

AFFORDABLE HOUSING DEVELOPMENT
REQUEST FOR APPLICATIONS (RFA)

Release date:

July 22, 2024

AMENDMENT 1 (08/13/24). Housing Trust Fund Advisory Board meeting- date of meeting changed from August 29, 2024 to September 5, 2024. Page 5



Division of Housing and Community Development
Office of Regional Development

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Introduction

The Kem C. Gardner Policy Institute estimates that there is a deficit of nearly 35,000 rental units in Salt Lake County for those making less than \$30,000 annually or those who are at 30% or below Area Median Income. That number increases to nearly 46,000 units for those at 40% or below Area Median Income in the County.

To address this staggering deficit, Housing and Community Development (HCD) is prioritizing the development of rental units for those at 30% or below Area Median Income with a prioritization of permanent supportive housing for those experiencing homelessness.

As part of the American Rescue Plan Act, the County received \$78 million in federal emergency rental assistance funds to help individuals pay their rent and utilities during the pandemic under the Emergency Rental Assistance Program (ERA 2) established by section 3201 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (March 11, 2021). The initial Emergency Rental Assistance Program (ERAP) launched in March 2021 and served over 42,000 families and distributed approximately \$173 million in rental assistance. With the remaining \$3.6 million dollars of ERAP funds, Salt Lake County continues supporting housing stability by assisting residents facing eviction and through the construction and/or preservation of affordable rental housing projects.

In addition, HCD was awarded approximately \$6.2 million in HOME ARP (American Rescue Plan) funding. [The Grant Allocation Plan](#) prepared by HCD describes the specific uses of these funds, which include means to address homelessness, rental assistance, case management and non-congregate shelter. As indicated in the Plan, there is approximately \$1.1 million to be used for the development of affordable rental housing in the County.

This RFA includes both the ERAP and HOME ARP funds as outlined above, totaling approximately \$4.7 million that is available for the development of affordable housing through this RFA.

The funding available through this RFA will provide short-term financing for housing developments in Salt Lake County with a priority for projects that provide units designated for those who are experiencing or at risk of experiencing homelessness. Projects must provide HOME-ARP dedicated units available to the Qualified Populations (QP's) that HCD identified in its Allocation Plan. It is anticipated that 1-2 projects will be awarded using these funds.

Section 1. Overview and Schedule

1.1 Overview

The purpose of this Request for Applications is to award **short-term capital loans** to qualified housing developers who demonstrate their ability to construct and/or rehabilitate affordable housing developments, align their projects with the County's affordable housing priorities, and maintain/manage affordable housing developments. Priority will be given to entities that develop **deeply affordable and permanent supportive housing**.

Uses of the funds include land acquisition, pre-development costs, construction financing, etc. and must be repaid to the County, with simple interest, in a period no longer than 5 years. Projects that include larger numbers of permanent supportive housing and deeply affordable units will score higher in the proposal ranking process.

1.2 Pre-Application Webinar

Interested applicants are invited to attend a pre-application webinar to discuss project and applicant eligibility and to ask questions about this RFA. The pre-application webinar will be held on **Friday, July 26, 2024 at 9:00 am (MDT)**.

The pre-application webinar is for informational purposes only. If the RFA needs to be modified or clarified, a written addendum will be issued.

The pre-application webinar will be held via WebEx and requires pre-registration.

To register to attend the pre-application webinar, please use the link below. Please make sure that you use your business/organizational information when registering as this information is subject to the Utah Government Records Access and Management Act (GRAMA) regulations.

[Pre-Application Webinar Registration](#)

1.3 Submitting a Question

Applicants are encouraged to submit their questions in writing before the pre-application webinar through the question form, [RFA Questions from Prospective Applicants](#). The last day to submit questions is **Friday, August 9, 2024 at 3:00 pm (MDT)**.

