subrecipient Agreement for funded projects. Please use the following format to outline the projected Implementation Schedule for your project. *Examples are provided in italics. Please contact staff if you need assistance with completing this form.*

### PERFORMANCE MONITORING

The City will monitor the performance of Subrecipients against the goals and performance standards established by this document. Substandard performance as determined by the City will constitute noncompliance with the Subrecipient Agreement. If action to correct such substandard performance is not taken by the Subrecipient within a reasonable period of time after being notified by the City, contract suspension or termination procedures will be initiated.

## PUBLIC SERVICES PROGRAM OR ACTIVITY ELIGIBILITY

### ELIGIBLE PUBLIC SERVICE ACTIVITIES (24 CFR 570.201(E))

“Public Services” are non-construction social service activities in the community that benefit low- to moderate-income citizens. At least 51% of all program clients must be City of San Marcos residents and have a total family income that does not exceed 80% of the area median income as established by HUD for San Marcos.

CDBG regulations allow the use of grant funds for a wide range of public service activities including, but not limited to:

- After school / child care
- Education programs
- Health services
- Recreation services
- Crime prevention & public safety
- Senior citizens services
- Homeless persons services
- Job Training
- Substance abuse programs

### ELIGIBLE EXPENSES

Eligible expenses include but are not limited to labor, supplies, and materials as well as to operate and/or maintain the portion of a facility in which the public service is located. This includes the lease of a facility, equipment, and other property needed for the public service. Costs incurred for telephone services, postage, and computer use/access. Time sheets will be required to document salary costs. Travel and training expenses may be authorized by the City on a case-by-case basis.

### INELIGIBLE EXPENSES

CDBG funds may not be used to pay for food/meals for staff, fund raising, entertainment, alcoholic beverages, deposits on equipment, incentives to clients (gift cards, raffle prizes) and late fees or penalties. Costs of organized fund raising are not allowable. The purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture is generally ineligible.

### CLIENT INCOME VERIFICATION OPTIONS:

To be eligible for CDBG assistance, a public service project must serve low-to-moderate income persons. Income limits are established by HUD on an annual basis for the purpose of establishing CDBG grant eligibility. The limits are based on household size. Income is calculated for every adult 18 and older residing in the household.

HUD considers 80% and below to be low income. San Marcos CDBG Income Limits are established based upon the Median Family Income for the Austin/Round Rock Metropolitan Statistical Area (MSA). Income limits are updated annually, usually in the spring. The City will post the new limits on its website when they become available and distribute the new limits to all Subrecipient organizations.

The type of income verification needed is determined by the project and the clients served; HUD allows each project to select one of three definitions of “income” to be used in calculating a potential client’s eligibility to be considered low-mod. The project must use the same definition for all applicants. The primary difference in the definition is the treatment of assets. City staff will work closely with all agencies that are selected for funding to determine which income definition should be used.

Documentation of the benefit to low and moderate income level persons is required of every project funded. The income verification needed is determined by the project and the clients served.

Limited Clientele: The public service activities must be offered to a particular group of low and moderate income residents in the entire community. Agencies will collect income data and demographic data for each recipient in the program as either Client Based or Presumed Benefit.

1. Client Based: Activities will be offered to all residents of a particular group of low-and-moderate income residents in the City. Income verification and residency are required along with other client statistics.
2. Presumed Benefit: Activities that exclusively serve a group of persons in any one or a combination of the following categories may be presumed to benefit persons who at least 51% of the population will be low-to-moderate income. Individual income verification is not required, although residency and other client statistics must be collected. The Presumed Benefit categories are:
  - Elderly persons (62 or older)
  - Homeless persons
  - Persons living with AIDS
  - Illiterate persons (includes non-English speakers)
  - Battered spouses
  - Abused children
  - Migrant farm workers
  - Severely disabled adults (Census Bureau definition)

Persons are classified as having a severe disability if they (a) used a wheel-chair or had used another special aid for six months or longer; (b) are unable to perform one or more “functional activities” or need assistance with an ADL or IADL; (c) are prevented from working at a job or doing housework; or (d) have a selected condition included autism, cerebral palsy, Alzheimer’s disease, senility or dementia, or mental retardation. Also, persons who are under 65 years of age and who are covered by Medicare or who receive SSI are considered to have a severe disability.

