

REQUEST FOR APPLICATIONS ROUND 2

AFFORDABLE HOUSING GAP FINANCING PROGRAM

**To Create Deeply Affordable, New, Permanent Supportive
Housing Rental Units**

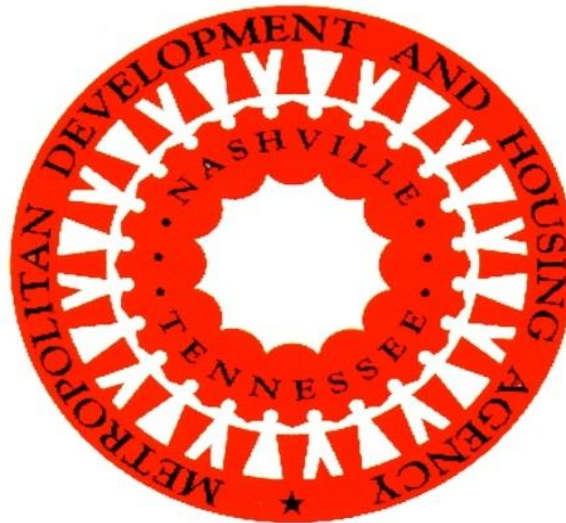
Open to Housing Developers

Applications Accepted

May 17, 2023 – September 29, 2023

or

Until funding is exhausted



Metropolitan Development and Housing Agency



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Attachments

Attachment A: DBE Program

Attachment B: Applicant Certifications

Attachment C: Identify of Interest Disclosure – complete only if applicable

Navigate to the ZoomGrants page for the organization by using the link provided to you by the program administrator:

<https://bit.ly/MDHARFA>

NOTE: For this first step, **do not go to the ZoomGrants homepage**. Once you've started an application using the link above, you can log in at <https://ZoomGrants.com/login>.

2. CREATE AN ACCOUNT AND LOG IN

Create your ZoomGrants account and log in using the New ZoomGrants Account box on the righthand side. If you already have an account, log in using the boxes in the upper right corner of the page.

NOTE: In ZoomGrants, **each application is officially associated with a single account and each account is 'owned' by a single user and accessed by a single email address**. We recommend that the person who will be the primary contact for applications creates the first account for an organization. Once that person creates their account, gets logged in, and starts the application(s), they will be able to invite other people to collaborate on all or some of the applications in their account.

3. CREATE YOUR APPLICATION

Click the **Apply** button next to the appropriate program to create your first application for that program.

4. INVITE OTHERS TO COLLABORATE

Use the Collaborators section in the first tab of the application to invite others to work on this application with you.

- Enter their email address.
- Indicate on which sections they are allowed to collaborate.
- Click the **Invite** button. An invitation will be sent to their email address. They'll be able to set up an account by which they can access and edit the application.

NOTE: If granted access, collaborators can do everything that the application owner can do except: editing the Applicant and Organization information sections in the first tab of the

The screenshot shows the ZoomGrants homepage for 'The Generous Foundation'. At the top right, there are fields for 'Existing ZoomGrants™ Users: Email' and 'Password', with a 'Log In' button. Below this is a 'New ZoomGrants™ Account' section with fields for 'Email', 'Password', 'First Name', and 'Last Name'. There are radio buttons for 'Organization' (selected) and 'Individual' account types, and a 'New Account' button. A note at the bottom states: 'Password must be 8-16 characters and contain at least 1 letter and 1 number. We do not sell or rent your personal information to anyone. Ever.'

This is a close-up of the 'New ZoomGrants™ Account' form. It includes input fields for 'Email', 'Password', 'First Name', and 'Last Name'. Below these are radio buttons for 'Organization' (selected) and 'Individual'. A 'New Account' button is at the bottom. A note at the bottom states: 'Password must be 8-16 characters and contain at least 1 letter and 1 number. We do not sell or rent your personal information to anyone. Ever.'

The screenshot shows the 'Open Programs' section of the ZoomGrants interface. A red arrow points to the 'Apply' button next to the 'Funding Program 10/10/2017 - Individuals and Organizations'.

The screenshot shows the 'Collaborators' section of the ZoomGrants interface. It includes a table with columns for 'Email Address', 'Editing Access', and 'Status'. The 'Email Address' column has a field with 'A' and a button 'Add to Additional Contacts (below)'. The 'Editing Access' column has a field with 'B' and a button 'C Invite'. A note at the bottom states: 'Additional Contacts for this Application. Additional Contacts will be copied on all emails sent to the application owner regarding this application. Enter ONLY email addresses separated by a comma. No names. No titles. No phone numbers.'

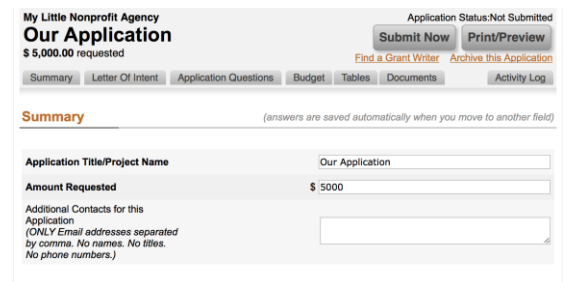
application and submitting, archiving, or deleting the application.

5. ANSWER THE QUESTIONS AND

FILL IN THE BUDGET AND TABLES

The system will automatically save your answers as you move through the application and enter text then click outside of each textbox or select a multiple choice or checkbox item and click into a new field. Click on the tabs to quickly jump to another section of the application or use the 'Next' and 'Previous' buttons at the bottom of the tabs to move sequentially through the application.

NOTE: Some question tabs may have a **branching question**, which will hide certain questions based on your answers to the branching question.

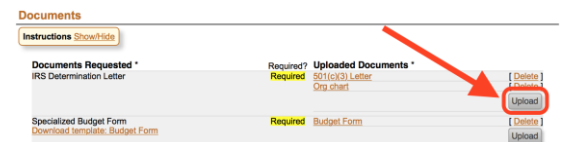


6. UPLOAD DOCUMENTS

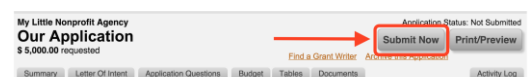
Click the **Upload** button next to each applicable document request set up by the administrator to open up the File Upload Window for that request. Follow the instructions in the window to upload or link a file (or multiple) in that slot.

NOTES:

- 1) Any document request marked with a yellow '**Required**' note **MUST** have something uploaded or linked in that slot in order for your application to be submitted. If you feel a required request is not applicable to you, create a document in which you note the inapplicability and upload that into the slot.
- 2) If the administrator has provided a **template**, click the orange 'Template' link to download that template. Fill it out, then upload it into that slot.
- 3) Click the **Help** button in the File Upload Window to access a quick tutorial video (also available here: http://youtu.be/b0lxkjs5_Ow).
- 4) If you finish your application by uploading documents, use the grey Refresh Page button to reload the page before clicking the Submit Now button to submit your application.



7. SUBMIT THE APPLICATION



Click the grey Submit Now button at the top of the application when you've completed the applicable content in every tab. The system will check to ensure you have answered every question and uploaded all 'Required' documents. Any skipped questions or missing documents will be listed in red. When you're done with your edits, use the grey Refresh Page button in the application to reload the page, then click the Submit Now button to re-run the check. If your application is complete, you'll be able to enter your initials and officially submit the application.

My Little Nonprofit Agency
Our Application
\$ 5,000.00 requested

Application Status: Not Submitted

Submit Now Print/Preview

Find a Grant Writer Archive this Application

Application Completion [Hide this](#)

By entering your initials here you certify this application truthfully and accurately represents your request and is hereby submitted for review. Submission of this application does not, in any way, guarantee that you will receive funding. Submission of this application also indicates your agreement to the [terms](#) of using ZoomGrants™.

Initials

Submit Now

Summary Letter Of Intent Application Questions Budget Tables Documents Activity Log

NOTES:

1) The **completion check** verifies that you have answered the applicable questions and uploaded 'Required' documents, but you are responsible for ensuring you have completed the content requested in the budgets and tables (as applicable) and uploaded the documents that are requested but not 'Required'.

2) If the administrator has chosen to let you make changes to your application even after it has been submitted, you can edit your submitted application up until the deadline passes. If you do make any changes, you do NOT need to 're-submit' it. The changes are automatically reflected in the submitted application.

1.0 PURPOSE/PROGRAM OVERVIEW

The Metropolitan Development and Housing Agency (MDHA) is accepting applications for the Affordable Housing Gap Financing (AHGF) program, which is a \$13,600,678.37 loan fund dedicated to the creation of much-needed, deeply affordable, 30% Area Median Income (AMI) or below and units set aside for permanent supportive housing (PSH) for Davidson County's homeless population to be leased in accordance with the "Housing First" model. Housing First is a homeless assistance approach that prioritizes providing, low-barrier permanent housing to people experiencing homelessness, thus ending their homelessness and serving as a platform from which they can pursue personal goals and improve their quality of life. More information on Housing First can be at the following link:

<https://endhomelessness.org/resource/housing-first/>

The intent of this Request for Applications (RFA) and the AHGF program is to address the financing needs of affordable, multifamily rental housing "shovel ready" permitted projects that have a financing gap resulting from construction cost increases and/or changes in originally sufficient financing commitments which can produce units quickly. Additionally, AHGF funds may be provided to projects already under construction with a financing gap if the Developer can restructure the unit mix and project financing to provide a minimum of 2% of the units as deeply affordable (30% AMI or below) and a minimum of 2% of the units as PSH set-asides to be leased to the intended population in accordance with the terms of this RFA. There is a strong preference for one-bedroom units.