1.4 Submittal Deadline

Applications are due no later than **Friday, August 23rd, 2024, at 3:00 pm (MDT)**. Applications must be submitted online and not in person. Late applications will not be accepted.

Refer to Section 6 for additional details on the requirements and process for submitting an application.

1.5 Submittal Requirements

To be considered complete, applications must include all the information outlined in Section 6.

The Application and Project Information Form and other forms form are available at [Affordable Housing Development RFA website](#).

Activity	Date
Pre-Application Webinar	<i>Friday, July 26, 2024</i> <i>9:00 am</i>
Final day to submit questions	<i>Friday, August 9, 2024</i> <i>3:00 pm</i>
Application Submission Deadline – late applications will not be accepted	<i>Friday, August 23, 2024</i> <i>3:00 pm</i>
HTF Advisory Board meeting, Applicant Presentations, and Funding Recommendations	<i>Thursday, August 29, 2024</i> September 5, 2024

Section 2. Housing & Community Development Priorities

2.1 Qualified Populations and HOME ARP Requirements

HCD has identified the following Qualified Populations (QP) as part of its HOME ARP allocation plan. As such, the purpose of this RFA is to provide housing that would be available to all the following QP's:

- Homeless as Defined in 24 CFR 91.5
- At-Risk of Homelessness as Defined in 24 CFR 91.5
- Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, as Defined by the Violence Against Women (24 CFR 5.2003) and Human Trafficking
- Other Populations/Subpopulations Requiring Services or Housing Assistance to Prevent Homelessness and Those at Risk of Housing Stability
 - Veterans
 - People with a Substance Abuse Disorder and/or Mental Illness
 - Disabled Populations

Applications must identify which QP will be prioritized.

Projects must have 10 units designated as HOME ARP restricted. Of those ten units, at least 7 must serve QP's identified above and 3 must be restricted to households at 30% AMI or below.

2.2 Funding Priorities

Project priority criteria will be utilized to evaluate and rank applications, as follows. Bonus points for meeting these priorities are included below. Projects that include more priorities will be ranked more competitively.

1. **Permanent Supportive Housing:** these units are designated for those who are experiencing homelessness. Applicants should include information about whether any type of voucher will be used for these units, whether those vouchers are secured, and who will be providing case management for tenants. **Up to 15 bonus points**
2. **Deeply Affordable Housing:** these units are designated for those at 30% or below area median income who may or may not be experiencing homelessness and may or may not require a voucher or case management. If other subsidies will be used to assist in the

payment of rent for the tenant, applicants must describe these subsidies and whether they have been secured and are ongoing. **Up to 15 bonus points.**

3. **Underserved Populations:** priority will be given to projects that include units targeted to vulnerable populations that are in addition to the HOME ARP designated units. To receive bonus points for this priority, projects must include at least 20% of the units targeted to any of the following populations: persons with disabilities; the elderly; and other populations that are at risk of homelessness due to their economic, health, or social circumstances. **Up to 10 bonus points.**
4. **Long-term Affordability:** priority will be given to projects that provide long-term affordability. Projects that are affordable for at least 50 years will score higher. **Up to 10 bonus points.**
5. **Mix of Unit Sizes:** priority will be given to projects that include a mix of units with more than two bedrooms. Projects that include units with three or more bedrooms will be ranked higher. **Up to 7 bonus points.**
6. **Transit Proximity:** priority will be given to projects that are located within walking distance of a transit stop/station to encourage access to public transit. To receive bonus points for this priority, projects must be located within 1/3 mile walking distance of a TRAX station, S Line station, or other station/stop on a frequent transit network line. **Up to 5 bonus points.**
7. **Sustainability:** priority will be given to projects that incorporate sustainable building and design practices to promote a built environment that assists with conserving resources and lowering utility costs for residents. Projects must demonstrate a commitment to an industry-recognized building certification program. **Up to 5 bonus points.**
8. **Leveraging:** priority will be given to projects that provide evidence of leveraging non-County funds at least a 3:1 ratio. **Up to 5 bonus points.**
9. **Timeliness:** Bonus points will be given to projects that can demonstrate through financial commitments and construction estimates an ability to commence construction within twelve (12) months of entering into an agreement with Salt Lake County. **Up to 5 bonus points.**