For purposes of this definition, the term “functional activities” includes seeing, hearing, having one’s speech understood, lifting and carrying, walking up a flight of stairs, and walking. An ADL is an “activity of daily living” which includes getting around inside the home, getting in or out of bed or a chair, bathing, dressing, eating, and toileting. An IADL is an “instrumental activity of daily living” and includes going outside the home, keeping track of money or bills, preparing meals, doing light housework and using the telephone.

3. Nature and Location: Activities must be of such nature and in such location that it may reasonably be concluded that the activity’s clientele will primarily be L/M income persons. For example, a day care center that is designed to serve residents of a public housing complex would qualify under this category. Individual income verification would not be required, although residency and other client statistics would be required. HUD must approve this method of income verification – it is not easy to obtain their approval for this category.
4. Area Benefit: An activity which is available to benefit all of the residents of a defined area which is primarily residential and where at least 51% of the residents are L/M income persons. Public service projects can rarely use this form of satisfying a National Objective.

# Application/Review Checklist

## Public Services Funding

### Community Development Block Grant Program

Due Date: April 5, 2019

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#### SUPPLEMENTAL INFORMATION – SUBMIT ONE COPY OF THE FOLLOWING ITEMS

**NOTE: ALL INFORMATION SUBMITTED WITH AN APPLICATION BECOMES A PUBLIC RECORD AND IS OPEN FOR PUBLIC REVIEW. ALL OR PART OF YOUR APPLICATION MAY BE POSTED ON THE CITY'S WEBSITE AND IN AGENDA PACKET INFORMATION.**

#### REQUIRED:

- \_\_\_\_\_ **Board of Directors list** including position/title on board. Provide a contact number for board Chair/President and Treasurer.
- \_\_\_\_\_ **Resolution or Board Minutes** showing approval to submit an application and designation of person who will sign documents on behalf of the organization.
- \_\_\_\_\_ **Organization Chart**
- \_\_\_\_\_ **Articles of Incorporation**
- \_\_\_\_\_ **Bylaws**
- \_\_\_\_\_ **Tax Exempt Determination Letter** (for non-profit organizations)
- \_\_\_\_\_ Organization's **Current Budget (2018-2019)** and **Proposed Budget** for next fiscal year
- \_\_\_\_\_ **Most Recent audit** or CPA prepared review.
- \_\_\_\_\_ Description of **employees, board members, volunteers** who will work with the project
- \_\_\_\_\_ **Non-discrimination Policy Statement**

#### If applicable:

- \_\_\_\_\_ **Fee schedule / structure** for the project proposed for funding
- \_\_\_\_\_ Copy of **program application** *if* one is used to select beneficiaries
- \_\_\_\_\_ **Analysis of program / service expansion** if this is not a new service.
- \_\_\_\_\_ Description of how **beneficiaries will be selected** (if not by application form)
- \_\_\_\_\_ Description of how **applicant income** will be determined if there are direct beneficiaries
- \_\_\_\_\_ Detailed explanation of any **lawsuits, judgments, or bankruptcy proceedings**
- \_\_\_\_\_ Job description for **new positions** expected to be filled using CDBG funding

# CITY OF SAN MARCOS 2019 CDBG PUBLIC SERVICES APPLICATION



**DUE DATE: APRIL 5, 2019**

## APPLICANT CONTACT INFORMATION

**Applicant Organization:** \_\_\_\_\_

**Contact Name:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Physical Address, if different from mailing address:** \_\_\_\_\_