Successful applications will demonstrate that these financial changes in the project have resulted in a reduction of sources or an increase in uses, or both. AHGF is **not** designed for projects which have not yet received commitments of funding from other sources. AHGF is **not** designed as an opportunity to increase total project costs by adding discretionary construction to projects which otherwise have adequate sources. AHGF is **not** designed or intended to reduce deferred developer fees unless certain reductions in deferred fees are needed for transactional feasibility.

To receive AHGF funds, developers will be required to commit to reserving a minimum of 2% of units in the project for periods ranging from 20 to 35 years (affordability period) to be used as deeply affordable housing for lease to households with incomes at or below 30% of Area Median Income (AMI) and 2% PSH set-asides that will be referred for occupancy and connected to services and case management through the Coordinated Entry (CE) process managed by Metropolitan Nashville-Davidson County's Office of Homeless Services (MOHS). See Section 5.0 for additional information on the CE referral process.

AHGF funds will be a subordinate loan to the project with an interest rate and repayment terms negotiated based on the project's needs, the population being served, and projected surplus cash flow and requirements of superior lenders. The amount and terms of the AHGF loan will be based on the amount needed to fill the financing gap and the number of units reserved for lease to the intended population, with a not to exceed per-unit subsidy limit. Repayment of AHGF loans will be secured by a Deed of Trust and occupancy requirements enforced via a Deed Restriction on the property. MDHA will monitor projects annually throughout the affordability period to ensure compliance.

There is no requirement for or restriction against what types of other funding sources the applicant has in the project. Each application will be subject to financial underwriting by MDHA for determination of viability. This determination shall be the sole opinion of MDHA. As a condition of the award, MDHA may require revisions to the affordability mix or other changes based on MDHA's analysis of the project.

2.0 ELIGIBLE BORROWERS

Nonprofit housing developers or mission-aligned for-profit housing developers.

3.0 ELIGIBLE PROJECTS

3.1 Threshold Criteria

- a) Projects located within Nashville-Davidson County.
- b) Rehabilitation or New Construction Projects for rental housing.
- c) Projects that have received a reservation of low-income housing tax credits (LIHTCs) under either the 4% or 9% programs through the Tennessee Housing and Development Agency (THDA) and have a financing gap or projects already under construction with a financing gap if the Developer can restructure the unit mix and financing to provide a minimum of 2% of the units in the project to be leased to the intended population in accordance with the terms of this RFA.
- d) Other affordable housing projects that have received awards of funds from other sources, such as the Barnes Fund, THDA's Affordable Housing Trust Fund, etc., and have a financing gap.
- e) Projects that demonstrate the ability to close on all financing within six months of AHGF award (all financing for the project is committed, permits in hand, and require only a commitment of AHGF funds to address a financing gap).
- f) Projects that commit to reserving a minimum of 2% of the total units in the project for households with incomes at or below 30% AMI and an

additional 2% of the total units in the project set aside and designated as PSH. These units will qualify as “low-mod” units and can be designated from units already identified as LMI (80% AMI and below) in the project’s unit mix for periods ranging from 20 to 35 years (affordability period) for lease to households that will be referred for occupancy through the Coordinated Entry (CE) process and managed by Metropolitan Nashville-Davidson County’s Office of Homeless Services (MOHS). CE will also assign PSH subsidies and the appropriate level of case management.

- g) Developers must fully disclose all known conditions pertaining to sites to be used for construction. The disclosure includes, but is not limited to, any existing building(s) on the site(s), occupancy, i.e., residential or commercial, environmental factors, etc. Failure to disclose such information will disqualify the project(s) for funding.
- h) Developer(s) must fully disclose any identity of interest relationships that could reasonably give rise to a presumption that the parties to the transaction may operate in collusion in establishing the purchase price of the property, the cost of the construction work, or the terms of the financing. Failure to disclose such information will disqualify the project(s) for funding.
- i) All developers, including principals, member(s), and contractors, must be current in all financial obligations to MDHA. MDHA will not award AHGF funds to an organization or agency that has failed to complete any MDHA-funded project or has outstanding monitoring findings or disallowed costs, defaulted loans, debarment actions, or any other legal encumbrances.

3.2 Readiness to Proceed

Readiness to proceed is a central element of the AHGF program. Accordingly, there are specific threshold criteria related to readiness. These requirements generally exceed standards typically associated with requests for gap funding programs.

The following are required of all properties applying for funding under the AHGF program:

- a) Funds **will not be** awarded under AHGF for properties that intend to apply for LIHTCs or other housing subsidy programs.
- b) For properties that are eligible for LIHTCs or other housing subsidy programs, funds will only be awarded to those which have applied and

received funding awards or have credits reserved under either the 4% or 9% programs.

- c) A Phase I Environmental Site Assessment (ESA) must have been completed, and if required by the Phase I ESA; a Phase II ESA must be complete and unexpired.
- d) A building construction plan set has been completed (which is sufficient to permit a General Contractor to propose a Guaranteed Maximum Price Contract) as of the date of submission of an application under this RFA.
- e) The proposed property is either (a) consistent with existing zoning and no zoning variance is required, or (b) a zoning variance was required but was issued prior to the submission date of the application under this RFA.

3.3 Eligible Costs

All hard and soft construction costs, including land/building acquisition.

3.4 Ineligible Costs

Support Services.

3.5 General Project Requirements

- a) All AHGF projects must provide the set-aside PSH and deeply affordable units for the homeless population for the term of the affordability period.
- b) Developers must agree to lease all AHGF units through the Coordinated Entry (CE) process managed by Metropolitan Nashville-Davidson County's Office of Homeless Services (MOHS). Tenants will be fully qualified by CE.
- c) Developers shall ensure recognition of the role of Metro Nashville and MDHA in providing funding for projects resulting from this application. Any groundbreaking or ribbon-cutting events must be scheduled and coordinated through MDHA's Communication Office, which will work with Metro Nashville's Communication Office on aligning the activities. Additionally, all news releases and marketing materials during the development or lease-up phase must be submitted to Metro Nashville and MDHA's communication representative for review prior to distribution.
- d) Developers must pay all taxes and assessments on property, general or special, when due.

3.6 Professional Services Required

1) Developer Qualifications

The Developer(s) must demonstrate a past record of successfully completing and managing the type of housing projects being proposed and must have key personnel performing the requested services with significant experience in the construction of similar housing projects and ongoing management of units or developments, as applicable. The Developer(s) may provide services in the appropriate disciplines by his/her firm or through joint ventures or agreements with other firms.

During the term of any Agreement resulting from this application, the Developer shall represent that it has, or will secure at its expense, all personnel required in performing the services necessary to complete the project proposed in this application. Such personnel shall not be employees of or have any contractual relationship with MDHA.

All services required hereunder will be performed by the Developer or under its supervision, and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under state and local law to perform services.

2) Licensing and Business Requirements

The Developer is responsible for complying with all licensing requirements and associated business regulations, whether local, state, or Federal. It is the responsibility of the potential project manager to determine the applicability of any rule, regulation, or other requirement.

3) Equal Employment Opportunity

The Developer(s) shall affirm that it does not subscribe to any personnel policy which permits or allows for discrimination in the employment promotion, demotion, dismissal, or laying off of any individual due to his/her race, creed, color, national origin, age or gender or physical handicap and that it has not been convicted of violating Metropolitan Code of Laws, Section 2-1-112 through 2-1-114, within the immediate preceding six (6) month period.

3.7 Property Standards/Green Building Requirements

- a) All projects must meet all applicable state and local codes, rehabilitation standards (if applicable), ordinances, and zoning requirements and mitigate disaster impact, as applicable, per state and local codes, ordinances, etc.
- b) All projects should demonstrate responsible, quality construction with respect to energy efficiency, environmental impact, and reductions in the use of shared municipal resources.
- c) For projects containing more than four (4) rental units, the construction must include the installation of broadband infrastructure, as this term is defined in 24 CFR 5.100.
- d) The project must meet the accessibility requirements in 24 CFR part 8, which implements Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131–12189) implemented at 28 CFR parts 35 and 36, as applicable. New construction projects must meet the criteria in 24 CFR part 8.22, and Alteration of existing buildings must meet the criteria in 24 CFR part 8.23. ***The required minimum number of units in either category is based on the total number of units in the project, not just the AHGF-assisted units, and must be rounded up.*** Accessible units must be, to the maximum extent feasible, distributed throughout the projects and sites. They must be available in a sufficient range of sizes and amenities so as not to limit choice.
- e) Covered multifamily dwellings, as defined in 24 CFR 100.201, are buildings consisting of 4 or more units served by one or more elevators, or ground floor dwelling units in other buildings with 4 or more units must meet the requirements of Section 804(f)(3)(C) of the Fair Housing Act in addition to the requirements of Section 504 of the Rehabilitation Act of 1973 referenced in item d) above.
- f) All projects must meet HUD housing quality standards (HQS) set forth in 24 CFR Part 982.
- g) All projects must meet the most recent standards for residential energy efficiency set forth in the International Energy Conservation Code.
- h) Additional information can be found on the following website and by contacting the Metro Code Department:

<https://www.energycodes.gov/>

- i) All common spaces must be made accessible in accordance with the Uniform Federal Accessibility Standards.

- j) All projects must comply with the Visitability Standards listed below in all ground floor units unless there are topography issues on the site that make it cost-prohibitive.

Visitable Entrance	Visitable Passage	Accessible Bathroom
Provide at least one (1) zero-step entrance to the home which contains the central living area that is connected to the public street, sidewalk, or to the driveway. The entrance must include a 36-inch door that provides a clear opening of no less than 32 inches.	All interior doors on the main floor (including bathroom) shall have 36-inch doors that provide for clear openings of no less than 32 inches. Provide a minimum 36-inch wide path of travel through the main floor of the home.	One (1) bathroom on the main floor of the home that includes clear floor space of at least 30" x 48". The toilet, counter, and door swing may not encroach into the clear floor space.