Section 3. Loan Terms and Conditions

3.1 Standard Loan Terms and Conditions

In releasing this RFA, Housing and Community Development is intending to expand housing opportunities for low-income households in Salt Lake County. The funding available through this RFA can be used for eligible uses described in Section 4.4 and must be repaid within 5 years of execution of an agreement with the County. Funding will be provided as loans pursuant to the following terms and conditions:

1. **Loan Amount:** Loan requests cannot exceed \$4,700,000.
2. **Term:** Financing will be in the form of short-term loans not to exceed 5 years. Because loan extensions will not be granted, applicants must demonstrate in their response how they will meet the term requirements of the loan.
3. **Interest Rate:** The interest rate for loans will be 1%. Interest on loans shall accrue annually as simple interest.

4. **Repayment:** Frequency of loan payments is negotiable. All loans must be repaid in full by the end of the term, regardless of payment frequency.
5. **Security:** Loans must be secured using the following assurances: Loan Agreement; Promissory Note; Trust Deed; Deed Restriction on maximum rents and tenant eligibility standards for not less than 20 years from the time of occupancy.
6. **Subordination:** Loans may be subordinated.
7. **Affordable Housing Restriction:** Eligible projects must provide for a period of affordability of maximum rent and tenant income eligibility standards, imposed through covenant or other enforceable legal mechanism, of not less than 20 years. Restrictions will be in place from the time Certificate of Occupancy is received by the local jurisdiction.
8. **Closing Costs:** Borrower is responsible for the expense of document preparation and other closing costs, if any.

3.2 Other Conditions

The amount of funds will be awarded based on the program application, evaluation criteria and funding availability.

Any contract and/or agreement resulting from this solicitation will become effective on the date of execution with a requirement that loan funds are fully expended no later than August 30, 2025.

Funding may be distributed on a cost-reimbursement basis.

Salt Lake County may elect to terminate any loan for non-compliance or funding availability.

3.3 Compliance

Each applicant must certify that the project is, and will be, in compliance with all federal and local rules and regulations. Projects will be subject to ongoing monitoring to evaluate and ensure that projects are complying with affordability requirements, applicable funding priority policies and other requirements as determined in the loan agreement.

Section 4. Threshold Requirements

4.1 Eligible Applicants

Applications will be accepted from the following:

1. For-profit corporations, partnerships, joint ventures, limited liability companies, or sole proprietors.
2. Private incorporated non-profit agencies with IRS 501(c) designation.
3. Public housing agencies.

**Salt Lake County understands that in certain cases, such as with projects that also receive Low Income Housing Tax Credits, the applicant for this funding will not be the same entity that funds are contracted with. Salt Lake County reserves the right to contract with a special purpose or other entity as needed in these cases.*

4.2 Eligibility Requirements

To be considered eligible, projects seeking funding through this program must meet the following requirements:

1. Be located wholly within Salt Lake County.
2. Aid in achieving the stated program goal to bring additional affordable units online and/or into the development pipeline within five years of signing closing documents on an awarded project.
3. Comply with ERAP and HOME ARP requirements.
4. Demonstrate the ability to obligate and expend awarded funds by the stated deadlines.
5. Effectively leverage County funding.
6. Be in good standing if the applicant or the project previously received funding from the SLCo Office of Regional Development, or the SLCo Division of Housing & Community Development.

Applicants are advised that the County is not bound by the terms of the RFA until a written agreement is fully executed and any activity taken on by the Applicant prior to full execution of a written agreement is done at the Applicant's sole risk.