**Contact E-Mail Address:** \_\_\_\_\_ **Web Address:** \_\_\_\_\_

**Who is authorized to execute program documents?** \_\_\_\_\_

## APPLICATION SUMMARY INFORMATION

**PROGRAM NAME:** \_\_\_\_\_

**PROGRAM FUNDING:** Amount of CDBG Funds Requested: \_\_\_\_\_

**PROJECT LOCATION:** \_\_\_\_\_

### **PROGRAM EXPENDITURES:**

- Will your program be completed (all CDBG funds expended) by July 15, 2020? \_\_\_\_ Yes \_\_\_\_ No
- If "No", what amount would you expect to be spent by that date? \_\_\_\_\_%

### **PROGRAM SUMMARY**

Briefly summarize the program for which CDBG funding has been requested.

How will the funds be used?

**TYPE OF PUBLIC SERVICE (choose one or more)**

- |   |   |
|---|---|
| <input type="checkbox"/> 05A Senior Services                      | <input type="checkbox"/> 05B Handicapped Services                   |
| <input type="checkbox"/> 05C Legal Services                       | <input type="checkbox"/> 05D Youth Services                         |
| <input type="checkbox"/> 05E Transportation Services              | <input type="checkbox"/> 05F Substance Abuse Services               |
| <input type="checkbox"/> 05G Battered and Abused Spouses Services | <input type="checkbox"/> 05H Employment Training                    |
| <input type="checkbox"/> 05I Crime Awareness                      | <input type="checkbox"/> 05J Fair Housing Activities                |
| <input type="checkbox"/> 05K Tenant/Landlord Counseling           | <input type="checkbox"/> 05L Child Care Services                    |
| <input type="checkbox"/> 05M Health Services                      | <input type="checkbox"/> 05N Abused and Neglected Children Services |
| <input type="checkbox"/> 05O Mental Health Services               | <input type="checkbox"/> 05P Screening for Lead Paint/Lead Hazards  |
| <input type="checkbox"/> 05Q Subsistence Payments                 | <input type="checkbox"/> 05R Homeownership Assistance (Not Direct)  |
| <input type="checkbox"/> Other: _____                             |   |

**PROGRAM INFORMATION**

1. Program eligibility (please select one):
  - a. \_\_\_\_\_ This is a new program.
  - b. \_\_\_\_\_ This is an existing program that: (select one of the following)
    - i. \_\_\_\_\_ Has previously received CDBG funding and the amount requested for this year is the same or less than previous funding; or
    - ii. \_\_\_\_\_ will expand to serve more beneficiaries or to provide more services if the CDBG funding as requested is approved. *Please attach an analysis that details how the program or service will be expanded, how many new beneficiaries will be served by the expansion, and how this number was determined.*
  
2. Programs receiving funding from the City at this time (during the current program year):
  - a. How much CDBG funding was awarded? \_\_\_\_\_
  - b. Is this program receiving any other City of San Marcos sources? \_\_\_\_\_
  - c. If yes, how much was received and from what source?  
\_\_\_\_\_
  
3. Is there a fee to clients to participate in the program? \_\_\_\_\_ Yes or \_\_\_\_\_ No.  
*If yes, please provide fee structure*
  
4. Describe the days and hours of operation of the program.

**PROGRAM BENEFICIARIES**

*Applicant must be able to document that at least 51% of the beneficiaries have an annual income that is at or below 80% of the Area Median Income and are San Marcos residents.*

**A. PRESUMED BENEFIT:** Activities that exclusively serve a group of persons in any one or a combination of the following categories may be presumed to benefit persons who at least 51% of the population will be low-to-moderate income. Individual income verification is not required, although residency and other client statistics must be collected. The Presumed Benefit categories are:

- Elderly persons (62 or older)
- Homeless persons
- Persons living with AIDS
- Illiterate persons (includes non-English speakers)
- Battered spouses
- Abused children
- Migrant farm workers
- Severely disabled adults (Census Bureau definition)