4.0 AFFORDABILITY REQUIREMENTS – OCCUPANCY RESTRICTIONS

All units created as part of the AHGF program must be leased to households with incomes at or below 30% AMI and PSH that will be referred and qualified for occupancy through the Coordinated Entry (CE) process and connected with support services managed by Metropolitan Nashville-Davidson County's Office of Homeless Services (MOHS) for periods ranging from 20 to 35 years (affordability period). The term of the affordability period for AHGF will be a minimum of 20 years but may be extended if other project financing (LIHTC) does not allow repayment to begin until the initial 15-year compliance period is completed.

Affordability restrictions remain in force regardless of transfer of ownership or repayment of the AHGF funds and will be enforced with a deed restriction ("Declaration of Restrictive Covenants") which will be recorded with the Davidson County Register of Deeds. The Affordability Period commences upon Project completion, defined as the date the Developer leases the units to tenants referred through CE. The Declaration of Restrictive Covenants shall be senior to any financing for the project and shall not be canceled in the event of foreclosure of any lien.

Pre-payment of AHGF funds provided as a loan through this application does not terminate or reduce the Affordability Period. If the Developer fails to comply with any of the AHGF requirements pertaining to renting the units as affordable housing to the intended population, they will be required to repay the full amount of the AHGF subsidy.

5.0 CE REFERRAL PROCESS

Upon completion of the AHGF projects and as vacancies occur, the owner/management agents must promptly notify the MOHS CE Coordinator that the set-aside Deeply affordable or PSH units are available. If MOHS CE refers one or more clients within a reasonable period not to exceed one week, the owner/management agent must accept such clients prior to considering any other applicant(s) for the set-aside units. The owner/management agent is **NOT** required to hold set-aside units if the MOHS CE client referrals fail to provide needed information within a reasonable timeframe. The requirements of the CE referral process that MOHS and the Developer are required to adhere to are outlined below and will be included in an exhibit that will be part of the Developer Agreement for the AHGF funds.

5.1 Responsibilities of Metro Office of Homeless Services (MOHS)

- a) Through community coordination and Coordinated Entry (CE) prioritization protocol, refer appropriate client applicants from the By Name List to AHGF developer/project vacancies. Referrals will be made within 1 week of the vacancy. MOHS agrees to process all client applicants and make referrals in accordance with the community's established CE process requirements. Before referring a client applicant, MOHS also will validate that each: a) is experiencing homelessness and b) has an appropriate housing subsidy.
- b) Refer client applicants to partner agencies for ongoing support services to assist in the transition from homelessness to housing. If CE cannot assign support services case manager from a partner agency, MOHS staff will provide support services for the client applicant until a case manager is available.
- c) If a client applicant is not well suited for placement, MOHS will assist a partner agency in referring the client applicant to another housing resource and refer a new client applicant to the vacant unit.
- d) Update HMIS to include all required documentation and HMIS Universal data elements and program specific data elements.
- e) Investigate and address complaints regarding data collection, VISPDAT scoring and/or other assessment process tools.
- f) Enter data into any additionally mutually agreed upon collections tools.

5.2 Responsibilities of AHGF developer and any management company (AHGF developer/project)

- a) Dedicate units to CE and provide for the acceptance of referrals from MOHS at all times.
- b) Alert MOHS of any vacancies in a prompt manner, no later than 1 week before ready to accept the referral. If CE refers one or more client applicants within a reasonable period not to exceed one week, the AHGF developer/project must accept such client applicants prior to considering others.
- c) Notify MOHS if the AHGF developer/project becomes aware or discovers that a client applicant is in violation of project rules.
- d) AHGF developer/project and any management company must accept MOHS client applicant referrals and fill units with such client applicants that have received vetting and approval through CE. AHGF developers/project and any management company shall not charge an application fee or fee for any background check.

6.0 STRUCTURE OF FUNDING ALLOCATION

MDHA has allocated a minimum of \$13,600,678.37 AHGF funds for eligible projects, of which up to \$2,535,298.37 can be awarded as forgivable loans as allowed by Metro Council Resolution R2022-1696. The \$ amount awarded as forgivable loans will be based on demand and overall project scoring.

Applications will be evaluated and scored based on the criteria outlined in Section 8 of this RFA in the order they are submitted in ZoomGrants. Funds may be allocated until all funds available for eligible projects submitted under this RFA are exhausted.

The MDHA Board of Commissioners will award AHGF funds throughout the application acceptance period based on the recommendations of the application review committee. The Developer Agreements for the use of the AHGF funds will be with MDHA.

6.1 Maximum Per Unit Subsidy Limits

It is MDHA's desire that the AHGF 2nd Round of funding provides a minimum of 57 set-aside units to serve the intended populations. Therefore, projects that provide set-aside units for less than the maximum per-unit subsidy limits listed

below for the AHGF funds will have a scoring advantage. Additionally, the parameters outlined below will be factors that will be considered when evaluating, scoring, and awarding AHGF.

The maximum amount of AHGF funds invested will not exceed the maximum per unit subsidy limits established by HUD for the Section 234-Condominium Housing (elevator-type) and basic mortgage limits for Nashville, Tennessee multiplied by the high-cost percentage of 285% to account for rapid price increases. The applicable limit for 2022 is listed in the table below.

2022 Maximum Per Unit Subsidy Limits				
0 BR	1 BR	2 BR	3 BR	4+ BR
\$175,240	\$200,896	\$244,293	\$316,028	\$346,910

The amount of AHGF units in a project will be in proportion to the amount of AHGF funds requested for the project, with a minimum set-aside of 2% of the units in each category (i.e., the PSH and the deeply affordable, 30% AMI or below).

For example, there is a \$2 million gap in a project containing 100 units with the following mix; 40 1-bedroom; 55 2-bedroom, and 5 3-bedroom. Using this example, only 4 units (2 deeply affordable and 2 PSH) are required to meet the minimum set-aside of 2%. However, only setting aside 4 units will not fill the gap. Using this example, the gap could be filled as follows:

5 1-bedroom units @ \$200,896 per unit as PSH = \$1,004,480
5 1-bedroom units @ \$200,896 per unit as Deeply Affordable = \$1,004,480
10 1-bedroom units total units set-aside.

The gap could also be filled by set-aside a mix of units in the project.

Another example is a Project that has 100 1-bedroom units, the minimum number of 30%, and PSH units to meet the 2% minimum set-aside is 4 ($4\% \times 100 = 4$). If the developer seeks more than \$803,584 (4 1-bedroom units x \$200,896), it must agree to reserve a third unit in each category. Likewise, if a project has 50 units, it must set aside one unit in each category, but if it seeks more than \$200,896 (for a 1-bedroom project in each category), it must set aside at least one additional unit in each category.

6.2 Underwriting and Repayment Terms

a) Underwriting

AHGF funds are to be used as gap financing, and the Developer must demonstrate a need for the funds. Each project will be underwritten by MDHA to

ensure the minimal amounts of AHGF funds are invested for the project to be sustainable and financially viable over the affordability period.

As part of this process, the financial structure of each project will be reviewed based on the information provided in the application and the feasibility of the overall project with the infusion of the AHGF funds and change in unit mix to include a minimum of 2% of the units in each category (PSH and Deeply Affordable housing for tenants with incomes at or below 30% AMI) for lease to tenants referred through MOHS's CE. This review will include an analysis of the operating proforma to determine if there is sufficient net operating income upon stabilization to repay the AHGF loan through annual payments not to exceed fifty percent (50%) of surplus cash earned by the project.

One of the long-term goals of the AHGF program is to create a revenue source from loan repayments to be used to support additional housing and/or services for the homeless population. Therefore, if the net operating income, upon stabilization, **does not consistently support** the **maximum** Debt Service Coverage Ratio (DSCR) required by the superior lender(s) based on the projected interest rate for the amortization period, the project will not be eligible for an AHGF repayable loan but may qualify for an AHGF forgivable loan.

b) Repayment Terms

If net operating income supports the DSCR required by the superior lender(s), the Developer will be required to repay the AHGF loan at a mutually agreeable simple, interest rate that is fixed over the term of the loan. Repayments will begin upon conversion to permanent financing and shall be in the amount of fifty percent (50%) of the project's available cash flow after payment of all operating expenses, reserves required by the senior lender, as applicable, superior mortgage debt, and requirements of superior lenders. All AHGF loans will have a minimum 20-year term, as extended if other project financing (LIHTC) does not allow repayment to begin until the initial 15-year compliance period is completed.

c) AHGF Loan Security

All AHGF funds shall be secured by a Deed of Trust, which may be subordinated to other construction or permanent financing. The Deed of Trust will be released upon payment in full, if applicable, and/or satisfaction of all terms of the developer agreement and minimum 20-year or extended affordability term. See Section 4.0 for more information regarding affordability restrictions. The affordability restrictions shall be secured by a separate Declaration of Restrictive

Covenants that shall not be subordinate to any financing security and will be released when the affordability period expires.

The pre-payment of an AHGF loan prior to the expiration of the affordability period **does not terminate** the affordability requirements.

6.3 Payment/Reimbursement Requirements

Funds awarded under this RFA shall be paid during the construction of the Project. Payment will be made on a reimbursable basis only, for documented, eligible expenses. AHGF funds shall be disbursed pro rata based on their share of the total project costs unless expenditure deadlines necessitate a more rapid drawdown schedule. Final terms for the disbursement of AHGF funds will be negotiated with the developers receiving awards and included in the Developer Agreement for the AHGF funds.

a) Progress Payments

Developers shall submit requests for reimbursement monthly for eligible expenses to pay eligible project costs. Requests for reimbursement may be submitted on a payment request form provided by MDHA, a standardized American Institute of Architects (“**AIA**”) form, or another form approved by MDHA. All payment requests shall be accompanied by documentation of direct costs, such as invoices or receipts.