For all project types awarded funding, loan agreements will require the project or units adhere to all applicable local codes and comply, at a minimum, with the applicable federal or county program requirements related to:

- Resident income restrictions;
- Maximum rent limits, as defined by HOME-ARP regulation;
- Period of affordability and related covenant requirements for assisted units; and
- Tenant protections, such as requiring notice of rent increases or restrictions of evictions.

4.3 Development Team Experience

Applicants and their development teams must have 1) the experience, financial expertise, and technical capacity to deliver a project that meets the requirements of this RFA, and 2) the demonstrated ability to maintain long-term viability and compliance of affordable housing projects.

4.4 Eligible Uses of Funds

Eligible uses of the funds used for expenditures related to increasing long-term housing security are as follows:

1. Acquisition of land and existing structures.
2. Site preparation or improvements, including demolition.
3. Predevelopment costs, such as architectural/engineering fees, including specifications and job progress inspections, environmental reviews, etc.
4. Hard costs related to construction of the building.
5. Rehabilitation costs of existing housing.

The following costs/fees/expenditures are not eligible uses of the awards:

1. Debt service payments.
2. Deposits into reserve accounts.
3. Supplanting other funds.

4. Pay delinquent taxes, fees or charges on properties to be assisted with these funds.

4.5 Site Control

Evidence of site control must be demonstrated through ownership, option, sale agreement, or long-term lease.

4.6 Affordability Requirements

A minimum of 80% of the project's total residential units must be affordable for households at or below 80% AMI for the proposed development to be eligible for financing. Projects that have more units designated for households with lower incomes will score more competitively.

Section 5. Application Evaluation and Scoring Criteria

Applications will be reviewed internally by HCD staff to determine whether they meet the eligibility criteria outlined in Sections 4.1 and 4.2. If the application is eligible, then it will be scored and ranked based on the criteria set forth below by the Housing Trust Fund Advisory Board which will also determine final award amounts.

The scoring criteria in the green section is based on the information provided by the Applicant in the **Affordable Housing Development RFA 2024: Application and Project Information Form**. That form is included in the items provided by the County in Section 6.1.

Each member of the Housing Trust Fund Advisory Board will be provided with a score sheet to complete the proposal evaluation utilizing the point system listed below. Board members individually score the proposals and rank them 1st, 2nd, 3rd, etc. according to their total score. The following point system is utilized:

Excellent (5): If the application exceeds expectations, with an excellent probability of success in achieving all requirements of the RFA, and is very detailed in providing innovative ideas, new concepts, or optional features applicable to the project then a score of "5" is given.

Good (4): If the application has a very good probability of success, achieves all requirements of the RFA reasonably, and provides some innovative ideas, new concepts, or optional features applicable to the project then a score of "4" is given.

Acceptable (3): If the application has a reasonable probability of success but falls short of some of the requirements of the RFA, and lacks innovative ideas, new concepts, or optional features applicable to the project then a score of "3" is given.

Poor (1-2): If the application falls short of expectations of the RFA and has a low probability of success then a score of "1" or "2" is given.

Unacceptable (0): If the approach completely fails the requirements of the RFA, then a score of “0” is given.

If an applicant does not meet the eligibility screening or submits an incomplete application, that will result in the application not being reviewed by the Board and the project will not be eligible for funding.