1. Will all of the program’s beneficiaries be “Presumed Clientele”? \_\_\_ Yes or \_\_\_ No  
 a. If “yes”, under which category(ies): \_\_\_\_\_

2. How many persons in each presumed category are proposed to be assisted if funding is received?

Abused Children	Elderly Persons	Battered Spouses	Homeless Persons	Severely Disabled Adults	Illiterate Adults	Persons living with AIDS

3. If this program was carried out the previous full program year (10/1 – 9/30), how many persons were served in each presumed category:

Abused Children	Elderly Persons	Battered Spouses	Homeless Persons	Severely Disabled Adults	Illiterate Adults	Persons living with AIDS

**B. BENEFICIARIES WHO ARE NOT CONSIDERED “PRESUMED”**

1. How many persons are proposed to be assisted if funding is received? \_\_\_\_\_
2. If this program was carried out the previous program year (10/1 – 9/30), how many persons were served? \_\_\_\_\_
3. What percentage of persons proposed to be assisted are expected to be low/mod? \_\_\_\_\_
4. What percentage of persons proposed to be assisted are expected to be San Marcos residents? \_\_\_\_\_
5. How do you propose to document the income of the beneficiaries? (check all that apply)
  - \_\_\_\_\_ Evidence that the child is approved for free or reduced lunch
  - \_\_\_\_\_ Evidence that the family lives in housing sponsored by the Housing Authority
  - \_\_\_\_\_ Evidence that the family is WIC approved
  - \_\_\_\_\_ Income documentation using one of the 3 HUD approved methods
  - \_\_\_\_\_ Self-certification, with income verification required of 20% of certifications
  - \_\_\_\_\_ Other, describe:

## Line Item Budget

Guidance: Please use the following format to present your proposed line item budget. Secured funds are funds on-hand, pledged, or awarded. Following the Line Item Budget, please complete the Supplemental Budget Form – Use of Other Resources. Funds and costs, as outlined on the *Sources and Uses of Funds* form, may **not** be spent or incurred prior to a contract award date (usually October 1<sup>st</sup>) from the CDBG Program. Supporting documentation may be attached in the Appendix area.

Expense Category	Total Program Budget	CDBG Portion	Other Funding Source	Other Funds Amount
<b>Personnel Services</b>				
Salaries				
Fringe Benefits				
<b>Supplies</b>				
Office Supplies				
Program Supplies				
Client Materials				
<b>Operating</b>				
Training				
Insurance				
Utilities/Rent/Mortgage				
<b>Other (please specify)</b>				
<b>Total</b>				

Please provide an explanation for any unusual budget expenditures listed in the line item budget above.

## Projected Implementation Schedule with Performance Goals

Projected Start Date: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

Activity Description	Start Month/Year	End Month/Year	Performance Measurement Goal
<i>Example: Hiring New Staff Member</i>	<i>October 2019</i>	<i>December 2019</i>	<i>Employment process complete</i>

## Organization Information

**Please attach the following documents with your application:**

- Organizational Chart
- Articles of Incorporation
- Proof of Tax Exempt status
- Board Minutes/Resolution authorizing application submittal/specifying who will sign documents.  
*(The organization's governing board must approve the submittal of this funding application and designate a person who is authorized to execute program documents.)*

**ORGANIZATION TYPE:**

\_\_\_\_ 501(c) Non-Profit Corporation    \_\_\_\_ Public Corporation    \_\_\_\_ Government Entity

Other: \_\_\_\_\_

How many years has your organization been in business? \_\_\_\_\_

Organization's Taxpayer Identification Number (EIN): \_\_\_\_\_

Organization's Dun and Bradstreet Number: \_\_\_\_\_

Organization is currently registered in the federal System for Award Management (SAM):    \_\_\_\_ Yes    \_\_\_\_ No