Approval of payment requests is conditioned upon the submission of required documentation, lien releases, inspection of work performed and approval of Davis-Bacon payroll submissions, if applicable. Five percent (5%) of each invoice amount shall be withheld as retainage and will be released when the project is complete.

b) Final Payment

The following items must be provided to MDHA for a project to be considered “complete” and before final payment is approved and retainage released:

- ☐ Certificate of Use & Occupancy for all units/buildings in the project;
- ☐ Submission of all reports and documentation pertinent to the project as defined in the Developer Agreement;
- ☐ Release of all construction liens as evidenced by an updated title policy (if applicable);

- Certification from the Architect that the project as-built complies with Section 504 of the Rehabilitation Act of 1973, and Section 804(f)(3)(C) of the Fair Housing Act, as applicable, along with sustainability and accessibility requirements; and
- Documentation of the percentage of work performed by Diversity Business Enterprises.

7.0 Diversity Business Enterprise Program

The mission of MDHA is to provide minority, women, small, and service-disabled veteran business enterprises with fair and equal accessibility to all its procurement opportunities. Collectively we refer to these businesses as "Diversity Business Enterprise (DBE)." MDHA is committed to increasing the participation in all aspects of its contracting of purchasing programs, including but not limited to procurement of equipment, construction and development projects, and professional services.

Diversity Business Enterprise Policy

It is the policy of MDHA to assist minority, women, and small business enterprise firms in their aspirations of viability and growth, which support a more stable economic community. To this extent, we join with community agencies and organizations that support these businesses to create more significant opportunities for these entrepreneurs to attain mutually beneficial social and economic objectives. Accordingly, minority, women, and small business enterprise firms will be given the maximum practicable opportunity, consistent with efficient performance and applicable law, to compete for and participate in contracts, subcontracts, purchase orders, and other procurement actions. Businesses bidding or proposing on procurements are required to comply with the provisions of these procedures. MDHA prohibits discrimination against any person or business pursuing procurement opportunities based on race, color, sex, religion, disability, or national origin. MDHA will conduct its contracting and purchasing programs to prevent any discrimination and resolve all allegations of discrimination.

Diversity Business Enterprise Certifications

Certification ensures that minority, women, and small business firms benefit from MDHA procurement opportunities. Minority, women, and small businesses are included in our vendor listing according to capacity, capability, procurement code, and M/W/SBE/SDVBE status. Identifying minority, women, and small businesses are necessary to evaluate their participation in MDHA contract activity and calculate the percentage of construction and purchases awarded annually to M/W/SBE/SDVBE firms. MDHA will accept minority, women, and service-disabled business certifications, including small business approvals from the agencies listed below:

Minority Business Enterprise (MBE) Certifications

Minority group members own, operate, and control at least 51% of the company. Definitions for minority groups include the following categories: Asian, Black, Hispanic/Latino, Native Indian. We accept MBE certifications from the following organizations:

Governor's Office of Diversity Business Enterprise ([GODBE](#))
Metropolitan Nashville Airport Authority ([MNAA](#))
Small Business Administration, TN District Office ([SBA](#))
National Minority Supplier Development Council-[TSMSDC-MBE](#)

Women Business Enterprise (WBE) Certifications

Women own, operate, and control at least 51% of the company. We accept certifications from the following organizations:

- Governor's Office of Diversity Business Enterprise ([GODBE](#))
- Metropolitan Nashville Airport Authority ([MNAA](#))
- Women Business Enterprise National Council ([WBENC](#))
- National Association of Women Business Owners ([NAWBO](#))

Service-Disabled Veteran Business Enterprise (SDVBE) Certification

Service-disabled veterans own, operate, and control at least 51% of the company. We accept certifications from the organizations listed below.

- Governor's Office of Diversity Business Enterprise ([GODBE](#))

Small Business Enterprise (SBE) Approval

As defined in section 4.44.010 of the Metropolitan Government of Nashville and Davidson County Code of Laws, a business independently owned and operated, the number of employees or the annual sales volume for the applicable industry shall not exceed Metro Nashville Government's established limits. Therefore, we accept Metro Nashville Government's Business Assistance Office (BAO) Small Business Enterprise Approvals.

- Metro Nashville Office of Minority and Women Business Assistance (BAO) bao@nashville.gov

For questions regarding MBE/WBE Certification and SBE Approval, please contact MDHA Diversity Business Enterprise Program Consultant at: gdavis@simsdiversityconsult.com

Applicants must complete and turn in forms 2001 and 2002 which are included in Attachment A, with their proposal response.

8.0 EVALUATION CRITERIA – PROCESS FOR AWARD

Applications will be evaluated and scored by a review committee appointed by the MDHA's Executive Director, which includes a representative of the Metropolitan Nashville Department of Finance and the Metropolitan Nashville Council. The committee shall evaluate and score the applications based on the matrix in this section as they are submitted in ZoomGrants as long as funding is available or until the end of the application acceptance period, whichever occurs first.

A project must score 70 or above to be considered for funding. The MDHA Board of Commissioners will award AHGF funds throughout the application acceptance period based on the recommendations of the application review committee. Applications will be scored on a 110-point scale, with 110 being the highest and 0 being the lowest.

AHGF Program Scoring Matrix	Maximum Points
<i>Developer Capacity/ Experience</i> <ul style="list-style-type: none"> ❖ The Development team and partners have experience in building/producing the type of units being proposed. 	25
<i>AHGF \$ Request in comparison to Per Unit Subsidy Cap</i> <p><u>The \$ amount of the AHGF funds requested does not exceed 90% of the maximum subsidy per unit outlined in Section 6.1 of this RFA based on # and size of units proposed.</u></p>	15
<i>Ability to Repay AHGF funds</i> <ul style="list-style-type: none"> ❖ Proforma shows repayment of AHGF funds starting at stabilization and conversion to permanent financing. ❖ Proforma shows repayment of AHGF funds deferred until LIHTC or other compliance period is up. ❖ Proforma does not show the ability to repay AHGF funds. 	10 5 0
<i>Project Feasibility – Readiness Ability to Proceed</i> <ul style="list-style-type: none"> • Environmental Review Completed • Plans finalized and Permits approved • Applicant has the financial capacity to complete the project except for the AHGF funds and has provided firm commitments of funds from all sources. • Timeline for bringing units online. 	10 10 10 10
<i>Diversity Business Enterprise Program</i>	5

❖ Developer has experience in providing contracting opportunities to minority, women, owned & small business enterprises and plans to recruit and use the same in proposed project	
*TOTAL <i>*Review Committee members will assign scores to projects within each scoring category (not to exceed the maximum points available in each category). The assigned scores will then be totaled and averaged to determine the final score within each category.</i>	100
Bonus Points Category	10
<ul style="list-style-type: none"> Projects providing 10% or more units in the projects for PSH and deeply affordable units or below 30 % AMI 	5
<ul style="list-style-type: none"> Projects agreeing to set-aside 1-bedroom units. 	5
*TOTAL BONUS POINTS <i>*Maximum Points will be assigned from each category to Projects that meet the required criteria.</i>	10

9.0 SUBMISSION REQUIREMENTS

9.1 Submittal Specifications – Submission Deadline

Applications must be created and submitted electronically via ZoomGrants anytime between May 15, 2023, the opening date of the Round 2 application acceptance period, until all funds are awarded or no later than **Friday, September 29, 2023, at 11:59 P.M. PST** the closing date of the Round 2 application acceptance period. Applicants can access the RFA by clicking, copying, or pasting the link below into their browser:

<https://bit.ly/MDHARFA>

9.2 Costs Incurred in Submitting Application

1. All costs directly or indirectly related to the preparation of an application or any oral presentation required to supplement and/or clarify the application which may be required by MDHA shall be the sole responsibility of and shall be borne by Developer(s).
2. Each developer, by submitting its application, waives any claim for liability against MDHA as to loss, injury, and costs or expenses, which may be incurred as a consequence of submitting an application.
3. All documents that are prepared and submitted by the developer(s) in applications shall, upon submittal, become the property of MDHA.

9.3 Pre-Application Meetings

Four (4) Virtual Pre-Application Meetings will be held via Zoom during the open application acceptance period. Information on the Zoom Conferences can be accessed at the links listed below.

MDHA will accept questions submitted in writing on Developer's letterhead and properly signed until **4:00 P.M. CST on Wednesday, September 20, 2023.**

Questions can be submitted via email to purchasing@nashville-mdha.org. Responses to written inquiries will be emailed to developers recorded as having received a copy of the RFA and uploaded in ZoomGrants.