Application Eligibility Screening	Staff Check
Application submitted by the deadline	<input type="checkbox"/>
Application complete, with required materials and required acknowledgements as specified in the application	<input type="checkbox"/>
Project is located wholly within Salt Lake County	<input type="checkbox"/>
Eligible project type	<input type="checkbox"/>
Eligible Qualified Population(s) identified	<input type="checkbox"/>
Eligible use of funds <input type="checkbox"/> Real property acquisition <input type="checkbox"/> Development hard costs <input type="checkbox"/> Predevelopment costs <input type="checkbox"/> Rehabilitation of existing units <input type="checkbox"/> Other eligible use: _____	<input type="checkbox"/>
Applicant agrees to comply with: <input type="checkbox"/> SLCo’s Environmental Compliance Practices, Vendor Compliance Statement, and Non-Debarment Certification	<input type="checkbox"/>
Assessment of Risk to SLCo	Staff Check
<i>Rated as green (low risk), yellow (moderate risk), and red (high risk) or NA (not applicable)</i>	
Risk of funds not being spent by August 30, 2025 deadline	
Risk of funds not being repaid to SLCo	
Application Scoring Criteria	Advisory Board Score
Project Narrative – Question 2 10 points (weighted at 2)	/ 10
<i>Scoring criteria</i> 1. How detailed and complete is the project summary? 2. Is the project reasonable and well thought out?	
Comments:	
Moderate Income Housing Plan (MIHP) Coordination- Question 3 (weighted at 2)	/10
<i>Scoring criteria</i> 1. Does the project outline how it meets any of the needs outlined in the MIHP?	

2. Does the applicant describe why this specific project is needed in the community?	
Financial Leverage and Contingencies- Questions 4 and 5 (weighted at 2)	
<i>Scoring criteria</i> <ol style="list-style-type: none"> 1. Does the project have other funding sources that it is leveraging as part of the overall cost? 2. Does the applicant describe how the project will handle unexpected increases or delays? 	/10
Comments:	
Experience- Question 6 (weighted at 2)	
<i>Scoring Criteria</i> <ol style="list-style-type: none"> 1. Does the applicant outline significant experience developing affordable housing? 2. If part of a larger development team, do other members have significant affordable housing experience? 3. Do other completed projects match the scope and size of this project? 	/10
Comments:	
Ability to Repay- Question 7 (weighted at 4)	
<i>Scoring Criteria</i> <ol style="list-style-type: none"> 1. Does the project outline how the loan will be repaid within the 5-year period? 2. Do the terms outlined make sense with how the project has been presented, both in length of time and size of individual payments? 	/20
Comments:	
Outreach and Service Plan (Questions 8 and 9) (weighted at 4)	
<i>Scoring Criteria</i> <ol style="list-style-type: none"> 1. Does the application outline how it will target the highest need of the selected population? 2. Does the manager of the property provide enough experience to successfully operate the project? 3. Does the applicant outline how Coordinated Entry will be utilized to prioritize tenants? 	/20
Comments:	
Detailed Services (Questions 10a, 10b, 10c) (weighted at 4)	
<i>Scoring Criteria</i> <ol style="list-style-type: none"> 1. Does the applicant outline services clearly? 2. Are the services described appropriate for the clients the project will be serving? 3. Are the costs of the services accounted for clearly and is the funding plan sustainable? 	/20

TOTAL SCORE	/100
Bonus scoring	Advisory Board score
Permanent Supportive Housing (Yes=15, No=0)	/ 15
Deeply Affordable Housing (Yes=15, No=0)	/ 15
Transit Proximity (Yes=5, No=0)	/5
Unit Mix (Up to 7)	/ 7
Underserved Populations (Up to 10)	/ 10
Long Term Affordability (Up to 10)	/ 10
Sustainability (Up to 5)	/ 5
Leveraging (Up to 5)	/ 5
Timeliness (Up to 5)	/ 5
Bonus Total	/77
TOTAL SCORE + Applicable BONUS Points	/ 177

Section 6. Application Submission Requirements

6.1 Application Process and Components

IMPORTANT: Prior to filling out the online Application and Program Information Form, complete and compile the following documents, which will need to be attached to the Application and Program Information Form.

To be considered complete, application submittals must include the following components:

1. Forms provided by Salt Lake County which can be found [here](#):
 - a. Application and Program Information Form (Appendix A)
 - b. Budget and Pro-Forma (Appendix B)
 - c. Environmental Compliance Practices, Vendor Compliance Statement, and Non-Debarment Certification (Appendix C)
 - d. Business Confidentiality Request Form, if applicable (Appendix D)
 - e. Exception to Contract Request/Remedy Form, if applicable (Appendix E)
 - f. HOME ARP Agreement Template (Appendix F)
 - g. ERAP 2 Agreement Template (Appendix G)
2. Additional documents to be attached to the Application Coversheet Form:
 - a. Verification of site control or purchase agreement.