**Financial Information**

1. What is the date of your fiscal year end? \_\_\_\_\_
2. Has your organization received City of San Marcos funding in the past two years?    \_\_\_\_ Yes    \_\_\_\_ No  
If yes, please provide a short summary of the purpose/amount of City funding: \_\_\_\_\_  
\_\_\_\_\_
3. Does your organization currently or within the past five years have any litigation that is pending or has been resolved?    \_\_\_\_ Yes    \_\_\_\_ No  
*If "yes", please attach a summary of the litigation and its status; including any outstanding judgments.*
4. Has your organization filed a petition for bankruptcy or has a petition for bankruptcy been filed against your organization?    \_\_\_\_ Yes    \_\_\_\_ No  
*If "yes", please attach an explanation that includes the current status.*
5. During your last fiscal year, did your organization expend \$750,000 or more in Federal financial assistance?    \_\_\_\_ Yes    \_\_\_\_ No
6. What level of financial review does your organization obtain from an independent source? Select from the following options:  

____ Single Audit	____ Audited Financial Statement
____ Reviewed Financial Statement	____ Compiled Financial Statement
____ No independent review	____ Other (describe):



## **Conflicts of Interest (24 CFR 570.611; 24 CFR 85.36; and 24 CFR 84.42)**

There are two sets of conflict of interest provisions applicable to activities carried out with CDBG funding. The first set, applicable to the procurement of goods and services by subrecipients (*funded applicants*), is the procurement regulations found in the *Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards as codified in Title 2, Part 200 of the Code of Federal Regulations*. The second set of provisions is located at 24 CFR 570.611(a)(2).

With respect to procurement activities, the subrecipient must maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. At a minimum, these standards must:

1. Require that no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by federal funds if a real or apparent conflict would be involved. Such a conflict would arise when any of the following parties has a financial or other interest in the firm selected for an award:
  - An employee, officer, or agent of the subrecipient;
  - Any member of an employee's, officer's, or agent's immediate family;
  - An employee's, agent's, or officer's partner; or
  - An organization which employs or is about to employ any of the persons listed in the preceding sections.
2. Require that employees, agents, and officers of the subrecipient neither solicit nor accept gratuities, favors, or anything of value from contractors, or parties to sub-agreements. However, subrecipients may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.
3. Provide for disciplinary actions to be applied for any violations of such standards by employees, agents or officers of the subrecipient.

With respect to all other CDBG-assisted activities, the general standard is that no employee, agent or officer of the subrecipient, who exercises decision-making responsibility with respect to CDBG funds and activities is allowed to obtain a financial interest in or benefit from CDBG activities, or have a financial interest in any contract, subcontract, or agreement regarding those activities or in the proceeds for the activities. Specific provisions include that:

- This requirement applies to any person who is an employee, agent, consultant, officer, or elected or appointed official of the City, a designated public agency, or a subrecipient, and to their immediate family members and business partner(s).
- The requirement applies for such persons during their tenure and for a period of one year after leaving the grantee or subrecipient organization.
- Upon written request, exceptions may be granted by HUD on a case-by-case basis.

## Conflict of Interest Questionnaire

*NOTE: For the purpose of this form, a "covered person" includes any person who is an employee, agent, consultant, officer or elected or appointed official of the City of San Marcos, your organization, or any designated public agency.*

Name of Organization: \_\_\_\_\_

1. Does your organization maintain a written code or standards of conduct that governs the performance of its officers, employees or agents engaged in the award and administration of contracts supported by Federal funds? Yes \_\_\_\_\_ No \_\_\_\_\_ If "No" is checked, please explain how you will comply with this requirement:

\_\_\_\_\_

2. Are any of your Board Members or employees that are responsible for carrying out this project or members of their immediate families or their business associates also:

- a. Employed by the City of San Marcos? Yes \_\_\_\_\_ No \_\_\_\_\_
- b. Members of or closely related to members of the San Marcos City Council? Yes \_\_\_\_\_ No \_\_\_\_\_
- c. Members of or closely related to an employee of the City of San Marcos? Yes \_\_\_\_\_ No \_\_\_\_\_
- d. Current beneficiaries or related to beneficiaries of the project for which funds are requested? Yes \_\_\_\_\_ No \_\_\_\_\_
- e. Paid providers of goods or services to the program or having other financial interest in the program or related to such individuals? Yes \_\_\_\_\_ No \_\_\_\_\_