Direct all questions to:

Diane Baseheart, Contracting Agent, DBE Coordinator
Metropolitan Development and Housing Agency
712 South Sixth Street Nashville, TN 37206

2:00 p.m. CDT Thursday, June 1, 2023 – <https://bit.ly/June1PreApp>

Meeting ID: 873 8659 9178

Passcode: 682452

One tap mobile

+16465588656,,87386599178#,,,,*682452# US (New York)

+16469313860,,87386599178#,,,,*682452# US

Dial by your location

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 689 278 1000 US

+1 719 359 4580 US

+1 720 707 2699 US (Denver)

+1 253 205 0468 US

877 853 5247 US Toll-free

888 788 0099 US Toll-free
833 548 0276 US Toll-free
833 548 0282 US Toll-free
Meeting ID: 873 8659 9178
Passcode: 682452
Find your local number: <https://us06web.zoom.us/j/kzWXpvBfz>

2:00 p.m. CDT Thursday, July 6, 2023 – <https://bit.ly/July6PreApp>

Meeting ID: 839 2856 0316
Passcode: 888899
One tap mobile
+13017158592,,83928560316#,,,,*888899# US (Washington DC)
+13052241968,,83928560316#,,,,*888899# US

Dial by your location
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 646 931 3860 US
+1 386 347 5053 US
+1 507 473 4847 US
+1 564 217 2000 US
+1 669 444 9171 US
+1 689 278 1000 US
+1 719 359 4580 US
+1 720 707 2699 US (Denver)
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 360 209 5623 US
833 548 0276 US Toll-free
833 548 0282 US Toll-free
877 853 5247 US Toll-free
888 788 0099 US Toll-free

Meeting ID: 839 2856 0316
Passcode: 888899
Find your local number: <https://us06web.zoom.us/j/kds1CNr4RT>

2:00 p.m. CDT Thursday, August 3, 2023– <https://bit.ly/Aug3PreApp>

Meeting ID: 883 7886 8000
Passcode: 947791
One tap mobile

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+16469313860,,88378868000#,,,,*947791# US

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+1 646 558 8656 US (New York)
+1 646 931 3860 US
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 564 217 2000 US
+1 669 444 9171 US
+1 689 278 1000 US
+1 719 359 4580 US
+1 720 707 2699 US (Denver)
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 360 209 5623 US
+1 386 347 5053 US
+1 507 473 4847 US
833 548 0276 US Toll-free
833 548 0282 US Toll-free
877 853 5247 US Toll-free
888 788 0099 US Toll-free

Meeting ID: 883 7886 8000

Passcode: 947791

Find your local number: <https://us06web.zoom.us/j/keBVnymVua>

2:00 p.m. CDT Thursday, September 7, 2023 - <https://bit.ly/Sept7PreApp>

Meeting ID: 891 6666 2148

Passcode: 134638

One tap mobile

+13017158592,,89166662148#,,,,*134638# US (Washington DC)
+13052241968,,89166662148#,,,,*134638# US

Dial by your location

+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 646 931 3860 US
+1 689 278 1000 US
+1 719 359 4580 US

+1 720 707 2699 US (Denver)
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 360 209 5623 US
+1 386 347 5053 US
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+1 564 217 2000 US
+1 669 444 9171 US
833 548 0276 US Toll-free
833 548 0282 US Toll-free
877 853 5247 US Toll-free
888 788 0099 US Toll-free

Meeting ID: 891 6666 2148

Passcode: 134638

Find your local number: <https://us06web.zoom.us/j/kbpxsbnHi4>

9.4 Addendums

In the event it becomes necessary to revise any part of this RFA, an addendum will be provided. Addendums will be emailed or faxed to each Developer recorded as having received a copy of the RFA and will be uploaded in ZoomGrants. Any addendums issued by MDHA shall become a part of this RFA and should be acknowledged and considered by Developer(s) in preparing their application. Deadlines for submission of the RFA may be adjusted to allow for revisions.

9.5 Withdrawals

Any application may be withdrawn prior to award.

9.6 Reservations

1. MDHA reserves the right:
 - a) To waive informalities required herein;
 - b) To request additional information;
 - c) to supplement, amend or otherwise modify the terms or schedules set forth herein;
 - d) To conduct all investigations and background checks necessary for adequate evaluation.
2. MDHA reserves the right to reject any and all submittals and to re-solicit.

3. MDHA does not guarantee that funds will be awarded as a result of this RFA.

10.0 POST AWARD REQUIREMENTS

10.1 Execution of Developer Agreement

Following the approval of an award by the MDHA Board of Commissioners, selected Developer(s) will be required to enter into a Developer Agreement with MDHA, formalizing MDHA's intent to commit funds for eligible project expenses.

This Agreement will specify the terms and conditions for the use of funds, work schedules for the project, affordability, reporting requirements, etc.

Prior to commencing work, Developer must submit final plans and specifications to MDHA for review and approval and Developer and its contractor must attend a preconstruction conference with MDHA. MDHA Construction Inspectors will make periodic progress inspections on all projects and sign off on all payment requests.

The following shall be essential terms and conditions of the Developer Agreement:

10.1.2 Duration of Agreement

Such Agreement shall be effective upon the date of execution and remain in effect for the duration of the Affordability Period and until the terms and conditions of any AHGF loan are satisfied, whichever is later.

10.1.3 Termination

MDHA and the Developer will mutually agree upon the work schedule for the project and other specific details that will be outlined in the Developer Agreement. The failure of the Developer to satisfactorily adhere to the terms of the Developer Agreement within the time specified may be cause for default under the Agreement.

10.1.4 Breach of Agreement

If Developer fails to fulfill its obligations under the Agreement in a timely and proper manner or if it shall violate any of the terms of the Agreement, MDHA shall have the right to immediately declare the Agreement to be in default and pursue all remedies provided therein, including demanding repayment of the AHGF funds expended to date. The term "default" specifically includes, but is not limited to, failure to comply with any applicable Federal, state or local laws or regulations.

Notwithstanding the above, the Developer shall not be relieved of liability to MDHA for damages sustained by virtue of any breach by the Developer.

10.1.5 Modification of Agreement

Such Agreement may be modified only by written amendment executed by all parties.

10.1.6 Partnerships/Joint Ventures

Such Agreement shall not in any way be construed or intended to create a partnership or joint venture between the parties or among any of the parties. None of the parties of such Agreement shall hold itself out in a manner contrary to the terms of the Agreement. No party shall become liable for any representation, act or omission of any other party contrary to the terms of the Agreement.

10.1.7 Independent Contractor

Nothing contained in such Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Developer shall at all times remain an “independent contractor” with respect to services to be performed under such Agreement. MDHA shall be exempt from payment of all Workers’ Compensation Insurance as the Developer is an independent contractor.

10.1.8 Waiver

No waiver of any provision of such Agreement shall affect the right of MDHA thereafter to enforce such provision or to exercise any right or remedy available to it in the event of any other default.

10.1.9 Gratuities and Kickbacks

- a) **Gratuities.** It shall be a breach of ethical standards for any person to contract, give or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept or agree to accept from another person, a gratuity or a contract of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination,

claim or controversy or other particular matter, pertaining to any program requirement of a contract or subcontract or to any solicitation or application therefore.

- b) **Kickback.** It shall be a breach of ethical standards for any payment gratuity or contract of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor of higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

10.1.10 Hatch Act

No funds provided, nor personnel employed in any contract resulting from a response to this RFA shall be used in any way or to any extent to engage in the conduct of political activities in violation of Chapter 15 of Title V of the U.S.C.

10.1.11 Prohibited Activities

No funds awarded herein or personnel employed in the administration of a project resulting from a response to this RFA will be used for: political activities, lobbying, political patronage, and nepotism activities.

10.1.12 Religious Activities

No funds awarded herein or personnel employed in the administration of a project resulting from a response to this RFA will be used for religious activities. If a Developer is, or may be deemed to be, a religious or denominational institution or organization, it must agree that:

- a) It will not discriminate against any employee or applicant for employment on the basis of religion and will not limit employment or give preference in employment to persons on the basis of religion;
- b) It will not discriminate against any person applying for housing on the basis of religion and will not limit such housing or other eligible activities or give preference to persons on the basis of religion; and
- c) It will provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing, and exert no other religious influence in the provision of shelter and other eligible activities.

10.1.13 Indemnification

The Developer shall agree to indemnify and hold MDHA, its officers, agents and/or employees harmless from and against any and all lawsuits, damages and

expenses, including court costs and attorney's fees, by reason of any claim and/or liability imposed, claimed and/or threatened against the MDHA, its officials, agents and/or employees for damages because of bodily injury, death and/or property damages arising out of or in consequence of the award of funding under the RFA.

10.1.14 Assignment - Consent Required

Any award made under this RFA or any of the rights and obligations of the Developer hereunder or under any subsequent agreement between MDHA and Developer shall not be assigned, subcontracted or transferred in whole or in part without the prior written consent of MDHA. Any such permitted assignment transfer or subcontract shall not release the Developer from its obligations r. Any approved assignee shall assume each and every obligation of the Developer and MDHA may contract with or reimburse any such assignee without waiving any of its rights against the Developer.

10.1.15 Entire Agreement

Such Agreement shall set forth the entire Agreement between the parties with respect to the subject matter hereof, and shall govern the respective duties and obligations of the parties until and unless a more formal Agreement is entered into between the parties.

10.1.16 Force Majeure

No party to such Agreement shall have any liability to the other hereunder by reason of any delay or failure to perform any obligation or covenant if the delay or failure to perform is occasioned by any act of God, force majeure, storm, fire, casualty, civil disturbance, riot, war, national emergency, act of Government, act of public enemy or other cause of similar nature beyond its control.

10.2 Insurance Requirements

All Projects awarded funds under this RFA shall be required to obtain and maintain the following minimum insurance coverages:

- a) Comprehensive commercial general liability insurance with an insurance company licensed to sell the same within the state of Tennessee with a current A.M. Best rating of no less than A naming MDHA as additional insured covering claims for bodily injury, death and property damage, with a minimum coverage of \$1,000,000 each occurrence and \$2,000,000 aggregate limit per policy.
- b) Property and casualty insurance with an insurance company licensed to sell the same within the state of Tennessee with a current A.M. Best

Rating of no less than A, for maximum insurable value, naming MDHA as additional insured and loss payee, until Developer's obligations to MDHA are fully complete.

- c) Statutory worker's compensation and employer's liability coverage for all employees of Developer.
- d) Developers will require all construction contractors via their contractual agreements to provide performance and payment bonds for 100% of the contract price secured by a surety company authorized to do business in the State of Tennessee and listed in the Department of Treasury Circular 570 on all projects.

10.3 Reporting Requirements

Developers are required to provide certain reports during the project's development phase, occupancy phase, and affordability period. MDHA reserves the right to request additional information and the right to change reporting requirements regarding AHGF-assisted units as reasonably necessary.

a) Reporting during the Development Phase

The following reports must be provided while the project is under construction.