- b. Articles of Incorporation and Bylaws for borrowing entity including an organizational chart of all entities involved in the project.
- c. Complete sources and uses statement with accompanying commitment letters from funding sources, if applicable.
- d. Project Schedule, including site acquisition, design, permitting, financing commitments, construction start and completion dates, zoning changes, and marketing & outreach. Indicate which steps are complete.
- e. Project Pro Forma for the Affordability Period (20 years), beginning at the issuance of the Certificate of Occupancy,
- f. Site location and map or survey.
- g. Site plan, floor plans, and elevations, if available.
- h. Appraisal, if available.
- i. Environmental Phase I Report, if available.
- j. 501(c)(3) Determination Letter, if applicable.

Separate applications are required for each project.

Applicants bear the cost of preparing and submitting the application.

Failure to comply with any part of the RFA will result in disqualification of the application.

Do not include additional information or documents such as personal cover sheets, table of contents, pamphlets, marketing or public relations information, addenda, etc.

Section 7. General Requirements and Information

7.1 Written Agreement Required

The selected Applicant must agree to all requirements in the RFA unless an exemption is stated in the application. The County understands that the attached Loan Agreement, Deed Restriction and Promissory Note may need to be negotiated due to requirements that Borrower may have from other funders. **HOWEVER, IF YOU WISH TO MAKE MATERIAL CHANGES TO THE RFA INCLUDING EXHIBITS, ATTACHMENTS, ADDENDA AND/OR ANY OF THE TERMS OF THE EXAMPLE STANDARD AGREEMENT THE EXCEPTION MUST BE SPECIFICALLY IDENTIFIED IN YOUR APPLICATION WITH REASONABLE ALTERNATIVES PRESENTED. APPLICANT UNDERSTANDS THAT DEVIATIONS FROM THE STANDARD FORM AGREEMENTS ARE MADE AT THE COUNTY'S DISCRETION.** Applicants are advised that County is not bound by the terms of the RFA until a written agreement is fully executed and any activity taken by Applicant prior to a written agreement being fully executed is done at the Applicant's sole risk.

7.2 Notice to Applicants

By submitting an application to this RFA, Applicant understands and agrees to the following:

- A. RFA Cancellation: This RFA may be cancelled at any time prior to the execution of a written agreement if deemed in the best interests of County. This includes cancellation of the RFA after an award has been made, but prior to the execution of a written contract. Applicant is not entitled to recover any costs related to the preparation of the application due to cancellation of the RFA or withdrawal of an award prior to the execution of a written agreement.
- B. Loan Amount: All loan amount requests and awards are to remain firm from the RFA closing date until the contract document is executed, unless a different period is stated in County's RFA. Any application that does not offer to remain firm for the required period may be considered to be non-responsive.
- C. Costs: Applicants bear all costs and expenses related to this RFA including, but not limited to, preparation and delivery of the application, attending the pre-application conference, and attending an interview, if applicable.
- D. Licensing: All applicable federal, state, and local licenses must be acquired before the contract is entered into between County and the selected respondent. Licenses must be maintained throughout the entire contract period. Persons doing business as an Individual, Association, Partnership, Corporation, or otherwise shall be registered with the Utah State Division of Corporations and Commercial Code. NOTE: Forms and information on registration may be obtained by calling (801) 530-4849 or toll free at 877-526-3994, or by accessing: <https://corporations.utah.gov>.
- E. Changes or Modifications: County will make any changes or modification to the RFA by written addendum. Applicants submitting an application based on any information other than that contained in County's RFA and any addenda, do so at their own risk.
- F. Receiving Applications: Applications will be submitted via a SmartSheet form (as outlined on the [RFA website](#)) that will require multiple attachments and will be reviewed after the closing date and time. If only one application is received in response to this RFA, County may recommend an award of a contract to the single Applicant if the conditions cited above are met. Alternatively, County may re-solicit for the purpose of obtaining additional applications.
- G. Rejection of Applications: Any application containing significant deviations from the specifications of the RFA shall be considered non-responsive and may be rejected in whole or in part.
- H. Protests: Pursuant to Salt Lake County Code of Ordinances § 3.25.080, a protest in regard to the RFA document shall be submitted in writing to the Program Administrator within seven (7) business days after notification of the award is posted to the county's website or delivered to the applicants. An appeal may be amended and/or supplemented during the seven calendar days after notification of the award is posted but shall not amend and/or supplement its appeal after the expiration of that time period. An aggrieved applicant may file only one (1) appeal after the closing date for applications. Appeal letters should specifically and completely state the facts that constitute the error in the applications process or the award and the desired remedy.
- I. Free and Competitive Selection: Any agreement or collusion among prospective Applicants to fix a price or limit competition shall render the application void, and such conduct is unlawful and subject to criminal sanction. Each Applicant shall certify that no one in its firm or company has either directly or indirectly restrained free and competitive selection, participated in any collusion, or otherwise taken any action unauthorized by County Purchasing Ordinances or applicable law.
- J. Reasonable Accommodations: Reasonable accommodations for qualified individuals to

attend meetings may be provided upon receipt of a request with two (2) working days' notice. Please contact Josh Narvaez, Program Administrator, at 385-622-2143. TTY users may call 711.

- K. Environmentally Responsible Procurement Practices: County has implemented environmentally responsible procurement practices. Please refer to Appendix C: Environmental Compliance Practices, Vendor Compliance Statement, and Non-Debarment Certification.
- L. Government Records Access and Management Act (GRAMA)
County is a governmental entity subject to the Utah Government Records Access and Management Act (GRAMA), Utah Code Ann. §§ 63G-2-101 to -901. As a result, County is required to disclose certain information and materials to the public, upon request. Generally, any document submitted to County is considered a "public record" under GRAMA. Any person who provides to County a record that the person believes merits protection under subsection 63G-2-305(1) or (2) must submit with their application all of the following: (1) a written claim of business confidentiality and (2) a concise statement of reasons supporting the claim of business confidentiality, and (3) a separate copy of the application with the information requested to be protected redacted. **Failure to comply with any of the three requirements for a claim of business confidentiality waives the request for protected record.** Generally, GRAMA only protects against the disclosure of trade secrets or commercial information that could reasonably be expected to result in unfair competitive injury. For your convenience, County has provided a Business Confidentiality Request Form which is attached to this RFA as Appendix D **All documents submitted in response to this RFA will be treated as public records in accordance with GRAMA, unless a claim of business confidentiality has been properly made and approved by County. All proposed costs/pricing/fees submitted to the county are public records. An entire application cannot be identified as "PROTECTED," "CONFIDENTIAL," or "PROPRIETARY" and may be considered non-responsive if marked as such.**
- M. Notice to Retirees of Utah Retirement Systems (URS)
County is a URS "participating employer." Entering into an agreement with County may affect a URS retiree's retirement benefits including, but not limited to, cancellation of the retiree's "retirement allowance" due to "reemployment" with a "participating employer" pursuant to Utah Code Ann. § 49-11-504 to -505. In addition, Contractor is required to immediately notify County if a retiree of URS is the contractor; or an owner, operator, or principal of the contractor. Contractor shall refer the URS retiree to the URS Retirement Department at 801-366-7770 or 800-695-4877 for all questions about post-retirement employment regulations.
- N. Employee Status Verification System
Applicant shall register and participate in the Status Verification System before entering into a contract with County as required by Utah Code Ann. § 63G-12-302. The Status Verification System is an electronic system operated by the federal government, through which an authorized official of a state agency or a political subdivision of the state may inquire by exercise of authority delegated pursuant to 8 U.S.C. § 1373 to verify the citizenship or immigration status of an individual within the jurisdiction of the agency or political subdivision. Applicant is individually responsible for verifying the employment status of only new employees who work under Applicant's supervision or direction and not those who work for another Applicant or subcontractor, except each Applicant or