3. For **each** relationship described above, please answer the following questions: (attach additional page if necessary)

- a. Name of employee or official: \_\_\_\_\_
- b. Is this person receiving or likely to receive taxable income from your organization? Yes \_\_\_\_\_ No \_\_\_\_\_
- c. Is your organization receiving or likely to receive taxable income from or at the direction of the employee or official AND the taxable income is not from the City of San Marcos? Yes \_\_\_\_\_ No \_\_\_\_\_
- d. Is your organization affiliated with a corporation or other business entity in which the employee or official serves as an officer or director, or holds an ownership interest of 10% or more? Yes \_\_\_\_\_ No \_\_\_\_\_

4. Describe any other affiliation or business relationship that might cause a conflict of interest with respect to CDBG funds and activities.

5. Will any of your organization's employees, officers, board members or members of their immediate family and/or business partners have a financial interest in any contract, subcontract, or agreement regarding CDBG funded activities? Yes \_\_\_\_\_ No \_\_\_\_\_. If yes, please attach an explanation.

## Applicant Assurances and Certifications

The applicant hereby assures and certifies with respect to this project/program, by the submission of this application, that:

1. *It possesses legal authority to apply for the grant and to finance the proposed request; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.*
2. *It will comply with the Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards as codified in Title 2, Part 200 of the Code of Federal Regulations (UAR) and agrees to adhere to the accounting principles and procedures required therein, utilizing adequate internal controls and maintaining necessary source documentation for all costs incurred.*
3. *If it expends \$750,000 or more of federal funds in a fiscal year, it will comply with the Single Audit Act of 1984.*
4. *It will comply with the provisions of Executive Order 11988, relating to evaluation of flood hazards, and Executive Order 11990, relating to protection of wetlands. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, and approved December 31, 1976. Section 102(a).*
5. *It will have sufficient funds available or the ability to obtain the non-federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.*
6. *It will give the City and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.*
7. *It will cause work on the project to be commenced within a reasonable time after receipt of notification from the City that funds have been approved and that the project will be performed to completion with reasonable diligence.*
8. *It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives federal financial assistance and will immediately take any measures necessary to effectuate this agreement.*
9. *It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646), which provides for fair and equitable treatment of persons displaced as a result of federal and federally-assisted programs.*
10. *It will comply with the provisions of the Hatch Act, which limit the political activity of employees.*
11. *It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act as they apply.*
12. *It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the city/federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be utilized in the project is under consideration for listing by the EPA.*
13. *It will assist the city/federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.).*