- ☐ Progress reports required with each reimbursement request.
- ☐ Issues or problems.

b) Reporting during Occupancy Phase

The following reports must be provided during lease-up until all units have achieved initial occupancy.

- ☐ Each AHGF set-aside unit is identified by address and unit number.
- ☐ Amount of rent and tenant-paid utilities for each AHFG set-aside unit

c) Reporting during the Affordability Period

The following reports must be submitted **annually** during the affordability period.

- ☐ Occupancy report for all AHGF set-aside units by address and unit number.
- ☐ Annual financial statement showing cash flow.

- Records of Tenant referrals from CE for AHGF set-aside units for ***the most recent*** five (5) years throughout the period of affordability.

11.0 MDHA TITLE VI STATEMENT

The Metropolitan Development and Housing Agency prohibits discrimination in all of its programs and activities on the basis of race, color or national origin. The Agency will comply with all statutes and regulations of Title VI of the Civil Rights Act of 1964. No person should be excluded from participation in or be denied the benefit of or be subjected to discrimination under any program or service provided by or affiliated with MDHA on the basis of non-merit reasons. To file a complaint of discrimination, write or call Michael Wegerson, MDHA Director of Construction, 712 South Sixth Street, Nashville, TN 37206, phone (615) 252-8458.

ATTACHMENT A

DESCRIPTION OF DIVERSITY BUSINESS ENTERPRISE (DBE) FORMS

DBE FORM 2001

Diversity Business Enterprise Bidder/Proposer DBE Outreach Documentation

This form has two Sections

SECTION I - The bidder/Proposer is to record the names of DBEs that they outreached to and efforts made to solicit their participation. MDHA will review this form to determine if the bidder/proposer complied with DBE program initiatives/requirements to ensure that DBEs are allowed to participate in MDHA procurements. The form also aids in determining compliance with the DBE Program requirements for contractors/suppliers' outreach initiatives. **Failure to complete and return this form will result in a non-responsive bid/proposal mainly because it is a part of the bid or proposal process.**

SECTION II – This Section explains some of the outreach methods the bidder/proposer is to use to show they made efforts to achieve DBE participation. The methods listed in this Section go beyond the standard telephone and email outreach methods to identify DBEs. Proposers that utilize these methods are more successful in achieving some level of DBE participation. Therefore, bidders/proposers are to actively and aggressively seek out DBEs. The list of outreach methods in Section II is not comprehensive, but it provides the bidder/proposer with ideas for their outreach.

DBE FORM 2002

Diversity Business Enterprise Program Proposed Utilization Plan

This form has two Sections

SECTION I – This Section is used to show DBE participation achieved as a result of the bidders/proposers' outreach efforts shown on DBE Form 2001. The information recorded on this form will be reviewed, evaluated, and scored (if scores are assigned to the DBE section of the proposal). This Section determines compliance with the MDHA DBE Program Bidder/Proposer outreach and utilization of DBEs. **Failure to complete and submit this form with the /Bid/Proposal will be considered non-responsive.**

SECTION II – This Section summarizes the bidder's/proposer's DBEs participation achieved and listed in *Section I*. The information recorded on this form will become part of DBE Form 2003 of the successful bidder/proposer. This information will become the bidder/proposer's commitment to award contracts and utilize DBEs. This information will also be incorporated into the successful bidder/proposer's contract and monitored monthly. **Failure to complete and submit this form will be considered non-responsive.**

DBE FORM 2003

Diversity Business Enterprise Program Proposed Utilization

INSTRUCTIONS:

This Form Must Be Completed by the successful bidder/proposer and Submitted To MDHA Contracting Agent/DBE Coordinator before the Contract Award.

The awarded Bidder/Proposer's DBE commitments listed on this form will be incorporated into their contract and monitored monthly. After the contract award, any changes to this form will require the MDHA Contracting Agent/DBE Coordinator and DBE Program Consultant approval. Requests to change or replace the DBE(s) listed on this form will require the bidder/proposer to use DBE Form 2, Section I, and II to show DBE Outreach efforts to modify or replace the original DBE commitment and provide a copy of the updated DBE Form 2 to the MDHA Contracting Agent/DBE Coordinator.

DBE FORM 2004

Record of Payments to Diversity Business Enterprise Firms

INSTRUCTIONS:

This form is used to report payments to DBEs and must be submitted with the successful bidder/proposer MONTHLY APPLICATION for PAYMENT. This form is a record of DBE contract awards, changes to the DBE's original contract, payments to DBEs, and the percentage of work completed by each DBE. The information recorded on this form will be evaluated to determine compliance with your contract commitment indicated on "DBE FORM 2003 Statement of Intent to Utilize Diversity Business Enterprise." Contracts with DBE participation should be subject to monthly monitoring and possible on-site audits. After the contract award, changes to your DBE participation will require the MDHA Contracting Agent/DBE Coordinator approval, and the MDHA DBE Program Consultant will review the information. Failure to submit this report should delay the contractor/supplier's monthly pay application processing until the information is received.

METROPOLITAN DEVELOPMENT AND HOUSING AGENCY DIVERSITY BUSINESS ENTERPRISE PROGRAM
Bidder/Proposer DBE Outreach Efforts and Documentation

DBE FORM 2001 SECTION I - INSTRUCTIONS		Prime Bidder/Proposer Company Name:	
PLEASE SUBMIT THIS FORM, SECTION I & II, WITH THE BID/PROPOSAL. Use this form to record your outreach efforts to solicit DBE participation. The information recorded on this form will be evaluated to determine your compliance with the Diversity Business Enterprise Program requirements for contractors/suppliers' outreach initiatives. Failure to complete and return this form will result in a non-responsive bid/proposal.		Bid/RFQ/RFI/RFP # and Title:	
		Street Address City/State/Zip:	
		Contact Name:	
		Contact Telephone Number: _____ Date: _____	
PLEASE INDICATE IF YOUR FIRM IS A DBE	YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, provide a copy of certification and check the appropriate DBE Code.	MBE <input type="checkbox"/> WBE <input type="checkbox"/> SBE <input type="checkbox"/> SDVBE <input type="checkbox"/> *DBE CODE	Certification Attached YES <input type="checkbox"/> NO <input type="checkbox"/> Certification Agency:

*Racial/Ethnic Codes: MBE 1-Black Americans; 2-Native Americans; 3- Hispanic Americans; 4-Asian/Pacific Americans; 5-WBE; 6-SBE; 7-SDVBE (Example: Hispanic Firm - MBE/3)

1. DBE Name	*DBE Codes	Name of Person Contacted	Date Contacted	Type of Supplies/Services
Method of Communication <input type="checkbox"/> Telephone DBE Telephone Number:	Method of Communication <input type="checkbox"/> Email DBE Email Address:	Method of Communication: <input type="checkbox"/> Face-to-Face Meeting Date of Meeting:	DBE Response: Bidding <input type="checkbox"/> Yes <input type="checkbox"/> No* Submitted Bid: <input type="checkbox"/> Yes <input type="checkbox"/> No * Valid Bid: <input type="checkbox"/> Yes <input type="checkbox"/> No* *If no, provide reason(s) for "non-acceptance."	
2. DBE Name	*DBE Codes	Name of Person Contacted	Date Contacted	Type of Supplies/Services
Method of Communication <input type="checkbox"/> Telephone DBE Telephone Number:	Method of Communication <input type="checkbox"/> Email DBE Email Address:	Method of Communication: <input type="checkbox"/> Face-to-Face Meeting Date:	DBE Response: Bidding <input type="checkbox"/> Yes <input type="checkbox"/> No* Submitted Bid: <input type="checkbox"/> Yes <input type="checkbox"/> No * Valid Bid: <input type="checkbox"/> Yes <input type="checkbox"/> No* *If no, provide reason(s) for "non-acceptance."	

METROPOLITAN DEVELOPMENT AND HOUSING AGENCY DIVERSITY BUSINESS ENTERPRISE PROGRAM
Bidder/Proposer DBE Outreach Efforts and Documentation

SECTION I - INSTRUCTIONS PLEASE SUBMIT THIS FORM, SECTION I & II, WITH THE BID/PROPOSAL. Use this form to record your outreach efforts to solicit DBE participation.		Prime Bidder/Proposer Company Name: _____ Date: _____		
Bid/RFQ/RFI/RFP # and Title: _____				

3. DBE Name	*DBE Codes	Name of Person Contacted	Date Contacted	Type of Supplies/Services
Method of Communication <input type="checkbox"/> Telephone DBE Telephone Number:	Method of Communication <input type="checkbox"/> Email DBE Email Address:	Method of Communication: <input type="checkbox"/> Face-to-Face Meeting Date:	DBE Response: Bidding <input type="checkbox"/> Yes <input type="checkbox"/> No* Submitted Bid: <input type="checkbox"/> Yes <input type="checkbox"/> No * Valid Bid: <input type="checkbox"/> Yes <input type="checkbox"/> No* *If no, provide reason(s) for "non-acceptance"	

4. DBE Name	*DBE Codes	Name of Person Contacted	Date Contacted	Type of Supplies/Services
Method of Communication <input type="checkbox"/> Telephone DBE Telephone Number:	Method of Communication <input type="checkbox"/> Email DBE Email Address:	Method of Communication: <input type="checkbox"/> Face-to-Face Meeting Date:	DBE Response: Bidding <input type="checkbox"/> Yes <input type="checkbox"/> No* Submitted Bid: <input type="checkbox"/> Yes <input type="checkbox"/> No * Valid Bid: <input type="checkbox"/> Yes <input type="checkbox"/> No* *If no, provide reason(s) for "non-acceptance"	

5. DBE Name	*DBE Codes	Name of Person Contacted	Date Contacted	Type of Supplies/Services
Method of Communication <input type="checkbox"/> Telephone DBE Telephone Number:	Method of Communication <input type="checkbox"/> Email DBE Email Address:	Method of Communication: <input type="checkbox"/> Face-to-Face Meeting Date:	DBE Response: Bidding <input type="checkbox"/> Yes <input type="checkbox"/> No* Submitted Bid: <input type="checkbox"/> Yes <input type="checkbox"/> No * Valid Bid: <input type="checkbox"/> Yes <input type="checkbox"/> No* *If no, provide reason(s) for "non-acceptance"	

METROPOLITAN DEVELOPMENT AND HOUSING AGENCY DIVERSITY BUSINESS ENTERPRISE PROGRAM
Bidder/Proposer DBE Outreach Efforts and Documentation

SECTION II - INSTRUCTIONS

MDHA DBE PROGRAM REQUIREMENTS: BIDDERS/PROPOSERS ARE EXPECTED to go beyond the standard telephone and email outreach methods to identify DBEs. Bidders/proposers should actively and aggressively seek out DBEs. There are many ways to make the best effort possible to achieve DBE participation. The list of outreach initiatives below is not comprehensive, but it will give you an idea of where to start.