subcontractor who works under or for another Applicant shall certify to the main Applicant by affidavit that the Applicant or subcontractor has verified, through the Status Verification System, the employment status of each new employee of the respective Applicant or subcontractor. The Applicant shall comply in all respects with the provisions of Utah Code Ann. § 63G-12-302. Applicant's failure to so comply may result in the immediate termination of its contract with County.

O. Ethical Standards

Applicant represents that it has not: (a) provided an illegal gift to any County officer or employee, or former County officer or employee, or to any relative or business entity of a County officer or employee, or relative or business entity of a former County officer or employee; (b) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards set forth in State statute or Salt Lake County Code of Ordinances § 2.07; or (d) knowingly influenced, and hereby promises that it will not knowingly influence, any County officer or employee or former County officer or employee to breach any of the ethical standards set forth in State statute or Salt Lake County ordinances.

P. Campaign Contributions

The Salt Lake County campaign finance disclosure ordinance limits campaign contributions by Applicants to County candidates. Salt Lake County Code of Ordinances § 2.72A. Applicant acknowledges and understands those limitations on campaign contributions mean that any person, business, corporation or other entity that enters into a contract or is engaged in a contract with County is prohibited from making campaign contributions in excess of \$100 to County candidates during the term of the contract and during a single election cycle as defined in the ordinance. Applicant further acknowledges that violation of those provisions governing campaign contributions may result in criminal sanctions as well as termination of this Agreement.

Q. Copyrighted Material Waiver

In the event that the application contains copyrighted or trademarked materials, by submitting its application the Applicant grants the County the right to use, reproduce, and publish the copyrighted or trademark materials in any manner the County deems necessary for conducting County business and for allowing public access to the responses under GRAMA or otherwise, including but limited to photocopying, County Intranet/Internet postings, broadcast faxing, and direct mailing.

If the application contains materials whose copyright or trademark is held by a third party, it is the Applicant's sole responsibility to obtain permission from that third party for the County to reproduce and publish the information.

By submitting its application, the Applicant certifies that it owns or has obtained all necessary approvals for the reproduction or distribution of the contents of the application and agrees to indemnify, protect, save and hold the County, its representatives and employees harmless from any and all claims arising from all intellectual property claims related or connected to the application and agrees to pay all legal fees incurred by the County in the defense of any such action.

R. Restrictions on Communications

From the issue date of this Request For Application until an Applicant is selected and the selection is announced, Applicants are prohibited from communications regarding this procurement with agency staff, evaluation committee members, or other associated individuals EXCEPT the Program Administrator overseeing this procurement. Failure to comply with this requirement may result in disqualification.

7.3 Insurance Requirements

Insurance will be required per the amounts listed below. Please refer to the attached sample agreement for information concerning insurance requirements.

- A. Workers' compensation and employer's liability insurance as required by the State of Utah.
- B. Commercial general liability insurance in the minimum amount of \$2,000,000 per occurrence with a \$3,000,000 general policy aggregate and a \$2,000,000 products completed operations policy aggregate.
- C. Professional liability insurance in the minimum amount of \$2,000,000 per occurrence with a \$3,000,000 annual policy aggregate limit.
- D. Commercial automobile liability insurance that provides coverage in the minimum amount of \$1,000,000 per person, \$2,000,000 per accident, \$500,000 per occurrence for property damage, or a single combined limit of \$2,000,000.