14. *It will comply with Texas Civil Statutes, Article 5996a, by insuring that no officer, employee, or member of the applicant's governing body or of the applicant's contractor shall vote or confirm the employment of any person related within the second degree by affinity or third degree by consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person who shall have been continuously employed for a period of two years prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.*
15. *It will insure that all information collected, assembled or maintained by the applicant relative to this project shall be available to the public during normal business hours in compliance with Texas Civil Statutes, Article 6252-17a, unless otherwise expressly provided by law.*
16. *It will conduct and administer the program in conformity with the Fair Housing Act (42 USC Section 3901 et. Seq.) and that it will affirmatively further fair housing.*
17. *It will minimize displacement of persons as a result of activities assisted with CDBG funds. In the event that displacement of residential dwellings will occur in connection with a grant-assisted project, it will follow a residential anti-displacement and relocation assistance plan as specified by the City of San Marcos.*
18. *It certifies that it is not now, nor has it ever been, on the Federal List of Debarred Contractors.*
19. *It will not attempt to recover any capital costs of public improvements assisted in whole or in part with such funds by assessing any amount against properties owned and occupied by persons of LMI, including any fee charged or assessment made as a condition of obtaining access to such public improvements unless (a) such funds are used to pay the proportion of such fee or assessment that related to the capital costs of such public improvements that are financed from revenue sources other than such funds; or (b) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, applicant certifies that it lacks sufficient funds under this contract to comply with the requirements of clause (a).*
20. *It agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the U.S. Housing and Urban Development regulations concerning Community Development Block Grants (CDBG)) including subpart J and subpart K of these regulations, except that (1) the Agency does not assume the recipient's environmental responsibilities described in 24 CFR 570.604 and (2) Agency does not assume the recipient's responsibility for initiating the review process under the provisions of 24 CFR Part 52. Agency also agrees to comply with all other applicable Federal, State, and local laws, regulations, and policies governing the funds provided. Agency further agrees to utilize funds available to supplement rather than supplant funds otherwise available. Agency shall comply with all applicable Federal laws, regulations, and requirements, which include compliance with the provisions of the HCD Act and all rules, regulations, guidelines, and circulars promulgated by the various Federal departments, agencies, administrations, and commissions relating to the CDBG Program. The applicable laws and regulations include, but are not limited to:*
  - *24 CFR Part 570;*
  - *24 CFR Parts 84 and 85;*
  - *The Davis-Bacon Fair Labor Standards Act;*
  - *The Contract Work Hours and Safety Standards Act of 1962;*
  - *Copeland "Anti-Kickback" Act of 1934;*
  - *Sections 104(b) and 109 of the Housing and Community Development Act of 1974;*
  - *Section 3 of the Housing and Urban Development Act of 1968;*
  - *Equal employment opportunity and minority business enterprise regulations established in 24 CFR part 570.904;*
  - *Non-discrimination in employment, established by Executive Order 11246 (as amended by Executive Orders 11375 and 12086);*
  - *Section 504 of the Rehabilitation Act of 1973 Uniform Federal Accessibility Standards;*

- *The Architectural Barriers Act of 1968;*
- *The Americans with Disabilities Act (ADA) of 1990;*
- *The Age Discrimination Act of 1975, as amended;*
- *National Environmental Policy of 1969 (42 USC 4321 et seq.) as amended;*
- *Lead Based paint regulations established in 24 CFR Parts 35, 570.608, and 24 CFR 982.401;*
- *Asbestos guidelines established in CPD Notice 90-44;*
- *HUD Environmental Criteria and Standards (24 CFR Part 51);*
- *The Energy Policy and Conservation Act (Public Law 94-163) and 24 CFR Part 39*
- *Flood Disaster Protection Act of 1973;*
- *Colorado House Bill 06-1023 and 06-1043;*
- *Procurement Standards (2 CFR 200.322);*
- *Rights to Inventions Made Under a Contract or Agreement (37 CFR 401.2 (a));*
- *Energy Efficiency (2 CFR Part 200 Appendix II); and*
- *Recycling (2 CFR Part 200 Appendix II).*

**Certifications Regarding Lobbying:**

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit standard form – “*Disclosure Form to Report Lobbying*”, in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
4. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**General Certifications:**

I, the duly authorized representative of the applicant organization, certify that to the best of my knowledge and belief:

1. The information, exhibits, and schedules contained in this application are true and accurate statements and represent fairly the financial condition of our organization;
2. Our organization is eligible to receive federal funding and has not been placed in a debarred or otherwise ineligible status under the provisions of CFR Part 24;
3. Our organization prohibits discrimination in accordance with Title VI of the Civil Rights Act of 1964; and,
4. Our governing body has duly authorized submission of this document. If funded, we agree to comply with the procedures outlined in the *"Playing by the Rules"* handbook that will be supplied by the City of San Marcos.

CERTIFIED BY:

\_\_\_\_\_  
Signature

Date Signed: \_\_\_\_\_

Printed Name & Title: \_\_\_\_\_

Organization Name: \_\_\_\_\_