Successful Bidders/Proposers will be required to provide documentation that supports their efforts. Please answer the questions below and indicate the details of your company's actions taken concerning these questions. Feel free to attach additional documentation to explain your outreach initiatives. This form, along with information recorded on the preceding pages, will be used to evaluate the bidder/proposer's efforts to achieve DBE participation.

RECOMMENDED DBE OUTREACH METHODS

1. The bidder/proposer conducted a pre-bid meeting to inform DBEs of subcontracting opportunities and discussed the plans, specifications, and other bid requirements to solicit DBE bidders. If yes, provide the Date of Pre-bid Meeting:	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. The bidder/proposer met face-to-face with interested DBEs to discuss information about the plans, specifications, and requirements of the bid/proposal.	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. The bidder/proposer provided interested DBEs with adequate information about the bid/proposal's plans, specifications, and requirements of the bid/proposal. Information provided:	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. The bidder/proposer selected specific portions of the work to be performed by DBEs to increase the likelihood of achieving DBE participation (including breaking down more significant pieces of work into smaller units to facilitate DBE participation)	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. The bidder/proposer followed up with DBEs who initially expressed interest by contacting those DBEs to determine with certainty if they remained interested in bidding.	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. The bidder/proposer took the necessary steps to provide written notice in a reasonable time frame to inform DBEs of subcontracting opportunities and allowed enough time for them to participate effectively.	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. The bidder/proposer utilized the MDHA Diversity Business Enterprise Directory and other directories such as The Metro Nashville's Office of Minority and Women Business Assistance, the State Go-DBE, Metro Airport TDOT to identify DBE firms as potential bidders.	<input type="checkbox"/> Yes <input type="checkbox"/> No
8. If DBE bids/proposals were received and rejected, you must attach the rejected bid/proposal documentation and the reason for rejecting (i.e., memos, telephone calls, meetings, etc.) the bid. In addition, a statement including any reasons for concluding that the DBE was unqualified to perform the job). Is the documentation attached?	<input type="checkbox"/> Yes <input type="checkbox"/> No

By signing below, I certify that all information provided is accurate. I agree to provide Metropolitan Development and Housing Agency with a completed copy of all required forms and documentation to support my claims for DBE outreach. I understand that if I fail to provide all the required forms and documents, my bid may be deemed "non-responsive," and I may be denied the contract award.

Name of Company: _____

Date: _____

Signature of Certifying Official of Company: _____ Title: _____

METROPOLITAN DEVELOPMENT AND HOUSING AGENCY DIVERSITY BUSINESS ENTERPRISE PROGRAM
Diversity Business Enterprise Program Proposed Utilization Plan

DBE FORM 2002 INSTRUCTIONS: PLEASE SUBMIT SECTION I AND SECTION II OF THIS FORM WITH THE BID/PROPOSAL.	DIVERSITY BUSINESS ENTERPRISE PARTICIPATION COMMITTED			
Bidder/Proposer must complete and submit <i>Section I and Section II</i> with the bid/proposal to show DBE participation achieved as a result of their outreach efforts. The information recorded on this form will be evaluated and scored to determine your compliance with the MDHA Diversity Business Enterprise Program requirements for Bidder/Proposer outreach and utilization of DBEs. Failure to complete and submit this form with the /Bid/Proposal will be considered non-responsive. Please Note: The Awarded Bidder's/Proposer DBE commitments will be incorporated into the contract and monitored monthly, including monthly reports that validate DBE utilization and possible on-site audits.	Bidder/Proposer Company Name:			
	Bid/RFP Number:	Name of Bid/Request for Proposal:		Bidder/Proposer Estimated Total Dollar Bid/ Proposal: \$
	Submission Date:	Total DBE Percentage: %	Total DBE Dollars: \$	Percentage of Self-Performed Work: %
*Bidder/Proposer Company Contact Name:		Telephone:		Email Address:

*Name of person to contact for information and documentation regarding this form and DBE participation proposed

Please indicate the DBE Ethnicity Code:

**Racial/Ethnic Codes: MBE 1-Black Americans; 2-Native Americans; 3- Hispanic Americans; 4-Asian/Pacific Americans; 5-WBE; 6-SBE; 7-SDVBE (Example: Hispanic Firm - MBE/3)

SECTION 1 - PROPOSED DIVERSITY BUSINESS ENTERPRISE			
INSTRUCTIONS: Record each DBE that you proposed to use for the above referenced Bid/RFP. Your response to the requested information below will be evaluated and scored based on this form's completeness. If additional space is needed to record your DBE contacts, you may duplicate this form.			
1. DBE Company Name	**DBE Ethnic Code	Supplies/Services Provided	
Address/City/State/Zip:	Telephone:	\$ Value of Supplies/Services:	DBE % of Total Bid/Proposal:
JOINT VENTURE <input type="checkbox"/> Yes <input type="checkbox"/> No PARTNERING AGREEMENT <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, please provide legal agreement and other documents to support this claim with the finalized version)	Name of DBE Current Certification Agency:		Certification Attached YES <input type="checkbox"/> NO <input type="checkbox"/>
			Certification Expiration Date:

2. DBE Company Name	**DBE Ethnic Code	Supplies/Services Provided	
Address/City/State/Zip:	Telephone:	\$ Value of Supplies/ Services	DBE % of Total Bid/Proposal:
JOINT VENTURE <input type="checkbox"/> Yes <input type="checkbox"/> No	Name of DBE Current Certification Agency:		Certification Attached YES <input type="checkbox"/> NO <input type="checkbox"/>
			<input type="checkbox"/>

METROPOLITAN DEVELOPMENT AND HOUSING AGENCY DIVERSITY BUSINESS ENTERPRISE PROGRAM
Diversity Business Enterprise Program Proposed Utilization Plan

PARTNERING AGREEMENT <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, please provide legal agreement and other documents to support this claim with the finalized version)			Certification Expiration Date:
3. DBE Company Name	**DBE Ethnic Code	Supplies/Services Provided	
Address/City/State/Zip:	Telephone:	\$ Value of Supplies/Services	DBE % of Total Bid/Proposal:
JOINT VENTURE <input type="checkbox"/> Yes <input type="checkbox"/> No PARTNERING AGREEMENT <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, please provide legal agreement and other documents to support this claim with the finalized version)	Name of DBE Current Certification Agency:		Certification Attached YES <input type="checkbox"/> NO <input type="checkbox"/> Certification Expiration Date:

4. DBE Company Name	**DBE Ethnic Code	Supplies/Services Provided	
Address/City/State/Zip:	Telephone:	\$ Value of Supplies/Services	DBE % of Total Bid/Proposal:
JOINT VENTURE <input type="checkbox"/> Yes <input type="checkbox"/> No PARTNERING AGREEMENT <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, please provide legal agreement and other documents to support this claim with the finalized version)	Name of DBE Current Certification Agency:		Certification Attached YES <input type="checkbox"/> NO <input type="checkbox"/> Certification Expiration Date:

5. DBE Company Name	**DBE Ethnic Code	Supplies/Services Provided	
Address/City/State/Zip:	Telephone:	\$ Value of Supplies/Services	DBE % of Total Bid/Proposal:
Joint Venture <input type="checkbox"/> Yes <input type="checkbox"/> No	Name of DBE Current Certification Agency:		Certification Attached YES <input type="checkbox"/> NO <input type="checkbox"/>

METROPOLITAN DEVELOPMENT AND HOUSING AGENCY DIVERSITY BUSINESS ENTERPRISE PROGRAM
Diversity Business Enterprise Program Proposed Utilization Plan

Partnering Agreement <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, please provide legal agreement and other documents to support this claim with the finalized version)		Certification Expiration Date:
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METROPOLITAN DEVELOPMENT AND HOUSING AGENCY DIVERSITY BUSINESS ENTERPRISE PROGRAM
Diversity Business Enterprise Program Proposed Utilization Plan

SECTION II DBE CONTRACT AWARDS INSTRUCTIONS	SUMMARY - DBE CONTRACT AWARDS	
BIDDER/PROPOSER MUST COMPLETE THIS SECTION SUMMARIZING DBE AWARDS. Use this form to summarize and record proposed DBEs listed on this form in <i>Section I</i> . The information recorded on this form will be evaluated and scored to determine your compliance with the MDHA Diversity Business Program requirements for Bidder/Proposer commitment to utilizing DBEs. Failure to complete and submit this form will be considered non-responsive.	Bid/RFP Title:	Date Submitted:
	Company Name (Bidder/Proposer)	*Name of Company Contact:
	Address City/State/Zip:	Contact Telephone:

*Name of person to contact for information and documentation regarding this form and DBE Finalized Commitment

MBE Name	Estimated Dollar Value	WBE Name	Estimated Dollar Value	SBE Name	Estimated Dollar Value	SDVBE	Estimated Dollar Value
Total MBE Dollars		Total WBE Dollars		Total SBE Dollars		Total SDVBE Dollars	
Total MBE % of Bid		Total WBE % of Bid		Total SBE % of Bid		Total SDVBE% of Bid	
TOTAL VALUE OF BID/PROPOSAL: \$			TOTAL DBE PARTICIPATION DOLLARS: \$			TOTAL DBE PERCENTAGE: %	

By signing below, I confirm that the information provided herein to MDHA is true and correct. I understand that if I fail to provide all the required documents, my Bid may be deemed “non-responsive,” and I may be denied the contract award.

Name of Company: _____ Date: _____

Signature of Certifying Official of Company: _____ Title: _____

METROPOLITAN DEVELOPMENT AND HOUSING AGENCY
Statement of Intent to Utilize Diversity Business Enterprise Firms

DBE FORM 2003 INSTRUCTIONS													
THIS FORM MUST BE COMPLETED AND SUBMITTED TO MDHA CONTRACTING AGENT/DBE COORDINATOR PRIOR TO CONTRACT AWARD. Please Note: The awarded Bidder/Proposer’s DBE commitments listed below will be incorporated into the awarded Contract and monitored monthly, including monthly reports that validate DBE utilization and payments with possible on-site audits. After the contract award, changes to this form will require the MDHA Contracting Agent/DBE Coordinator and DBE Program Consultant approval. Requests to change or replace the DBE(s) listed below must use DBE Form 2, Section I, and II to show DBE Outreach efforts to modify or replace the original DBE commitment.													
* Company Name, Address, Zip				Telephone:				Contract Title:			Date Submitted:		
DBE Contract Award Information		Ethnic Minority-Owned Businesses/Contract Awards				Women-Owned Businesses/Contract Awards					Non-Minority Businesses/Contract Awards		
DBE Name Address/Telephone	Description of Services	African American Male	Hispanic Male	Asian Dollars Male	Native American Male	African American Female	Hispanic Female	Asian Female	Native American Female	Caucasian Female	SBE Dollars	SDVBE Dollars	DBE % of Contract
Sonny Asphalt -618 Even Street, New Hill, New Jersey	Asphalt Materials	\$275,000.00											
MDHA Contracting Agent Review and Approval Date:	Total DBE Dollars	\$275,000.00											
	DBE Percentages	55%											
MDHA Official Initials:	Summary					Total DBE Dollars		\$275,000.00			Total DBE Percentage		55%

The undersigned swears that the preceding statements and information recorded above are correct and that each of the representations herein set forth is true. “Any misrepresentations will be grounds for contract termination and for initiating actions under Federal or State laws concerning false statements.

Name of Company: _____ Date: _____ Telephone: _____

Signature of Certifying Official of Company: _____ Title: _____

METROPOLITAN DEVELOPMENT AND HOUSING AGENCY DIVERSITY BUSINESS ENTERPRISE PROGRAM

Record of Payments to Diversity Business Enterprise Firms

DBE FORM 2004 PLEASE COMPLETE AND SUBMIT THIS REPORT WITH YOUR MONTHLY APPLICATION for PAYMENT. Use this form to record DBE contract awards, changes to the DBE's original contract, payments to DBEs, and percentage of work completed by each DBE. The information recorded on this form will be used to determine compliance with your contract commitment indicated on "DBE FORM 2003 Statement of Intent to Utilize Diversity Business Enterprise." Please Note: Contracts with DBE participation are subject to monthly monitoring and possible on-site audits. After the contract award, changes to your DBE participation require MDHA Contracting Agent/DBE Coordinator approval and MDHA DBE Program Consultant's Review. Failure to submit this report will delay your monthly pay application processing until all information is received.

CONTRACTOR NAME/ADDRESS:				CONTRACT TITLE/NUMBER:			
DBE Payment Report From: (Month,Date,Year)	DBE Payment Report To: (Month,Date,Year)	TOTAL CONTRACT DOLLARS	TOTAL DBE CONTRACTS DOLLARS AWARDED	TOTAL DBE PERCENTAGE	TOTAL DBE DOLLARS PAID	TOTAL DBE PERCENTAGE	COMPANY CONTACT NAME (Person to call with question regarding this report)

DBE FORM 2004 SECTION I INSTRUCTIONS: Please provide information on your Diversity Business Enterprise participation in this section. Information recorded in this section should reflect DBE commitments as indicated on your DBE Form 2003. Any changes to the dollars should also be recorded in this section.

DIVERSITY BUSINESS ENTERPRISE PARTICIPATION/CERTIFICATION STATUS AND TYPE OF GOODS AND SERVICES PROVIDED						DBE DOLLARS AWARDED/CHANGE ORDERS AND CURRENT CONTRACT TOTAL		
DBE COMPANY NAME	CITY/STATE	CERTIFICATION STATUS	EXPIRATION DATE	AGENCY	GOOD AND SERVICES PROVIDED	ORIGINAL CONTRACT	Change Orders Dollars (+/-)	Current DBE C
					TOTALS			
					PERCENTAGE			

Record of Payments to Diversity Business Enterprise Firms

CONTRACTOR NAME/ADDRESS:					CONTRACT TITLE/NUMBER:		
DBE Payment Report From: (Month,Date,Year)	DBE Payment Report To: (Month,Date,Year)	TOTAL CONTRACT DOLLARS	TOTAL DBE CONTRACTS DOLLARS AWARDED	TOTAL DBE PERCENTAGE	TOTAL DBE DOLLARS PAID	TOTAL DBE PERCENTAGE	COMPANY CONTACT NAME (Person to call with question regarding this report)

The undersigned swears that the preceding statements and information recorded above are correct and that each of the representations herein set forth is true. "Any misrepresentations will be grounds for termination of contract and for initiating actions under Federal laws concerning false statements.

Name of Company: _____ Date: _____

Signature of Certifying Official of Company: _____ Title: _____

METROPOLITAN DEVELOPMENT AND HOUSING AGENCY DIVERSITY BUSINESS ENTERPRISE PROGRAM
Record of Payments to Diversity Business Enterprise Firms

be evaluated to on will require the
TELEPHONE

[illegible]

METROPOLITAN DEVELOPMENT AND HOUSING AGENCY DIVERSITY BUSINESS ENTERPRISE PROGRAM
Record of Payments to Diversity Business Enterprise Firms

<p>be evaluated to on will require the</p>
<p>TELEPHONE</p>

[illegible]

Attachment B

Applicant Certifications

Applicant Certifications

The undersigned hereby certifies to the following:

1. That all the information provided in the RFA application and any attachments is true, correct and complete. That he/she is fully informed respecting the preparation and contents of this application and of all pertinent circumstances respecting such application. The applicant has an affirmative duty to notify the MDHA of any changes to the information contained in the Application prior to funds being awarded.
2. That no member, officer, or employee of the Metropolitan Development and Housing Agency (MDHA); no member of the governing body of the locality in which the project is situated; and no other public official of such locality or localities who exercise any functions or responsibilities with respect to the project, shall, during his/her tenure, or for one year thereafter, have any interest, direct or indirect, in any contract or agreement resulting from an award made in conjunction with this application.
3. That the applicant's staff, board members or members of the ownership entity do not now have, and have not had, during the previous 12 months, any interest, direct or indirect, in MDHA or any of its members or officials, including a family relationship with any Agency member or official and employment by or service as a member or official of MDHA.
4. That the applicant's staff, board members or members of the ownership entity do not have any relationships among the parties to transactions involving the sale, development and/or operation of the project which could reasonably give rise to a presumption that the parties to the transaction operated in collusion in establishing the purchase price of the property, the cost of construction work, or the terms of the financing.
5. That the applicant shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, handicapping conditions or national origin. The applicant shall take affirmative action to ensure that applicants are employed, and employees are treated during employment, without regard to race, color, religion, sex, age, handicapping conditions or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensations; and selection for training, including apprenticeship.
6. That the applicant shall not assign or transfer any interest in any contract or agreement resulting from an award made in conjunction with this application without the written approval of the MDHA Board of Commissioners, which authorization would be communicated only over the signature of the Executive Director.
7. That the applicant has not retained any person or entered into any agreement or understanding for a contingent commission, percentage, or brokerage fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.
8. That no Federal appropriated funds have been paid or will be paid, by or on behalf of the applicant, to any persons, 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 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.
9. That no 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-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
10. That the applicant shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

11. The applicant agrees to indemnify and hold harmless the MDHA and its representatives, from and against, any and all claims, suits, damages, costs and expenses arising out of the MDHA's review of and decisions with regard to the application.

The applicant further agrees that verification may be obtained from any source MDHA entity deems necessary. The undersigned understands that MDHA as the administering entity for the HOME Funds reserves the right to request additional information or materials needed and may require changes in information submitted by the applicant. The undersigned further attests that he/she is authorized to sign and to submit said funding application.

Name: [Click here to enter text.](#)

Date: [Click here to enter a date.](#)

Title: [Click here to enter text.](#)

Signature: _____

ATTACHMENT C

IDENTITY OF INTEREST DISCLOSURE FORM

I, _____, of _____ hereby disclose the following relationships, which could reasonably give rise to a presumption that the parties to the transaction may operate in collusion in establishing the purchase price of the property, the cost of the rehabilitation work, or the terms of the financing.

Title

Date

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, a Notary Public in and for the above jurisdiction, the within named _____, with whom I am personally acquainted (or who were identified to me on the basis of satisfactory evidence), who after being first duly sworn, acknowledged that she executed the foregoing Deed of Trust for the purposes therein contained, and that such was their free act and deed.

Witness my hand and seal, at office, this the _____ day of _____, 2022.

NOTARY PUBLIC

My Commission Expires: _____